MONO COUNTY
PLANNING COMMISSION

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SPECIAL MEETING AGENDA

October 19, 2017 – 10 a.m.
Town/County Conference Room, Minaret Village Mall, Mammoth Lakes
*__Videoconference:__ Supervisors Chambers, County Courthouse, Bridgeport

Full agenda packets, plus associated materials distributed less than 72 hours prior to the meeting, will be available for public review at the Community Development offices in Bridgeport (Annex 1, 74 N. School St.) or Mammoth Lakes (Minaret Village Mall, above Giovanni's restaurant). Agenda packets are also posted online at www.monocounty.ca.gov / 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:** Review and adopt minutes of September 21, 2017 ***– p. 1***

4. **PUBLIC HEARING**

   10:10 A.M.

   A. CONDITONAL USE PERMIT 17-013/Overton. Proposal is for use of a studio unit as a short-term rental with owners living on site (Type 1). The property is located at 165 Aspen Terrace in the community of Crowley Lake. This parcel (APN 060-240-010) has a land use designation of Single-Family Residential (SFR). A CEQA exemption is proposed. *Staff: Michael Draper* ***– p. 9***

   10:30 A.M.

   B. GENERAL PLAN AMENDMENT 17-03: New General Plan language in the Land Use and Conservation/Open Space elements related to the legalization of commercial cannabis activities under Proposition 64, which was passed by California voters in November 2016. The General Plan text contains Issues, Opportunities and Constraints in the Land Use and Conservation/Open Space elements, as well as Objectives, Policies, and Actions in the Land Use Element. Potential commercial cannabis activities are defined by the State's licensing structure, and include uses such as cultivation, nursery, manufacturing, testing, retail, distribution, and microbusiness. Specific regulations governing site-specific requirements (such as setbacks, etc.) are not part of this general plan amendment. In accordance with State law, this project is exempt from the California Environmental Quality Act. *Staff: Michael Draper & Wendy Sugimura* ***– p. 19***

5. **WORKSHOP**

   A. JUNE LAKE AREA PLAN UPDATE – Short-term Rental Policies *Staff: Wendy Sugimura*

6. **REPORTS**

   A. DIRECTOR

   B. COMMISSIONERS

More on back...

7. INFORMATIONAL

A. CAL FIRE: INTERPLAY BETWEEN CAL FIRE AND COUNTY PERMITS AND PERMITTING

8. ADJOURN to November 16, 2017

***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).

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

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

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DRAFT MINUTES

September 21, 2017

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

STAFF: Scott Burns, director, & Megan Mahaffey, financial analyst (via videoconference); Gerry Le Francois, principal planner; Wendy Sugimura & Michael Draper, analysts; Garrett Higerd, Joe Blanchard & Walt Lehmann, public works; Christy Milovich, assistant county counsel; CD Ritter, commission secretary

PUBLIC: Sandra Bauer, consultant; Molly Des Baillets; Robert Joki; Eric Edgerton; Sally Rosen; Jephraim Gundzik

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE: Chair Dan Roberts called the meeting to order at 10:10 a.m. in the board chambers at the county courthouse in Bridgeport, and attendees recited the pledge of allegiance to the flag.

2. PUBLIC COMMENT: No items

3. MEETING MINUTES

MOTION: Adopt minutes of Aug. 17, 2017, as amended: *(Lagomarsini/Lizza. Ayes: 3. Abstain due to absence: Bush. Absent: Pipersky.)*

4. PUBLIC HEARINGS

A. MONO COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT 2017 NOFA (Notice of Funding Availability). This is an opportunity for interested parties to participate in the potential Mono County Community Development Block Grant (CDBG) 2017 application. Mono County applied for and received grant funds for the following activities under the 2015 NOFA: Parks and recreation facilities, child care services, and planning technical assistance. Provide comment on project priorities for Mono County for the CDBG 2017 NOFA. *Staff: Megan Mahaffey*

Megan Mahaffey presented overview of types of funding available.

OPEN PUBLIC HEARING: Molly DesBaillets, First 5, served 39 children in partnership with school district. Positive community feedback. Requested public support in Bridgeport and Benton. If Mono does not pursue childcare, both centers are projected to close.

How much from CDBG? *Funds from state preschool limited, not feasible without additional funding.*

Only BP and Benton? How chosen? *No licensed childcare there, others had it. Partnership with ESUSD had facilities to offer as contribution.*

Jennifer Halferty, executive director of Mammoth Lakes Housing, participated in homebuyer assistance program. Consider application for that or Halloween multifamily housing district. Mono can elect to use funds within city limits with minor requirements and approval of town manager.

Can Town apply on its own for CDBG? *Yes, other projects if meet 50% requirement. Up to $5 million for Town and County. Lots of paperwork. Meet low-moderate income factor.*

Other applications after hearing? *Yes, second hearing with BOS in November. Contact Mahaffey.*

Take to RPACs as agenda item or staff report? *Not planned, but could.*

Childcare project in June Lake maybe not aware of CDBG possibility. Contact Mary Beth Cramer.

Bush noted Mono got award to rebuild jail, but requires Mono matching funds. Could CDBG apply? Jail serves lots of low-income people. *Megan will follow up with CAO.* **CLOSE PUBLIC HEARING.**

B. CONDITIONAL USE PERMIT 16-00022/Geothermal Trail. Project is located at 94 Casa Diablo Cutoff, adjacent to the intersection of Antelope Springs Road on a portion of Assessor Parcel Number 037-050-002. The Southern Mono Historical Society (SMHS) plans to construct the Casa Diablo Interpretive Trails project, an educational geothermal trail that will fulfill a mitigation requirement of previously certified EIR. The project consists of trail

segments to be constructed of varied materials. Depending on location and use, the materials will include wooden planks, crushed rock, compacted soil, and asphalt. Interpretive signage, photographs, displays and viewing platforms will provide a wide range of diverse information about, and 360-degree views of, the Mammoth caldera and basin. Access to the Trails Project will be from the Casa Diablo Cutoff Road. Restrooms will be ADA-accessible via wood plank walkways. The interpretive site will be closed during winter months and snow events. On-site structures will include a site trailer for use by tour docents, a composting vault toilet facility, and a 1,500-gallon recycled water storage tank for the vault toilets. All building exterior surfaces will use colors and materials that complement the natural environmental. In whole, the project will encompass 261,360 sq. ft. (6 acres); the disturbance area will represent less than one acre of land. An addendum is proposed to EIR State Clearinghouse #86110408. *Staff: Gerry Le Francois*

Gerry Le Francois noted lease on property. Nonpotable water will be provided for restroom. Site plan shows entrance gate. Parking for four on cutoff road, people walk in. Focus on cultural and local history. MCWD (Mammoth Community Water District) concerned about talk of geothermal power, must be comfortable with text. On-site educational tours for school groups by appointment only. SMHS agreed to talk to tribes. Site trailer for docent. Maybe Wifi capabilities. Addendum to 1988 EIR to be certified. Mono has revocation procedure for noncompliance. Mono met with MCWD. Condition 5 addresses text.

Lizza thought agreement on content it tedious. Rather than that, defer to SMHS for final say, with input from Mono and MCWD. Roberts concurred. Lagomarsini thought it contentious. Le Francois explained larger geothermal plant would have additional wells in vicinity. Mammoth relies on groundwater, so potential impact. Opinions differ between MCWD and Ormat. Le Francois did not want Ormat's concept or MCWD's.

OPEN PUBLIC HEARING: Robert Joki, president of SMHS (Southern Mono Historical Society), imagined early settlers hunting and trading, finding Hot Creek. When US 395 passed by, became tourist attraction. Talking about full history of why humanity settled there in first place goes far beyond current discussions. True geology. Interpretive center to stop and read. **CLOSE PUBLIC HEARING.**

DISCUSSION: Roberts stopped at little general store/service station, saw geysers. Rich history, not PR for Ormat.

Parking? *Loop for vans, buses. Trails crushed gravel or boardwalks. Potential greenhouses removed.*

Paved loop? *No. Class 2 base, designed for handicapped access.*

Need for security equipment? *Ormat sensitive to trespass and hazards, prefer appointment. Maybe SMHS consider potential vandalism.*

Joki cited existing fumaroles. Keep public away from dangerous areas. SMHS notes potential danger. Tourists should not go exploring.

Lease? *As long as geothermal operates. Info will be historical, not promotional advertising.*

MOTION: Certify the Addendum for the Casa Diablo Interpretive Geothermal Trails project; make required findings as contained in project staff report; and approve Use Permit 16-00022 subject to Conditions of Approval. Condition 5: Consultation on content with Mono, MCWD, and SMHS. *(Lizza/Bush. Ayes: 4-0. Absent: Pipersky.)*

5. ACTION ITEM

A. ONE-YEAR MAP EXTENSION 10-001/Haber. Find that the project was processed in accordance with Section 15183 of the CEQA Guidelines for a project consistent with the General Plan. No substantial changes have been proposed in the project or the circumstances under which the project will be undertaken, no new information of substantial importance has been received to warrant further environmental analysis, and approve the second one-year extension of Tentative Tract Map 10-001/Haber to Nov. 2, 2018, subject to the prior Conditions of Approval and Mitigation Monitoring Program as contained herein. *Staff: Gerry Le Francois*

Gerry Le Francois noted no substantial changes proposed. The 49-acre site has five lots, subject to Rimrock Ranch SP, all map conditions. Could apply for one more extension.

Garrett Higerd clarified that map condition has proponent into two zones of benefit. Address other lot line adjustment. Could require 45-day noticing process that would surpass Nov. 2. Map go quickly to BOS, approve by year's end.

MOTION: Find that the project was processed in accordance with Section 15183 of the CEQA Guidelines for a project consistent with the General Plan. No substantial changes have been proposed in the project or the circumstances under which the project will be undertaken, and no new information of substantial importance has been received to warrant further environmental analysis; and Approve the second one-year extension of Tentative

tract Map 10-001/Haber to Nov. 2, 2018, subject to the prior Conditions of Approval and Mitigation Monitoring Program as contained herein. *(Bush/Lagomarsini. Ayes: 4. Absent: Pipersky.)*

6. CONSENT ITEM

A. FINAL TRACT MAP 10-001/Haber. This Final Tract Map subdivides a 49.51-acre parcel (APN 064-090-034) into five two-acre parcels and one 39.50-acre parcel. This subdivision is located along Ridge View and Cougar Run in the community of Swall Meadows. The tentative map was originally recommended for approval by the Planning Commission on Aug. 12, 2010. State legislation AB208 & AB116 automatically extended this map for four years till 2016. Last year the Planning Commission granted a one-year extension to Nov. 2, 2017. Five of the six lots, two acres each, were part of the approved Rimrock Ranch Specific Plan (SP). The southern sixth lot of 39.50 acres with an existing single-family residence will retain a land use designation of Estate Residential (ER 2).

Walt Lehmann recommended approval. BOS must amend into zones of benefits. Deleted map conditions already met, kept ongoing conditions.

Lot 6 easement? *Yes. Basically Haber's gravel driveway that doubles as emergency access.*

MOTION: Authorize Chair's signature on Tract Map 10-001, recommending its approval by the Board of Supervisors subject to satisfaction of Map Conditions #47 and #48. *(Lagomarsini/Lizza. Ayes: 4-0. Absent: Pipersky.)*

7. WORKSHOP

A. CANNABIS POLICY & REGULATIONS: Wendy Sugimura mentioned background presented earlier. Policy option questions. Take to BOS Oct. 3. Back to PC for recommendation on regulations to BOS in November.

Question last meeting: Why different from regulating alcohol? *Maybe when better established, could be. Still illegal at federal level.*

Restrict disturbance of active sage grouse leks. Provide extra protection.

75 sq miles? *Significant range of CA and NV. Map with buffer overlay. Nesting: Grouse tend to be loyal to single lek, nesting around it.*

Leks exist on private land? *Yes.*

Apply to alfalfa or other row crops? *Not issue due to larger acreage. Definition of ag captures all types of activities. Maybe nuanced definitions to separate ranching and grazing from row crops.*

Mono can coordinate regulating with CA process. Next ballot is November 2018. Piecemeal or together? *Staff prefers together.*

Manufacturing with volatile solvents: Controversial, banned in residential areas at state level. Can lead to fires, explosions. Involve heat, pressure.

Sugimura noted safety measures in place.

Antelope Valley: Primary land use designation is MU (mixed use). Cannabis fits better with commercial or industrial. Generally, MU has frontage along 395. Residential emphasized if front is residential. Could promote economic development, with commercial character on 395 frontage emphasized. Could do individual interpretations like mini storage and auto repair shops.

Bush noted Antelope Valley was designed with large lots, shop in front, house behind on same property. People accepted nature of town, not really questioned. If on 395, build what you want. If on back streets, build house. Is MU for house and separate building?

Sugimura stated if commercial, intensive use. Lower-intensity residential use = MU.

Bush noted larger lot sizes in Antelope Valley. Sugimura stated some land uses in Antelope Valley don't allow. Bush: Mostly retail. Sugimura: Cultivation in Antelope Valley on parcels with RR designation. Lots of ag land where permissible. Mono responded to RR grow in Benton. Large-lot residential. 40-acre parcels next to public lands. No minimum size for designating as AG.

Ample opportunity for four people only? Sugimura indicated not part of policy set, could remove "ample" and strike rest after AG.

Lizza wanted to broaden definition of small-scale ag to be anything you can grow.

Sugimura: Land use principal is RR is a residential LUD. Would change to commercial.

Sugimura: Designed to restrict commercial uses in residential.

Greenhouses that create visual impact? Sugimura noted designed to acknowledge community gardens. Limiting scale. List of CA types of licenses in packet.

If long buffers set, unintended consequences could occur. Not make grower move.

Milovich cited eminent domain-type case. Annual renewal, not in perpetuity.

Lizza reminded that General Plan suggests compact communities. Longer buffer encourages sprawl.

Roberts saw elimination of huge sections of communities. Highly sought properties for cannabis. Youth using less in areas where grows are legal.

Draper noted 600' buffer for all cannabis activity. Lagomarsini saw difference among activities.

Draper asked about setback based on parcel size.

Lagomarsini mentioned ugly, smelly operations on property line, closer to neighbors.

Draper clarified setback from neighboring structure, not property line. Maybe no specific setbacks, alternative requirements.

Lagomarsini: Cargo container setback? Part of standard setbacks.

Bush: NO grows in town. Cut grass has odor. Growing in natural state smelly? Very little till starts flowering, said citizen.

Sugimura: Research on other jurisdictions. Amount of info is extraordinary. Intent was looking at other areas to see range of methods in acknowledgment of this being an issue.

Draper: Visual screening: Not growing at night, want Dark Sky Regulations. Artificial lighting for outdoor cultivation has been seen. Fencing height to conceal from view, opaque fence. Odor/air quality: Dust control for all districts already. Security plan: Certified by sheriff's department. Could require background checks. Maybe prohibit firearms? Preference to not allow firearms on permit. Braun said security cameras could capture incident. Avoid fire fight on site.
Building permit regulations: Electrical upgrades; interior remodels; accessory structure <120 sf needs no permit, but if power supplied, need permit; efficiency dwelling unit not OK as grow site.

DISCUSSION: Eric Edgerton, founded TILTH Farms, commercial cannabis cultivation company. Grower contracts with customers. Customer base will increase after Jan. 1, 2018. Mono benefits from cooler growing conditions. Walker/Coleville will benefit. Invest $4 million first year in property upgrades. Hire ~20 employees. Suggested application windows. Local approval prior to State deadline in July 2018. Applications need approval by year end.

Jan. 1 to July 1? Then closed? *Yes.*

Own the land? Yes. Did cattle, alfalfa. Good water, productive native soils, uniqueness of Antelope Valley, economic opportunity. Has experience in other states.

Holly Rosen: Maybe expand LUDs (Land Use Designations) to benefit from new industry. Current LUDs not adequately represented in Antelope Valley, which has lots of ag land owned by few people. RR (Rural Residential) eliminates huge segment of population. If RR excluded, Antelope Valley residents would not have same opportunity as others. Modify Antelope Valley land use regulations on RR and MU to help fulfill objective of energy into new industry. Does not jeopardize health/safety of residents. Still have huge roadblocks to success. No inherent threat to allow. Not treat cannabis significantly different from alcohol or other crops. Spirit of commercial cannabis is same: plant it, grow it, take it down. If RR not permitted, faced with changing LUD of her land, but likely excluded from 2018 growing cycle. Easier to write regulation with opportunity built in. Lighting: Unwise to dictate how to grow crop. Other ag activities are not barred from view (alfalfa, cows). Need all regulations to prevent us from doing harm, alter way business is conducted. Businesses run alongside homes in Antelope Valley. Emphasized common sense approach. Keep Antelope Valley in mind to maximize opportunity of community. Vertically integrated business model. Now, cultivation only, but ability to expand. Have 50 acres. Put things into greenhouses with lights to expand season.

Jeph Gundzik, Banner Springs Ranch, sees business opportunity. Hard to run small farm in Mono with limited population, market. Fantastic opportunity for County welfare. Excise tax plus tax per ounce (10-15% of grow). Timing of regulations relative to tax authority. If wait till November 2018, miss first season and do longer-term damage to local market dependent on tourism. Others could move in. Delaying regulations could encourage illegal activity. Consider retroactive regulations and permit approach. Diverse topographies. Blanket setback could have detrimental impact. Prevent visibility, odor screening, security

could be tailored for specific site. Security: Respect citizen's right to bear arms, self-defense. Only growing plants, risk of theft of mature plants. Security cameras, but what if threatened him or wife?

Fencing in other jurisdictions? Tricky to regulate, addressed in security plans.

Edgerton suggested looking beyond burglary to deer, rabbits. Fence is mandatory for that.

Fence height regulations sufficient to protect crop? Sugimura indicated fences over 6' would be subject to building code.

PC input needed for BOS Oct. 3: Tax measure for different activities; retail on gross receipts; and cultivation on square-footage basis.

Bush suggested tax holiday first year, fee schedule to get businesses started. Rosen also favored Mono tax holiday.

Lizza affirmed need for Mono approval before State license.

Draper confirmed application deadline July 1, 2018. Mirroring State application requirement. Start preparing State application, give to Mono first. Lizza saw huge burden on Mono staff before July 1.

Bush suggested changing RR (rural residential) to support Antelope Valley residents. Need use permit? Sugimura recommended CUP to look at specific situation and land uses. Or, standardized checklist. At this time, not confident checklist would cover everything.

Hearing for applicants? *Process takes time. Hard stops coming up. Time is enemy of something new.* Sugimura stated CUP with public hearing, approved by PC. If CEQA analysis needed, could be problematic.

Edgerton noted manufacturing process with solvents includes butane, propane, ethanol, flammable fuels. Equipment is closed loop, solvents recaptured/reused. All certified to federal levels. People now prefer edibles to smoking.

Sugimura thought use types, not different licenses. Exception: volatile for industrial, edibles for others.

Where allowed? Sugimura noted BOS has strong opinions, so PC could provide directional input.

Roberts saw setbacks, guns as fear-based reactions. Maybe unwarranted. Paradigm change from criminal activity.

Lagomarsini suggested lot size consideration for nuisance, safety issues. Get setback waiver. Appropriate for neighborhood, aesthetic value.

Sugimura thought existing standards in General Plan could apply.

Cannabis: Food? Product? Medicine? Sugimura cited State definition, just change small-scale ag.

Lagomarsini: Maintain sense of privacy when people live close together. OK outside garage, not bedroom window.

Sugimura thought unless Mono has authority to do something about it, does not need to know. She noted no other track-and-trace commodities. Dealing with different reality.

8. REPORTS

A. DIRECTOR: 1) CDD budget: one of few departments BOS approved, including compliance staff, filling vacant planning position. 2) CTC (California Transportation Commission): LTC hosted CTC first time ever in Mono County, highlighted unique things we do here. Le Francois coordinated, Sugimura was a presenter. 3) Tioga Pass: At LTC Lizza wanted Tioga Pass addressed.

B. COMMISSIONERS: No items

9. INFORMATIONAL: No items

10. ADJOURN at 1:44 pm to Oct. 19, 2017, at Town/County Conference Room, Mammoth Lakes

Prepared by CD Ritter, PC secretary

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October 19, 2017

To: Mono County Planning Commission

From: Michael Draper, Analyst

Subject: Conditional Use Permit 17-013/Overton Type I Short-Term Rental

RECOMMENDED ACTION

1) Approve CUP 17-013 subject to the findings and conditions contained in this staff report; and
2) Find that the project qualifies as a Categorical Exemption under CEQA guideline 15301 and file a Notice of Exemption; **OR**
3) Deny the application based on the finding that reasonable opposition exists from directly affected neighbors within 500 feet of the subject parcel.

BACKGROUND

This proposal, CUP 17-013/Overton, is located at 165 Aspen Terrace, Crowley Lake, and has a land use designation of Single-Family Residential (SFR). Adjacent properties to the north, south, east and west are also designated Single-Family Residential and developed as such. The property has double frontages; the main use dwelling is accessed by Aspen Terrace Road while the rear can be accessed by South Landing Road.

The property has a main house and a detached garage with a one-bedroom, one-bathroom accessory dwelling unit on the second story. The parcel (APN 060-240-010) is approximately 0.21 acres in size (see site plan) and has 35% lot coverage, in conformance with the LUD SFR maximum coverage of 40%. The applicants are full-time residents of the main house, and are proposing to rent the accessory dwelling unit above the garage on a short-term basis.

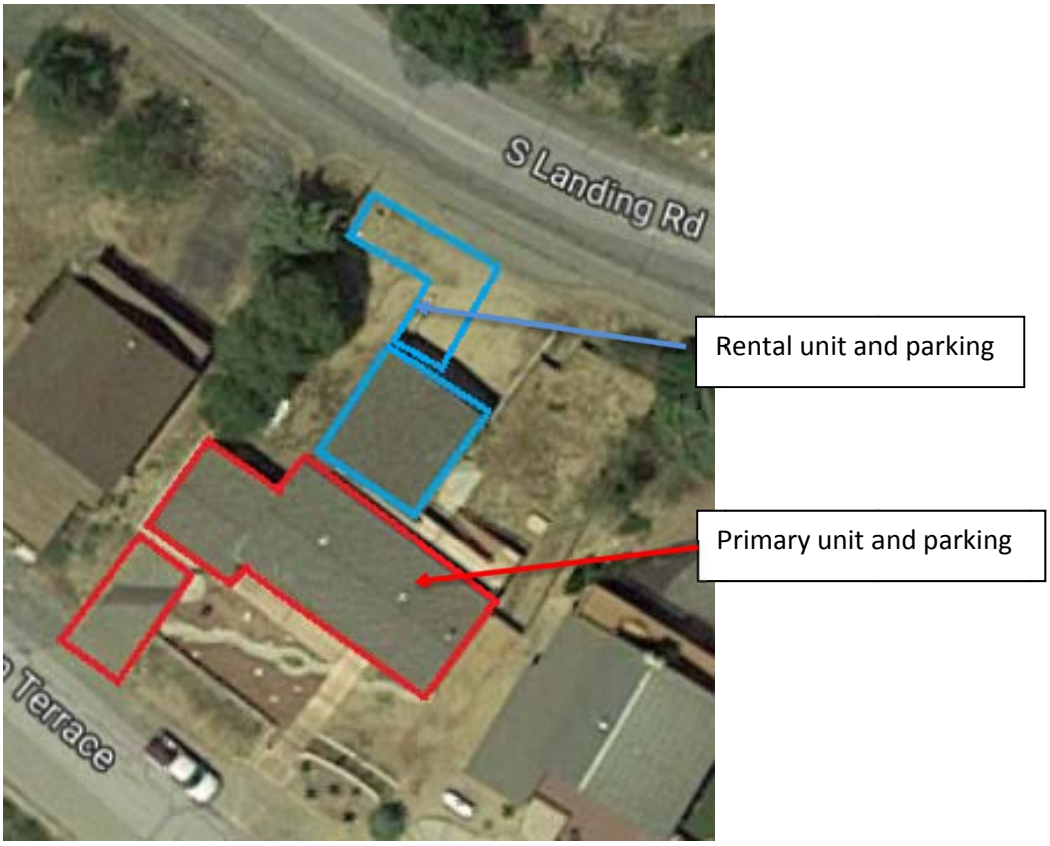
The applicants are new owners of the property and have made improvements since taking ownership. Both access points of the property were paved to meet Chapter 6 Parking Requirements of the General Plan. The applicants/owners are also working to obtain a Certificate of Occupancy for the proposed transient unit. The previous owner received a permit to construct the garage/accessory dwelling unit (01BLD-00160) but never finalized the project. As such, a Condition of Approval will be to receive a Certificate of Occupancy prior to renting the unit. It is evident that the previous owners never used the unit for long-term rental.

Chapter 25 of the Mono County General Plan established Type I short-term rentals that are owner-occupied or associated with an owner-occupied principal residence. This rental includes an accessory dwelling unit. Rental is limited to a single group of individuals, and the owner is required to be present during the rental. The short-term rental use may be permitted for any single-family unit having land use designation(s) of SFR, ER, RR, MFR-L or RMH subject to Use Permit, if consistent with applicable area plan policies. The use permit for this rental runs with the owner and not the land, and terminates upon a change of ownership.

Also, the Type 1 use is subject to a number of restrictions and requirements as contained in Ch. 26 of the Land Use Element, and conditions to address neighbor concerns.

Site Plan: CUP 17-013/Overton Type I Short-Term Rental

Project site: 165 Aspen Terrace



LAND DEVELOPMENT TECHNICAL ADVISORY COMMITTEE
The LDTAC met September 8, 2017, to review and provide input on the project proposal. The LDTAC accepted the proposed short-term rental application for processing.

COMMENTS RECEIVED
A notice was mailed to all property owners within 500 feet, at least 30 days in advance of the public hearing. To date, four comment letters have been received (please see attachments). The letters are from residents living on Aspen Terrace Road, approximately 0.1 miles from the subject property.

The concerns voiced in the letters are as follows: poor experiences in the past with short-term renters at Whiskey Creek Condominiums (parties, loud music, general nuisances and disrespect); desire not to live where tourists rent; property owners will not adhere to requirements of a use permit, including limiting occupancy to the allowed amount; the County cannot enforce requirements; parking on Aspen Terrace would disrupt snow storage; a concern that renters will not respect the community dog-lease ordinance or pick up after their pet; a concern for diminishing long term rental options; and concern of changing the community character.

These comments have been addressed through requirements of General Plan Chapter 26 and the Conditions of Approval such as exclusive access along South Landing Road.

GENERAL PLAN CONSISTENCY
The project is consistent with the intent of Chapter 25, Short-Term Rental Type I. In recognition of the demand by visitors for diverse lodging options, this chapter establishes a process to permit short-term rentals for single-family units that do not exhibit reasonable opposition by neighbors who may be directly affected, and when consistent with applicable area plan policies.

The project is required to comply with Chapter 26, Transient Rental Standards and Enforcement.

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 designated pursuant to Chapter 25 of the Mono County General Plan and to provide enhanced enforcement tools to address unauthorized transient rentals countywide.

The project is consistent with the following **Long Valley Area Plan Policies:**

Objective 23.B. Maintain, protect and enhance the quality and livability of community areas.

Policy 23.B.1. Preserve and enhance existing single-family residential uses.

Policy 23.C.1. Provide adequate land for existing and future commercial needs.

Action 23.C.1.a Designate a sufficient amount of land to accommodate tourist and community commercial needs.

Policy 23.C.3. Encourage the development of professional uses (e.g., clinic, doctor's office, law office, day care) and other small-scale commercial services to provide for the needs of residents.

CEQA COMPLIANCE

Project is consistent with a Class 1 California Environmental Quality Act (CEQA) exemption. Class 1 (15301) consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. Examples include but are not limited to:

- interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances;
- accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences; and
- conversion of a single-family residence to office use.

Single-family homes that are rented on a transient basis (as a Type I rental) will still be used as single-family homes and in a manner not substantially different from how they would be used if occupied by full-time residents or long-term renters. In addition, transient rentals are subject to compliance with regulations governing the management of these units stipulated in Chapter 26, which addresses aesthetics, noise, parking, utilities, and other similar issues. As a result, rental of a single-family residence is not an expansion of use, and is no more intensive or impactful than, for example, conversion of a single-family residence to office use, which is also exempt under this section.

USE PERMIT FINDINGS

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

Section 32.010, Required Findings:

1. *All applicable provisions of the Mono County General Plan are complied with, and the site of the proposed use is adequate in size and shape to accommodate the use and to accommodate all yards, walls and fences, parking, loading, landscaping and other required features because:*

    a) The site of the proposed use is adequate in size and shape; the rental dwelling is an existing structure and no additional developments on site are anticipated at this time.

    b) The project provides the necessary parking of one space per sleeping room (reference General Plan Table 06.010) and confirms to General Plan Chapter 6.

2. *The site for the proposed use related to streets and highways is adequate in width and type to carry the quantity and kind of traffic generated by the proposed use because:*

    a) While the property is addressed as 165 Aspen Terrace, the accessory dwelling unit is accessed by South Landing Road, a County road. The use of South Landing Road by

renters is a Condition of Approval. Furthermore, use of the unit for a Type I rental is not expected to generate a significant increase in traffic over other outright permitted uses such as a long-term rental.

3. *The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located because:*

    a) The proposed Type I short-term rental of an existing detached unit is not expected to cause significant impacts; and

    b) Project is required to comply with regulations of Chapter 26 Transient Rental Standards and Enforcement; **OR**

    Alternative finding: Per General Plan Chapter 25.010, the intent of Chapter 25 is for a permitting process of short-term rental for single-family units that do not exhibit reasonable opposition by neighbors who may be directly affected.

        i. At this time, the Community Development Department has received four letters in opposition to this project. The letters are from residents living on Aspen Terrace Road, approximately 0.1 miles from the subject property.
            1. The concerns voiced in the letters are as follows: poor experiences in the past with short-term renters at Whiskey Creek Condominiums (parties, loud music, general nuisances and disrespect); desire not to live where tourists rent; property owners will not adhere to requirements of a use permit; the County cannot enforce requirements; parking on Aspen Terrace would disrupt snow storage; diminishing long term rental options; and changing community character. Based on these concerns, reasonable opposition to this project exists.

4. *The proposed use is consistent with the map and text of the Mono County General Plan because:*

    a) The proposed Type I short-term rental is required to comply with Chapters 25 and 26 of the General Plan Land Use Element, which includes a maximum occupancy of four specific to this unit.

MONO COUNTY

Planning Division

DRAFT NOTICE OF DECISION & USE PERMIT

USE PERMIT: CUP 17-013 **APPLICANTS:** Marc and Kelly Overton

ASSESSOR PARCEL NUMBER: 060-240-010

PROJECT TITLE: Type I Short-Term Rental/Overton

PROJECT LOCATION: The project is located at 165 Aspen Terrace, Crowley Lake

On October 19, 2017, a duly advertised and noticed public hearing was held and the necessary findings, pursuant to Chapter 32.010, Land Development Regulations, of the Mono County General Plan Land Use Element, were made by the Mono County Planning Commission. In accordance with those findings, a Notice of Decision is hereby rendered for Use Permit 17-013/ Overton, subject to the following conditions, at the conclusion of the appeal period.

CONDITIONS OF APPROVAL

See attached Conditions of Approval

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

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

DATE OF DECISION/USE PERMIT APPROVAL: October 19, 2017

EFFECTIVE DATE USE PERMIT November 2, 2017

This Use Permit shall become null and void in the event of failure to exercise the rights of the permit within one (1) year from the date of approval unless an extension is applied for at least 60 days prior to the expiration date.

Ongoing compliance with the above conditions is mandatory. Failure to comply constitutes grounds for revocation and the institution of proceedings to enjoin the subject use.

MONO COUNTY PLANNING COMMISSION

DATED: October 19, 2017

cc: X Applicant

X Public Works

X Building

X Compliance

CONDITIONS OF APPROVAL
Use Permit 17-013/Overton

1) The applicant shall require transient renters to access the unit by means of South Landing Road.
2) The rental unit shall obtain a Certificate of Occupancy prior to any use as such.
3) The project shall comply with provisions of Chapter 25, Short-Term Rental.
4) The project shall comply with provisions of Chapter 26, Transient Rental Standards and Enforcement.
5) Property shall be maintained in a neat and orderly manner. Any unnecessary vehicles should be screened from nearby properties and parked as shown on the site plan.
6) Project shall comply with all Mono County Building Division requirements.
7) Applicant shall obtain a "will-serve" permit from the Long Valley Fire Protection District, if required.
8) If any of these conditions are violated, this permit and all rights hereunder may be revoked in accordance with Section 32.080 of the Mono County General Plan, Land Development Regulations.

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

Comment Letters on
CONDITONAL USE PERMIT 17-013/Overton
October 19, 2017

Sharon Carkeet

Todd Graham

Rosemarie & Gerhard Ihde

Tim & Lori McElroy

DISTRICT #1 COMMISSIONER Mary Pipersky
DISTRICT #2 COMMISSIONER Roberta Lagomarsini
DISTRICT #3 COMMISSIONER Daniel Roberts
DISTRICT #4 COMMISSIONER Scott Bush
DISTRICT #5 COMMISSIONER Chris I. Lizza

RECEIVED
OCT 10 2017
MONO COUNTY
Community Development

October 9, 2017

To: **Mono County Planning Commission**

RE: **Conditional Use Permit/17-013/Overton**

In response to this Notice of Public Hearing I would be remiss if I did not, again, take this opportunity to express my disappointment with those Mono County Supervisors who voted to approved the Type 1 short-term rental ordinance. I find it to be shortsighted to think that our communities would welcome the air b&b culture with open arms. It is naive to think that property owners who do nightly rentals will always adhere to the requirements of a use permit. The county may very well have little control or enforcement of these use permits leaving property owners to do what they please. It is also naive to think that renters will not cause disruption to our communities by the influx of vehicles, all night in and out traffic, potential late night parties, and any number of nuances that can occur with skiers coming to our areas (does anyone recall Measure Z?) Will a property owner be able to control these things? I am clueless why the county would take such action and find it difficult to comprehend why the benefits of Type 1 and Type 2 if approved, would be in the interest of our communities and the people who live here purely to have some solace from the tourism area we live in. Yes, private homeowners can maximize their financial gains by nightly rentals, but if I am not mistaken this county has a housing deficit. A studio also allows a great opportunity for financial gain. The county gain is still a mystery to me when you consider the can of worms this opens.

Specifically to the Overton Use Permit application, the following are my objections: MONITORING: there is nothing that prohibits the homeowner from any number of violations to their use permit unless the county has strong enforcement capabilities. PARKING: Aspen Terrace is a narrow roadway with very little easement for snow storage. It appears the applicant has claimed a portion of the county easement and personally paved it for personal parking, I assume to accommodate their night rentals. LONG TERM RENTALS: Nightly rentals does nothing to help with the extreme housing deficit. A long tern rental would also provide financial gain to a property owner. DENSELY POPULATED NEIGHBORHOOD: Aspen Terrace is smack in the middle of a densely populated residential area where homes are 5-10 feet from each other. Several people coming in at all hours of the night, parties, drugs, likely to cause a number of upset neighbors on a regular basis. NEIGHBORHOOD CONFLICTS: Approval of this use permit could cause neighborhood conflicts simply due to the loss of control of the neighborhood. CHANGING THE CHARACTER OF OUR COMMUNITIES: It is clear that if nightly rental use permits are approved throughout our communities our peaceful way of life that we love is threatened by the sacrifices we will all have to make for the benefit of few.

Transient rental both 1 and 2 is a huge mistake for our communities. I urge the commission to consider the above and vote to deny this project.

Sharon Carkeet
48 Aspen Terrace
Crowley Lake, CA. 93546
sharcar@yahoo.com

CD Ritter

From: TC Graham <tcgraham4@gmail.com>
Sent: Saturday, September 30, 2017 1:11 PM
To: CD Ritter
Subject: Overnight rentals

RECEIVED
OCT 02 2017
MONO COUNTY
Community Development

CD Ritter:

I live in Whiskey Creek condos in Crowley Lake. I live there because I do not want to live where tourists rent for a few nights, party and drink loudly, etc., as in Mammoth. I am fully against any new local law that expands overnight rentals.

Thank you.

Todd Graham

Rosemarie and Gerhard Ihde

48 Aspen Terrace, # 7

Crowley Lake, CA 93546

RECEIVED
OCT 12 2017
Mono County
Community Development

October 10 2017

To Planning Commission, Mono County

Ref: Hearing **AirBnB aka short term rentals**

Above address is our second home and we enjoy the peacefulness when staying at Crowley Lake. We bought the unit because the HOA does **not allow** short term rentals.
We do object the nightly proposed short term rentals in our neighborhood. Also called AirBnB.

It will destroy the neighborhood and set a bad precedent, other owners will follow suit and soon the neighborhood will change drastically. Wild and loud parties, cars parking in the street blocking access especially during snow season and trash all over. Not to talk about pets, now there are many neighbor's pets off leash and very few pet owners pick up after their dogs. Nightly guests have no stake in keeping Crowley Lake peaceful and quiet. Maybe you have heard about how some condo complexes in Mammoth Lakes have changed due to nightly rentals. Loud parties with lots of drinking, music, now legalized marihuana, and most of the time too many people in one unit.
We have seen neighborhoods like that and we **do not want** it. Please keep in mind, it might come to **your** neighborhood one day. To live in an only residential neighborhood is so much more pleasant. Short term rentals change a neighborhood into a commercial enterprise such as do drug rehabilation houses. We have 6 rehab houses in our immediate Malibu (primary residence). Malibu altogether has 47 drug rehabs and all are in residential neighborhoods. I hope you can prevent this in your beautiful community of Crowley Lake.
Most probably you see the occupancy tax as positive for the county!? Your constituents will be grateful if you keep their neighborhoods peaceful and pleasant.
Please consider our opinion. Crowley Lake located in the Eastern Sierra is a gem, please keep it that way.
Sincerely

Rosemarie and Gerhard Ihde

Rosemarie.ihde@gmail.com cell 1-760-521-9966 Home 1 310-456-3100

RECEIVED
SEP 29 2017
MONO COUNTY
Community Development

To; The Secretary to the Mono Country Planning Commission,

Hello, we are Tim and Lori McElroy, and we live in Crowley.
We are corresponding to you about "Conditional use permit 17-013 Overton" for use of a studio unit on the the premise as a short term rental at 165 Aspen Terrace in Crowley. This property has a land use designation as single family residential. My wife and I are not in favor of changing the single family residential (SFR) to a short term rental with owners living on the site.

We have experienced first hand the problems of short term rentals, so much so that all the owners at our Condo complex voted in our CC&R's to only rent our places for at least a minimum of 30 days or more.
In our old and outdated CC&R's, owners could rent short term and what a mess that used to be !!
For instance, one owner rented his condo and in return, those renters subleased his condo and they put a realtor's lockbox on the door so that any one
of their friends could get the key out of the lockbox when they come up to ski. It became a Motel 6 every weekend, loud parties all day and night with renters bringing their dogs off leash, not picking up after them, parking more than the 2 car maximum in front of other owner's units, leaving us with no place to park.
They were smoking pot, drinking beer and throwing their empty cans in our common areas, and relieving themselves on our grassy areas. In another unit, where an owner lived directly across the street from our complex, the owner did a short term rental, and the renters destroyed his unit. We could go on and on, but in both these cases, the short term renters were in violation of our CC&R's. Trying to break their leases and get them out was a long process for our Board of Directors, and cost us large legal fees. Even with the owners living on site, you can see that it is not always a deterrent.

After we updated our CC&R's to a minimum of 30 days or more, those units that got rented out were by residents who live and work in the surrounding communities, and we have had no more problems.

My wife and I would like to attend this meeting, but we both are working during the weekdays. Having a public hearing on a weekday at 10am, for most people will be an inconvenience. Even though we can correspond by written letter, it is not the same as attending the actual meeting where you can respond to statements made that you may or may not agree with. In the future it is our hope that we can REALLY make this a public meeting where the public actually meets at a time where most of the public is available.

My wife and I chose to live in Crowley because it is a beautiful residential community, quiet and not as crazy and congested as the town of Mammoth.
We ask you to PLEASE not grant this exemption and keep our neighborhood a single family residential community.
PLEASE read this letter at the public hearing on October 19th, 2017.
My wife and I thank you for all your hard work.

Thank you, sincerely, Tim and Lori McElroy, Crowley residents

DEVELOPMENT STANDARDS

CHAPTER 25 – SHORT-TERM RENTAL

Sections:

25.010	**Intent.**
25.020	**Establishment of Type I Short-Term Rental: Owner-Occupied.**
25.030	**Establishment of Type II Short-Term Rental: Not Owner-Occupied.**
25.040	**Notice requirements.**
25.050	**Uses permitted.**
25.060	**Uses permitted subject to director review**
25.070	**Uses permitted subject to use permit**
25.080	**Additional requirements**

25.010 Intent.

In recognition of the demand by visitors for diverse lodging options, this chapter is intended to establish a process to permit short-term rentals for single-family units that do not exhibit reasonable opposition by neighbors who may be directly affected, and when consistent with applicable Area Plan policies.[1]

25.020 Establishment of Type I Short-Term Rental: Owner-Occupied

Type I short-term rentals are owner-occupied or associated with an owner-occupied principal residence. This rental includes an entire dwelling unit or, if only part of the unit, includes at a minimum a sleeping room (with shared full bathroom). Rental is limited to a single party of individuals, and the owner is required to be present during the rental. The short-term rental use may be permitted for any single-family unit having land use designation(s) of SFR, ER, RR, MFR-L or RMH subject to Use Permit, if consistent with applicable Area Plan policies.[1] The use permit for this rental shall run with the owner and not the land, and shall terminate upon a change of ownership. Fees for appeal of Type I Use Permit decisions shall be waived.

25.030 Establishment of Type II Short-Term Rental: Not Owner-Occupied

Type II short-term rentals include rental of an entire dwelling unit that is not concurrently occupied by the owner or on the same parcel as a principal residence concurrently occupied by the owner. The short-term rental use may be established on any parcel (or group of parcels) with a single-family unit,, meeting the requirements of 25.060, and having land use designation(s) of SFR, ER, RR, MFR-L or RMH. The short-term rental must be consistent with applicable Area Plan policies,[1] must exhibit no reasonable opposition from neighbors within 500 ft. of the subject parcel, and must have adequate year-round access.

In addition to the requirements of this chapter, initiation and application for a Type II short-term rental shall be processed in the same manner as any land use redesignation (see Ch. 48, Amendments I. General Plan Map/Land Use Designation Amendments). The land use designation followed by the letters STR (e.g., SFR-STR) would indicate a Type II short-term rental is permitted.

25.040 Notice requirements.

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[1] The June Lake Area Plan will be revised shortly after the adoption of this chapter to identify appropriate areas for short-term rentals. Until the Area Plan revision is complete, no short-term rental applications shall be processed for June Lake. After Area Plan revision, applications can be accepted and evaluated for consistency with June Lake Area Plan policies per 25.010, 25.020, and 25.030.

A. Notice shall be given to owners of surrounding properties and published in a newspaper of general circulation 30 days in advance of a public hearing.

B. "Surrounding property," for the purposes of this planning permit, shall be defined as those properties that fall within a 500-foot radius drawn from the nearest limits of the parcel that is subject of the land use application. If a property is located more than 500 feet from the boundary of the parcel, but may be directly affected by any land use application on the subject parcel, then that property owner may also be noticed. Further, any property owners, regardless of their location or proximity to the parcel subject to a land use application, may receive notice as long as they submit their request in writing to the Planning Division more than 10 days in advance of the hearing. Such notice shall be given to those properties at least 20 days in advance of the hearing by mail to all persons whose names and addresses appear on the latest adopted tax roll of the County.

25.050 Uses permitted.
The following uses shall be permitted with a short-term rental approval, 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 residential, the residence or any accessory dwelling unit on the parcel(s) may be rented on a short-term basis subject to the requirements of 25.070.

25.060 Uses permitted subject to director review.
All uses permitted subject to director review in the underlying land use designation with which the short-term rental is combined shall be permitted, subject to director review approval.

25.070 Uses permitted subject to use permit.
All uses permitted subject to use permit in the underlying land use designation with which the short-term rental is combined shall be permitted, subject to use permit approval.

25.080 Additional requirements.
Any person or entity that leases, rents, or otherwise makes available for compensation, a single-family or multi-family residence located within an approved short-term rental established by this chapter, for a period of less than thirty (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 short-term rentals during the avalanche season, November 1 through April 15.

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;

6. 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.

RESOLUTION R17-01
A RESOLUTION OF THE MONO COUNTY PLANNING COMMISSION INITIATING AND RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT GENERAL PLAN AMENDMENT (GPA) 17-03 ESTABLISHING POLICIES GOVERNING COMMERCIAL CANNABIS ACTIVITIES, AND WHICH IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) UNDER SB 94

WHEREAS, in January 2016, the Medical Cannabis Regulation and Safety Act (MCRSA) went into effect, which created a dual licensing scheme for commercial medical cannabis activity in California; and

WHEREAS, in November 2016, the voters of California passed Proposition 64, legalizing adult recreational use of cannabis and commercial recreational cannabis activities, and the Proposition passed in Mono County and in every precinct; and

WHEREAS, in June 2017, Senate Bill 94 (SB 94) was passed, which consolidated the provisions of MCRSA and Proposition 64 into what is now known as the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA); and

WHEREAS, Mono County enacted an interim moratorium on all commercial cannabis activities to provide time to develop recommendations for a responsible and comprehensive program to govern such activities under the County's authority and in compliance with State regulations; and

WHEREAS, from March to August 2017, the Planning Division of the Mono County Community Development Department (hereinafter "Staff") conducted two rounds of public outreach via the Regional Planning Advisory Committees and the June Lake Citizens Advisory Committee to hear public concerns and opportunities, and receive public input on a regulatory framework, related to the legalization of commercial cannabis activities; and

WHEREAS, the Board of Supervisors held four public workshops on commercial cannabis since March 2017, and the Planning Commission held a workshop on Sept. 21, 2017, and the Board and Commission provided input and direction on policy issues raised by public outreach and received additional public input; and

WHEREAS, in response to the workshops and policy discussion, the Board of Supervisors directed the adoption of General Plan policies to sustain progress toward a complete and comprehensive County program; and

WHEREAS, Business and Professions Code § 26055(h) exempts the adoption of an ordinance, rule, or regulation by a local jurisdiction that requires discretionary review and approval of permits, licenses, or other authorizations to engage in commercial cannabis activity provided the discretionary review includes any applicable environmental review pursuant to the California Environmental Quality Act; and

WHEREAS, on October 19, 2017, the Planning Commission held a duly-noticed public hearing regarding GPA 17-03 prior to making a decision on the project; and

WHEREAS, having reviewed and considered all the information and evidence presented to it, including public testimony, staff reports and presentations, the Planning Commission recommends that the Board of Supervisors make required findings and adopt GPA 17-03 amending language in the Land Use Element and Conservation/Open Space Element.

NOW, THEREFORE, THE MONO COUNTY PLANNING COMMISSION HEREBY FINDS, RESOLVES, AND RECOMMENDS AS FOLLOWS:

SECTION ONE: The Planning Commission finds that GPA 17-03 is exempt from CEQA per Business and Professions Code § 26055(h).

SECTION TWO: The Planning Commission further finds that the General Plan Amendment, including all text changes to the Land Use Element and Conservation/Open Space Element of the Mono County General Plan pertaining to legal cannabis activities, which are attached hereto as Exhibit A and incorporated herein by reference, is consistent with the General Plan as well as all applicable area plans.

SECTION THREE: The Planning Commission recommends that the Board of Supervisors adopt GPA 17-03.

PASSED AND ADOPTED this 19th day of October 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
Daniel Roberts, Chair

Attest:

_____
CD Ritter, Commission Secretary

Approved as to form:

_____
Christian Milovich, Assistant County Counsel

PLANNING COMMISSION RESOLUTION R17-01: EXHIBIT A (GPA 17-03)

COUNTYWIDE LAND USE: ISSUES, OPPORTUNITIES & CONSTRAINTS

16. In January 2016 the Medical Cannabis Regulation and Safety Act (MCRSA) went into effect, which created a dual licensing scheme for commercial medical cannabis activity. Then, in November 2016, the voters of California passed Proposition 64, legalizing the adult use, production, interstate transportation, and commercial activity of cannabis, including cultivation of up to six plants for personal use. The proposition was also passed by each voter precinct in Mono County, although by a smaller margin in Bridgeport and the Tri-Valley, and passed in the county overall. In June 2017, Senate Bill 94 was passed, which consolidated the provisions of MCRSA and Proposition 64 into what is now known as the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA). In the aftermath of these laws, Mono County had choices to 1) allow the State to regulate all activities with no local requirements, 2) ban activities in part or whole, or 3) develop local regulations. The County chose to develop local regulations and has jurisdiction over only privately held lands; state, federal and tribal lands are outside the County's jurisdiction.

17. Cannabis activities continue to be illegal under Federal law. The 2013 "Cole Memo" from the Department of Justice indicates federal enforcement should focus on the following priorities: prevent distribution of cannabis to minors; prevent cannabis revenue from funding criminal enterprises, gangs or cartels; prevent cannabis from moving out of states where it is legal; prevent the use of state-legal cannabis sales as a cover for illegal activity; prevent violence and use of firearms in growing or distributing cannabis; prevent drugged driving or exacerbation of other adverse public health consequences associated with cannabis use; prevent growing cannabis on public lands; and prevent cannabis possession or use on federal property. Thus, these priorities, which have merit beyond the Cole Memo, should be addressed by and the focus of County regulations to the extent possible.

18. The State of California, through three new licensing authorities, is implementing a robust permitting and regulatory process for commercial cannabis activities, including fees and taxation. To be effective, Mono County's regulations should work in concert with the State's broader regulations and requirements, and must be prepared to handle new components such as the "track and trace" system, testing requirements, and the collaboration between departments that is required for a successful new regulatory program.

19. Concerns expressed during two rounds of public input at Regional Planning Advisory Committee (RPAC) meetings about commercial cannabis activity include disruption of the sense of place, impacts to quality of life, lack of enforcement, aesthetic and visual impacts, use of pesticides and fertilizers harmful to the environment, personal safety and crime potential, odor nuisance, potential impact to families and children, water usage and discharge, energy usage, waste material, and that cannabis activities continue to be federally illegal. Public input indicated a preference to allow cultivation for personal use under state standards without any additional local regulations.

20. A specific concern emphasized by public input and public health officials is the particular vulnerability of children to the effects of cannabis use, and that the presence of cannabis plants or products may be an attractive nuisance for children. The potential impacts to children should be evaluated and managed within the complete context of substances of concern, such as alcohol and other controlled substances.

21. Opportunities expressed during two rounds of public input at Regional Planning Advisory Committee meetings about cannabis activity include potential new economic opportunities for businesses, new jobs, new revenue for the County, and potential land value increases.

22. Cannabis licensing generally falls into six broad categories, including cultivation, manufacturing, distribution, testing, dispensary, nursery and microbusinesses. A variety of Land Use Designations are necessary to accommodate all these licenses and provide for the full economic supply chain for the cannabis industry. In addition, each of these activity types requires the consideration of issues unique to the cannabis industry type. Such considerations may include odor nuisance, security and protecting against the potential for the criminal element, specific regulation and inspection of agricultural operations, access by and attractiveness for minors, track and trace requirements, and testing and labeling requirements.

23. An integrated and complete regulatory package for oversight of commercial cannabis activities includes consideration of federal laws, state regulations, other local agencies and jurisdictions, and other County departments. The coordination and collaboration required for consistency throughout all levels requires a dedicated effort and active partnerships.

AGRICULTURE, GRAZING, AND TIMBER: ISSUES, OPPORTUNITIES & CONSTRAINTS

6. Cannabis is a new commodity that could provide significant economic opportunities for the agricultural industry, if carefully implemented within the constraints of state regulations and existing general plan policies, and with the recognition of inconsistencies between state and federal law. Also see Countywide Issues, Opportunities and Constraints in the Land Use Element.

7. Between the Cole Memo, State regulations, and community concerns, cannabis cultivation raises issues such as odor control, pesticide and fertilizer use, security and protecting against the potential for the criminal element, and track and trace compliance, among other issues, that require the industry be regulated differently than any other agricultural crop.

8. Cannabis oversight should be closely coordinated with the Inyo-Mono Agricultural Commissioner's office, which has significant responsibility under the state's regulatory framework for cannabis cultivation and for agricultural operations in general.

*Note: Text in *italics* denotes existing and currently adopted General Plan language, which is provided for context and clarity. "Redline" text indicates General Plan language edits since the Commission's last meeting and review.

LAND USE ELEMENT: Countywide Policies

Goal 1 (Existing). Maintain and enhance the environmental and economic integrity of Mono County while providing for land use needs of residents and visitors.

Objective 1.G (Existing). *Protect open space and agricultural lands from conversion to and encroachment of developed community uses.*

Policy 1.G.1 (Existing). *Protect lands currently in agricultural production.*

Action 1.G.1.a. *Designate large parcels in agricultural use as "Agriculture,"* and streamline re-designations for agricultural purposes by processing the use permit (when applicable) concurrently with the land use designation change.

Objective 1.L. Provide for commercial cannabis activities in Mono County in a way that protects public health, safety and welfare while also taking advantage of new business and economic development activities.

Policy 1.L.1. Provide for commercial cannabis activities in Land Use Designations where the activity is "similar and not more obnoxious or detrimental to the public health, safety and welfare" than the uses listed for the same designation (consistent with Chapter 4 definitions, Uses not listed as permitted).

Action 1.L.1.a. Where deemed necessary, provide specific adjustments via area plans, when consistent with this general plan, in order to provide for a balanced and functional mix of land uses (see LUE Objective 1.C. and Antelope Valley Action 4.A.2.d.).

Action 1.L.1.b. Provide consideration for manufacturing uses, such as edibles and packaging/labeling, that are more similar in use to food-service establishments or retail/service trades, despite falling under a single state license type that includes more traditional manufacturing uses, such as extraction.

Action 1.L.1.c. Given the uncertainties inherent to a new regulatory program and its application to a recently legalized industry, retain flexibility to address site-specific issues, unique needs, and public noticing and input by requiring all cannabis activities be subject to a Use Permit, or similar discretionary permit, and the California Environmental Quality Act (CEQA), and allow the County to continue developing a regulatory scheme based on new law for future Board adoption and implementation.

Action 1.L.1.d. To ensure regulatory compliance and assure responsible operations, permits and approval conditions may contain requirements for annual renewals and inspections, or other requirements, and associated fees.

Policy 1.L.2. Personal cannabis cultivation, as legalized and regulated by State law, should be conducted in a manner that respects neighbors and community character, and protects against potentially detrimental issues such as the criminal element, access by minors, and general nuisance issues.

Action 1.L.2.a. Personal cannabis cultivation is required to comply with all state regulations, including the California Building Code for any new construction or alterations/modifications to existing structures.

Action 1.L.2.b. Personal cannabis cultivation is subject to the Nuisances and Hazards provisions in Chapter 4 of this General Plan, and any other applicable General Plan policies and County codes.

Action 1.L.2.c. Placeholder: If desired, regulations regarding personal outdoor cultivation.

Policy 1.L.3. Avoid, reduce, and prevent potential issues specific to commercial cannabis activities that may adversely affect communities.

Action 1.L.3.a. Cannabis businesses shall not locate within 1,000’ of any of the following facilities that exist at the time the application is accepted: schools providing instruction to kindergarten or any grades 1 through 12; day care center or youth center; parks; ballfields; playgrounds; libraries; community centers; and licensed child care facilities. An additional corridor of exclusion applies in Crowley Lake on Crowley Lake Drive between the library/park (3627 Crowley Lake Drive) and the ballfield (526 Pearson Road) to protect minors who may be traveling between these attractions.

Action 1.L.3.b. Apply increased setbacks to commercial cannabis cultivation activities to prevent odor nuisance and visual/aesthetic issues, and enhance security.

Action 1.L.3.c. Apply visual screening and other treatments to prevent attractive nuisance issues related to aesthetics and security, such as theft, exposure of minors, and attraction of the criminal element.

Action 1.L.3.d. Outdoor lighting shall meet Chapter 23 – Dark Sky Regulations (including in Antelope Valley), and requirements for indoor lighting shall similarly prevent nuisances caused by unnecessary light intensity, direct glare, and light trespass, and protect the ability to view the night sky by restricting unnecessary upward projection of light, and prevent impacts to wildlife species attracted to light sources.

Action 1.L.3.e. Regulations shall provide for the limitation of odor nuisances for adjacent uses, which may include, but are not limited to, increased setbacks, minimum distances from existing structures under separate ownership, odor control filtration devices, and ventilation requirements.

Action 1.L.3.f. To ensure security, safety, and prevent access by minors and the criminal element, a Security Plan shall be required and subject to approval by appropriate law enforcement and code enforcement entities.

Action 1.L.3.g. To ensure commercial cannabis activities are compatible with the scenic and natural landscape of Mono County, implement applicable requirements related to the California Environmental Quality Act (CEQA), and policies in the Conservation/Open Space Element, including sage-grouse mitigation measures (see C-OS, Action 2.A.3.e.).

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

Action 1.L.4.a. Provide a balanced and functional mix of land uses where commercial activities are permitted such that there is opportunity for the private sector to establish the complete economic business supply chain; e.g., from nursery and cultivation to final point of sale.

Action 1.L.4.b. Economic benefits to the County include cost recovery from permit fees and increased revenue from taxes; therefore, the County should seek full cost recovery for services rendered and place a tax measure on the next available ballot.

Policy 1.L.5. Work toward consistent and compatible regulations and efficient oversight of cannabis activities with other responsible entities, from the state level, to local level, to other Mono County departments.

Action 1.L.5.a. Stay informed of State activities and requirements related to commercial cannabis, including not only the licensing authorities of the Bureau of Medical Cannabis Regulation, CalCannabis Cultivation Licensing, and Office of Manufactured Cannabis Safety, but also associated agencies such as the Lahontan Regional Water Quality Control Board, California Department of Fish and Wildlife, California Building Standards Commission, and others.

Action 1.L.5.b. Coordinate with local agencies and districts, such as fire districts, water providers, and other service providers, and other local jurisdictions, such as Inyo County and the Town of Mammoth Lakes, as needed.

Action 1.L.5.c. Coordinate oversight activities with other applicable County departments, such as the Inyo-Mono Agricultural Commissioner's office, Environmental Health, Mono County Sheriff, and others as needed.

Action 1.L.5.d. Ensure consistency with local area plans, and adjust area plans where appropriate to reflect community circumstances, preferences and priorities.

LAND USE ELEMENT: Antelope Valley Policies

GOAL 4 (Existing). Provide for orderly growth in the Antelope Valley in a manner that retains the rural environment, and protects the area's scenic, recreational, agricultural, and natural resources.

Objective 4.A (Existing). *Guide future development to occur within the US 395 corridor and existing communities.*

> ***Policy 4.A.2 (Existing).*** *Provide for a mix of residential, commercial, recreational, institutional, and industrial park land uses in a manner consistent with the overall goal for the Antelope Valley.*
>
> > **Action 4.A.2.d.** To promote main street and economic development as provided by other policies (Objectives 4.D. and 4.E.), emphasize commercial character and uses on US 395/main street frontages in the Mixed Use (MU) designation, and residential uses along residential street frontages.

CONSERVATION/OPEN SPACE ELEMENT: Biological Resources

> **Add to the bulleted list under Action 2.A.3.e.:** To protect nesting and brood-rearing habitat, agricultural cultivation shall not disturb or remove sagebrush habitat within three miles of an active lek, or as determined through an informal consultation process with applicable Bi-State Conservation partners.

September 30, 2017

Mono County Board of Supervisors
P.O. Box 715
Bridgeport, CA 93517

Re: Cannabis Regulations

Honorable Supervisors:

My main concern regarding cannabis is related commercial cultivation. I would prefer to see a ban on commercial cannabis cultivation in the Mono Basin. However, if you decide to allow cannabis cultivation in areas zoned for agriculture and industry, which we have in the Mono Basin, then it is important to establish strong ordinances that protect the environment. The documents included in the packet for today's agenda cover many considerations, but I would like to see stronger environmental protections and the regulation of GHG emissions. The County might consider adapting the 7/7/17 draft of the Cannabis Cultivation Policy of the State Water Resources Board until it becomes state policy. Its stated goal is that any diversion of water or discharge of waste related to cultivation shall not have a negative impact on water quality, wetlands, springs, lakes, or riparian habitat. Please also consider the following possible regulations.

Social Justice Issue:
Cultivation may require seasonal employees. The County should ensure that there would be affordable employee housing available so employees don't camp in the cultivation vicinity on public lands.

Indoor Commercial Cultivation in Mono County:
Indoor cultivation requires extensive high intensity lighting, ventilation, and temperature control systems, which use a tremendous amount of electricity. Indoor grow operations use about 8 times more energy per square foot than a regular commercial building. In the fight to slow Global Warming, solar panels should be required to offset the carbon footprint or evidence that the electricity supply comes from renewable sources. The operation should be carbon neutral. No noisy, diesel generators, please.

Any security lighting on the outside of the buildings should not be visible from any highway. All lighting should be directed downward and very muted. Most of the county has a night sky policy that should be enforced.

Another concern with indoor cultivation is the proliferation of enormous warehouses, which I hope are restricted to areas that already have a high human footprint. Huge warehouses do not belong in the Mono Basin or in our spectacular view-sheds i.e. along the 395 corridor (a scenic by-way), regardless of its zoning.

The north side of Mono Lake along Cottonwood Canyon Rd. is designated agricultural and the pumice plant on the edge of Lee Vining is zoned industrial. Both locations could become large-scale commercial grow sites. These properties owners could sell to big businesses that may put up huge grow sheds. Because much of the Mono Basin is a National Forest Scenic Area and because the open terrain provides a viewshed for miles, all agricultural and industrial areas in the Mono Basin should be re-zoned or restricted to prevent large-scale business operations.

Outdoor Commercial Cultivation:
Growing cannabis outdoors in Mono Co. is probably not practical in most areas in the county due to our cold winters. However, if it occurs, it should only be a daytime operation; no night lights. Our night skies are an asset to the county and make it special here.

Fencing around outdoor grows within the Mono Basin should protect wildlife from eating the product or from exposure to harmful chemicals. It should fit in with the environment. Walling it in to keep it out of sight from children is not appropriate there.

Indoor or Outdoor Commercial Cultivation:

- Pesticides, herbicides and rodenticides should not be allowed. The impacts to the consumers, wildlife and native plants are too great. Rodenticides might be placed outside the sheds even for indoor grows.

- Groundwater pumping will increase with cannabis cultivation. It is estimated that each plant uses 6 gallons of water/day during the summer. All wells used for commercial cultivation should be metered, even existing wells; not just new wells. Excessive groundwater pumping could have negative impacts on neighboring wells, nearby springs, trees, and wildlife. To prevent harm to the surrounding environment, a minimum water table depth should be established, below which, impacts are projected to be visible. The Tri-Valley/Chalfant groundwater usage will be managed through a GSA, however, areas that are not managed by a GSA e.g. north side of Mono Lake (Cottonwood Canyon Rd.) will need to be monitored by the County. Baseline and annual (semi-annual?) water tables should be reported to the county and public agencies. An alternative may be to require new water demand be offset at a 2:1 ratio.

- Water should not be taken out of streams or rivers on public lands. In some locations in Humboldt County, people fill up 40-gallon tanks at the local streams to water their crops. This activity would have a significant impact on streams in Mono County, especially in drought years.

- There should be an ordinance about growing on slopes with restrictions on steeper gradients in a grow site that could cause erosion and runoff problems.

- The County should require a bond to be used to insure a cleanup of all hazardous materials and waste products, and that facilities are reclaimed to original conditions when cultivation ceases. The amount of the bond should be dependent on the size of the land/facility.

- The County should put a cap on the number of cultivation and manufacturing sites i.e. one license for every x number of people or per x acres.

Thank you for the opportunity to share my thoughts. I wasn't aware this meeting was coming up at this time, so these are my thoughts off the top of my head. Unfortunately, I'm out of town this week, so I can't attend the meeting.

Regards,
Lynn Boulton
Lee Vining

State Water Resources Control Board

DRAFT

Cannabis Cultivation Policy

Principles and Guidelines for Cannabis Cultivation

July 7, 2017

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Attachments

Attachment A: Requirements for Cannabis Cultivation
Attachment B: Glossary of Terms

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Acronyms and Abbreviations

ACL	Administrative Civil Liability
Antidegradation Policy	State Water Board Resolution 68-16, the Statement of Policy with Respect to Maintaining High Quality of Waters in California
Army Corps	United States Army Corps of Engineers
AUMA	Adult Use of Marijuana Act of 2016
Basin Plan	Water Quality Control Plan
BOF	Board of Forestry
BPTC	Best Practicable Treatment or Control
BPC	California Business and Professions Code
CAL FIRE	California Department of Forestry and Fire Protection
CAO	Cleanup and Abatement Orders
CDFA	California Department of Food and Agriculture
Cannabis Policy	Cannabis Cultivation Policy, Principles and Guidelines for Cannabis Cultivation
CIWQS	California Integrated Water Quality System
CUA	Compassionate Use Act of 1996
CEQA	California Environmental Quality Act
CDEC	California Data Exchange Center
CDFA	California Department of Food and Agriculture
CDFW	California Department of Fish and Wildlife
CDO	Cease and Desist Order
CHRIS	California Historical Resources Information System
CWA	Clean Water Act
Deputy Director	Deputy Director for the Division of Water Rights
DPR	Department of Pesticides Regulation
DPS	Distinct Population Segments
DTE	Distinct Taxonomic Entities
DWR	California Department of Water Resources
e.g.	Latin exempli gratia (for example)
ESA	Federal Endangered Species Act
ESU	Evolutionary Significant Unit
Executive Officer	Executive Officer of the Regional Water Quality Control Board
FER	Flashy, Ephemeral Rain hydrologic regime
FPR	Forest Practice Rules
General Order	General Waste Discharge Requirements for Discharges of Waste associated with Cannabis Cultivation Activity
GW	Groundwater hydrologic regime
HELP	High Elevation and Low Precipitation hydrologic regime
HSR	High-Volume Snowmelt and Rain hydrologic regime
HUC	Hydrologic Unit Code
HSC	Health and Safety Code
ILRP	Irrigated Lands Regulatory Program
LSA Agreement	Lake and Streambed Alteration Agreement
LSR	Low-Volume Snowmelt and Rain hydrologic regime
LTO	Licensed Timber Operator

MCRSA	Medical Cannabis Regulation and Safety Act
MMRSA	Medical Marijuana Regulation and Safety Act
NCRO	Department of Water Resources, North Central Region Office
NHD	National Hydrography Database
NHDPlusV2	National Hydrography Database Plus Version 2
NMP	Nitrogen Management Plan
NOA	Notice of Applicability
NONA	Notice of Non-Applicability
NOT	Notice of Termination
NOV	Notice of Violation
NPDES	National Pollutant Discharge Elimination System
NPS	Nonpoint Source Pollution Control Program
NRO	Department of Water Resources, North Region Office
NTU	Nephelometric Turbidity Units
OWTS	Onsite Wastewater Treatment System
PGR	Perennial Groundwater and Rain hydrologic regime
RSG	Rain and Seasonal Groundwater hydrologic regime
Regional Water Board	Regional Water Quality Control Board
Road Handbook	Handbook for Forest, Ranch, and Rural Roads
RPF	California Registered Professional Forester
RWD	Report of Waste Discharge
State Water Board	State Water Resources Control Board
SB	Senate Bill
SCCWRP	Southern California Coastal Water Research Project
SCR	Site Closure Report
SIC	Standard Industrial Code
SDR	Small Domestic Registrations
SEPs	Supplemental Environmental Projects
SIUR	Small Irrigation Use Registrations
SM	Snowmelt hydrologic regime
SW-CGP	Storm Water Construction General Permit
SW-IGP	Storm Water Industrial General Permit
SWPPP	Storm Water Pollution Prevention Plan
THP	Timber Harvest Plan
TMDL	Total Maximum Daily Load
UC Davis	University of California, Davis
US	United States
USBR	United States Bureau of Reclamation
USEPA	United States Environmental Protection Agency
USGS	United States Geological Survey
Water Boards	State Water Board and Regional Water Boards

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POLICY OVERVIEW

The purpose of this Cannabis Cultivation Policy (Policy) is to ensure that the diversion of water and discharge of waste associated with cannabis cultivation does not have a negative impact on water quality, aquatic habitat, riparian habitat, wetlands, and springs. This Policy applies to the following cannabis cultivation activities throughout California:

- Commercial Recreational
- Commercial Medical
- Personal Use Medical

This Policy does not apply to recreational cannabis cultivation for personal use, which is limited to six plants under the Adult Use of Marijuana Act (Proposition 64, approved by voters in November 2016)[1].

Cannabis cultivation legislation enacted Business and Professions Code section 26060.1(b)(1), which requires the State Water Resources Control Board (State Water Board), in consultation with the California Department of Fish and Wildlife (CDFW) and the California Department of Food and Agriculture (CDFA), to ensure that the individual and cumulative effects of water diversions and discharges associated with cannabis cultivation do not affect instream flows needed for fish spawning, migration, and rearing, and the flows needed to maintain natural flow variability. In addition, cannabis-related legislation resulted in California Water Code (Water Code) section 13149, which directs the State Water Board, in consultation with CDFW, to adopt interim and long-term principles and guidelines for the diversion and use of water for cannabis cultivation in areas where cannabis cultivation may have the potential to substantially affect instream flows. The legislation requires the State Water Board to establish these principles and guidelines as part of a state policy for water quality control[2]. Per Water Code section 13149, the principles and guidelines:

- shall include measures to protect springs, wetlands, and aquatic habitats from negative impacts of cannabis cultivation; and
- may include requirements that apply to groundwater diversions where the State Water Board determines those requirements are reasonably necessary.

Additionally, the State Water Board has primary enforcement responsibility for the principles and guidelines and shall notify CDFA of any enforcement action taken[3].

This Policy establishes principles and guidelines (herein "Requirements") for cannabis cultivation activities to protect water quality and instream flows. The Requirements established by this Policy will be incorporated into and implemented through five regulatory programs:

- CDFA's CalCannabis Cultivation Licensing Program[4];

[1] Recreational cannabis cultivation for personal use as defined in Health and Safety Code section 11362.1(a)(3) and section 11362.2.

[2] Water Code section 13149(b)(2). *The board shall adopt principles and guidelines under this section as part of state policy for water quality control adopted pursuant to Article 3 (commencing with Section 13140) of Chapter 3 of Division 7.* Water Code section 13142 outlines specific requirements for a state policy for water quality control, which this Policy implements.

[3] Water Code section 13149(b)(5).

[4] Business and Professions Code section 26060(b)(1). The CalCannabis Cultivation Licensing Program is anticipated to begin accepting applications for cannabis cultivation licenses by January 1, 2018.

- State Water Board's Cannabis General Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities (Cannabis General Order) or any Waste Discharge Requirements addressing cannabis cultivation activities adopted by a Regional Water Quality Control Board (Regional Water Board);
- State Water Board's General Water Quality Certification for Cannabis Cultivation Activities (Cannabis General Water Quality Certification);
- State Water Board's Cannabis Small Irrigation Use Registration (Cannabis SIUR); and
- State Water Board's Water Rights Permitting and Licensing Program.

The Requirements for cannabis cultivation are located in Attachment A. Policy background information and justifications for the Requirements are located in the Cannabis Cultivation Policy Staff Report.

Water Code section 13149 authorizes the State Water Board to develop both interim and long-term requirements and update them as necessary. It is anticipated that the State Water Board will update this Policy over time to modify or add requirements to address cannabis cultivation impacts, as needed.

The State Water Board holds the dual mandates of allocating surface water rights and protecting water quality. The State Water Board is the state agency with primary authority over water quality under California's Porter-Cologne Water Quality Control Act and the federal Clean Water Act. Under these authorities, the State Water Board may adopt water quality objectives, including flow objectives, and programs of implementation to achieve these objectives. California law directs the State Water Board and Regional Water Boards (collectively Water Boards) to adopt water quality control plans and policies that identify existing and potential beneficial uses of waters of the state and establish water quality objectives to protect these uses.

This Policy meets the requirements of Water Code section 13149(b)(1) and is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to California Code of Regulations, title 14, section 15308[5].

The State Water Board allocates water through an administrative system that is intended to maximize the beneficial uses of water while protecting the public trust, serving the public interest, and preventing the waste and unreasonable use or method of diversion of water. The Water Boards implement water quality control plans through both water rights- and water quality-related programs. For example, Water Code section 1258 requires the State Water Board to consider water quality control plans when acting upon applications to appropriate water and the State Water Board may impose such conditions as it deems necessary to implement such plans. Water Code section 13263(a) requires waste discharge requirements to implement applicable water quality control plans, including terms to ensure that water quality objectives will be met. In issuing water quality certifications and waste discharge requirements, the Water Boards include conditions necessary to ensure the activities will comply with applicable water

[5] California Code of Regulation section 15308. Actions by Regulatory Agencies for Protection of the Environment. *Class 8 consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. Construction activities and relaxation of standards allowing environmental degradation are not included in this exemption.*

quality objectives, including flow objectives [6]. The State Water Board also may implement flow objectives by specifying minimum bypass flows as a condition of a water right.

GEOGRAPHIC AREA COVERED BY POLICY

California is a large and geographically diverse state, covering 163,696 square miles, and spanning over 800 miles of coastline. California's multiple mountain ranges and valleys result in highly variable climate, precipitation and drainage patterns. To account for the state's size and geographic diversity, this Policy designates 14 Cannabis Cultivation Policy regions: Klamath, Upper Sacramento, North Eastern Desert, North Coast, Middle Sacramento, Southern Sacramento, North Central Coast, Tahoe, South Central Coast, San Joaquin, Mono, Kern, South Coast, and South Eastern Desert (Figure 1). This Policy establishes water quality and instream flow Requirements statewide. These include instream flow requirements that must be met or exceeded at specific compliance flow gages when water is being diverted for cannabis cultivation. Compliance gage assignments have been developed for nine of the 14 regions as follows: Klamath, Upper Sacramento, North Coast, Middle Sacramento, Southern Sacramento, North Central Coast, South Central Coast, San Joaquin, and South Coast. It is anticipated that compliance gage assignments for the remaining five regions will be developed, as resources allow, and added to the final Policy prior to adoption by the State Water Board.

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[6] *See* Water Code §13377; Cal. Code of Regs., tit. 23, § 3859.

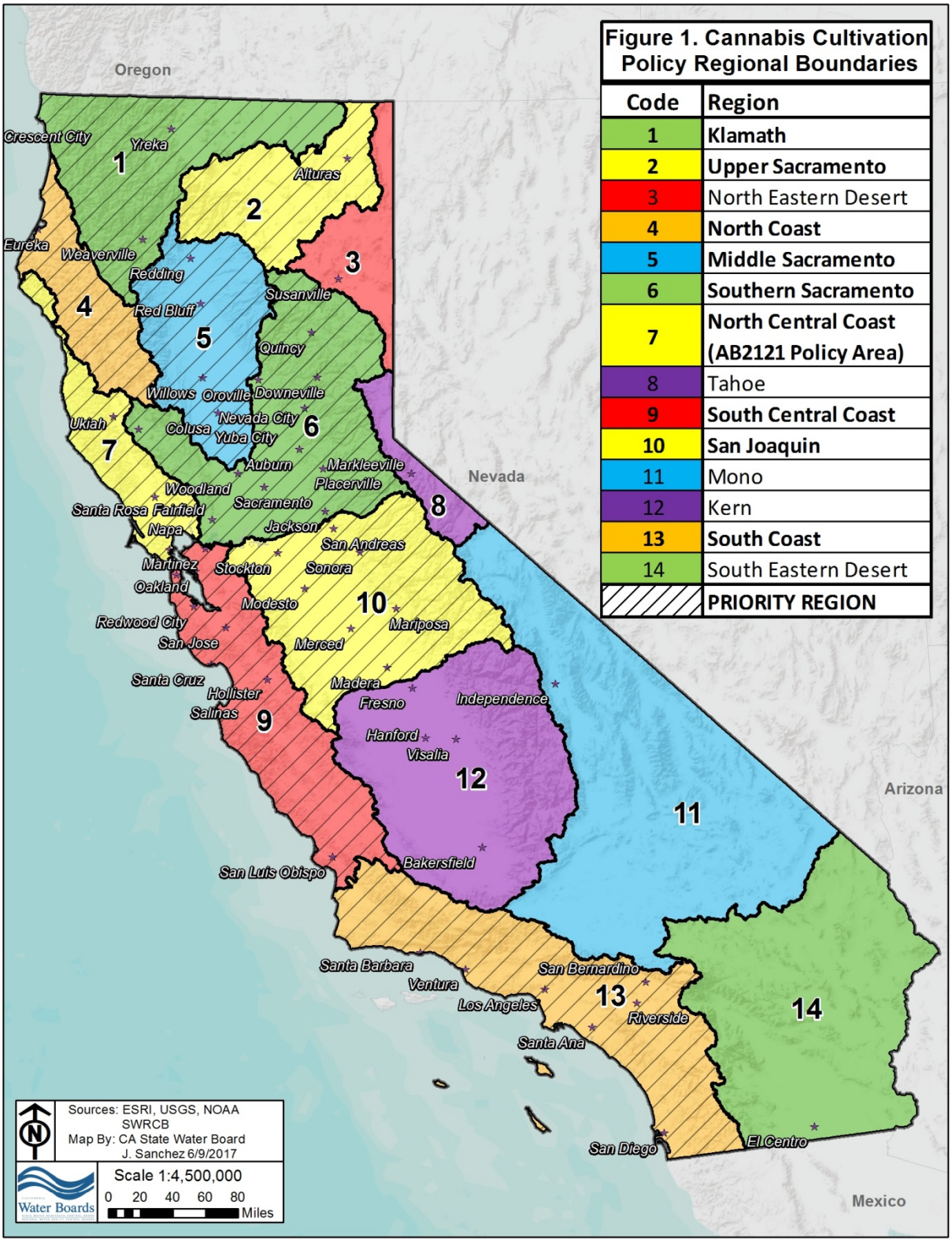
Figure 1. Cannabis Cultivation Policy Regional Boundaries
Code
Region
1 Klamath
2 Upper Sacramento
3 North Eastern Desert
4 North Coast
5 Middle Sacramento
6 Southern Sacramento
7 North Central Coast (AB2121 Policy Area)
8 Tahoe
9 South Central Coast
10 San Joaquin
11 Mono
12 Kern
13 South Coast
14 South Eastern Desert
PRIORITY REGION
Oregon
Nevada
Arizona
Mexico
Crescent City
Yreka
Alturas
Eureka
Weaverville
Redding
Susanville
Red Bluff
Quincy
Willows
Oroville
Downeville
Ukiah
Colusa
Nevada City
Yuba City
Auburn
Markleeville
Placerville
Woodland
Sacramento
Santa Rosa
Fairfield
Napa
Jackson
San Andreas
Martinez
Stockton
Sonora
Oakland
Modesto
Mariposa
Redwood City
San Jose
Merced
Santa Cruz
Hollister
Salinas
Madera
Fresno
Independence
Hanford
Visalia
Bakersfield
San Luis Obispo
Santa Barbara
Ventura
San Bernardino
Los Angeles
Riverside
Santa Ana
San Diego
El Centro
Sources: ESRI, USGS, NOAA
SWRCB
Map By: CA State Water Board
J. Sanchez 6/9/2017
Scale 1:4,500,000
0 20 40 60 80
Miles
Water Boards

REQUIREMENTS FOR CANNABIS CULTIVATION

The State Water Board developed these Requirements in consultation with CDFW and CDFA. The Requirements are divided into five main categories, which are located in the following sections of Attachment A:

- Section 1. General Requirements and Prohibitions, and Cannabis General Water Quality Certification
- Section 2. Requirements Related to of Water Diversions and Waste Discharge for Cannabis Cultivation
- Section 3. Numeric and Narrative Instream Flow Requirements (including Gaging)
- Section 4. Watershed Compliance Gage Assignments
- Section 5. Planning and Reporting

General Requirements and Prohibitions implement existing State Water Board authorities and address issues such as compliance with state and local permits, discharge prohibitions, riparian setbacks, protection of tribal cultural resources, and the Water Boards' right to access properties for inspections.

The Requirements related to water diversion and waste discharge of for cannabis cultivation cover the following 12 best practicable treatment or control categories:

- riparian and wetland protection and management;
- water diversion, storage, and use;
- irrigation runoff;
- land development and maintenance, erosion control, and drainage features;
- soil disposal;
- stream crossing installation and maintenance;
- fertilizer and soil use and storage;
- pesticide and herbicide application and storage;
- petroleum products and other chemical use and storage;
- cultivation-related waste disposal;
- refuse and human waste disposal; and
- winterization.

The numeric and narrative instream flow Requirements address water quality and quantity through the establishment of flow Requirements that include three elements: (a) dry season forbearance period, (b) numeric flow Requirements (bypass) during the wet season (diversion period), and (c) narrative flow Requirements. Instream flow Requirements also include dry season flow Requirements and provisions for the imposition of a forbearance period for cannabis groundwater diversions in areas where such restrictions are necessary. Section 3 includes Requirements for gage installation in areas where the density of cannabis cultivation and limited water availability may have a localized negative impact on instream flows in areas with high resource value.

The Watershed compliance gage assignments section includes the compliance gage instream flow Requirements for all the regions and the compliance gage watershed assignments for the nine priority regions. The following discussion provides an overview of the development of instream flow Requirements and compliance gage assignments for the numeric flow Requirements.

Flow and Gaging Requirements

The narrative instream flow Requirements in Section 3 of Attachment A apply to cannabis cultivators throughout the State. The numeric instream flow Requirements are developed at compliance gages statewide.

Surface Water Diversion Forbearance Period

Absent restrictions on water diversion, the individual and cumulative effects of water diversions for cannabis cultivation during the dry season are likely to significantly decrease instream flow and, in some instances, reduce hydrologic connectivity or completely dewater the stream. Minimum flows that provide habitat connectivity are needed to maintain juvenile salmonid passage conditions in late spring and early summer. Instream flows are also needed to maintain habitat conditions necessary for juvenile salmonid viability throughout the dry season, including adequate dissolved oxygen concentrations, low stream temperatures, and high rates of invertebrate drift from riffles to pools. Further, many species depend on spring recession flows as migratory or breeding ques. The State Water Board is requiring a surface water diversion forbearance period to ensure adequate flows are maintained throughout the dry season and protect aquatic species, aquatic habitat, and water quality.

Wet Season Surface Water Instream Flow Requirements

Minimum instream flow requirements during the wet season are needed for the protection of aquatic species life history needs. For threatened and endangered anadromous salmonids, minimum flows are needed to address life history needs, such as:

1. maintaining natural abundance and availability of spawning habitat;
2. minimizing unnatural adult exposure, stress, predation, and delay during adult spawning migration; and
3. sustaining high quality and abundant juvenile salmonid winter rearing habitat.

To meet the timeline, scale, and purpose of this Policy, the State Water Board, in consultation with CDFW, has determined that the Tessmann Method is the best methodology to develop interim instream flow requirements. The Tessmann Method develops instream flow requirements by using percentages of historical mean annual and mean monthly natural streamflow[7]. . For the development of long-term instream flow requirements, the State Water Board, in consultation with CDFW, will evaluate other scientifically robust methods that are more reflective of regional variability and the needs of target species. The State Water Board applied the Tessmann Method to a predicted historical flow data set sourced from a flow modeling effort conducted by the United States Geological Survey (USGS) in cooperation with The Nature Conservancy and Trout Unlimited[8] (USGS flow modeling data). The interim instream flow Requirements were calculated for compliance gages throughout the State. The Tessmann Method and the USGS flow modeling data allow for instream flow requirements to be calculated at additional compliance points throughout the State. This Policy allows the State Water Board to use the Tessmann Method and the USGS flow modeling data to calculate or adjust a flow requirement, as needed, throughout the state.

[7] In general, during the wet season the Tessmann Method compares 40 percent of the mean monthly flow to 40 percent of the mean annual flow and whichever is greater is the flow requirement for that given month (Tessmann 1979).

[8] The USGS flow modeling effort developed empirical flow models that predict the natural (unaffected by land use or water management) monthly stream flows from 1950 to 2012 for the majority of the USGS National Hydrologic Database stream reaches in California (Carlisle, et. al. 2016).

Maintain High Flow Events

To preserve the annual first flush flow event, the surface water diversion period for cannabis cultivation will not occur until the real-time daily average flow is greater than the minimum monthly instream flow Requirement at a compliance gage for seven consecutive days or after December 15 when flows are greater than the numeric flow Requirement, whichever occurs first. The State Water Board will monitor other high flow events that occur throughout the wet season to evaluate whether additional requirements are needed to maintain high flow variability during other periods of the wet season.

Groundwater Requirements

To address potential impacts of groundwater diversions on surface flow, the State Water Board's Deputy Director for Water Rights (Deputy Director) may require a forbearance period for cannabis groundwater diversions in areas where such restrictions are necessary to protect instream flows. Such areas may include watersheds with: high surface water-groundwater connectivity; large numbers of cannabis groundwater diversions; and/or groundwater diversions in close proximity to streams. A low flow threshold was developed at each compliance gage[9] during the surface water forbearance period (dry season) to inform the need for additional actions to address impacts associated with cannabis groundwater diversions. The low flow threshold was established in consultation with CDFW. The low flow threshold is established using the USGS flow modeling data to calculate mean monthly flows and applying the New England Aquatic Base Flow Standard (ABF Standard) methodology at the compliance gages in the nine priority regions. The low flow threshold represents the minimum flow that should be in streams during all water type years to support aquatic ecosystems, including juvenile salmonid migration and rearing and water quality. This Policy allows the State Water Board to apply the ABF Standard to the USGS flow modeling data to calculate a low flow threshold Requirement at additional compliance points, as needed, throughout the State. The State Water Board will monitor instream flows during the dry season and evaluate the number and location of cannabis groundwater diversions to determine whether imposition of a groundwater forbearance period is necessary. To address potential localized effects of groundwater diversions on surface water flow, the State Water Board will also monitor where significant numbers of surface water diverters are switching to groundwater diversions to evaluate whether imposition of a groundwater forbearance period is necessary. The State Water Board will notify cannabis cultivators of the possibility that a groundwater forbearance period may be imposed so that the cultivators can install storage, coordinate diversions, take measures to secure alternate water supplies, or identify other measures to address the low flow condition.

Compliance Gages and Requirements

Compliance gage assignments have been developed for watershed areas within nine priority regions (see Figure 1, Cannabis Cultivation Policy Regional Boundaries). Numeric instream flow Requirements are applied at a subset of existing gages reported on two websites: (1) the USGS – National Water Information System (NWIS)[10]; or (2) California Department of Water Resources (DWR) – California Data Exchange Center (CDEC)[11]. Watershed areas that do not have existing gages are assigned a compliance gage for a different location in the same watershed or for a nearby watershed with similar flow characteristics. Cannabis cultivators in ungaged watersheds may be required to install a gage if information indicates that use of the assigned gage does not adequately protect instream flows. Cannabis cultivators in watersheds

[9] The low flow threshold was developed using the USGS flow modeling data.
[10] https://waterdata.usgs.gov/ca/nwis/rt, viewed May 19, 2017.
[11] https://cdec.water.ca.gov/, viewed May 19, 2017.

without an assigned gage may be required to install a gage if information indicates that a gage is necessary to adequately protect instream flows. The State Water Board will monitor where cannabis cultivation diversions are located to track areas where locally concentrated cannabis cultivation water diversions within a watershed may adversely affect instream flows.

Many dams in California have existing instream flow requirements through the Federal Energy Regulatory Commission licensing program or through Biological Opinions issued by the National Marine Fisheries Service or the United States Fish and Wildlife Service, or through water right decisions. Cannabis cultivators shall comply with either existing instream flow Requirements or the Tessmann instream flow Requirements, whichever is greater.

The instream flow Requirement compliance gages are located in areas that are generally representative of the water availability and total demand occurring upstream of the gaging location or in a similar watershed. However, impacts may still occur in areas where there is significant localized cannabis cultivation compared to water availability or where the compliance gage does not accurately reflect the demand in a paired watershed. To help ensure diversion of water for cannabis cultivation does not negatively impact the flows needed for fish spawning, migration, and rearing, or the flows needed to maintain natural flow variability, the cannabis cultivator shall maintain a minimum bypass of at least 50% of the streamflow past the cannabis cultivator's point of diversion, in addition to the applicable numeric instream flow Requirements.

POLICY IMPLEMENTATION AND COMPLIANCE

Overview

The Requirements established by this Policy will be incorporated and implemented through the statewide Cannabis General Order, any waste discharge requirements addressing cannabis cultivation activities adopted by a Regional Water Board, Cannabis SIUR, Water Rights Permitting and Licensing Program, and CDFA's CalCannabis Cultivation Licensing Program.

Cannabis Waste Discharge Requirements General Order (Cannabis General Order)

Water Code section 13260 requires that any person discharging waste or proposing to discharge waste that could affect the quality of the waters of the state must file a report of waste discharge to obtain coverage under waste discharge requirements (WDRs) or a waiver or WDRs. Water Code section 13263(a) requires that WDRs must implement applicable water quality control plans, taking into account the beneficial uses to be protected, applicable water quality objectives, and the need to prevent a condition of pollution or nuisance.

Water Code section 13263(i) authorizes the State Water Board to prescribe general WDRs for a category of discharges if the State Water Board determines that all of the following criteria apply to the discharges in that category: the discharges are produced by the same or similar operations; the discharges involve the same or similar type of waste; the discharges require the same or similar treatment standards; and the discharges are more appropriately regulated under general WDRs than individual WDRs. Water Code section 13146 requires that WDRs comply with state policy for water quality control. The Cannabis General Order will implement this Policy and the legal authorities described above.

Applicability, Tier Designation, and Threat to Water Quality

The Cannabis General Order will provide a statewide tiered approach for permitting discharges and threatened discharges of waste from cannabis cultivation and associated activities, establish a personal use exemption standard, and provide conditional exemption criteria for activities with a low threat to water quality. Tiers are defined by the amount of disturbed area. The disturbed area indicates the threat to water quality because level of threat is proportional to the area of disturbed soil, the amount of irrigation water used, the potential for storm water runoff, and the potential impacts to groundwater (e.g., the use of fertilizers or soil amendments, the possible number of employees on site, etc.).

The criteria for the tier structure consist of three exemptions and two tiers, as follows:

a. Personal use exempt cannabis cultivators are very small cultivators that are conditionally exempt from the Cannabis General Order. (See the Exemptions for Certain Cultivation Activities section.)

b. Certain indoor cultivation activities are conditionally exempt from the Cannabis General Order. (See the Exemptions for Certain Cultivation Activities section.)

c. Conditionally exempt cannabis cultivators that cultivate cannabis commercially and disturb less than 2,000 square feet. (See the Exemptions for Certain Cultivation Activities section.)

d. Tier 1 cannabis cultivators have a disturbed area greater than 2,000 square feet and less than 1 acre (43,560 square feet).

e. Tier 2 cannabis cultivators have a disturbed area equal to or greater than 1 acre.

Determination of Total Disturbed Area

To determine total disturbed area for the purpose of tier determination, cannabis cultivators shall consider the following:

a. Cannabis cultivators that cultivate in multiple areas within a parcel or contiguous parcels shall add all the disturbed areas to calculate the total disturbed area. For example, a cannabis cultivator that operates two cultivation areas that each disturb 1,100 square feet must report a disturbance of 2,200 square feet and is not exempt from permitting requirements. Cannabis cultivators that cultivate cannabis on non-contiguous parcels must obtain regulatory coverage for each parcel.

b. Existing access roads that were constructed prior to establishment of cultivation activities that were designed, constructed, and are maintained consistent with the guidance presented in the *Handbook for Forest, Ranch, and Rural Roads* (Road Handbook) are not considered a disturbed area for the purpose of tier determination under the Cannabis General Order. However, existing access roads are included as areas requiring Best Practicable Treatment or Control (BPTC) measure maintenance activities to prevent further impairment to water quality.

c. Areas where plant material has been removed for the purpose of wildfire suppression and where the plant material will recover with seasonal precipitation, are not considered disturbed.

Risk Determination

Cannabis cultivators that must register (conditionally exempt) or enroll (Tier 1 or Tier 2) under the Cannabis General Order shall characterize the risk designation based on the slope of disturbed areas and the proximity to a water body.

The Cannabis General Order provides criteria to evaluate the threat to water quality based on:

a. Slope of disturbed area: Increased slopes may be associated with decreased soil stability, especially when associated with vegetation removal. Storm water and excess irrigation water are more likely to runoff and discharge off-site from sloped surfaces.

b. Proximity to a surface water body: Riparian setbacks from surface water bodies generally reduce impacts to water quality. Disturbed areas within the riparian setbacks are more likely to discharge waste constituents to surface water, therefore, any sites that cannot meet the riparian setback Requirements are considered to be high risk sites. Refer to the Attachment A for riparian setback Requirements.

For each site, risk determination is done based on the characteristic that poses the greatest threat to water quality. For example, if a site has multiple cultivation areas and one of the cultivation areas is located on a slope greater than 30 percent and less than 50 percent, all the cultivation areas will be classified as moderate risk.)

A summary of risk designation is presented below:

Table 1. Summary of Risk Designation

Low Risk	Moderate Risk	High Risk
• No portion of the disturbed area is located on a slope greater than 30 percent, and • All of the disturbed area complies with the riparian setback Requirements.	• Any portion of the disturbed area is located on a slope greater than 30 percent and less than 50 percent, and • All of the disturbed area complies with the riparian setback Requirements.	• Any portion of the disturbed area is located within the riparian setback Requirements.

Exemptions for Certain Cultivation Activities

Certain cultivation activities are exempt from the requirement to register (conditionally exempt) or enroll (tiers) under the Cannabis General Order; however, the exemptions do not limit the Water Boards authority to inspect the site, evaluate the conditional exemption status, or evaluate other water quality or water right regulatory requirements. Some facilities that are exempt from the Cannabis General Order are subject to the Policy and other wastewater discharge permitting requirements (e.g., indoor cultivation activities that discharge to an onsite wastewater treatment system).

Personal Use Exemption

Cultivation operations that qualify for a personal use exemption from the Cannabis General Order are those that are consistent with Health and Safety Code sections 11362.77, (medical marijuana) or Health and Safety Code section 11362.2 (non-medical marijuana) and

subsequent revisions of the statutes, disturb an area (in aggregate) less than 1,000 square feet, and comply with the additional conditions below. These cultivation activities are exempt from requirements to obtain CDFA cannabis cultivation licenses because they are not a commercial activity, and also present a lower to water quality and thus are not required to submit any application information to enroll or register under the Cannabis General Order. The 1,000 square feet conditional exemption criteria provides sufficient area for outdoor cultivation of six mature plants for non-medical (recreational) use, or 500 square feet of cannabis plant canopy, as allowed, for medical cultivation purposes.

The exemptions apply per parcel or contiguous parcels; no coalitions, cooperatives, or other combination of cultivation activities can claim the personal use exemption for activities on the same parcel. The personal use exemption shall not apply if the cannabis cultivator fails to comply with all applicable conditions, including the non-commercial activity requirement. If the personal use exemption does not apply, the cannabis cultivator shall contact the Regional Water Board to determine if the activity is subject to the conditional exemption described below, or if the cannabis cultivator must register as a Tier 1 or Tier 2 cannabis cultivation site.

To qualify for the personal use exemption, a cannabis cultivator must comply with all of the following, if applicable:

a. The cultivation area shall be contiguous (all located in one area);

b. The cultivation area shall comply with the riparian setback Requirements in Attachment A of this Policy;

c. No part of the disturbed area shall be located on land with a slope greater than 20 percent; and

d. The cannabis cultivator shall comply with this Policy and implement all applicable Requirements listed in Attachment A of this Policy.

The personal use exemption in the Cannabis General Order does not eliminate other potential requirements such as the Requirement to obtain authorization for water diversion.

Conditional Exemption

Cannabis cultivation activities that disturb an area (in aggregate) less than 2,000 square feet on any one parcel or on contiguous parcels managed as a single operation and that comply with all of the additional cultivation area criteria listed below are conditionally exempt from enrolling under the Cannabis General Order. However, to obtain documentation of the conditionally exempt status (which is necessary to obtain a CDFA cultivation license), exempt cannabis cultivators must submit information to register under the Cannabis General Order. The 2,000 square feet conditional exemption criterion allows sufficient area for outdoor cultivation for small commercial activities. Facilities with larger disturbed areas are an inherently higher threat to water quality and are subject to additional regulatory oversight. The conditional exemption applies per parcel or contiguous parcels; no coalitions, cooperatives, or other combination of cannabis cultivation activities can claim the conditional exemption for activities on the same parcel. To be conditionally exempt, a cannabis cultivator must comply with all of the following:

a. The cultivation area shall be contiguous (all located in one area);

b. The cultivation area shall comply with the riparian setback Requirements in Attachment A of this Policy;

c. No part of the disturbed area shall be located on land with a slope greater than 20 percent; and

d. The cannabis cultivator shall comply with this Policy and implement all applicable Requirements listed in Attachment A of this Policy.

The conditional exemption shall not apply if the cannabis cultivator fails to comply with the applicable conditions (a-d above). Conditional exemption to enroll under the Cannabis General Order does not alter any other legal requirement (e.g., limitations on sales, distribution, or donations of cannabis). To obtain documentation of conditionally exempt status, such cannabis cultivators must submit information to register under the Cannabis General Order. Refer to the *Application Process and Fees* section of the Cannabis General Order for information on the Cannabis General Order's registration requirements.

Exemption for Indoor Cultivation Activities

Indoor cannabis cultivation may be performed using hydroponic growing systems, soil, or other growth media. To maintain suitable growing conditions, wastewater is discharged from hydroponic systems when the irrigation water contains excessive salinity or nutrients. Irrigation tail water is generated when excess water drains from the growth media. Irrigation tail water or hydroponic wastewater may contain nutrients (e.g., phosphate or nitrate), salinity constituents (e.g., sodium, chloride, potassium, calcium, sulfate, magnesium), and other constituents (e.g., iron, manganese, zinc, molybdenum, boron, and silver)[12]. Other sanitation based wastewaters may also be generated at indoor cannabis cultivation sites. These miscellaneous industrial wastewaters may contain biocides, bleach mixtures, or other chemical waste streams.

Cannabis cultivation activities that occur within a structure with a permanent roof, a permanent relatively impermeable floor (e.g., concrete or asphalt paved), and that discharge all industrial wastewaters generated to a community sewer system consistent with the sewer system requirements, are exempt from the Cannabis General Order and permitting requirements. (Water Code section 13260(a)(1).) However, to obtain documentation of this exempt status, (necessary to obtain a CDFA commercial cannabis cultivation license) such cannabis cultivators must submit information to register under the Cannabis General Order. Refer to the *Application Process and Fees* section of the Cannabis General Order for information on the Cannabis General Order's registration requirements.

Discharges of irrigation tail water, hydroponic wastewater, or other miscellaneous industrial wastewaters from indoor cannabis cultivation activities to an on-site wastewater treatment system (such as a septic tank and leach field), to land, or to surface water must obtain separate regulatory authorization (e.g., WDRs, conditional waiver of WDRs, or other permit mechanism) to discharge the wastewater. Refer to the *Application Process and Fees* section of the Cannabis General Order for information on the Cannabis General Order's registration requirements.

Application Process and Fees

Personal use exempt cannabis cultivators meeting the criteria described in the *Exemptions for Certain Cultivation Activities* section do not need to register with the State Water Board. Indoor cultivation sites and conditionally exempt sites are required to register with the State Water Board and pay an application fee.

[12]City of Littleton – City of Englewood Pretreatment Pipeline. Third Quarter 2011. "Medical Marijuana – an Exploding New Industry." Webpage: http://www.lewwtp.org/home/showdocument?id=5674. Accessed 17 January 2017.

New facilities that are classified as either Tier 1 or Tier 2 are required to enroll under the Cannabis General Order, apply on-line and pay an application fee, and an annual fee. Details regarding the on-line application process are described in the Cannabis General Order. The application fee serves as the first year's annual fee; cannabis cultivators will be billed on an annual basis.

Sites that pose a higher threat to water quality (e.g., disturb a larger area, located on a steeper slope, or located close to a surface water body) require a greater level of regulatory oversight, which translates to higher costs to achieve water quality protection. High risk sites (any portion of the disturbed area is located within the riparian setback Requirements), with the exception of activities authorized by CDFW with a Lake or Streambed Alteration Agreement or under a Clean Water Act section 401/section 404 permit (e.g. watercourse crossing, installation of diversion works), will be assessed the high-risk fee until the activities comply with the riparian setback Requirements. The Cannabis General Order includes a compliance schedule to achieve compliance with riparian setback Requirements. It is the cannabis cultivator's responsibility to notify the Regional Water Board of compliance with the riparian setback Requirements to reassess the annual fee. If the site is unable to meet the compliance schedule contained in the Cannabis General Order for complying with the riparian setback Requirements, the Regional Water Board may issue a site-specific enforcement order and compliance schedule.

Third Party Programs

Some Regional Water Boards may approve third party programs to assist cannabis cultivators with enrollment and compliance with the Cannabis General Order. Some cannabis cultivators may elect to designate a Regional Water Board approved third party to represent them in issues related to application and compliance with the Cannabis General Order. The cannabis cultivator, property owner, and third party shall all be identified in the Cannabis General Order application. This Policy requires the cannabis cultivator to immediately notify the appropriate Regional Water Board if the third party is changed or terminated.

Cannabis Small Irrigation Use Registration

Since January 1, 1989, the Water Rights Registration Program has been available for expedited acquisition of appropriative water rights for certain small projects. In accordance with the Water Code section 1228, water right registrations are available for small irrigation, small domestic, and livestock stockpond users. SIURs are applicable to irrigated crops for sale or trade, including commercial cannabis cultivation once general conditions are adopted. Small Domestic Registrations (SDR) may be used for small, incidental watering and personal gardens and are not subject to this Policy (SDRs may not be used for obtaining CDFA commercial cannabis cultivation licenses). Livestock stockpond registrations are not available for cannabis cultivation.

Although cultivators often have multiple options to establish a water right for their water supply, the State Water Board anticipates that many cultivators will choose the Cannabis SIUR because it is a faster and easier way to obtain a water right in comparison to the application process for a new appropriative water right, which can take many years. In accordance with this Policy, cultivators who rely on surface water to irrigate their cannabis operation are required to divert to storage during the wet season (portions of fall/winter/spring) and forebear from diverting during the dry season (summer/portions of fall). Because riparian water rights do not allow for water storage, riparian water right holders who intend to cultivate cannabis will also be required to obtain an appropriative (storage) water right (most likely through the Cannabis SIUR) in order to comply with the Policy. Cultivators should be aware that the Cannabis SIUR and other appropriative water rights may not be available in certain watersheds/streams, including

streams that are or may become designated as Fully Appropriated Streams or Wild and Scenic Rivers.

The Requirements established in this Policy serve as General Conditions for the Cannabis SIUR water right registrations for commercial cannabis cultivation statewide. Cultivators will submit their registration filing (application), have the ability to make payments, and receive a water right registration certificate through the State Water Board's online portal. Cultivators will be subject to all terms and conditions set forth in this Policy as well as any additional conditions assigned by CDFW.

CDFA's CalCannabis Cultivation Licensing Program

In accordance with California Business and Professions Code (BPC) sections 26012, 26013, and 26060, CDFA is establishing a commercial cannabis cultivation licensing program. BPC section 26051.5(b)(7) requires the CDFA to consult with the State Water Board on the source or sources of water the applicant will use for cultivation. BPC section 26060.1(b)(1) requires that CDFA include in any license, conditions as requested by the State Water Board, including but not limited to the principles, guidelines, and requirements established under Section 13149 of the Water Code.

Compliance with the Requirements of this Policy is a pre-requisite for obtaining a CDFA Cannabis Cultivators license. The law requires that cannabis cultivators provide evidence of compliance with the Water Boards Requirements (or certification by the appropriate Water Board stating a permit is not necessary) as part of their application for a CDFA cannabis cultivation license. The State Water Board has primary enforcement responsibility for the Requirements and shall notify CDFA of any enforcement action taken[13].

Continuing Authority to Amend Policy

Pursuant to Water Code Section 13149(a)(2), the State Water Board has continuing authority to amend this Policy as it deems reasonably necessary.

Instream Flow Dedications

Water Code section 1707 allows any person entitled to the use of water, whether based upon an appropriative, riparian, or other right, to petition the State Water Board for a change for purposes of preserving or enhancing wetlands habitat, fish and wildlife resources, or recreation in, or on, the water.

Local Cooperative Solutions

If CDFW enters into an agreement with one or more cannabis cultivators and determines that the agreement provides watershed-wide protection for the fishery that is comparable to or greater than the instream flow Requirements provided by this Policy, the cannabis cultivator or cultivators may request approval from the Deputy Director for to implement the agreement in place of the instream flow Requirements (numeric, narrative, and forbearance) in this Policy. The Deputy Director may approve the request subject to such conditions, including reporting requirements, that the Deputy Director deems necessary to prevent injury to other legal users of water or the environment.

Other local cooperative solutions may also be proposed to the Deputy Director as an alternative means of reducing water use to preserve the required instream flows. Requests

[13] Water Code section 13149(b)(5)

to implement local cooperative solutions may be submitted to the Deputy Director at any time. Local cooperative solutions may include proposals to coordinate diversions or share water. Cannabis cultivators may also submit a local cooperative solution to the Deputy Director that request to use or install, maintain, and operate a local gage and move the flow Requirement compliance point to that gage location. The Deputy Director may approve a request, or approve it subject to any conditions that the Deputy Director determines to be appropriate, if the Deputy Director determines:

(a) The continued diversion is reasonable;

(b) That other users of water will not be injured;

(c) That the relevant minimum instream flows identified in this Policy will be met; and

(d) Gages used as compliance points will be installed, maintained, and operated in accordance with the gage installation, maintenance, and operation Requirements in Section 3 of Attachment A of this Policy.

Diversions in violation of a local cooperative solution or agreement approved by the Deputy Director are subject to enforcement as a violation of this Policy. Notice of agreements, local cooperative solutions, and decisions under this section will be posted as soon as practicable on the State Water Board's cannabis webpage. The Deputy Director may issue a decision under this section prior to providing notice. Any interested person may file an objection to the proposed agreement, proposed local cooperative solution, or decision. The objection shall indicate the manner of service upon the certifier or petitioner. The State Water Board will consider any objection, and may hold a hearing thereon, after notice to all interested persons.

Tribal Authority Savings Clause

Nothing in this Policy shall be construed to amend or modify in any way the authority of California Native American tribes to regulate cannabis cultivation on Tribal lands recognized as "Indian country" within the meaning of title 18, United States Code, section 1151.

ENFORCEMENT

Compliance with this Policy is mandatory to ensure that the diversion of water and discharge of waste associated with cannabis cultivation does not have a negative impact on water quality, aquatic habitat, riparian habitat, wetlands, or springs. Timely and appropriate enforcement is critical to ensure that cannabis cultivators enroll under the regulatory framework and anticipate, identify, and correct any violations. Enforcement action may be taken against cultivators who continue to grow cannabis in violation of state law and against cultivators who enroll in regulatory programs but fail to fully comply with the Requirements. Appropriate penalties and other consequences for violations prevent cultivators that do not comply with the Requirements from obtaining an unfair competitive advantage and help ensure public confidence in the regulatory framework.

Continuing Authority to Amend Water Rights

The State Water Board has continuing authority to amend or modify water right permits and licenses pursuant to Water Code sections 100 and 275. If, after investigation, the State Water Board determines that a permitted diversion results in an adverse impact to public trust resources or results in a waste or unreasonable use or unreasonable method of use or method of diversion of water, the State Water Board may modify a permit or license term or may adopt additional requirements in order to protect the public trust, ensure that the waste is abated, and

ensure that the diversion and use of water is reasonable. Similarly, the State Water Board may modify existing permits or licenses if the State Water Board determines that such modification is necessary to meet water quality objectives contained in water quality control plans or policies for water quality control established or modified pursuant to Division 7 (commencing with section 13000) of the Water Code. Such a modification will be made after providing affected permit and license holders with any legally required notice, hearing or other procedures.

Prohibition Against Waste and Unreasonable Use of Water

The State Water Board has continuing authority under Water Code sections 100 and 275 to enforce the requirements of the California Constitution, Article X, section 2, which directs that the water resources of the state be put to beneficial use to the fullest extent, and that water not be wasted or unreasonably used. It further provides that rights to the use of water are limited to such water as is reasonably required for the beneficial use served, and does not extend to the waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of the water.

The reasonable use doctrine applies to both surface water and groundwater, and it applies irrespective of the type of water right held by the diverter or user. (*Peabody v. Vallejo* (1935) 2 Cal.2d 351, 366-367.) What constitutes an unreasonable use, method of use, or method of diversion depends on the facts and circumstances of each case. (*People ex rel. State Water Resources Control Board v. Forni* (1976) 54 Cal.App.3d 743, 750.) Under the reasonable use doctrine, water right holders may be required to endure some inconvenience or to incur reasonable expenses. (*Id.* at pp. 751-752.) The State Water Board's continuing authority includes the power to enact regulations that preclude unreasonable use. (Wat. Code § 1058; Light v. State Water Resources Control Board (2014) 226 Cal.App.4th 1463, 1482.)

In light of limited available water supply and the need for water to protect public trust resources, the State Water Board has determined that it is a waste and unreasonable use of water under Article X, section 2 of the California Constitution to: 1) divert or use water for cannabis cultivation in a manner inconsistent with this Policy, regardless of water right seniority; 2) to divert or use water for cannabis cultivation, where prohibited by State law, this Policy, on public lands, or on tribal land without authorization; and 3) overwater cannabis plants and cause runoff.

If, after investigation, the State Water Board determines that a water diversion is wasteful or constitutes an unreasonable use, unreasonable method of use, or unreasonable method of diversion of water, the State Water Board may require a person who diverts and uses water to comply with measures to abate the waste or ensure the reasonable use of water, method of use, and method of diversion. Such a requirement will be adopted subject to applicable State Water Board procedures.

Protection of Public Trust Resources

The State Water Board has an affirmative duty to take the public trust into account in the planning and allocation of water resources, and to protect the public trust uses whenever feasible. In the exercise of that duty, the State Water Board may use its legal authority to set requirements protecting public trust resources and order water users to comply.

Incorporation of Policy Requirements in CDFA Cultivation Licenses

Implementation of the Requirements in this Policy is not solely the purview of the Water Boards. Pursuant to Business and Professions Code section 26060.1(b)(1), CDFA will incorporate this Policy's Requirements (referenced in the statute as "principles, guidelines, and requirements") into cultivation licenses issued under its CalCannabis Cultivation Licensing Program and will consult with the State Water Board regarding their implementation.

Watershed Enforcement Team

In addition to the Water Boards' dedicated enforcement staff, legislation[14] directed the Water Boards and CDFW to expand the scope of the Watershed Enforcement Team from its initial North Coast/Central Valley focus to address cannabis cultivation activities statewide. In addition to pursuing enforcement related to cannabis cultivation, this team also provides public outreach and education, performs site inspections, and responds to complaints.

Enforcement Tools

The Water Boards have a variety of enforcement tools to correct noncompliance. The Policy may be implemented directly per Water Code section 1847. The Policy Requirements will be implemented through the Cannabis General Order, the Cannabis SIUR, and General Water Quality Certification for Cannabis Cultivation Activities. The following summary includes types of enforcement actions that may be taken by the Water Boards. The Water Boards will make every effort to coordinate any enforcement action among its various divisions, offices, and regions and not initiate duplicative enforcement on the same violations. The Water Boards will coordinate enforcement with other agencies where appropriate.

Informal Enforcement

An informal enforcement action is any enforcement action taken by Water Boards staff that is not defined in statute or regulation.

Verbal and Written Contacts

An informal enforcement action can include any form of communication (verbal, written, or electronic) between Water Boards staff and a cannabis cultivator concerning an actual, threatened, or potential violation.

Notice of Violation

A Notice of Violation (NOV) letter is the most significant level of informal enforcement action for cannabis cultivators and should be used only where a violation has occurred. NOV letters must be signed by the appropriate staff and provided to the cannabis cultivator.

Formal Enforcement

Formal enforcement actions are statute-based actions to address a violation or threatened violation of water rights and/or water quality laws, regulations, policies, plans, or orders. The actions listed below present options available for water right and/or water quality enforcement.

Notice to Comply

The Water Boards may issue a Notice to Comply for certain minor violations.

[14] Water Code section 13276(a) and Fish and Game Code section 12029(c), as established in Assembly Bill 243 (Statutes 2015, Chapter 688, Wood).

Order Technical Reports and Investigations

The Water Boards may conduct investigations and require technical or monitoring reports from any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste.

Administrative Civil Liability

Administrative Civil Liability (ACL) refers to monetary penalties that may be imposed by the Water Boards.

Supplemental Environmental Projects

The Water Boards may allow a person or entity to satisfy no more than 50 percent of the monetary assessment imposed in an ACL order by completing or funding one or more Supplemental Environmental Projects (SEPs). SEPs are projects that enhance the beneficial uses of the waters of the State, provide a benefit to the public at large, and are not otherwise required of the person or entity.

Cleanup and Abatement Orders

Cleanup and Abatement Orders (CAOs) may be issued to any person who has discharged or discharges waste into the waters of the State in violation of any waste discharge requirement or other order or prohibition issued by the Water Boards, or who has caused or permitted, causes or permits, or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the State and creates, or threatens to create, a condition of pollution or nuisance. The CAO requires the cannabis cultivator to clean up the waste or abate the effects of the waste, or both, or, in the case of threatened pollution or nuisance, take other necessary remedial action, including, but not limited to, overseeing cleanup and abatement efforts.

Time Schedule Orders

Water Boards can require the cannabis cultivators to submit time schedules that sets forth the actions the cannabis cultivators will take to address actual or threatened discharges of waste in violation of requirements.

Cease and Desist Orders

To remedy water quality violations, a Regional Water Board or the State Water Board may issue a Cease and Desist Order (CDO) against the discharger. The State Water Board also may issue a CDO for water rights violations. In addition to the its general authority to issue CDOs, the State Water Board has specific legal authority to issue a CDO against any unlawful diversion or discharge for cannabis cultivation, any diversion or discharge that violates this Policy, and any cultivation activity that violates other applicable requirements that protect the environment.

Revocation of Water Right Permits and Licenses

The State Water Board may revoke a water right permit, license, or registration pursuant to certain sections of the Water Code.

Modification or Rescission of Waste Discharge Requirements

The Water Boards may modify or rescind waste discharge requirements (WDRs) in response to violations.

Enforcement Referral

Depending on the nature of the violation, the Water Boards may refer violations to the State Attorney General, County District Attorney, City Attorney, US Attorney, or United States Environmental Protection Agency.

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State Water Resources Control Board

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Cannabis Cultivation Policy

ATTACHMENT A

Requirements for Cannabis Cultivation

July 7, 2017

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OVERVIEW

This Attachment A contains diversion and discharge Requirements for cannabis cultivation activities. The cannabis cultivator shall comply with all Requirements in this Policy, and applicable federal, state, and local laws, regulations, and permitting requirements. In the event of duplicate or conflicting requirements, the most stringent requirements shall apply. There are five main categories of cannabis cultivation Requirements to protect water quality and instream flows, which are organized into the following sections:

- Section 1. General Requirements and Prohibitions, and General Water Quality Certification for Cannabis Cultivation Activities
- Section 2. Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation
- Section 3. Numeric and Narrative Instream Flow Requirements (including Gaging)
- Section 4. Watershed Compliance Gage Assignments
- Section 5. Planning and Reporting

Definitions

Following are definitions of terms used in the five sections of the Requirements.

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1.	**Agronomic Rate** – the rate of application of irrigation water and nutrients to plants necessary to satisfy the plants' evapotranspiration requirements and growth needs and minimize the movement of nutrients below the plants root zone. The agronomic rate considers allowances for supplemental water (e.g., effective precipitation), irrigation distribution uniformity, nutrients present in irrigation water, leaching requirement, and plant available nitrogen.
2.	**California Native American tribe** – As defined in section 21073 of the Public Resources Code: a Native American tribe located in California that is on the contact list maintained by the Native American Heritage Commission for the purposes of Chapter 905 of the Statutes of 2004.
3.	**Cannabis Cultivation** – any activity involving or necessary for the planting, growing, pruning, harvesting, drying, curing, or trimming of cannabis. This term includes, but is not limited to: (1) water diversions for cannabis cultivation, and (2) activities that prepare or develop a cannabis cultivation site or otherwise support cannabis cultivation and which discharge or threaten to discharge waste to Waters of the State.
4.	**Cannabis Cultivation Area** – is defined by the following: a. For in-ground plants, the cultivation area is defined by the perimeter of the area planted, including any immediately adjacent surrounding access pathways. b. For plants grown outdoors in containers (e.g., pots, grow bags, etc.) the cultivation area is defined by the perimeter of the area that contains the containers, including

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	any immediately adjacent surrounding access pathways. The area is not limited to the sum of the area of each individual container. c. For plants grown indoors, that do not qualify for the conditional exemption under the Cannabis General Order, the cultivation area is defined by the entire area contained in the structure where cultivation occurs, excluding any area used solely for activities that are not cultivation activities (e.g., office space). Areas used for storage of materials, equipment, or items related to cannabis cultivation shall be included in the cultivation area calculation.
5.	**Cannabis Cultivation Site** – a location where cannabis is planted, grown, pruned, harvested, dried, cured, graded, or trimmed, or where any combination of these activities occurs.
6.	**Cannabis Cultivator** – any person or entity engaged in cultivating cannabis that diverts water (i.e., diverter) or discharges or threatens to discharge waste (i.e., discharger). The term includes business entities; employees; contractors; land owners; cultivators; lessees; and tenants of private land where cannabis is cultivated and of lands that are modified or maintained to facilitate cannabis cultivation.
7.	**Construction Storm Water Program** – refers to implementation of Water Quality Order 2009-0009-DWQ and National Pollutant Discharge Elimination System No. CAS000002, as amended by Order No. 2010-0014-DWQ, Order No. 2012-0006-DWQ, and amendments thereto. Cannabis cultivators whose activities disturb one or more acres of soil or whose projects disturb less than one acre but are part of a larger common pan of develop that in total disturbs one or more acres may need to obtain coverage under the Construction Storm Water Program. Construction activities covered under the Construction Storm Water Program may include clearing, grading, and disturbances to the ground such as stockpiling, or excavation, but does not include agricultural stormwater discharges, silviculture road construction and maintenance from which there is natural runoff, regular maintenance activities performed to restore the original line, grade, or capacity of a facility, or other non-point source discharges.
8.	**Day** – is the mean solar day of 24 hours beginning at midnight (12:00 am). All references to day in this Policy are calendar days.
9.	**Discharger** – any person or entity engaged in developing land for cannabis cultivation or to provide access to adjacent properties for cultivation activities and/or any person or entity engaged in the legal cultivation of cannabis that discharges or threatens to discharge waste.
10.	**Diverter** – any person or entity that diverts water from waters of the state, including surface waterbodies and groundwater.
11.	**Land Disturbance** – land areas where natural conditions have been modified in a way that may result in an increase in turbidity in water discharged from the site. Disturbed land includes areas where natural plant growth has been removed whether by physical, animal, or chemical means, or natural grade has been modified for any purpose. Land disturbance includes all activities whatsoever associated with developing or modifying land for cannabis cultivation related activities or access. Land disturbance activities include, but are not limited

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	to, construction of roads, buildings, water storage areas; excavation, grading, and site clearing. Disturbed land includes cultivation areas, storage areas where soil or soil amendments (e.g., potting soil, compost, or biosolids) are located.
12.	**Land Owner** – any person or entity who owns, in whole or in part, the parcel of land on which cannabis cultivation is occurring or will occur. A land owner need not be a cannabis cultivator.
13.	**Legacy Conditions** – are sites of historic activity, which may not be related to cannabis cultivation activities that may discharge sediment or other waste constituents to waters of the state. Legacy conditions are caused or affected by human activity. Implementation of corrective actions can reduce or eliminate the waste discharge.
14.	**Qualified Biologist** – an individual who possesses, at a minimum, a bachelor's or advanced degree, from an accredited university, with a major in biology, zoology, wildlife biology, natural resources science, or a closely related scientific discipline, at least two years of field experience in the biology and natural history of local plant, fish, and wildlife resources present at the Cannabis Cultivation Site, and knowledge of state and federal laws regarding the protection of sensitive and endangered species.
15.	**Qualified Professional** – Qualified Professional means: **1.** individuals licensed in California under the Professional Engineer Act (e.g., Professional Engineer), Geologist and Geophysicist Act (e.g., Professional Geologist and Certified Engineering Geologist), and Professional Land Surveyors' Act (e.g., Professional Land Surveyor)[1], **2.** a California Registered Professional Forester (RPF), and **3.** a Qualified Storm Water Pollution Prevention Plan (SWPPP) Practitioner. A Qualified Professional shall only perform work he/she is qualified to complete, consistent with applicable licensing and registration restrictions, and shall certify any work completed. Cannabis cultivation land development in timberland may be designed by a qualified California RPF.
16.	**Requirements -** Principles and guidelines established in accordance with Water Code section 13149 for the diversion and use of water for cannabis cultivation. Principles and guidelines include: (i) measures to protect springs, wetlands, and aquatic habitats from negative impacts of cannabis cultivation; and (ii) requirements that apply to groundwater diversions where the State Water Board determines those requirements are reasonably necessary.
17.	**Site Mitigation** – efforts to mitigate the impacts of Legacy Conditions or cannabis cultivation activities on the cannabis cultivation site or its surroundings.
18.	**Site Remediation** – efforts to restore the cannabis cultivation site and its surroundings to its pre-legacy conditions or condition before cannabis cultivation activities began, or to restore the cannabis cultivation site and its surroundings to its natural condition.

[1] See Business and Professions Code sections 6700-6799, 7800-7887, and 8700-8805, respectively.

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19.	**Slope** – shall be determined across the natural topography (preconstruction) of the disturbed land. Measure the highest and lowest elevations of the disturbed land, then measure the horizontal distance separating the highest and lowest elevations. Determine the slope using the formula below. (Multiple the ratio by 100 to find the percent value.) There may be more than one slope value if the low elevation has higher elevations in different directions. The highest slope value calculated (highest percentage numerically) is the value to be reported. $$Slope = \frac{elevation\ difference}{horizontal\ distance}\ x\ 100$$ Slope – Value of slope expressed as a percentage. Elevation difference – Report in feet to an accuracy of one inch or one tenth of a foot. Horizontal distance – Report in feet to an accuracy of one inch or one tenth of a foot.
20.	**Soil Materials** – include soil, aggregate (rock, sand, or soil), potting soil, compost, manure, or biosolid.
21.	**Stabilized Areas** – consist of areas previously disturbed that have been successfully reclaimed to minimize the increase in sediment or turbidity in water discharged from the site. Areas where vehicles may travel or be parked may not considered stabilized.
22.	**Timberland** – pursuant to Public Resources Code section 4526, means land, other than land owned by the federal government and land designated by the Board of Forestry as experimental forest land, which is available for, and capable of, growing a crop of trees of a commercial species used to produce lumber and other forest products, including Christmas trees. Commercial species, on a district basis, are defined in California Code of Regulations, title 14, section 895.1.
23.	**Tribal lands** – lands recognized as "Indian country" within the meaning of title 18, United States Code, section 1151.
24.	**Turbidity** – a measure of water clarity: how much the material suspended in water decreases the passage of light through the water. Suspended materials include soil particles (clay, silt, and sand), algae, plankton, and other substances. The turbidity test is reported in Nephelometric Turbidity Units (NTUs).
25.	**Waterbody** – any significant accumulation of water above the ground surface, such as: lakes, ponds, rivers, streams, creeks, springs, seeps, artesian wells, wetlands, and canals.
26.	**Watercourse** – a natural or artificial channel through which water flows. • Perennial watercourse (Class I): 1. In the absence of diversions, water is flowing for more than nine months during a typical year, 2. Fish always or seasonally present onsite or includes habitat to sustain fish migration and spawning, and/or 3. Spring or seep: a place where water flows out of the ground. A spring or seep may flow the whole year or part of the year.

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	• Intermittent watercourse (Class II): 1. In the absence of diversions, water is flowing for three to nine months during a typical year, or 2. Water is flowing less than three months during a typical year and the stream supports riparian vegetation. • Ephemeral watercourse (Class III): In the absence of diversion, water is flowing less than three months during a typical year and the stream does not support riparian vegetation or aquatic life. Ephemeral watercourses typically have water flowing for a short duration after precipitation events or snowmelt and show evidence of being capable of sediment transport. Ephemeral watercourses include channels, swales, gullies, rills, and any other drainage features that channelize and transport runoff. • Other watercourses (Class IV): Class IV watercourses do not support native aquatic species and are man-made, provide established domestic, agricultural, hydroelectric supply, or other beneficial use.
27.	**Waters of the State** – any surface water or groundwater, including saline waters, within the boundaries of the state (Water Code section 13050(e)). Includes all waters within the state's boundaries, whether private or public, including waters in both natural and artificial channels. Waters of the state includes waters of the United States.
28.	**Wetland** – an area is a wetland if, under normal circumstances: 1. the area has continuous or recurrent saturation of the upper substrate caused by groundwater, or shallow surface water, or both; 2. the duration of such saturation is sufficient to cause anaerobic conditions in the upper substrate; and 3. the area's vegetation is dominated by hydrophytes or the area lacks vegetation.
29.	**Winter Period** – calendar dates from November 15 to April 1, except as noted under special County Rules in California Code of Regulations, title 14, sections 925.1, 926.18, 927.1, and 965.5.

SECTION 1 – GENERAL REQUIREMENTS AND PROHIBITIONS

The following general requirements and prohibitions apply to any cannabis cultivator.

General Requirements and Prohibitions

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1.	Prior to commencing any cannabis cultivation activities, including cannabis cultivation land development or alteration, the cannabis cultivator shall comply with all applicable federal, state, and local laws, regulations, and permitting requirements, as applicable, including but not limited to the following: • The Clean Water Act (CWA) as implemented through permits, enforcement orders, and self-implementing requirements. When needed per the requirements of the CWA, the cannabis cultivator shall obtain a CWA section 404 (33 U.S.C. § 1344) permit from the United States Army Corps of Engineers (Army Corps) and a CWA section 401 (33 U.S.C. § 1341) water quality certification from the State Water Board or the Regional Water Board with jurisdiction. If the CWA permit cannot be obtained, the cannabis cultivator shall contact the appropriate Regional Water Board or State Water Board prior to commencing any cultivation activities. The Regional Water Board or State Water Board will determine if the cannabis cultivation activity and discharge is covered by the Requirements in the Policy and Cannabis General Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities (Cannabis General Order). • The California Water Code as implemented through applicable water quality control plans (often referred to as Basin Plans), waste discharge requirements (WDRs) or waivers of WDRs, enforcement orders, and self-implementing requirements issued by the State Water Resources Control Board (State Water Board) or Regional Water Quality Control Boards (Regional Water Boards). • All applicable state, city, county, or local regulations, ordinances, or license requirements including, but not limited to those for cannabis cultivation, grading, construction, and building. • All applicable requirements of the California Department of Fish and Wildlife (CDFW). • All applicable requirements of the California Department of Forestry and Fire Protection (CAL FIRE), including the Board of Forestry. • California Environmental Quality Act and the National Environmental Policy Act.
2.	If applicable, cannabis cultivators shall obtain coverage under all of the following: a. The State Water Board's Construction Storm Water Program and any successors, amendments, or revisions thereto when applicable. b. Activities performed in areas subject to California Code of Regulations title 14,

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	Chapter 4. Forest Practices (Forest Practice Rules) shall be implemented consistent with the permitting, licensing, and performance standards of the Forest Practice Rules, and the Requirements of this Policy, whichever is more stringent.
3.	The cannabis cultivator shall consult with CDFW to determine if a Lake and Streambed Alteration Agreement (LSA Agreement) is needed prior to commencing any activity that may substantially: • divert or obstruct the natural flow of any river, stream, or lake; • change or use any material from the bed, channel, or bank of any river, stream, or lake; or • deposit debris, waste, or other materials that could pass into any river stream or lake. "Any river, stream or lake", as defined by CDFW, includes those that are episodic (they are dry for periods of time) as well as those that are perennial (they flow year round). This includes ephemeral streams, desert washes, and watercourses with a subsurface flow. It may also apply to work undertaken within the flood plain of a body of water.
4.	Cannabis cultivators shall not take any action which results in the taking of Special-Status Plants (state listed and California Native Plant Society 1B.1 and 1B.2) or a threatened, endangered, or candidate species under either the California Endangered Species Act (ESA) (Fish & Game Code §§ 2050 et seq.) or the federal ESA (16 U.S.C. § 1531 et seq.). If a "take," as defined by the California ESA (Fish and Game Code section 86) or the federal ESA (16 U.S.C. § 1532(21)), may result from any act authorized under this Policy, the cannabis cultivator must obtain authorization from CDFW, National Marine Fisheries Service, and United States Fish and Wildlife Service, as applicable, to incidentally take such species prior to land disturbance or operation associated with the cannabis cultivation activities. The cannabis cultivator is responsible for meeting all requirements under the California ESA and the federal ESA.
5.	To avoid water quality degradation from erosion and sedimentation, land disturbance activities shall only occur between April 1 and November 15 of each year, unless authorized by a Regional Water Board Executive Officer-approved[2] work plan and compliance schedule. Cannabis cultivators shall ensure land disturbance activities are completed and site stabilization measures are in place prior to the onset of fall and winter precipitation. All land disturbance activities between November 16 and March 31 shall be supervised by a Qualified Professional[3].

[2] The Regional Water Board Executive Officer may delegate, in writing, receipt, review, and approval of work plans or other documents required by this Policy.

[3] Although emergency mitigation measures may not require obtaining coverage under the Construction Storm Water Program, the elevated threat to water quality caused by emergency mitigation or remediation work performed from November 15 to April 1 requires planning and supervision by an appropriately qualified professional to protect water quality, such as an appropriately certified or registered Storm Water Pollution Prevention Plan Practitioner.

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6.	A California Licensed Timber Operator (LTO)[4] shall be used if any commercial tree species are to be removed from the cannabis cultivation site. All timberland conversions shall be permitted and compliant with the Forest Practice Rules and CAL FIRE permitting requirements.
7.	During land disturbance activities the cannabis cultivator shall review and evaluate the applicable daily weather forecast and any applicable 24 hour forecast[5] at least once per 24 hour period and maintain records of the weather forecast for each day land disturbance activities are conducted. The cannabis cultivator shall cease land disturbance activities and shall implement erosion control Requirements described in this Policy during any 24 hour period in which the applicable daily weather forecast or any 24 hour forecast reports a 50 percent or greater chance of precipitation greater than 0.5 inch per 24 hours.
8.	Prior to commencing any cannabis land development or site expansion activities the cannabis cultivator shall secure a qualified biologist. The cannabis cultivator and the Qualified Biologist shall consult with CDFW and CAL FIRE and designate and mark a no-disturbance buffer to protect identified sensitive plant and wildlife species and communities.
9.	All equipment used at the Cannabis Cultivation Site, including excavators, graders, etc., which may have come in contact with invasive species[6] shall be cleaned before arriving and before leaving the site.
10.	The cannabis cultivator shall comply with all applicable requirements of the State Water Board and Regional Water Boards' (collectively Water Boards) water quality control plans and policies.
11.	The cannabis cultivator shall immediately report any significant hazardous material release or spill that causes a film or sheen on the water's surface, leaves a sludge or emulsion beneath the water's surface, or a release or threatened release of a hazardous material that may potentially discharge to waters of the state, to the California Office of Emergency Services at **(800) 852-7550** and the local Unified Program Agency[7]. The cannabis cultivator shall also immediately notify the appropriate Regional Water Board and CDFW of the release.
12.	The cannabis cultivator shall comply with all water quality objectives/standards, policies, and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality

[4] Licensed Timber Operators or "LTOs" are persons who have been licensed under the Forest Practice Act law and are authorized to conduct forest tree cutting and removal operations.

[5] If available, the cannabis cultivator shall refer to the weather forecast developed by the National Oceanic and Atmospheric Administration (NOAA) for the local National Weather Service Office (http://www.weather.gov). If the NOAA forecast is not available, a forecast by a local television news or radio broadcast shall be used.

[6] CDFW defines invasive species as organisms (plants, animals, or microbes) that are not native to an environment, and once introduced, they establish, quickly reproduce and spread, and cause harm to the environment, economy, or human health. Cannabis cultivators may refer to CDFW Internet webpage for guidance on decontamination methods and species of concern. See CDFW's invasive species webpage at: https://www.wildlife.ca.gov/Conservation/Invasives.

[7] Visit the Unified Program Agency website at http://cersapps.calepa.ca.gov/public/directory for local contact information. If internet service is not available call 911 to report the hazardous material release.

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	Control Act (California Water Code section 13000, et seq.) or CWA section 303 (33 U.S.C. § 1313). The cannabis cultivator shall protect the beneficial uses of the waterbody and its tributaries from any diversions or discharges related to cannabis cultivation activities.
13.	The cannabis cultivator shall permit the Water Boards, CDFW, CAL FIRE, and any other authorized representatives of the Water Boards, CDFW, or CAL FIRE upon presentation of a badge, employee identification card, or similar credentials, to: 1. enter premises and facilities where cannabis is cultivated; where water is diverted, stored, or used; where wastes are treated, stored, or disposed of; or in which any records are kept; 2. access and copy, during daylight hours or other reasonable hours, any records required to be kept under the terms and conditions of this Policy; 3. inspect, photograph, and record audio and video, during daylight hours or other reasonable hours, any cannabis cultivation sites, and associated premises, facilities, monitoring equipment or device, practices, or operations regulated or required by this Policy; and 4. sample, monitor, photograph, and record audio and video of site conditions, any discharge, waste material substances, or water quality parameters at any location for the purposes of assuring compliance with this Policy.
14.	The State Water Board has the authority to modify this Policy to implement: new or revised water quality standards, policies, or water quality control plans; total maximum daily loads (TMDLs), TMDL implementation plans, or revisions to the California Water Code or CWA.
15.	The State Water Board reserves authority to modify this Policy and the terms and conditions of water right registrations if monitoring results indicate that continued cannabis cultivation activities could violate instream flow requirements or, water quality objectives or impair the beneficial uses of a waterbody and its tributaries.
16.	Cannabis cultivators shall not commit trespass. Nothing in this Policy or any program implementing this Policy shall be construed to authorize cannabis cultivation activities on land not owned by the cannabis cultivator without the express written permission of the land owner. This includes but is not limited to land owned by the United States or any department thereof, the State of California or any department thereof, any local agency, or any other person who is not the cannabis cultivator. This includes but is not limited to any land owned by a California Native American tribe, as defined in section 21073 of the Public Resources Code, whether or not the land meets the definition of tribal lands.
17.	The cannabis cultivator shall not cultivate cannabis on tribal lands or within 600 feet of tribal lands without the express written permission of the governing body of the affected tribe or from a person deputized by the governing body of the affected tribe to authorize cannabis cultivation on tribal lands[8].

[8] Tribal lands means lands recognized as "Indian country" within the meaning of title 18, United States Code, section 1151.

No.	TERM
18.	No cannabis cultivation activities shall occur within 600 feet of an identified tribal cultural resource site. The cannabis cultivator is solely responsible for identifying any tribal cultural resource sites[9] within the cannabis cultivation area.
19.	Prior to land disturbance activities for new or expanded cannabis cultivation activities, the cannabis cultivator shall perform a records search of potential Native American archeological or cultural resources (CHRIS potential discovery) at a California Historical Resources Information System (CHRIS) information center. A CHRIS qualified archaeologist shall perform the records search and document the results. If any buried archeological materials or indicators[10] are uncovered or discovered during any cannabis cultivation activities, all ground-disturbing activities shall immediately cease within 100 feet of the find. The cannabis cultivator shall notify the Appropriate Person within 48 hours of any discovery or within seven days of a CHRIS potential discovery. The Appropriate Person is the Deputy Director for Water Rights (Deputy Director) if the cannabis cultivator is operating under the Cannabis SIUR, the Executive Officer of the applicable Regional Water Board (Executive Officer) if the cannabis cultivator is operating under the Cannabis General Order or Cannabis General Water Quality Certification, or both if the cannabis cultivator is operating under both programs. In the event that prehistoric archeological materials or indicators are discovered, the cannabis cultivator shall also notify the Native American Heritage Commission within 48 hours of any discovery or within seven days of a CHRIS potential discovery and request a list of any California Native American tribes that are potentially culturally affiliated with the discovery or CHRIS potential discovery. The cannabis cultivator shall notify any potentially culturally affiliated California Native American tribes of the discovery or CHRIS potential discovery within 48 hours of receiving a list from the Native American Heritage Commission. The cannabis cultivator shall promptly retain a professional archeologist[11] to evaluate the discovery or CHRIS potential discovery and recommend appropriate conservation measures. The cannabis cultivator shall submit proposed conservation measures to the appropriate person(s) (Deputy Director for the Cannabis SIUR and Executive Officer for the Cannabis General Order or Cannabis General Water Quality Certification) for written approval. The appropriate person may require all appropriate measures necessary to conserve archeological resources, including but not limited to Native American monitoring.

[9] Identified tribal cultural resource site means a tribal cultural resource that meets the requirements of section 21074, subdivision (a)(1) of the Public Resources Code.

[10] Prehistoric archeological indicators include, but are not limited to: obsidian and chert flakes and chipped stone tools; bedrock outcrops and boulders with mortar cups; ground stone implements (grinding slabs, mortars, and pestles) and locally darkened midden soils containing some of the previously listed items plus fragments of bone, fire affected stones, shellfish, or other dietary refuse.

Historic period site indicators generally include, but are not limited to: fragments of glass, ceramic and metal objects; milled and split lumber; and structure and feature remains such as building foundations, privy pits, wells and dumps; and old trails.

[11] A professional archeologist is one that is qualified by the Secretary of Interior, Register of Professional Archaeologists, or Society for California Archaeology.

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	In the event that prehistoric archeological materials or indicators are discovered, the cannabis cultivator shall also provide a copy of the proposed conservation measures to any culturally affiliated California Native American tribes identified by the Native American Heritage Commission. The appropriate person will carefully consider any comments submitted by culturally affiliated California Native American tribes with the goal of conserving prehistoric archeological resources with appropriate dignity. Ground-disturbing activities shall not resume within 100 feet of the discovery until all approved measures have been completed to the satisfaction of the Deputy Director and/or Executive Officer, as applicable.
20.	Upon discovery of any human remains, cannabis cultivators shall immediately comply with Health and Safety Code section 7050.5 and Public Resources Code section 5097.98. The following actions shall be taken immediately upon the discovery of human remains: All ground-disturbing activities in the vicinity of the discovery shall stop immediately. The cannabis cultivator shall immediately notify the county coroner. Ground disturbing activities shall not resume until the requirements of Health and Safety Code section 7050.5 and Public Resources Code section 5097.98 have been met. The cannabis cultivator shall ensure that the human remains are treated with appropriate dignity. Per Health and Safety Code section 7050.5, the coroner has two working days to examine human remains after being notified by the responsible person. If the remains are Native American, the coroner has 24 hours to notify the Native American Heritage Commission. Per Public Resources Code section 5097.98, the Native American Heritage Commission will immediately notify the person it believes to be the most likely descendent of the deceased Native American. The most likely descendent has 48 hours to make recommendations to the cannabis cultivator or representative for the treatment or disposition, with proper dignity, of the human remains and any grave goods. If the most likely descendent does not make recommendations within 48 hours, the cannabis cultivator shall reinter the remains in an area of the property secure from further disturbance. If the cannabis cultivator does not accept the descendant's recommendations, the cannabis cultivator or the descendent may request mediation by the Native American Heritage Commission. If mediation fails, the cannabis cultivator shall reinter the human remains and any grave goods with appropriate dignity on the property in a location not subject to future subsurface disturbance.
21.	Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.
22.	The cannabis cultivator shall control all dust related to cannabis cultivation activities to ensure dust does not produce sediment-laden runoff. The cannabis cultivator shall implement dust control measures, including, but not limited to, pre-watering of excavation or grading sites, use of water trucks, track-out prevention, washing down vehicles or equipment before leaving a site, and prohibiting land disturbance activities when instantaneous wind speeds (gusts) exceed 25 miles per hour. Diversion of surface water for dust control is prohibited unless authorized under a valid water right.

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23.	To minimize the risk of ensnaring and strangling wildlife, cannabis cultivators shall not use synthetic (e.g., plastic or nylon) monofilament netting materials for erosion control or any cannabis cultivation activities. This prohibition includes photo- or bio-degradable plastic netting.
24.	Cannabis cultivators shall not discharge in a manner that creates or threatens to create a condition of pollution or nuisance, as defined by Water Code section 13050.
25.	Except as allowed and authorized in this Policy, cannabis cultivators shall not discharge: • irrigation runoff, tailwater, sediment, plant waste, or chemicals to surface water or via surface runoff; • waste classified as hazardous (California Code of Regulations, title 23, section 2521(a)) or defined as a designated waste (Water Code section 13173); or • waste in violation of, or in a manner inconsistent with, the appropriate Water Quality Control Plan(s).
26.	Unless authorized by separate waste discharge requirements or, a CWA section 404 permit, the following discharges are prohibited: • any waste that could affect the quality of the waters of the state; or • wastewater from cannabis manufacturing activities defined in Business and Professions Code section 26100, indoor grow operations, or other industrial wastewater to an onsite wastewater treatment system (e.g., septic tank and associated disposal facilities), to surface water, or to land.
27.	Unless authorized by a Regional Water Board site-specific WDR, cannabis cultivators shall not cultivate cannabis or have cannabis cultivation related land disturbance on slopes greater than 50 percent. This prohibition does not apply to roads that are constructed consistent with the design, construction, and maintenance guidelines presented in this Policy and the Handbook for Forest, Ranch, and Rural Road[12] (hereafter, Road Handbook).
28.	Cannabis cultivators shall not use a cesspool for domestic or industrial wastewater. Cannabis cultivators shall not install or continue use of an outhouse, pit-privy, pit-toilet, or similar device without approval from the Regional Water Board Executive Officer of the applicable Regional Water Board.
29.	In timberland areas, unless authorized by CAL FIRE or the Regional Water Board Executive Director, Cannabis cultivators shall not remove trees within 150 feet of fish bearing water bodies or 100 feet of aquatic habitat for non-fish aquatic species (e.g., aquatic insects). (Public Resources Code section 4526.)
30.	After July 1, 2017, and prior to initiating any land disturbance, Tier 2 cannabis cultivators located on slopes greater than 30% and less than 50% must submit a Site Erosion and Sediment Control Plan to the Regional Water Board Executive Officer for any cannabis-related land development or alteration. The Site Erosion and Sediment Control Plan shall be approved by the applicable Regional Water Board Executive Director prior to the cannabis

[12] The Handbook for Forest, Ranch, and Rural Roads (Weaver 2015) describes how to implement the Forest Practice Rules requirements for road construction and is available at: http://www.pacificwatershed.com/sites/default/files/RoadsEnglishBOOKapril2015b.pdf.

No.	TERM
	cultivator initiating any land disturbance. If any land disturbance was conducted on sites with slopes greater than 30% prior to July 1, 2017, cannabis cultivators must maintain substantial documentation and evidence of the land disturbance activities, and have it on site and available for review upon request.
31.	Enrollees under any Cannabis General Order implementing this Policy shall self-certify that all applicable Requirements in this Policy have been or will be implemented no later than November 15 of the same year as the enrollment date and each year thereafter. If enrollment occurs after November 15, enrollees shall self-certify that all applicable Requirements in this Policy will be implemented by November 15 of the next calendar year, and each year thereafter. Those cannabis cultivators that cannot implement all applicable Requirements by November 15 shall, within 90 days of application submittal, submit to the Executive Officer of the applicable Regional Water Board a time schedule and scope of work for use by the Regional Water Board in developing a compliance schedule.
32.	Tier 2 cannabis cultivators located on slopes greater than 30 percent and less than 50 percent shall not conduct new land disturbance activities for cannabis cultivation land development or alteration on slopes between 30 percent and 50 percent unless the cannabis cultivator either: • has substantial documentation and evidence maintained on site and available upon request, that any land disturbance activities for cannabis cultivation on slopes greater than 30 percent were completed prior to July 1, 2017, or • within 90 days of Cannabis General Order application submittal submit a *Site Erosion and Sediment Control Plan* to the Regional Water Board Executive Officer, for approval, prior to any new land development or alteration for cannabis cultivation that occurs after July 1, 2017. The Regional Water Board Executive Officer may deny the request to conduct new land disturbance activities for cannabis cultivation if local conditions (e.g., soil type, site instability, proximity to a waterbody, etc.) do not allow for adequate erosion and sediment control measures to ensure discharges to waters of the state will not occur. If the cannabis cultivator does not submit a *Site Erosion and Sediment Control Plan* for approval prior to new land disturbance and within 90 days of application submittal the authorization pursuant to the Cannabis General Order may be revoked.
33.	Cannabis cultivators shall implement interim Requirements immediately following land disturbance, to minimize discharges of waste constituents. Interim Requirements are those that are implemented immediately upon site development cannabis cultivators shall complete all winterization Requirements prior to the onset of fall and winter precipitation and no later than November 15 of each year, to prevent waste discharges that may result in water quality degradation.
34.	Cannabis cultivators shall not cause downstream exceedance of applicable water quality objectives identified in the applicable water quality control plan(s).
35.	The land owner is ultimately responsible for any water quality degradation that occurs on or emanates from its property and for water diversions that are not in compliance with this Policy. Land owners will be named as responsible parties and will be notified if a Cannabis General Order Notice of Applicability (NOA) or conditional exemption has been issued for cannabis activities on their property. The cannabis cultivator and the land owner will be held

<table>
<tr><th>No.</th><th>TERM</th></tr>
<tr><td></td><td>responsible for correcting non-compliance with this Policy.</td></tr>
<tr><td>36.</td><td>Cannabis cultivators shall comply with the minimum riparian setbacks described below for all land disturbance, cannabis cultivation activities, and facilities (e.g., material or vehicle storage, diesel powered pump locations, water storage areas, and chemical toilet placement). The riparian setbacks shall be measured from the waterbody's bankfull stage (high flow water levels that occur every 1.5 to 2 years[13]) or from the top edge of the waterbody bank in incised channels, whichever is more conservative. Riparian setbacks for springheads shall be measured from the springhead in all directions (circular buffer). Riparian setbacks for wetlands shall be measured from the edge of the bankfull water level. The cannabis cultivator shall increase riparian setbacks as needed or implement additional Requirements to meet the performance Requirement of protecting surface water from discharges that threaten water quality. If the cannabis cultivation Site cannot be managed to protect water quality, the Executive Officer of the applicable Regional Water Board may revoke authorization for cannabis cultivation activities at the cannabis cultivation site.

Minimum Riparian Setbacks[1]
<table><tr><th>Common Name</th><th>Watercourse Class</th><th>Distance (Low Risk[2])</th><th>Distance (Mod Risk[2])</th><th>Variance[3]</th></tr><tr><td>Perennial watercourses, springs, or seeps</td><td>I</td><td>150 ft.</td><td>200 ft.</td><td>Compliance Schedule</td></tr><tr><td>Intermittent watercourses</td><td>II</td><td>100 ft.</td><td>150 ft.</td><td>Compliance Schedule</td></tr><tr><td>Ephemeral watercourses</td><td>III</td><td>50 ft.</td><td>100 ft.</td><td>Compliance Schedule</td></tr><tr><td>Other waterbodies (lakes, etc.) and wetlands</td><td></td><td>150 ft.</td><td>200 ft.</td><td>Compliance Schedule</td></tr></table>1 Riparian setbacks do not apply to man-made irrigation canals, water supply reservoirs, and hydroelectric canals (Watercourse Class IV) that do not support native aquatic species, however cannabis cultivators shall ensure land disturbance, cannabis cultivation activities, and facilities are not located in or disturb the existing riparian and wetland riparian vegetation associated with these Watercourse Class IV waterbodies.
2 Risk is defined in Table 1 of this Policy and is based on the natural (prior to land disturbance activities) surface topography.
3 Variance to riparian setbacks is only allowed if consistent with this Policy and a work plan and compliance schedule are approved by the applicable Regional Water Board Executive Officer.</td></tr>
</table>

[13] California Forest Practice Rules Title 14, California Code of Regulations Chapter 4, section 895.1.

Cannabis General Water Quality Certification

The State Water Board certifies that cannabis cultivation activities in compliance with the conditions of the Policy and General Order will comply with sections 301, 302, 303, 306, and 307 of the Clean Water Act, and with applicable provisions of State law, subject to the following additional terms and conditions:

No.	TERM
1.	This certification action is subject to modification or revocation upon administrative or judicial review; including review and amendment pursuant to Water Code section 13330 and California Code of Regulations, title 23, section 3867.
2.	This certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to California Code of Regulations, title 23, section 3855, subdivision (b), and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3.	This certification is conditioned upon total payment of any fee required under California Code of Regulations, title 23, division 3, chapter 28.
4.	A cannabis cultivator seeking water quality certification coverage for activities in surface waters shall notify the Executive Officer of the Regional Water Board or State Water Board Executive Director at least 60 days prior to commencement of the activity and submit information regarding the construction schedule and other relevant information. Work may not commence until the cannabis cultivator is provided authorization by the appropriate Executive Officer of the Regional Water Board or Executive Director of the State Water Board. The Executive Officer of the Regional Water Board or Executive Director of the State Water Board may include specific monitoring requirements for turbidity and other constituents that may be associated with the activity to ensure applicable state water quality standards are met.
5.	The authorization of this certification for any coverage under this Cannabis General Water Quality Certification or dredge and fill activities expires five years from the date this Policy is approved by the Office of Administrative Law.
6.	Upon completion of the discharges of dredged or fill material, the cannabis cultivator shall submit a Notice of Completion certifying that all the conditions and monitoring and reporting requirements of this General Water Quality Certification, including the Policy, Cannabis General Order (if applicable), and conditions imposed by the Regional Water Board Executive Officer or State Water Board Executive Director, have been met.
7.	All Policy and Cannabis General Order Requirements, standard conditions, general terms and provisions, and prohibitions are enforceable conditions of this General Water Quality Certification.
8.	In the event of any violation or threatened violation of the conditions of this General Water Quality Certification, the violation or threatened violation shall be subject to any remedies, penalties, processes, or sanctions as provided for under state law. For purposes of section

No.	TERM
	401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process, or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.
9.	This General Water Quality Certification may be modified as needed by the Executive Director of the State Water Board.

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SECTION 2 – REQUIREMENTS RELATED TO WATER DIVERSIONS AND WASTE DISCHARGE FOR CANNABIS CULTIVATION

The following Requirements apply to any water diversion or waste discharge related to cannabis cultivation.

No.	Term
Land Development and Maintenance, Erosion Control, and Drainage Features	
Limitations on Earthmoving	
1.	All grading and earthwork shall be done by a state-licensed C-12 Earthwork and Paving contractor[14], as applicable.
2.	Cannabis cultivators shall not conduct grading activities for cannabis cultivation land development or alteration on slopes exceeding 50 percent grade, or as restricted by local county or city permits, ordinances, or regulations for grading, agriculture, or cannabis cultivation; whichever is more stringent shall apply. Cannabis cultivators shall not conduct grading activities for cannabis cultivation land development or alteration on slopes between 30 percent and 50 percent unless the cannabis cultivator either: • has substantial documentation and evidence maintained on site and available upon request, that any grading activities for cannabis cultivation on slopes greater than 30 percent were completed prior to July 1, 2017, or • submits a *Site Erosion and Sediment Control Plan* to the Regional Water Board Executive Officer, for approval, prior to any land development or alteration for cannabis cultivation that occurs after July 1, 2017 on slopes between 30 percent and 50 percent. The Regional Water Board Executive Officer may deny the request to conduct grading activities for cannabis cultivation land development or alteration on slopes greater than 30 percent if local conditions (e.g., soil type, site instability, proximity to a waterbody, etc.) do not allow for adequate erosion and sediment control measures to ensure discharges to waters of the state will not occur. The grading prohibition on slopes exceeding 50 percent does not apply to: • site mitigation or remediation if the cannabis cultivator is issued separate WDRs for the activity by the Regional Water Board Executive Officer, or • roads that are constructed consistent with the design, construction, and maintenance guidelines presented in this Policy and Road Handbook.

[14] An earthwork and paving contractor digs, moves, and places material forming the surface of the earth, other than water, in such a manner that a cut, fill, excavation, grade, trench, backfill, or tunnel (if incidental thereto) can be executed, including the use of explosives for these purposes. This classification includes the mixing, fabricating and placing of paving and any other surfacing materials. See California Code of Regulations Title 16, Division 8, Article 3. Classifications.

No.	Term
3.	Finished cut and fill slopes, including side slopes between terraces, shall not exceed slopes of 50 percent (1:2 slope) and should conform to the natural pre-grade slope whenever possible.
4.	Cannabis cultivators shall not fuel, clean, maintain, repair, or store vehicles or equipment within the riparian setbacks or within waters of the state. Cannabis cultivators shall not drive or operate vehicles or equipment within the riparian setbacks or within waters of the state unless authorized by a CWA section 404 permit, a CDFW LSA Agreement, or WDRs issued by the State Water Board or Regional Water Board.
5.	Cannabis cultivation land development and road construction shall be designed by a qualified professional. Cannabis cultivators shall conduct all construction or land development activities to minimize grading, soil disturbance, and disturbance to aquatic and terrestrial habitat. Cannabis cultivators shall conduct all road design, land development, and construction activities in compliance with the California Forest Practices Act and any state, county, city, or local requirements, as applicable.
Construction Equipment Use and Limitations	
6.	Cannabis cultivators shall employ spill control and containment practices to prevent the discharge of fuels, oils, solvents and other chemicals to soils and Waters of the State.
7.	Cannabis cultivators shall not stage or store any equipment, materials, fuels, lubricants, solvents, or hazardous or toxic materials where they have the potential to contact or enter Waters of the State (e.g., via storm water runoff, percolation, etc.). At a minimum, the following precautionary measures shall be implemented: 1. Schedule land disturbance activities for dry weather periods. 2. Designate an area outside the riparian setback for equipment storage, short-term maintenance, and refueling. Cannabis cultivator shall not conduct any maintenance activity or refuel equipment in any location where the petroleum products or other pollutants may enter Waters of the State as per Fish and Game Code section 5650 (a)(1). 3. Frequently inspect equipment and vehicles for leaks, and immediately make necessary repairs. 4. Immediately clean up leaks, drips, and other spills to avoid soil, surface water, and/or groundwater contamination. Except for emergency repairs that are immediately necessary, conduct equipment/vehicle repairs, maintenance, and washing offsite. 5. Do not generate any waste fluids (e.g., motor oil, radiator coolant, etc.) at the cannabis cultivation site. If emergency repairs generate waste fluids, ensure they are contained and properly disposed or recycled. 6. Do not dispose of construction debris on-site. All debris shall be properly disposed of or recycled. 7. Use dry cleanup methods (e.g., absorbent materials, cat litter, and/or rags)

No.	Term
	whenever possible. 8. Sweep up, contain, and properly dispose of spilled dry materials.
Erosion Control	
8.	The cannabis cultivator shall implement control measures for erosion, excessive sedimentation, and turbidity. Control measures shall be in place at the commencement of, during, and after any activities that could result in erosion or sediment discharges to surface waters and shall be maintained until the land disturbance is stabilized. The cannabis cultivator shall consult with a qualified professional to identify potential erosion or sediment discharges and the appropriate control measures.
9.	The cannabis cultivator shall use erosion control blankets, liners, or other erosion control measures for any unstabilized stockpiles of excavated material to control runoff resulting from precipitation and to prevent material from contacting or entering Waters of the State. Fill soil shall not be placed where it may discharge into Waters of the State. Wattles shall be installed on contours and mats/blankets shall be installed per manufacturer's guidelines. If used, weed-free straw mulch shall be applied at a rate of two tons per acre of exposed soils and, if warranted by site conditions, shall be secured to the ground. Erosion control measures shall be placed and maintained until the threat of erosion ceases. Consultation with a qualified professional is recommended for successful storm water pollution prevention.
10.	The cannabis cultivator shall not plant or seed noxious weeds. Prohibited plant species include those identified in the California Exotic Pest Plant Council's database, available at: www.cal-ipc.org/paf/. Locally native, non-invasive, and non-persistent grass species may be used for temporary erosion control benefits to stabilize disturbed land and prevent exposure of disturbed land to rainfall. Nothing in this term may be construed as a ban on cannabis cultivation that complies with the terms of this Policy.
11.	Cannabis cultivators shall incorporate erosion control and sediment detention devices and materials into the design, work schedule, and implementation of the cannabis cultivation activities. The erosion prevention and sediment capture measures shall be effective in protecting water quality. Interim erosion prevention and sediment capture measures shall be implemented within seven days of completion of grading and land disturbance activities, and shall consist of erosion prevention measures and sediment capture measures including: • Erosion prevention measures are required for any earthwork that uses heavy equipment (e.g., bulldozer, compactor, excavator, etc.). Erosion prevention measures may include surface contouring, slope roughening, and upslope storm water diversion. Other types of erosion prevention measures may include mulching, hydroseeding, tarp placement, revegetation, and rock slope protection. • Sediment capture measures include the implementation of measures such as gravel bag berms, fiber rolls, straw bale barriers, properly installed silt fences, and sediment settling basins.

No.	Term
	• Cannabis cultivators shall implement long-term erosion prevention and sediment capture measures as soon as possible and prior to the onset of fall and winter precipitation. Long-term measures may include the use of heavy equipment to reconfigure roads or improve road drainage, installation of properly-sized culverts, gravel placement on steeper grades, and stabilization of previously disturbed land. • Cannabis cultivators shall continually maintain all erosion prevention and sediment capture measures. Early monitoring allows for identification of problem areas or underperforming erosion or sediment control measures. Verification of the effectiveness of all erosion prevention and sediment capture measures is required as part of winterization activities.
12.	Cannabis cultivators shall only use geotextiles, fiber rolls, and other erosion control measures made of loose-weave mesh (e.g., jute, coconut (coir) fiber, or from other products without welded weaves).
13.	Cannabis cultivators shall not cultivate cannabis or engage in any land disturbance or site preparation activities on or near slopes until a qualified professional has inspected the slope for indications of instability. Indications of instability include the occurrence of slope failures at nearby similar sites, weak soil layers, geologic bedding parallel to slope surface, hillside creep (trees, fence posts, etc. leaning downslope), tension cracks in the slope surface, bulging soil at the base of the slope, and groundwater discharge from the slope. If indicators of instability are present, the cannabis cultivator shall consult with a qualified professional to design measures to stabilize the slope to prevent sediment discharge to surface waters. Cannabis cultivators shall not cultivate cannabis or engage in any land disturbance or site preparation activities until all slope stabilization measures have been implemented.
14.	For areas outside of riparian setbacks or for upland areas, cannabis cultivators shall ensure that rock placed for slope protection is the minimum amount necessary and is part of a design that provides for native plant revegetation. If retaining walls or other structures are required to provide slope stability, they shall be designed by a qualified professional.
15.	Cannabis cultivators shall monitor erosion control measures during and after each storm event and repair or replace, as applicable, ineffective erosion control measures immediately.
Private Road/Land Development and Drainage	
16.	Cannabis cultivators shall obtain all required permits and approvals prior to the construction of any road constructed for cannabis cultivation activities. Permits may include section 404/401 CWA permits, Regional Water Board WDRs (when applicable), CDFW LSA Agreement, and county or local agency permits.
17.	Cannabis cultivators shall ensure that any new roads and existing roads are constructed or upgraded to be consistent with the requirements of the Forest Practice Rules. The Road Handbook describes how to implement the Forest Practice Rules requirements for road construction.

No.	Term
18.	Cannabis cultivators shall ensure that all new roads as of July 1, 2017, are designed to: 1) maximize the distance between the road and all watercourses; 2) minimize the number of watercourse crossings; 3) be hydrologically disconnected from receiving waters, to the extent possible; and 4) reduce erosion and sediment transport to streams.
19.	Cannabis cultivators shall ensure that all roadways are hydrologically disconnected to receiving waters to the extent possible by: 1) installing disconnecting drainage features; 2) increasing the frequency of (inside) ditch drain relief; 3) constructing out-sloped roads; 4) applying treatment to dissipate energy, disperse flows, and filter sediment; and 5) avoiding concentrating flows in unstable areas.
20.	Cannabis cultivators shall decommission or relocate existing roads away from riparian setbacks whenever possible. Roads that are proposed for decommissioning shall be abandoned and left in a condition that provides for long-term, maintenance-free function of drainage and erosion controls. Abandoned roads shall be blocked to prevent unauthorized vehicle traffic.
21.	If site conditions prohibit drainage structures (including rolling dips and ditch-relief culverts) at adequate intervals to avoid erosion, the cannabis cultivator shall use bioengineering techniques[15] as the preferred measure to minimize erosion (e.g., live fascines). If bioengineering cannot be used, then engineering fixes such as armoring (e.g., rock of adequate size and depth to remain in place under traffic and flow conditions) and velocity dissipaters (e.g., gravel-filled "pillows" in an inside ditch to trap sediment) may be used for problem sites. The maximum distance between water breaks shall not exceed those defined in the Road Handbook.
22.	Cannabis cultivators shall only grade roads in dry weather while moisture is still present in soil to minimize dust and to achieve design soil compaction. When needed, cannabis cultivators may use a water truck to control dust and soil moisture. A valid water right is required for any surface water diverted for soil moisture and dust control.
23.	Cannabis cultivators shall have a qualified professional design the optimal road alignment, surfacing, drainage, maintenance requirements, and spoils handling procedures.
24.	Cannabis cultivators shall ensure that road surfacing, especially within a segment leading to a wetland or waterbody, is sufficient to minimize sediment delivery to the wetland or waterbody and maximize road integrity. Road surfacing may include pavement, chip-seal, lignin, rock, or other material appropriate for timing and nature of use. All roads that will be used for winter or wet weather hauling/traffic shall be surfaced. Steeper road grades require higher quality rock (e.g., crushed angular versus river-run) to remain in place. The use of asphalt grindings is prohibited.
25.	Cannabis cultivators shall install erosion control measures on all road approaches to

[15] A Primer on Stream and River Protection for the Regulator and Program Manager: Technical Reference Circular W.D. 02-#1, San Francisco Bay Region, California Regional Water Board (April 2003) http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stream_wetland/streamprotectioncircular.pdf.

No.	Term
	surface water diversion sites to reduce the generation and transport of sediment to streams.
26.	Cannabis cultivators shall ensure that roads are out-sloped whenever possible to promote even drainage of the road surface, prevent the concentration of storm water flow within an inboard or inside ditch, and to minimize disruption of the natural sheet flow pattern off a hill slope to a stream. If unable to eliminate inboard or inside ditches, the cannabis cultivator shall ensure adequate ditch relief culverts to prevent down-cutting of the ditch and to reduce water runoff concentration, velocity, and erosion. Ditches shall be designed and maintained as recommended by a qualified professional. To avoid point-source discharges, inboard ditches and ditch relief culverts shall be discharged onto vegetated or armored slopes that are designed to dissipate and prevent runoff channelization. Inboard ditches and ditch relief culverts shall be designed to ensure discharges into natural stream channels or watercourses are prevented.
27.	Cannabis cultivators shall ensure that neither in-sloped nor out-sloped roads are allowed to develop or show evidence of significant surface rutting or gullying. Cannabis cultivators shall use water bars and rolling dips as designed by a qualified professional to minimize road surface erosion and dissipate runoff.
28.	Cannabis cultivators shall only grade ditches when necessary to prevent erosion of the ditch, undermining of the banks, or exposure of the toe of the cut slope to erosion. Cannabis cultivators shall not remove more vegetation than necessary to keep water moving, as vegetation prevents scour and filters out sediment.
29.	Cannabis cultivators shall ensure that all road surface storm water drainage is discharged to a stable location away from wetlands and waterbodies as designed by a qualified professional. Sediment control devices (e.g., check dams, sand/gravel bag barriers, etc.) shall be used when it is not practical to disperse storm water before discharge to a waterbody. Where potential discharge to a wetland or waterbody exists (e.g., within 200 feet of a waterbody) road surface drainage shall be filtered through vegetation, slash, other appropriate material, or settled into a depression with an outlet with adequate drainage. Sediment basins shall be engineered and properly sized to allow sediment settling, spillway stability, and maintenance activities.
Drainage Culverts	
30.	Cannabis cultivators shall regularly inspect ditch-relief culverts and clear them of any debris or sediment. To reduce culvert plugging by debris, cannabis cultivators shall use 15- to 24-inch diameter pipes, at minimum, for ditch relief culverts. Ditch relief culverts shall be designed by a qualified professional based on site-specific conditions. In forested areas with a potential for woody debris, a minimum 18-inch diameter pipe shall be used to reduce clogging.
31.	Cannabis cultivators shall ensure that all permanent watercourse crossings that are constructed or reconstructed are capable of accommodating the estimated 100-year flood flow, including debris and sediment loads. Watercourse crossings shall be designed and sized by a qualified professional.

No.	Term
Cleanup, Restoration, and Mitigation	
32.	Cannabis cultivators shall limit disturbance to existing grades and vegetation to the actual site of the cleanup or remediation and any necessary access routes.
33.	Cannabis cultivators shall avoid damage to native riparian vegetation. All exposed or disturbed land and access points within the stream and riparian setback with damaged vegetation shall be restored with regional native vegetation of similar native species. Riparian trees over four inches diameter at breast height shall be replaced by similar native species at a ratio of three to one (3:1). Restored areas must be mulched, using at least 2 to 4 inches of weed-free, clean straw or similar biodegradable mulch over the seeded area. Revegetation and mulching shall be completed within 30 days after land disturbance activities in the areas cease. Cannabis cultivators shall stabilize and restore any temporary work areas with native vegetation to pre-cannabis cultivation or pre-Legacy conditions or better. Vegetation shall be planted at an adequate density and variety to control surface erosion and re-generate a diverse composition of regional native vegetation of similar native species.
34.	Cannabis cultivators shall avoid damage to oak woodlands. Cannabis cultivator shall plant three oak trees for every one oak tree damaged or removed. Trees may be planted in groves in order to maximize wildlife benefits and shall be native to the local county.
35.	Cannabis cultivators shall develop a revegetation plan for: • All exposed or disturbed riparian vegetation areas, • any oak trees that are damaged or removed, and • temporary work areas. Cannabis cultivators shall develop a monitoring plan that evaluates the revegetation plan for five years. Cannabis cultivators shall maintain annual inspections for the purpose of assessing an 85 percent survival and growth of revegetated areas within a five-year period. The presence of exposed soil shall be documented for three years following revegetation work. If the revegetation results in less than an 85 percent success rate, the unsuccessful vegetation areas shall be replanted. Cannabis cultivators shall identify the location and extent of exposed soil associated with the site; pre- and post-revegetation work photos; diagram of all areas revegetated, the planting methods, and plants used; and an assessment of the success of the revegetation program. Cannabis cultivators shall maintain a copy of the revegetation plan and monitoring results onsite and make them available, upon request, to Water Boards staff or authorized representatives. An electronic copy of monitoring results is acceptable in Portable Document Format (PDF).
36.	Cannabis cultivators shall revegetate soil exposed as a result of cannabis cultivation activities with native vegetation by live planting, seed casting, or hydroseeding within seven days of exposure.
37.	Cannabis cultivators shall prevent the spread or introduction of exotic plant species to the maximum extent possible by cleaning equipment before delivery to the cannabis cultivation Site and before removal, restoring land disturbance with appropriate native species, and

No.	Term
	post-cannabis cultivation activities monitoring and control of exotic species. Nothing in this term may be construed as a ban on cannabis cultivation that complies with the terms of this Policy.
Stream Crossing Installation and Maintenance	
Limitations on Work in Watercourses and Permanently Ponded Areas	
38.	Cannabis cultivators shall obtain all applicable permits and approvals prior to doing any work in or around waterbodies or within the riparian setbacks. Permits may include section 404/401 CWA permits, Regional Water Board WDRs (when applicable), and a CDFW LSA Agreement.
39.	Cannabis cultivators shall avoid or minimize temporary stream crossings. When necessary, temporary stream crossings shall be located in areas where erosion potential and damage to the existing habitat is low. Cannabis cultivators shall avoid areas where runoff from roadway side slopes and natural hillsides will drain and flow into the temporary crossing. Temporary stream crossings that impede fish passage are strictly prohibited on permanent or seasonal fish-bearing streams.
40.	Cannabis cultivators shall avoid or minimize use of heavy equipment[16] in a watercourse. If use is unavoidable, heavy equipment may only travel or work in a waterbody with a rocky or cobbled channel. Wood, rubber, or clean native rock temporary work pads shall be used on the channel bottom prior to use of heavy equipment to protect channel bed and preserve channel morphology. Temporary work pads and other channel protection shall be removed as soon as possible once the use of heavy equipment is complete.
41.	Cannabis cultivators shall avoid or minimize work in or near a stream, creek, river, lake, pond, or other waterbody. If work in a waterbody cannot be avoided, activities and associated workspace shall be isolated from flowing water by directing the water around the work site. If water is present, then the cannabis cultivator shall develop a site-specific plan prepared by a qualified professional. The plan shall consider partial or full stream diversion and dewatering. The plan shall consider the use of coffer dams upstream and downstream of the work site and the diversion of all flow from upstream of the upstream dam to downstream of the downstream dam, through a suitably sized pipe. Cannabis cultivation activities and associated work shall be performed outside the waterbody from the top of the bank to the maximum extent possible.
Temporary Watercourse Diversion and Dewatering: All Live Watercourses	
42.	Cannabis cultivators shall ensure that coffer dams are constructed prior to commencing work and as close as practicable upstream and downstream of the work area. Cofferdam construction using offsite materials, such as clean gravel bags or inflatable dams, is preferred. Thick plastic may be used to minimize leakage, but shall be completely removed and properly disposed of upon work completion. If the coffer dams or stream diversion fail,

[16] Heavy equipment is defined as large pieces of machinery or vehicles, especially those used in the building and construction industry (e.g., bulldozers, excavators, backhoes, bobcats, tractors, etc.).

No.	Term
	the cannabis cultivator shall repair them immediately.
43.	When any dam or other artificial obstruction is being constructed, maintained, or placed in operation, the cannabis cultivator shall allow sufficient water at all times to pass downstream to maintain aquatic life below the dam pursuant to Fish and Game Code section 5937.
44.	If possible, gravity flow is the preferred method of water diversion. If a pump is used, the cannabis cultivator shall ensure that the pump is operated at the rate of flow that passes through the cannabis cultivation site. Pumping rates shall not dewater or impound water on the upstream side of the coffer dam. When diversion pipe is used it shall be protected from cannabis cultivation activities and maintained to prevent debris blockage.
45.	Cannabis cultivators shall only divert water such that water does not scour the channel bed or banks at the downstream end. Cannabis cultivator shall divert flow in a manner that prevents turbidity, siltation, and pollution and provides flows to downstream reaches. Cannabis cultivators shall provide flows to downstream reaches during all times that the natural flow would have supported aquatic life. Flows shall be of sufficient quality and quantity, and of appropriate temperature to support fish and other aquatic life both above and below the diversion. Block netting and intake screens shall be sized to protect and prevent impacts to fish and wildlife.
46.	Once water has been diverted around the work area, cannabis cultivators may dewater the site to provide an adequately dry work area. Any muddy or otherwise contaminated water shall be pumped to a settling tank, dewatering filter bag, or upland area, or to another location approved by CDFW or the appropriate Regional Water Board Executive Officer prior to re-entering the watercourse.
47.	Upon completion of work, cannabis cultivators shall immediately remove the flow diversion structure in a manner that allows flow to resume with a minimum of disturbance to the channel substrate and that minimizes the generation of turbidity.
48.	A qualified biologist shall, in consultation with CDFW, develop, implement, and oversee a site-specific Capture and Relocation Plan that addresses all potential aquatic life found in dewatered areas. Under the Capture and Relocation Plan all reasonable efforts shall be made to avoid stranding aquatic life and include information regarding how aquatic life observed in dewatered areas will be captured and relocated. Capture methods may include fish landing nets, dip nets, buckets, and by hand. Captured aquatic life shall be released immediately in the waterbody closest to the work site. Efforts will be made to reduce collecting and handling stress, minimize the time that animals are held in buckets, and minimize handling stress during processing and release. Cannabis cultivators or contractors shall not remove any fish, dead or alive, from the site for personal use. If listed species are captured, the cannabis cultivator shall contact CDFW. The cannabis cultivator shall fully implement the Capture and Relocation Plan prior to dewatering.

Watercourse Crossings	
49.	Cannabis cultivators shall ensure that watercourse crossings are designed by a qualified professional.
50.	Cannabis cultivators shall ensure that all road watercourse crossing structures allow for the unrestricted passage of water and shall be designed to accommodate the estimated 100-year flood flow and associated debris (based upon an assessment of the streams potential to generate debris during high flow events). Consult CAL FIRE 100 year Watercourse Crossings document for examples and design calculations, available at: http://www.calfire.ca.gov/resource_mgt/downloads/ reports/ForestryReport1.pdf.
51.	Cannabis cultivators shall ensure that watercourse crossings allow migration of aquatic life during all life stages supported or potentially supported by that stream reach. Design measures shall be incorporated to ensure water depth and velocity does not inhibit migration of aquatic life. Any road crossing structure on watercourses that supports fish shall be constructed for the unrestricted passage of fish at all life stages, and should use the following design guidelines: • CDFW's *Culvert Criteria for Fish Passage;* • CDFW's *Salmonid Stream Habitat Restoration Manual, Volume 2, Part IX: Fish Passage Evaluation at Stream Crossings; and* • National Marine Fisheries Service, Southwest Region *Guidelines for Salmonid Passage at Stream Crossings.*
52.	Cannabis cultivators shall conduct regular inspection and maintenance of stream crossings to ensure crossings are not blocked by debris. Refer to California Board of Forestry Technical Rule No. 5 available at: http://www.calforests.org/wp-content/uploads/2013/10/Adopted-TRA5.pdf.
53.	Cannabis cultivators shall only use rock fords for temporary seasonal crossings on small water bodies where aquatic life passage is not required during the time period of use. Rock fords shall be oriented perpendicular to the flow of the watercourse and designed to maintain the range of surface flows that occur in the watercourse. When constructed, rock shall be sized to withstand the range of flow events that occur at the crossing and rock shall be maintained at the rock ford to completely cover the channel bed and bank surfaces to minimize soil compaction, rutting, and erosion. Rock must extend on either side of the ford up to the break in slope. The use of rock fords as watercourse crossings for all-weather road use is prohibited.
54.	Cannabis cultivators shall ensure that culverts used at watercourse crossings are designed to direct flow and debris toward the inlet (e.g., use of wing-walls, pipe beveling, rock armoring, etc.) to prevent erosion of road fill, debris blocking the culvert, and watercourses from eroding a new channel.
55.	Cannabis cultivators shall regularly inspect and maintain the condition of roads, road drainage features, and watercourse crossings. At a minimum, cannabis cultivators shall perform inspections prior to the onset of fall and winter precipitation and following storm events. Cannabis cultivators are required to perform all of the following maintenance:

	• Remove any wood debris that may restrict flow in a culvert. • Remove sediment that impacts road or drainage feature performance. Place any removed sediment in a location outside the riparian setbacks and stabilize the sediment. • Maintain records of road and drainage feature maintenance and consider redesigning the road to improve performance and reduce maintenance needs.
56.	Cannabis cultivators shall compact road crossing approaches and fill slopes during installation and shall stabilize them with rock or other appropriate surface protection to minimize surface erosion. Cannabis cultivators shall ensure that roads over culverts are equipped with a critical dip to ensure that, if the culvert becomes blocked or plugged, water can flow over the road surface without washing away the fill prism. Road crossings where specific conditions do not allow for a critical dip or in areas with potential for significant debris accumulation, shall include additional measures such as emergency overflow culverts or oversized culverts that are designed by a qualified professional.
57.	Cannabis cultivators shall ensure that culverts used at watercourse crossings are: 1) installed parallel to the watercourse alignment to the extent possible, 2) of sufficient length to extend beyond stabilized fill/sidecast material, and 3) installed at the same level and gradient of the streambed in which they are being placed to prevent erosion.
Soil Disposal and Spoils Management	
58.	Cannabis cultivators shall only store soil, construction, and waste materials outside the riparian setback except as needed for immediate construction needs. Such materials shall not be stored in locations of known slope instability or where the storage of construction or waste material could reduce slope stability.
59.	Cannabis cultivators shall separate large organic material (e.g., roots, woody debris, etc.) from soil materials. Cannabis cultivators shall either place the large organic material in long-term, upland storage sites, or properly dispose of these materials offsite.
60.	Cannabis cultivators shall store erodible soil, soil amendments, and spoil piles to prevent sediment discharges in storm water. Storage practices may include use of tarps, upslope land contouring to divert surface flow around the material, or use of sediment control devices (e.g., silt fences, straw wattles, etc.).
61.	Cannabis cultivators shall contour and stabilize stored spoils to mimic natural slope contours and drainage patterns (as appropriate) to reduce the potential for fill saturation and slope failure.
62.	For soil disposal sites cannabis cultivators shall: • revegetate soil disposal sites with a mix of native plant species, • cover the seeded and planted areas with mulched straw at a rate of two tons per acre, and • apply non-synthetic netting or similar erosion control fabric (e.g., jute) on slopes greater than 2:1 if the site is erodible.
63.	Cannabis cultivators shall haul away and properly dispose of excess soil and other debris

	as needed to prevent discharge to Waters of the State.
Riparian and Wetland Protection and Management	
64.	Cannabis cultivators shall not disturb aquatic or riparian habitat, such as pools, spawning sites, large wood, or shading vegetation unless authorized under a CWA section 404 permit, CWA section 401 certification, Regional Water Board WDRs (when applicable), or a CDFW LSA Agreement.
65.	Cannabis cultivators shall maintain existing, naturally occurring, riparian vegetative cover (e.g., trees, shrubs, and grasses) in aquatic habitat areas to the maximum extent possible to maintain riparian areas for streambank stabilization, erosion control, stream shading and temperature control, sediment and chemical filtration, aquatic life support, wildlife support, and to minimize waste discharge.
Water Storage and Use	
Water Supply, Diversion, and Storage	
66.	Cannabis cultivators shall only install, maintain, and destroy groundwater wells in compliance with county, city, and local ordinances and with California Well Standards as stipulated in California Department of Water Resources Bulletins 74-90 and 74-81.[17]
67.	All water diversions for cannabis cultivation from a surface stream, groundwater diversions from a subterranean stream flowing through a known and definite channel, or other surface waterbody are subject to the surface water forbearance period and instream flow Requirements. This includes lakes, ponds, and all springs or seeps, including those that do not flow off the property. See Section 3. Numeric and Narrative Instream Flow Requirements of this Appendix for more information.
68.	Cannabis cultivators diverting under riparian water right claims shall submit a Cannabis SIUR application within 60 days of when the program becomes available or commence use of another water source during the forbearance period.
69.	Groundwater extractions may be subject to additional requirements, such as a forbearance period, if the State Water Board determines those requirements are reasonably necessary.
70.	Cannabis cultivators are encouraged to use appropriate rainwater catchment systems to collect from impermeable surfaces (e.g., roof tops, etc.) during the wet season and store storm water in tanks, bladders, or off-stream engineered reservoirs to reduce the need for surface water or groundwater diversions.
71.	Cannabis cultivators shall not divert surface water unless it is diverted in accordance with an existing water right that specifies, as appropriate, the source, location of the point of diversion, purpose of use, place of use, and quantity and season of diversion. Cannabis cultivators shall maintain documentation of the water right at the cannabis cultivation site. Documentation of the water right shall be available for review and inspection by the Water

[17] California Well Standards are available at: http://www.water.ca.gov/groundwater/well_info_and_other/california_well_standards/well_standards_content.html.

	Boards, CDFW, and any other authorized representatives of the Water Boards or CDFW.
72.	Cannabis cultivators shall ensure that all water diversion facilities are designed, constructed, and maintained so they do not prevent, impede, or tend to prevent the passing of fish, as defined by Fish and Game Code section 45, upstream or downstream, as required by Fish and Game Code section 5901. This includes but is not limited to the supply of water at an appropriate depth, temperature, and velocity to facilitate upstream and downstream aquatic life movement and migration. Cannabis cultivators shall allow sufficient water at all times to pass past the point of diversion to keep in good condition any fish that may be planted or exist below the point of diversion as defined by Fish and Game Code section 5937. Cannabis cultivators shall not divert water in a manner contrary to or inconsistent with these Requirements.
73.	Cannabis cultivators shall not divert surface water unless in compliance with all additional Cannabis SIUR conditions required by CDFW.
74.	Water diversion facilities shall include satisfactory means for bypassing water to satisfy downstream prior rights and any requirements of policies for water quality control, water quality control plans, water quality certifications, waste discharge requirements, or other local, state or federal instream flow requirements. Cannabis cultivators shall not divert in a manner that results in injury to holders of legal downstream senior rights. Cannabis cultivators may be required to curtail diversions should diversion result in injury to holders of legal downstream senior water rights or interfere with maintenance of downstream instream flow requirements.
75.	Cannabis cultivators shall only use fuel powered (e.g., gas, diesel, etc.) diversion pumps that are located in a stable and secure location outside of the riparian setbacks. All pumps shall: 1. be properly maintained, 2. have suitable secondary containment to ensure any spills or leaks do not enter surface waterbodies or groundwater, and 3. have sufficient overhead cover to prevent exposure of equipment to precipitation.
76.	No water shall be diverted unless the cannabis cultivator is operating the water diversion facility with a CDFW-approved fish screen. The fish screen shall be designed and maintained in accordance with screening criteria approved by CDFW. The screen shall prevent wildlife from entering the diversion intake and becoming entrapped. The cannabis cultivator shall contact the regional CDFW Office, LSA Program for information on screening criteria for diversion(s).[18] The cannabis cultivator shall provide evidence that demonstrates that the fish screen is in good condition whenever requested by the Water Boards or CDFW. Points of re-diversion from off-stream storage facilities that are open to the environment shall have a fish screen, as required by CDFW.
77.	Cannabis cultivators shall inspect, maintain, and clean fish screens and bypass appurtenances to ensure proper operation for the protection of fish and wildlife.
78.	Cannabis cultivators shall not obstruct, alter, dam, or divert all or any portion of a natural

[18] CDFW's Lake and Streambed program information is available at: https://www.wildlife.ca.gov/Conservation/LSA .

	watercourse prior to obtaining all applicable permits and approvals. Permits may include a valid water right, CWA section 404 permit, CWA section 401 certification, Regional Water Board WDRs (when applicable), and/or a CDFW LSA Agreement.
79.	Cannabis cultivators shall plug, block, cap, disconnect, or remove the diversion intake associated with cannabis cultivation activities during the surface water forbearance period, unless the diversion intake is used for other beneficial uses, to ensure no water is diverted during that time.
80.	Cannabis cultivators shall not divert more than a maximum instantaneous diversion rate of 10 gallons per minute, unless authorized under an existing appropriative water right.
82.	Onstream storage reservoirs are prohibited unless the cannabis cultivator has an existing water right issued prior to January 1, 2017 that authorizes the onstream storage reservoir. Cannabis cultivators who do not have an existing water right as of January 1, 2017, that authorizes the onstream reservoir storage, including cannabis cultivators with a pending application, an unpermitted onstream storage reservoir, and those who want to install a new onstream storage reservoir, are required to obtain an appropriative water right permit prior to diverting water from an onstream storage reservoir for cannabis cultivation.
83.	Cannabis cultivators are encouraged to install separate storage systems for water diverted for cannabis irrigation and water diverted for any other beneficial uses,[19] or otherwise shall install separate measuring devices to quantify diversion to and from each storage facility, including the quantity of water diverted and the quantity, place, and purpose of use (e.g., cannabis irrigation, other crop irrigation, domestic, etc.) for the stored water.
84.	The cannabis cultivator shall install and maintain a measuring device(s) that meets the requirements for direct diversions greater than 10 acre-feet per year in California Code of Regulations, Title 23, Division 3, Chapter 2.7[20]. The measuring device(s) shall be located at or near the point of diversion. Cannabis cultivators shall maintain records of daily diversion with separate records that document the amount of water used for cannabis cultivation separate from the amount of water used for other irrigation purposes and other beneficial uses of water (e.g., domestic, fire protection, etc.). Cannabis cultivators shall maintain daily diversion records at the cultivation site and shall make the records available for review or by request by the Water Boards CDFW, or any other authorized representatives of the Water Boards or CDFW.
85.	The State Water Board intends to develop and implement a basin-wide program for real-time electronic monitoring and reporting of diversions, withdrawals, releases and streamflow in a standardized format if and when resources become available. Such real-time reporting will be required upon a showing by the State Water Board that the program and the infrastructure are in place to accept real-time electronic reports. Implementation of the reporting requirements shall not necessitate amendment to this Requirement.

[19] Other beneficial uses of water include: domestic, irrigation, power, municipal, mining, industrial, fish and wildlife preservation and enhancement, aquaculture, recreational, stockwatering, water quality, frost protection, and heat control. (California Code of Regulations, Title 23 sections 659-672).

[20] Additional information on measuring devices may be found at: https://www.waterboards.ca.gov/waterrights/water_issues/programs/diversion_use/water_use.shtml#measurement

86.	Cannabis cultivators shall not use off-stream storage reservoirs to store water for cannabis cultivation unless the reservoir is properly sited and has been designed by a qualified professional. Cannabis cultivators shall plant native vegetation along the perimeter of the off-stream storage reservoir.
87.	Cannabis cultivators shall design and manage off-stream storage facilities that are open to the environment, such as storage ponds and reservoirs, to maintain sufficient freeboard to capture stormwater runoff of a representative 25-year, 24-hour storm event.
88.	Cannabis cultivators shall provide adequate outlet drainage for overflow of reservoirs that are not closed to the environment, including low impact designs, to promote dispersal and infiltration of flows. Reservoirs shall be designed with an adequate overflow outlet and protected spillway which disperses flow and discourages channelization.
89.	Cannabis cultivators shall implement an invasive species management plan prepared by a Qualified Biologist for any existing or proposed water storage facilities that are open to the environment. The plan shall include, at a minimum, an annual survey for bullfrogs and other invasive aquatic species. If bullfrogs or other invasive aquatic species are identified, eradication measures shall be implemented by a qualified biologist. Eradication methods can be direct or indirect. Direct methods may include hand-held dip net, hook and line, lights, spears, gigs, or fish tackle under a fishing license (pursuant to Fish and Game Code section 6855). An indirect method may involve seasonally timed complete dewatering and a drying period of the off-stream storage facility under a Permit to Destroy Harmful Species (pursuant to Fish and Game Code section 5501) issued by CDFW.
90.	Cannabis cultivators shall not cause or allow any overflow from off-stream water storage facilities that are closed to the environment (e.g., tanks and bladders) if the off-stream facilities are served by a diversion from surface water or groundwater. Cannabis cultivators shall regularly inspect for and repair all leaks of the diversion and storage system.
91.	Water storage tanks, bladders, and other off-stream water storage facilities that are closed to the environment shall not be located in a riparian setback or next to equipment that generates heat. Cannabis cultivators shall place water storage tanks, bladders, and other off-stream water storage facilities that are closed to the environment in areas that allow for ease of installation, access, maintenance, and minimize road development.
92.	Cannabis cultivators shall install vertical and horizontal tanks according to manufacturer's specifications and shall place tanks on properly compacted soil that is free of rocks and sharp objects and capable of bearing the weight of the tank and its maximum contents with minimal settlement. Tanks shall not be located in areas of slope instability. Cannabis cultivators shall install water storage tanks capable of containing more than 8,000 gallons only on a reinforced concrete pad providing adequate support and enough space to attach a tank restraint system (anchor using the molded-in tie down lugs with moderate tension, being careful not to over-tighten) per the recommendations of a qualified professional.
93.	To prevent rupture or overflow and runoff, cannabis cultivators shall only use water storage tanks and bladders equipped with a float valve, or equivalent device, to shut off diversion when storage systems are full. Cannabis cultivators shall install any other measures necessary to prevent overflow of storage systems to prevent runoff and the diversion of more water than can be used and/or stored.

94.	Cannabis cultivators shall ensure that all vents and other openings on water storage tanks are designed to prevent the entry and/or entrapment of wildlife.
95.	Water storage bladders are not encouraged for long-term use. If bladders are used, the cannabis cultivator shall ensure that the bladder is designed and properly installed to store water and that the bladder is sited to minimize the potential for water to flow into a watercourse in the event of a catastrophic failure. If a storage bladder has been previously used, the cannabis cultivator shall carefully inspect the bladder to confirm its integrity and confirm the absence of any interior residual chemicals prior to resuming use. Cannabis cultivators shall periodically inspect water storage bladders and containment features to ensure integrity. Water storage bladders shall be properly disposed of or recycled and not resold when assurance of structural integrity is no longer guaranteed.
96.	Cannabis cultivators shall not use water storage bladders unless the bladder is safely contained within a secondary containment system with sufficient capacity to capture 150 percent of a bladder's maximum possible contents in the event of bladder failure (i.e., 150 percent of bladder's capacity). Secondary containment systems that are open to the environment shall be designed and maintained with sufficient freeboard to capture storm water runoff of a representative 25-year, 24-hour storm event.
97.	Cannabis cultivators shall retain appropriate documentation for any hauled water[21] used for cannabis cultivation. Documentation for hauled water shall include, for each delivery, all of the following: 1. A receipt that shows the date of delivery and the name, address, license plate number, and license plate issuing state for the water hauler, 2. A copy of the Water Hauler's License (California Health and Safety Code section 111120), 3. A copy of proof of the Water Hauler's water right, groundwater well, or other water source, and the location of the water source, and 4. The quantity of water delivered or picked up from a legal water source, in gallons. Documentation shall be made available, upon request, to Water Boards or CDFW staff and any other authorized representatives of the Water Boards or CDFW.
Water Conservation and Use	
98.	Cannabis cultivators shall regularly inspect their entire water delivery system for leaks and immediately repair any leaky faucets, pipes, connectors, or other leaks.
99.	Cannabis cultivators shall use weed-free mulch in cultivation areas that do not have ground cover to conserve soil moisture and minimize evaporative loss.
100.	Cannabis cultivators shall implement water conserving irrigation methods (e.g., drip or trickle irrigation, micro-spray, or hydroponics).
101.	Cannabis cultivators shall maintain daily records of all water used for irrigation of cannabis. Daily records may be calculated by the use of a measuring device or, if known, by calculating the irrigation system rates and duration of time watered (e.g., irrigating for one

[21] Water hauler means any person who hauls water in bulk by any means of transportation.

	hour twice per day using 50 half-gallon drips equates to 50 gallons per day (1*2*50*0.5) of water used for irrigation). Cannabis cultivators shall retain irrigation records at the cannabis cultivation site and shall make all irrigation records available for review by the Water Boards, CDFW and any other authorized representatives of the Water Boards or CDFW.
Irrigation Runoff	
102.	Cannabis cultivators shall regularly inspect for leaks in mainlines[22], laterals[23], in irrigation connections, sprinkler heads, or at the ends of drip tape and feeder lines and immediately repair any leaks found upon detection.
103.	The irrigation system shall be designed to include redundancy (e.g., safety valves) in the event that leaks occur, so that waste of water and runoff is prevented and minimized.
104.	Cannabis cultivators shall regularly replace worn, outdated, or inefficient irrigation system components and equipment to ensure a properly functioning, leak-free irrigation system at all times.
105.	Cannabis cultivators shall minimize irrigation deep percolation[24] to the maximum extent possible.

[22] Mainlines are pipes that go from the water source to the control valves.
[23] Laterals are the pipes between the control valve and the sprinkler heads.
[24] Deep percolation occurs when excess irrigation water is applied and percolates below the plant root zone.

Fertilizers, Pesticides, and Petroleum Products	
106.	Cannabis cultivators shall not mix, prepare, over apply, or dispose of agricultural chemicals/products (e.g., fertilizers, pesticides[25], and other chemicals as defined in the applicable water quality control plan) in any location where they could enter the riparian setback or waters of the state. The use of agricultural chemicals inconsistently with product labeling, storage instructions, or DPR requirements for pesticide applications[26] is prohibited. Disposal of unused product and containers shall be consistent with labels.
107.	Cannabis cultivators shall keep and use absorbent materials designated for spill containment and spill cleanup equipment on-site for use in an accidental spill of fertilizers, petroleum products, hazardous materials, and other substances which may degrade waters of the state. The cannabis cultivator shall immediately notify the California Office of Emergency Services at 1-800-852-7550 and immediately initiate cleanup activities for all spills that could enter a waterbody or degrade groundwater.
108.	Cannabis cultivators shall establish and use a separate storage area for pesticides, and fertilizers, and another storage area for petroleum or other liquid chemicals (including diesel, gasoline, oils, etc.). All such storage areas shall comply with the riparian setback Requirements, be in a secured location in compliance with label instructions, outside of areas of known slope instability, and be protected from accidental ignition, weather, and wildlife. All storage areas shall have appropriate secondary containment structures, as necessary, to protect water quality and prevent spillage, mixing, discharge, or seepage. Storage tanks and containers must be of suitable material and construction to be compatible with the substances stored and conditions of storage, such as pressure and temperature.
109.	Throughout the wet season, Cannabis Cultivators shall ensure that any temporary storage areas have a permanent cover and side-wind protection or be covered during non-working days and prior to and during rain events.

[25] Pesticide is defined as follows:
- Per California Code of Regulations Title 3. Division 6. Section 6000:
  (a) Any substance or mixture of substances that is a pesticide as defined in the Food and Agricultural Code and includes mixtures and dilutions of pesticides;
  (b) As the term is used in Section 12995 of the California Food and Agricultural Code, includes any substance or product that the user intends to be used for the pesticidal poison purposes specified in Sections 12753 and 12758 of the Food and Agricultural Code.
- Per California Food and Agricultural Code section 12753(b), the term "Pesticide" includes any of the following: Any substance, or mixture of substances which is intended to be used for defoliating plants, regulating plant growth, or for preventing, destroying, repelling, or mitigating any pest, as defined in Section 12754.5, which may infest or be detrimental to vegetation, man, animals, or households, or be present in any agricultural or nonagricultural environment whatsoever.
- In laymen's terms: "pesticide" includes: rodenticides, herbicides, insecticides, fungicides, and disinfectants.

[26] More information on DPR requirements is available at:
http://www.cdpr.ca.gov/docs/legbills/laws_regulations.htm,
http://www.cdpr.ca.gov/docs/county/cacltrs/penfltrs/penf2017/2017atch/attach0301.pdf, and
http://www.cdpr.ca.gov/docs/cannabis/index.htm

110.	Cannabis cultivators shall only use hazardous materials[27] in a manner consistent with the product's label.
111.	Cannabis cultivators shall only keep hazardous materials in their original containers with labels intact, and shall store hazardous materials to prevent exposure to sunlight, excessive heat, and precipitation. Cannabis cultivators shall provide secondary containment for hazardous materials to prevent possible exposure to the environment. Disposal of unused hazardous materials and containers shall be consistent with the label.
112.	Cannabis cultivators shall only mix, prepare, apply, or load hazardous materials outside of the riparian setbacks.
113.	Cannabis cultivators shall not apply agricultural chemicals within 48 hours of a predicted rainfall event of 0.25 inches or greater.
Fertilizers and Soils	
114.	To minimize infiltration and water quality degradation, Cannabis cultivators shall only irrigate and apply fertilizer to cannabis cultivation areas consistent with crop need (i.e., agronomic rate).
115.	When used, cannabis cultivators shall only apply nitrogen to cannabis cultivation areas consistent with crop need (i.e., agronomic rate). Cannabis cultivators shall not apply nitrogen at a rate greater than 319 pounds/acre/year unless plant tissue analysis performed by a qualified individual demonstrates the need for additional nitrogen application. The analysis shall be performed by an agricultural laboratory certified by the State Water Board's Environmental Laboratory Accreditation Program.
116.	Cannabis cultivators shall ensure that potting soil or soil amendments, when not in use, are placed and stored with covers, when needed, to protect from rainfall and erosion, to prevent discharge to Waters of the State, and to minimize leaching of waste constituents into groundwater.
Pesticides and Herbicides	
117.	Cannabis cultivators shall not apply restricted materials, including restricted pesticides, or allow restricted materials to be applied at the cannabis cultivation site.
118.	Cannabis cultivators shall implement integrated pest management strategies where possible to reduce the need and use of pesticides and the potential for discharges to waters of the state.[28]

[27] A hazardous material is any item or agent (biological, chemical, radiological, and/or physical), which has the potential to cause harm to humans, animals, or the environment, either by itself or through interaction with other factors.

[28] https://www.epa.gov/safepestcontrol/integrated-pest-management-ipm-principles

Petroleum Products and Other Chemicals	
119.	Cannabis cultivators shall only perform maintenance or refueling of vehicles or equipment outside of riparian setbacks. Cannabis cultivators shall inspect all equipment using oil, hydraulic fluid, or petroleum products for leaks prior to use and shall monitor equipment for leakage. Stationary equipment (e.g., motors, pumps, generators, etc.) and vehicles not in use shall be located outside of riparian setbacks. Spill and containment equipment (e.g., oil spill booms, sorbent pads, etc.) shall be stored onsite at all locations where equipment is used or staged.
120.	Cannabis cultivators shall only store petroleum, petroleum products, and similar fluids in a manner that provides chemical compatibility; protection from accidental ignition, the sun, wind, rain; and secondary containment.
121.	Cannabis cultivators shall not install underground storage tanks for the storage of petroleum products for cannabis cultivation activities. Use of an existing underground storage tank already located on the cannabis cultivation site for storage of petroleum products for cannabis cultivation activities is subject to applicable federal, state, and local laws, regulations, and permitting requirements.
Cultivation-Related Waste	
122.	Cannabis cultivators shall contain and regularly remove all debris and trash associated with cannabis cultivation activities from the cannabis cultivation site. Cannabis cultivators shall only dispose of debris and trash at an authorized landfill or other disposal site in compliance with state and local laws, ordinances, and regulations. Cannabis cultivators shall not allow litter, plastic, or similar debris to enter the riparian setback or waters of the state. Cannabis plant material may be disposed of onsite in compliance with any applicable CDFA license conditions.
123.	Cannabis cultivators shall only dispose or reuse spent growth medium (e.g., soil and other organic media) in a manner that prevents discharge of soil and residual nutrients and chemicals to the riparian setback or Waters of the State. Spent growth medium shall be covered with plastic sheeting or stored in water tight dumpsters prior to proper disposal or reuse. Spent growth medium should be disposed of at an authorized landfill or other disposal site in compliance with state and local laws, ordinances, and regulations. Proper reuse of spent growth medium may include incorporation into garden beds or spreading on a stable surface and revegetating the surface with native plants. Cannabis cultivators shall use erosion control techniques, as needed, for any reused or stored spent growth medium to prevent polluted runoff.
Refuse and Domestic Waste	
124.	Cannabis cultivators shall ensure that debris, soil, silt, bark, slash, sawdust, rubbish, creosote-treated wood, raw cement and concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances which could be hazardous to any life stage of fish and wildlife or their habitat (includes food sources) does not contaminate soil or enter the riparian setback or Waters of the State.
125.	Cannabis cultivators shall not dispose of domestic wastewater unless it meets applicable

<table>
<tr><td></td><td>local agency and/or Regional Water Board requirements. Cannabis cultivators shall ensure that human or animal waste is disposed of properly. Cannabis cultivators shall ensure onsite wastewater treatment systems (e.g., septic system) are permitted by the local agency or applicable Regional Water Board.</td></tr>
<tr><td>126.</td><td>If used, chemical toilets or holding tanks shall be maintained in a manner appropriate for the frequency and conditions of usage, sited in stable locations, and comply with the riparian setback Requirements.</td></tr>
<tr><td colspan="2">Winterization</td></tr>
<tr><td>127.</td><td>Cannabis cultivators shall implement all applicable Erosion Control and Soil Disposal and Spoils Management Requirements in addition to the Winterization Requirements below by November 15 of each year, or earlier, if needed to prevent waste discharges that result in water quality degradation.</td></tr>
<tr><td>128.</td><td>Cannabis cultivators shall block or otherwise close any temporary roads to all motorized vehicles no later than November 15 of each year.</td></tr>
<tr><td>129.</td><td>Cannabis cultivators shall not operate heavy equipment of any kind at the cannabis cultivation site during the winter period (November 16 to March 31), unless authorized for emergency repairs contained in an enforcement order issued by the State Water Board, Regional Water Board, or other agency having jurisdiction.</td></tr>
<tr><td>130.</td><td>Cannabis cultivators shall apply linear sediment controls (e.g., silt fences, wattles, etc.) along the toe of the slope, face of the slope, and at the grade breaks of exposed slopes to comply with sheet flow length[29] at the frequency specified below.
<table>
<tr><th>Slope (percent)</th><th>Sheet Flow Length Not to Exceed (feet)</th></tr>
<tr><td>0 – 25</td><td>20</td></tr>
<tr><td>25 – 50</td><td>15</td></tr>
<tr><td>>50</td><td>10</td></tr>
</table></td></tr>
<tr><td>131.</td><td>Cannabis cultivators shall maintain all culverts, drop inlets, trash racks and similar devices to ensure they are not blocked by debris or sediment. The outflow of culverts shall be inspected to ensure erosion is not undermining the culvert. Culverts shall be inspected prior to the onset of fall and winter precipitation and following precipitation events to determine if maintenance or cleaning is required.</td></tr>
<tr><td>132.</td><td>Cannabis cultivators shall stabilize all disturbed areas and construction entrances and exits to control erosion and sediment discharges from land disturbance.</td></tr>
<tr><td>133.</td><td>Cannabis cultivators shall cover and berm all loose stockpiled construction materials (e.g., soil, spoils, aggregate, etc.) that are not actively (scheduled for use within 48 hours) being</td></tr>
</table>

[29] Sheet flow length is the length that shallow, low velocity flow travels across a site.

	used.
134.	Cannabis cultivators shall apply erosion repair and control measures to the bare ground (e.g., cultivation area, access paths, etc.) to prevent discharge of sediment to Waters of the State.
135.	As part of the winterization plan approval process, the Regional Water Board may require cannabis cultivators to implement additional site-specific erosion and sediment control requirements if the implementation of the Requirements in this section do not adequately protect water quality.

DRAFT

SECTION 3 – NUMERIC AND NARRATIVE INSTREAM FLOW REQUIREMENTS (INCLUDING GAGING)

This section outlines the numeric and narrative instream flow Requirements established in this Policy.

The narrative instream flow Requirements apply to all diversions of surface water and groundwater for cannabis cultivation throughout California, in all 14 Regions. Numeric instream flow requirements are developed at compliance gages for the 14 Regions.

Narrative Instream Flow Requirements

Instream Flow Requirements for Surface Water Diversions

1. Surface water instream flow Requirements apply to anyone diverting water for cannabis cultivation from a waterbody. A waterbody is defined as any significant accumulation of water, such as: lakes, ponds, rivers, streams, creeks, springs or seeps[30], artesian wells, wetlands, and canals. Surface water instream flow Requirements also apply to water diverted from a subterranean stream flowing through a known and definite channel.

2. The instream flow Requirements and forbearance period listed in this section shall not apply to retail water suppliers, as defined in Section 13575 of the Water Code[31], whose primary beneficial use is municipal or domestic, unless any of the following circumstances are present:
    a. the retail water supplier has 10 or fewer customers;
    b. the retail water supplier delivers 10 percent or more of the diverted water to one or more cannabis cultivator(s) or cannabis cultivation site(s), as established by an assessor's parcel number;
    c. 25 percent or more of the water delivered by the retail water supplier is used for cannabis cultivation; or
    d. a cannabis cultivator and the retail water supplier are affiliates, as defined in California Code of Regulations, title 23, section 2814.20.

3. Surface Water Dry Season Forbearance Period: Cannabis cultivators shall not divert surface water for cannabis cultivation activities at any time from April 1 through October 31 of each calendar year, unless the water diverted is delivered from storage in compliance with Narrative Flow Requirement 4.

4. The authorized surface water diversion period is November 1 through March 31. During this diversion period, cannabis cultivators may only divert surface water for cannabis cultivation when water is available for diversion under the cannabis cultivator's priority of right and the applicable Numeric Flow Requirement (Section 4) is met at the assigned compliance gage. This includes direct diversion and diversion to storage. Numeric instream flow Requirements are established throughout the State and are calculated for

[30] A spring or seep is a place where water flows out of the ground. A spring or seep may flow the whole year or part of the year. Surface water instream flow Requirements apply to both natural springs and seeps and springs and seeps that are modified to improve production such as, installing piping and spring boxes/wells.

[31] Under Water Code section 13575(b)(5), "Retail water supplier" means any local entity, including a public agency, city, county, or private water company that provides retail water service.

the majority of USGS National Hydrologic Database plus 2 stream reaches where the USGS flow modeling data are available.

Cannabis cultivators that divert water from a waterbody with an assigned compliance gage in Section 4 of this Policy are required to ensure that the real-time daily average flow, as published on a designated compliance gage website identified by the Deputy Director for Water Rights, exceeds the minimum monthly instream flow Requirement at the cannabis cultivator's assigned compliance gage. Cannabis cultivators shall verify and document compliance with the applicable Numeric Flow Requirement on a daily basis for each day of surface water diversion.

5. In addition to Narrative Flow Requirement 4, at all times the cannabis cultivators shall bypass a minimum of 50 percent of the surface water flow past their point of diversion, as estimated based on visually observing surface water flow at least daily.

   Cannabis cultivators claiming, pursuant to Business and Professions Code section 26060.1, that a spring does not flow off their property by surface or subterranean means in the absence of diversion, may request an exemption from the minimum of 50 percent bypass requirement. In requesting such an exemption, cannabis cultivators shall provide substantial evidence demonstrating that the spring, seep, or artesian well does not have surface or subsurface hydrologic connectivity at any time of year during all water year types[32]. The substantial evidence must be documented by a qualified professional. For purposes of this Requirement, qualified professionals include California-registered Professional Geologists or other classifications of professions approved by the Deputy Director for Water Rights (Deputy Director). A list of qualified professionals that may document the substantial evidence required per this Requirement will be maintained on the Water Rights section of the State Water Board's Cannabis Cultivation webpage[33]. The Deputy Director may require additional information from the cannabis cultivator to support the request. If the Deputy Director concurs with the evidence provided, the cannabis cultivator may be exempted from the Policy's Requirement to bypass a minimum of 50 percent of the surface water flow. Compliance with the Policy's minimum monthly flow Requirement (Narrative Flow Requirement 4) shall still apply. Notwithstanding such an exemption, all other applicable Requirements of this Policy remain in force.

6. From November 1 through December 14 of each year, the surface water diversion period shall not begin until after seven consecutive days in which the surface waterbody's real-time daily average flow is greater than the Numeric Flow Requirement (applicable minimum monthly instream flow Requirement in Section 4). The first day of the seven consecutive days must occur on or after November 1. After the seventh consecutive day with average flow greater than the Numeric Flow Requirement, surface water diversions may occur on any subsequent days in which the real-time daily average flow is greater than the Numeric Flow Requirement (applicable minimum monthly instream flow Requirement in Section 4). For example, if the daily average flows on each day from November 1 through November 7 of a given year are greater than the Numeric Flow Requirement for November (applicable November monthly minimum flow Requirement), diversion may begin on November 8 if the daily average flow on

[32] Including during any precipitation and runoff events.
[33] State Water Board's Cannabis Cultivation webpage: http://www.waterboards.ca.gov/water_issues/programs/cannabis/index.shtml

November 8 is also greater than the November Numeric Flow Requirement. From December 15 through March 31 of each surface water diversion period, surface water diversions may occur on any day in which the surface waterbody's real-time daily average flow is greater than the Numeric Flow Requirement (applicable minimum monthly instream flow Requirement).

7. The State Water Board has developed Numeric instream flow Requirements (minimum instream flow requirements) for each compliance gage in Section 4, Table 1 through Table 14, to ensure that individual and cumulative effects of water diversion and discharge associated with cannabis cultivation do not affect the instream flows needed for fish spawning, migration, and rearing, and the flows needed to maintain natural flow variability. If the individual and cumulative effects of diversions result in unanticipated impacts, however, the State Water Board may revise the narrative and/or numeric instream flow Requirements to better protect instream resources, habitat, and natural flow variability.

Requirements for Groundwater Diversions

8. This Policy establishes a low flow threshold, calculated by applying the New England Aquatic Base Flow Standard, as one mechanism to help monitor whether groundwater diverters are having a cumulative negative impact on surface flows. The State Water Board may develop additional requirements for groundwater diversions for cannabis cultivation in locations where there are a significant number of groundwater diversions or locations where significant numbers of surface water diverters are switching to groundwater diversions and those diversions have the potential to have negative localized impact on surface flows.

9. The instream flow Requirements listed in narrative flow Requirement 8 (low flow threshold) shall not apply to retail water suppliers, as defined in Section 13575 of the Water Code[34], whose primary beneficial use is municipal or domestic, unless any of the following circumstances are present:
    a. the retail water supplier has 10 or fewer customers;
    b. the retail water supplier delivers 10 percent or more of the diverted water to one or more cannabis cultivator(s) or cannabis cultivation site(s), as established by an assessor's parcel number;
    c. 25 percent or more of the water delivered by the retail water supplier is used for cannabis cultivation; or
    d. a cannabis cultivator and the retail water supplier are affiliates, as defined in California Code of Regulations, title 23, section 2814.20.

Gage Installation, Maintenance, and Operation Requirements

The Deputy Director for Water Rights (Deputy Director) may require cannabis cultivators to install and operate a local telemetry gage in ungaged watersheds or localized watershed areas if the Deputy Director determines that use of the assigned compliance gage does not adequately protect instream flows or does not adequately represent the localized water demand. The Deputy Director may also require the installation and operation of a local

[34] Water Code Chapter 7.5. Water Recycling Act of 1991, Section 13575(b)(5) "Retail water supplier" means any local entity, including a public agency, city, county, or private water company that provides retail water service.

telemetry gage in watersheds with no gage assignment if the Deputy Director determines that a gage is necessary to adequately protect instream flows.

Cannabis cultivators shall ensure that gages required by the Deputy Director are installed, maintained, and operated by a qualified professional. For purposes of this Requirement, qualified professionals include California-registered Professional Civil Engineers, or other classifications of professions approved by the Deputy Director. A list of qualified professionals that may document compliance with this Requirement will be maintained in the Water Rights section of the State Water Board's Cannabis Cultivation webpage[35]. Gage equipment shall meet the applicable technical specifications for telemetered measuring devices in California Code of Regulations, title 23, section 933, that apply to diversions of over 10,000 acre-feet per year or more. Gages shall record data at a minimum of 15-minute intervals and report the recorded real-time data hourly, at a minimum, via a public website designated by the State Water Board's Division of Water Rights (Division of Water Rights).

Cannabis cultivators, or an entity acting on behalf of cannabis cultivators, shall submit a gage operation and maintenance (O&M) plan prepared by a qualified professional, as defined in the preceding paragraph, to the Deputy Director or the Deputy Director's designee for approval. At a minimum, the gage O&M plan shall include qualifications and names of entities responsible for gage installation, maintenance, and operation; gage specifications and accuracy; gage location; gage installation procedures that ensure accurate operation during the wet season and stability during high flow events; stream flow measurement procedures for development of rating curves that represent wet season flows; telemetry equipment; and an O&M schedule and procedures. The Deputy Director may require additional information from the cannabis cultivator to support the request. The Deputy Director may include additional requirements as part of any approval of a gage O&M plan.

Prior to October 31, during each water year of gage operation, an annual maintenance and operation summary report prepared by a qualified professional, as defined above in this Requirement, shall be submitted to the Division of Water Rights that includes, at a minimum: qualifications and names of entities responsible for maintenance and operation; maintenance activities or operational issues for the prior water year of operation; quality assured gage stage and flow data collected and analyzed for prior water year; rating curves for prior and upcoming water year of operation; data collected to establish rating curves for prior and upcoming water year of operation; and any anticipated maintenance plans or operational issues for the upcoming water year. The gage data shall be provided to the Division of Water Rights in a format retrievable and viewable using Microsoft Excel, Microsoft Access, or other software program authorized by the Deputy Director.

[35] State Water Board's cannabis cultivation webpage: http://www.waterboards.ca.gov/water_issues/programs/cannabis/index.shtml

SECTION 4 – WATERSHED COMPLIANCE GAGE ASSIGNMENTS

Watershed Compliance Gage Assignments

The following tables show the compliance gage numeric instream flow Requirements by Region. The State Water Board is developing an online mapping tool to assist cannabis cultivators with determining which compliance gage applies to them and whether they may divert water. It is anticipated that the online mapping tool will allow cannabis cultivators to enter their address or otherwise locate their point of diversion to identify their assigned watershed compliance gage. The compliance gage assignments may change as more information becomes available. To ensure cannabis cultivators are reporting in accordance with the appropriate gage, the cannabis cultivator is required to check the website for their compliance gage assignment at least daily and prior to diverting water to ensure water is available to divert at that gage (i.e., the real-time daily average flow is greater than the Numeric Flow Requirement at the assigned compliance gage).

Table 1. Klamath Region Compliance Gage Numeric Instream Flow Requirements

Gage Number	Gage Name	Source	November *(cfs)*	December *(cfs)*	January *(cfs)*	February *(cfs)*	March *(cfs)*	Groundwater Low Flow Threshold *(cfs)*
11516530	KLAMATH R BL IRON GATE DAM CA	USGS	828	828	828	828	1,013	1,287
11517000	SHASTA R NR MONTAGUE CA	USGS	114	114	114	176	194	169
11517500	SHASTA R NR YREKA CA	USGS	128	128	129	197	222	188
11519500	SCOTT R NR FORT JONES CA	USGS	293	327	467	454	379	161
11520500	KLAMATH R NR SEIAD VALLEY CA	USGS	1,364	1,364	1,364	1,433	2,354	1,807
11521500	INDIAN C NR HAPPY CAMP CA	USGS	181	368	372	365	319	35
11522500	SALMON R A SOMES BAR CA	USGS	758	1,035	1,306	1,265	1,243	202
11523000	KLAMATH R A ORLEANS	USGS	2,631	2,631	2,631	3,424	5,131	1,156
11523200	TRINITY R AB COFFEE C NR TRINITY CENTER CA	USGS	162	162	185	220	257	39
11525530	RUSH C NR LEWISTON CA	USGS	15	22	29	31	31	2
11525630	GRASS VALLEY C NR LEWISTON CA	USGS	23	32	48	51	47	3.7
11525670	INDIAN C NR DOUGLAS CITY CA	USGS	20	28	40	44	43	3
11525854	TRINITY R A DOUGLAS CITY CA	USGS	957	1,022	1,388	1,628	1,492	228
11526400	TRINITY R AB NF TRINITY R NR HELENA CA	USGS	1,122	1,237	1,702	1,951	1,782	273
11526500	NF TRINITY R A HELENA CA	USGS	146	175	246	269	253	32
11527000	TRINITY R NR BURNT RANCH CA	USGS	1,320	1,534	2,105	2,415	2,239	324
11528700	SF TRINITY R BL HYAMPOM CA	USGS	572	898	1,331	1,372	1,255	77
11530000	TRINITY R A HOOPA CA	USGS	2,349	3,440	4,712	5,165	4,772	423
11530500	KLAMATH R NR KLAMATH CA	USGS	9,785	10,162	14,400	13,657	16,450	4,789

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Gage Number	Gage Name	Source	November *(cfs)*	December *(cfs)*	January *(cfs)*	February *(cfs)*	March *(cfs)*	Groundwater Low Flow Threshold *(cfs)*
11532500	SMITH R NR CRESCENT CITY CA	USGS	1,758	3,261	3,382	2,865	2,623	288
CLE	TRINITY LAKE	US Bureau of Reclamation	749	849	1,117	1,288	1,169	188
SPU	SHASTA R AT GRENADA PUMP PLANT	DWR, NRO	47	47	47	68	77	47

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Table 2. Upper Sacramento Region Compliance Gage Numeric Instream Flow Requirements

Gage Number	Gage Name	Source	November *(cfs)*	December *(cfs)*	January *(cfs)*	February *(cfs)*	March *(cfs)*	Groundwater Low Flow Threshold *(cfs)*
11342000	SACRAMENTO R A DELTA CA	USGS	486	645	800	1,037	894	139
11345500	SF PIT R NR LIKELY CA	USGS	28	28	28	28	28	35
11348500	PIT R NR CANBY CA	USGS	125	132	116	116	116	122
11361000	BURNEY C A BURNEY FALLS NR BURNEY CA	USGS	84	84	94	123	132	58
HCB	HAT CK BLW HAT CK	DWR	85	85	85	85	99	83
HCN	HAT CK NR HAT CK	DWR	73	74	74	74	76	60
SDT	SACRAMENTO R AT DELTA	US Bureau of Reclamation	486	645	800	1,037	894	139
SHA	SHASTA DAM (USBR)	US Bureau of Reclamation	1,792	1,792	2,207	3,096	4,145	904

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Table 3. North Eastern Region Compliance Gage Numeric Instream Flow Requirements

Gage Number	Gage Name	Source	November *(cfs)*	December *(cfs)*	January *(cfs)*	February *(cfs)*	March *(cfs)*	Groundwater Low Flow Threshold *(cfs)*
SSD	SUSAN R NR STANDISH	DWR	65	65	65	73	81	44
SSU	SUSAN RIVER AT SUSANVILLE	DWR	54	54	54	56	71	39
WCD	WILLOW CREEK NEAR STANDISH	DWR	99	99	99	106	115	76

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Table 4. North Coast Region Compliance Gage Numeric Instream Flow Requirements

Gage Number	Gage Name	Source	November *(cfs)*	December *(cfs)*	January *(cfs)*	February *(cfs)*	March *(cfs)*	Groundwater Low Flow Threshold *(cfs)*
11473900	MF EEL R NR DOS RIOS CA	USGS	621	1,138	1,592	1,450	1,279	18
11475000	EEL R A FORT SEWARD CA	USGS	1,918	3,768	5,252	4,850	3,814	73
11475560	ELDER C NR BRANSCOMB CA	USGS	11	25	31	25	22	0.97
11475610	CAHTO C NR LAYTONVILLE CA	USGS	7.9	18	23	19	15	0.51
11475800	SF EEL R A LEGGETT CA	USGS	347	783	980	851	665	25
11476500	SF EEL R NR MIRANDA CA	USGS	749	1,708	2,125	1,857	1,424	54
11476600	BULL C NR WEOTT CA	USGS	45	102	123	112	88	1.9
11477000	EEL R A SCOTIA CA	USGS	3,293	7,218	9,280	8,443	6,013	145
11478500	VAN DUZEN R NR BRIDGEVILLE CA	USGS	323	728	814	748	627	12
11480390	MAD R AB RUTH RES NR FOREST GLEN CA	USGS	100	213	257	247	203	0.57
11481000	MAD R NR ARCATA CA	USGS	641	1,406	1,555	1,453	1,245	57
11481200	LITTLE R NR TRINIDAD CA	USGS	54	127	132	111	101	6.3
11481500	REDWOOD C NR BLUE LAKE CA	USGS	96	197	221	211	203	6.7
11482500	REDWOOD C A ORICK CA	USGS	406	901	987	856	794	28
ERS	EEL RIVER AT SCOTIA	CDFW	3,293	7,218	9,280	8,443	6,013	145

Table 5. Middle Sacramento Region Compliance Gage Numeric Instream Flow Requirements

Gage Number	Gage Name	Source	November *(cfs)*	December *(cfs)*	January *(cfs)*	February *(cfs)*	March *(cfs)*	Groundwater Low Flow Threshold *(cfs)*
11370500	SACRAMENTO R A KESWICK CA	USGS	1,786	1,786	2,275	3,155	3,802	914
11372000	CLEAR C NR IGO CA	USGS	197	296	403	503	406	35
11374000	COW C NR MILLVILLE CA	USGS	284	500	722	690	557	29
11376000	COTTONWOOD C NR COTTONWOOD CA	USGS	461	758	1,215	1,265	995	45
11376550	BATTLE C BL COLEMAN FISH HATCHERY NR COTTONWOOD CA	USGS	185	185	255	284	264	171
11377100	SACRAMENTO R AB BEND BRIDGE NR RED BLUFF CA	USGS	2,550	2,676	3,841	5,157	5,106	1,291
11379500	ELDER C NR PASKENTA CA	USGS	46	70	123	129	101	3
11381500	MILL C NR LOS MOLINOS CA	USGS	101	101	142	148	159	46
11383500	DEER C NR VINA CA	USGS	165	171	246	267	289	49
11390500	SACRAMENTO R BL WILKINS SLOUGH NR GRIMES CA	USGS	5,668	7,679	14,170	12,964	12,083	854
BIC	BIG CHICO CREEK NEAR CHICO	DWR	66	74	125	138	135	16
BLB	BLACK BUTTE	US Army Corps of Engineers	278	422	749	796	615	29
GRI	GRINDSTONE CK NR GRINDSTONE RANCHERIA	US Bureau of Reclamation	93	136	228	222	179	12
MUC	MUD CREEK NEAR CHICO	DWR	78	89	162	180	181	14
NCO	N FK COTTONWOOD CK ABV LK AT BRDG NR ONO	DWR, NRO	9.5	14	20	22	19	1.5
SCG	STONY CK NR GRIZZLY FLAT (CO RD 200A)	US Bureau of Reclamation	258	391	698	732	572	26
SUW	STONY CREEK NR SUWANNA RANCH (CO RD 410)	US Bureau of Reclamation	119	185	328	343	257	12
THO	THOMES CREEK AT PASKENTA	DWR	149	217	334	348	281	17

Table 6. Southern Sacramento Region Compliance Gage Numeric Instream Flow Requirements

Gage Number	Gage Name	Source	November *(cfs)*	December *(cfs)*	January *(cfs)*	February *(cfs)*	March *(cfs)*	Groundwater Low Flow Threshold *(cfs)*
11335000	COSUMNES R A MICHIGAN BAR CA	USGS	170	190	323	391	382	23
11336580	MORRISON C NR SACRAMENTO CA	USGS	3.4	4.1	12	13	9.2	0.94
11336585	LAGUNA C NR ELK GROVE CA	USGS	2.5	3.1	9.4	10	7	0.73
11401920	SPANISH C A QUINCY CA	USGS	55	58	74	86	91	17
11402000	SPANISH C AB BLACKHAWK C AT KEDDIE CA	USGS	118	118	154	182	190	34
11413000	N YUBA R BL GOODYEARS BAR CA	USGS	292	321	385	416	435	84
11421000	YUBA R NR MARYSVILLE CA	USGS	1,102	1,380	1,736	1,929	1,964	324
11425500	SACRAMENTO R A VERONA CA	USGS	10,548	14,051	25,774	24,889	22,688	1,424
11427000	NF AMERICAN R A NORTH FORK DAM CA	USGS	284	354	429	471	456	85
11447360	ARCADE C NR DEL PASO HEIGHTS CA	USGS	3.3	4.4	13	13	11	0.81
11447650	SACRAMENTO R A FREEPORT CA	USGS	7,256	7,645	12,738	16,071	14,817	2,601
11449500	KELSEY C NR KELSEYVILLE CA	USGS	29	54	78	84	58	3.3
11451000	CACHE C NR LOWER LAKE CA	USGS	277	446	814	821	610	19
11451100	NF CACHE C A HOUGH SPRING NR CLEARLAKE OAKS CA	USGS	43	77	125	123	93	1
11451300	NF CACHE C NR CLEARLAKE OAKS CA	USGS	60	93	166	176	135	5.2
11451715	BEAR C AB HOLSTEN CHIMNEY CYN NR RUMSEY CA	USGS	16	33	67	74	49	1.5
11451800	CACHE C A RUMSEY CA	USGS	437	645	1,346	1,300	979	30

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Gage Number	Gage Name	Source	November *(cfs)*	December *(cfs)*	January *(cfs)*	February *(cfs)*	March *(cfs)*	Groundwater Low Flow Threshold *(cfs)*
11453500	PUTAH C NR GUENOC CA	USGS	82	137	234	251	172	4
11455420	SACRAMENTO R A RIO VISTA CA	USGS	14,009	19,070	35,609	34,051	30,009	1,715
BPG	BEAR RIVER AT PLEASANT GROVE RD	DWR	133	150	252	301	270	18
CMF	COSUMNES R MID FORK NR SOMERSET	DWR	53	53	73	91	98	19
CNF	COSUMNES R N FORK NR EL DORADO	DWR	91	94	146	173	177	32
FOL	FOLSOM LAKE	US Bureau of Reclamation	1,177	1,228	1,603	1,838	1,904	413
FSB	FEATHER R ABV STAR BEND	DWR, NCRO	3,331	3,331	4,258	5,051	5,297	1,165
GRL	FEATHER RIVER NEAR GRIDLEY	DWR, O&M	2,152	2,179	2,537	3,050	3,162	704
ICR	INDIAN CREEK BELOW INDIAN FALLS	DWR	188	188	203	302	362	54
KCK	KELSEY CK BLW KELSEYVILLE	DWR	32	56	88	95	66	2.9
MCU	MIDDLE CK NR UPPER LAKE	DWR	31	52	83	85	72	1.8
MER	FEATHER RIVER AT MERRIMAC	DWR, O&M	514	514	586	771	921	167
MFP	MIDDLE FORK FEATHER RIVER NEAR PORTOLA	DWR	94	94	94	112	127	83
ORO	OROVILLE DAM	DWR, O&M	2,128	2,147	2,509	3,014	3,036	696
SFH	SOUTH HONCUT CREEK NEAR BANGOR	DWR, NCRO	22	38	61	62	50	0.86

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Table 7. North Central Coast Region Compliance Gage Numeric Instream Flow Requirements

Gage Number	Gage Name	Source	November *(cfs)*	December *(cfs)*	January *(cfs)*	February *(cfs)*	March *(cfs)*	Groundwater Low Flow Threshold *(cfs)*
11456000	NAPA R NR ST HELENA CA	USGS	52	88	153	159	110	1.6
11458000	NAPA R NR NAPA CA	USGS	109	172	335	342	229	3.5
11458500	SONOMA C A AGUA CALIENTE CA	USGS	38	65	110	117	76	3.7
11459500	NOVATO C A NOVATO CA	USGS	7.5	13	23	24	15	0.46
11460000	CORTE MADERA C A ROSS CA	USGS	10	20	32	32	20	0.7
11460151	REDWOOD C A HWY 1 BRIDGE A MUIR BEACH CA	USGS	4.6	8.2	13	11	7.3	0.36
11461000	RUSSIAN R NR UKIAH CA	USGS	69	138	197	189	143	3.8
11463000	RUSSIAN R NR CLOVERDALE CA	USGS	324	606	940	935	677	8.9
11463200	BIG SULPHUR C NR CLOVERDALE CA	USGS	63	115	181	190	128	2.9
11463900	MAACAMA C NR KELLOGG CA	USGS	35	61	103	103	73	1.4
11464000	RUSSIAN R NR HEALDSBURG CA	USGS	521	972	1,522	1,539	1,082	14
11465200	DRY C NR GEYSERVILLE CA	USGS	131	253	391	379	253	6.7
11465750	LAGUNA DE SANTA ROSA C NR SEBASTOPOL CA	USGS	33	53	103	101	66	3.8
11466320	SANTA ROSA C A WILLOWSIDE RD NR SANTA ROSA CA	USGS	44	76	132	135	89	2
11466800	MARK WEST C NR MIRABEL HEIGHTS CA	USGS	134	226	407	412	273	7.2
11467000	RUSSIAN R NR GUERNEVILLE CA	USGS	878	1,645	2,585	2,592	1,829	26
11467200	AUSTIN C NR CAZADERO CA	USGS	64	139	184	179	120	1.3
11467510	SF GUALALA R NR THE	USGS	149	323	437	424	279	4.9

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Gage Number	Gage Name	Source	November *(cfs)*	December *(cfs)*	January *(cfs)*	February *(cfs)*	March *(cfs)*	Groundwater Low Flow Threshold *(cfs)*
	SEA RANCH CA							
11467553	NF GUALALA R AB SF GUALALA R NR GUALALA CA	USGS	39	77	117	107	80	3.9
11468000	NAVARRO R NR NAVARRO CA	USGS	200	407	611	557	422	8.4
11468500	NOYO R NR FORT BRAGG CA	USGS	82	169	240	212	175	5.5
11468900	MATTOLE R NR ETTERSBURG CA	USGS	113	268	306	265	212	7.8
11469000	MATTOLE R NR PETROLIA CA	USGS	406	942	1,118	960	769	27

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Table 8. Tahoe Region Compliance Gage Numeric Instream Flow Requirements

Gage Number	Gage Name	Source	November *(cfs)*	December *(cfs)*	January *(cfs)*	February *(cfs)*	March *(cfs)*	Groundwater Low Flow Threshold *(cfs)*
10296000	W WALKER RV BLW L WALKER RV NR COLEVILLE, CA	USGS	89	102	102	102	102	79
10296500	W WALKER RV NR COLEVILLE, CA	USGS	103	106	106	106	106	92
10308200	E FK CARSON RV BLW MARKLEEVILLE CK NR MARKLEEVILLE	USGS	117	137	137	137	137	71
10310000	W FK CARSON RV AT WOODFORDS, CA	USGS	35	41	41	41	41	22
10336610	UPPER TRUCKEE RV AT SOUTH LAKE TAHOE, CA	USGS	27	35	35	35	35	11
10336645	GENERAL C NR MEEKS BAY CA	USGS	5	6.2	6.2	6.2	6.2	1.2
10336660	BLACKWOOD C NR TAHOE CITY CA	USGS	11	13	13	13	13	2.1
10336780	TROUT CK NR TAHOE VALLEY, CA	USGS	14	14	14	14	14	15
10343500	SAGEHEN C NR TRUCKEE CA	USGS	5.2	5.2	5.2	5.2	5.2	2.2

Table 9. South Central Coast Region Compliance Gage Numeric Instream Flow Requirements

Gage Number	Gage Name	Source	November *(cfs)*	December *(cfs)*	January *(cfs)*	February *(cfs)*	March *(cfs)*	Groundwater Low Flow Threshold *(cfs)*
11141280	LOPEZ C NR ARROYO GRANDE CA	USGS	3.8	3.8	8.1	10	8.4	2.2
11143000	BIG SUR R NR BIG SUR CA	USGS	38	43	90	102	85	13
11143200	CARMEL R A ROBLES DEL RIO CA	USGS	40	67	158	210	162	3.9
11143250	CARMEL R NR CARMEL CA	USGS	40	71	175	244	181	5.5
11147500	SALINAS R A PASO ROBLES CA	USGS	20	43	117	149	114	1.9
11148500	ESTRELLA R NR ESTRELLA CA	USGS	22	28	61	96	91	0.99
11148900	NACIMIENTO R BL SAPAQUE C NR BRYSON CA	USGS	27	63	156	177	124	0
11149400	NACIMIENTO R BL NACIMIENTO DAM NR BRADLEY CA	USGS	16	34	108	118	80	0.28
11149900	SAN ANTONIO R NR LOCKWOOD CA	USGS	33	65	140	168	113	6.8
11150500	SALINAS R NR BRADLEY CA	USGS	75	136	350	411	399	4.4
11151300	SAN LORENZO C BL BITTERWATER C NR KING CITY CA	USGS	3.9	7.7	18	24	23	0.47
11151700	SALINAS R A SOLEDAD CA	USGS	107	167	429	519	497	11
11152000	ARROYO SECO NR SOLEDAD CA	USGS	64	99	206	280	209	9.8
11152050	ARROYO SECO BL RELIZ C NR SOLEDAD CA	USGS	57	96	208	278	189	8.4
11152500	SALINAS R NR SPRECKELS CA	USGS	125	219	539	666	618	16
11153000	PACHECO C NR DUNNEVILLE CA	USGS	4.2	9.7	27	36	24	0.37
11153650	LLAGAS C NR GILROY	USGS	11	18	59	53	37	0.87
11156500	SAN BENITO R NR WILLOW CREEK SCHOOL CA	USGS	7	17	34	59	50	0.55
11157500	TRES PINOS C NR TRES PINOS CA	USGS	3.5	10	29	35	26	0.58
11158600	SAN BENITO R A HWY 156 NR HOLLISTER CA	USGS	15	32	79	99	80	1.8
11159000	PAJARO R A CHITTENDEN CA	USGS	50	91	288	279	210	3.5
11159200	CORRALITOS C A FREEDOM CA	USGS	10	16	29	28	22	2.3
11160000	SOQUEL C A SOQUEL CA	USGS	17	26	45	48	37	2.3

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Gage Number	Gage Name	Source	November *(cfs)*	December *(cfs)*	January *(cfs)*	February *(cfs)*	March *(cfs)*	Groundwater Low Flow Threshold *(cfs)*
11160500	SAN LORENZO R A BIG TREES CA	USGS	52	71	129	145	110	16
11161000	SAN LORENZO R A SANTA CRUZ CA	USGS	57	83	144	159	119	17
11162500	PESCADERO C NR PESCADERO CA	USGS	12	23	43	47	36	2.5
11162570	SAN GREGORIO C A SAN GREGORIO CA	USGS	16	25	45	45	35	0.9
11162630	PILARCITOS C A HALF MOON BAY CA	USGS	8.5	11	21	21	17	1.7
11164500	SAN FRANCISQUITO C A STANFORD UNIVERSITY CA	USGS	11	17	38	40	29	0.59
11166000	MATADERO C A PALO ALTO CA	USGS	1.4	1.6	4.8	5.4	3.2	0.31
11169025	GUADALUPE R ABV HWY 101 A SAN JOSE CA	USGS	38	58	168	161	104	1.5
11169500	SARATOGA C A SARATOGA CA	USGS	3.1	5.1	9	10	8	0.59
11169800	COYOTE C NR GILROY CA	USGS	7.3	19	57	65	45	0
11172175	COYOTE C AB HWY 237 A MILPITAS CA	USGS	20	52	134	147	100	1.6
11172945	ALAMEDA C AB DIV DAM NR SUNOL CA	USGS	4.2	10	21	23	19	0.18
11173200	ARROYO HONDO NR SAN JOSE CA	USGS	8.8	20	44	49	39	0.66
11173800	INDIAN C NR SUNOL CA	USGS	0.8	2	4.1	4.2	3.8	0
11174600	ALAMO CN NR PLEASANTON CA	USGS	2.9	5.1	16	15	11	0.26
11176400	ARROYO VALLE BL LANG CYN NR LIVERMORE CA	USGS	5.2	16	43	51	38	0
11176500	ARROYO VALLE NR LIVERMORE CA	USGS	6	18	48	58	41	0.54
11176900	ARROYO DE LA LAGUNA A VERONA CA	USGS	12	36	117	114	85	0.81
11180500	DRY C A UNION CITY CA	USGS	0.52	1.5	3.4	3.9	2.9	0
11180825	SAN LORENZO C AB DON CASTRO RES NR CASTRO V CA	USGS	1.6	3.3	7.7	8.2	6	0
11180900	CROW C NR HAYWARD CA	USGS	1.1	2.6	5.9	6.3	4.8	0
11180960	CULL C AB CULL C RES NR CASTRO VALLEY CA	USGS	0.57	1.5	3.5	3.8	3	0
11181040	SAN LORENZO C A SAN LORENZO CA	USGS	4	9.5	24	23	18	0.18

Table 10. San Joaquin Region Compliance Gage Numeric Instream Flow Requirements

Gage Number	Gage Name	Source	November *(cfs)*	December *(cfs)*	January *(cfs)*	February *(cfs)*	March *(cfs)*	Groundwater Low Flow Threshold *(cfs)*
11224000	MF SAN JOAQUIN R NR MAMMOTH LAKES CA	USGS	23	25	28	27	31	13
11251000	SAN JOAQUIN R BL FRIANT CA	USGS	518	711	711	711	768	307
11255575	PANOCHE C A I-5 NR SILVER CREEK CA	USGS	3.8	6.3	11	22	20	0
11264500	MERCED R A HAPPY ISLES BRIDGE NR YOSEMITE CA	USGS	75	108	132	135	145	22
11266500	MERCED R A POHONO BRIDGE NR YOSEMITE CA	USGS	138	225	259	259	259	41
11274500	ORESTIMBA C NR NEWMAN CA	USGS	1.1	6.2	18	26	16	0
11274630	DEL PUERTO C NR PATTERSON CA	USGS	0.7	2.7	6.8	10	7.6	0
11274790	TUOLUMNE R A GRAND CYN OF TUOLUMNE AB HETCH HETCHY	USGS	170	197	225	211	237	66
11276500	TUOLUMNE R NR HETCH HETCHY CA	USGS	272	362	406	409	409	94
11276900	TUOLUMNE R BL EARLY INTAKE NR MATHER CA	USGS	276	377	414	414	414	98
11284400	BIG C AB WHITES GULCH NR GROVELAND CA	USGS	3.7	5.1	9.4	11	9.5	0
11285500	TUOLUMNE R A WARDS FERRY BR NR GROVELAND CA	USGS	601	761	761	761	816	292
11289650	TUOLUMNE R BL LAGRANGE DAM NR LAGRANGE CA	USGS	653	767	767	793	950	340
11299600	BLACK C NR COPPEROPOLIS CA	USGS	2.3	4.4	11	11	8.8	0
11303000	STANISLAUS R A RIPON CA	USGS	481	504	504	526	639	222
BAR	BEAR	US Army Corps of Engineers	6	8.5	19	22	20	0.07

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Gage Number	Gage Name	Source	November *(cfs)*	December *(cfs)*	January *(cfs)*	February *(cfs)*	March *(cfs)*	Groundwater Low Flow Threshold *(cfs)*
BDV	BLACK RASCAL DIVERSION	US Army Corps of Engineers	1.6	1.6	3.8	4.6	3.3	0.56
BUR	BURNS CREEK DAM	US Army Corps of Engineers	4.2	4.8	12	13	12	0.61
DCM	DRY CREEK AT MODESTO AT CLAUS ROAD	DWR	12	12	29	34	28	1.8
FHL	FRESNO R ABV HENLEY LAKE	US Army Corps of Engineers	46	58	103	120	133	2.1
GDW	GOODWIN DAM	US Bureau of Reclamation	479	543	543	543	653	224
GRF	SAN JOAQUIN RIVER AT GRAVELLY FORD	US Bureau of Reclamation	518	697	697	697	759	332
LDC	LITTLE DRY CREEK (USBR)	US Bureau of Reclamation	3.3	4.1	8.9	12	11	0.21
MIL	FRIANT DAM (MILLERTON)	US Bureau of Reclamation	516	720	720	720	764	307
MSN	MERCED RIVER NEAR SNELLING	DWR	344	392	460	531	620	146
MST	MERCED RIVER NEAR STEVINSON	DWR, SCRO	348	348	436	520	597	130
NHG	NEW HOGAN LAKE	US Army Corps of Engineers	146	200	411	400	346	4.4
NML	NEW MELONES RESERVOIR	US Bureau of Reclamation	481	550	550	550	619	218
OBB	STANISLAUS R AT ORANGE BLOSSOM BRIDGE	DWR	486	533	533	533	656	219
TUM	TUOLUMNE MEADOWS	DWR	24	24	28	25	32	12

Table 11. Mono Region Compliance Gage Numeric Instream Flow Requirements

Gage Number	Gage Name	Source	November *(cfs)*	December *(cfs)*	January *(cfs)*	February *(cfs)*	March *(cfs)*	Groundwater Low Flow Threshold *(cfs)*
10251330	AMARGOSA RV ABV CHINA RANCH WASH NR TECOPA, CA	USGS	47	47	48	75	137	51
10251335	WILLOW CK AT CHINA RANCH, CA	USGS	2.1	2.1	2.1	3.3	4.6	2.9
10260500	DEEP C NR HESPERIA CA	USGS	33	36	59	75	91	7.8
10260950	WF MOJAVE R AB MOJAVE R FORKS RES NR HESPERIA CA	USGS	11	13	28	37	35	2.2
10261500	MOJAVE R A LO NARROWS NR VICTORVILLE CA	USGS	39	42	69	99	98	4.3
10262500	MOJAVE R A BARSTOW CA	USGS	63	104	164	150	144	7.7
10263500	BIG ROCK C NR VALYERMO CA	USGS	6.5	6.5	8.3	13	13	3.9
10265150	HOT C A FLUME NR MAMMOTH LAKES CA	USGS	22	25	27	27	27	22

Table 12. Kern Region Compliance Gage Numeric Instream Flow Requirements

Gage Number	Gage Name	Source	November *(cfs)*	December *(cfs)*	January *(cfs)*	February *(cfs)*	March *(cfs)*	Groundwater Low Flow Threshold *(cfs)*
11189500	SF KERN R NR ONYX CA	USGS	61	61	61	65	61	39
11200800	DEER C NR FOUNTAIN SPRINGS CA	USGS	6.1	8.3	11	17	18	0.7
11203580	SF TULE R NR CHOLOLLO CAMPGROUND NR PORTERVILLE CA	USGS	4.9	6.3	6.3	7.5	9.8	2.7
11204100	SF TULE R NR RESERVATION BNDRY NR PORTERVILLE CA	USGS	11	14	19	25	29	3.7
11206820	MARBLE FORK KAWEAH R AB HORSE C NR LODGEPOLE CA	USGS	4.7	6.1	6.9	6.8	8.3	2.3
11224500	LOS GATOS C AB NUNEZ CYN NR COALINGA CA	USGS	1	3	6.2	10	9.3	0
11253310	CANTUA C NR CANTUA CREEK CA	USGS	0.53	1.3	2.5	4	4.3	0
ISB	ISABELLA DAM	US Army Corps of Engineers	274	274	274	274	274	310
KKV	KERN R AT KERNVILLE	US Army Corps of Engineers	255	290	290	290	290	172
KRT	KINGS R NR TRIMMER	US Army Corps of Engineers	441	695	759	759	759	277
LCV	DRY CREEK NEAR LEMONCOVE	US Army Corps of Engineers	13	19	33	40	42	0.6
PDR	MILL CREEK NEAR PIEDRA	US Army Corps of Engineers	16	27	50	59	64	0.66
PNF	PINE FLAT DAM	US Army Corps of Engineers	475	715	715	715	715	329
SCC	SUCCESS DAM	US Army Corps of Engineers	51	61	75	104	111	16
TRM	TERMINUS DAM	US Army Corps of Engineers	149	177	177	197	226	89
TRR	KAWEAH RIVER AT THREE RIVERS	US Army Corps of Engineers	125	186	186	186	207	62

Table 13. South Coast Region Compliance Gage Numeric Instream Flow Requirements

Gage Number	Gage Name	Source	November *(cfs)*	December *(cfs)*	January *(cfs)*	February *(cfs)*	March *(cfs)*	Groundwater Low Flow Threshold *(cfs)*
11014000	JAMUL C NR JAMUL CA	USGS	1.8	2.9	5.8	11	9.9	0
11015000	SWEETWATER R NR DESCANSO CA	USGS	5.1	6.3	11	16	19	0.55
11016200	SWEETWATER R A DEHESA CA	USGS	6.2	9.4	18	28	29	0.44
11023000	SAN DIEGO R A FASHION VALLEY AT SAN DIEGO CA	USGS	14	21	42	64	71	0.64
11023340	LOS PENASQUITOS C NR POWAY CA	USGS	1.5	1.8	5.1	6.5	6.4	0
11027000	GUEJITO C NR SAN PASQUAL CA	USGS	1.3	1.5	3.7	5.5	4.4	0
11028500	SANTA MARIA C NR RAMONA CA	USGS	3.2	3.2	7.4	11	9.6	0.39
11042000	SAN LUIS REY R A OCEANSIDE CA	USGS	17	30	70	96	89	1.2
11042400	TEMECULA C NR AGUANGA CA	USGS	7.4	7.7	16	24	21	0.46
11044300	SANTA MARGARITA R A FPUD SUMP NR FALLBROOK CA	USGS	24	24	55	78	71	3.2
11044350	SANDIA C NR FALLBROOK CA	USGS	0.28	0.76	2	3.4	2.2	0
11044800	DE LUZ C NR DE LUZ CA	USGS	0.52	1.3	3.1	5.8	4	0
11046000	SANTA MARGARITA R A YSIDORA CA	USGS	25	27	59	93	81	3
11046100	LAS FLORES C NR OCEANSIDE CA	USGS	0.66	1	2.6	3.9	2.9	0.19
11046300	SAN MATEO C NR SAN CLEMENTE CA	USGS	1.8	4.7	11	19	14	0
11046360	CRISTIANITOS C AB SAN MATEO C NR SAN CLEMENTE CA	USGS	0.88	1.4	3.6	6	4	0
11047300	ARROYO TRABUCO A SAN JUAN CAPISTRANO CA	USGS	1.4	2.9	7.8	10	9.6	0.1
11048200	AGUA CHINON WASH NR	USGS	0.05	0.15	0.41	0.64	0.45	0

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Gage Number	Gage Name	Source	November *(cfs)*	December *(cfs)*	January *(cfs)*	February *(cfs)*	March *(cfs)*	Groundwater Low Flow Threshold *(cfs)*
	IRVINE CA							
11051499	SANTA ANA R NR MENTONE (RIVER ONLY) CA	USGS	39	39	41	58	69	18
11055800	CITY C NR HIGHLAND CA	USGS	3.6	4.4	8	11	11	1.3
11057500	SAN TIMOTEO C NR LOMA LINDA CA	USGS	6.5	7.3	14	24	20	0.6
11058500	E TWIN C NR ARROWHEAD SPRINGS CA	USGS	1.6	1.7	3.3	4.7	4.4	0.5
11062000	LYTLE C NR FONTANA CA	USGS	22	22	37	47	47	11
11063510	CAJON C BL LONE PINE C NR KEENBROOK CA	USGS	10	10	19	28	25	3.1
11063680	DEVIL CYN C NR SAN BERNARDINO CA	USGS	1.7	1.7	4.1	4.8	3.8	0.41
11069500	SAN JACINTO R NR SAN JACINTO	USGS	12	13	21	32	30	3.6
11070365	SAN JACINTO R NR SUN CITY CA	USGS	22	25	62	75	66	2.9
11073360	CHINO C A SCHAEFER AVENUE NR CHINO CA	USGS	8.9	11	23	29	27	3
11073495	CUCAMONGA C NR MIRA LOMA CA	USGS	9.5	10	26	37	25	0.81
11078000	SANTA ANA R A SANTA ANA CA	USGS	140	166	368	502	425	16
11098000	ARROYO SECO NR PASADENA CA	USGS	3.7	3.7	8.1	11	9.2	0.61
11109000	SANTA CLARA R NR PIRU CA	USGS	43	43	87	157	120	0.62
11109600	PIRU CREEK ABOVE LAKE PIRU CA	USGS	31	31	61	95	80	3.7
11109800	PIRU CREEK BELOW SANTA FELICIA DAM CA	USGS	34	34	67	113	90	2.6
11111500	SESPE CREEK NEAR WHEELER SPRINGS CA	USGS	4.9	7.6	16	28	22	0.26
11113000	SESPE C NR FILLMORE	USGS	34	40	91	150	104	1
11113500	SANTA PAULA C NR SANTA PAULA	USGS	5.1	6.1	14	23	16	0.27
11114495	MATILIJA C NR RES NR	USGS	8.4	12	27	43	30	1.8

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Gage Number	Gage Name	Source	November *(cfs)*	December *(cfs)*	January *(cfs)*	February *(cfs)*	March *(cfs)*	Groundwater Low Flow Threshold *(cfs)*
	MATILIJA HOT SPRINGS CA							
11118500	VENTURA R NR VENTURA	USGS	24	34	90	135	83	0.83
11119500	CARPINTERIA C NR CARPINTERIA CA	USGS	2.3	3.2	8.7	13	7.6	0.13
11119750	MISSION C NR MISSION ST NR SANTA BARBARA CA	USGS	1.3	1.7	4.4	6.8	4.1	0.16
11120000	ATASCADERO C NR GOLETA CA	USGS	1.9	2.9	7.7	11	7.7	0.27
11120500	SAN JOSE C NR GOLETA CA	USGS	0.86	1.2	3.2	4.4	3	0
11123500	SANTA YNEZ R BL LOS LAURLS CYN NR SNTA YNEZ CA	USGS	34	55	124	213	147	2.2
11124500	SANTA CRUZ C NR SANTA YNEZ CA	USGS	5.1	11	22	36	32	0
11128250	ALAMO PINTADO C NR SOLVANG CA	USGS	2	3.3	8.5	12	9.1	0.18
11128500	SANTA YNEZ R A SOLVANG CA	USGS	56	95	239	341	255	3
11129800	ZACA C NR BUELLTON CA	USGS	1.9	3.6	9.6	13	10	0.19
11132500	SALSIPUEDES C NR LOMPOC CA	USGS	2.4	4.7	12	18	13	0.28
11134000	SANTA YNEZ R A H ST NR LOMPOC CA	USGS	62	110	281	368	312	9.6
11135800	SAN ANTONIO C A LOS ALAMOS CA	USGS	2	3.8	9.8	15	10	0.34
11136100	SAN ANTONIO C NR CASMALIA CA	USGS	5.2	8.5	23	37	26	0.88
11136600	SANTA BARBARA CYN C NR VENTUCOPA CA	USGS	2.5	3.2	5.8	10	8.8	0.27
11136800	CUYAMA R BL BUCKHORN CYN NR SANTA MARIA CA	USGS	22	33	59	98	92	3
11137900	HUASNA R NR ARROYO GRANDE CA	USGS	4.1	9.2	21	31	23	3.4
11138500	SISQUOC R NR SISQUOC CA	USGS	9.4	24	41	77	77	1.3
11140000	SISQUOC R NR GAREY	USGS	17	44	96	134	143	2.6
11140585	SANTA MARIA R A SUEY	USGS	44	81	148	266	241	7.6

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Gage Number	Gage Name	Source	November *(cfs)*	December *(cfs)*	January *(cfs)*	February *(cfs)*	March *(cfs)*	Groundwater Low Flow Threshold *(cfs)*
	CROSSING NR SANTA MARIA CA							
11141050	ORCUTT C NR ORCUTT CA	USGS	0.84	1.2	2.8	5.1	3.2	0.21
CCH	CACHUMA LAKE	US Bureau of Reclamation	47	78	175	295	212	2.7
CSK	CASTAIC CANYON CK Z3-2388	DWR, Southern Field Division	2.1	2.1	3.7	7.8	6.1	0
ECC	ELIZABETH CANYON CK	DWR, Southern Field Division	4.1	4.9	10	18	13	0.19
FCK	FISH CANYON CK	DWR, Southern Field Division	2.6	2.8	5.5	10	7.6	0.17
PIR	PIRU CREEK BLW BUCK CR NR PYRAMID LAKE	DWR	19	23	42	70	59	3.8

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Table 14. South Eastern Desert Region Compliance Gage Numeric Instream Flow Requirements

Gage Number	Gage Name	Source	November *(cfs)*	December *(cfs)*	January *(cfs)*	February *(cfs)*	March *(cfs)*	Groundwater Low Flow Threshold *(cfs)*
10254050	SALT C NR MECCA	USGS	2.6	1.2	3	4.4	2.6	2
10256500	SNOW C NR WHITE WATER CA	USGS	1.8	1.8	2.4	3	3.2	1.5
10257600	MISSION C NR DESERT HOT SPRINGS CA	USGS	1.5	1.5	2.2	3.4	3.1	0.59
10258000	TAHQUITZ C NR PALM SPRINGS CA	USGS	1.7	2.4	3.2	3.7	4.6	0.22
10258500	PALM CYN C NR PALM SPRINGS CA	USGS	1.2	1.9	4.1	6.2	5.8	0
10259000	ANDREAS C NR PALM SPRINGS CA	USGS	1.1	1.2	1.7	1.9	1.9	0.85
10259100	WHITEWATER R A RANCHO MIRAGE CA	USGS	40	50	69	98	86	15
10259200	DEEP C NR PALM DESERT CA	USGS	0.57	0.71	1.5	2.2	1.8	0
10259300	WHITEWATER R A INDIO CA	USGS	47	71	83	116	95	20
9423350	CARUTHERS C NR IVANPAH CA	USGS	0.25	0.29	0.39	0.48	0.86	0

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SECTION 5 – PLANNING AND REPORTING

Technical Report Preparation Requirements for Cannabis General Order

Enrollees under the Cannabis General Order are required to submit technical reports to the appropriate Regional Water Board. The report(s) shall be transmitted in portable document format (PDF) to the e-mail address provided in the notice of receipt provided to the Cannabis General Order Enrollee as proof of enrollment. A description of each report and deadline for its submittal is provided below. The table below summarizes report submittal requirements, by tier and risk level, and Cannabis General Order Attachment D contains guidance regarding contents of required reports.

Summary of Technical Reports Required by Tier and Risk Level

Tier	Risk Level	Technical Reports
Exempt or Conditionally Exempt	Not Applicable	Site Closure Report
Tier 1	All	Site Management Plan
Tier 1	Moderate	Site Erosion and Sediment Control Plan
Tier 1	High	Disturbed Area Stabilization Plan
Tier 1	All	Site Closure Report
Tier 2	All	Site Management Plan
Tier 2	Moderate	Site Erosion and Sediment Control Plan
Tier 2	High	Disturbed Area Stabilization Plan
Tier 2	All	Nitrogen Management Plan
Tier 2	All	Site Closure Report

Conditionally exempt cannabis cultivators that can no longer meet the requirements to qualify for conditional exemptions may have to enroll as a Tier 1 or Tier 2 site. If so, cannabis cultivators that no longer qualify for the conditionally exempt cannabis cultivation site status shall submit the technical and monitoring reports associated with their tier status.

Applicants or current cannabis cultivators that do not comply with the conditional exemptions (enrolled as Tier 1 or Tier 2) must comply with the riparian setback and slope limits and are classified as moderate or high risk, as described below:

- Moderate Risk: A cannabis cultivation site is classified as moderate risk if any part of the disturbed area is located on a slope greater than 30 percent and less than 50 percent. Such cannabis cultivators shall register as moderate risk and submit a *Site Erosion and Sediment Control Plan*.

- High Risk: A cannabis cultivation site is classified as high risk if any part of the disturbed area exists within the riparian setback limits. Such cannabis cultivators shall register as high risk, submit a *Disturbed Area Stabilization Plan*, and shall address the compliance issue as described below. Because such cannabis cultivators pose a higher risk to

water quality and will require a higher level of Regional Water Board oversight, they are subject to a higher application and annual fee. When the cannabis cultivation site is reconfigured to comply with the riparian setbacks, the cannabis cultivator can request the Regional Water Board reclassify the site to a lower risk level and allow a lower annual fee to be assessed.

Site Management Plan

Within 90 days of the issuance of a notice of receipt, Tier 1 and Tier 2 cannabis cultivators shall submit and implement a *Site Management Plan* that describes how the cannabis cultivator is complying with the Requirements listed in Attachment A. The description shall describe how the Best Practicable Treatment or Control (BPTC) measures are implemented (e.g., for petroleum fuel storage, specify the specific product or means of compliance). Cannabis cultivators that are land owners of cannabis cultivation sites in North Coast Regional Water Board jurisdiction are required to submit and implement *Site Management Plans* that describe how the Requirements are implemented property-wide, including Requirements implemented to address discharges from legacy activities. The *Site Management Plan* may include a schedule to achieve compliance, but all work must be completed by **November 15 each year**. (The November 15 date does not relieve a cannabis cultivator from implementing the interim soil stabilization Requirements described in Attachment A of this Policy. Interim measures are those that are implemented immediately upon site development.) Attachment D of the Cannabis General Order provides guidance on the contents of the *Site Management Plan*.

Site Erosion and Sediment Control Plan

Within 90-days of the issuance of a notice of receipt, Tier 1 or Tier 2 cannabis cultivators classified as moderate risk (any portion of the disturbed area is located on a slope greater than 30 percent and less than 50 percent), shall submit a *Site Erosion and Sediment Control Plan* that describes how the cannabis cultivator will implement the Requirements listed in Attachment A of this Policy. Because moderate risk sites are located on steeper slopes, additional Requirements, or a higher density of Requirements may be appropriate to achieve the goal of minimizing the discharge of sediment off-site.

Consistent with the Business and Professions Code, the Forest Practice Act, and other state laws, certain technical report preparation, design calculations, and report preparation must be prepared under the supervision of a California licensed civil engineer, professional forester, or professional geologist. When required, the *Site Erosion and Sediment Control Plan* shall be prepared by an individual qualified as described below:

i. A California Registered Professional Civil Engineer.

ii. A California Registered Professional Geologist.

iii. A California Certified Engineering Geologist.

iv. A California Registered Landscape Architect.

v. A Professional Hydrologist registered through the American Institute of Hydrology.

vi. A Certified Professional in Erosion and Sediment Control (CPESC)™ registered through Enviro Cert International, Inc.

vii. A Certified Professional in Storm Water Quality (CPSWQ)™ registered through Enviro Cert International, Inc.

viii. A Professional in Erosion and Sediment Control registered through the National Institute for Certification in Engineering Technologies (NICET).

Attachment D of the Cannabis General Order, provides guidance on the contents of the *Site Erosion and Sediment Control Plan*.

Disturbed Area Stabilization Plan

Within 90-days of the issuance of a notice of receipt, Tier 1 or Tier 2 cannabis cultivators classified as high risk (any portion of the disturbed area exists within the riparian setbacks Requirements specified in Section 1 of this Policy except as authorized by a CDFW Lake or Streambed Alteration permit), shall submit a *Disturbed Area Stabilization Plan* that describes how compliance with the riparian setbacks will be achieved.

Areas disturbed upon initial site development that are located within the riparian setback specified in the Policy are considered disturbed area and will place the Cannabis Cultivation Site under the high risk level. Roads and watercourse crossings designed, constructed, and maintained consistent with the Road Handbook are not considered disturbed areas.

Consistent with the Business and Professions Code, the Forest Practice Act, and other state laws, certain technical report preparation, design calculations, and report preparation must be prepared under the supervision of a California licensed civil engineer, professional forester, or professional geologist.

When required, the *Disturbed Area Stabilization Plan* shall be prepared by an individual qualified as described below:

i. A California Registered Professional Civil Engineer.

ii. A California Registered Professional Geologist.

iii. A California Certified Engineering Geologist.

iv. A California Registered Landscape Architect.

v. A Professional Hydrologist registered through the American Institute of Hydrology.

vi. A Certified Professional in Erosion and Sediment Control (CPESC)™ registered through Enviro Cert International, Inc.

vii. A Certified Professional in Storm Water Quality (CPSWQ)™ registered through Enviro Cert International, Inc.

viii. A Professional in Erosion and Sediment Control registered through the National Institute for Certification in Engineering Technologies (NICET).

If the cannabis cultivator cannot achieve compliance by the next November 15 date (stabilization work will continue past November 15 or will continue the following year), the Cannabis Cultivator must include a time schedule and scope of work for approval by the Regional Water Board Executive Officer and use in preparing an enforcement order. Attachment D of the Cannabis General Order provides guidance on the contents of the *Disturbed Area Stabilization Plan*.

Nitrogen Management Plan

Within 90 days of the issuance of a notice of receipt, all Tier 2 cannabis cultivators with a cannabis cultivation area, or aggregate of cultivation areas, greater than one acre shall submit a *Nitrogen Management Plan* (NMP) for the cannabis cultivation site. The NMP shall calculate all

the nitrogen applied to the cannabis cultivation area (dissolved in irrigation water, originating in soil amendments, and applied fertilizers) and describe procedures to limit excessive fertilizer application. Attachment D of the Cannabis General Order provides guidance on the contents of a *Nitrogen Management Plan*.

Site Closure Report

At least 90 days prior to ending cannabis cultivation at a site, a registered (conditionally exempt) or enrolled (Tier 1 or Tier 2) cannabis cultivator shall submit a *Site Closure Report* that describes how the site will be decommissioned to prevent sediment and turbidity discharges that degrade water quality. If construction activities are proposed in the *Site Closure Report*, a project implementation schedule shall be included in the report. Attachment D of the Cannabis General Order provides guidance on the contents of the *Site Closure Report*. A Notice of Termination must be submitted (Attachment C of the Cannabis General Order) with the *Site Closure Report*.

Cannabis cultivators with cultivation activities on slopes greater than 30 percent and less than 50 percent shall submit a *Site Erosion and Sediment Control Plan*; cannabis cultivators with any portion of their disturbed area within the riparian setbacks must submit a *Disturbed Area Stabilization Plan*. When required, the reports shall be prepared by an individual qualified as described below:

i. A California Registered Professional Civil Engineer.

ii. A California Registered Professional Geologist.

iii. A California Certified Engineering Geologist.

iv. A California Registered Landscape Architect.

v. A Professional Hydrologist registered through the American Institute of Hydrology.

vi. A Certified Professional in Erosion and Sediment Control (CPESC)™ registered through Enviro Cert International, Inc.

vii. A Certified Professional in Storm Water Quality (CPSWQ)™ registered through Enviro Cert International, Inc.

viii. A Professional in Erosion and Sediment Control registered through the National Institute for Certification in Engineering Technologies (NICET).

SECTION 6 – USEFUL GUIDANCE DOCUMENTS

1. Handbook for Forest, Ranch, & Rural Roads: A Guide for Planning, Designing, Constructing, Reconstructing, Upgrading, Maintaining, and Closing Wildland Roads
   http://www.pacificwatershed.com/sites/default/files/RoadsEnglishBOOKapril2015b.pdf

2. A Water Quality and Stream Habitat Protection Manual for County Road Maintenance in Northwestern California Watersheds
   http://www.5counties.org/roadmanual.htm

3. Construction Site BMP Fact Sheets
   http://www.dot.ca.gov/hq/construc/stormwater/factsheets.htm

4. United States Environmental Protection Agency Riparian/Forested Buffer
   https://nepis.epa.gov/Exe/ZyPDF.cgi/2000W45Y.PDF?Dockey=2000W45Y.PDF

5. Creating Effective Local Riparian Buffer Ordinances
   http://www.ohioenvironmentallawblog.com/uploads/file/UGA%20riparian_buffer_guidebook.pdf

6. How to Install Residential Scale Best Management Practices (BMPs) in the Lake Tahoe Basin
   http://www.tahoebmp.org/Documents/Contractors%20BMP%20Manual.pdf

7. Spoil Pile BMPs
   http://michigan.gov/documents/deq/deq-wb-nps-sp_250905_7.pdf

8. Sanctuary Forest Water Storage Guide
   https://greywateraction.org/wp-content/uploads/2014/11/SantuaryForrest_Water_Storage_Guide.pdf

9. Natural Resources Conservation Service-USDA, “Ponds – Planning, Design, Construction”, Agriculture Handbook
   http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs144p2_030362.pdf

10. Division of Safety of Dams Size Requirements
    http://www.water.ca.gov/damsafety/jurischart/

11. Water Tanks: Guidelines for Installation and Use
    http://www.waterandseptictanks.com/Portals/0/files/GUIDELINES-FOR-INSTALLATION-OF-WATER-TANKS-_rev1_-03-20-08-_2_.pdf

12. Guidelines for Use and Installation of Above Ground Water Tanks
    http://www.waterandseptictanks.com/Portals/0/files/GUIDELINES-FOR-INSTALLATION-OF-WATER-TANKS-_rev1_-03-20-08-_2_.pdf

13. BEST MANAGEMENT PRACTICES (BMP’s) University of California Cooperative Extension
    http://www.waterboards.ca.gov/sandiego/water_issues/programs/wine_country/docs/updates081910/ucce_bmps.pdf

14. California Storm Water Quality Association, Section 4: Source Control BMPs
https://www.casqa.org/sites/default/files/BMPHandbooks/sd-12.pdf

15. CA DOT Solid Waste Management Plan
http://www.dot.ca.gov/hq/construc/stormwater/WM-05.pdf

16. State Water Resources Control Board Onsite Wastewater Treatment System (OWTS) policy
http://www.waterboards.ca.gov/water_issues/programs/owts/docs/owts_policy.pdf

17. California Storm Water Quality Association
Section 4: Source Control BMPs
https://www.casqa.org/sites/default/files/BMPHandbooks/sd-32.pdf

18. California Riparian Habitat Restoration Handbook
http://www.conservation.ca.gov/dlrp/watershedportal/InformationResources/Documents/Restoration_Handbook_Final_Dec09.pdf

19. The Practical Streambank Bioengineering Guide
http://www.nrcs.usda.gov/Internet/FSE_PLANTMATERIALS/publications/idpmcpu116.pdf

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Cannabis Cultivation Policy

ATTACHMENT B

Glossary of Terms

July 7, 2017

Agronomic rate — The rate of application of irrigation water and nutrients to plants necessary to satisfy the plants' evapotranspiration requirements and growth needs and minimize the movement of nutrients below the plants root zone. The agronomic rate considers allowances for supplemental water (e.g., effective precipitation), irrigation distribution uniformity, nutrients present in irrigation water, leaching requirement, and plant available nitrogen.

Anadromy (adj. form: anadromous) — Migration of fish, as adults or subadults, from salt water to fresh.

Aquatic benthic macroinvertebrate — Aquatic animals without backbones that can be seen by the unaided eye and typically dwell on rocks, logs, sediment or plants. Include, but are not limited to, insects, mollusks, amphipods, and aquatic worms. Common aquatic insects include, but are not limited to, mayflies, stoneflies, caddisflies, true flies, water beetles, dragonflies, and damselflies.

Aquatic non-fish vertebrate — Include, but are not limited to, aquatic mammals, such as beavers, river otters, and muskrats; amphibians, such as frogs and salamanders; and reptiles, such as snakes and turtles.

Average, also called mean — The sum of measured values divided by the number of samples.

California Native American tribe — As defined in section 21073 of the Public Resources Code: A Native American tribe located in California that is on the contact list maintained by the Native American Heritage Commission for the purposes of Chapter 905 of the Statutes of 2004.

Cannabis cultivation — Any activity involving or necessary for the planting, growing, pruning, harvesting, drying, curing, or trimming of cannabis. This term includes, but is not limited to (1) water diversions for cannabis cultivation, and (2) activities that prepare or develop a cannabis cultivation site or otherwise support cannabis cultivation and which discharge or threaten to discharge waste to waters of the state.

Cannabis cultivation area — Is defined by the following:

a. For in-ground plants, the cultivation area is defined by the perimeter of the area planted, including any immediately adjacent surrounding access pathways.

b. For plants grown outdoors in containers (e.g., pots, grow bags, etc.) the cultivation area is defined by a perimeter that contains the containers, including any surrounding immediately adjacent access pathways. The area is not limited to the sum of the area of each individual container.

c. For plants grown indoors, but that do not qualify for the conditional exemption, the cultivation area is defined by the entire area contained in the structure where cultivation occurs, excluding any area used solely for activities that are not

cultivation activities (e.g., office space). Areas used for storage of materials, equipment, or items related to cultivation shall be included in the area calculation.

Cannabis cultivation site — A location where cannabis is planted, grown, pruned, harvested, dried, cured, graded, or trimmed, or where any combination of these activities occurs.

Cannabis cultivator — Any person or entity engaged in cultivating cannabis that diverts water (i.e. diverter) or discharges or threatens to discharge waste (i.e. discharger). The term includes business entities, employees, and contractors; landowners; cultivators; lessees; and tenants of private land where cannabis is grown and of lands that are modified or maintained to facilitate cannabis cultivation.

Construction Storm Water Program — Refers to implementation of Water Quality Order 2009-0009-DWQ and National Pollutant Discharge Elimination System No. CAS000002, as amended by Order No. 2010-0014-DWQ, Order No. 2012-0006-DWQ, and amendments thereto. Cannabis cultivators whose activities disturb one or more acres of soil or whose projects disturb less than one acre but are part of a larger common pan of develop that in total disturbs one or more acres may need to obtain coverage under the Construction Storm Water Program. Construction activities covered under the Construction Storm Water Program may include clearing, grading, and disturbances to the ground such as stockpiling, or excavation, but does not include agricultural stormwater discharges, silviculture, road construction and maintenance from which there is natural runoff, regular maintenance activities performed to restore the original line, grade, or capacity of a facility, or other non-point source discharges.

Canopy — For streams: The overhead branches and leaves of streamside woody vegetation. **For cannabis:** The area of a cultivation site that contains mature plants at any point in time.

Channel maintenance flows — Peak streamflows needed for maintaining stream channel geometry, gravel and woody debris movement, and the natural flow variability needed for protection of various habitat needs of anadromous salmonids.

Channel thalweg — The line connecting the lowest or deepest points along a stream channel.

Cesspool — An excavation in the ground receiving domestic wastewater, designed to retain the organic matter and solids, while allowing the liquids to seep into the soil. Cesspools do not have a septic tank providing primary treatment of wastewater prior to discharge. A cesspool is distinguished from an outhouse, pit-privy, or pit-toilet because liquid wastewater (e.g., from toilet flushing, shower, or kitchen sources) is discharged to a cesspool.

Coarse sediment — Particle sizes of ¼ inch or larger, including particles derived from debris flows, that either contribute directly to spawning gravel, or that reduce to a

smaller usable size, or influence stream channel morphology by forming a **substrate** framework.

Day — Is the mean solar day of 24 hours beginning at mean midnight. All references to day in the Policy are calendar days.

Deep percolation — Infiltration of water through soil when excess irrigation water is applied and percolates below the plant root zone.

Discharger — Any person or entity engaged in developing land for cannabis cultivation or to provide access to adjacent properties for cultivation activities and/or any person or entity engaged in the legal cultivation of cannabis that discharges or threatens to discharge waste to waters of the state.

Diverter — Any person or entity that diverts water from waters of the state, including surface waterbodies and groundwater.

Diversion — Taking water, by gravity or pumping, from a surface stream or groundwater, into a canal, pipeline, or other conduit, including impoundment of water in a reservoir.

Dredged material — Material that is excavated or dredged from a water body. This term is further defined at 33 Code of Federal Regulations Part 323.2(c).

Earthwork and Paving Contractor — A contractor holding a California Department of Consumer Affairs issued C-12 Earthwork and Paving License. These contractors are licensed to dig, move, and place material forming the surface of the earth, other than water, in such a manner that a cut, fill, excavation, grade, trench, backfill, or tunnel (if incidental thereto) can be executed, including the use of explosives for these purposes. This classification includes the mixing, fabricating and placing of paving and any other surfacing materials. See California Code of Regulations Title 16, Division 8, Article 3. Classifications.

Ecological functions and values (of riparian habitat) — Functions are onsite and offsite natural riparian habitat processes. Values are the importance of the riparian habitat to society in terms of health and safety; historical or cultural significance; ecological characteristics, education, research, or scientific significance; aesthetic significance; economic significance; or other reasons.

Ephemeral watercourse — See *Watercourse* definitions.

Exceedance probability — The probability that a specified streamflow magnitude will be exceeded. The exceedance probability is equal to one divided by the recurrence interval.

Face value —The maximum amount of water that is authorized to be diverted under a water right permit, license, small domestic/livestock stockpond certificate, or statement of diversion.

Face value demand — The sum of the face values of all water rights above an identified location in a stream channel.

Fill material — Material placed into a water body that has the effect of either replacing any portion of the water with dry land or changing the bottom elevation of the water body. This term is further defined at 33 Code of Federal Regulations Part 323.2(e).

Fish – Wild fish, mollusks, crustaceans, invertebrates, or amphibians, including any part, spawn, or ova thereof (California Fish and Code section 45). For the purposes of stream classification, fish are defined as finfish.

Flow frequency analysis — A statistical technique used by hydrologists for estimating the average rate at which floods, droughts, storms, stores, rainfall events, etc., of a specified magnitude recur.

Flow path — The direction water flows along its stream course from the point of diversion to the Pacific Ocean. If a project will have a *de minimis* effect on flows in a flow-regulated mainstem river, then the flow path may terminate at the flow-regulated mainstem river.

Flow-regulated mainstem river — A river or stream in which scheduled releases from storage are made to meet minimum instream flow requirements established by a State Water Board Order or Decision.

Forbearance Period —The calendar days or otherwise defined conditions during which no water may be diverted. See also *Surface Water Diversion Period*.

Habitat suitability criteria — Structural and hydraulic characteristics of a stream that are indicators of habitat suitability for different fish species and life stages.

Hazardous material — Any item or agent (biological, chemical, radiological, and/or physical), which has the potential to cause harm to humans, animals, or the environment, either by itself or through interaction with other factors.

Heavy equipment — Large pieces of machinery or vehicles, especially those used in the building and construction industry (e.g., bulldozers, excavators, backhoes, bobcats, tractors, etc.).

Hydraulic conductivity — The capacity of a porous medium to transmit water. The rate at which fluid can move through a permeable medium depends on the properties of the fluid (viscosity and specific weight) and properties of the medium (intrinsic

permeability). Hydraulic conductivity is generally measured in units of feet/day or centimeters/second.

Hydrograph — A graph showing for the rate of flow versus time past a specific point in a river, or other channel or conduit carrying flow; generally measured in units of cubic meters or cubic feet/second.

Hyporheic — Denoting an area or ecosystem beneath the bed of a river or stream that is saturated with water and that supports invertebrate fauna which play a role in the larger ecosystem.

Impervious surface — A permanent improvement affixed to the earth which does not allow water or liquid to pass through it or permeate into the earth. Impervious surface includes a house or primary structure, driveway, parking lot, walkways, sidewalks, patios, decks, green houses, accessory structure(s), and other hardscape.

Instream cover — Areas of shelter in a stream channel that provide aquatic organisms protection from predators or competitors and/or a place in which to rest and conserve energy due to a reduction in the force of the current.

Integrated Pest Management (IPM) — An ecosystem-based strategy that focuses on long-term prevention of pests or their damage through a combination of techniques such as biological control, habitat manipulation, modification of cultural practices, and use of resistant varieties. Pesticides are used only after monitoring indicates they are needed according to established guidelines, and treatments are made with the goal of removing only the target organism. Pest control materials are selected and applied in a manner that minimizes risks to human health, beneficial and non-target organisms, and the environment.

Intermittent watercourse — see *Watercourse* definitions.

Invasive Species — Organisms (plants, animals, or microbes) that are not native to an environment and, once introduced; establish, quickly reproduce and spread, and cause harm to the environment, economy, or human health. For guidance on decontamination methods and species of concern, see CDFW's invasive species webpage: https://www.wildlife.ca.gov/Conservation/Invasives.

Lake and Streambed Alteration Agreement — Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may do one or more of the following:

- Substantially divert or obstruct the natural flow of any river, stream or lake;
- Substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or
- Deposit debris, waste or other materials that could pass into any river, stream or lake.

Any river, stream or lake" includes those that are episodic (they are dry for periods of time) as well as those that are perennial (they flow year round). This includes ephemeral streams, desert washes, and watercourses with a subsurface flow. It may also apply to work undertaken within the flood plain of a body of water.

Land Disturbance — Land areas where natural conditions have been modified in a way that may result in an increase in turbidity in water discharged from the site. Disturbed land includes areas where natural plant growth has been removed whether by physical, animal, or chemical means, or natural grade has been modified for any purpose. Land disturbance includes all activities whatsoever associated with developing or modifying land for cannabis cultivation related activities or access. Land disturbance activities include, but are not limited to, construction of roads, buildings, or water storage areas; excavation; grading; and site clearing. Disturbed land includes cultivation areas, storage areas where soil or soil amendments (e.g., potting soil, compost, or biosolids) are located.

Land Owner — Any person or entity who owns, in whole or in part, the parcel of land on which cannabis cultivation is occurring or will occur. A Landowner need not be a Cannabis Cultivator.

Laterals (in the context of irrigation water lines) — Pipes between the control valve and the sprinkler heads.

Legacy Conditions — Sites of historic activity, which may not be related to cannabis cultivation activity, that may discharge sediment or other waste constituents to waters of the state. Legacy conditions are caused or affected by human activity. Implementation of corrective actions can reduce or eliminate the waste discharge.

Licensed Timber Operators (LTOs) — Persons who have been licensed under the Forest Practice Act law and are authorized to conduct forest tree cutting and removal operations.

Local Environmental Health Department — To identify ones local environmental health department enter your address information into the following website directory: http://cersapps.calepa.ca.gov/public/directory.

Low Flow Threshold —The minimum flow in a stream that is considered supportive of the aquatic ecosystem, including water quality and salmonid rearing and migration. The low flow threshold is determined using defined scientific methodology that equates the aquatic ecosystem health with the flow in the stream.

Mainlines (in the context of irrigation water lines) — Pipes that run from the water source to the control valves.

Maximum cumulative diversion rate — The sum of the rates of diversion of all diversions upstream of a specific location in the watershed.

Mean, also called average — The sum of measured values divided by the number of samples.

Minimum bypass flow — In the context of a diversion Requirement, it is the minimum instantaneous flow rate of water that must be moving past the point of diversion before water may be diverted.

Natural monthly streamflows — Modeled monthly streamflows that are unaffected by land use or water management

Offset well — A well drilled at an offset distance from a river or stream that is considered pumping from the underflow of the river or stream

Permeability —The property of a porous rock or soil for transmitting a fluid. It measures the relative ease of flow under unequal pressure. See *hydraulic conductivity*.

Period of record — The time period for which flow measurements have been recorded. The period of record may be continuous or interrupted by intervals during which no data were collected.

Perennial stream — See *Watercourse* definitions.

Pesticide — Pesticide is defined as follows:
- Per California Code of Regulations Title 3. Division 6. Section 6000:
    (a) Any substance or mixture of substances that is a pesticide as defined in the Food and Agricultural Code and includes mixtures and dilutions of pesticides;
    (b) As the term is used in Section 12995 of the California Food and Agricultural Code, includes any substance or product that the user intends to be used for the pesticidal poison purposes specified in Sections 12753 and 12758 of the Food and Agricultural Code.
- Per California Food and Agricultural Code section 12753(b), the term "Pesticide" includes any of the following: Any substance, or mixture of substances which is intended to be used for defoliating plants, regulating plant growth, or for preventing, destroying, repelling, or mitigating any pest, as defined in Section 12754.5, which may infest or be detrimental to vegetation, man, animals, or households, or be present in any agricultural or nonagricultural environment whatsoever.
- In laymen's terms: "pesticide" includes: rodenticides, herbicides, insecticides, fungicides, and disinfectants.

Point of Diversion — A location at which water is withdrawn from a surface waterbody.

Pool — A deeper area of water in a stream channel; usually quiet and often with no visible flow.

Professional Archeologist — An Archeologist that is qualified by the Secretary of Interior, Register of Professional Archaeologists, or Society for California Archaeology.

Qualified Biologist — An individual who possesses at a minimum a bachelor's or advanced degree, from an accredited university, with a major in a biological, physical, natural resources science, or a closely related scientific discipline, at least two years of field experience in the biology and natural history of local plant, fish, and wildlife resources present at the project site, and knowledgeable of state and federal laws regarding the protection of sensitive species.

Qualified Professional — Means:

1) Individuals licensed in California under the Professional Engineer Act (e.g., Professional Engineer), Geologist and Geophysicist Act (e.g., Professional Geologist and Certified Engineering Geologist), and Professional Land Surveyors' Act (e.g., Professional Land Surveyor)[1],
2) California Registered Professional Forester (RPF), and
3) Qualified Storm Water Pollution Prevention Plan (SWPPP) Practitioner.

Range of anadromy — Length of stream reach between the Pacific Ocean and the upper limit of anadromy (see definition of *Anadromy*), where migration, spawning and rearing of salmonids occur.

Recurrence interval — The average time between occurrences of streamflows of a given or greater magnitude, sometimes referred to as the return period. The recurrence interval is equal to one divided by the exceedance probability**.**

Redd — Spawning areas or nests made by a salmon or trout

Residual pool depth — The difference between the depth of a pool at its deepest point and at its outlet.

Restricted materials — Restricted materials are defined in California Code of Regulations Title 3 section 6400. Restricted materials include all "restricted use pesticides", as defined in the Federal Insecticide, Fungicide, and Rodenticide Act section 3(d)(1)(C). Information on restricted materials is available at: http://www.cdpr.ca.gov/docs/enforce/compend/vol_3/chap2.pdf

Riffle — A shallow area in which water flows rapidly over a rocky or gravelly streambed.

Riffle crest — The highest point along the channel thalweg at a riffle.

Riparian habitat — Vegetation growing close to a stream, lake, swamp, or spring that is generally critical for wildlife cover, fish food organisms, stream nutrients and large organic debris, and for streambank stability.

[1] See Business and Professions Code sections 6700-6799, 7800-7887, and 8700-8805, respectively.

Salmonid — Of, belonging to, or characteristic of the family Salmonidae, which includes salmon, trout, and whitefish.

Seep — See *Spring or seep.*

Surface Water Diversion Period — The calendar period during which water may be diverted. See also *Forbearance Period*.

Sheet flow length — The length that shallow, low velocity flow travels across a site.

Site Mitigation — efforts to mitigate the impacts of Legacy Conditions or cannabis cultivation-related activities on the Cannabis Cultivation Site or its surroundings.

Site Remediation — efforts to restore the Cannabis Cultivation Site and its surroundings to its condition before cannabis cultivation activities began, or to restore the cultivation site and its surroundings to its natural condition.

Slope — shall be determined across the natural topography (preconstruction) of the disturbed land. Measure the highest and lowest elevations of the disturbed land, then measure the horizontal distance separating the highest and lowest elevations. Determine the slope using the formula below. (Multiple the ratio by 100 to find the percent value.) There may be more than one slope value if the low elevation has higher elevations in different directions. The highest slope value calculated (highest percentage numerically) is the value to be reported.

$$\boldsymbol{Slope} = \frac{\boldsymbol{elevation\ difference}}{\boldsymbol{horizontal\ distance}}\ \boldsymbol{x\ 100}$$

Slope – Value of slope expressed as a percentage.
Elevation difference – Report in feet to an accuracy of one inch or one tenth of a foot.

Horizontal distance – Report in feet to an accuracy of one inch or one tenth of a foot.

Soil Materials — Include soil, aggregate (rock, sand, or soil), potting soil, compost, manure, or biosolid.

Spring or Seep — Place where water flows out of the ground. A spring or seep may flow the whole year or part of the year. Surface water flow Requirements apply to both natural springs and seeps and springs and seeps that are modified to improve productions such as, installing piping and spring boxes/wells.

Stabilized Areas — Consist of areas previously disturbed that have been successfully reclaimed to minimize the increase in sediment or turbidity in water discharged from the site. Areas where vehicles may travel or be parked are not considered stabilized.

Substrate —The material (e.g., sand, gravel, cobbles, boulders, bedrock, and combinations thereof) that forms the bed of a stream.

Thalweg — See *channel thalweg***.**

Timberland — As defined in Public Resources Code section 4526: Land, other than land owned by the federal government and land designated by the Board of Forestry as experimental forest land, which is available for, and capable of, growing a crop of trees of a commercial species used to produce lumber and other forest products, including Christmas trees. Commercial species, on a district basis, are defined in California Code of Regulations, title 14, section 895.1.

Tribal lands — Lands recognized as "Indian country" within the meaning of title 18, United States Code, section 1151.

Turbidity — A measure of water clarity: how much the material suspended in water decreases the passage of light through the water. Suspended materials include soil particles (clay, silt, and sand), algae, plankton, and other substances. The turbidity test is reported in Nephelometric Turbidity Units (NTUs).

Upper limit of anadromy — The upstream end of the range of anadromous fish that currently are or have been historically present year-round or seasonally, whichever extends the furthest upstream.

Waterbody — Any significant accumulation of water, such as: lakes, ponds, rivers, streams, creeks, springs, seeps, artesian wells, wetlands, and canals.

Watercourse — A natural or artificial channel through which water flows.

- Perennial watercourse (Class I):
    1. In the absence of diversions, water is flowing for more than nine months during a typical year,
    2. Fish always or seasonally present onsite includes habitat to sustain fish migration and spawning, and /or
    3. Spring or seep: a place where water flows out of the ground. A spring or seep may flow the whole year or part of the year.
- Intermittent watercourse (Class II):
    1. In the absence of diversions, water is flowing for three to nine months during a typical year, or
    2. Water is flowing less than three months during a typical year and the stream supports riparian vegetation.
- Ephemeral watercourse (Class III): In the absence of diversion, water is flowing less than three months during a typical year and the stream does not support riparian vegetation or aquatic life. Ephemeral watercourses typically have water

flowing for a short duration after precipitation events or snowmelt and show evidence of being capable of sediment transport. Ephemeral watercourses include channels, swales, gullies, rills, and any other drainage features that channelize and transport runoff.

- Other watercourses (Class IV): Class IV watercourses do not support native aquatic species and are man-made, provide established domestic, agricultural, hydroelectric supply, or other beneficial use.

Watershed — The land area that drains into a stream. An area of land that contributes runoff to one specific delivery point; large watersheds may be composed of several smaller "subsheds", each of which contributes runoff to different locations that ultimately combine at a common delivery point. Often considered synonymous with a drainage basin or catchment. Watershed (drainage basin) boundaries follow topographic highs. The term watershed is also defined as the divide separating one drainage basin from another.

Watershed drainage area — The land area that comprises a watershed.

Water hauler — Any person who hauls water in bulk by any means of transportation.

Waters of the State — Any surface water or groundwater, including saline waters, within the boundaries of the state (Water Code section 13050(e)). This term includes all waters within the state's boundaries, whether private or public, including waters in both natural and artificial channels. Waters of the state includes waters of the United States.

Weed free mulch — A certified weed-free protective covering (e.g. bark chips, straw, etc.) placed on the ground around plants to suppress weed growth, retain soil moisture, or prevent freezing of roots.

Wetland — An area is wetland if, under normal circumstances:

1. the area has continuous or recurrent saturation of the upper substrate caused by groundwater, or shallow surface water, or both;
2. the duration of such saturation is sufficient to cause anaerobic conditions in the upper substrate; and
3. the area's vegetation is dominated by hydrophytes or the area lacks vegetation.

Winter low flow — A lower magnitude streamflow threshold that inundates riffles and is important to managing several steelhead and salmon life history needs in California streams by: (1) protecting benthic macroinvertebrate habitat in riffles to foster stream productivity, (2) preventing redd desiccation and maintaining hyphoreic subsurface flows, (3) sustaining juvenile salmonid winter rearing habitat, and (4) not impeding smolt out-migration.

Winter Period — Calendar dates from November 15 to April 1, except as noted under special County Rules California Code of Regulations, title 14, sections 925.1, 926.18, 927.1, and 965.5.

DRAFT

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

October 19, 2017

To: Mono County Planning Commission

From: Wendy Sugimura, CDD Senior Analyst

Re: WORKSHOP – June Lake Area Plan Update on Short-Term Rental Policies

RECOMMENDATION
Receive workshop presentation, and provide any desired direction to staff.

FISCAL IMPACT
No impact.

BACKGROUND
In late 2016, the June Lake Citizens Advisory Committee (CAC) raised various concerns regarding proposed changes to General Plan Chapter 25, and recommended that language be revised to allow short-term rentals only if consistent with applicable area plans. This language was adopted, and June Lake initiated a process to determine where short-term rentals would and would not be allowed within the community.

At about the same time, Supervisor Johnston presented an alternative proposal on short-term rentals specific to June Lake. His process included identifying and mapping individual neighborhoods that may be appropriate for these rentals, among other requirements, such as a vote of the area property owners. Supervisor Johnston's proposal was presented to the CAC and incorporated into the process.

DISCUSSION
In December 2016, the June Lake CAC established a subcommittee to help design the area plan update process. The subcommittee established a purpose, need, principles, work plan, and calendar of workshop dates), incorporated Supervisor Johnston's proposal, and assisted with outreach.

Over 45 hours of community meetings were held to discuss short-term rentals and seek viable policy solutions. These meetings represent an impressive commitment of time and energy by community members and the CAC, who worked very hard to be objective and provide a recommendation to the Planning Commission. In addition, the process required well over 250 hours of staff time. The full compilation of area plan update proceedings is provided as Attachment 1.

The purpose of this workshop is to review the entire process to provide a full understanding of the area plan update, and receive input from the Commission. At a future Commission meeting, specific area plan revisions based on CAC recommendations and Commission direction will be considered for recommendation to the Board of Supervisors.

Please note the June Lake CAC recommendations are being checked for accuracy and were not available at the time this agenda packet was published, but will be provided at the meeting.

ATTACHMENTS

1. Compilation of area plan update proceedings

June Lake Short-Term[1] Rental Issue

Updated April 5, 2017

BASIS

1. **Purpose:** Conduct a community[2] conversation to update June Lake Area Plan policies to address short-term rentals in residential areas.
2. **Need:** The initial reasons for providing the Transient Rental Overlay District (TROD) may have been different; however, the current reality is that short-term rentals are a common issue in resort communities and are not going away. Therefore, a decision needs to be made about how to handle them. The current process has limitations and an alternate mechanism is desired by the community, and the community wants to ensure protection of area and neighborhood character.
3. **Principles:**
    a. **Opportunity for input:** Adequate opportunity to express opinions and provide input must be available to all community members, and community members should feel like their input was heard and considered (with the recognition that not every individual will "get what they want"). *Participants were asked to provide any information about what makes them "feel heard and considered" even if they don't "get what they want."*
    b. **Consensus/common ground in the best interests of the community:** We will develop consensus and agreement to the best of our ability, and a sense that the decision is made in the best interests of the community as a whole. There is recognition and understanding that 100% agreement is unrealistic, but we will strive for something most people "can live with."
    c. **Public engagement:** Community involvement, engagement, education, and participation is critical, and we will seek to achieve as much as we can.
    d. **Finality and certainty:** Finality and certainty is needed – finality in that a decision will be made and we do not need to continue revisiting this conversation regularly, and certainty for homeowners about the status of short-term rentals for their property.

INTEGRATION OF SUPERVISOR JOHNSTON'S PROPOSAL

Supervisor Johnston's proposal essentially contains three components:

1. Map "neighborhoods" in the June Lake area. Staff initially identifies the neighborhoods, then the community provides comment.
2. Identify neighborhoods where short-term rentals are viable and acceptable, and neighborhoods where they aren't. Staff initially determines which neighborhoods are not viable based on technical issues, then the community provides comment.
3. Take these neighborhood proposals to a vote of the community. An 80% approval rating is proposed. Amend the General Plan with a new Land Use Designation that allows for short-term rentals for those neighborhoods with voter approval.

These components are integrated into the work plan that follows. Based on the principles identified by the CAC and community, community-based planning is relied upon to develop consensus about defining neighborhoods and acceptable locations for short-term rentals. The final decision mechanism (vote, etc.) is undetermined at this point. However, since the outcome will be reflected in the June Lake Area Plan, the ultimate decision will be based on recommendations of the JLCAC and Planning Commission, with the final decision by the BOS. As the conversation, direction, and areas of agreement evolve, the most appropriate or preferred decision method will become clearer.

---

[1] The term "nightly rental" was used in the initial version reviewed by the CAC subcommittee. To be consistent with staff report recommendations to the Planning Commission, the term was subsequently changed to "short-term rentals" throughout.

[2] The term "community" is all inclusive. Full-time/year-round residents, part-time and/or seasonal residents, second homeowners property owners, renters, and all community members in between are included. Clarify with CAC subcommittee in March.

WORK PLAN

1. DETERMINE PROCESS, METHODOLOGY, AND CALENDAR

- Dec. 6, 2016 CAC subcommittee workshop: *complete!*
- March CAC subcommittee workshop: Review specific calendar dates, initiate work plan, review initial maps – *complete!*
- April CAC subcommittee workshop: Finalize map, calendar dates, review mailer – *complete!*
- May CAC subcommittee workshop: Review workshop format

2. DEVELOP NEIGHBORHOOD MAPS

- Are maps needed? Is there another method that should be considered? *We asked this questions and considered if any other options were available. The consensus is that maps are needed to provide finality and certainty.*
- Who draws the lines? CAC vet first? *The CAC requested assistance from Supervisor Johnston and staff; in a subsequent discussion, Supervisor Johnston agreed to draw the initial map. CAC will then refine. Incorporate technical information at this time as well.*
- Suggestion: boundaries can overlap, subareas can be identified within neighborhoods, and entire areas do not need to be treated the same.
- Initial maps are for outreach purposes, and further refined though public discussion and meetings.

3. IMPLEMENT OUTREACH CAMPAIGN

- Options for advertising & notification
    - Tax base mailing – received tax base addresses, removing duplicates and PO Boxes
    - PO Box mailing
    - Email to County subscription list
    - Personal email distribution (from CAC/community members)
    - Phone calls (from CAC/community members)
    - Radio/newspaper announcements, calendars, publications, PSAs
    - Flyers: distribution by community members, post in community location and County website
    - Spanish translation
    - Word-of-mouth
    - Other?

- Options for engagement and input
    - Community-wide meetings
    - Neighborhood meetings
        - Who is allowed to participate? *Based on outreach strategy, everyone who shows up - could be for their neighborhood or other neighborhoods*
    - Survey (see "Collect Data" section)
    - Phone calls (from CAC/community members)
    - Door to door (from CAC/community members)
    - Anonymous suggestion box
    - Formal Public Hearings by the Planning Commission and Board of Supervisors
    - Other?

- **Outreach Calendar:**
    - Late March: Website for this project posted with workshop schedule
    - Early April: "Save the Date" PO Box mailing (w/Spanish translation), tax base mailing
    - Week of April 24: June Lake CAC email blast (w/Spanish translation)
    - Week of May 1: CAC member emails, word of mouth campaign, flyers/posters (w/Spanish

translation), radio/newspaper
- Week of May 8: Flyers/posters (w/Spanish translation), radio/newspaper
- Week of May 15: June Lake CAC email blast (w/Spanish translation)
- Day before each meeting: June Lake CAC email blast

4. COLLECT DATA

- **Survey**: The housing survey is expected to occur concurrently. A specific question for/against short-term rentals is not included; instead, questions regarding neighborhood values and character, needed housing types, etc., are included. Relevant information from the survey will be reported in Task 5.
- **Technical information:** Physical mapping, such as road grades, surface, pothole locations, snow removal circumstances, flood areas, avalanche locations, land ownership (INF permittee cabins), etc.
  - Technical analysis distributed at the March CAC subcommittee meeting for discussion with the maps.
- **Community and Neighborhood Meetings, and Focus Group Meetings**: This general meeting structure/agenda can be used for most types of meetings. *Focus groups may include 1) lodging owners, 2) business owners needing workforce, other…?*
  1. Purpose and Need
  2. Background/Education
     a. JL Vision
     b. TROD history and context
     c. Current land use maps to identify "single-family" neighborhoods and where short-term rentals are currently permitted
  3. Constraints: policy outcome must be legal and enforceable
  4. Concerns/fears/negatives about short-term rentals in the neighborhood
  5. Opportunities/benefits/positives of short-term rentals
  6. Discuss neighborhood maps:
     a. Are the maps drawn/defined correctly?
     b. Technical characteristics for short-term rentals
     c. Social/neighborhood considerations for short-term rentals
  7. What can people live with? Is there some degree of perceived consensus on where short-term rentals should and shouldn't be allowed in this neighborhood area?

NEIGHBORHOOD WORKSHOP CALENDAR

Location: *June Lake Community Center*
90 West Granite Avenue
June Lake, CA 93529

May 13 – Sat
1:00 pm – 2:30 pm Clark Tract
3:00 pm – 4:30 pm Open Session (All Neighborhoods)

May 20 – Sat

12:00 pm – 1:00 pm	Open Session (All Neighborhoods)
1:00 pm – 2:30 pm	Peterson Tract
3:00 pm – 4:30 pm	Leonard Avenue Area
5:00 pm – 6:30 pm	Highlands
7:00 pm – 8:30 pm	Clark Tract
8:30 pm – 9:00 pm	Open Session (All Neighborhoods)

May 22 - Mon

12:00 pm – 1:00 pm	Open Session (All Neighborhoods)
1:00 pm – 2:30 pm	Clark Tract
3:00 pm – 4:30 pm	Hwy 158 Hillside
5:00 pm – 6:30 pm	Dream Mountain
7:00 pm – 8:30 pm	Focus Group: Lodging and Business
8:30 pm – 9:00 pm	Open Session (All Neighborhoods)

May 25 – Thurs

4:00 pm – 5:00 pm	Open Session (All Neighborhoods)
5:00 pm – 6:30 pm	Clark Tract
7:00 pm – 8:00 pm	Open Session (All Neighborhoods)

5. ANALYSIS – PHASE I

- Compile all public input and relevant survey data, retain verbatim documentation when possible
- Provide analysis of data to identify areas of agreement and controversy by community and neighborhood, identify ownership status (full time resident, second homeowner, renter, etc.) when possible
- Provide analysis of potential solutions
- Explore and determine policy tools: GP/AP policies, ordinance, etc.
- Determine direction of policy development, consider initiating a vote, consider other decision making tools

Phase I Meeting Calendar:

1. Discussion of Workshop Data & Information: June 7, 6-9 pm
2. Discussion of Data Analysis & Policy Direction: June 14, 1-4 pm

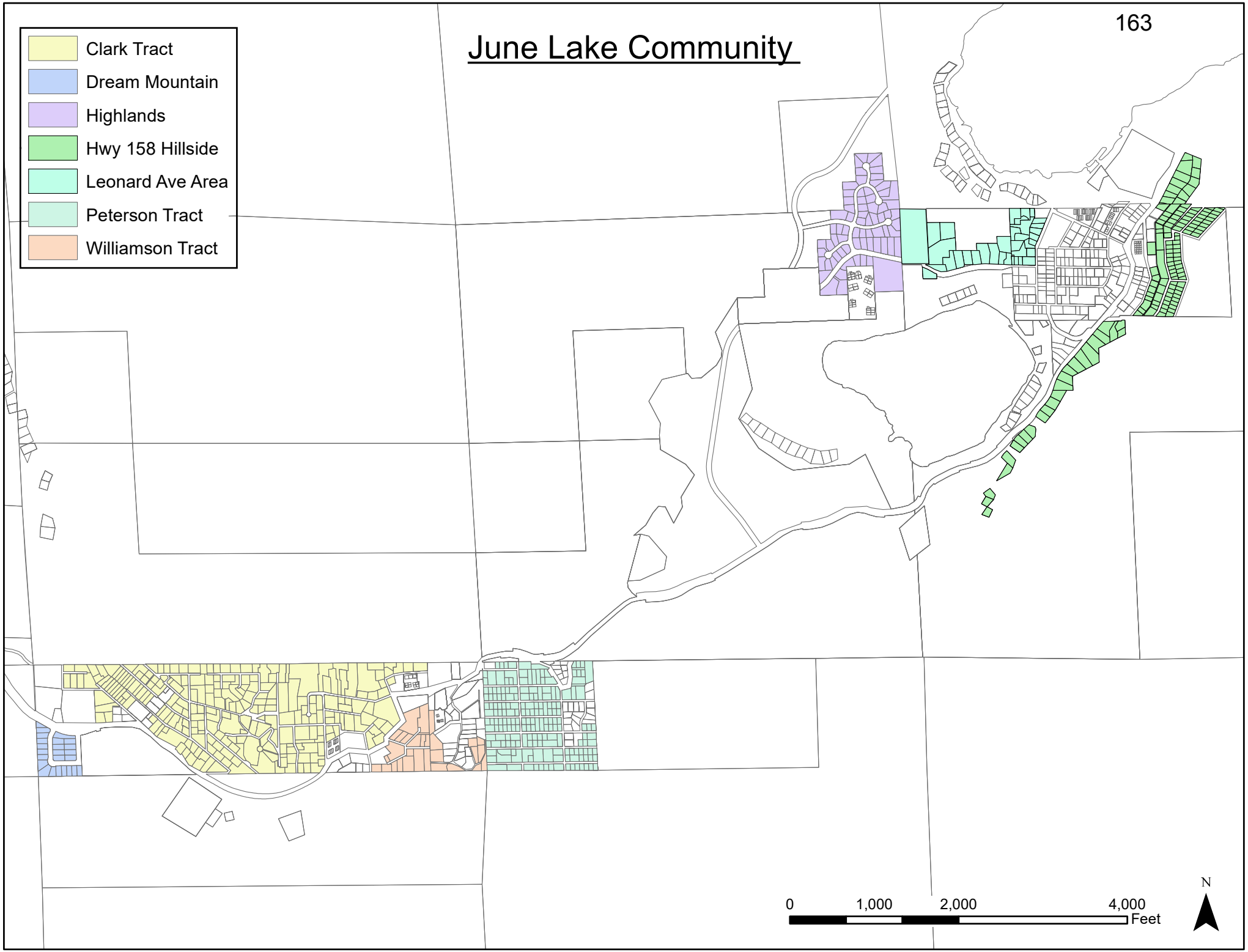
6. ANALYSIS – PHASE II

- Write up a draft document for feedback and review by the June Lake CAC/community. Multiple drafts may be needed, and how we proceed from here depends on the discussion at this point in time.
- Meeting date: June 28, 6-9 pm

7. FINAL DECISION

- The ultimate decision will be based on recommendations of the JLCAC and Planning Commission, with the final decision by the BOS.
- Meeting Dates:
    1. Planning Commission: July 20 (or August 17)
    2. Board of Supervisors: August 8 or 15 (or Sept. 5 or 12)

June Lake Community



Your Voice Matters!

Join us for conversations on short-term vacation rentals to build solutions for individual June Lake neighborhoods.

Diverse points of view are welcome for discussion in a safe space.

What: Neighborhood conversations

When: May 13, 20, 22 & 25 (see website below for times)

Where: June Lake Community Center

Visit

http://www.monocounty.ca.gov/rpac-june-lake/page/june-lake-short-term-rentals

for the schedule, details, and to sign up for email updates.

Alquileres Temporales y Vacacionales

Acompáñenos en las conversaciones que tendremos en **Mayo 13, 20, 22 y 25**, denos su punto de vista en este tema para encontrar soluciones que le beneficien a June Lake.

Visite nuestra página de Internet:

http://www.monocounty.ca.gov/rpac-june-lake/page/june-lake-short-term-rentals

para más detalles, horario, y registración para recibir notificaciones por correo electrónico.

JUNE LAKE AREA PLAN UPDATE – CALENDAR
SHORT-TERM RENTAL POLICY

NEIGHBORHOOD WORKSHOPS

Location: *June Lake Community Center*
90 West Granite Avenue
June Lake, CA 93529

May 13 – Sat

1:00 pm – 2:30 pm	Clark Tract
3:00 pm – 4:30 pm	Open Session (All Neighborhoods)

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12:00 pm – 1:00 pm	Open Session (All Neighborhoods)
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8:30 pm – 9:00 pm	Open Session (All Neighborhoods)

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8:30 pm – 9:00 pm	Open Session (All Neighborhoods)

May 25 – Thurs

4:00 pm – 5:00 pm	Open Session (All Neighborhoods)
5:00 pm – 6:30 pm	Clark Tract
7:00 pm – 8:00 pm	Open Session (All Neighborhoods)

COMMUNITY-WIDE MEETINGS

1. Discussion of Workshop Data & Information
   June 7, 6-9 pm

2. Discussion of Data Analysis & Policy Direction
   June 14, 1-4 pm

3. Discussion of Potential Draft Policies
   June 28, 6-9 pm

The community-wide meetings will be followed by meetings and/or public hearings by the Planning Commission, and then the Board of Supervisors, to make a final decision.

For details and updates, see the website and register your email address:
http://www.monocounty.ca.gov/rpac-june-lake/page/june-lake-short-term-rentals

¡Tu Voz Es Importante!

Acompáñenos en las conversaciones que tendremos en **Mayo 13, 20, 22 y 25**, denos su punto de vista en este tema para encontrar soluciones que le beneficien a June Lake.

¡Todas las opinions son bienvenidas!

Donde: El edificio del centro comunitario de June Lake

Visite nuestra página de Internet:

http://www.monocounty.ca.gov/rpac-june-lake/page/june-lake-short-term-rentals

para más detalles, horario, y registración para recibir notificaciones por correo electrónico.

JUNE LAKE AREA PLAN UPDATE – CALENDAR
SHORT-TERM RENTAL POLICY

NEIGHBORHOOD WORKSHOPS

Location: *June Lake Community Center*
90 West Granite Avenue
June Lake, CA 93529

May 13 – Sat

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May 25 – Thurs

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For details and updates, see the website and register your email address:
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JUNE LAKE AREA PLAN UPDATE – CALENDAR
SHORT-TERM RENTAL POLICY
Revised May 19, 2017

NEIGHBORHOOD WORKSHOPS

Location: *June Lake Community Center*
90 West Granite Avenue
June Lake, CA 93529

May 13 – Sat

1:00 pm – 2:30 pm	Clark Tract
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7:00 pm – 8:30 pm	Focus Group: Lodging and Business
8:30 pm – 9:00 pm	Open Session (All Neighborhoods)

May 25 – Thurs

2:00 pm – 3:00 pm	**Open Session (All Neighborhoods)**
3:00 pm – 4:30 pm	**Williams Tract**
5:00 pm – 6:30 pm	Clark Tract
7:00 pm – 8:00 pm	Open Session (All Neighborhoods)

COMMUNITY-WIDE MEETINGS

1. Discussion of Workshop Data & Information
   June 7, 6-9 pm

2. Discussion of Data Analysis & Policy Direction
   June 14, 1-4 pm

3. Discussion of Potential Draft Policies
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The community-wide meetings will be followed by meetings and/or public hearings by the Planning Commission, and then the Board of Supervisors, to make a final decision.

For details and updates, see the website and register your email address:
http://www.monocounty.ca.gov/rpac-june-lake/page/june-lake-short-term-rentals

New Schedule

June Lake Short-Term Rentals Workshop

Ground Rules

- Be respectful and civil
- Represent yourself and your own opinion/intentions
- Participate positively
- Give all ideas an honest chance
- Seek understanding

Workshop Topics

1. Knowledge base
2. Review June Lake neighborhood maps
3. Neighborhood values
4. Concerns, fears & negatives
5. Opportunities, benefits & positives
6. Potential solutions
7. Next steps

Background

- **Global Change:**
  - Worldwide issue changing the face of travel
  - Not unique to Mono County.
- **Mono County** had past policies and regulations.
- **June Lake** can craft its own policies and regulations.
- **Process is specific to June Lake**
- **Constraints:**
  - Legal and enforceable
  - Consistent with the Mono County General Plan

Staff Role

- **We are listeners, facilitators, and analysts:**
  - Accurately record what you say
  - Provide analysis to show where there is common ground
  - Identify irreconcilable differences
  - Encourage the exploration of solutions
  - Develop policies based on these outcomes

Why are we here today?

**Subcommittee provided guidance to develop this process.*

- **Purpose:** *Conduct a community conversation to update June Lake Area Plan policies to address short-term rentals in residential areas.*
- **Need:**
  - Short-term rentals are a common issue in resort areas and is not going away.
  - Decisions are needed to handle the issue and ensure protection of area and neighborhood character.
- **Principles:**
  - Opportunity for input
  - Consensus/common ground in the best interest of the community
  - Public engagement
  - Finality and certainty

Process

1. **Community Outreach**
2. **Workshops:** public engagement
3. **Analysis:** common ground, irreconcilable differences, potential solutions
4. **Develop Policy Direction** consistent with input and analylsis.
5. **Proposed Policies:** craft June Lake Area Plan policies.
6. **Adoption:** Vetted through the June Lake CAC and Planning Commission, the Board of Supervisors adopts the final policies.

Current Regulations: Chapter 25

- Permits short-term rentals in single-family units
- **Type I:** owner occupied or associated with an owner-occupied principal residence.
  - Use Permit
- **Type II:** not concurrently occupied by the owner or on the same parcel as the owner's principal residence.
  - General Plan Amendment
- **Noticing:** 30-day notice to property owners within 500 feet.
- **Vacation Home Rental Permit** required.

Current Regulations: Chapter 26

Vacation Home Rental Permit Requirements:

- **Property management** available 24 hours a day by phone, contact number posted on exterior of unit
- **Maximum Occupancy:** Two persons per bedroom plus two, up to maximum of 10
- **Parking:** Must meet on-site parking requirements, no off-site or on-street parking permitted
- **Trash and solid waste** removed once a week, bear-resistant exterior containers
- **Snow removal** required

Current Regulations: Chapter 26

Vacation Home Rental Permit Requirements:

- **Basic health & safety:** good repair, fire extinguishers, CO2 detectors, etc.
- **Business license** required
- **Transient Occupancy Taxes** required

Current Regulations: Chapter 26

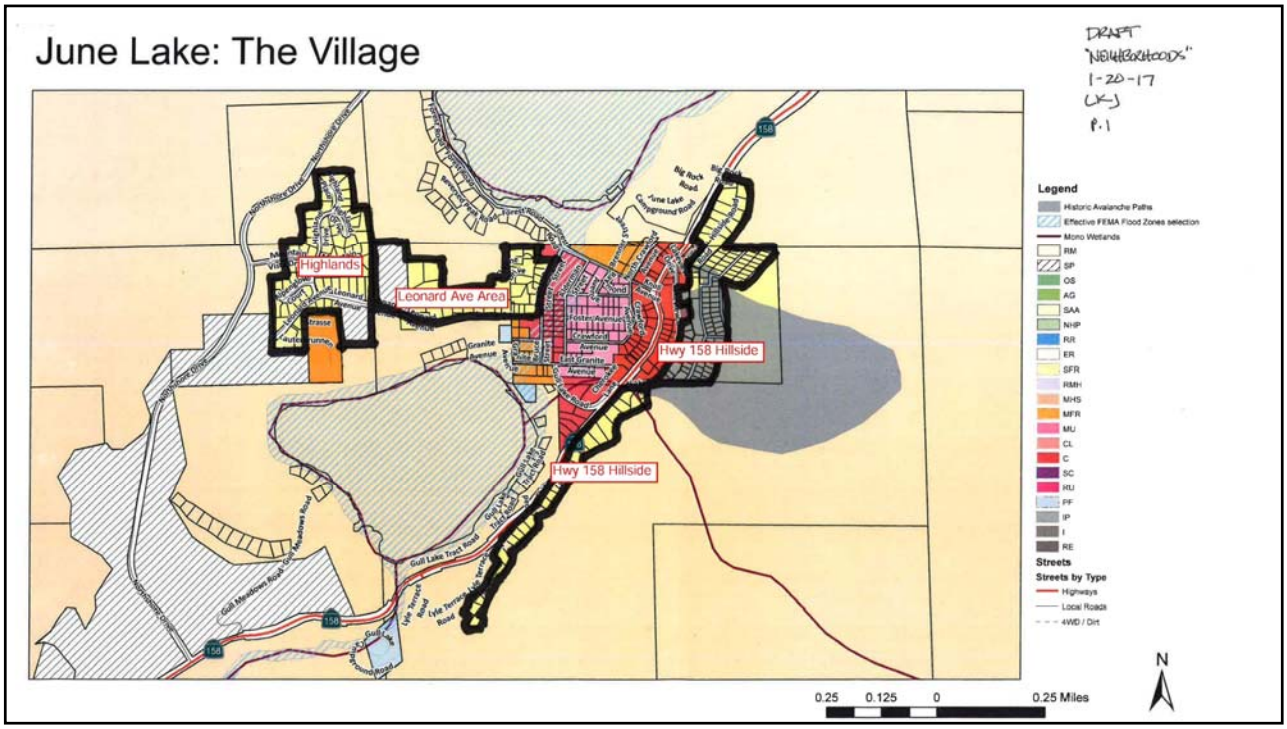
Enforcement

- $1,000 first violation
- $2,000 second violation or subsequent violation within 3 years
- Suspension or revocation of Vacation Home Rental permit, business license, and/or transient occupancy registration certificate.
  - Permit revocation has a process and are subject to appeal
- Enforcement procedures take time!

Other Regulatory Tools

- Prohibit entirely
- Homeowner's Associations: Covenants, Conditions & Restrictions (CC&Rs)
- Other Typical Restrictions:*
  - Limit to one lease at a time vs. multiple leases
  - Quiet hours
  - On-site response time requirement
  - Spread out: minimum separation (300 – 1,200 feet), maximum density, maximum percentage or quantity per area (street/zone)

**Provided in a BB&K webinar on short-term rentals*


June Lake: The Village
DRAFT
"NEIGHBORHOODS"
1-20-17
LKJ
P.1
Highlands
Leonard Ave Area
Hwy 158 Hillside
Hwy 158 Hillside
Legend
Historic Avalanche Paths
Effective FEMA Flood Zones selection
Mono Wetlands
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4WD / Dirt
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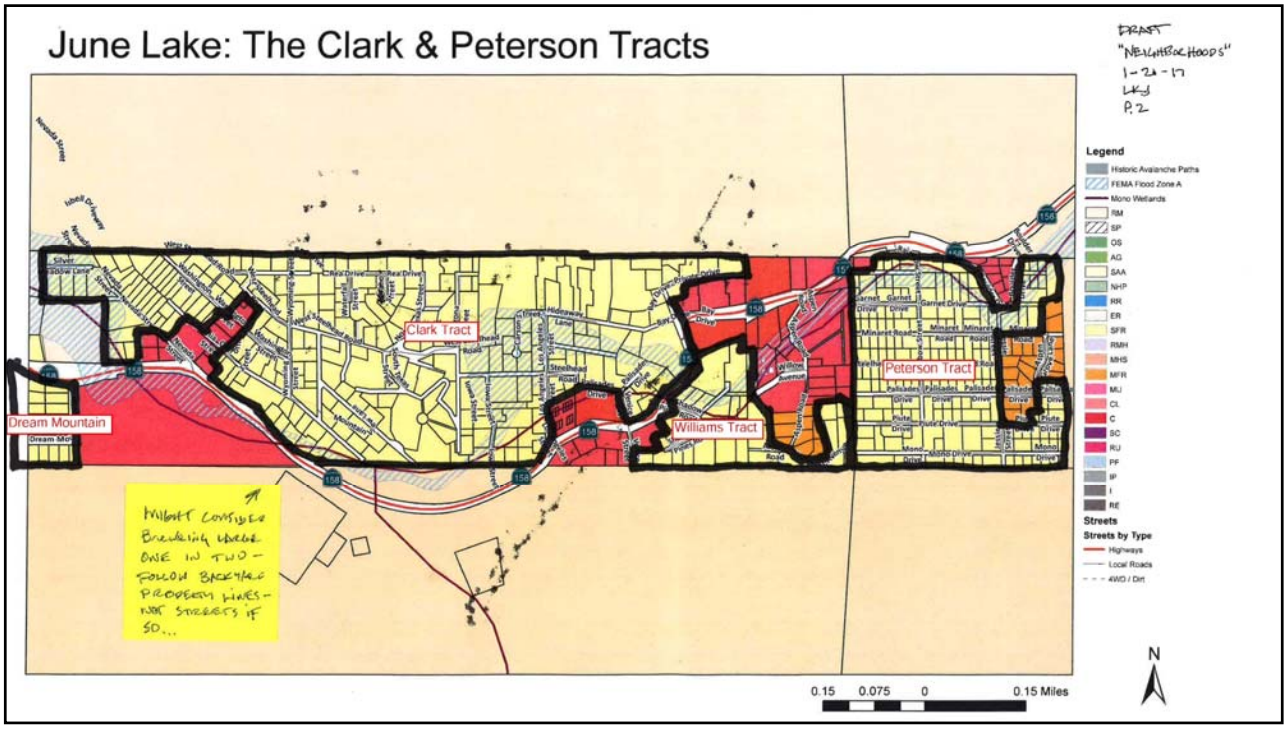
June Lake: The Clark & Peterson Tracts
DRAFT
"NEIGHBORHOODS"
1-24-17
LKJ
P.2
Clark Tract
Peterson Tract
Williams Tract
Dream Mountain
MIGHT CONSIDER BREAKING UNDER ONE IN TWO - FOLLOW BACKYARD PROPERTY LINES - NOT STREETS IF SO...
Legend
Historic Avalanche Paths
FEMA Flood Zone A
Mono Wetlands
RM
SP
OS
AG
SAA
NHP
RR
ER
SFR
RMH
MHS
MFR
MU
CL
C
SC
RU
PF
IP
I
RE
Streets
Streets by Type
Highways
Local Roads
4WD / Dirt
0.15 0.075 0 0.15 Miles
N

Clark Tract Technical Analysis

- Private roads: maintenance, snow removal, general impacts, pavement condition issues
- Roads substandard and, in some cases, not located in recognized right of way
- Note: Hideaway Lane (eastern end) does not connect to Bay Drive; residences on Bay Drive are isolated from the rest of the tract
- Steep topography, rock outcroppings in western half; topography in eastern half gentler
- Drainage, floodplain issues in eastern half
- Emergency access in western half: single access point, limited ingress/egress, difficult to access eastern side where there are more ingress/egress points
- Upper / top of hill areas: only two access points from east and west
- Multiple access points in eastern half (Los Angeles, Iowa, and Venice streets) – no access via Iowa street in winter (road not plowed) and spring flooding

South of State Route 158

- Limited County-maintained roads (Lakeview, Lyle Terrace – only half is plowed)
- Private roads: maintenance, snow removal, general impacts
- Emergency access: single access points, limited ingress/egress
- Steep topography
- Potential avalanche exposure (east and west ends not considered in previous avalanche mapping as they were in federal ownership at the time)
- Snow storage issues

Highlands

- Private roads maintained through a Zone of Benefit with County
- Homes are often vacant / high percentage of second homeowners
- Specific Plan regulations

Leonard Avenue

- Limited County-maintained roads (only Leonard Ave.; Skyline and Carson View are private)
- Private roads: maintenance, snow removal, general impacts
- Emergency access: single access points, limited ingress/egress
- Homes are often vacant / high percentage of second homeowners

Petersen Tract

- Private roads maintained through a Zone of Benefit with County
- Private (substandard/narrow) roads: maintenance, snow removal, general impacts, pavement condition issues
- Emergency access: single access point, limited ingress/egress
- Steep topography in southern section
- Drainage issues
- Numerous small and substandard lots
- Snow storage issues

Aspen Road

- Limited County-maintained roads (only Aspen Road)
- Private roads: maintenance, snow removal, general impacts
- Emergency access: single access points, limited ingress/egress
- Larger lots, bounded by commercial and commercial lodging land uses to east and west

Dream Mountain

- County maintained road
- Drainage issues
- Reported to have CC&Rs that prohibit short term rentals – County needs to receive a copy to verify

Neighborhood Values & Character

- What is most important to you about your neighborhood?
- What are the best qualities about your neighborhood?

Short-Term Rentals: Negatives

- What are the problems with short-term rentals?
- What are your concerns?
- How do short-term rentals threaten the character of your neighborhood?

Short-Term Rentals: Positives

- What are the benefits of short-term rentals?
- What are the opportunities short-term rentals provide?
- How can they help enhance or contribute to a neighborhood?

Short-Term Rentals: June Lake

Consider the potential impacts – positive and negative – of short-term rentals on June Lake as a whole:

- What are the potential community-wide problems or issues?
- What are the potential community-wide opportunities or benefits?

Potential Solutions

- Prohibit Type I short-term rentals
- Prohibit Type II short-term rentals
- Seasonal restrictions
- Density limit
- Rental day limit (# of days/year)
- Codify liability (renter vs. homeowner)
- Insurance requirements
- Lender notification

Potential Solutions

- Post enforcement phone # on site (at property and online)
- Create single short-term rental policy community-wide (not by neighborhood)
- Include road conditions as part of permit process
- Tie additional fees (e.g., TOT) to community benefit (roads, medics)
- Ensure some neighborhoods remain residential without any rentals
- Develop homeowners' associations with their own Conditions, Covenants, and Restrictions
- Limit # of vehicles allowed
- **What else…?**

Next Steps (ideally…)

- **Community Input Analysis: June 7, 6-9 pm**
  - Review and analyze workshop input
- **Policy Direction: June 14, 1-4 pm**
  - Consider full range of potential solutions, identify policy direction based on analysis
- **Review Draft Area Plan Policies: June 28, 6-9 pm**
- **Planning Commission: July or August**
- **Board of Supervisors: August or September**

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June Lake Short-Term Rentals Workshops: Open Session Worksheet

Date: _____

I live in or identify most closely with the following neighborhood (circle one):

Highlands	Leonard Avenue Area
Highway 158 Hillside	Petersen Tract
Williams Tract	Clark Tract
Dream Mountain	Other: _____

1. **Please review the Technical Analysis of your neighborhood. Do you have any information to add?**

2. **What characteristics do you value about your neighborhood?**

3. **What are the issues, concerns, and negatives about short-term rentals in residential areas?**

4. **What are the opportunities, benefits and positives about short-term rentals in residential areas?**

5. **How do short-term rentals affect June Lake overall?**

6. **What are potential solutions to the short-term rental situation? List all you can think of, and then circle the ones you would support.**

7. **Do you have any other comments?**

Thank you!

June Lake Short-Term Rentals Workshop

Data & Information Review

June 7, 2017

Ground Rules

- Be respectful and civil
- Represent yourself and your own opinion/intentions
- Participate positively
- Give all ideas an honest chance
- Seek understanding

Staff Role

- **We are listeners, facilitators, and analysts:**
  - Accurately record what you say
  - Provide analysis to show where there is common ground
  - Identify irreconcilable differences
  - Encourage the exploration of solutions
  - Develop policies based on these outcomes

Why are we here today?

*****Subcommittee provided guidance to develop this process.*

- **Purpose:** *Conduct a community conversation to update June Lake Area Plan policies to address short-term rentals in residential areas.*
- **Need:**
  - Short-term rentals are a common issue in resort areas and is not going away.
  - Decisions are needed to handle the issue and ensure protection of area and neighborhood character.
- **Principles:**
  - Opportunity for input
  - Consensus/common ground in the best interest of the community
  - Public engagement
  - Finality and certainty

Policy Development

- **Neighborhood character**: Things to protect, the WHY of the policy
- **Negatives**: Things to prevent, avoid, mitigate, control, minimize
- **Positives**: Things to take advantage of, reap benefits of
- **Solutions**: How do we get there?
  - Can we protect character, minimize negatives, take advantage of positives?

The process is MESSY!

It is not quantitative or black and white.

It requires the weighing of options, input, and trade-offs in pursuit of the best possible outcome.

Data & Information: Making Sense of It

- Start with raw data
- Combine meetings (except for solutions)
- Group like things together into a category and name it
- Review: look for patterns, what is supported and not supported, start to ask questions about what the information means
- Explore: how are various solutions or outcomes supported or not supported by this information?

Leonard Avenue: Neighborhood Character

- Access
- Peacefull
- Friendly
- Unique
- Alpine Village atmosphere
- Well-planned area
- Topography

Leonard Avenue: STR Negatives

- Signage – negative aesthetics
- Typical concerns do not apply to Leonard Avenue

Leonard Avenue: STR Positives

- Property integrity
- Safety
- Prohibits (reduces) vandalism
- Limits animal damage
- Increase taxes/fees
- Economic benefits/increases competitiveness
- No known opposition
- Low property density

Leonard Avenue: Impacts on June Overall

- Improve Commerce
- Help to keep Mtn open & other businesses
- Increased traffic
- Leonard Ave can meet June Lake’s need for STR at a whole
- Leonard Ave recognizes and empathizes with issues in other areas
- June Lake properties are family investment properties as opposed to commercial investments

Leonard Avenue: Solutions

- Allow Type I & Type II (5 of 5)
- Require response within a certain time (e.g. 1 hour) (5 of 5)

Highlands: Neighborhood Character

- Open feel of the neighborhood
- No fences and wildlife can easily move through the neighborhood
- Not all roads plowed in winter
- CC&Rs maintain the peacefulness of the neighborhood

Highlands: STR Negatives

- Noise
- Alcohol
- Drug use
- Excessive car parking
- Property owners may not be paying the transient occupancy tax

Highlands: STR Positives

- Provides TOT

Highlands: Impacts on June Lake Overall

- Downside: some crowding and rowdiness
- Upside: boost community with economic activity

Highlands: Solutions

- Enforce existing rules (1 of 1)

Petersen Tract: Neighborhood Character

- Nature/environment
- Quiet
- Sense of neighborhood
- Safe
- Limited roads/access
- Access to activities
- Other

Petersen Tract: STR Negatives

- Reduces workforce housing
- Increased traffic and parking issues
- Increased noise
- Reduced safety
- Inadequate enforcement/management
- Disrespectful/disruptive behavior
- Trash
- Other

Petersen Tract: STR Positives

- Increased revenue for County services
- Improved economy
- Property improvements/homeowner benefits
- Social opportunities
- Increased housing
- Eliminate illegal rentals

Petersen: Impacts on June Lake Overall

- Negative economic impact
- Changes character of community/neighborhoods
- Increases enforcement needs/County expenses
- Economic benefits
- Exacerbates workforce housing shortage
- Benefits to homeowners
- Other

Petersen Tract: Solutions

- See Spreadsheet
- Straw poll only: no statistical value
- Gives a “sense” or “temperature” of supported solutions
- Other solutions may still be acceptable, and may make sense to protect character, reduce negatives and increase positives

Clark Tract: Neighborhood Values

- Wildlife
- Nature & environment
- Dark skies
- Sense of neighborhood/friendly neighbors
- Peace & quiet/privacy
- Views
- Low density & residential development
- Safe
- Low/slow traffic
- Access to activities
- Other

Clark Tract: STR Negatives

- Disrupts sense of neighborhood
- Disrespectful/disruptive behavior
- Management/regulatory issues
- Inadequate enforcement/ Neighbors policing each other
- Change in property values and low density/residential character
- Increased noise
- Increased trash
- Increased lights
- Parking issues
- Road issues: traffic, winter conditions, maintenance
- Decreased safety
- Impacts to wildlife
- Negative impacts to local business
- Reduced workforce housing
- Equity: No $$ for costs
- Too dense
- Other

Clark Tract: STR Positives

- Economic benefits for June Lake (and entire county)
- Meets a market need
- Increases County revenue/taxes for services
- Opportunity for wildlife education
- Regulatory control/increased accountability
- Social Opportunities
- Benefits property owner/provides for property improvements
- Short term is less impactful/ location matters
- Provides flexibility & personal choice
- None

Clark Tract: Impacts on June Lake Overall

- Potential to incentivize construction
- Infrastructure/service impacts
- Economic benefits
- Negative economic impacts
- Property value impacts: positive & negative
- Change in residential character
- Appropriate in some locations, not in others
- Reduction of workforce housing

Clark Tract: Solutions

- See Spreadsheet
- Straw poll only: no statistical value
- Some people participated in many (in some cases all!) meetings & sticky dot exercises
- Gives a “sense” or “temperature” of supported solutions at that particular meeting
- Other solutions may still be acceptable, and may make sense to protect character, reduce negatives and increase positives

Policy Direction: June 14

- What appears to be reasonable policy direction for the various neighborhoods?
- Where is the “sweet spot” that protects character, reduces negatives, and enhances positives, to the extent possible?
- Or, if there’s no sweet spot, what does the input seem to support?

Next Steps (ideally…)

- **Policy Direction: June 14, 1-4 pm**
  - Consider full range of potential solutions, identify policy direction based on analysis
- **Review Draft Area Plan Policies: June 28, 6-9 pm**
- **Add CAC Review & Recommendation:** Special July Meeting? Aug. 2?
- **Planning Commission: August 17 (or Sept)**
- **Board of Supervisors: September 5, 12 or 19 (or Oct)**

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June Lake Short-Term Rentals Workshops
Raw Public Input

May 13: Clark Tract

5/13 Clark Tract: Technical Considerations

Narrow roads can't pass
Icy roads – problem for people not family within area
Private roads – very expensive to bring to public standards
People use driveways to turn around and cause damage
Nevada Street to pump stations are unmaintained county road
Part of the roads are paved and some are unpaved
List is more representative of upper Clark than lower (Nevada St.)
Environmentally sensitive areas
Wetlands and stream areas
Wildlife areas
How are approvals done if only so many followed?
Drainage issues

5/13 Clark Tract: Neighborhood Values

Peace and quiet
Presence of wildlife
Want more nice, quality, neighbors
Too much solitude
Environment, fresh air
Views and scenery
Stability
Hearing the running water (falls and creeks)
Getting along with neighbors
Friendly neighbors
Property devaluation
Privacy
Neighborhood atmosphere
Everyone knows each other and helps each other out
Don't' want to be like Mammoth
Take very good care of our property and area in general
Don't want people that don't care
Only here one night a week
Safety
Don't have to worry about leaving things outside or even locking doors now
Don't have to worry about trespassing or vandalizing now
Wildlife respected

Other property owners respected
Views
Wildlife
Waterfalls
Quiet
Know neighbors
    Quiet
    Safe
    Friendly
Dark skies
Tolerant of neighbors
Care bout neighbors “neighborhood watch”
Privacy
Home sanctuary
Safety
Light pollution
Noise travelling up hill
People in and out next to you

5/13 Clark Tract: STR Negatives

High turnover
Lack of respecting property and neighbors
Rent via high-end company
    More check and balances
    Renters are rated
Area allows rental currently
Property devaluation
Noise, Traffic, Trash
People who don’t know don’t care
Safety
Detrimental to wildlife
Lights
Parking
Hectic
Lack of responsibility
People who love living here versus those who only value money
Overuse of property
Not properly vetted renters
In some cases parking availability
Lack of controls and enforcement
Noise
Trash
Lack of bear awareness

Lack of respect for wildlife
Non-permitted rentals
No management supervision
No penalty to destructive renters
Don't know neighbors who rent
History of bad experiences
People here to party
Medium term rentals can be worse than short term
Enforcement is lax
Local hotels loose business
Unfamiliar with our particular neighborhood needs
They aren't invested in the best interest of our tract
Increase in traffic noise and general disruption
They haven't been background checked as full-time renters
They have their own agenda
Restrictions not necessarily liked
Unavailable to contact
We don't want to police others

5/13 Clark Tract: STR Positives

County wide improves economy
More availability of lodging increases overall tourism business – avoids losses to other areas in county
Key to our economy is gateway to Yosemite
STRs would support and get TOT
Increase jobs and county services
Opportunity for bear
Increase awareness
If regulated rules can be enforced
Increases safety for traditionally seasonally occupied 2nd homes (i.e. minimizes bear break-ins)
Keeps local jobs
Improved economy (restaurants, businesses, TOTs)
Makes 2nd homeownership more affordable
Increase property values
More worldwide recognition for June Lakes
Satisfies needs not met by conventional lodging
County benefit (TOTs)
Funds could lead to improvements of home
More jobs in area
Allows people to experience June Lake and the wilderness
May help with people to afford to keep and maintain property
The way young people travel
Reduces medium term and seasonal rentals
Mountain will get more skiers

TOT returns to community improves roads (County must agree TOT returned to June Lake)
More and local business
Legal business increase
Get to know sheriffs better
Tax revenue
Control of bad renters
Positive impact on local business
Accountability for guests to adhere to house and neighborhood rules
County tax benefits
If TOT be used (A%) for Clark Tract roads? Needed!
Money making for individuals (profiteers)

5/13 Clark Tract: How STRs May Impact June Lake Overall

Construction increase of income properties
Infrastructure PUD, Fire Department / medical impacts
Increased revenue local business
Tax revenue
Utilities (Electrical Etc.) impacts
Should be places in June where people can get away from rentals
Character of town is what a attractive to people
Each neighborhood should be treated differently – different STR densities
Density of STR should be determined
We endorse June Mountain to build a chalet and hotel rooms and gondola
May have traffic signal
We are for neighborhoods who want STR to have them, but not those who don't
More resort feeling not peaceful

5/13 Clark Tract: Potential Solutions & Sticky Dots

Seasonal Restrictions -2
Density Limit -6
Rental Day Limit (# of days/year) -4
Codify Liability (Renter vs Homeowner) -0
Insurance Requirements -4
Lender Notification -0
Posted Enforcement # on Site (physical & web) -5
Partition Clark with Different STR Regulations (Nevada Street) -5
Create Single STR Policy Community –Wide -8
Prohibit STR Type 1 -5
Prohibit STR Type 2 -8
Include Road Conditions as Part of Permit Process -6
Tie TOT Generation to Community (Roads / Medics) -16
Ensure Some Neighborhoods Remain Residential without any STR -3

Develop HOA's to Enforce CCR's -4
Limit # of Vehicles Allowed -1

May 13: Open Session Notes

STR's area business
Balance Issues (commercial vs. residential)
Camping is an available low cost option for tourists
STR's may result in more parking & paving = potential negative environmental impacts
STR provides way for owner to keep rather than flip (which may decrease area property value)
No STR's may lead to more long term rentals (Type I) – harder to evict bad neighbors who are there longer
Existing TROD owner – renters have been good, personal interview to vet renters
Enforcement response needs to be improved – more timely, weekend coverage
Management agency needs to be responsible
Legal rentals have not had complaints
The occasional "bad apples" in STRs are not the norm
Perception majority of County taxes paid by non-residents (2nd homeowners)
Encourage / enable STR's in certain areas
Increased property values prices out service employees and other locals, increased difficulty for first time homeownership
Bad STR experiences: parking, dogs, noise
ST renters are usually families and respectful
Enforcement: failure of management company to respond adequately should be enforced as misdemeanor
Need incentives to build STRs
Road conditions can change so not necessarily good criteria to exclude
Private road improvement too expensive for homeowners to improve alone
Rodeo Grounds may meet many of these market demands
Clark Tract roads will always be steep and narrow
Residents have to deal with the impacts of STR and changed neighborhood character
Need information and education about good property management firms
Post 24-hr number for complaint response more conspicuously at STR
Renters can be instantly evicted if causing disruption
Travel has changed - need to meet market demands
Many private roads in potential SFR areas are in poor condition- roads can 't be brought up to standards (homeowner responsibility)
Why have property values stayed low?
Properties with STR have higher property value
Currently empty residences = opportunity for people who will recreate here
Not the right type of accommodations so lose those visitors
Business development and growth poor in June
Need for "more beds" in June to support economy
Clark Tract is a neighborhood not a business district

Questioning of assessments - hard to get accurate
June = Remote, too far from things, less known
Add enforcement staff
TOT can fund services

May 20: Petersen Tract

5/20 Petersen Tract: Technical Considerations
Parcels/lots very close together
STR removes inventory for working folks
People/visitors don't know the roads
Road liability
No effective zone of benefit = underfunded ZoB
Roads need constant snow clearing & road maintenance
Needs committee to collect funds (for ZoB)
Limited parking – dead end roads, people get locked in
1 way in/ 1 way out
Roads poorly maintained – owners bear maintenance responsibility
TOT could apply to road maintenance
STR takes long-term rental inventory away from workers, etc.
Code compliance!!!

5/20 Petersen Tract: Neighborhood Character
Beauty
Quiet
Friendly neighbors – know your neighbors! X2
Feel secure & Safe!!
Property values
1 inlet/1 outlet = low traffic
Next to FS land
"Neighborhood!!!!"
Single Family Residential designation
Small town neighborhood feel
Privacy
Quiet
Close to nature
Proximity to ski area
Safe
Trees, trails nature, peaceful
Good people as neighbors
Care for the neighborhood, pick up trash, fill potholes, check on each other's homes
Kids, safety, hiking, trails, sledding, snow play, water play

5/20 Petersen Tract: STR Negatives

Displace workforce renters
Potential for inexperienced (winter) drivers
Noise
Lights
Safe neighborhoods
Neighborhood friction
Takes long-term rentals from inventory
Bring too many cars – parking on roads
Don't know how to drive in snow – stuck vehicles get everyone stuck
Code enforcement basically non-existent, too many illegal rentals, no code compliance
Have to defend our property
2nd homeowners not present when some problems occur
Disrespect for the environment and neighbors
Too much traffic and noise
Greedy!!
Road issues
Trash
Noise
Not respectful of the property
Not aware of road conditions
On vacation "mindset" not the same (as locals)
Large groups tend to party
Not enough oversight
Forces neighbor to neighbor discussions
Outdoor fires
Overcapacity of the home

<u>5/20 Petersen Tract: STR Positives</u>
Tax base – playgrounds, parks, overall community improvements = police, fire, paramedic, etc.
Help save June Mountain through more visitors
Homes are not vacant thus maintenance issues can be fixed
Memories for families
TOT Zones = dedicated to the June Lake Area
Business would benefit through more people
Improve and diversify the rental base to help compete with other resort/recreational towns
Additional revenue could provide more funds for regulation of rentals, i.e. code compliance personnel
Positive *if* TOT comes back to community that generates it
Add funds to streets & EMS
Eliminate illegal rentals
More bed space
Potential positive property values
Income for home owners

<u>5/20 Petersen Tract: How STR May Impact June Lake Overall</u>

Takes away from motels/hotels/condos already in business
June Lake "sells itself" – natural beauty, hiking, fishing, camping, skiing, etc.
How much $$ has been expended on all these meetings since 2009???? How many more?
More bed space meets need and keeps people in June Lake which benefits shops & restaurants, etc.
Could bring more business to June Lake

5/20 Petersen Tract: Potential Solutions & Sticky Dots
Rental Day Limit – 2
Prohibit Type 1 STR – 3
Seasonal Restrictions – 0
Codify Liability – 1
Density Limit – 3
Prohibit Type II STR – 6
Lender Notification – 0
Develop HOA's with CCRs – 0
Create single STR policy community-wide – 4
Limit # of vehicles allowed – 3
Ensure some neighborhoods remain residential without rentals – 3
Tie fees to community benefits – 7
Include road conditions as part of permit process – 5
Insurance requirements – 1
Post enforcement phone # on site and online – 1
Require and damage from new construction to be repaired – 1
Hire more code compliance officers – 4
Dedicate fees (TOT) to fund enforcement - 8
Require affordable housing mitigation – 1

May 20: Leonard Avenue

5/20 Leonard Avenue: Neighborhood Character
Access – views, large lots, excellent parking
Peaceful – low density, not mammoth
Friendly – family oriented, natural beauty
Unique – Trails, fishing & Skiing within walking distance
Alpine Village atmosphere – affordable
Well-planned area – snow removal, county roads for public access
Topography well-suited for STR

5/20 Leonard Avenue: STR Negatives
Signage – negative aesthetics
Typical concerns do not apply to Leonard Avenue

5/20 Leonard Avenue: STR Positives
Property integrity – gas leaks, water leaks, burglary, etc.)

Safety – personnel
Prohibits vandalism
Limits animal damage
Increase fees/taxes will improve resources
Help Keep Mountain Open
Improve commerce countywide
Improve the diversity of rental properties to better compete with other resort towns
Small community with no known opposition
Property low-density – approx.. 24 homes

5/20 Leonard Avenue: How STR may impact June Lake Overall
Improve Commerce
Help to keep Mtn open & other businesses
Increased traffic
Leonard Ave can meet June Lake's need for STR at a whole
Leonard Ave recognizes and emphasizes with issues in other areas
June Lake properties are family investment properties as opposed to commercial investments

5/20 Leonard Avenue: Potential Solutions & Stick Dots
Allow Type I & Type II STR for Leonard Ave. area - 5
Short time response to issues (require local phone # with 1 hr response time) – 5

May 20 – Clark
5/20 Clark: Technical Considerations
Drainage issue all over Clark
Heavy equipment damage roads
Winter access particularly difficult / challenging and dangerous at times
Bear activity – not knowing how to be bear safe
Heat sources inside houses
Fires outside house
Frozen pipe / winterizing dangers
General liability for homeowners
    Roads are private
Hazardous winter driving – steep / windy / narrow
    Know when to use chains / 4WD?
    Right of way rules
Limited snow storage
Drainage an issue throughout tract
Parking issues: no street parking, small lots
Private roads; legal liability
Liability issues – including snow driving
Roads have no guard rails or signage

Steep topography on east side also
Emergency access equally difficult on east side

5/20 Clark: Neighborhood Character
Quiet
Dark night skies
Safety – kids, dogs and personal belongings
Knowing neighbors / enjoying community / small town living
Minimal traffic
Neighbors that care about local environment
Lack of commerce
No party atmosphere
Not Mammoth
Affordable housing long term rentals – diversity
View
Wildlife
We know neighbors – background, respect, etiquette, what to expect
Security
Quiet – secluded – sanctuary
Single family homes
View – night skies – lights
Topography
Wildlife
Residential (single family) residential
Privacy
Safety for kids in neighborhood
Know our parcel boundaries – don't go on others land
Views
Peace and quiet
Low traffic volume
Proximity to activities (town, ski, etc.)
Dark sky
Four seasons (climate)
Neighbor relationships
Lots of vacant homes (not a lot of character)
View (x3)
Nature
Wildlife
Peaceful

5/20 Clark: STR Negatives
Strangers in neighborhood
Potential for: parties, noise, burglary, unwelcome animals and damage from renters
Negative wildlife interaction- bears

Winter driving problems
Additional wear on worn-out roads
Can't force "profiteers" to pay fair share of snow removal and road repair
Business in residential area
Change in existing rules from original expectations
Parking issues
Enforcement problems
Don't want our lifestyle dependent on management company
We don't want to police
Not knowing property lines
Negative impact on hotels
Impact local working by displacing work force housing
Inadequate compliance
County not supervising well enough
Disturbance happens prior to any enforcement
Unsafe / less security
Noisy parties / late nights
Road wear and tear at neighborhood expense
TOT doesn't pay
Illegal outdoor bonfires
Wildlife ignorance – increased bear break-ins (trash issues)
Air quality issues
Unsafe snow driving – don't understand specific roads
Changing neighborhood character – motel zone
No cost benefit to neighbors
Neighbors not responsible if someone can't afford 2nd home and need to rent it
Purchased as single –family residence
Parking
Irresponsible owners allowing disruptive renters
Uncontrolled parking
Uncontrolled noise
Possible development of dense STR
Inflexible legislation we have to live with forever (financial situations change / heirs)
Elimination of individual property rights- people should be allowed to do what they want on their property
Lack of understanding of environment
Lack of adequate property management (oversight)
Increased traffic (including road wear)
Possible noise (mostly at night during the summer)
Road conditions
Too many too close (density)
Respecting property boundaries
Safety issues (especially in winter)
Bear Safety

Adequate enforcement

5/20 Clark: STR Positives
Increasing need for short term rental for families
Brings proper county controls over STOR (to eliminate illegal rentals)
Meeting need for additional "beds" without additional construction
TOT to County
Meets need that can't be met by hotels
Economic benefit to June Lake
Short term impact vs long term impact
TOT to the County
Attracts outside visitors
In some areas of June Lake it makes sense- especially on County maintained roads
Might make a new friend or your dog might
Allow families to rent to friends or family
None
Sharing the area (the vast majority of renters will be nice people)
Meeting nice people
TOT that can come back to the community in various ways
Overall positive economic benefit to community
Bad apples are gone in a day compared to seasonal and medium term
County generates tax
People may be able to keep homes who would otherwise have to sell
Provides alternatives to motels
Supplemental income
Some feel there are none

5/20 Clark: Impacts to June Lake Overall
Hotel / Motel owners generally not against STR
Increased economic benefit to community: business, maintenance and service workers
General upgrade in community with people dependent on reviews, fix up rental for STR renters property
More opportunities for people to choose June Lake – stronger economy
Good for local business
Appropriate in some areas – downtown
    A lot of commercial zoning
    Leonard and Dream Mountain
    County Roads
Clark tract not appropriate because of serious road issues
Loss of affordable housing
Loss of quiet
Property values – potential effects
Loss of lodging (existing hotels)
TOT
Economic benefit to whole area

Concern about reduced housing for locals
Ski area
Alternatives to motel rooms
County gets tax (can it be sent to June?)
Loss of low cost housing for workers
Those who benefit from additional housing should finance it
Less eating out in town

5/20 Clark: Solutions & Sticky Dots
Allow for direct neighbor veto of STR – 6
Expand direct notice calculation based off of farthest edge of contiguous parcel of same owner – 1
Restrict STR to areas accessed by County Roads – 2
Partition Clark Tract with different regulations (e.g. Nevada Street) – 6
Require affordable housing mitigation – 2
Hire more code compliance officers – 7
Require STRs to contribute to road repair – 11
Require education by owners of renters of specific conditions (trash, roads, boundaries) – 7
Ensure STR TOT compliance equal to other lodging – 0
Include road conditions as part of permit process – 1
Create single ST rental policy community-wide (not by neighborhood) – 4
Lender notification – 0
Ensure some neighborhoods remain residential without rentals – 5
Limit number of vehicles allowed – 4
Post enforcement phone # on site and online – 7
Tie fees to community benefits (Roads / Medics) -14
Insurance requirements – 4
Prohibit Type II Short-term rentals – 7
Prohibit Type I Short –term rentals – 2
Seasonal Restrictions – 5
Density Limit – 5
Codify liability (renter vs. homeowner) – 1
Rental day limit (e.g., # of days/year) – 0
Develop HOA's with conditions, covenants & restrictions (CC&Rs) – 0

May 20 – Highlands

No participants.

May 20 – Open Session

5/20 Petersen Tract
Technical Considerations:
Roads currently in poor condition

Limited parking especially in the winter
Pet feces already a problem

Neighborhood Character:
Quiet,
Vacation Home,
Proximity to Ski Area,
Close to Ski Area,
Quiet,
Limited full-time residents
There is no HOA
It's serene and quiet
Wildlife is all around

STR Negatives:
Parking, unruly renters
Potentially less properties available for work force
Where TOT will go
Limited parking
Noise
Current monthly rentals are in poor condition
Traffic
Loud parties
Neighborhood access

STR Positives:
Additional housing for the area
Increased TOT and income for property owners
Share our community with others
Not all renters are bad
Additional housing for short term visitors
Income for current home owners
Increased property values

Impacts to June Lake Overall:
Changes the small town village feel of the town, not in a good way

Solutions:
Proper reinforcement,
Tie additional fees to community benefit – road maintenance
Local EMS
Tie TOT directly to June Lake
Community wide policy
Limit number of vehicles per residence
We do not support STR in the Petersen Tract under any conditions

Comments:
No HOA in the Petersen Tract

<u>5/20 Village</u>

Technical Considerations:
- Parking
- Late night arrivals
- Guest not knowing how to get into their unit late at night and asking neighbor at 1-3AM for access

Neighborhood Character:
- Quiet family after the large investment in a private home
- Existing STR neighborhoods
- Own business (and other businesses) that rely on affordable housing for our employees

STR Negatives:
- Enforcement
- Having any neighbors negatively affected by STR- even perceived negatives
- Growing lack of affordable housing
- Required phone number to be posted difficult to handle as only Verizon works
- No internet access without a password
- They take income away from hotels
- Parking
- Garbage
- Noise
- Arrival Times
- When rented by an agent they are not available at late night (maybe by phone but that does not solve the problems that they create
- People have large investment in their homes and should not have to put up with transients

STR Positives:
- None, they take away peace and quiet of the areas and consume homes that would be long term rentals for employees

Impacts to June Lake Overall:
- They should stay in motel / hotel that are not full all the time
- Existing legal hotels / lodging lose business
- In a small community like June Lakes, even a few bad apples make a big impact
- We lose affordable housing
- Turn neighbors into enforcers – compliance

Solutions & Sticky Dots:
- Build more motels /hotels/hostels/condos
- Allow STR in zones that currently allow them- just like our area plan says
- Enforcement -enforcement -enforcement
- Address cell phone service and internet access not being available to many guests

Comments:
- If you (Mono County) hires “enforcement” have them work appropriate days and hours
- It’s no good to hire someone M-F 9-4PM.
- In chapter 26-26.040 it says address must be clearly visible- you need to state “even at night”, it may be visible daytime only.
- Should not be allowed in residential areas where people build and invest in a private home
- Changing zoning after people have invested so much leave the county open to law suits

5/20 Clark Tract

Technical Considerations:

- Dangerous road conditions
- Poor street marking / signs
- Narrow private roads, people unfamiliar with the roads have issues in winter and when meeting opposing traffic
- Steep / icy in winter – issues with two wheel drive / chains every year
- Steelhead road ends up with lots of traffic due to layout of roads and only two access points

Neighborhood Character:

- Non commercial
- Homes values
- Safe neighborhoods
- View
- Quiet
- Clean
- You know who belongs, can watch out for eachother
- Usually little traffic
- Quiet
- Physical characteristics- rocks, slopes, etc.
- Knowing who belongs
- Community feeling

STR Negatives:

- Drunks
- Parking
- Party environment
- Minimal enforcement
- Legal liabilities having renters using unfamiliar private roads
- Turn residential area into commercial property
- Having a junk yard next door, etc.
- May lead to residential property turning into unsightly property driving down property values
- Fire hazards in yard and stores
- That they are run properly
- That the rules are enforced
- That the density of STRs is controlled
- Enforcement- parking / noise / traffic / trash
- Bears are a problem when food/trash not properly stored
- Noise
- Parking
- Street maintenance
- Snow removal
- Having people up there who don't value the community, city, county receiving their fair share of funding
- Needing to watch / enforce neighborhood rules

STR Positives:

- Supplying a need for this type of rental
- Allowing second home owners to generate income to maintain their property
- Generate TOT
- Allowing people to hang on to their properties rather than the continuous re-cycling of homes because they become non-viable to second home owner
- Very few- many provide supplemental income, but at the expense of the community
- Money for home owners

Impacts to June Lake Overall:

- Will worsen affordable housing shortages by turning into TROD
- Turn residential areas into low class rental slums
- They meet a need that is becoming more and more significant
- June Lake is 99% reliant on tourism and we should do everything we can to meet the needs of our life blood, the tourist
- We don't want short term rentals to start driving speculative purchase of single family homes to turn them into VHR units
- Will hurt values, neighborhoods, etc.
- Provide housing for people who live outside
- Not sure we need tourists in residential areas
- Reduced income for local hotels

Solutions & Sticky Dots:

- Allow type I rentals, they have the least negative impact
- Consider type II rentals, if proper management and enforcement can be provided
- Have some of the TOT generated come back to the communities that generated it (roads etc.)
- Do not permit VHR
- If VHR is allowed we have to be able to enforce and monetize to cover maintenance costs to the community (e.g. road repairs)
- Not allowed at all
- Strictly licensed and strongly enforced so the community gets its shore of money

Comments:

- Put this issue on the ballot and leave the democratic decision to the people like the past Measure 2 in Mammoth
- Enforce illegal STR currently in June Lake
- Do not change zoning
- We're a mountain town that relies almost totally on tourism
- STRs are a fact of life today
- There are homes that will never be suitable for workforce housing, but ideal for STRs
- People looking for that type of accommodation will not come to June Lake if they can't find it
- They are not looking for a motel/hotel experience most of the motel/hotel operators recognize this and support STRs
- Identification and enforcement of short term rentals is the big problem
- Online advertising / reservation systems create the problem by not providing access to listings for enforcement
- Local / county / state needs to act as one to legislate and enforce access to online systems to identify short term rentals and then enforce them

Anything else pits home owner against home owner and is expensive and incomplete
The solution starts at the advertising / reservation source

May 22: Clark Tract

5/22 Clark Tract: Technical Considerations
Bear break in due to food smells or feeding of the animals
No services (e.g. restaurants, stores) near Clark Tract
Freezing of pipes (water leakage) can go out of homes causing flodding
Changes of character of neighborhood
Quiet, privacy
Repairing of roads and potholes
Homeowners are in direct location of commerce
Competition with motels
Parking issues
Float versus hill zones
Road maintenance

5/20 Clark Tract: Neighborhood Character
Quiet, peaceful
Knowing our neighbors
Know neighbor's lot boundaries
Know how to interact with this environment
Road etiquette and experience
Solitude
Views
Quiet
Family / Quiet residence
It's mine
The view
Privacy
Wildlife
Condition of roads slows traffic
Clean environment

5/20 Clark Tract: STR Negatives
STR in Clark Tract detracts income from town, businesses, motels, cabins, restaurants that exist
Overturns our home area into a business area
Not knowing how to keep away bears
Noise, limitation night light (stars)
More people more traffic
Loss of privacy
Homeowners liable because roads are private and will be used during rentals
Degrade roads faster

Removes neighborhood character
Unfamiliar drivers blocking road
Dissention between neighbors
We become dependent on management company to maintain STR (instead of neighbor interaction)
Come in late at night, lights, noise
Garbage
Wildlife education
Parking
Management (ineffective)
Winter condition expense
Occupancy density – too many rentals
Not familiar with winter
Driving on narrow steep roads
Winter traffic
Additional damage to roads
Additional traffic
No money to fix roads

5/20 Clark Tract: STR Positives
Increase tax base
Meets a demand not met any other way
Road contribution
Increase bed capacity without new construction
Upgrades and improvements to property
Increases and improvements to property
Increases property values
Prevents changes to specific area plan which would eliminate rentals for ever
Allows people to do what they want with their property- as long as they don't disturb their neighbors
Potential to pay for infrastructure
Legitimize short term rents
Ability to regulate
Increase tax revenue will increase infrastructure
Subsidize income

5/20 Clark Tract: How STRs May Impact June Lake Overall
Improves local economy
Exposes June Lake to a broader tourist market
Pressures on infrastructure
Potential revenue to improve the community as a whole
Change identity of community
Degrades property values and flip side
Takes away money from existing businesses (e.g. restaurants, motels cabins)

5/20 Clark Tract: Solutions & Sticky Dots

Potential Solutions & Sticky Dot Votes
Tie fees to community benefits (Roads / Medics) -6
Create single ST rental policy community-wide (not by neighborhood) – 5
Hire more code compliance officers – 4
Limit number of vehicles allowed – 4
Include road conditions as part of permit process – 4
Prohibit Type II Short-term rentals – 4
Prohibit Type I Short –term rentals – 4
Dedicate fees (e.g., TOT) to fund enformcement – 3
Density Limit – 2
Require affordable housing mitigation – 1
Ensure some neighborhoods remain residential without rentals – 1
Insurance requirements – 1
Develop HOA's with conditions, covenants & restrictions (CC&Rs) – 0
Seasonal Restrictions – 0
Codify liability (renter vs. homeowner) – 0
Lender notification – 0
Require damage from new construction to be repaired – 0
Rental day limit (e.g., # of days/year) – 0
Post enforcement phone # on site and online – 0
Provide another reporting method other than neighbors policing neighbors – 0
No rentals on private roads – 1
No short term rentals in the Clark Tract to ensure / provide for work force housing – 1
Enforce existing rules – 1
Partition or divide the Clark Tract with different regulations by:
    Nevada Street – 1
    Los Angeles – 0
    W. Washington (where there is commercial and existing rental) – 2

5/20 Business and Lodging
As a resident, don't change neighborhoods- either Type I or II
Would take some market share
Biggest impact in shoulder season and winter season (especially in poor snow years)
Winter business does not tend towards repeat visits – kids ski free may have helped
Existing beds are enough, no need to change zoning to allow
There is enough transient lodging / warmbeds
Conversion of month-to-month workforce housing to nightly rentals a big problem
    Exacerbating an existing problem
Conversions may not be renting legally
House number should be visible at night
Phone number: limited cell carriers
Internet service may not be available to contact management
Lodging owners may be more concerned about competition
Business owners may feel it helps bring people and money

May 22: Open Session Notes

Clark Tract

I think that perhaps Nevada St. and/or LA Street could be separated from what happens in Clark because they don't have the road issues of upper Clark Tract. There may even be efficacy in separating western Washington where there already are rentals (Whispering Pines and legal TROD). Flatter roads, like LA St and Nevada St, could be split off from the Clark tract due to fewer road issues. However, transient rentals still replace long term rentals for locals, and for example on LA Street there are 7 long term rentals that have potential of being replaced by STR. That would not be good for locals.

May 25: Open Session Notes

Village

Technical Considerations:

Neighborhood Character:

- The friendliness of neighbors
- Natural vegetation / views
- Proximity to services
- Quiet
- Little traffic

Negatives:

- Impacts on existing motels / night to night rentals
- Impacts on workforce housing
- Impacts on neighborhood characteristics / noise etc.
- Create noise, traffic and animosity toward neighbors
- Renters are on vacation and generally stay up late and party
- Completely change character of neighborhood

Positives:

- Benefits owner only
- Detriment to residents and neighborhood

Overall:

- Negatively

Solutions:

- Ban all

Comments:

- I have three short term within 100 feet of my house and that has negatively affected enjoyment of my SFR.

Highlands

Technical Considerations:

- You could add that it is a slow growing area, about one to two homes per year

Neighborhood Character:

I enjoy the open feel of the neighborhood
I am glad there are no fences and wildlife can easily move through the neighborhood
I wish all the roads were plowed in winter
I am also glad we have CC&Rs to maintain the peacefulness of the neighborhood

Negatives:

Noise
Alcohol
Drug use
Excessive car parking
I suspect that many of the property owner are not paying the transient occupancy tax

Positives:

It could provide TOT for the village of June Lake (the whole community)

Overall:

Downside is they bring a certain amount of crowding and rowdiness to the community
Upside is they boost community with economic activity

Solutions:

Enforce existing regulations

Comments:

Thank you for coming to June Lake and gathering input, good presentation

<u>Petersen</u>

Technical Considerations:

Neighborhood Character:

Wooded atmosphere
Quiet
Small roads
Little traffic
Wild Animals
Beauty
Quiet
Nature setting
Friendly neighbors
Quiet
Tranquility

Negatives:

Increase in traffic
Noise
Activity
Sense of community altered by influx of strangers
Party atmosphere opposed to people fostering community
Strain on community services
Money-driven at the expense of June Lake community

No trash services
I don't personally see a lot of negatives compared to the 30 day or more rentals
The concern about short term rentals creating more bad behavior, loud noise, parking issues, etc. is overdone
Traffic
Noise
Poor drivers
City folk letting their kids and animals behave inappropriately do whatever they want causing me to flip my lid and behave in a way I don't like
Inattentive people inadvertently causing harm or damage to the neighborhood (i.e. fires, crashing, fatalities)
Pollution
No long term housing

Positives:

Only economic for property owners, businesses, TOT tax
We need to promote the economy of June Lake by all means
All business and the community benefit
If you are the one doing it, money

Overall:

Influx of people not devoted to preservation of community
Lack of stewardship of many visitors
Strain on enforcement and other community services
Important to preserve community rather than give in to money-making propositions
Already a lack of long term rental housing
Some property owners may turn their rental into short term rental, worsening the housing Crunch
Property values are protected and pressure to sell is reduced when family circumstance changes and personal use is reduced
They keep the town flourishing, without them the town dies
We just don't need them in the Petersen Tract
We need more monthly rentals in the community
Income
Jobs

Solutions:

Restrict density, number of people in each unit, number of days each year, number of vehicles
Allow both I and II with well thought out codes not duplicating those already in existence
We need more monthly rentals, not nightly rentals, bottom line

Comments:

June Lake will be going backwards and limiting its own future if we fail to recognize and be part of a changing world
Don't do it
Address the road conditions, pot holes, cracks and drainage

Clark Tract

Technical Considerations:

- Private roads- safety
- The County does not participate
- More cars
- More upkeep

Neighborhood Character:

- View
- Wildlife
- Quiet
- Serenity
- Neighbors have each-others backs
- We discuss problems to arrive at a solution
- No commerce (i.e. motels)
- We feel safe
- Peaceful

Negatives:

- Potential noise
- Traffic
- Trash
- Winter driving issues
- We bout a house not in a motel zone as per contract with County
- Noise
- Lights at night that disturb star gazers
- Dog leash laws being enforced
- Neighbors will discuss and solve problems, we don't want to enforce this leash law with STR
- Code enforcement
- STR may not know not to feed animals and to keep dog food smells away from entrances as not to attract bear break-ins

Positives:

- Meeting a need not otherwise met in June Lake
- Improvement in local economy
- Improvement in upkeep of properties
- Increase in property values
- A population of homeowners don't want STR, it puts neighbors against neighbors, going outside we want to see neighbors not strangers

Overall:

- Improve local economy
- Restaurants
- Stores
- Maintenance
- Service industry
- It is fine with homeowners in tracts who all agree and want STR

Solutions:

All could be controlled by restrictions placed on landlords or neighborhoods
Density limits
Noise ordinance
Light ordinance
Seasonal restrictions
Levy on rental income to support local district where generated
To have STR where the homeowner all want STR

Comments:

I believe I should be able to do what I want with my property, as long as I don't disturb my neighbors
I don't like the idea that the county could place restriction on my property that would affect my children and my gran children
Please leave the Clark Tract our home not open to profiteers
Taking care of our roads already a lot

May 25: Clark Tract

5/25 Clark Tract: Technical Considerations

Some roads like Nevada St. provide access to Silver Lake and the private neighborhood
Drainage problems along Nevada, California and Washington St
Road erosion annually
Snow Storage
Tight turns (hairpin like)
Dirt road issues – potholes, grading needed
Drainage
Emergency access at Nevada and California due to too many cars parked along road
The owners are liable for roads
Concern for insurance rate
More cars, more impact on roads
Unfamiliar drivers can make difficult situations

5/25 Clark Tract: Neighborhood Character

Mountaineering opportunities
Topography- prevents overdevelopment
Enough wetlands- prevents overdevelopment (built in resistance to overdevelopment)
Distinct seasons – seasonal change
Living in communities with wildlife
Quiet
View-stellar
Wildlife
Some great neighbors
Located well relative to lakes (Double Eagle Resort, Ski Mountain, etc.)
Very, very quiet during much of the year (80% second home-owners)
Serenity

Neighbors discuss issues and eventually resolve them (i.e. dog leash laws –problems: pooping on others lots and roads, running up, barking at people and their dogs on leashes)
Concern for those who are just told about the law may again need time for behavior change
Puts neighbors as enforcers
Quiet
Peaceful
We have to work together to solve problems with the roads and snow removal
Feeling safe
Specified "quiet hours" (like Double Eagle hours)
Knowing neighbors
Preserving property values
Views
Views
Quiet
Knowing the neighbors
Wildlife
Feeling safe
Seasons
Access to outdoors
Dark skies
Low density population

5/25 Clark Tract: STR Negatives
Wanted to avoid when moving into area
No transient rentals
Property damage by transients
Come in the dark, get lost, run into things
Sharing space with people you don't know
Knowing neighbor issues
Establish a policy changing existing property use
Purchase property and then don't use it and issue it out to strangers
Instead of living in a home it would be a motel zone
Dealing with management company instead of neighbors; their intent is to make a profit while neighbors deal with the change in the feel of the neighborhood and problems STR presents
Higher tax assessments resulting from higher property values
Neighbors that expect others to deal with their financial situation cause frustration
Parking
Noise
Disrespect of others boundaries
Inability to navigate roads safely- especially in winter
Disrespect of property
Disrespect and interference with wildlife (trash / bears)
Trash
Potential noise

Potential poor property management
Parking
Enforcement, lack of County money to hire more officers
Loss of long term affordable rentals
Ignorant regarding bears and trash
Lack of trash pick-up
Safety- not knowing the people visiting
Lack of neighborhood accountability (people with no vested or emotional interest in the neighborhood)
More likely to be partiers or not
Disrespectful guest
Trash issues
Lack of understanding of wildlife
Lack of winter driving experience
Alcohol related behavioral problems due to altitude, over-exertion, etc.
Traffic (perceived)

5/25 Clark Tract: STR Positives
None
Assist families financially, although good neighbors they need assistance in making mortgage and other payments
Opportunity to financially benefit the community bringing money (restaurants etc.) and copany
Opportunities to educate transients in wildlife co-existence
County revenue
Personal revenue (property management and maintenance services)
Attracts visitors (offers families visiting opportunity to stay under one roof)
Allows financially stressed owners to retain their home
Allow for use of housing resources that exist without further development
Online listings advertise June Lake at expense of owner
Type I only- owner is also on premises to manage noise, etc.
Owners can use that income to improve their property
If another fee were levied that did not go into general fund it could go toward roads
Helps June Lake economy
Stricter rules might be able to be added I the June Lake area plan to mitigate some of the negatives
Strong case that short term renters have less impact on neighborhoods
Improved local economy
Supported by most hotel/motel owners
Generates TOT
Provides extra warm bed without new construction
Either green and growin or rape and rottin
Property upgrades
Better to control rather than underground
Higher property values
Tax revenue
Rental revenue – reinvestment to maintain

Create economy base to support local business
Upgrade properties
Overnight rentals provide revenue for road maintenance
Allow for regulation

5/25 Clark Tract: Impacts to June Lake Overall
Potential increased demand on paramedic and fire department
Economy a plus
Great options for the tracts that want to have STR
More tourism
More employment
Solution to lodging shortage
More traffic
Homeowners (not STR) have to enforce rules
Less rentals available for workforce
Bring more visitors
Increase in local economy
Puts June Lake on map

5/25 Clark Tract: Solutions & Sticky Dots
Tie fees to community benefits (Roads / Medics) -3
Create single ST rental policy community-wide (not by neighborhood) – 0
Hire more code compliance officers – 1
Limit number of vehicles allowed – 5
Include road conditions as part of permit process – 3
Prohibit Type II Short-term rentals – 4
Prohibit Type I Short –term rentals – 3
Dedicate fees (e.g., TOT) to fund enforcement – 5
Density Limit – 3
Require affordable housing mitigation – 1
Ensure some neighborhoods remain residential without rentals – 0
Insurance requirements – 0
Develop HOA's with conditions, covenants & restrictions (CC&Rs) – 0
Seasonal Restrictions – 3
Codify liability (renter vs. homeowner) – 0
Lender notification – 0
Require damage from new construction to be repaired – 3
Rental day limit (e.g., # of days/year) – 3
Post enforcement phone # on site and online – 3
Provide another reporting method other than neighbors policing neighbors – 0
No rentals on private roads – 0
No short term rentals in the Clark Tract to ensure / provide for work force housing – 3
Enforce existing rules – 0
Partition or divide the Clark Tract with different regulations by:

Nevada Street – 0
Los Angeles – 0
W. Washington (where there is commercial and existing rental) – 0
Allow type II with new regulations –0
Limit type I with occupancy limits (1-2people) – 0
Adjacent neighbor veto of STR permit – 2
Maintain Clark as a contiguous neighborhood – 5
Split off Mt View Ln as allowable for STR – 0
Allow Type I with new regulations – 0

June Lake Short-Term Rentals Workshops
Input by Neighborhood: Clark Tract

1. Clark Tract: Neighborhood Character

Wildlife
Presence of wildlife
Wildlife respected
Wildlife
Wildlife
Wildlife
Wildlife
Wildlife
Living in communities with wildlife
Wildlife
Wildlife
Wildlife

Nature & Environment
Environment, fresh air
Hearing the running water (falls and creeks)
Waterfalls
Topography
Four seasons (climate)
Nature
Know how to interact with this environment
Clean environment
Physical characteristics- rocks, slopes, etc.
Clean
Distinct seasons – seasonal change
Seasons

Dark Skies
Dark skies
Light pollution
Dark night skies
Night skies – lights
Dark sky
Dark skies

Sense of Neighborhood/Friendly Neighbors
Want more nice, quality, neighbors
Stability
Getting along with neighbors
Friendly neighbors
Neighborhood atmosphere
Everyone knows each other and helps each other out

Don't want people that don't care
Only here one night a week
Other property owners respected
Know neighbors
Friendly
Tolerant of neighbors
Care bout neighbors "neighborhood watch"
People in and out next to you
Knowing neighbors / enjoying community / small town living
Neighbors that care about local environment
We know neighbors – background, respect, etiquette, what to expect
Neighbor relationships
Knowing our neighbors
You know who belongs, can watch out for each other
Knowing who belongs
Community feeling
Some great neighbors
Neighbors discuss issues and eventually resolve them (i.e. dog leash laws –problems: pooping on others lots and roads, running up, barking at people and their dogs on leashes)
We have to work together to solve problems with the roads and snow removal
Knowing neighbors
Knowing the neighbors
Neighbors have each-others backs
We discuss problems to arrive at a solution
No party atmosphere
Know neighbor's lot boundaries
Concern for those who are just told about the law may again need time for behavior change
Puts neighbors as enforcers

<u>Peace & Quiet/Privacy</u>
Privacy
Peace and quiet
Quiet
Quiet
Privacy
Noise travelling up hill
Quiet
Quiet – secluded – sanctuary
Privacy
Know our parcel boundaries – don't go on others land
Peace and quiet
Peaceful
Quiet, peaceful
Solitude
Quiet
Privacy
Quiet

Quiet
Quiet
Very, very quiet during much of the year (80% second home-owners)
Serenity
Quiet
Peaceful
Specified “quiet hours” (like Double Eagle hours)
Quiet
Quiet
Serenity
Peaceful

Views
Views and scenery
Views
View
View
Views
View (x3)
Views
The view
View
View - stellar
Views
Views
View

Low Density & Residential Development
Property devaluation
Take very good care of our property and area in general
Single family homes
Residential (single family) residential
Family / Quiet residence
Non commercial
Homes values
Topography- prevents overdevelopment
Enough wetlands- prevents overdevelopment (built in resistance to overdevelopment)
Preserving property values
Low density population
No commerce (i.e. motels)
Lack of commerce
Too much solitude
Lots of vacant homes (not a lot of character)

Safe
Safety
Don’t have to worry about leaving things outside or even locking doors now

Don't have to worry about trespassing or vandalizing now
Safe
Home sanctuary
Safety
Safety – kids, dogs and personal belongings
Security
Safety for kids in neighborhood
Safe neighborhoods
Feeling safe
Feeling safe
We feel safe

Low/Slow Traffic
Minimal traffic
Low traffic volume
Road etiquette and experience
Condition of roads slows traffic
Usually little traffic

Access to Activities
Proximity to activities (town, ski, etc.)
Mountaineering opportunities
Located well relative to lakes (Double Eagle Resort, Ski Mountain, etc.)
Access to outdoors

Other
It's mine
Affordable housing long term rentals – diversity
Don't want to be like Mammoth
Not Mammoth

2. Clark: STR Negatives

Disrupts Sense of Neighborhood
High turnover
People who don't know don't care
Don't know neighbors who rent
People here to party
People who love living here versus those who only value money
Unfamiliar with our particular neighborhood needs
They aren't invested in the best interest of our tract
Unfamiliar with our particular neighborhood needs
They have their own agenda
Strangers in neighborhood
Hectic
Business in residential area
Loss of privacy

Dissention between neighbors
Sharing space with people you don't know
Knowing neighbor issues
Lack of neighborhood accountability (people with no vested or emotional interest in the neighborhood)
More likely to be partiers or not
Disrespectful guest
Purchase property and then don't use it and issue it out to strangers
Neighbors that expect others to deal with their financial situation cause frustration
Neighbors will discuss and solve problems

Disrespectful/Disruptive Behavior
Lack of respecting property and neighbors
Lack of responsibility
Potential for: parties, noise, burglary, unwelcome animals and damage from renters
Not knowing property lines
Irresponsible owners allowing disruptive renters
Respecting property boundaries
Party environment
Come in late at night
Not familiar with winter
Come in the dark, get lost, run into things
Disrespect of property
Disrespect of others boundaries
History of bad experiences

Management/Regulatory Issues
Not properly vetted renters
No management supervision
No penalty to destructive renters
Restrictions not necessarily liked
Unavailable to contact
They haven't been background checked as full-time renters
Don't want our lifestyle dependent on management company
Lack of adequate property management (oversight)
We become dependent on management company to maintain STR (instead of neighbor interaction)
Management (ineffective)
Property damage by transients
Dealing with management company instead of neighbors; their intent is to make a profit while neighbors deal with the change in the feel of the neighborhood and problems STR presents
Potential poor property management

Inadequate Enforcement/Neighbors Policing Neighbors
Lack of controls and enforcement
Non-permitted rentals
Enforcement is lax
We don't want to police others
Enforcement problems

We don't want to police
Inadequate compliance
County not supervising well enough
Disturbance happens prior to any enforcement
Adequate enforcement
Minimal enforcement
Enforcement- parking / noise / traffic / trash
Needing to watch / enforce neighborhood rules
Enforcement, lack of County money to hire more officers
Dog leash laws being enforced
Code enforcement
We don't want to enforce this leash law with STR

Change in Property Values/Low Density & Residential Character
Property devaluation
Overuse of property
Purchased as single –family residence
Turn residential area into commercial property
Changing neighborhood character – motel zone
May lead to residential property turning into unsightly property driving down property values
Having a junk yard next door, etc.
Overturns our home area into a business area
Removes neighborhood character
Winter condition expense
Wanted to avoid when moving into area
Instead of living in a home it would be a motel zone
Higher tax assessments resulting from higher property values
Establish a policy changing existing property use
Change in existing rules from original expectations
We bought a house not in a motel zone as per contract with County

Increased Noise
Noise
Noise
Noisy parties / late nights
Uncontrolled noise
Possible noise (mostly at night during the summer)
Noise
Noise
Noise
Noise
Potential noise
Potential noise
Noise

Increased Trash
Trash

Trash
Garbage
Trash
Lack of trash pick-up
Trash issues
Trash

Increased Lights
Lights
limitation night light (stars)
Lights
Lights at night that disturb star gazers

Parking Issues
Parking
In some cases parking availability
Parking issues
Parking
Uncontrolled parking
Parking
Parking
Parking
Parking
Parking

Increased Traffic/Problems Due to Winter Road Conditions
Traffic
Increase in traffic noise and general disruption
Winter driving problems
Additional wear on worn-out roads
Road wear and tear at neighborhood expense
Unsafe snow driving – don't understand specific roads
Lack of understanding of environment
Increased traffic (including road wear)
Road conditions
Legal liabilities having renters using unfamiliar private roads
Street maintenance
More people more traffic
Homeowners liable because roads are private and will be used during rentals
Degrade roads faster
Unfamiliar drivers blocking road
Driving on narrow steep roads
Winter traffic
Additional damage to roads
Additional traffic
No money to fix roads
Inability to navigate roads safely- especially in winter

Lack of winter driving experience
Traffic (perceived)
Traffic
Winter driving issues
Snow removal

Decreased Safety
Safety
Unsafe / less security
Safety issues (especially in winter)
Safety- not knowing the people visiting
Alcohol related behavioral problems due to altitude, over-exertion, etc.
Drunks
Illegal outdoor bonfires
Fire hazards in yard and stores

Negative Impacts to Wildlife
Detrimental to wildlife
Lack of bear awareness
Lack of respect for wildlife
Negative wildlife interaction- bears
Wildlife ignorance – increased bear break-ins (trash issues)
Bear Safety
Bears are a problem when food/trash not properly stored
Not knowing how to keep away bears
Wildlife education
Disrespect and interference with wildlife (trash / bears)
Ignorant regarding bears and trash
Lack of understanding of wildlife
STR may not know not to feed animals and to keep dog food smells away from entrances as not to attract bear break-ins

Negative Impacts to Local Business
Local hotels lose business
Negative impact on hotels
STR in Clark Tract detracts income from town, businesses, motels, cabins, restaurants that exist

Reduced Workforce Housing Units
Impact local working by displacing work force housing
Loss of long term affordable rentals

Equity: No $$ for costs
TOT doesn't pay
No cost benefit to neighbors
Can't force "profiteers" to pay fair share of snow removal and road repair
Neighbors not responsible if someone can't afford 2nd home and need to rent it
Having people up there who don't value the community, city, county receiving their fair share of

funding

Too Many
Possible development of dense STR
Too many too close (density)
Occupancy density – too many rentals

Other
Air quality issues
Rent via high-end company
More check and balances
Renters are rated
That they are run properly
That the rules are enforced
Area allows rental currently
That the density of STRs is controlled
No transient rentals
Inflexible legislation we have to live with forever (financial situations change / heirs)
Elimination of individual property rights- people should be allowed to do what they want on their property
Medium term rentals can be worse than short term

3. Clark: STR Positives

Economic Benefits for June Lake and Countywide
County wide improves economy
More availability of lodging increases overall tourism business – avoids losses to other areas in county
Key to our economy is gateway to Yosemite
Increase jobs
Keeps local jobs
Improved economy (restaurants, businesses, TOTs)
More jobs in area
Mountain will get more skiers
More and local business
Legal business increase
Positive impact on local business
More worldwide recognition for June Lakes
Economic benefit to June Lake Overall positive economic benefit to community
Opportunity to financially benefit the community bringing money (restaurants etc.)
Personal revenue (property management and maintenance services)
Attracts visitors (offers families visiting opportunity to stay under one roof)
Helps June Lake economy
Improved local economy
Supported by most hotel/motel owners
Either green and growing or ripe and rottin
Create economy base to support local business

Online listings advertise June Lake at expense of owner
Improvement in local economy

Meets Market Need
Satisfies needs not met by conventional lodging
Increasing need for short term rental for families
Meeting need for additional "beds" without additional construction
Meets need that can't be met by hotels
The way young people travel
Provides alternatives to motels
Supplying a need for this type of rental
Meets a demand not met any other way
Increase bed capacity without new construction
Allow for use of housing resources that exist without further development
Provides extra warm bed without new construction
Meeting a need not otherwise met in June Lake

Increase County Revenue for Services
STRs would support and get TOT
County benefit (TOTs)
TOT returns to community improves roads (County must agree TOT returned to June Lake)
County tax benefits
If TOT be used (A%) for Clark Tract roads? Needed!
Tax revenue
Increase county services
TOT to County
TOT to the County
TOT that can come back to the community in various ways
County generates tax
Generate TOT
Increase tax base
Increase tax revenue will increase infrastructure
County revenue
If another fee were levied that did not go into general fund it could go toward roads
Generates TOT
Tax revenue

Opportunity for Wildlife Education
Opportunity for bear increase awareness
Opportunities to educate transients in wildlife co-existence
Increases safety for traditionally seasonally occupied 2nd homes (i.e. minimizes bear break-ins)

Regulatory Control/Increased Accountability
If regulated rules can be enforced
Get to know sheriffs better
Control of bad renters
Accountability for guests to adhere to house and neighborhood rules

Brings proper county controls over STR (to eliminate illegal rentals)
Legitimize short term rents
Ability to regulate
Type I only- owner is also on premises to manage noise, etc.
Stricter rules might be able to be added I the June Lake area plan to mitigate some of the negatives
Better to control rather than underground
Allow for regulation

Social Opportunities
Allows people to experience June Lake and the wilderness
Attracts outside visitors
Might make a new friend or your dog might
Sharing the area (the vast majority of renters will be nice people)
Meeting nice people

Benefits Property Owner/Provides for Property Improvements
Makes 2nd homeownership more affordable
Allow families to rent to friends or family
Increase property values
Funds could lead to improvements of home
May help with people to afford to keep and maintain property
Money making for individuals (profiteers)
People may be able to keep homes who would otherwise have to sell
Supplemental income
Allowing second home owners to generate income to maintain their property
Allowing people to hang on to their properties rather than the continuous re-cycling of homes because they become non-viable to second home owner
Very few- many provide supplemental income, but at the expense of the community
Money for home owners
Subsidize income
Upgrades and improvements to property
Increases and improvements to property
Increases property values
Assist families financially, although good neighbors they need assistance in making mortgage and other Payments
Allows financially stressed owners to retain their home
Owners can use that income to improve their property
Property upgrades
Higher property values
Rental revenue – reinvestment to maintain
Upgrade properties
Improvement in upkeep of properties
Increase in property values

Short Term is Less Impactful/Location
Reduces medium term and seasonal rentals
Short term impact vs long term impact

Bad apples are gone in a day compared to seasonal and medium term
Strong case that short term renters have less impact on neighborhoods
In some areas of June Lake it makes sense- especially on County maintained roads

Potential to Contribute to Neighborhood Service Needs
Road contribution
Potential to pay for infrastructure
Overnight rentals provide revenue for road maintenance

Provides Flexibility & Personal Choices
Prevents changes to specific area plan which would eliminate rentals for ever
Allows people to do what they want with their property- as long as they don't disturb their neighbors

No Positive Aspects
None
Some feel there are none
None
A population of homeowners don't want STR, it puts neighbors against neighbors, going outside
we want to see neighbors not strangers

4. Clark: STRs Impacts on June Lake Overall

Potential to Incentivize Construction
Construction increase of income properties
We endorse June Mountain to build a chalet and hotel rooms and gondola

Infrastructure/Service Impacts
Infrastructure PUD, Fire Department / medical impacts
Utilities (Electrical Etc.) impacts
May have traffic signal
Pressures on infrastructure
Potential increased demand on paramedic and fire department
More traffic

Economic Benefit
Increased revenue local business
Tax revenue
Hotel / Motel owners generally not against STR
Increased economic benefit to community: business, maintenance and service workers
More opportunities for people to choose June Lake – stronger economy
Good for local business
TOT
Economic benefit to whole area
Ski area
Alternatives to motel rooms
County gets tax (can it be sent to June?)
They meet a need that is becoming more and more significant

June Lake is 99% reliant on tourism and we should do everything we can to meet the needs of our life blood, the tourist
Improves local economy
Exposes June Lake to a broader tourist market
Potential revenue to improve the community as a whole
More tourism
More employment
Economy a plus
Bring more visitors
Increase in local economy
Puts June Lake on map
Solution to lodging shortage
Improve local economy: restaurants, stores, maintenance, service industry
Provide housing for people who live outside

Negative Economic Impacts
Less eating out in town
Loss of lodging (existing hotels)
Reduced income for local hotels
Takes away money from existing businesses (e.g. restaurants, motels cabins)

Property Value Impacts: Positive & Negative
General upgrade in community with people dependent on reviews, fix up rental for STR renters property
Property values – potential effects
Those who benefit from additional housing should finance it
Turn residential areas into low class rental slums
Will hurt values, neighborhoods, etc.
Degrades property values and flip side

Change in Residential Character
Should be places in June where people can get away from rentals
More resort feeling not peaceful
Character of town is what is attractive to people
Loss of quiet
Not sure we need tourists in residential areas
We don't want short term rentals to start driving speculative purchase of single family homes to turn them into VHR units
Change identity of community

Appropriate in Some Locations, Not in Others
Each neighborhood should be treated differently – different STR densities
We are for neighborhoods who want STR to have them, but not those who don't
Appropriate in some areas – downtown
A lot of commercial zoning
Leonard and Dream Mountain
County Roads
Clark tract not appropriate because of serious road issues

Great options for the tracts that want to have STR
Homeowners (not STR) have to enforce rules
It is fine with homeowners in tracts who all agree and want STR
Density of STR should be determined

Reduction of Workforce Housing
Loss of affordable housing
Concern about reduced housing for locals
Loss of low cost housing for workers
Will worsen affordable housing shortages by turning into TROD
Less rentals available for workforce

5. Clark: Other Comments (Open Session)

- Put this issue on the ballot and leave the democratic decision to the people like the past Measure Z in Mammoth
- Enforce illegal STR currently in June Lake
- Do not change zoning
- We're a mountain town that relies almost totally on tourism
- STRs are a fact of life today
- There are homes that will never be suitable for workforce housing, but ideal for STRs
- People looking for that type of accommodation will not come to June Lake if they can't find it
- They are not looking for a motel/hotel experience; most motel/hotel operators recognize this & support STRs
- Identification and enforcement of short term rentals is the big problem
- Online advertising / reservation systems create the problem by not providing access to listings for enforcement
- Local / county / state needs to act as one to legislate and enforce access to online systems to identify short term rentals and then enforce them
- Anything else pits home owner against home owner and is expensive and incomplete
- The solution starts at the advertising / reservation source
- I think that perhaps Nevada St. and/or LA Street could be separated from what happens in Clark because they don't have the road issues of upper Clark Tract. There may even be efficacy in separating western Washington where there already are rentals (Whispering Pines and legal TROD). Flatter roads, like LA St and Nevada St, could be split off from the Clark tract due to fewer road issues. However, transient rentals still replace long term rentals for locals, and for example on LA Street there are 7 long term rentals that have potential of being replaced by STR. That would not be good for locals.
- I believe I should be able to do what I want with my property, as long as I don't disturb my neighbors
- I don't like the idea that the county could place restriction on my property that would affect my children and my gran children
- Please leave the Clark Tract our home not open to profiteers
- Taking care of our roads already a lot

June Lake Short-Term Rentals Workshops
Input by Neighborhood: Petersen Tract

1. Petersen Tract: Neighborhood Character

Nature/Environment
Beauty
Close to nature
Trees, trails nature, peaceful
hiking, trails, sledding, snow play, water play
Next to FS land
Wildlife is all around
Wooded atmosphere
Wild animals
Beauty
Nature setting

Quiet
Quiet
Privacy
Quiet
Quiet
Quiet
It's serene and quiet
Quiet
Quiet
Quiet
Tranquility

Sense of Neighborhood
Friendly neighbors – know your neighbors! X2
"Neighborhood!!!!"
Single Family Residential designation
Good people as neighbors
Small town neighborhood feel
Care for the neighborhood, pick up trash, fill potholes, check on each other's homes
Kids
Limited full-time residents
Friendly neighbors

Safe
Feel secure & Safe!!
Safe
safety

Roads/Access
1 inlet/1 outlet = low traffic
Small roads
Little traffic

Access to Activities
Proximity to ski area
Proximity to Ski Area
Close to Ski Area

Other
Vacation Home
Property values
There is no HOA

2. Petersen: STR Negatives

Reduce Workforce Housing
Displace workforce renters
Takes long-term rentals from inventory
Potentially less properties available for work force
No long term housing

Increased Traffic & Parking Issues
Potential for inexperienced (winter) drivers
Bring too many cars – parking on roads
Don't know how to drive in snow – stuck vehicles get everyone stuck
Too much traffic
Road issues
Not aware of road conditions
Parking
Limited parking
Traffic
Neighborhood access
Increase in traffic
Traffic
Poor drivers

Increased Noise
Noise
Too much noise
Noise
Noise
Noise
Noise

Reduced Safety
Safe neighborhoods
Neighborhood friction
Have to defend our property
Greedy!!
Forces neighbor to neighbor discussions
Sense of community altered by influx of strangers
Outdoor fires
Inattentive people inadvertently causing harm or damage to the neighborhood (fires, crashes, fatalities)

Inadequate Enforcement/Management
Code enforcement basically non-existent, too many illegal rentals, no code compliance
2nd homeowners not present when some problems occur
Not enough oversight

Disrespectful/Disruptive Behavior
Disrespect for the environment and neighbors
Not respectful of the property
On vacation "mindset" not the same (as locals)
Large groups tend to party
unruly renters
Loud parties
Party atmosphere opposed to people fostering community
Disrespectful city folk acting inappropriately for the neighborhood and mountain environment

Trash
Trash
No trash services
Pollution

Other
Where TOT will go
Current monthly rentals are in poor condition
Activity
Money-driven at the expense of June Lake community
I don't personally see a lot of negatives compared to the 30 day or more rentals
The concern about short term rentals creating more bad behavior, loud noise, parking issues, etc. is overdone
Lights
Overcapacity of the home
Strain on community services

3. Petersen: STR Positives

Increased Revenue for County Services
TOT Zones = dedicated to the June Lake Area
Tax base – playgrounds, parks, overall community improvements = police, fire, paramedic, etc.

Additional revenue could provide more funds for regulation of rentals, i.e. code compliance personnel
Positive *if* TOT comes back to community that generates it
Add funds to streets & EMS
Increased TOT
TOT

Improved Economy
Help save June Mountain through more visitors
Business would benefit through more people
Improve and diversify the rental base to help compete with other resort/recreational towns
More bed space
Benefits businesses
We need to promote the economy of June Lake by all means
All business and the community benefit

Property Improvements/Homeowner Benefits
Homes are not vacant thus maintenance issues can be fixed
Not all renters are bad
Increased property values
Potential positive property values
Income for home owners
Increased income for property owners
Income for current home owners
Benefits property owners
If you are the one doing it, money

Social Opportunities
Memories for families
Share our community with others

Eliminate Illegal Rentals
Eliminate illegal rentals

Increased Housing
Additional housing for the area
Additional housing for short term visitors

4. Petersen: STR Impacts on June Lake Overall

Negative Economic Impacts
Takes away from motels/hotels/condos already in business

Changes Character of Community/Neighborhoods
Changes the small town village feel of the town, not in a good way
Lack of stewardship of many visitors
Important to preserve community rather than give in to money-making propositions
Influx of people not devoted to preservation of community

Increases Enforcement Needs/County Expenses
Strain on enforcement and other community services
How much $$ has been expended on all these meetings since 2009???? How many more?

Economic Benefits
More bed space meets need and keeps people in June Lake which benefits shops & restaurants, etc.
Could bring more business to June Lake
They keep the town flourishing, without them the town dies
Jobs

Exacerbates Workforce Housing Shortage
Already a lack of long term rental housing
Some property owners may turn their rental into short term rental, worsening the housing Crunch
We need more monthly rentals in the community

Benefits to Homeowners
Property values are protected and pressure to sell is reduced when family circumstance changes and personal use is reduced
Income

Other
We just don't need them in the Petersen Tract
June Lake "sells itself" – natural beauty, hiking, fishing, camping, skiing, etc.

5. Petersen: Other Comments (Open Session)

- No HOA in the Petersen Tract
- June Lake will be going backwards and limiting its own future if we fail to recognize and be part of a changing world
- Don't do it
- Address the road conditions, pot holes, cracks and drainage

June Lake Short-Term Rentals Workshops
Input by Neighborhood: Leonard Avenue Area

1. Leonard Avenue: Neighborhood Character

Access – views, large lots, excellent parking
Peaceful – low density, not mammoth
Friendly – family oriented, natural beauty
Unique – Trails, fishing & Skiing within walking distance
Alpine Village atmosphere – affordable
Well-planned area – snow removal, county roads for public access
Topography well-suited for STR

2. Leonard Avenue – STR Negatives

Signage – negative aesthetics
Typical concerns do not apply to Leonard Avenue

3. Leonard Avenue – STR Positives

Property integrity – gas leaks, water leaks, burglary, etc.)
Safety – personnel
Prohibits vandalism
Limits animal damage
Increase fees/taxes will improve resources
Small community with no known opposition
Property low-density – approx. 24 homes

<u>Economic benefits/increased competitiveness</u>
Help Keep Mountain Open
Improve commerce countywide
Improve the diversity of rental properties to better compete with other resort towns

4. Leonard Avenue: STR impacts on June Lake Overall

Improve Commerce
Help to keep Mtn open & other businesses
Increased traffic
Leonard Ave can meet June Lake's need for STR at a whole
Leonard Ave recognizes and empathizes with issues in other areas
June Lake properties are family investment properties as opposed to commercial investments

June Lake Short-Term Rentals Workshops
Input by Neighborhood: Highlands (1)

1. Highlands: Neighborhood Character

I enjoy the open feel of the neighborhood
I am glad there are no fences and wildlife can easily move through the neighborhood
I wish all the roads were plowed in winter
I am also glad we have CC&Rs to maintain the peacefulness of the neighborhood

2. Highlands: STR Negatives

Noise
Alcohol
Drug use
Excessive car parking
I suspect that many of the property owner are not paying the transient occupancy tax

3. Highlands: STR Positives

It could provide TOT for the village of June Lake (the whole community)

4. Highlands: STR impacts on June Lake Overall

Downside is they bring a certain amount of crowding and rowdiness to the community
Upside is they boost community with economic activity

5. Highlands: Other Comments (Open Session)

- Thank you for coming to June Lake and gathering input, good presentation

June Lake Short-Term Rentals Workshops
No Neighborhood / Village Input

Open Session Notes

Negatives/Neighborhood Character

- STR's are a business
    - Balance Issues (commercial vs. residential)
- STR's may result in more parking & paving = potential negative environmental impacts
- Increased property values prices out service employees and other locals, increased difficulty for first time homeownership
- Bad STR experiences: parking, dogs, noise
- Clark Tract is a neighborhood not a business district
- Residents have to deal with the impacts of STR and changed neighborhood character

Positives

- STR provides way for owner to keep rather than flip (which may decrease area property value)
- No STR's may lead to more long term rentals (Type I) – harder to evict bad neighbors who are there longer
- Existing TROD owner – renters have been good, personal interview to vet renters
- Legal rentals have not had complaints
- The occasional "bad apples" in STRs are not the norm
- ST renters are usually families and respectful
- Renters can be instantly evicted if causing disruption
- Properties with STR have higher property value
- Currently empty residences = opportunity for people who will recreate here

Enforcement/Management Issues

- Enforcement response needs to be improved – more timely, weekend coverage
- Management agency needs to be responsible
- Enforcement: failure of management company to respond adequately should be enforced as misdemeanor
- Need information and education about good property management firms

Solutions

- Encourage / enable STR's in certain areas
- Need incentives to build STRs
- Camping is an available low cost option for tourists
- Post 24-hr number for complaint response more conspicuously at STR
- Add enforcement staff
- TOT can fund services

Road Issues

- Road conditions can change so not necessarily good criteria to exclude
- Private road improvement too expensive for homeowners to improve alone
- Clark Tract roads will always be steep and narrow
- Many private roads in potential SFR areas are in poor condition- roads can't be brought up to standards (homeowner responsibility)

Market/Economic Issues

- Rodeo Grounds may meet many of these market demands
- Travel has changed - need to meet market demands
- Why have property values stayed low?
- Not the right type of accommodations so lose those visitors
- Business development and growth poor in June
- Need for "more beds" in June to support economy
- Questioning of assessments - hard to get accurate
- June = Remote, too far from things, less known
- Perception majority of County taxes paid by non-residents (2nd homeowners)

Village

Neighborhood Character:

- Quiet family after the large investment in a private home
- Existing STR neighborhoods
- Own business (and other businesses) that rely on affordable housing for our employees
- The friendliness of neighbors
- Natural vegetation / views
- Proximity to services
- Quiet
- Little traffic

Negatives:

- Growing lack of affordable housing
- Impacts on workforce housing

- Impacts on existing motels / night to night rentals
- Impacts on neighborhood characteristics / noise etc.

- Enforcement
- When rented by an agent they are not available at late night (maybe by phone but that does not solve the problems that they create)

- Having any neighbors negatively affected by STR- even perceived negatives
- Parking
- Garbage
- Noise
- Arrival Times
- They take income away from hotels
- Create noise, traffic and animosity toward neighbors
- Renters are on vacation and generally stay up late and party

- People have large investment in their homes and should not have to put up with transients

- Completely change character of neighborhood

- Required phone number to be posted difficult to handle as only Verizon works
- No internet access without a password

Positives:

- None, they take away peace and quiet of the areas and consume homes that would be long term rentals for employees
- Benefits owner only
- Detriment to residents and neighborhood

Overall:

- They should stay in motel / hotel that are not full all the time
- Existing legal hotels / lodging lose business
- In a small community like June Lakes, even a few bad apples make a big impact
- We lose affordable housing
- Turn neighbors into enforcers – compliance
- Negatively

Comments:

- If you (Mono County) hires "enforcement" have them work appropriate days and hours
- It's no good to hire someone M-F 9-4PM.
- In chapter 26-26.040 it says address must be clearly visible- you need to state "even at night", it may be visible daytime only.
- Should not be allowed in residential areas where people build and invest in a private home
- Changing zoning after people have invested so much leave the county open to law suits
- I have three short term within 100 feet of my house and that has negatively affected enjoyment of my SFR.

Business and Lodging (1 person, also filled out form)

- As a resident, don't change neighborhoods- either Type I or II
- Would take some market share
- Biggest impact in shoulder season and winter season (especially in poor snow years)
- Winter business does not tend towards repeat visits – kids ski free may have helped
- Existing beds are enough, no need to change zoning to allow
- There is enough transient lodging / warmbeds
- Conversion of month-to-month workforce housing to nightly rentals a big problem
    - Exacerbating an existing problem
- Conversions may not be renting legally
- House number should be visible at night
- Phone number: limited cell carriers
- Internet service may not be available to contact management
- Lodging owners may be more concerned about competition
- Business owners may feel it helps bring people and money

June Lake Short-Term Rentals Workshops - Solutions

** Please see the Important Notes at the bottom.*

Solutions	Petersen 5/20	Petersen (Open)	Petersen Emails
Private-Side Issues/Disclosures			
Codify Liability (renters vs homeowners)	1		
Insurance Requirements	1		
Lender Notification	0		
Develop HOA's to Enforce CCRs	0		
Ban/Prohibition			
Prohibit STR Type I	3	1	
Prohibit STR Type II	6	1	
Only allow where ALL want STRs			
Allow as Proposed			
Allow Type I & Type II for Leonard Avenue			
Enforce Existing Rules			
Potential New Regulations			
Seasonal Restrictions	0		
Density Limit	3	1	
Rental Day Limit	2	1	
Posted Enforcement # on Site and Online	1		
Limit # of Vehicles Allowed	3	2	
Require Damage from New Construction to be Repaired	1		
Short time response to issues (require local phone # with 1 hr response time)			
Allow for Direct Neighbor Veto of STR Permit			
Expand Direct Notice Calculation Based off of Farthest Edge of Contiguous Parcel of Same Owner			
Require Education by Owners of Rentals on Specific Conditions (trash, roads, boundaries)			
Allow Type II with New Regulations		1	
Limit Type I with Occupancy Limits (1-2 people)		1	
Allow Type I with New Regulations		1	
Noise Regs			
Ensure cell phone service			
Roads as Criteria			
Include Road Conditions as Part of Permit Process	5		
No Rentals on Private Roads			
No Short-Term Rentals in the Clark Tract to Ensure / Provide for Work Force Housing			
Restrict STR to Areas Accessed by County Roads			

Fees/Funding/Exactions for Servies/Benefits or Mitigation of Impacts			
Tie fees (e.g., TOT) to community services (Roads/Medics)	7	2	
Dedicate fees (TOT) to fund enforcement	8		
Require Affordable Housing Mitigation	1		
Require STRs to Contribute to Road Repair			
Ensure STR TOT Compliance Equal to Other Lodging			
Mapping/Scale			
Partition Clark with Different STR Regulations (Nevada St)			
Partition Clark with Different STR Regulations (Los Angeles St)			
Partition Clark with Different STR Regulations (W Washington - wher there is existing rental and commercial)			
Create Single STR Policy Community-Wide	4	1	
Ensure Some Neighborhoods Remain Residential without any STR	3		
Maintain Clark as a Contiguous Neighborhood			
Split off Mt View Ln as Allowable for STR			
Enforcement			
Provide Another Reporting Method Other than Neighbors Policing Neighbors			
Hire More Code Compliance Officers	4	1	
Enforcement should be available nights/weekends			
Advertising/reservation access: gain access for enforcement			
Other			
Build More Commercial Lodging/Condos			
Send the issue to a vote of the people			
Email Input			
In Favor			1
Opposed			2
Other (process, solutions, other commetns)			1
Total Workshop Participants	**10**	**5**	

*Important Note #1: This straw poll does not have any statistical validity or data integrity, and is intended only to "get a sense" of opinions in the room at that particular
*Important Note #2: This straw poll should not be used to gauge "for" versus "against." A participant opposed to short-term rentals was welcome (and encouraged!) to

Last Modified: 06/09/17

June Lake Short-Term Rentals Workshops - Solutions

** Please see the Important Notes at the bottom.*

Solutions	Leonard 5/20 & Emails	Highlands 5/20	158 Hillside 5/22 & Email	Dream Mtn 5/22	Village/Other Open&Email	Williams 5/25 & Email
Private-Side Issues/Disclosures						
Codify Liability (renters vs homeowners)						
Insurance Requirements						
Lender Notification						
Develop HOA's to Enforce CCRs						
Ban/Prohibition						
Prohibit STR Type I					2	
Prohibit STR Type II					2	
Only allow where ALL want STRs						
Allow as Proposed						
Allow Type I & Type II for Leonard Avenue	5					
Enforce Existing Rules		1 (open)				
Potential New Regulations						
Seasonal Restrictions						
Density Limit						
Rental Day Limit						
Posted Enforcement # on Site and Online						
Limit # of Vehicles Allowed						
Require Damage from New Construction to be Repaired						
Short time response to issues (require local phone # with 1 hr response time)	5					
Allow for Direct Neighbor Veto of STR Permit						
Expand Direct Notice Calculation Based off of Farthest Edge of Contiguous Parcel of Same Owner						
Require Education by Owners of Rentals on Specific Conditions (trash, roads, boundaries)						
Allow Type II with New Regulations						
Limit Type I with Occupancy Limits (1-2 people)						
Allow Type I with New Regulations						
Noise Regs						
Ensure cell phone service					1	
Roads as Criteria						
Include Road Conditions as Part of Permit Process						
No Rentals on Private Roads						
No Short-Term Rentals in the Clark Tract to Ensure / Provide for Work Force Housing						
Restrict STR to Areas Accessed by County Roads						

Fees/Funding/Exactions for Servies/Benefits or Mitigation of Impacts						
Tie fees (e.g., TOT) to community services (Roads/Medics)						
Dedicate fees (TOT) to fund enforcement						
Require Affordable Housing Mitigation						
Require STRs to Contribute to Road Repair						
Ensure STR TOT Compliance Equal to Other Lodging						
Mapping/Scale						
Partition Clark with Different STR Regulations (Nevada St)						
Partition Clark with Different STR Regulations (Los Angeles St)						
Partition Clark with Different STR Regulations (W Washington - wher there is existing rental and commercial)						
Create Single STR Policy Community-Wide						
Ensure Some Neighborhoods Remain Residential without any STR						
Maintain Clark as a Contiguous Neighborhood						
Split off Mt View Ln as Allowable for STR						
Enforcement						
Provide Another Reporting Method Other than Neighbors Policing Neighbors						
Hire More Code Compliance Officers						
Enforcement should be available nights/weekends					1	
Advertising/reservation access: gain access for enforcement						
Other						
Build More Commercial Lodging/Condos					1	
Send the issue to a vote of the people						
Email Input						
In Favor	10 (consortium)		0		2	0
Opposed	0		1		0	1
Other (process, solutions, other commetns)	0		0		0	0
Total Workshop Participants	**5**	**1**	**0**	**0**	**4**	**0**

*Important Note #1: This straw poll does not have any statistical validity or data integrity, and is intended only to "get a sense" of opinions in the room at that particular meeting.
*Important Note #2: This straw poll should not be used to gauge "for" versus "against." A participant opposed to short-term rentals was welcome (and encouraged!) to sticky dot other solutions as well, which should not be "counted" as a vote "for" rentals,

Last Modified: 06/09/17

June Lake Short-Term Rentals Workshops - Solutions

** Please see the Important Notes at the bottom.*

Solutions	Clark 5/13	Clark 5/20	Clark 5/22	Clark 5/25	Clark (Open)	Clark Emails
Private-Side Issues/Disclosures						
Codify Liability (renters vs homeowners)	0	1	0	0		
Insurance Requirements	4	4	1	0		
Lender Notification	0	0	0	0		
Develop HOA's to Enforce CCRs	4	0	0	0		
Ban/Prohibition						
Prohibit STR Type I	5	2	4	3	3	
Prohibit STR Type II	8	7	4	4	3	
Only allow where ALL want STRs					1	
Allow as Proposed						
Allow Type I & Type II for Leonard Avenue						
Enforce Existing Rules			1	0		
Potential New Regulations						
Seasonal Restrictions	2	5	0	3	1	
Density Limit	6	5	2	3	1	
Rental Day Limit	4	0	0	3		
Posted Enforcement # on Site and Online	5	7	0	3		
Limit # of Vehicles Allowed	1	4	4	5		
Require Damage from New Construction to be Repaired			0	3		
Short time response to issues (require local phone # with 1 hr response time)						
Allow for Direct Neighbor Veto of STR Permit		6		2		
Expand Direct Notice Calculation Based off of Farthest Edge of Contiguous Parcel of Same Owner		1				
Require Education by Owners of Rentals on Specific Conditions (trash, roads, boundaries)		7				
Allow Type II with New Regulations				0	1	
Limit Type I with Occupancy Limits (1-2 people)						
Allow Type I with New Regulations				0	1	
Noise Regs					1	
Ensure cell phone service						
Roads as Criteria						
Include Road Conditions as Part of Permit Process	6	1		3		
No Rentals on Private Roads				0		
No Short-Term Rentals in the Clark Tract to Ensure / Provide for Work Force Housing			1	3		
Restrict STR to Areas Accessed by County Roads		2				

Fees/Funding/Exactions for Servies/Benefits or Mitigation of Impacts						
Tie fees (e.g., TOT) to community services (Roads/Medics)	16	14	6	3	3	
Dedicate fees (TOT) to fund enforcement			3	5		
Require Affordable Housing Mitigation		2	1	1	1	
Require STRs to Contribute to Road Repair		11				
Ensure STR TOT Compliance Equal to Other Lodging		0				
Mapping/Scale						
Partition Clark with Different STR Regulations (Nevada St)	5	6		0		
Partition Clark with Different STR Regulations (Los Angeles St)			0	0	1	
Partition Clark with Different STR Regulations (W Washington - wher there is existing rental and commercial)			2	0	1	
Create Single STR Policy Community-Wide	8	4	5	0		
Ensure Some Neighborhoods Remain Residential without any STR	3	5	1	0		
Maintain Clark as a Contiguous Neighborhood				5		
Split off Mt View Ln as Allowable for STR				0		
Enforcement						
Provide Another Reporting Method Other than Neighbors Policing Neighbors			0	0		
Hire More Code Compliance Officers		7	4	1	1	
Enforcement should be available nights/weekends						
Advertising/reservation access: gain access for enforcement					1	
Other						
Build More Commercial Lodging/Condos						
Send the issue to a vote of the people					1	
Email Input						
In Favor						14
Opposed						17
Other (process, solutions, other commetns)						+/-7
Total Workshop Participants	**38**	**15**	**10**	**15**	**7**	

*Important Note #1: This straw poll does not have any statistical validity or data integrity, and is intended only to "get a sense" of opinions in the room at that particular meeting.
*Important Note #2: This straw poll should not be used to gauge "for" versus "against." A participant opposed to short-term rentals was welcome (and encouraged!) to sticky dot other solutions as

Key:	Lukewarm: Getting close to majority
	Warm: Majority/over half
	Hot! Strong consensus: 2/3 or more

Last Modified: 06/26/17

June Lake Short-Term Rentals

Policy Direction

June 14, 2017

Ground Rules

- Be respectful and civil
- Represent yourself and your own opinion/intentions
- Participate positively
- Give all ideas an honest chance
- Seek understanding

Policy Direction Workshop

- ✓ Neighborhood Workshops
- ✓ Review & Initial Sorting
- Analysis of Solutions
- Policy Direction for neighborhoods (other than Clark)
- Is there any consensus on Clark Tract issues?

Calendar

- **Policy Direction: June 14, 1-4 pm**
- **Review Draft Area Plan Policies: June 28, 6-9 pm**
  - Draft policies for all areas except Clark Tract
  - Identify policy direction for Clark Tract
- **Clark Tract policy review:** Mid-July?
- **Add CAC Review & Recommendation:** Special July Meeting? Aug. 2?
- **Planning Commission: August 17 (or Sept)**
- **Board of Supervisors: September 5, 12 or 19 (or Oct)**

County Perspective on Short-Term Rentals

- **Community-based planning**
- **Basis: General plan and area plan policies**
  - Develop into a moderately-sized, self contained, year-round community
  - Provide residents and visitors with quality housing, a wide array of housing alternatives designed to promote unique experiences, and year-round housing stock; and promote adequate affordable housing.
- **Research/best practices/other jurisdictions**:
  - Rarely find “right” or “wrong” answers
  - The “best” answer is one tailored to meet community character & needs

County Perspective

- **Context was different when original policy was approved**
  - Economic crash
  - “Sharing Economy” model
  - Burden on applicant for buy-in and cost: County is reactive
- **Context has changed**
  - Sharing economy has evolved into a mature industry, e.g., purpose of Type I’s
  - Economy has improved (marginally)
  - Burden on County for buy-in and cost → Community-Based Planning

Policy Development

- **Neighborhood character**: Things to protect, the WHY of the policy
- **Negatives**: Things to prevent, avoid, mitigate, control, minimize
- **Positives**: Things to take advantage of, reap benefits of
- **Solutions**: How do we get there?
  - Can we protect character, minimize negatives, take advantage of positives?
  - These solutions provide policy direction.

The process is MESSY!

It is not quantitative or black and white.

It requires the weighing of options, input, and trade-offs in pursuit of the best possible outcome.

Solutions Analysis:

Categories:

1. **Low-Hanging Fruit**
2. **Not Viable**
3. **For Discussion:**
    a) Community-wide (all of June Lake)
    b) Neighborhood specific
4. **Are these sorted right?**
5. **Deeper Discussion: Revenue streams & Enforcement**

Local Government Revenue Sources

- **Not applicable**
  - **Property-related fee or charge**: for a specific service
  - **User fee**: service or product provided directly to a person (e.g. paramedics)
  - **Fee for use of government property**
  - **Development Fee**: applies to new construction & must be reasonably related to cost of impacts

Taxes

General, specific, TOT, sales, property, etc.

- **Cannot be applied to a private use or improvement**: "gift of public funds"
- **Applicable to**: government services – enforcement, paramedics, housing (government owned)
- **New tax subject to voter approval**
  - May be county-wide vote???
- **Higher allocation of existing funds to June Lake =** Board budget discussion

Zone of Benefits/Assessment

- Charge collected for a directly-related public improvement
- Can be applied to private roads
- Fee based on engineer's report of project cost, divided equally among properties
- A higher fee can only be charged to a specific property if the engineer's report can identify an impact or use of that property that increases the project cost
- Specific discussions to form ZOBs are being held separately

Regulatory Fee/Fine or Penalty

- Charge imposed for a regulatory program related to a use
- Applicable to enforcement
- Allows for an annual cost to fund ongoing activities (i.e, inspections, etc.), as well as enforcement actions

Enforcement

- **Regulatory fee can provide for**:
  - More staff, expanded hours
- **Finding Violators/Reporting** – low hanging fruit
  - Host Compliance LLC: data mining to bring short term rentals into compliance
  - County Department coordination (within legal bounds)
  - Prohibit advertising…?

Conclusions About Solutions?

- Does the sorted list still stand as is?
- Can we add any detail to the tax or enforcement categories?
- Further questions, more solutions?

- Should the “low-hanging fruit” be applied?
- Is there consensus to apply any other solutions at this time?

- Move on to applying solutions to neighborhoods…?

Policy Development

- **Neighborhood character**: Things to protect, the WHY of the policy
- **Negatives**: Things to prevent, avoid, mitigate, control, minimize
- **Positives**: Things to take advantage of, reap benefits of
- **Solutions**: How do we get there?
  - Can we protect character, minimize negatives, take advantage of positives?
  - These solutions provide policy direction.

The process is MESSY!

It is not quantitative or black and white.

It requires the weighing of options, input, and trade-offs in pursuit of the best possible outcome.

Can some neighborhoods be resolved?

- **Leonard Avenue Area**: Clear consensus to allow
- **Highlands**: Specific Plan application to allow on hold
- **Petersen Tract**: No Type IIs, at most limited Type I's with restrictions/fees – or prohibit entirely

- **158 Hillside**: existing rentals, one email in opposition
- **Williams Tract**: one email in opposition
- **Dream Mountain**: CCRs?

Clark Tract

- Valid opinions on both sides of issue
- What are the trends in the Clark Tract?
- Is there a mix of solutions that could minimize negatives and take advantage of positives in the Clark Tract?

Calendar

- **Policy Direction: June 14, 1-4 pm**
- **Review Draft Area Plan Policies: June 28, 6-9 pm**
  - Draft policies for all areas except Clark Tract
  - Identify policy direction for Clark Tract
- **Clark Tract policy review:** Mid-July?
- **Add CAC Review & Recommendation:** Special July Meeting? Aug. 2?
- **Planning Commission: August 17 (or Sept)**
- **Board of Supervisors: September 5, 12 or 19 (or Oct)**

Local Government Revenue Raising Mechanisms: Applicable Restrictions and Procedures
Prepared for EMS Ad Hoc Advisory Committee 6/4/2015

Type of Levy	Definition	Procedures/Requirements	Governing Law
Special tax	A tax levied for a specific purpose, usually placed into a separate fund. Must be spent on purpose for which enacted.	2/3 voter approval required. All local taxes are either special or general taxes (i.e., no other types of taxes may be created or imposed).	Cal. Const. Art. XIIIA and XIIIC (Propositions 13 and 218)
General tax	A tax levied without any specific restriction on use and placed into the general fund.	Majority voter approval required; elections must be consolidated with regularly-scheduled general election. All local taxes are either special or general taxes (i.e., no other types may be created or imposed). Special districts may not impose general taxes.	Gov't Code §§ 53720-53730 and Cal. Const. Art. XIIIC (Propositions 62 and 218)
Ad-valorem property tax	A general tax levied on property based on its assessed value.	Limited to 1% of assessed value. Annual increases limited to 2% (regardless of actual increase in value). Local governments have no power to impose or increase.	Cal. Const. Art. XIIIA (Proposition 13)

Assessment (also called benefit assessment or special assessment)*	A charge imposed on real property for a local public improvement of direct (and special) benefit to that property. May not be used to pay for general benefits conferred on real property or on the public at-large.	Parcels to receive benefit are identified, total costs and benefits calculated in a detailed engineer's report. Any "general" benefit received must be separated out and cannot be charged as part of assessment (i.e., each parcel may only be charged for the "special" benefit it receives -- general enhancement of property values not considered a special benefit). Notice, ballot, and public hearing held. Assessment may not be imposed if majority protest of property owners, with votes weighted according to proportional financial obligation of property owners.	Cal. Const. Art. XIIID (Proposition 218)
Property-related fee or charge*	A fee or charge imposed upon a parcel or person as an incident of property ownership. (E.g., storm water management fees, water or sewer fees.)	Each property owner notified by mail of the amount of the fee, how calculated, the reason for it, and the date, time and location of a public hearing on its imposition. If there is a majority protest by owners – or by 2/3 of electors residing in affected area – then the fee may not be imposed. Must meet five requirements: (1) fee revenues may not exceed cost to provide service; (2) fee may only be used for purpose it was imposed; (3) amount of fee shall not exceed proportional cost of the service attributable to each parcel; (4) no fee for potential or future use; (5) can't be imposed for general governmental services, including police, fire, ambulance, where service is available to the public at large in same manner as it is to property owners.	Cal. Const. Art. XIIID (Proposition 218)

User fee*	A charge imposed for a specific government service or product. (Ambulance fees for service fall into this category.)	The service or product must be provided directly to the person paying the fee, and not provided to those not charged. May not exceed the reasonable costs of providing the service or product.	Cal. Const. Art. XIIIC (added by Proposition 26)
Regulatory fee*	A charge imposed for reasonable regulatory costs associated with issuing licenses and permits, performing investigations, inspections, and audits, and for associated administrative enforcement and adjudication.	Must be adopted by resolution of the governing body. Cannot exceed reasonable cost of providing the service or regulation.	Cal. Const. Art. XIIIC (added by Proposition 26)
Fee for use of government property	A charge imposed for entrance to, or use, purchase, rental, or lease of local government property.	Approved by governing body or its designee.	Cal. Const. Art. XIIIC (added by Proposition 26)
Fine or penalty	A fine, penalty, or other monetary charge imposed as a result of a violation of law.	Must be adopted by resolution of the governing body.	
Development fee*	A monetary exaction other than a tax or special assessment, whether established for a broad class of projects by legislation of general applicability or imposed on a specific project on an ad hoc basis, that is charged by a local agency to the applicant in connection with approval of a development project for the purpose of defraying all or a portion of the cost of public facilities related to the development project.	Amount of fee must be reasonably related to the cost of the impacts of the development giving rise to the fee (rough proportionality) and the fee must relate to the impact created by the development activity (nexus).	Gov't Code §§ 66000-66025 (The Mitigation Fee Act)

* If the amount of a fee or charge exceeds the reasonable cost to provide a service or regulatory activity, then any excess amount is a "special tax" which must be approved by 2/3 vote.

June Lake Short-Term Rentals
Solutions Analysis

June 14, 2017

Low-Hanging Fruit

- Private-Side Issues/County can disclose responsibilities:
    - Codify Liability (renters vs homeowners)
    - Insurance Requirements
    - Lender Notification
    - CC&Rs: County shall not approve STRs if notified that CC&Rs prohibit

- Potential New Regulations:
    - Post enforcement # on Site and Online
    - Require Education by Owners of Rentals on Specific Conditions (trash, roads, boundaries)
    - Expand Direct Notice Calculation Based off of Farthest Edge of Contiguous Parcel of Same Owner
    - Limit # of Vehicles Allowed

- Roads as Criteria
    - Include Road Conditions as Part of Permit Process

Not Viable: Existing/Legal Issues/Not a County Activity

- Existing/Outside County Authority:
    - Require Damage from New Construction to be Repaired

- Not a County Activity:
    - Ensure cell phone service
    - Build More Commercial Lodging/Condos
    - Develop HOA's to Enforce CCRs

- Legally Problematic
    - Only allow where ALL want STRs
    - Allow for Direct Neighbor Veto of STR Permit

For Discussion: Community-wide

- Fees/Funding/Exactions for Services/Benefits or Mitigation of Impacts:
    - Tie fees (e.g., TOT) to community services (Roads/Medics)
    - Dedicate fees (TOT) to fund enforcement
    - Require Affordable Housing Mitigation
    - Require STRs to Contribute to Road Repair
    - Ensure STR TOT Compliance Equal to Other Lodging

- Enforcement:
    - Provide Another Reporting Method Other than Neighbors Policing Neighbors
    - Hire More Code Compliance Officers
    - Enforcement should be available nights/weekends
    - Advertising/reservation access: gain access for enforcement

- Potential New Regulations:
    - Short time response to issues (require local phone # with 1 hr response time)
    - Noise Regs

- Mapping:
    - Create Single STR Policy Community-Wide

- Decision-Making Tool:
    - Send the issue to a vote of the people

For Discussion: By Neighborhood

- Ban/Prohibition
    - Prohibit STR Type I
    - Prohibit STR Type II

- Allow as Proposed
    - Allow Type I & Type II for Leonard Avenue
    - Enforce Existing Rules

- Potential New Regulations
    - Seasonal Restrictions
    - Density Limit
    - Rental Day Limit
    - Limit Type I with Occupancy Limits (1-2 people)
    - Allow Type II with New Regulations
    - Allow Type I with New Regulations

- Roads as Criteria
    - No Rentals on Private Roads
    - No Short-Term Rentals in the Clark Tract to Ensure / Provide for Work Force Housing
    - Restrict STR to Areas Accessed by County Roads

- Mapping/Scale
    - Partition Clark with Different STR Regulations (Nevada St)
    - Partition Clark with Different STR Regulations (Los Angeles St)
    - Partition Clark with Different STR Regulations (W Washington - where there is existing rental and commercial)
    - Ensure Some Neighborhoods Remain Residential without any STR
    - Maintain Clark as a Contiguous Neighborhood
    - Split off Mt View Ln as Allowable for STR

June Lake Short-Term Rental Policy Direction

Clark Tract
June 28, 2017

Ground Rules

- Be respectful and civil
- Represent yourself and your own opinion/intentions
- Participate positively
- Give all ideas an honest chance
- Seek understanding
- Stay focused

Staff Role

- **We are listeners, facilitators, and analysts:**
  - Accurately record what you say
  - Provide analysis to show where there is common ground
  - Identify irreconcilable differences
  - Encourage the exploration of solutions
  - Develop policies based on these outcomes

Why are we doing this, again…?

**Subcommittee provided guidance to develop this process.*

- **Purpose:** *Conduct a community conversation to update June Lake Area Plan policies to address short-term rentals in residential areas.*
- **Need:**
  - Short-term rentals are a common issue in resort areas and is not going away.
  - Decisions are needed to handle the issue and ensure protection of area and neighborhood character.
- **Principles:**
  - Opportunity for input
  - Consensus/common ground in the best interest of the community
  - Public engagement
  - Finality and certainty

Process & Calendar

- **Completed:** May workshops, review of workshop input, discussion of solutions and policy direction for all areas except Clark Tract
- **Review Draft Area Plan Policies: June 28, 6-9 pm**
  - Identify policy direction for Clark Tract
- **CAC Review & Recommendation: Aug. 2 at 7 pm**
- **Planning Commission: August 17 (or Sept 21)**
- **Board of Supervisors: September 5, 12 or 19 (or Oct)**

May Workshops

1. Knowledge base
2. Review June Lake neighborhood maps
3. Neighborhood values
4. Concerns, fears & negatives
5. Opportunities, benefits & positives
6. Potential solutions
7. Next steps

Clark Tract: Neighborhood Values

- Wildlife
- Nature & environment
- Dark skies
- Sense of neighborhood/friendly neighbors
- Peace & quiet/privacy
- Views
- Low density & residential development
- Safe
- Low/slow traffic
- Access to activities
- Other

Clark Tract: STR Negatives

- Disrupts sense of neighborhood
- Disrespectful/disruptive behavior
- Management/regulatory issues
- Inadequate enforcement/ Neighbors policing each other
- Change in property values and low density/residential character
- Increased noise
- Increased trash
- Increased lights
- Parking issues
- Road issues: traffic, winter conditions, maintenance, liability
- Decreased safety
- Impacts to wildlife
- Negative impacts to local business
- Reduced workforce housing
- Equity: No $$ for costs
- Too dense
- Other

Clark Tract: STR Positives

- Economic benefits for June Lake (and entire county)
- Meets a market need
- Increases County revenue/taxes for services
- Opportunity for wildlife education
- Regulatory control/increased accountability
- Social Opportunities
- Benefits property owner/provides for property improvements
- Short term is less impactful/ location matters
- Provides flexibility & personal choice
- None

Clark Tract: Impacts on June Lake Overall

- Potential to incentivize construction
- Infrastructure/service impacts
- Economic benefits
- Negative economic impacts
- Property value impacts: positive & negative
- Change in residential character
- Appropriate in some locations, not in others
- Reduction of workforce housing

Potential Solutions & Sticky Dots

Decision Point #1: Allow or Prohibit?

Available Choices:

- **Option A**: Prohibit Type I & Type II rentals
- **Option B**: Allow Type I with enhanced regulations, Prohibit Type II
- **Option C**: Allow Type I & Type II rentals under enhanced regulations
- **Option D**: Allow Type I & Type II rentals under Chapter 26

Current Status:

- **June Lake**: Type I and Type II prohibited pending area plan update.
- **County**: Type I allowed, Type II under moratorium

Decision Point #1: Allow or Prohibit?

Workshop information inconclusive…

	5/13	5/20	5/22	5/25	Open
Prohibit STR Type I	5	2	4	3	3
Prohibit STR Type II	8	7	4	4	3

Emails:
- Support = 14
- Opposed = 16

- Yellow blocks = "Lukewarm" (e.g. less than majority of participants)
- Slightly more support for prohibition of Type II rentals (non-owner occupied)

Decision Point #1: Allow or Prohibit?

Available Choices:

- Option A: Prohibit Type I & Type II rentals
- Option B: Allow Type I with enhanced regulations, Prohibit Type II
- ~~Option C: Allow Type I & Type II rentals under enhanced regulations~~
- ~~Option D: Allow Type I & Type II rentals under Chapter 26~~

Option 1A. Prohibit Type I & Type II Rentals

- **Due to increased negative impacts, such as:**
  - Disruption of sense of neighborhood
  - Disrespectful/disruptive behavior by renters
  - Management, enforcement, and reporting issues
  - Changes to low-density residential character (e.g. commercialization)
  - Increased noise, trash, lights, wildlife problems
  - Road issues, traffic problems, especially in winter
  - Safety
  - Changes in property values, negative impacts to local businesses
  - Reduction of workforce housing units
  - Equity: homeowners not contributing to neighborhood maintenance costs
- **STOP HERE.**

Option 1B. Allow Type I & Prohibit Type II

- If this option is selected, what are the "enhanced regulations" that should apply? Community input is key.

- Start by reviewing how solutions address (or don't address) impacts…

Current Regulations: Chapter 26

Vacation Home Rental Permit Requirements:

- **Property management** available 24 hours a day by phone, contact number posted on exterior of unit
- **Maximum Occupancy:** Two persons per bedroom plus two, up to maximum of 10
- **Parking:** Must meet on-site parking requirements, no off-site or on-street parking permitted
- **Trash and solid waste** removed once a week, bear-resistant exterior containers
- **Snow removal** required

Current Regulations: Chapter 26

Vacation Home Rental Permit Requirements:

- **Basic health & safety:** good repair, fire extinguishers, CO_2 detectors, etc.
- **Business license** required
- **Transient Occupancy Taxes** required

Option 1B. Potential Regulations

Applicant Requirements

- Post enforcement phone number on site and online (for legal rentals)
- Number of vehicles limited to number of parking spaces
- Responsible for adequate insurance and notifying lender of change
- Provide information & education via signed rental contracts on: trash, road conditions, boundaries/trespassing, cell phone & internet availability, quiet hours
- Provide landline phone service
- Provide "hideaway" key on site
- Ensure 30 minute on-site response time

Option 1B. Enforcement

- Fund enforcement (partially) through fees
- Establish new reporting methods (so neighbors are not policing)
  - Host Compliance phone number*
  - Enforcement education campaign
  - Prohibit advertising…???
- Hire more code compliance officers
- Gain access to advertising/reservation information*
- Ensure TOT compliance equal to other lodging*

**May be handled via contract with Host Compliance*

Option 1B. Potential Policies/Actions

- County shall not approve STRs where CC&Rs prohibit
- Notification distance based on farthest edge of contiguous parcel of same owner
- Neighbors shall be notified of management phone number
- Enforcement campaign to educate property owners
- Seasonal Restrictions: summer only

Option 1B. Potential Policies/Actions

- Housing mitigation: annual long-term rental requirement (4-6 mo)
- Density Limit:
- Dispersal Distance
- Rental Day Limit:
- Limit Occupancy to Less than 10

Next Steps

- Potential policy direction must be further vetted
  - Other departments may be involved
  - Legal considerations
  - Resource considerations
- Mechanisms to enact the policies must be identified
- Then… policy language and regulations will be drafted for discussion
- Next meeting (CAC): August 5 at 7 pm

Clark Tract Solutions Evaluation (6/28/17)

Assumptions:

- All Chapter 26 requirements shall continue to apply.
- Type II (non-owner occupied) rentals prohibited.
- Current Transient Rental Overlay Districts are approved and remain.
- The liability for private roads & paying for costs are not addressed.

Neighborhood Character:

- Wildlife
- Nature & environment
- Dark skies
- Sense of neighborhood/friendly neighbors
- Peace & quiet, privacy
- Views
- Low density & residential development
- Safe
- Low/slow traffic
- Access to activities
- Other

Enhanced Regulatory Solutions	**Negative Impacts Addressed**								
	Neighborhood Disruption	Problematic Renter Behavior	Mngmt/ Enfrcment/ Reporting	Changes to Res. Chrctr	↑ noise, trash, lights, wldlf probs	Roads: traffic, prkg, conditions	Safety	Reduction of workforce housing	Too Many/ Local Biz & Prop Impacts
Applicant Requirements									
Post enforcement phone number & mgmnt # on site and online (for legal rentals)			X				X		
Homeowners given notice that they are responsible for adequate insurance and notifying lender of change			X				X		
Homeowners to provide information and education via signed rental contracts on the following: trash, road conditions, boundaries/ trespassing, cell phone & internet availability, parking & other Ch. 26 req's • Quiet hours: 10 pm – 7 am?	X	X	X	X	X	X	X		
Require landline phone svcs			X				X		
Require "hideaway" key	X		X				X		
30 min on-site response time	X	X	X		X	X	X		
Limit # of vehicles allowed – Ch 26	X			X		X	X		

Enhanced Regulatory Solutions	Negative Impacts Addressed								
	Neighborhood Disruption	Problematic Renter Behavior	Mngmt/ Enfrcment/ Reporting	Changes to Res. Chrctr	↑ noise, trash, lights, wldlf probs	Roads: traffic, prkg, conditions	Safety	Reduction of workforce housing	Too Many/ Local Biz & Prop Impacts
New Policies/Actions									
Notify neighbors of management phone # - Ch. 26	X		X		X		X		
Limit occupancy to less than 10 – Ch. 26									
County shall not approve STRs where CC&Rs prohibit									
Base notification distance on farthest edge of contiguous parcel of same owner									
Enforcement campaign to educate property owners	X		X		X				
Seasonal restrictions: summer only	X					X	X		X
Density limit (cap) = 246 <2% = 4 <5% = 12 <7% = 17 <10% = 24 • Include existing TRODs (3)	X			X	X	X	X	X If coupled with long term rqmnt	X
Rental day limit??: 365 days • 10% = 36 days • 25% = 91 days • 50% = 182 days	X			X	X	X	X	X If coupled with long term rqmnt	X
Housing Mitigation • Annual long-term rental requirement (4-6 mo)								X	
Partition Nevada St									
Partition Los Angeles St east									
Partition W. Washington									
Partition Mt. View Lane									
Maintain as 1 neighborhood									

Enhanced Regulatory Solutions	Negative Impacts Addressed								
	Neighborhood Disruption	Problematic Renter Behavior	Mngmt/ Enfrcment/ Reporting	Changes to Res. Chrctr	↑ noise, trash, lights, wldlf probs	Roads: traffic, prkg, conditions	Safety	Reduction of workforce housing	Too Many/ Local Biz & Prop Impacts
Enforcement									
Fees (TOT, new reg program) to fund enforcement			X						
Reporting methods (so neighbors are not policing) • Host Compliance phone #* • Enforcement ed. campaign* • Prohibit advertising…???			X						
Hire more code compliance officers			X						
Gain advertising/reservation access for enforcement*			X						
Ensure TOT compliance equal to other lodging*			X						

*May be handled via contract with Host Compliance

The following solutions are not included in the matrix because they have been deemed "Not Viable:"

- Tie fees (e.g., TOT) to community services (roads/medics)
- Require STRs to contribute to road repair
- Ensure cell phone service
- Build More Commercial Lodging/Condos
- Develop HOA's to Enforce CCRs
- Only allow where ALL want STRs
- Allow for Direct Neighbor Veto of STR Permit
- Require Damage from New Construction to be Repaired

Not Applicable (these address other decision points in the process):

- Create Single STR Policy Community-Wide
- Send the issue to a vote of the people
- Allow Type I & Type II for Leonard Avenue
- Enforce Existing Rules
- No Rentals on Private Roads
- No Short-Term Rentals in the Clark Tract to Ensure / Provide for Work Force Housing
- Restrict STR to Areas Accessed by County Roads
- Ensure Some Neighborhoods Remain Residential without any STR

To: Paul McFarland
Subject: June Lake short-term rentals

We understand there is discussion going on now regarding short-term rentals in the June Lake Loop. We wanted to share our experience with the short-term rental of our home.

My wife and I have owned property in June Lake since 1988 and have been coming to the loop for much longer than that. We love the peace that it gives when we are there. In our experience we feel that legal, professionally managed short -term rentals will not adversely impact that.

At some point we needed to be able to rent our place in order to keep it. We did not want a long- term rental as we come up and use the house on almost a monthly basis.

Having a TROD in place gives us another option to keep our second home by allowing us to rent the house. Our experience with short- term rentals has been very positive. We feel the key to the success of short- term rentals is the management of the guests who stay there, and that management is through professionally property management firms. We have not had one bad experience in renting out our home and feel that our property managers are key to our experience. Also, we have not experienced complaints from our neighbors.

We know of several homeowners who have had to either sell their house or rent it out full time to be able to keep it.

We do not rent our home out to make money, but to offset some of the costs of second home ownership.

We feel that at least some if not all the problems with some short-term rentals in the loop are lack of a legal TROD and professional property management for those properties.

Thank you for including our input to the short- term rental topic.

Respectfully,

Robin & Debby Anderson

April 20, 2017

Subject: June Lake Area Plan Update- Short Term Rental Policy

I am a homeowner in what is currently shown as the Clark Tract area of June Lake. I recently received via the mail a flyer providing information on upcoming Neighborhood Conversations regarding consideration of potential changes concerning short term vacation rentals.

I plan to attend the meeting scheduled for Saturday May 13th but wanted to provide you with some of my thoughts prior to the meeting. Hopefully this will allow those leading the discussions advance preparation time such that my input can be adequately addressed as part of the meeting agenda. Should anyone have any advance questions or require any additional input just let me know.

General Thoughts

- Understanding that the current situation involving both illegal short term rentals and spot/noncompliant Chapter 25 TROD approved properties needs to be resolved, discussions on whether to rezone our existing single family residential areas to allow for short term rentals I feel is premature. First we should have discussions regarding removal of the Chapter 25 TROD overlay and enforcement of the current regulations.

  We originally purchased our property many years ago knowing that it was in a single family residence zoned area along with all the provisions included with this designation. The same should have been true of all the other property owners in our community. If some of them now want to rent out their property on a short term basis, that is outside allowed usage of their property, their desires to change the land use designation should not impact the rest of us. Those that purchased and utilize their property in accordance with the law should not have to bend to the desires of those who want to change things. If they wanted to have a short term rental property that is what they should have purchased upfront.

- Should the upcoming discussions as outlined continue as planned and should the decision be made to not change the current land use designation then discussions must continue with regard to how to enforce the current no short term rental rules/laws.

Thoughts/Considerations Involving Potentially Allowing Short Term Rentals

- This change would devalue all area properties. Many people do not want to live in a short term rental transient population community.
- This would also be in direct opposition to community values that lead many of us longer term owners to originally purchase and develop our properties.
- It could negatively affect our homeowners insurance policies and premiums.

- There are many fragile environmental situations and areas that would need to be considered in advance of approval of any such change. There are many wildlife and vegetation circumstances that would need to be reviewed. An Environmental Impact Report would have to be completed and properly filed before any of this could move forward.
- Many of us maintain our own roadway systems and pay for the required snow removal etc. This is not covered by the county. Should Short Term Rental plans move forward provisions need to be included such that the short term rental property owners pick up an additional share of these costs based on rental usage of their property. Not sure how this would be set up exactly but it still needs to be considered. Another consideration would be for the county to handle this again with an increased portion of the costs being covered by the short term rental owners.
- Short term rentals bring with it a number of people that really don't care about the impact they may have on our community as a whole. After all they are only there for a night or a week etc. Just take a look at some of our existing areas that allow out of the area/short term use. There are many areas that once opened up to increased non-resident usage that have dramatically gone downhill. By way of example look at the shooting range area east of town. When used primarily by area residents it was mostly maintained in a clean and usable condition. Now that it is used by a large percentage of out of the area people it is in very poor shape most of the time. If short term rentals are allowed then provisions should be included to provide increased revenue to the county and others to adequately take care of all these common facilities. The community as a whole should not have to clean up after short term rental customers.
- I believe this is the case now but consideration should be given that all Short Term Rental properties be clearly designated as being such. This should be done with a large sign on the front door including the name and 24 hour phone number of the person to contact should there be issues with the short term renters. Consideration should also be included that any such issues need to be addressed and resolved by the short term rental property owner within a reasonable time period. If this is not considered the only other means available would be for other area residents to call the sheriff's office. If this were to be required any associated liability should fall back on the short term rental property owner. They need to be held totally responsible for the actions of their renters.
- Consideration should be given to Short Term Rentals being treated exactly the same way as area motels and lodges. I believe they pay a bed tax etc. to the county. Short Term Rental property owners should have to pay the same taxes and fees. Consideration should also be given to their property taxes being commercial property based and not single family resident based.
- Consideration should be given such that Short Term Rental property owners are required to designate their properties as being such to both their lien holders and insurers. There needs to be assurance that they are carrying the proper insurance to cover maintaining property upkeep, damage to surrounding neighborhood property and also liability related to their renters. Any issues that might come up belong to the short term rental property owner and not the renters.
- I would tend to guess that those who would like to see Short Term Rentals be allowed are either not community full time residents (just looking for extra income) or full time residents that are

okay with this as long as Short Term Rental is not allowed in their neighborhoods. If true both of these thoughts are not in support of making a change.

As noted early on this whole process seems to be being handled in reverse. It seems to be being driven by those wanting to get things changed to allow for short term rentals. It should be being handled such that current rules are being both explained and enforced subject to current property zoning absent the overlapping provisions of Chapter 25.

No matter how all this ends up enforcement is going to need to be adequately addressed one way or the other.

Changing the property usage designations will not diminish the burdens on the county. It will increase them. It will also result in additional conflicts between property owners which will have a negative effect on the overall community.

I look forward to attending as many of the scheduled meetings as possible and participating in this process to the full extent I can.

Bob Rock

Wendy Sugimura

From: Susan Binkerd <sgbinkerd@gmail.com>
Sent: Wednesday, May 10, 2017 11:53 AM
To: Wendy Sugimura
Subject: rental issue for Clark Tract

Categories: JL STRs

Hi: My family has owned the property on Idaho for over 70 years. I bought it from my brother-in-law, Craig Cooley, in 2008 and we have made extensive improvements to our log cabin. Our cabin is next to the trailer that the Endos own. We are on a cul-de-sac with a dirt road. My husband and I do not see how temporary rentals would work in our street. The street is in terrible shape right now for various reasons. Also, we did not know (for some odd reason) that the roads were our responsibility completely until we refinanced in 2012 (I believe). For that reason and that we do not have ample parking, we would not want to see renting become a reality. Thank you for letting us have input in this matter. Our address is: 19 Idaho. Best of luck, Sue and Andy Binkerd

Wendy Sugimura

From: Lynn Doran <lynnsky@earthlink.net>
Sent: Saturday, May 06, 2017 9:14 AM
To: Wendy Sugimura
Subject: Transient Rentals

Categories: JL STRs

Dear Wendy,

Ann Tozier asked me to send you my thoughts on the transient rental situation.

I am totally opposed! I signed a petition years ago against the transient rentals. I also attended meetings voicing my opposition.
At the last meeting it was ruled that the Clark Tract was not suitable for transient rentals. Has that changed?

I have had my home, second home, in the Clark Tract since 1982.
My home is on the turn in the road near the A frame rentals owned by Whispering Pines.
The A frames are not used much anymore but when they were there could be a lot of noise at night.

One of the biggest problems from a safety point is the treacherous road in the Winter. Tourists do not know how to drive up and down that road in the snow and ice. Even locals get stuck. I have a birds eye view of the mess that happens on that road. Evening entertainment at times. Cars have been left on the road because they can not maneuver, blocking everyones access up or down.

Our roads are in terrible shape and extra traffic is not going to help. These are not the people who are going to repair our roads. Ten years ago I took on the project to repair our roads in the Clark Tract. It was a bandaid but it got us 10 years.
It cost $200 per property owner. It was like pulling teeth to get that small amount from some people. Some never paid. Some paid double and thanked me profusely. The expense is far great now. We have no support from the County since it is a private road.

Let me know id there is anything else you need.

Sincerely,

Lynn Doran

May 19, 2017

To Supervisors of Mono County, June Lake Community, and Other Interested Parties:

We are writing this letter in regard to public discussions concerning a proposal to allow for overnight rentals of properties located in June Lake. We specifically are writing to support this activity in the Clark Tract. Our family has owned property in this area of June Lake since the early 1970s. We currently own a house on Nevada Street and in the past year completed construction on home on Washington Street. We currently do not offer monthly or overnight rentals on these properties.

We have reviewed materials on the website many of which were quite useful. The report from CAST is particularly useful, especially in its balanced and thorough review and discussion of best practices. The historical perspective provided by Supervisor Johnston was also helpful. However, the editorialized analysis and proposals was problematic in biased assertions and recommendations. For example, why should anyone making informed recommendations be excluded from the process simply because they may have business or other interests on this matter? Everyone has an important perspective, and I would rather see informed inputs by all parties, with proper disclosures of interests. Johnston proposes a 4/5 vote for approval; this is not feasible for any issue put to voters; what is an appropriate level of consensus at the small committee level or representative level does not seem appropriate for a voter determined issue.

W**e support proposals to allow owners to offer their properties for overnight rentals.**

Our reasons for support of transient rentals are outlined below:

1. **Owners should have the right** to offer their properties for responsible transient or long-term rental. June Lake is a popular recreation area in both the summer and winter months. We believe responsible rental is consistent with recreational use;
2. **There are limited options for quality transient housing for families in June Lake.** We believe transient rentals will complement existing businesses by creating more options for those seeking housing;
3. **Transient rentals would promote upgrading of existing properties for rental use, thus increasing the overall economic activity and tax base for the County;**
4. **Increased number and quality of rental properties would promote the recreation-based economy of the June Lake area.** More use would support a struggling but grown economy in June Lake service based businesses, including restaurants, ski area, stores, and other support services;
5. **A regulated, well-funded approach can be successful.** The CAST report is one of many sources of information that can be used to identify best practices and avoid unintended consequences;

6. **Transient rental properties would support other service industries, including property management, cleaning, and maintenance businesses.** Increased utilization of these properties promotes the service economy;
7. **Owners of transient properties can be responsible.** Properties granted a variance for transient rentals on Washington Street have been successfully and conscientiously managed by owners and their property managers. Responsible owners have insured that renters adhere to noise and parking rules, and have intervened when necessary;
8. **We would support an appropriate modest transient tax for overnight rentals** that would support the implementation and administration of the program and maintenance of infrastructure for Town or County services. These taxes could also create funding repair damaged private roads from recent snow run-off and plows that are used by both residents and renters. For many of these roads, there is no mechanism for repair or maintenance of these badly damaged roads and drainage areas, and a mechanism to do this important work is not available;
9. **We believe that a "one size fits all" approach is <u>not</u> appropriate**, and that neighborhoods could be allowed to determine use based on considerations outlined in supportive materials on the website.

We urge the Supervisors to develop and consider proposals, and a regulatory structure that would allow for overnight rentals by responsible owners and tenants.

Thank you for the opportunity to comment.

Sincerely yours,

Dr. and Mrs. Michael and Catherine Dudley
mndudley@aol.com

Wendy Sugimura

From: Ian Fettes <ian@mechdc.com>
Sent: Friday, May 26, 2017 4:14 PM
To: Wendy Sugimura
Subject: Re: STR's

Hi Wendy,

By all means put my emails into the data base, if you think it's appropriate.

If I may, I've given this a lot of thought and I'd like to offer you a quick summary of my thinking.

I don't think *Prohibition* is the solution to this issue.

I think the solution can be summed up under three headings - *Restriction, Compromise* and *Control*.

Restriction: In terms of things like Density Limits, Noise Limits, Seasonal Use limits - all of which address specific concerns that form the basis for the anti-STR attitude.

Compromise: It speaks for itself, but I suspect that any good solution will have a heavy dose of compromise associated with it.

Control: Code Enforcement, and also Property Management, needs to have the Capacity and Commitment to ensure that the rules are adhered to.

I feel that, if we can frame a solution that encompasses all three of these headings, we'll have a solution that everybody can live with.

Thanks for all the hard work that you and your collegues have put in.

Ian

On Fri, May 26, 2017 at 2:08 PM, Wendy Sugimura <wsugimura@mono.ca.gov> wrote:

Ian,

Question – would you like me to include a copy of this email string with the other written comments I have received?

Thanks again for all your participation. Have a great weekend!

Wendy

From: Ian Fettes [mailto:ian@mechdc.com]
Sent: Tuesday, May 23, 2017 2:54 PM
To: Wendy Sugimura <wsugimura@mono.ca.gov>
Subject: Re: STR's

Hi Wendy,

I want to make sure I follow you.

I could see, for instance, that a Type 1 might be further defined as limited to a maximum of 2 adults - which is in line with the spirit of a Type 1 anyway.

That, coupled with a density limit, would help to address the concern expressed by some regarding the possible development of a "mini-Motel" district.

Regarding Type 2's, there aren't a whole lot of 5-bedroom homes in the Clark or Peterson tracts. That size of home is the only way that you'd get up to

the 10-guest maximum.

10 guests and no control on the number of vehicles scares people, including me. Maybe we should think about a lower guest limit.

Is that the sort of thing you had in mind?

On an other topic, these people who are negative are not against STR's - they just don't want them in their neighborhood, and they certainly don't want workforce housing.

This elitist attitude upsets a lot of people.

On the other hand, accepting that there are properties that will never become workforce housing - for a number of reasons - these same properties offer amenities that make them

appealing to the STR market - amenities and an environment not otherwise available in June Lake.

If we don't make these types of properties available, these people will not come to June Lake.

I guess what I'm saying is that these people want the quiet residential atmosphere, which is not available in the Village. If we exclude the Clark and Peterson tracts, we're excluding

the very properties that people want to rent without offering an alternative. The Highlands is still so undeveloped that it has yet to develop any character.

The Internet has completely changed the way people access temporary accommodation - in the same way that it has affected brick & mortar retail.

June Lake, which is almost totally dependant on Tourism, needs to embrace this reality.

Most of the Motel/Hotel business's understand this and support STR's.

Our job is to embrace it gracefully and sensitively, with controls that work and have teeth.

While everyplace else in California has seen property values increase, June Lake's property values have declined from where they were in 2007.

Some people in this town need a good shot of reality!

Ian

On Mon, May 22, 2017 at 12:00 PM, Wendy Sugimura <wsugimura@mono.ca.gov> wrote:

> Ian,
>
> Thanks for the feedback – I'll do my best to explain it better and check to see if folks understand.
>
> Also, keep in mind we're not restricted to only allowing Type I's and II's – June Lake could make their own options and we would just write it into the area plan and Chapter 25.
>
> Thanks,
>
> Wendy
>
> **From:** Ian Fettes [mailto:ian@mechdc.com]
> **Sent:** Sunday, May 21, 2017 7:05 PM
> **To:** Wendy Sugimura <wsugimura@mono.ca.gov>
> **Subject:** STR's
>
> Hi Wendy,
>
> I'm a little disturbed that it's apparent that people still do not understand the difference between Type 1's and Type 2's - even though you outline the differences at the beginning of each meeting.

Jill Stark, who I think has attended most of the meetings so far, came up to Scott Burns and I on Saturday and, in the course of our discussion, asked "what exactly is the difference between the two types of rentals".

Also, again on Saturday, I had a discussion with Roxanna (Fodera?) and it was clear that she did not appreciate the difference between the two. She has been present at every meeting that I've attended.

As you know, the two types of rentals are significantly different, and that is presumably why the County has introduced the concept of the Type 1.

Type 1's have been excluded from the moratorium on SLR's in Mono County (with the exception of June Lake) precisely because they have not attracted the controversy associated with Type 2's.

The occupancy of Type 1's is limited - typically one to two people and, because the properties are owner-occupied, the management is on-site.

That's obviously why Type 1's have received more general acceptance.

I listen to your description of the two types and, although it seems clear to me, I'm concerned that somehow it's just not getting across.

Anything that you can do to better clarify this distinction would be greatly appreciated.

Thanks!

Ian

Subject: June Lake- Clark Tract -Short-Term-Rentals-STR

From: gretchen03@earthlink.net
May 13, 2017

To: Council Members and CAC members

To Whom It Concerns,

We really resent having to again, spend our time and energy protecting the zoning that was in place when we bought. our home, which is our sanctuary.

This resentment comes because we have already listened to both sides of the issue. We attended local meetings. We attended Co. meetings. At Bldg & Safety Co. meeting 4 of the 5 voted against STR in the Clark Tract. And here we are again . The Co. says it set up more meetings for a further consensus. Well, that is what we've already done and here we are again. Originally it was said STR wouldn't happen if anyone objects , w/out having to give explantation, It did not say it was by consensus or survey.

The County asked if the homeowners wanted to change the zoning of our area. After the Co. received resistance to the idea that is enough. Homeowners should not continue to be hounded.

Then on the PlanningCommissionDraft, DevelopmentStandards, CH.25-TransientRentals, Sec.25.010 INTENT "In recognition of the demand by visitors for diverse lodging options, this CH. is intended to establish a process to permit transient rental w/in residential areas that do not exhibit reasonable opposition by neighbors who may be directly affected, and that are consistent with the applicable AreaPlan." First of all ,concerning the 1st sentence. "demand by visitors" let's be clear STR is not being driven by visitors, but it is being driven profiteers. Profiteers want the zoning contract we made w/ the Co. to be changed so they can make money, and turn our home into a motel zone. We resent their disregard for us. who just want to have peace at our home. They misuse the term "progress" to defend their case. This isn't progress, it is profiteering at the expense of others.

We bought our home knowing the inconveniences that come along with buying in this particular area. It was worth it for us because we enjoy the peace, quiet, & privacy.. We do not want zoning changed because we bought a home, not a motel. Pure and simple. We know our neighbors. We watch out for each other. We know what to expect from each of our neighbors. We are a neighborhood community, not a business community.

The Clark Tract is not like housing in the the city. It has special needs. The roads of course. And the house has special needs. Care needs to take place for water pipes not to break and cause damage and flooding. Heat needs to remain above freezing. Heat sources need to be monitored for safety. Food smells need to be handled so that bears do not cause damage to the home. Once a bear finds food sources it may remain in an area and cause damage to other homes too. STR unfamiliar w/ these special needs cause concern.

The roads in the Clark Tract are steep, narrow ,winding. and icy during the winter. In all seasons familiarity w/ the road is of upmost importance for safefy. and maintenance. Particular procedures are known by those familiar w/the Clark Tract. Homeowners, Emergency and Snow Removal drivers are familiar w/ the roads, and the unique area. Homeowners know to keep children away from roads and equipment. They know road conditions, road etiquette, when to give right a way, to drive a slow consistent speed as to not further damage the roads, to watch for children, and wild animals,. Of course we are concerned about STR not invested in our best interests, or those just unfamiliar w/the Clark Tract not following these unique safety and maintenance efforts.

Regarding - 1)Porch lights at night 2)Sound The Clark Tract has hills. Therefore allowing STR on any nearby street would affect all residents as light and sound travel up and down the hills. We are across from the Double Eagle Resort so we do hear sound from their events, but it is not in our Clark Tract and the Double Eagle respects time limits on there events.

There is an Environmental Impact.

We supported the Ski Mtn. building a chalet and hotel. We attended meetings. We agreed that this BUSINESS would bring progress to June Lake.

Having to constantly defend a zoning law ,that only adds to the value of our home, makes us resentful. When we are in the company of our June Lake community we want to enjoy comradery....instead here we are again defending our zoning.

of our community

Thank you for your attention,
Tony & Roxanna Fodera
gretchen03@earthlink.net

Subject: June Lake,- CLARK TRACT Short-Term-Rentals=STR

From: gretchen03@earthlink.net
June 6, 2017

To: Council Members and CAC members
Board of Supervisors- JL-BobGardner

To Whom It Concerns,

This conversation explains our position about STR in the ClarkTract= At a meeting I was placing a sticker on Prohibit Option 2, then Option1 STR ,,,A proponent of Option 1 said, "Really, you're placing a sticker there,,, I built the Grannyhouse for my relatives & friends to visit. Now I want to do STR to earn extra money. I don't want to rent by the Mo. due to the cost of propane"

My response= "You can rent by the month during the seasons that don't require much propane. It is not our place to hear of other's financial decisions, and it feels uncomfortable to be placed in that position. What is our place is to defend our way of life, especially when another is trying to earn money at our expense, both by affecting both our present peace of mind and pocketbook (private road upkeep, ins.)"
At this meeting this same person invited a so-called self-proclaimed STR expert who was given audience to spout all the financial gains of STR to property value, of which he had no real evidence. He clearly was trying to persuade owners to the moneyMaking aspects of STR. This persuasion is exactly what we who want to keep Zoning as is, are against. MoneyMaking versus neighborhood home living. (motels vs single-family-homes) These two versions of lifestyle are very different and incompatible, particularly when we are responsible for the roads.

We really resent having to again spend our time and energy to protect the zoning in place when we bought. our home, which is our sanctuary.

This resentment comes because we have already listened to both sides of the issue. We attended local meetings. We attended County meetings. At Bldg & Safety Co. meeting 4 of the 5 voted against STR in the Clark Tract. And here we are again . The Co. says it set up more meetings for a further consensus.. Well that is what we've already done and here we are again. Originally it was said STR wouldn't happen if anyone objects , w/out having to give explantation, It did not say it was by consensus or survey.

Then on the PlanningCommissionDraft, Development Standards, CH.25-TransientRentals, Sec.25.010 INTENT "In recognition of the demand by visitors for diverse lodging options, this CH. is intended to establish a process to permit transient rental w/in residential areas that do not exhibit reasonable opposition by neighbors who may be directly affected, and that are consistent with the applicable AreaPlan. "

First of all concerning the 1st sentence. "demand by visitors" let's be clear STR are not being driven by visitors, but it is being driven by Profiteers.. They want the zoning contract we made w/ the Co. to be changed so they can make money, and turn our home into a motel zone. We resent their disregard for us. who just want to have peace at our home. They misuse the term "progress" to defend their case. This isn't progress it is money-grabbing at the expense of others.

We bought our home knowing the inconveniences that come along with buying in the ClarkTract. It was worth it for us because we enjoy the peace and quiet. We do not want zoning changed because we bought a home, not a motel. Pure and simple. We know our nieghbors. We watch out for each other. We know what to expect from each of our neighbors. We are a neighborhood community, not a business community.

CLARK TRACT SPECIAL NEEDS
HOME
-Heat sources need to be monitored for safety and kept above freezing
-Care needs to take place for water pipes not to break and cause damage ie.flooding to themselves and neighbors
-Food smells need to be handled so that bears do not cause damage to the home. Once a bear finds food sources it may remain in an area and cause damage to other homes too.

-Disposal of ash from heat sources and BBQs
-No rule for having sprinklers in home as is the case w/ motels

ROADS

-Roads in the ClarkTract are steep, narrow ,winding. and icy during the winter
-In ALL SEASONS familiarity w/the road is of upmost importance for safety. and maintenance
-Particular procedures are known by those familiar w/the ClarkTract. Homeowners, Emergency and Snow Removal vehicles are familiar w/ the roads, and the unique area
-Homeowners know to keep children away from roads and equipment. They know road conditions, road etiquette, when to give right a way, HOW to drive a slow consistent speed as to not damage the roads, where to watch for children, and wild animals,. Of course we are concerned about STR not invested in our best interests, or just unfamiliar w/the Clark Tract not following these unique safety and maintenance efforts.
-ClarkTract roads are private meaning homeowners, not the County care for them (therefore the County should not allow STR which would add to expense of maintenance to the homeowners
-WE are liable for the roads

LIGHT AND NOISE

Regarding dark night skies (star gazing) 1)Night-Porch lights, car headlights 2)Sound The Clark Tract has hills, therefore allowing STR would affect any nearby street residents as light and sound travel up and down the hills.

We are across from the Double Eagle Resort so we do hear sound from their events, but it is not in our Clark Tract and the Double Eagle does respect time limits on their events. Also many of their events support the JuneLake Community.

CHARACTERISTIC OF THE CLARK TRACT WE ENJOY

-Peaceful, serene, private, quiet
-quality-of-life and public safety

-Neighbors watch out for each other.

-We arrive at solutions with each other, which takes time and negotiation, and respect.

-Accepting of neighbors, degree of understanding
-Wildlife
-Feel Safe

NEGATIVES OF CLARK TRACT STR

-Lifestyle change to neighbors which is incompatible
-Neighbors deal w/Management Companies(MoneyMakers), rather than each other
-A Gvt.agency is created to oversee STR, paid for with our tax dollars, which would be better used for schools, roads, public transportation
-Cannot contact Gvt.agency on weekends, phone number??
-Response time to disruptions
-Our privacy is disrupted
-The worry about vandalism, trespassers, crime
-STR unaware of lot boundaries
-STR using our property and roads for snow sledding
-We don't want to be the police (monitoring STR when not in compliance)
-Decreased property values
-Insurance liability
-STR impact JuneLake workforce by out pricing affordable housing
-Monthly renters pay less, if they rent at all, because renters don't want STR next to them
-Being woken at night and early in the morning by STR arriving and unpacking
-Dogs-ignoring dog leash laws because they are in nature i.e.. pooping on other's property and roads; dogs running up and barking at people and their dogs which are on a leash, noise of barking
-Noise

-It negates of argument that STR would lead to more homeowners contributing to SnowRemoval and maintenance, because at the same time they're adding to road wear, and unfamiliar drivers to ClarkTract roads.
-parties
-trash
-excessive coming and going
-commercial use of residential
-not the same safety rules of motels ie.Sprinklers,
-background checks for all who are in STR are unlikely
-motels in neighborhoods go against the intent of a residential zones
-STR owners expect neighbors to deal with their business dealings Ie.clients Not a neighborly thing to do
-distance from main JuneLakeVillage therefore visitors will spend less money in town
-strong disagreements between neighbors
-The price of STR lead to more people rent one in order to enable them to afford it. Results in more people and cars .

IDEA THAT LEGAL STR WILL GIVE COUNTY CONTROL

-This is almost impossible for the County to control
-Homeowners will just say those staying in their homes are friends or relatives
-

TO THOSE WHO SAY STR WOULD HELP THEM FINANCIALLY

-Homeowners knew the Zoning Laws when they bought. To change the lifestyle of the community for financial gain is incompatible. Don't expect to change other's lifestyle for your financial gain, and for the BusinessCompanies running the STR.. Being able to afford property is a personal responsibility.

TO THOSE WHO SAY STR ALLOW OTHER'S TO EXPERIENCE THE AREA

-There are multiple ways for vacationers to experience JuneLake
-Camping is probably the most adventurous way to enjoy JuneLake is highly available, and is affordable way to enjoy JuneLake. Camping is a way of being much more involved w/the environment i in comparison to STR in the ClarkTract. Also campers spend money in the town.

ENVIRONMENTAL IMPACT

What is the environmental impact of STR? What studies have been done?
The reason for the County to have Zoning Laws is to separate various kinds of buildings for the benefit of all, separating business from residential

SOLUTIONS OF STR

-Allow only where the County cares for the roads, and where all the homeowners in that Tract want STR. The County does not pay for ClarkTract roads AND ClarkTract homeowner are liable for the roads, not the County. It is unreasonable for the County to expect homeowners to take on the extra responsibility of STR drivers.

The County asked if the homeowners want to change the zoning of the ClarkTract. After the Co. received resistance to the idea that is enough. Homeowners should not continue to be hounded. Other Tracts want STR which would give the necessary beds to JuneLake.

As per PlanningCommissionDraft, Devel.Standards, CH.25-TransientRentals, Sec.25.010 INTENT "In recognition of the demand by visitors for diverse lodging options, this CH. is intended to establish a process to permit transient rental w/in residential areas that do not exhibit reasonable opposition by neighbors who may be directly affected, and that are consistent with the applicable AreaPlan. "

Well, reasonable opposition by neighbors who may be directly affected have spoken again, and again. When we are in the company of our June Lake community we want to enjoy camaraderie….Instead here we are again defending our zoning. Due to roads, technical and community issues of the ClarkTract Please let us enjoy our chosen lifestyle again.

Thank you for your attention,
Tony & Roxanna Fodera

gretchen03@earthlink.net

Wendy Sugimura

From: 601club@adelphia.net
Sent: Friday, May 26, 2017 12:30 PM
To: Wendy Sugimura
Subject: RE: Short Term Rentals

Clark Tract on Washington St

---- Wendy Sugimura <wsugimura@mono.ca.gov> wrote:
> Just a quick note, would you be interested in sharing which "neighborhood" you live in so I can file your comment as input on that particular neighborhood? No problem if not, I'll record your input as a general comment.
>
> -----Original Message-----
> From: 601club@adelphia.net [mailto:601club@adelphia.net]
> Sent: Friday, May 26, 2017 9:50 AM
> To: Wendy Sugimura <wsugimura@mono.ca.gov>
> Subject: Short Term Rentals
>
>
> I am against all short term rentals in June Lake. Tired of the trash and noise issues.
>
> Greg

Wendy Sugimura

From: Kevin Haley <kevinhaley@sbcglobal.net>
Sent: Sunday, May 28, 2017 10:55 AM
To: Wendy Sugimura
Cc: kevin haley
Subject: STR Support for the Clark Track in June Lake CA

Categories: JL STRs

To Whom it may concern:

My name is Kevin Haley,

I have owned a home in the Clack Track in June Lake CA for over 10 years, (139 Wyoming Street)

I am very much in support of the option for Short Term Rentals in the Clark Track, I feel it is a much better option than renting monthly.
With STR you have many more checks and accountability of guests renting than with a standard 31 day rental .
I travel for work about 5 months of the year and would really appreciate the opportunity to try and rent my house durning that period.

Thank you so much for your time and I am really hoping we will be able to make this STR a option for the Clark Track.

Kevin Haley
139 Wyoming Street
June Lake, CA
93529

760 648 1199

Mono County Board of Supervisors

May 20, 2017

C/O Clerk of The Board

PO Box 715

Bridgeport, CA 93517

Subject: Short Term Rentals in June Lake

Dear Supervisors,

We purchased our home in 1983, in a Single Family Residency (SFR) zone, in a family neighborhood and do not want our area (Clark Tract) neighborhood zoning changed. We specifically bought in the Down Canyon area to avoid the traffic, noise and tourist's issues associated with commercial/multi uses areas.

We have been defending our homeowner rights since 2008, when, the then, Supervisor Bauer wanted to change the zoning to TROD because, according to County Planning, Rusty Gregory wanted more "Warm Beds". Supervisor Bauer stated that SFR areas were exempt from TROD which would only be pursued in multi-use areas.

However, this is not about empty promises, this county proposed zoning change affects residents and is a quality of life and liability issue. Rezoning our family neighborhoods to allow nightly rentals will create numerous financial, safety, legal, and quality of life concerns and issues. It will also reduce the amount of affordable housing which is already at an extreme shortage level. There will be significant additional costs that this change will impose on the county to monitor compliance of these new zoning requirements that will not be offset by TOT income. At a recent meeting, it was disclosed, by County Council, that the Clark Track roads are private roads and that the homeowners are liable for the roads. This creates more concerns when weekenders travel through private areas. With all of the negative issues and concerns, this proposed zoning change is not in the best interests of the majority of residents of the Clark Tract.

We have written and expressed our opposition to the proposed zoning change to Short-Term Rentals for many years and our letters should be on file. We would like to see this continued attempt by the county to force our neighborhood to change zoning stop, once and for all. We don't understand how many times we have to tell you NO, not in the Clark Tract.

We recommend that you put this issue on the ballot and leave the democratic decision to the people like the past Measure Z in Mammoth Lakes.

Sincerely,

Patti & Al Heinrich

Al and Patti Heinrich

June Lake Residents

661-400-0922

Wendy Sugimura

From: PC <pch1951@msn.com>
Sent: Monday, May 01, 2017 8:43 AM
To: Wendy Sugimura
Cc: Ann Tozier
Subject: Transient rentals in the Clark Tract

Categories: JL STRs

I would like to expess our total disagreement with transient rentals in the Clark Tract. We have been directly impacted by two neighbors over the past ten years. We have had constant tresspass, illegal parking, destruction of property, litter, noisy parties, and some nasty people when you ask them to leave our property or not to park their vehicles in our driveway including boats, campers, and suv's.

We intentionally purchased our home in this neighborhood for our current retirement thinking that the zoning of Single Family Residential (SFR) would protect and safeguard ourselves and property from the problems of living in areas where nightly rentals are allowed. But there are a few people who built their homes in our neighborhood with the sole intention of renting their homes to produce income. None of this income comes back to our neighborhood for snow removal or for the repairs of our roads. We find many renters ill equiped to traverse our roads and many times they have blocked egress and ingress to the tract as a whole.

It has been said by management of Mammoth Mountain that June Lake needs more beds so the mountain can make more money and therefore cause improvements of June Mountain. They believe more beds brings more people. Their logic is incorrect as it was borne out this ski season where the mountain received huge crowds all season. The only thing June Lake needs is snow to bring the crowds. We went through many years of draught where the crowds did not come. But this season the crowds all managed to find a place to sleep and they were not from illegal rentals in areas designated SFR.

We have wrote many letters and attended many meetings by the Planning Department and the County Supervisors. And each time we believe the issue was settled but it comes up again. We do not understand that a few people over the majority of home owners can keep this tragedy to our neighborhood to continue.

We request that no transient rentals inclusive of what are called "granny units" not be allowed in our tract and that the County keeps its promise that we purchased our home in a SFR area.

Sincerely,

Patrick and Catherine Hoefer

Wendy Sugimura

From: hughes@qnet.com
Sent: Tuesday, May 30, 2017 11:25 AM
To: Wendy Sugimura
Subject: short term rentals

Categories: JL STRs

Hi Wendy
This email is in support of short term rentals in June lake. Aside from the improved economy, TOT, and more jobs, We believe that there is a need for this type of rental. we have been traveling quite a bit lately and always seek out this type of accomadition. The experience is much better. Thanks for your hard work on this difficult issue.

Larry and Lucille Hughes
5464 hwy 158 JL

Wendy Sugimura

From: Bob Madgic <bmadgic@yahoo.com>
Sent: Thursday, June 29, 2017 6:05 PM
To: Wendy Sugimura
Subject: June Lake short term rentals

Dear Wendy,

As owners of a vacation house in the Carson Track for 27 years, we feel that the County should allow type 1 short term rentals. Although we doubt that we would participate, from such a ruling, we feel that it would benefit the June Lake community.

Diane and Bob Madgic
167 S. Texas St.

Wendy Sugimura

From: Debra Bryan Mahony <bryanmahony@gmail.com>
Sent: Monday, May 29, 2017 10:22 AM
To: Wendy Sugimura
Subject: Short Term Workshops

Categories: JL STRs

Hi Wendy,

Thank you for all your hard work at the STR workshops.

The workshops were very helpful in confirming and defining (for me) the need for STR. and why I support STR in the Clark Tract.

I also learned (to support my neighbors) that there is room for comprise on my views.

I saw room for comprise on the opposition side too.

This gave me hope that a middle ground could be struck for STR in the Clark Tract..

Again, many thanks.

Best,
Bryan Mahony

--
Bryan Mahony
760 937 7142
bryanmhaony@gmail.com
PO Box 69
June Lake, CA 93529

Wendy Sugimura

To: Wendy Sugimura
Subject: FW: follow-up to today's workshop
Attachments: MtnViewLane_Accidents.ppsx; Letter from Jill Malone and Rod Goodson.docx; ch_25 _final_revision_04.06.17-highlighted.pdf

From: Malone, Jill [mailto:JMalone@miracosta.edu]
Sent: Wednesday, June 21, 2017 12:29 PM
To: Wendy Sugimura <wsugimura@mono.ca.gov>
Cc: rgoodson@cox.net; Paul McFarland <pmcfarland@mono.ca.gov>
Subject: Re: follow-up to today's workshop

Hello Wendy,

I hope you're doing well. Here is the email I promised you earlier that lists Rod's and my concerns regarding Clark Tract short-term rentals, along with a few thoughts on some possible solutions. There are three attachments to this email: (1) a short PowerPoint slideshow that visually expresses the dangerous road conditions within the Clark Tract - notably Mountain View Lane; (2) a letter addressing how short-term rentals inhibit valuable long-term rentals – a letter that Ann Tozier has promised to read to the group on our behalf at the June 28 meeting; and (3) a copy of the Chapter 25 Short-Term Rental Development Standards with the missing/problematic text highlighted. If any of these attachments don't come through correctly, please let me know and I'll resend them.

Significant concerns:

1) Liability from the use of private roads in the Clark Tract is a critical issue. The County has stated on more than one occasion that they cannot assume liability for the private roads in the Clark Tract. As such, the liability for accidents (and their subsequent lawsuits) from short-term transient renters falls to the homeowners. This is a burden that we, the homeowners, decline to accept. We don't feel we should be asked to do so since we purchased our property in a single-family residence neighborhood that expressly prohibits short-term transient rentals. STRs bring additional people into this area with its steep, narrow, hazardous roads that lack guardrails, proper drainage, and other safety features. This liability issue is of paramount importance.

   Please see the **attached PowerPoint slideshow** that pictographically documents what happens when non-residents who don't understand the danger of our roads attempt to drive on them. This particular documented incident occurred on Mountain View Lane on a Fourth of July weekend when conditions were at their safest. Rainy and foggy weather create exponentially more hazardous conditions, and Mountain View Lane in winter is so dangerous that Marzanzo & Sons, Inc. refuses to plow it.

2) Short-term transient rentals will reduce the already limited supply of long-term rental housing available in June Lake. With the new Chapter 25 allowances for Type I and Type II short-term rentals, we can expect certain homeowners to convert their long-term rental residences to short-term transient rentals. This conversion will exacerbate the existing long-term-rental housing problem. This shortage of long-term rentals is of significant importance to the next generation of June Lakers who are moving here trying to make this community their home.

For more details on this important issue and why it is in everyone's best interest to help this next generation of June Lakers with their long-term rental needs, please see the **attached Word document entitled "Letter from Jill Malone and Rod Goodson"** to be read to the group by Ann Tozier at the June 28 meeting.

3) Incorrect wording of Development Standard 25.020 "Establishment of Type I Short-Term Rental"

As mentioned in my earlier mail, the language for this 25.020 standard does not conform to the Intent (25.010) or the Establishment of Type II Short-Term Rental (25.030) and needs to include: "must exhibit no reasonable opposition from neighbors within 500 ft. of the subject parcel, and must have adequate year-round access." We understand from you that this Development Standard language will soon be corrected, and that's good.

Here is why this is so important: June Lake residents have been instructed that the *only* difference between Type I and Type II rentals is that one is owner-occupied and the other is not. As such, the language for these two standards is understood to be exactly the same, with the exception of the "owner-occupied" differentiation. Unfortunately the current wording of Chapter 25 (25.020) for Type I Short-Term Rentals can be interpreted as follows: Unlike Type II Rentals, NO community input requirements exist for Type I rental applications. Clearly the necessary checks-and-balances for permitting Type I Rentals are missing with the current 25.020 wording. This important error needs be corrected before any decisions are made regarding short-term transient rentals and/or any permits are issued. Please see the attached document **ch_25_final_revision_04.06.17-highlighted.pdf** that highlights the missing/problematic text within the Chapter 25 Short-Term Rental Development Standards.

Thoughts on solutions:

The following possible solutions are Rod's and mine alone. We understand there are many others who want no short-term transient rentals anywhere at all in the Clark Tract. Although we value their opinion and understand their point of view, we hope that by offering the following compromise with Nevada Street, we can allow STRs in a restricted, safer area of the Clark Tract. In return, there needs to be a written guarantee that for the remaining streets within the Clark Tract short-term transient rentals are expressly prohibited. Details for this solution are provided below:

- Separate Nevada Street from the rest of the Clark Tract and allow Type I and/or Type II rentals on Nevada Street only. Nevada Street is closer to the main road (Highway 158), and it is not as hazardous as the other roads in the Clark Tract with their dangerously steep drop-offs and no guardrails.

- Create a legally binding document that states Nevada Street is responsible for its own road maintenance and snow removal, separate from the rest of the Clark Tract.

- Create a waiver signed by the owners along Nevada Street stating they assume liability for any accidents on their street due to transient rental use.

- Generate a legally binding document for the Clark Tract expressly prohibiting Type I and Type II transient rentals on any street other than Nevada.

Once again, thank you for all the work you're doing on this issue. It's extremely important to those of us who live here and who value the serenity and peacefulness of this community. We very much appreciate your efforts, your time, and your patience.

Best regards,

Jill Malone and Rod Goodson

Jill Malone, Department Chair
:: Media Arts & Technologies, MiraCosta College
:: Professor of Digital Imaging and Graphic Design

Letter from Jill Malone and Rod Goodson

First, we would like to thank Ann Tozier for generously agreeing to read this letter on our behalf since we cannot attend this meeting, and second, we offer a special thanks to Wendy and Paul and the concerned residents of June Lake for taking the time to listen.

Full disclosure: I, Jill, am a fulltime community college professor and have been for 25 years. As such, the 20-somethings have a special place in my heart. They are our future, and what we do for them now will benefit all of us in the long run. I've noticed that the voice of this next generation has been missing from our meetings and from this short-term rental conversation so I'll do my best to speak on their behalf.

As I'm sure you've noticed, the next generation of June Lakers are already creating business opportunities in this town. You only need to look as far as the June Lake Brewery to witness their success. They love this area. They want to raise their families here. They want to contribute to the progress of this unique community and the wonderful lifestyle it embraces. This next generation of young people arrives with energy and ideas and a vision for the future.

And they need somewhere to live. Unfortunately long-term rentals in June Lake are very hard to come by. Even more unfortunately, short-term transient rentals exacerbate this problem. Taking a house zoned as a single-family residence (which legally allows for long-term renting) and converting this to a short-term rental seriously undermines the already limited housing available for these next-generation June Lakers.

As we continue this conversation regarding the appropriateness, or **inappropriateness**, of short-term transient rentals, we should consider the needs of this younger, innovative demographic. If you ask them what they require, it isn't expensive transient rentals geared for tourists. It's long-term housing for themselves and their young families. Rather than attempting to maximize personal revenue with short-term transient rentals in neighborhoods that are not suited for them, we believe we should work toward providing long-term rental accommodations for our next generation of June Lake residents so they and their children can thrive and flourish in this beautiful and unique community.

Thank you,
Jill Malone and Rod Goodson

Letter from Jill Malone and Rod Goodson

First, we would like to thank Ann Tozier for generously agreeing to read this letter on our behalf since we cannot attend this meeting, and second, we offer a special thanks to Wendy and Paul and the concerned residents of June Lake for taking the time to listen.

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Thank you,
Jill Malone and Rod Goodson

Mountain View Lane
Summer 2014

Why this steep off-camber private road with no guardrails is dangerous year-round and should not be permitted for STRs

July 4th 2014: A woman driving up Mountain View Lane near the Fettes residence maneuvered her truck off the cliff.

Fettes Residence

Mountain View Lane is a private road that is NOT maintained by the County, and it is steep and dangerous. The residents (not the County) are liable for these roads, and these residents have repeatedly stated their opposition to short-term rentals and their potential liability.

DEVELOPMENT STANDARDS

CHAPTER 25 – SHORT-TERM RENTAL

Sections:

25.010	**Intent.**
25.020	**Establishment of Type I Short-Term Rental: Owner-Occupied.**
25.030	**Establishment of Type II Short-Term Rental: Not Owner-Occupied.**
25.040	**Notice requirements.**
25.050	**Uses permitted.**
25.060	**Uses permitted subject to director review**
25.070	**Uses permitted subject to use permit**
25.080	**Additional requirements**

25.010 Intent.

In recognition of the demand by visitors for diverse lodging options, this chapter is intended to establish a process to permit short-term rentals for single-family units that do not exhibit reasonable opposition by neighbors who may be directly affected, and when consistent with applicable Area Plan policies.[1]

25.020 Establishment of Type I Short-Term Rental: Owner-Occupied

Type I short-term rentals are owner-occupied or associated with an owner-occupied principal residence. This rental includes an entire dwelling unit or, if only part of the unit, includes at a minimum a sleeping room (with shared full bathroom). Rental is limited to a single party of individuals, and the owner is required to be present during the rental. The short-term rental use may be permitted for any single-family unit having land use designation(s) of SFR, ER, RR, MFR-L or RMH subject to Use Permit, if consistent with applicable Area Plan policies.[1] The use permit for this rental shall run with the owner and not the land, and shall terminate upon a change of ownership. Fees for appeal of Type I Use Permit decisions shall be waived.

25.030 Establishment of Type II Short-Term Rental: Not Owner-Occupied

Type II short-term rentals include rental of an entire dwelling unit that is not concurrently occupied by the owner or on the same parcel as a principal residence concurrently occupied by the owner. The short-term rental use may be established on any parcel (or group of parcels) with a single-family unit,, meeting the requirements of 25.060, and having land use designation(s) of SFR, ER, RR, MFR-L or RMH. The short-term rental must be consistent with applicable Area Plan policies,[1] must exhibit no reasonable opposition from neighbors within 500 ft. of the subject parcel, and must have adequate year-round access.

In addition to the requirements of this chapter, initiation and application for a Type II short-term rental shall be processed in the same manner as any land use redesignation (see Ch. 48, Amendments I. General Plan Map/Land Use Designation Amendments). The land use designation followed by the letters STR (e.g., SFR-STR) would indicate a Type II short-term rental is permitted.

25.040 Notice requirements.

---

[1] The June Lake Area Plan will be revised shortly after the adoption of this chapter to identify appropriate areas for short-term rentals. Until the Area Plan revision is complete, no short-term rental applications shall be processed for June Lake. After Area Plan revision, applications can be accepted and evaluated for consistency with June Lake Area Plan policies per 25.010, 25.020, and 25.030.

A. Notice shall be given to owners of surrounding properties and published in a newspaper of general circulation 30 days in advance of a public hearing.

B. "Surrounding property," for the purposes of this planning permit, shall be defined as those properties that fall within a 500-foot radius drawn from the nearest limits of the parcel that is subject of the land use application. If a property is located more than 500 feet from the boundary of the parcel, but may be directly affected by any land use application on the subject parcel, then that property owner may also be noticed. Further, any property owners, regardless of their location or proximity to the parcel subject to a land use application, may receive notice as long as they submit their request in writing to the Planning Division more than 10 days in advance of the hearing. Such notice shall be given to those properties at least 20 days in advance of the hearing by mail to all persons whose names and addresses appear on the latest adopted tax roll of the County.

25.050 Uses permitted.
The following uses shall be permitted with a short-term rental approval, 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 residential, the residence or any accessory dwelling unit on the parcel(s) may be rented on a short-term basis subject to the requirements of 25.070.

25.060 Uses permitted subject to director review.
All uses permitted subject to director review in the underlying land use designation with which the short-term rental is combined shall be permitted, subject to director review approval.

25.070 Uses permitted subject to use permit.
All uses permitted subject to use permit in the underlying land use designation with which the short-term rental is combined shall be permitted, subject to use permit approval.

25.080 Additional requirements.
Any person or entity that leases, rents, or otherwise makes available for compensation, a single-family or multi-family residence located within an approved short-term rental established by this chapter, for a period of less than thirty (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 short-term rentals during the avalanche season, November 1 through April 15.

Wendy Sugimura

From: Paul McCahon <jlvvrentals@gmail.com>
Sent: Tuesday, May 23, 2017 2:50 PM
To: Wendy Sugimura
Subject: TROD in June Lake

Hi Wendy,

My name is Paul McCahon. My wife Carol and I have lived at 130 West Steelhead Rd in the Clark Tract for the past 17 years. I am unable to attend the meetings regarding the TROD issues but want to express my opinion (for what seems like the 100th time) with regard to TROD in the Clark Tract.

I want to be very clear. Carol and I are ***Very Much Against*** allowing any Transient Rentals in the Clark Tract. We are against Type 1 and Type 2. In other words ***No Transient Rentals in the Clark Tract period***!

Our reasons are as follows:

1) Winter access is difficult at best. Impossible at times. One of the proponents of TROD in the Clark Tract, Ian Fettes, managed to get his own vehicle stuck a winter ago (I personally witnessed this) and his solution was to just leave his vehicle there for the night. Very difficult for anyone else to get up the hill with his car there. And he is a Type 1 advocate. If the owner can't make it up the hill how are we to expect a guest to make it?

2) Snow Removal is a huge issue. In the Clark Tract contributing to snow removal is voluntary. It costs a minimum of $32,000 per year. More if there is more snow. This past year our first month alone was $36,000. Most everyone contributes. The two aforementioned residents of the Clark Tract do not contribute but, of course, are happy to use the road to access their property.

3) You are probably aware of the meeting a week ago to discuss the Clark & Peterson Tract Roads at the June Lake Community Center. In attendance was County Supervisor Gardner, County Counsel Stacey Simon and Public Works Engineer Garrett Higert. The issue of Liability came up regarding anyone that may have a slip and fall or otherwise fall victim of a mishap as a result of the deteriorating roads. Atty Simon said that the County had no liability but that the individual property owners could be found liable.
Now I ask you ... How can you, in good conscience, "***force"*** us to allow transient rentals in an area that may result in us absorbing an increase in personal liability as stated by your own County Attorney?

There are places that Transient Rentals are appropriate. I own a company (June Lake Village Vacations) that the viability of which depends on Transient Rentals. I will loose potential rental income if Transient rentals are not allowed in the Clark Tract. I stand to profit if Transient Rentals are allowed yet I remain adamantly against it. Why is that? Because the Clark Tract is unique and is not an appropriate place to allow this type of activity.

Thank You,

Paul McCahon
Carol McCahon
--
June Lake Village Vacations

From: Denise Miller <dmillerhb@gmail.com>
To: Al And Patti Heinrich <heinrichsfour@aol.com>
Subject: Proposed Zoning for "Short Term Rental"
Date: Tue, Jun 27, 2017 9:34 pm

Subject: June Lake-Proposed Zoning for- Short Term Rental

To whom it may concern,

We built our home over 25 years ago which is located in the Clark Tract of June Lake. We will not be able to attend the meeting on June 28, 2017 regarding the proposed "Short Term Rental (STR)" zoning change, we are **opposed** to the STR zoning change below are following concerns:

If this proposed zoning change for STR passes will the County bring the existing private roads to code to handle the new zoning change? If so, Mono county should maintain the roads and accept the liability if this proposed zoning change is approved by Mono county. If not we as owners of the private roads will have all the liability: so our solution is to put locked gates on our property where the misplaced roads go thru.

The second home/ vacation owners that are wanting this zoning proposal to go thru will have a big effect in the residential area with noise, traffic and destruction on our private roads caused by the STR.

Full time business, motel and hotel owners income and livelihood will decline.

As a Realtor this type of zoning for STR directly effects property value in a negative way.

Regards,

The Miller's

From: Virginia O'Malley <virgomalley@gmail.com>
To: wsugimura <wsugimura@mono.ca.gov>; sburns <sburns@mono.ca.gov>; pmcfarland <pmcfarland@mono.ca.gov>
Subject: June Lake - Proposed Zoning for "Short Term Rental"
Date: Mon, Jun 26, 2017 9:24 pm

As residents of June Lake for over 11 years, we would like to take this opportunity to express our concern about the proposed zoning change of "Short Term Rental" (STR) to our community.

We are deeply troubled about this proposal as the impact would be devastating. As property owners in another community in California, we have seen first-hand the deplorable consequences and deterioration of our neighborhood because of the STR zoning change.

In addition, this zoning change would have a significant liability and safety impact on all the residents of the Clark Tract.

In summary, we are strongly opposed to the proposed zoning change to Short-Term Rentals.

Sincerely,

Virginia and Tom O'Malley

215 Deer Meadow Lane

June Lake, CA

John and Doris Reilly
PO Box 630
June Lake, CA 93529

June 19, 2017

Wendy Sugimura
Mono County Community Development Department
PO Box 347
437 Old Mammoth Road, Ste P
Mammoth Lakes, CA 93546

RE: Comments Regarding Short-Term Rentals in the Clark Tract of June Lake

Dear Ms Sugimura,

Thank you for conducting the numerous workshops held recently in June Lake regarding short-term rentals (STR). We have attended several and appreciate the staff time dedicated to this effort. We are home owners and full-time residents in the Clark Tract for over five years. We wish to preserve the peaceful environment that brought us to this mountain community, and are against STR in the Clark Tract for two primary reasons: roads and topography.

The Clark Tract roads are private, and the property owners are ultimately liable for accidents that may occur in the neighborhood. We live on the corner of W Steelhead Rd and Texas St, and we have seen several non-residents, unfamiliar with how to drive the icy winter roads, positioned sideways and sliding down the hill just outside our window. There is currently a group of residents working towards trying to find a solution to long-term road maintenance. This effort, if it succeeds, would hopefully address the pavement and drainage issues, but the narrow roads and steep grades that make for hazardous driving would still exist.

Topography is the other issue in the Clark Tract. Homes are built on extremely steep hillsides, and homes are tiered in such a way that line-of-sight and sound impacts of activities often exceed the 500-foot buffer that is defined as "surrounding property". Any increase in traffic on the roads is amplified because cars and trucks strain to get up the steep grades.

As you know, there is strong opposition to STR in the Clark Tract. None of the mitigations discussed at the workshops would resolve the roads and topography issues in our neighborhood. The County should not allow STR in the Clark Tract without a vote by the community.

Thank-you for your consideration,

John P. Reilly

Doris M. Reilly

Wendy Sugimura

From: Beth Renner <bethmrenner@yahoo.com>
Sent: Wednesday, May 31, 2017 9:09 AM
To: Wendy Sugimura
Subject: STR--June Lake

Categories: JL STRs

Hi Wendy,

Once again I'd like to thank you for having the workshops at the June Lake Community center. You ran a productive and informative meeting and I appreciated that.

I own a home in the Clark track; 14 Wyoming St; and am in favor of the STR type 1 and type 2 rentals. Having this option benefits many people.

Besides the obvious increase in local businesses revenues, home rentals also have a variety of other perks for the City of June Lake. Take for example, the word of mouth families who visit June Lake (and the eastern sierras in general) will make to their friends and family. When more people hear about June Lake and the surrounding area this is a win win for all. But I do want to stress that these home rentals will especially help local businesses. I've had many conversations over my years in June with not only business owners, but also local tradesmen (contractors, cleaning people, appliance repair companies, painters, snow removal companies, handymen, carpenters, the list goes on and on) about their struggle to make ends meet and continue to pay their bills and support their families in June Lake. This problem can be solved by the increased revenue which tourism provides, keeping in mind that it's tourism which drives most of California's economy in the first place.

Even more importantly, this outcome will not only affect current homeowners, but also future home owners and those who are lucky enough to inherit their families already existing homes in June Lake.

Thank you,
Beth Renner
949-510-7193

Sent from my iPhone

Wendy Sugimura

From: william renner <williamrenner2@gmail.com>
Sent: Tuesday, May 30, 2017 7:23 AM
To: Wendy Sugimura
Subject: STRs June Lake

Categories: JL STRs

Hello Wendy,

I own a home in the Clark tract at 14 Wyoming Street. I am in favor of STRs type 1 and 2 for the Clark tract and for all of June Lake.

I am sure with the proper guidelines and regulation these rentals will have little impact in our neighborhoods. I have four children and they all love June Lake. I want every opportunity available for them to keep the property and this will help my family.

Bill Renner
14 Wyoming St.
June Lake

Wendy Sugimura

From: Wendy Sugimura
Sent: Friday, June 09, 2017 3:48 PM
To: Wendy Sugimura
Subject: RE: June lake Trod & CAC

From: mike rosas [mailto:mrosasltd@hotmail.com]
Sent: Thursday, June 08, 2017 1:07 PM
To: Wendy Sugimura <wsugimura@mono.ca.gov>
Subject: Re: June lake Trod & CAC

Hi Wendy,

I wanted to send an email in support of nightly rentals in the Clark Tract and all of June Lake. As you know I have operated in the Clark Tract a successful Vacation Rental property for over (2) years under the vacation rental permit through the TROD program. We have contributed over ($12,000) annually in TOT as the demand for my Vacation Rental continues to grow. It's been a source of over (500) guests annually to the June Lake economy. The contributions to the economy have made a huge impact locally.

My property manager or myself have never received a single complaint from any neighbor with respect to noise/parking/trash or any issue. We also had no problem conducting rentals during the area's biggest winters. Most visitors that arrived during winter storms had chains on already after making it over Highway (395) summits, just to arrive in June Lake. It would be a difficult argument to make that a guest cannot negotiate the Clark Tract neighborhood roads after they just made it over "Deadman's Summit". My vacation rental proves rentals can be done without issue during winter storms. We handled over twenty separate rentals during this winter without a single issue! Guests need to be prepared and be made aware of the winter conditions. Just for a comparison: The steep roads of the Timber Ridge condos in Mammoth have never been limited in winter rentals. In contrast the neighborhood roads near Timber Ridge have far more snow and steepness than the roads in the Clark Tract.

I would also like to include my written report (**The importance of Single Family Vacation Homes in June Lake's Tourist economy**). This report would be the most thorough evaluation that anyone has done on the effects of vacation rentals on the June Lake economy. I feel it's important to discuss issues that would help minimize the impact in the neighborhood such as density, quiet hours, neighborhood rules and cooperation. There would be irrevocable damage to June Lake's economy and property values to consider any limitation on the short term rentals. Most communities that do not rely on a tourist economy have opted to include short term rentals in their neighborhoods. It would be a mistake to prevent short term rentals in a 100% tourist economy that clearly has a deficiency in quality and quantity of lodging choices.

Thanks,

Mike Rosas
PO Box 6
June Lake Ca
93529

The importance of Single Family Vacation Homes in June Lake's Tourist Economy

The future of the travel industry has greatly changed with the advent of the information sharing (internet) and the growth of web portals such as VRBO and HomeAway. Short term rental guest spending can be a vital part of the tourism sector in June Lake, ultimately creating many jobs and millions of dollars of economic activity, wages, and tax revenue for the community each year. This net new spending increases in vacation rental activity compliment rather than substitute, goods in the local accommodations market. Different types of lodging serve discrete segments of the visitor market, and diversity within the accommodations market is essential to meeting future customer demand.

June Lake relies primarily on a 99% tourist economy. Bringing visitor's to spend money in the local tourist economy is vital (365) days a year. The option of rejecting the largest growing future segment of the travel industry is unimaginable. The reasons to support this type of travel guest in a remote, picturesque and entirely tourist driven economy town are substantial. Many town and cities have come to this conclusion in far less tourist based communities than June Lake.

This report's purpose is to outline the clear benefits of welcoming the fastest growing segment of the tourist based economy. The economic benefits are not only extended to local business owners and county tax revenues but also homeowners increased property values. The report will also address any perceived negative aspects of short term vacation rentals.

June Lake's positive Economic benefits from Short term rentals (365) days per year

The economic benefits from short term rental are too numerous to possible mention all in one analysis. A recent economic analysis from TXP, Inc., an economic analysis and public policy consulting firm hired by Monterey County revealed the economic impact from the additional short term rentals in Monterey County produced $131.8 million in total economic activity and 1,400 jobs in 2014. The same level of economic activity can be experienced proportionally by June

Lake as well. The report showed for every **one dollar** spent on VRBO/Home Away Accommodations there is economic benefit of **Two dollars** to the local economy. The average VRBO/HomeAway visitor will be on the (highest end) of disposable income spending that June Lake experiences. Most guests have planned a destination family vacation in advance that promotes greater local spending. Visitors are not the typical 2-3 night budget vacation guest but more likely the higher income wage earner with disposable income. The current mix of vacation housing in June Lake is limited in attracting the discrete vacation traveler of the future. These potential future guests will look elsewhere such as (Tahoe, Mammoth, Big Bear, Colorado, Utah) if quality single family vacation rentals are not available to rent in June Lake. This approach would make June Lake an anomaly in the Mountain Town Vacation rental industry. June Lake has had very limited opportunity in economic growth for decades. It would not be acting in the best economic interests of all homeowners, business owners and work force of the June Lake community to even consider excluding June Lake from benefiting from this largest growing segment of the travel industry.

Examples of Business Community Benefit

Increased Food and Beverage spending: Double Eagle, Carson Peak, June Lake Brewery, Tiger bar, Sierra Inn, etc.

* Increased recreational, entertainment spending: June Mountain, Marinas, Double Eagle, etc.

* Increased demand for complimentary housing, extended stays, motel rooms.

* Increased retail sales: June Lake General store and local markets, June Mountain, Ernie's, galleries, etc.

* Increased Ground transportation: Shell station

Examples of local Workforce Benefit

* Increased hours, wages and tips at local eating establishments.

* Increased demand for Property Management services.

* Increased demand for housekeeping services/laundry mat.

* Increased demand for local contracting services for repairs/maintenance and Remodeling jobs.
* Increased ski/board lessons demand for instructors
* Increased demand for Massage therapists
* Increased demand for fishing guides, photographers

The increase in June Lake Property Values from SFR Vacation rentals

A single family home in **Zip code 93529, June Lake Ca.**, was worth $342,756 on average in 2015, about **14 percent or ($58,194) less** than in 2004. The majority of Nations and California's Real Estate values have rebounded to their new all-time highs while June Lake has gone **(14%)** backwards in property values during over a decade of time. This data is from Black Knight Financial Real Estate Data Services spanning 2004 through 2015. The demand for a single family home in June Lake is presently extremely weak. This effects current property owners wishing to sell their property or a homeowner wishing to refinance without sufficient equity. The demand for single family homes in June Lake has no forward direction, momentum or reason for optimism under the current market conditions.

In areas where short-term rentals are accepted or encouraged, a home with "rentable" features might sell for more money based on a survey of realtors from a recent National Association of Realtors Conference. In some vacation resort areas according to the American Hotel and Lodging Association, there's evidence vacation home sales are going up because these sorts of platforms have become an accepted way to book a vacation.

The ability to rent one's property can actually help preserve property values by providing income to homeowners that can be used to offset mortgage and maintenance costs. If homeowners are able to do so, they are more likely to be able to maintain homes in the short term and, in the long term, to maintain ownership. By providing short term rentals, owners may share the burden and

benefits of home ownership. This sharing of use and benefit can reduce the loss of neighborhood character due to disrepair, distressed sales at below market prices and even foreclosures. In consequence the community's character and property values are protected from the effects of negative housing market downturns.

Solutions for negative perceptions of Single Family Vacation Rentals

Most homeowners purchased a home in June Lake for its scenic beauty and peace and quiet. This is the draw for the family oriented vacation Guest that the VRBO/HomeAway model attracts. The family vacation visitor has been the trademark of June Lake history for a hundred years. The renting of a home for less than 30 days is still a residential activity vs. a commercial activity. The usage of a home by a vacationing 2nd homeowner family is the same as a visiting vacation home rental family. The vast majority of the homes in all June Lake neighborhoods are second homes. The family vacation model fits the nature of usage the neighborhood and homes were designed for. Allowing vacation rentals in any June Lake neighborhood is in the character and actually enhances the cosmetic charter of any given neighborhood.

There are numerous reasons to license vacation rentals vs. having continuing efforts citing illegal rentals without a long term solution.

* Legal Vacation Rentals (Pay TOT Tax) Vs. (No taxes) collected with illegal rentals

* Licensed Vacation Rentals have fire safety guidelines, inspections and insurance protecting the neighbors vs. illegal rentals with no protection or enforcement.

* Opportunity for neighborhoods to set specific vacation rental policies that protect homeowners and promote quiet family getaway seekers not loud party noise.

Ideas for reducing impact on neighborhoods quiet enjoyment

* Establish quiet hours 10:00PM - 8:00 AM on future rentals

* Adopt Neighborhood (Quiet Zone) signage that promotes guests to be respectful, like they would want in their own neighborhoods. This type of minimal signage is often seen in upscale neighborhoods that value their quiet nature and want it reinforced with visitors. This can also be reinforced inside the vacation rentals as additional reminders to guest to behave in a respectable fashion.

* Restrict college group rentals and have minimum age restrictions that promote family rentals in neighborhoods intended for family rentals.

* Input from adjoining neighbors to inform Property Managers and owners of undesirable guest behavior. This allows swift action to curb disturbances so they do not become ongoing disturbances. This type of enforcement is not possible with illegal rentals that have no guidelines or avenue for enforcement.

Conclusion

Challenging property owner's rights and restricting any opportunity for visitors to enjoy the charm of renting a single family home in June Lake would be an epic mistake. June Lake should be a town that caters to and welcomes their second homeowners and their family, friends and yes, short term family vacation guests! The businesses would prosper from the families who rent these homes and eat out, shop and spend money in the local economy. Many visitors love the opportunity to rent a home in June Lake. If this opportunity were permanently taken away, then the June Lake homeowners, business owners and workforce would be adversely economically affected from losing a huge and growing segment of the tourist industry. June Lake is a resort town- our economy is based on tourism. Visitors to our community like renting vacation homes. Vacation rentals are a good thing! June Lake has suffered enough economic stagnation for too long. Let's make the right decision. Support June Lakes best future. Support the best future for June Lakes businesses and property values. Support vacation rentals of Single Family homes in June Lake's future.

Paul McFarland

From: David Rosky <dave.rosky@gmail.com>
Sent: Wednesday, June 21, 2017 4:56 PM
To: Wendy Sugimura; Paul McFarland
Cc: Bob Gardner
Subject: Some observations and comments
Attachments: str_observations_suggestion.pdf

Hi Wendy, Paul,

I've been thinking quite a bit and formulating some observations and suggestions after attending the last meeting, which went a decidedly different direction than the previous ones. I wasn't sure I should send an email because I'm sure you already have a vision of what the process should be, but I ended up speaking with Bob since he lives quite close, and he feels it might be worth considering.

Basically, it involves taking some steps to keep the next meeting from being mostly a repeat of the grandstanding, position statements, and horror stories we've already heard, and specifically aim it in a certain direction which could generate some useful discussion of the type we had during the earlier workshops.

It got a bit long to type into an email, so I ended up typing it up as a PDF file, which I attached here. Please let me know if for some reason the PDF didn't arrive (firewall problems, etc.).

It's a little complicated, and if you think it has some merit, I'd be happy to talk about it on the phone or in person if I happen to be around at the time. My phone number is 530-320-0404.

Regards,
David

Paul McFarland

From: David Rosky <dave.rosky@gmail.com>
Sent: Wednesday, June 21, 2017 6:32 PM
To: Wendy Sugimura; Paul McFarland
Cc: Bob Gardner
Subject: An example from Sunnyvale

Hi Wendy, Paul,

I'm going to pass along an example that happened some years ago in Sunnyvale, the other place where we live. It's not exactly the same situation, but I think it has a number of important take-aways. I've already passed this on to Bob.

Property values have been going up quite fast in the bay area for some time, and at some point, that triggered a sharp increase in the number of home remodels. The high volume of remodels caused a number of conflicts to arise to the point that it became an issue for the city. The conflicts were over the adding of second stories to houses.

The controversies revolved around the fact that in some cases, the additions resulted in a significant reduction in the amount of available sunlight on parts of neighbors' yards and houses during the winter.

So, how did the city deal with it? Did they just do nothing? No. Did they completely disallow permit applications for second stories? No. Did they go through and carve up Sunnyvale into neighborhoods with differing amounts of opposition to second stories and tell some neighborhoods they could not even apply for a second story because their block has too many people who just disagree with second stories? Not that either.

What they did was two things. First, they instituted a policy that anyone applying to change their roof line by more than a certain amount was required to obtain a "light and shadow analysis" done by a licensed contractor or architect which calculated what changes there would be in the patterns of sunlight, and second, they implemented a consistent set of guidelines that could be fairly and equitably applied to all applicants regarding allowable effect on sunlight. It didn't completely eliminate all the conflicts, but it reduced them significantly.

To me, the important take-aways here are that:

1. everyone in the city is treated the same. All residents are allowed to apply for a permit. There are no areas excluded simply because there are some second story opponents living nearby. Some may not get a permit depending on the analysis results, but all are allowed to apply, none are denied the due process of a permit application.

2. As the result of 1. above, all cases are handled individually, with some amount of burden on the applicant and some amount acceptance on the neighbors. Nobody gets everything they want, but everyone gets most of what they want. There is a balance of property rights with effects on neighbors.

3. There is, as much as possible, a consistent set of guidelines that can be applied fairly and equitable to every applicant. There are probably always some details that have to be worked out on a custom basis, but the guidelines get 90% of the work out of the way quickly.

While being perhaps a somewhat simpler case than STR, it seems like a reasonable framework to work from.

Best regards,
-David

Wendy Sugimura

From: David Rosky <dave.rosky@gmail.com>
Sent: Thursday, June 01, 2017 12:02 AM
To: Wendy Sugimura
Subject: Some comments

Categories: JL STRs

Dear Wendy and the Community Development Staff,

First of all, I know I've said this before but I think it bears repeating, from what I saw, I think you guys did a great job of creating an environment where ideas could come out without turning into arguments. Congratulations to the community development staff for that.

Although I've made my thoughts known regarding the process, I thought I would add a few comments regarding the issue itself.

First and foremost, I think the approach should be pragmatic and not dogmatic. There is enough dogmatism to go around, but any solution that addresses all aspects will need to be pragmatic.

From the meetings I attended, people seem to fall into three general groups depending on what their primary area of concern is. 1) On one end are people who have no interest in STR, and are either against them or at least suspicious of them because they feel STRs might negatively affect the character of the neighborhoods. 2) At the other end are people who are either currently interested in engaging in STRs, feel they may be interested in the future, or see a general benefit to the community, and would not like to see them entirely prohibited. 3) Off to the side are businesses and other people (such as June Mountain and others) who are dependent on the tourist-based economy and who are generally in favor of increasing the number of beds in the area.

There is also a fourth group, which is essentially the silent majority who are more-or-less neutral on the issue.

My personal opinion is that it is possible to have a solution that largely meets all three of these group's concerns by allowing STRs with a reasonable set of regulations coupled with responsive enforcement if and when problems arise. Many of the possible regulations were captured in the meetings so I won't repeat them here.

I browsed through the document posted by the county regarding the research conducted by the coalition of Colorado ski towns, and noted a level of similarity between many of the suggestions that came up in our meetings and some of the "best practices" proposed in the document. Additionally, the research document was pretty clear in advocating against a complete prohibition since it would 1) be ineffective without a herculean enforcement effort, resulting in many unlicensed STRs despite them being prohibited, 2) result in unfair competition with traditional accommodations due to the fact that the unlicensed STRs will not be paying fees and taxes, and 3) result in a correspondingly large loss of revenue to the community, further weakening enforcement efforts. Essentially, the research acknowledges that the vacation rental landscape is changing and that a pragmatic solution is required. In fact, the document points out that most resort areas are actually moving in the direction of legalizing some amount of STRs where they were previously prohibited.

Rather than prohibition, the research document concludes that the best approach is to allow STRs with a reasonable set of regulations and adequate enforcement. Reasonable regulations can preserve the character of

the neighborhoods, while providing revenue to support enforcement to both deal with problems that may occur and prevent runaway unlicensed operations.

While there will always be a handful of dogmatic people who will not budge from the extreme ends, at the meetings I attended it seemed as though there was a hint that the sort of compromise proposed by the research team might be possible, and it is my hope that the community development staff will propose movement along that direction.

Please feel free to forward this to anyone you deem appropriate.

Thanks, and best regards,

David

Wendy Sugimura

From: wendy.rosky@gmail.com on behalf of wendy rosky <wendy@nerdsofparadise.com>
Sent: Sunday, May 21, 2017 6:44 PM
To: Wendy Sugimura
Cc: Bob Gardner
Subject: Additional comments on Short Term Rentals

Dear Community Development staff members,

We attended a few of the recent meetings, which were managed very well. Many good ideas came up, but I thought of a few additional things I would like to pass along.

1. We discovered June Lake five years ago while visiting some long-time friends who had moved here. We loved the area, decided to purchase a house here, and are planning to live here full time when we retired. One of the things we really value here is neighborhood harmony, something that wasn't quite mentioned that way but is probably something most people value. Harmony is more than just knowing your neighbors.

2. One concern I have is that if short term rentals (especially type 1) are completely banned, results on the neighborhood will be mostly negative. First, the county will likely step up efforts to locate illegal short term rentals. There will be many more of these if people cannot legalize their activities. This will result in essentially good people being fined and punished. Furthermore, it will encourage other people to spy on their neighbors, going around in the middle of the night taking photos, etc. This last thing wasn't brought up much, but we had all of these things happen on our street two years ago and it was extremely sad to see.

3. This isn't to say that there shouldn't be reasonable enforcement - short term rentals should definitely be regulated in a way that encourages responsibility on the part of the homeowners. I would just like to live in a neighborhood where there is a lot less incentive for neighbors to spy on each other and turn each other in for activities that have little or no direct effect on them, instead of caring for each other.

4. I am also concerned that if short term rentals are locked out of a few individual neighborhoods, it will be extremely difficult to undo that in the future, despite it being theoretically possible. There's a Chinese expression that cooked rice cannot be un-cooked. In the case of the short term rentals, it might not be completey impossible to lift a ban in the future, but my experience is some kinds of things once done are far harder to undo. Rather than ban them, which would be very difficult to undo, it would be better to allow them in a restricted way that can then be tightened or loosened depending on how well things go. This will also help treat everyone in the county the same way, for fairness.

Best regards,

Wendy Rosky

Wendy Sugimura

From: Charlie Stender <cfstender@gmail.com>
Sent: Thursday, June 29, 2017 7:34 PM
To: Wendy Sugimura
Subject: Short Term Rentals

We are against ANY short-term rental activity in our neighborhood. (Clark Tract)
Charles and Phyllis Stender
52 Mountain View Lane

Hi Wendy, Paul,

I apologize this is kind of long, so please read it when you have a few minutes to spare.

Since I live close to Bob, I visited with him recently to talk over some observations and ideas. I'd been planning to send an email anyway, but I'm glad I waited, since the discussion with Bob resulted in some ideas that might work better than what I was originally thinking.

The idea I have is somewhat bold and possibly different from what you might have in mind for the next meeting. If it doesn't fit your vision of the process, that's fine, but I'll put it out there in case you think it might be worth some consideration. Basically, this is aimed at trying to have the next meeting not just be yet another session of grandstanding as the last one was, and to produce something besides just a stalemate to be passed upstream. It involves taking a fork in the road, albeit a “virtual” fork in the road, in order to possibly get a usable policy compromise. We probably do have a stalemate that must be passed upstream, but this way, we can send a possible policy with it.

First some background.

When we started coming to the workshops, I expected to see things start out with people fairly polarized. On one side, I expected to see people strongly against, thinking that any amount of STR was unacceptable, and I also expected to see a contingent of "pro" folks taking a similarly strong property-rights stance, that they should be allowed to do whatever they wanted with their property and that the government shouldn't be interfering with them.

I then was expecting that the process of getting ideas out on the table in the earlier workshops (which were executed extremely well by the staff), might jump-start bringing people together, at least a bit, trying to work things out.

In the end, I never did see a hard-line extreme on the "pro" side -- no fist-pounding "who's the government to tell me what to do" folks; in fact, the pro side consisted mostly of people willing to accept reasonable controls, mitigations, and enforcement in order to be given the opportunity to engage in some sort of STR. On the other hand, while the pro side seems willing to come to the table, the "anti" side has their heals dug in as much as ever, pushing themselves to the wall and seemingly not willing to budge an inch or consider any small change. This seemed pretty clear at the last meeting.

I understand that your goal starting out was to try to get some sort of movement, even if small, toward a possible middle ground that most people would find workable, and come up with some policy direction. Because of the large imbalance, however, with one side willing to come to the table and the other side remaining as intransigent as ever, it's hard to see that any clear direction will emerge. The turning point for me came with the gentleman who, when asked if things might work if everyone magically followed the rules, just responded "No!" With all due respect, I thought to myself, this is really not going to go anywhere, especially the next time if the topic is the Clark Tract.

What I propose is a way to actually try to define that middle ground, even if a decision isn’t immediately made to adopt it. It involves, temporarily at least, getting the “just disallow all

STRs” option off the table, to free up a path to actually define a middle ground should STRs be allowed.

So here’s the bold idea:

The rationale for this idea is the following:

1. The data show a split in the Clark Tract. The data may not be rigorously scientific, but it was taken in an unbiased manner and is the best we have. If you wish, you could compensate the data for cheating, since you know where the cheating was. This data cannot and should not be disregarded. Future meetings may be attended more heavily by the extremely vocal “anti” contingent, but that doesn’t justify ignoring the previously collected data that points pretty clearly to a split.

2. It is unlikely that another meeting focusing mainly on the question of should or shouldn’t we just disallow STR will result in any more agreement than previously. It could very likely be another meeting of grandstanding and horror stories and not likely to produce any more actual guidance than the earlier workshops, which engaged a much larger cross section of the community and were highly productive. More than likely, the fact that Clark Tract is split on this issue will need to be passed upstream, and we may need to accept this. The results of the data cannot be changed simply because the “anti” side is more vocal and persistent in attending the more recent meetings. You can’t expect the large numbers of people who attended the original workshops to keep coming to all the followup meetings.

3. If STRs are ultimately not allowed, there is nothing to talk about, we all just go home. On the other hand, if STRs are ultimately allowed, the community should have generated some input as to what the policy details might be. Since there probably can’t be a clear policy decision on the question of should we just disallow STR, I suggest pointing the meeting in a specific direction that could possibly result in something tangible, namely forming a sustainable policy in the case that the county does allow STR.

What I propose/suggest is the following:

1. At the beginning of the meeting, the staff could state that for the Clark Tract, the data you gathered clearly show a split. Don't even accept any argument on that, you've already sent out and presented the data and the fact is that there is a split. Once again, it may be the case that these later meetings are attended more heavily by "anti" folks, but that doesn't justify throwing away the previous data that shows that opinion is split on this issue, certainly on Type I, but on Type II as well.

2. Point out that without a clear direction of opinion, the fact that there is a split or stalemate will very likely need to be passed upstream. That’s fine, that was always one possible outcome.

3. Point out that the county could go either way with this. If they decide to disallow it completely, there's nothing else to talk about. On the other hand, if they choose to allow

it, there would be a need for people to have generated some input on what the policy would be.

4. Since there's no need to discuss anything for the case where all STR is disallowed, state that for the purposes of this meeting, we are, for now, taking the "just disallow all STR" option off the table and will focus on defining a sustainable policy compromise should they end up being allowed. If you wish, you could stress that the county has made no decision yet, but that the community needs to spend some time generating input into the policy if that's what happens, instead of just endless arguing and soapboxing. If you think it would be more productive, this process could start with just Type I, since it's not quite as controversial as Type II.

5. This is more incidental, but I would suggest not discrediting your own data at the beginning of the discussion. You've already mentioned that you feel the data aren't rigidly scientific, I suggest letting it go with those previous statements.

I think this will force the meeting out of the grandstanding and argument mode over the decision of allowing or disallowing all STR, and might actually result in some useful discussion of the type we saw in the earlier workshops. You might actually get some sort of policy formulated to handle the case that STRs do end up being allowed, which, IMHO, would be a lot more valuable than more argument and position statements with no real resolution of the split in opinion. At the very least, you will see if there are any "anti" folks who are willing to take a step or two towards the bargaining table and help define a sustainable policy. Some people might stomp out of the room, but that's fine, the ones who stay are the ones interested in having some say in shaping what could potentially happen.

Since this is kind of complicated, I'd be happy to talk about it on the phone, or in person if I'm in town at the time, Bob suggested that might be useful. If you wish to get in contact, my phone number is 530-320-0404.

Regards,
David

Wendy Sugimura

From: Stacey Simon
Sent: Monday, May 15, 2017 10:32 AM
To: Wendy Sugimura; Garrett Higerd
Cc: Paul McFarland; Scott Burns
Subject: RE: June lake Trod & CAC

We cannot expend public moneys on private roads. It's a gift of public funds.

Stacey Simon
Mono County Counsel
P.O. Box 2415
Mammoth Lakes, CA 93546
(760) 924-1704 (Mammoth Lakes office)
(760) 932-5417 (Bridgeport office)

From: Wendy Sugimura
Sent: Monday, May 15, 2017 10:02 AM
To: Garrett Higerd <ghigerd@mono.ca.gov>; Stacey Simon <ssimon@mono.ca.gov>
Cc: Paul McFarland <pmcfarland@mono.ca.gov>; Scott Burns <sburns@mono.ca.gov>
Subject: FW: June lake Trod & CAC

Stacey and Garrett,

FYI – see the email trail below on using TOT for roads, in case this comes up at the June Lake Roads meeting. We'll look into it for the Short-Term Rental (STR) process. (I think the consensus he represents is overstated, but the point is that it may be a point of compromise that has some support.)

I think Paul and I will not attend the roads meeting to try to keep the two issues separate. If you feel like comments/discussion are related to STRs specifically, feel free to punt those back to me.

Thanks,
Wendy

From: Wendy Sugimura
Sent: Monday, May 15, 2017 9:58 AM
To: 'mike rosas' <mrosasltd@hotmail.com>
Subject: RE: June lake Trod & CAC

Hi, Mike,

Thanks very much for your positive and valuable participation on Saturday.

I'm not sure of the possibilities on this issue, either, but we will dig into it and find out. Unlike many of the other potential solutions suggested, Community Development doesn't have anything to do with TOT, so it'll take us a little longer to get some answers. We'll work on it!

Thanks,
Wendy

From: mike rosas [mailto:mrosasltd@hotmail.com]
Sent: Sunday, May 14, 2017 8:27 PM
To: Wendy Sugimura <wsugimura@mono.ca.gov>
Subject: Re: June lake Trod & CAC

Hi Wendy,

Thanks for hosting a very productive and civil meeting Saturday at the June Lake Community center. I wanted to mention something that seemed to stand out greatly at the meeting. The idea of using a small percentage of the (12%) TOT to help

fund road repairs and maintenance in the Clark Tract seemed to evoke an overwhelming support in the room for short term rentals if this could be accomplished. Even some of the outspoken critics of short term rentals seemed to reverse their position if some portion of the TOT could help subsidise the much needed road repairs and maintenance in the Clark Tract.

I am not sure of the legal/tax possibilities with the subsidizing part of the TOT in the Clark Tract but I it's a win/win for all sides. It's worth aggressively pursuing because it solves the problem of trying to determine the future of short term rentals since the consensus would be near 100% in the neighborhood. Another option to consider is to raise the TOT in the Clark Tract from 12% to 13-14%. This additional 1-2% could help subsidize the roads without affecting the current TOT. Mammoth's TOT is 13%, so it would not be unreasonable.

Please let me know if I can help with any of these ideas because it would really remove any friction in the future with everyone getting something valuable out of the process..

Thanks,

Mike Rosas

From: Wendy Sugimura <wsugimura@mono.ca.gov>
Sent: Thursday, April 6, 2017 6:23 PM
To: mike rosas
Subject: RE: June lake Trod & CAC

Hi, Mike,

Thank you for providing that report, and for your participation. I know it is hard not to be offended and defend yourself – the attacks can be quite personal. I appreciate your self-restraint last night!

I don't know how much we will dig in to details about any one issue, including economics. There will certainly be a time and place, though, to provide education and clarify the realities of current short-term rentals. We'll have to figure out how all the puzzle pieces fit to make a complete workshop in the time we've allotted.

Thanks again for your participation and the information! Look forward to continuing to work with you.

Thanks,

Wendy

From: mike rosas [mailto:mrosasltd@hotmail.com]
Sent: Thursday, April 06, 2017 12:45 AM
To: Wendy Sugimura <wsugimura@mono.ca.gov>
Subject: Re: June lake Trod & CAC

Hi Wendy,

I have attached a copy of the June Lake Vacation rental report. Please let me know if you have any questions. One of the purposes of the report is to point out economic benefits and ramifications of this issue. The positives far outweigh the negatives and the misinformed and uninformed are going to try and cloud the productivity of these meetings with whining rants and a loose representation of the facts or reality. They are focused on the past illegal rentals and legal short term monthly rentals that will never have regulation.The subject is legal nightly rentals and how they mitigate the problems with illegal rentals. I have never had a single complaint against my TROD vacation rental in 2.5 years. I feel the need to be able to respond to the false facts and narrative that might be presented in the future. I can combat this with an actual successful

vacation home in the Clark Tract that brings the town over (500) visitors annually and ranks in the top 5% VRBO/Home Away in bookings and revenue.

We are going to have very strong June Lake Business Community support for single family vacation rental homes. We will present this with letters and appearances from the business owners, homeowners and the June Lake workforce. My (active 2.5 years) TROD vacation rental home generates over $350,000 in June Lake annual economic activity and its just one home. June Lake does not have "Mammoth's bed base". June Lake can use more single family vacation homes. Thanks for your efforts on this very important and contentious subject.

Mike Rosas

From: Wendy Sugimura <wsugimura@mono.ca.gov>
Sent: Friday, March 10, 2017 2:48 PM
To: mike rosas
Cc: Paul McFarland; Nick Criss; Bob Gardner
Subject: RE: June lake Trod & CAC

Hi, Mike,

I know you've been in contact with several other staff on this subject and with Supervisor Gardner, so I'll keep my comments focused on the June Lake Area Plan update.

We will be releasing the calendar of meeting dates within the next couple of weeks (I hope). Those meeting dates will be the appropriate time to voice your opinions about short-term rental housing.

Until then, if you'd like to be a part of discussions about how and when we make sure the conversations are conducted and the June Lake area plan update is completed, sign up for the June Lake RPAC newsletter (http://monocounty.ca.gov/rpac-june-lake). All the meetings for the subcommittee that provides guidance on the process will be emailed through this subscription list.

June Lake Citizens Advisory Committee (CAC) Home | Mono ...

monocounty.ca.gov

JUNE LAKE CITIZENS ADVISORY COMMITTEE. Regular meeting time/location: First Tuesday of each month at 7 p.m. at the June Lake Community Center. Location may vary.

I've attached the work plan and proposed maps (with an accompanying technical analysis) for delineating "neighborhoods" for your information. I'd be happy to discuss if you have questions.

Thanks,

Wendy

From: mike rosas [mailto:mrosasltd@hotmail.com]
Sent: Monday, March 06, 2017 1:39 PM
To: Wendy Sugimura <wsugimura@mono.ca.gov>
Subject: Re: June lake Trod & CAC

Hi Wendy,

Thanks for your quick response. I just became aware of the meetings going on about the nightly rentals in June Lake and cannot attend tomorrow's meeting in short notice but I plan on attending all meetings in the future to help make the process smoother. I would appreciate any documents for the meeting that can help keep me in the loop. Please let me know how I can help between now and the next meeting (4/3)? I plan on compiling a list of Clark Tract homeowners that wish to support nightly rentals and do not wish to relinquish their rights to future vacation rentals because a small group of vocal, locals that seek to undermine everyone's future rental opportunities. Thanks for your support.

Mike Rosas

818 324-0656

From: Wendy Sugimura <wsugimura@mono.ca.gov>
Sent: Monday, March 6, 2017 1:58 PM
To: mike rosas
Subject: RE: June lake Trod & CAC

Hi, Mike,

Thank you for your email. Your participation would certainly be welcome and appreciated. I'm assuming you're referring to the "Short-Term Rental Subcommittee" meetings – these are open and informal, with no appointed members, so please feel free to join us!

At this point we're discussing the process, and not debating positions. The time will come for that as well, but we want to make sure we understand how we're going to get from where we are today to some type of decision, first.

Several documents were sent out for tomorrow night's discussion. Please let me know if you need those.

Hope to see you tomorrow night!

Thanks,

Wendy

From: mike rosas [mailto:mrosasltd@hotmail.com]
Sent: Monday, March 06, 2017 11:54 AM
To: Wendy Sugimura <wsugimura@mono.ca.gov>
Subject: June lake Trod & CAC

Hi Wendy,

My name is Mike Rosas. I am a homeowner (155 Washington St) in the Clark Tract in June Lake. I have a TROD approved vacation rental property that I have run for the past two years. I have just become aware of these CAC meetings regarding the future of the nightly rental program. I am rather dismayed at the misconceptions

and misinformation being thrown around at these meetings which are comprised of a small number of locals that want to dismantle the program. They only represent themselves individually and do not speak for anyone except themselves as individuals. I have spoken with other homeowners that are very upset that a few local individuals are trying to disparage their rights from ever having a vacation rental property in the Clark Tract. I believe it's necessary for me to join this committee in order to provide input from someone that has been running a successful TROD rental property in the Clark Tract for the past two years. I intend to provide a strong amount of information to help address many of the concerns that some are experiencing. I have several recommendations to help make the program more of a success. I intend to provide many of the positives of the program as well address the concerns that have been expressed. Please let me know how I can assist in making this process work better for everyone.

Thanks,

Mike Rosas

818 324-0656

Wendy Sugimura

From: Ann Tozier <anntozier@gmail.com>
Sent: Friday, May 26, 2017 9:41 AM
To: Wendy Sugimura; Paul McFarland; Bob Gardner; Scott Burns
Subject: Another thought about the STR meeting experience

Don't you love when you wake up in the middle of the night and your brain turns on? NOT!

Well I was thinking about the meeting yesterday and how the exercises moved us through the Negatives and the Positives of STR, then on to the Negatives & Positives for June Lake as a whole. I thought about how my group didn't have anything to add on the last exercise because when we wrote down negatives and positives the first time around we did not restrict them to the Clark Tract neighborhood; we wrote down ANY negatives or positives.

As I thought about that I had this realization that most negatives affect the residents and character within the tract, and most of the positives affect the town as a whole, or Mono County. It seemed to become clear to me that from a perspective of the neighborhood it is clear that STR are more bad than good. Examples:

Negatives:
Noise/party disturbances
Trash
loss of dark sky
people in the hood you don't know (security)
road wear and tear
people who have trouble on the roads and get stuck
enhancement of bear breaking from folks who don't understand bears
liability
hotel zone character
loss of affordable housing (this is an exception to what I am saying)
parking on roads

Positives:
TOT for the county
employment for locals
attracts visitors
helps someone keep their second home (only helps ONE person)
type of rental option desired by some people who want to visit
listings are free advertising for June Lake

I don't remember all of the ideas, of course, but it seems to ME there is this trend within the negative and positive groupings. I may bring this up on June 7,

THANKS AGAIN FOR ALL OF YOUR HARD WORK ON THIS!!!!

Ann

Wendy Sugimura

From: Ann Tozier <anntozier@gmail.com>
Sent: Tuesday, May 23, 2017 12:27 PM
To: Paul McFarland
Cc: Wendy Sugimura
Subject: Re: comment on my comment

Sure. There are some of those type of rentals on Nevada also, I guess. I would hate to see locals aced out of housing!

On Tue, May 23, 2017 at 9:18 AM, Paul McFarland <pmcfarland@mono.ca.gov> wrote:

> Thanks, Ann.
>
> **From:** Ann Tozier [mailto:anntozier@gmail.com]
> **Sent:** Tuesday, May 23, 2017 8:25 AM
> **To:** Wendy Sugimura <wsugimura@mono.ca.gov>; Paul McFarland <pmcfarland@mono.ca.gov>
> **Subject:** comment on my comment
>
> I came by the open house for the transient rentals yesterday and wrote down a comment and gave it to Scott Burns. In rethinking it some more I want to add this...
>
> I had mentioned that perhaps flatter roads, like LA and Nevada streets, could be split off from the Clark tract due to fewer road issues. However, transient rentals still replace long term rentals for locals, and for example on LA street there are 7 long term rentals that have potential of being replaced by STR. That would not be good for locals.
>
> It is all so complicated! However, could you add this email to my comment please?
>
> thanks!!
>
> Ann

Wendy Sugimura

From: jillwallentine@gmail.com
Sent: Thursday, June 01, 2017 5:19 PM
To: Wendy Sugimura
Subject: Clark tract nightly renntals

Categories: JL STRs

My name is Jill Wallentine. I've lived in the Clark tract for 38 years. We've raised our children on Washington st. Now, we have grandchildren being raised on this same street. The Clark tract roads are not in the best shape already. Now people want more traffic and more cars. Absolutely not! In the winter people who are here for the weekend do not know how to drive in the snow. That was proven more than once! This tract has never been zoned for nightly rentals and folks knew that before building or buying their home! If these folks who want this can't afford their homes maybe they should sell and buy where the rental siuation is ok. Thanks for your time.

Sent from my LG G Vista, an AT&T 4G LTE smartphone

Wendy Sugimura

From: Scott Burns
Sent: Wednesday, May 17, 2017 4:15 PM
To: CD Ritter
Cc: Wendy Sugimura; Paul McFarland
Subject: FW: Short term rentals in June Lake

CD:

Will you please send Mary Jo your typical acknowledging response and file.

Thanks
Scott

-----Original Message-----
From: Mary Jo Whritner [mailto:whmaryjo@aol.com]
Sent: Wednesday, May 17, 2017 3:51 PM
To: Scott Burns <sburns@mono.ca.gov>
Subject: Short term rentals in June Lake

To whom it may concern:

I'm sending this email because it is impossible for us to be in June Lake on May 20,22,and 25 to attend the meetings for discussion on "short-term rentals". We live in tract 4 in June Lake and we are opposed to short-term rentals in our quiet neighborhood I hope this will suffice as giving our opinion toward the matter under discussion.
Regards,
Mary Jo and Bob Whritner
131 Bay Dr

Sent from my iPhone

Wendy Sugimura

From: Joyce Kaufman <joycepkaufman93@gmail.com>
Sent: Saturday, July 22, 2017 10:09 AM
To: Scott Burns; Bob Gardner; Wendy Sugimura
Cc: heinrichsfour@aol.com; stark@fairplex.com; Robert Marks
Subject: Vacasa
Attachments: scan vacation home 1.jpg; vacation home scan 2.jpg; vacation home scan 3.jpg; vacation home scan 4.jpg; vacation home scan 5.jpg

Dear All,

I am attaching to this e-mail scans of materials that my husband, Bob Marks, and I received unsolicited at our home in Whittier. We have been homeowners in June Lakes since we built our house in Peterson Tract in 2005, and we plan to retire here permanently. Thus, we have been following the issue of rentals with great concern. We are especially dismayed that someone has been reaching out aggressively to seek rental properties. I am not as familiar with the law about rentals as I should be but it is my understand that there are limits and prohibitions about private rentals in Mono County in general and in June Lake specifically. I would also guess that if we received this materials, then others are getting it as well and I am sure that there are some who would be very willing to rent their second homes, especially with the "guarantee" of a "net increase of $5,00 in your first year with Vacasa." As a concerned homeowner, this to me is a recipe for disaster.

I know that the CAC is very concerned about this issue and has held a number of meetings about it, and we have made our position known. But given this set of mailings, I specifically wanted to bring this to your attention and also to ask what, if anything, we can do to stop these solicitations and others as well as make sure that vacation rentals are limited if not prohibited in our area.

Thank you for your attention. I look forward to hearing from you.

Sincerely,

Joyce Kaufman
PO Box 671
660 Piute Drive,
June Lake, CA 93529
760-648-7629 (home)
562-972-1336 (cell
joycepkaufman93@gmail.com

2303639
PO BOX 2532
MAMMOTH LAKES, CA 93546

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6056 FRIENDS AVE
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Now accepting vacation homes in June Lake.

Do you have a second home that you are currently using, or considering, as a vacation rental? Would you like to get a complimentary customized rate analysis and estimate of how much you could be earning? We are Vacasa, and we make vacation rentals easy. Nationally recognized as the second-largest vacation rental management company in the U.S., we are expanding into June Lake because of the demand for vacation homes there.

When you entrust us with your vacation home, our professional Vacasa-employed staff will handle all the details, including:

- Housekeeping and Property maintenance and management
- Reservations, booking, payment, and taxes
- Extensive marketing, including advertising on popular vacation rental sites like VRBO, HomeAway, Airbnb, FlipKey, and TripAdvisor

Earn More, Work Less. Guaranteed.

We are confident in our ability to put more money in your pocket. If you currently list your home through another management company, **we will guarantee a net increase of $5,000 in your first year with Vacasa**. If you currently manage your property yourself, we guarantee that you will earn more than you did in the prior year, while we do all the work.

We'd love to show you how our highly visited website, specialized proprietary rate algorithms and analysis tools can maximize your home's income. Please contact me for an analysis of how much you could earn, should you list your home with Vacasa.

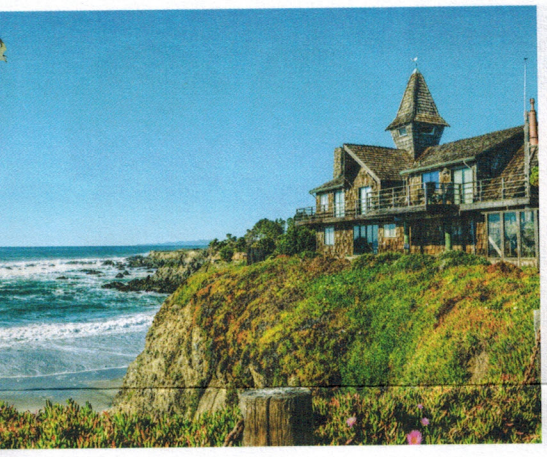
Sincerely,

Emma

Emma Haisten, Vacasa Business Development Manager, June Lake
(760) 201-1614 | emma.haisten@vacasa.com

vacasa
vacation rentals made easy®

Why Choose Vacasa?
Comprehensive Management



Full-service vacation rental management is a full-time job. Let us do the work!

Comprehensive Management

We provide full-service management, including plenty of services for which our competitors charge extra. If you're new to renting your home, we can help arrange the permits and any other details required to set up your property.

Innovative Technology

Using our specialized rate algorithm and analysis tools—among the most advanced in the industry—we automatically optimize rates year-round, ensuring your home is truly maximizing its potential earnings.

World-Class Marketing

We invest in extensive advertising for your home, with top-tier listings on sites like VRBO, HomeAway, FlipKey, TripAdvisor, and VacationRentals.com. Our innovative marketing team will help you find customers you didn't even know existed.

A Strong Local Presence, On Call 24/7

We have the resources of a national company, but our focus is inherently local. Our Local Operations Managers are on call 24 hours per day, seven days per week. If a problem arises, we're here to help.

No Limits on Owner Use

You bought a vacation home so that you could enjoy it. That's why Vacasa doesn't limit the time you can spend in your own home.

Time with family.
Time with friends.
That's why we're here.

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Why Choose Vacasa?
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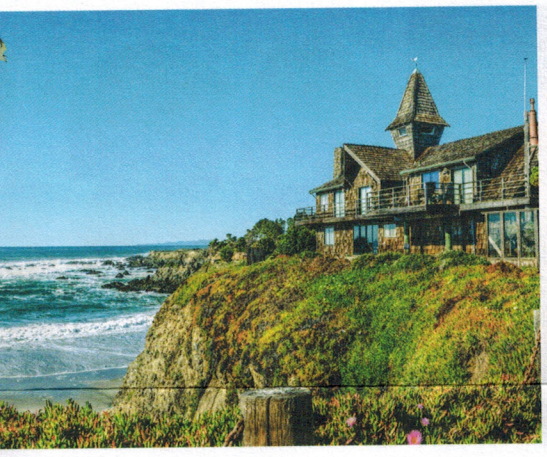

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Time with family.
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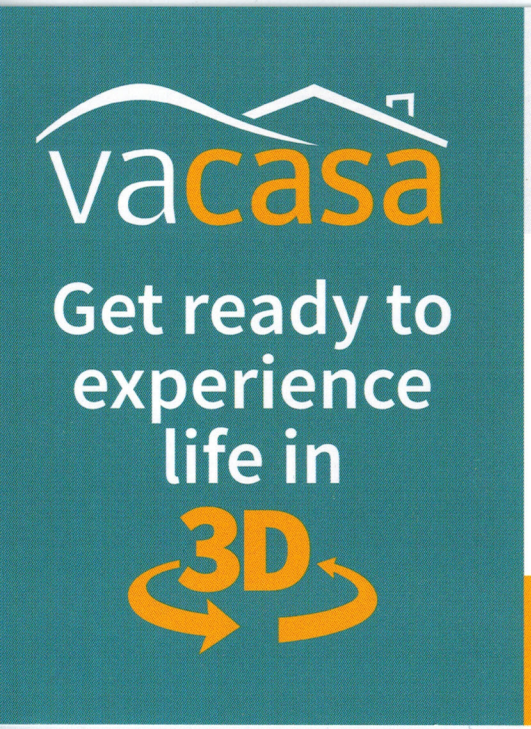
That's why we're here.



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vacasa
3D
photography
invites your
guests inside

Wendy Sugimura

From: Stan Bluhm <bluhms2@cs.com>
Sent: Monday, May 22, 2017 1:53 PM
To: Wendy Sugimura
Subject: June Lake Short Term Rentals

Hello Wendy,

I own a single family residence at 37 Lyle Terrace Road in June Lake. This, I believe, is in the Highway 158 Hillside Area.

I would like to go on record as being opposed to any allowance of short term rentals in this neighborhood.

Thank you for your diligent work on this issue.

Stan Bluhm

Wendy Sugimura

From: lynn stepanian <lynn_stepanian@hotmail.com>
Sent: Tuesday, May 23, 2017 2:43 PM
To: Wendy Sugimura
Cc: Barbara Prince; Larydsforell@aol.com; Bill@NanoStencil.com; Mt.Chet@roadrunner.com; bprince@princefinancial.com; Crest06@aol.com; waltstreeton@hotmail.com; jeripp@gmail.com; bryonny@amesdesignbuild.com; brett@amesdesignbuild.com; connielear@hotmail.com; Bob Gardner; Paul McFarland
Subject: Re: Team LCVHOG SHOW TIME! Good Meeting!

Thank you Wendy, Chet and Lary for all your efforts on behalf of Our group and June Lake as a community!

On May 23, 2017, at 1:32 PM, Wendy Sugimura <wsugimura@mono.ca.gov> wrote:

> Hi, Lary and LCVHOG,
>
> Thank you for the update, Lary, and thank you to the all the whole LCVHOG! It's a pleasure to work with a neighborhood group who coordinates on issues and can represent a united opinion.
>
> As Lary mentioned, Chet did an excellent job capturing comments that the Leonard Avenue area is well-suited for short-term rentals with no known opposition.
>
> Just the clarify next steps, these comments will be carried forward with a recommendation that short-term rentals be permitted in the Leonard Avenue Area. This approval would be approved through a General Plan Amendment, which will first be considered by the Planning Commission and then the Board of Supervisors. We hope this decision will come before the Board by late summer (hopefully September).
>
> Assuming the Leonard Avenue policy to allow short-term rentals is approved by the Board, the County would then be able to accept and process the applications that Connie is holding for you. Let's hold off, though, on discussing the specifics of how that would work and the fees. While I could explain the how it would currently work under Chapter 25 and 26, some of those details may change as a result of these workshops. It's very complicated to keep track of all the bits and pieces at this stage, and so I just don't want to mistakenly misrepresent how things would work while so much is still in flux.
>
> My suggestion to all of you is to continue to follow the discussion and the direction it takes, and continue to provide input. Once we understand better how this is all working out, then we can get into the details of processing your applications. One step at a time, to keep things simple!
>
> Again, thank you! We appreciate your positive engagement and neighborhood coordination, and look forward to resolving this issue with your help!
>
> Best,
> Wendy

From: Barbara Prince [mailto:princefinancial@sbcglobal.net]
Sent: Sunday, May 21, 2017 2:57 PM
To: Larydsforell@aol.com; lynn_stepanian@hotmail.com; Bill@NanoStencil.com; Mt.Chet@roadrunner.com; bprince@princefinancial.com; Crest06@aol.com;

waltstreeton@hotmail.com; jeripp@gmail.com; bryonny@amesdesignbuild.com; brett@amesdesignbuild.com; connielear@hotmail.com; Wendy Sugimura <wsugimura@mono.ca.gov>
Cc: Bob Gardner <bgardner@mono.ca.gov>
Subject: Re: Team LCVHOG SHOW TIME! Good Meeting!

Thank you all for the report and the update. We had planning on being there but Dave was not out of the woods in time to clear him for the travel. we will definitely try to make the next one thank you again Barb & Dave Prince

Barbara Prince
Prince Financial Corp
1712 19th St. #102
Bakersfield, Ca 93301
(661)326-7300
Efax: 661-215-5717
Cell: (661) 599-0841
Email:Bprince@princefinancial.com
Web Address: www.princefinancial.com

From: "Larydsforell@aol.com" <Larydsforell@aol.com>
To: Larydsforell@aol.com; lynn_stepanian@hotmail.com; Bill@NanoStencil.com; Mt.Chet@roadrunner.com; bprince@princefinancial.com; Crest06@aol.com; waltstreeton@hotmail.com; jeripp@gmail.com; bryonny@amesdesignbuild.com; brett@amesdesignbuild.com; connielear@hotmail.com; wsugimura@mono.ca.gov
Cc: bgardner@mono.ca.gov
Sent: Saturday, May 20, 2017 8:49 PM
Subject: Re: Team LCVHOG SHOW TIME! Good Meeting!

Hey All Again:
We were well represented today at the 3PM meeting that was very well conducted by Wendy Sugimura of the Mono County Planning Division. Bob Gardner, the Mono County Supervisor who is responsible for June Lake was also in attendance.

Wendy Subimura worked through a focus group like process, with Chet Schrieber of our LCVHOG recording inputs from the group. Connie Lear also provided valuable inputs to the discussion and focus effort. These results will be published via the Mono County Email in conjunction with the ongoing working group efforts.

The good news is that our area, LEONARD AVENUE AREA (which includes the house on North side of Bruce street to the forestry service land), is a VERY GOOD FIT with no drawbacks for SHORT TERM REntal policy update to the General Plan. This process may take until September. Both Supervisor Gardner and Wendy Sugimura are encouraged by our Group's joint effort writing to the Planning Division and the Board of Supervisors as a group and submitting our LCVHOG package.

Next steps as I understand them are as below. I have cced Wendy Sugimura on this email with a request that she correct my next steps if I have it wrong.

Step 1: After completion of the ongoing community outreach and analysis efforts, the Mono County Planning Division will submit the LEONARD AVENUE AREA (LAA) for a Mono County General Plan Amendment that will set policy in place that will allow permitting of Short Term Rentals in the LAA in June Lake.

Step 2: A second General Plan Amendment will then be processed by the PLanning Division that modifies the June Lake General Plan to permit Short Term Rentals in the LAA of June Lake. This process is kicked off by a Joint Request from the Members of the LCVHOG. I am not clear on the fee/s for a General Plan Amendment??? Maybe Wendy can help us out here???

Step 3: Given a Modified June Lake General PLan, the individual home owner VACATION RENTAL PERMIT REQUESTs will then be processed by the Mono County Planning Division. The fee for this permit is $495. I know we wrote checks for $500 last October. We can fix that if we have to update our applications. Also good to know, this is a once forever fee!!

PLease note that the LCVHOG package of seven permit requests that Connie Lear hand carried to the Planning Division last October, is held by Connie in her office. We may need to update our permit request due to the time lapse since October 2016.

OK, all for now. Unless there is some major unforeseen event that occurs, it looks like we are track to reach our goals for getting ST permits in place in 2017.

We owe many thanks to Wendy Sugimura and the Planning Division Staff for there longstanding efforts to work this problem with and for us.

Also many thanks to Supervisor Bob Gardner, our new Mono County Supervisor for June Lake, for his interest and support.

Recommend look for updates to status as they are sent out via email and the Planning Division's Website.

Best Regards to All,

Lary

Lary Don Smith
Incite Support Services, LLC
1211 W. Imperial Hwy Ste 223
Brea, CA 92821
P.O. Box 10403
Fullerton, CA 92838
Phone: 202-251-0021
Email: Larydsforell@aol.com

In a message dated 5/18/2017 10:14:47 P.M. Pacific Daylight Time, Larydsforell@aol.com writes:

> **Hey All:**
>
> **I hope all have taken time to look at the documentation and efforts that the Mono County Planning Division has been making to move the Short Term Rental permitting process forward in June Lake. Wendy Sugimura in particular has thrown herself into this challenge full bore. Please, Let us give her our best support by showing up at the Community Center at 3 PM - 4:30 this coming Saturday 20 May, to participate in discussion and promotion of Transient Rental permitting for the Leonard Avenue Area Neighborhood work shop, led by Wendy.**
>
> **I have pasted in the schedule for these activities at the bottom of this email.**
>
> **See you there!**

Best,

Lary Don Smith
Phone: 202-251-0021
Email: Larydsforell@aol.com

NEIGHBORHOOD WORKSHOPS
Location: June Lake Community Center
90 West Granite Avenue
June Lake, CA 93529
May 13 – Sat
1:00 pm – 2:30 pm Clark Tract
3:00 pm – 4:30 pm Open Session (All Neighborhoods)
May 20 – Sat
12:00 pm – 1:00 pm Open Session (All Neighborhoods)
1:00 pm – 2:30 pm Peterson Tract
3:00 pm – 4:30 pm Leonard Avenue Area
5:00 pm – 6:30 pm Highlands
7:00 pm – 8:30 pm Clark Tract
8:30 pm – 9:00 pm Open Session (All Neighborhoods)
May 22 - Mon
12:00 pm – 1:00 pm Open Session (All Neighborhoods)
1:00 pm – 2:30 pm Clark Tract
3:00 pm – 4:30 pm Hwy 158 Hillside
5:00 pm – 6:30 pm Dream Mountain
7:00 pm – 8:30 pm Focus Group: Lodging and Business
8:30 pm – 9:00 pm Open Session (All Neighborhoods)
May 25 – Thurs
4:00 pm – 5:00 pm Open Session (All Neighborhoods)
5:00 pm – 6:30 pm Clark Tract
7:00 pm – 8:00 pm Open Session (All Neighborhoods)
COMMUNITY-WIDE MEETINGS
1. Discussion of Workshop Data & Information
June 7, 6-9 pm
2. Discussion of Data Analysis & Policy Direction
June 14, 1-4 pm
3. Discussion of Potential Draft Policies
June 28, 6-9 pm
The community-wide meetings will be followed by meetings and/or public hearings by the Planning
Commission, and then the Board of Supervisors, to make a final decision.
For details and updates, see the website and register your email address:
http://www.monocounty.ca.gov/rpac-june-lake/page/june-lake-short-term-rentals

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Wendy Sugimura

From: lynn stepanian <lynn_stepanian@hotmail.com>
Sent: Friday, May 19, 2017 8:35 AM
To: Wendy Sugimura
Cc: Nick Criss; Scott Burns
Subject: Subject: Status of Mono County Code Chapter 25:Transient Rental Overlay District. and Candidate Properties for Overlay on Leonard Avenue and Carson View in June Lake CA 93529

Wendy,

I will unfortunately will not be able to attend the 5/20/17 meeting tomorrow because my children are in the midst of finals, so I ask that this email memorialize my thoughts in my absence. I have spoken to Scott Burns and Nick Criss throughout this process and they have been very generous with their time in discussing this important process with me. I now want to introduce myself to you.

I am a second generation resident of June Lake, dating back to my parents move to June Lake in 1984 as the proprietors of Lake Front Cabins for the next 20 years until their health forced them to move south, closer to family. In that time, I have come to find June Lake the most stunning and peaceful place to spend my precious free time. I have myself been a June Lake property owner since 1988, presently at 27 Carson View Drive, the street immediately above Leonard Avenue. In fact, my original address for that property was 42 Leonard Avenue and was subsequently re-identified as Carson View Drive.

I am among the consortium of property owners that, on 31 October 2016, submitted a "package" of Vacation Rental Permit Requests for several properties on Leonard Avenue/Carson View Drive, June Lake was hand carried to the Mono County Planning Division office in Mammoth Lakes under a forwarding letter to Messrs Nick Criss and Scott Burns. This package by the JUNE LAKE Leonard/Carson View Home Owner Group (LCVHOG) for Transient Occupancy Rental Overlay (TORO), was subsequently returned to our courier, Connie Lear of June Lake by Mr. Criss citing the reason that the Mono County Code Chapter 25:Transient Rental Overlay District was not accepting applications at that point.

As a property owner and long time participant in June Lake recreational and scenic attractions, I, along with our LCVHOG property owners, unanimously concur that Vacation Home Rental in June Lake needs to be regulated via permitting. Relative to this case of our LCVHOG-TORO request, the County has permitted Transient Occupancy Rental on both sides of LCVHOG properties, i.e., the North and South ends of Leonard Avenue, June Lake. Our properties in this area are significantly removed from Down Canyon residents (i.e., Clarke Track and others) many of whom are categorically opposed to Vacation Rental. Our LCVHOG believes that a Transient Occupancy Rental Overlay for our properties that lie between currently permitted properties will be of great benefit to June Lake and to Mono County in regulating and collecting taxes for Transient Rental Occupancies.

While I can appreciate the opposition to this permit process by those that love June Lake "as it is", I am concerned that they fail to recognize is that the very desire to preserve our hamlet frozen in time is hindering its economic viability and sustainability. I, like, others, chose June Lake because it is not "Mammoth", but the pushback has made it difficult for businesses to thrive. Through the permitting process, growing the tourism base will be controlled, bringing tax dollars while monitoring the influx. Our town needs an injection of dollars to sustain. If I understand correctly, second home residents don't have a vote as primary residents do. Given that

we pay taxes, I am in the dark on way this would be. If i misunderstand, please correct me. If that is true, I would appreciate some clarity on why this is so.

Thank you, Scott and Nick for your dedication and thoughtful hard work on this. I hope the other residents see that your intentions and goals are purely for the good of the June Lake community. We certainly recognize that and welcome the changes. We understand that the issue of Transient Occupancy Rental is pervasive across the State of California and the Nation in many areas such as June Lake where tourism is a big part of the local economy. We believe a path of least resistance approach to getting a TORO in place in at least one area of June Lake to be important to Mono County's ability to deal with this issue County wide. Our LCVGHOG neighborhood is cohesive in our request and can be a good test neighborhood for Mono County. As a neighborhood, we have worked together to communicate our unanimous desire to see this permitting move forward. Such communication is what this is all about, neighbors working together for our community.

The LCVHOG property owners are ready to resubmit our permits requesting the Planning Division and the Mono County Board of Supervisors to process each of our Group's request and provide us Vacation Home Rental Permits and then a related Transient Occupancy Rental Overlay for our properties on Carson View Drive and Leonard Avenue, June Lake.

Here's to a productive and successful weekend of meetings!

Lynn Stepanian
323 309-4103

Wendy Sugimura

From: Randy <Randy@haaker.com>
Sent: Wednesday, May 31, 2017 4:18 PM
To: Wendy Sugimura
Subject: June Lake Short Term Rentals

Categories: JL STRs

Wendy

Last Thursday I attended the meetings you conducted – one a general session and one focused on the Clark Tract. We met briefly and I appreciate all the work you have done to involve the Community in discussion about this important issue. My wife, Allison, and I have a strong interest in the June Lake Community and it's future as we have been coming here for many years and now own a home in the Peterson Tract at 841 Palisades Dr.

We do not presently rent our home and have no plans to do so. However, many family members, friends, employees, and others have visited our home and we hope will continue to do so. We have also offered a stay at our home at numerous charitable auctions, raising many thousands of dollars for good causes.

We chose to become homeowners in June Lake because of the incredible natural beauty and recreation, the laid back lifestyle, and our general love of the area. In many ways, I would want things to stay just as they are, even including the iconic fixed double chair from the parking lot to the June Mountain ski lodge. However, I know things can't stay the same. In fact, they don't. Our Community is dependent upon tourism in order to survive. Without a regular influx of visitors, our businesses of all types will struggle and even close and the local agencies on which we all depend will decline for lack of revenue.

In my opinion, we need to do all we can to stay relevant as an Eastern Sierra tourist destination. There is a change to a sharing economy world – wide. Solvable fears about bad behavior shouldn't get in the way of taking a logical step to support the tourism industry that supports all of us who live and/or own property in the area. We need to encourage responsible investment and development in June Lake or the relatively minor concerns voiced by those against short term rentals will be irrelevant.

Further, I know of no study or logic indicating that short term renters are more likely to engage in disruptive behavior than longer term renters or any other group. I personally think that if short term rentals are generally allowed throughout the community, the impact will be minor in terms of the number of homeowners utilizing their home for that purpose, and non – existent in terms of disruption. However, one likely impact if we take the restrictive route is that June Lake property values will lag, reducing future investment and stability.

The need for our Community to support our economy is way more important than other solvable concerns. Let's send a message encouraging visitors. That's my opinion.

Randy

E.R. "Randy" Blackman
President
Haaker Equipment Company | Total Clean
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Wendy Sugimura

From: K Taylor <forkendrick@gmail.com>
Sent: Thursday, April 27, 2017 8:35 PM
To: Wendy Sugimura
Subject: Re: June Lake short term rentals - Neighborhood Maps

Categories: JL STRs

Hi Wendy,

Thanks for the fast response and explanation of the land use designation in the Peterson Track.

However that still does not explain why the two areas are being separated for consideration of allowing short term rentals. The area functions as one geographic neighborhood with one set of rules related to short term rentals. Allowing two sets of rules related to short term rentals within the same geographic neighborhood does not make sense. So I think both the MFR and SFR areas of the Peterson Track should be in the same "Neighborhood" for the short term housing discussion because, in fact they ARE in the same neighborhood on the ground.

It is not fair that two lots adjacent to mine will be able to vote to change the rules to allow short-term rentals and I will NOT be able to vote on the change because of a new line on a map. Allowing short term rentals on properties adjacent to mine will certainly have an adverse effect on me. I know this from personal experience.

It is my rough understanding that in Mammoth owners within 500 ft of a property have an opportunity to oppose a change that allows short term rentals. Could a similar situation be implemented in June, such that property owners within 500 ft of any " short-term neighborhood" would be able to have the same influence on the outcome as the people that live in the "short-term neighborhood"?

Thank you,

Ken Taylor

On Thu, Apr 27, 2017 at 4:02 PM, Wendy Sugimura <wsugimura@mono.ca.gov> wrote:

> Hi, Ken,
>
> Thanks for your email. That orange area in the Peterson Tract actually has a different land use designation that governs its land uses. It is Multi-Family Residential (MFR), and the rest of the Peterson Tract is single-family residential (SFR).
>
> This policy discussion is only applicable to single-family land use designations, and so that orange area is excluded. I know it doesn't look different, but that is the technical land use designation in the General Plan.

Thanks,

Wendy

From: K Taylor [mailto:forkendrick@gmail.com]
Sent: Thursday, April 27, 2017 3:56 PM
To: Wendy Sugimura <wsugimura@mono.ca.gov>
Subject: June Lake short term rentals - Neighborhood Maps

Hi Wendy,

I am confused by the June lake neighborhood map that is on line. It shows the Peterson track in yellow. But the eastern portion of the Peterson track is shown in orange.

When you walk around there is no noticeable difference between the yellow and orange areas. The orange area does not have adjacent commercial property, different zoning, or any natural barrier. The boundary runs down the middle of the street and doesn't make sense. It looks like a special carve out for someone.

Is the orange portion being treated as a separate neighborhood?

What is the name being given to it?

Why is it being treated differently?

The orange area should be treated like the rest of the Peterson track.

Ken Taylor

May 11, 2017

June Lake Citizens Advisory Committee
c/o Wendy Sugimura, Mono County, California
PO Box 347
Mammoth Lakes, CA 93546
wsugimura@mono.ca.gov

Re: June Lake Single Family Home Short Term Rentals – Petersen Tract

Dear June Lake Citizens Advisory Committee:

Unfortunately, we are unable to attend the neighborhood discussion meetings and instead offer this letter as our strong opposition to short term rentals in the Petersen tract.

Since we were children we have been visiting and loving June Lake and all it has to offer all year round. We've spent many vacations here with our families and friends.

For the past four years, we have been the proud owners of a second home in June Lake's Petersen tract. We chose this area because of the quiet, peaceful surroundings of the neighborhood and because short term rentals are not allowed. It's our place to get away from the city and relax in nature.

Prior to residing in the Petersen tract, we owned a condo in the village. While we were thrilled to buy our first place in our beloved June Lake, the excitement died a few months after we moved in. We quickly realized that the majority of the units were rentals and were stuffed with too many people nearly every weekend. Parking was a nightmare due to the increased number of cars. Parties would go on all night. Early-rising fisherman would drag their coolers across the asphalt and yell from the car to their buddies. After midnight arrivals would wake us every weekend. We complained but were met with deaf ears by the rental company.

We encourage the committee to recommend AGAINST short term home rentals in the Petersen tract for several reasons:

- Access in and out of the tract is very limited; only one road is available (Rainbow Street)
- Road conditions have been getting worse every year due to weather and use
- Streets are narrow and will not be able to handle additional traffic
- Parking is very limited especially in the winter when empty lots are used for snow storage (the topography adds to this problem)
- Private roads are not maintained in the winter
- Pet feces is already a problem; short term renters are likely to make it worse
- Residents purchased/live in the neighborhood because short term rentals are not allowed
- Preservation of the quiet and scenic neighborhood
- Wildlife (deer, bear, cats, etc.) are able to roam freely without being disrupted

- Some (possibly all) of the rental company owners do not live in the Petersen tract and will benefit monetarily without having to experience the problems caused by short term renters

We believe that allowing short term rentals in the Petersen tract will be detrimental to the many families that choose the neighborhood as their home. We hope that the committee will consider the undeniable benefits of keeping the tract free of short term rentals.

Sincerely,

Danny and Gina Stymacher
803 Piute Drive
June Lake, CA 93529

Wendy Sugimura

From: David Rosky <dave.rosky@gmail.com>
Sent: Thursday, May 11, 2017 3:41 PM
To: CD Ritter
Cc: Wendy Sugimura; Bob Gardner
Subject: Re: June Lake Short Term Rental Process

Dear CD,

Thank you very much. I apologize if the tone of my letter seemed a little too strong, I'm just a proponent of a process that is fair to both sides.

I recently thought of one additional point I'd like to make to the commission in advance of the meetings, I hope you feel it's appropriate to pass this on as well.

The additional point I'd like to make is that in his document, Supervisor Johnston justifies the necessity of an 80% approval rate by the fact that the vote must be taken on an underlying zoning change as opposed to simply an overlay or special use permit approach. The necessity of requiring an underlying zoning change is justified by the assertion that allowing any overlay or special permitting process would represent a de facto zoning change.

I believe this is hyperbolic at best, somewhat misleading at worst. It is the county's prerogative to manage land use based on a number of criteria, and often simple zoning can't provide the nuanced or fine-grained control required to meet multiple sets of goals in a harmonious way. Overlays and special use processes are long-established ways of providing this. They have been utilized in many locations to provide fine-grained control and to allow multiple goals to coexist in realistic ways that are often not feasible with a blanket zoning change.

An approach of requiring an underlying zoning change is excessive and ill-suited to achieving the original goals that were envisioned by allowing limited, controlled short term rentals in the most non-impactful way possible, and would introduce a (perhaps intended) unnecessary bias into the decision making process.

Respectfully yours,

David Rosky

On Wed, May 10, 2017 at 10:01 AM, CD Ritter <cdritter@mono.ca.gov> wrote:

> Dear Mr. Rosky,
>
> Thank you for your comment letter on short-term rental meetings. It has been scanned and forwarded to the Planning Commission.
>
> ~ CD
>
> **From:** David Rosky [mailto:dave.rosky@gmail.com]
> **Sent:** Tuesday, May 09, 2017 10:50 PM
> **To:** Larry Johnston; Fred Stump; Bob Gardner; John Peters; Stacy Corless; CD Ritter

Cc: Wendy Sugimura
Subject: June Lake Short Term Rental Process

Dear Mono County Supervisors and Planning Commission,

My name is David Rosky and we are residents of June Lake, in the Clark Tract. We received the mailings regarding the short term rental meetings, and I decided to take a look at the detailed documentation on the county web site. With all due respect, I was both surprised and dismayed by what I saw.

Please note, this letter is not to discuss the merits, issues, or implementation details of short term rentals, it is to express concern over the process as laid out in the documentation. I will simply note here that we have been generally in the middle on the issue itself. We have not had any plans to engage in short term rentals ourselves, although we are not afraid of it, and if it is implemented in a careful and reasonable way, we see possible benefits to the community and members of the community.

This process is being presented as an open, fair community process, yet the primary document driving the process (.../johnston_trod_process_10.04.16.pdf) is an extremely biased document written by supervisor Johnston, who, from reading the document, is very heavily against any implementation of additional short term rentals in June Lake, a district which the supervisor does not even represent.

The supervisor has a right to his opinion, as does everyone, but to base a supposedly fair and open community process on such a heavily biased document is unconscionable. To wit:

1. After any discussions, the process specifies an 80% approval vote in any given community. This is outrageous. Obtaining such a large majority on even a slightly controversial issue would be nearly impossible. One might as well just skip the discussions and implement what would essentially be a forgone conclusion. Even if there is a "silent majority" in favor of short term rentals, requiring an 80% approval stacks any election hopelessly in favor of those opposing. This represents a poisoning of any fair community process with an extremely biased election.

2. The process specifies the vote be on a change to the underlying zoning, not on an overlay zoning. As if an 80% approval vote isn't enough, this is an attempt to stack the process even further. Many people who are relatively middle-ground on the issue (as I am), and probably even many who are largely in favor of limited short term rentals would be reluctant to vote for an underlying zoning change, whereas they may be willing to consider an overlay process requiring special permits that would allow more fine-grained control over the short term rentals.

The combination of the above do not represent an open and fair community process, but rather a thinly veiled attempt to stack the decision making process so heavily and unfairly in favor of opposition that a "no" vote is a guaranteed outcome, which can then be presented to the board and planning commission as "proof" that June Lake is "incompatible" with short term rentals of any kind.

With all due respect, it is surprising and disappointing that the board and planning commission would sanction, promote, and incorporate such a heavily biased process based on a similarly biased document, and present it as a fair, open community process. I am completely in favor of accessible public input, but I sincerely hope the more extreme specifications of this process will be reconsidered.

Respectfully yours,

David Rosky

June Lake, CA

Justin Nalder

From: Wendy Sugimura
Sent: Thursday, March 16, 2017 2:35 PM
To: 'Ian Fettes'
Subject: RE: Short-term rentals - neighborhoods

Hi, Ian,

Thanks for your input.

The map exercise is to define neighborhoods so we can hold separate meetings for the various areas. It was suggested (by Supervisor Johnston and confirmed by the CAC subcommittee) that the answer to the rental question should be determined at a neighborhood scale.

Your comment is very applicable, I think, to an actual policy about how to evaluate a rental proposal. I'll record it as part of the conversation and make sure it is reflected in the input received.

Just a clarification on your rental – a rental for 30 or more days is not considered a "transient" or "short-term" rental. That is defined as a "long-term" rental and the County doesn't have anything to do with it. If you want to rent for less than 30-days at a time, you'd need to apply for a Use Permit for a Type I rental.

If you would still like to provide input on how to separate out neighborhoods so these areas can discuss rentals, please feel free to do so! I'll be sending a reminder email to the group a little later, hopefully this afternoon.

Thanks,
Wendy

From: Ian Fettes [mailto:ian@mechdc.com]
Sent: Wednesday, March 15, 2017 3:44 PM
To: Wendy Sugimura <wsugimura@mono.ca.gov>
Subject: Short-term rentals - neighborhoods

Hi Wendy,

During to the June Lake sub-committee meeting last week, you asked for our thoughts on definitions of neighborhoods.
Personally, rather than trying to define neighborhoods, I wonder if a better approach would be to define areas of influence.
In other words, if a dissenting person can neither see nor hear the property wishing to rent - and no traffic to or from the rental property passes the dissenters property - then the dissenters opinion should have no influence on decisions regarding that particular rental property.

In my particular case, I have what would be considered a Type 1 property. I rent it on a longer term basis - one month or more. When I rented short-term, my occupancy rate was about 40%. Now my occupancy rate is essentially 100%. Before, I had one/two guests with one car. Now I have 2-plus guests with 2 cars, so, consequently, the vehicle traffic is higher. The argument against short-term rentals gets pretty thin when applied to Type 1 rentals - which will be rented, one way or another.

I hope this is useful.

Thanks,

Ian Fettes

Wendy Sugimura

From: Wendy Sugimura
Sent: Wednesday, May 24, 2017 10:31 AM
To: 'Ann Tozier'; Bob Gardner; Paul McFarland; Scott Burns
Subject: RE: concerns

Hi, Ann,

Thanks for your email and for sharing your concerns. I can appreciate how this stage of the process is very unsettling. It seems like a lot of chaos and information, and how that will get us to where we want to go seems very unclear.

I would ask you to be patient – the next step of analysis should help clarify what has support and what doesn't, and where we might go from here.

I think of it like this - anytime something big is reorganized – let's say a kitchen – all the dishes, pots and pans, various implements, spices and food, etc., have to be pulled off the shelves so everything can be emptied and cleaned. At that point, it's a massive mess of stuff and we wonder what in the world we're doing, and how we're going to put it all back so that we have a functional kitchen again.

However, we plan for where things will go, and as we start to put things back, the pieces fall into place, perhaps in ways we didn't entirely expect when we set out.

In this process, we're at the point where we've pulled everything off the shelves. I think it's been a great conversation – folks have aired their issues and been able to discuss them in a non-confrontational way, and I think some folks have learned a lot about the whole spectrum of issues and opinions that are out there. We now need to start putting things back on the shelves and applying some order to all this stuff – that is the next step.

I'd also point back to the "principles" the sub-committee established at the outset of this process, before we ever knew how many workshops we would hold or what the format would be. Opportunity for input, consensus/common ground, public engagement, and finality and certainty provide the sideboards for how we do this. These workshops were purposely designed to extract people from entrenched positions for and against, and allow for discussion about the issue itself – not just one's position. That is how we ensure input and engagement, and seek common ground.

At the end of the day, if the Board wants to send the question to a vote, they can still do that. There would be a lot of questions to figure out, and so that would be a whole different conversation. We did discuss the vote in the sub-committee, and I think it was you who raised the point that there would need to be a lot of education that would need to go along with it. At the very least, these workshops provide that education for those who have attended.

Also, keep in mind that while the Clark Tract (and to some extent, Petersen Tract,) is the most contentious, this process may allow for the other areas of June Lake to be resolved. That resolution would be better than where we started from, at any rate.

I think the long time frame of workshops is playing into some frustration as well. We started these workshops on May 13, and folks won't start to see how the information works for us until early June. Uncertainty for that long can be aggravating.

Normally, we would have kept things moving faster from workshops to analysis, but these dates were identified by the subcommittee and community as being needed to ensure adequate opportunity for input. We just have to be patient and allow everyone that opportunity before we start to sort through the information. You raise valid points about the

information itself, and Paul and I have been discussing these issues as well. We'll do our best to address these issues and try to clarify what this information represents and how it is to be used. It certainly does not meet statistical or scientific data integrity, and we would never represent it that way.

Anyway, I don't know if this helps at all. My main point, I suppose, is to ask you to be patient and let it play out.

Thanks,
Wendy

From: Ann Tozier [mailto:anntozier@gmail.com]
Sent: Wednesday, May 24, 2017 7:34 AM
To: Bob Gardner <bgardner@mono.ca.gov>; Wendy Sugimura <wsugimura@mono.ca.gov>; Paul McFarland <pmcfarland@mono.ca.gov>; Scott Burns <sburns@mono.ca.gov>
Subject: concerns

I have already expressed my concerns over how this transient rental issue is going to be determined for each neighborhood in June Lake, and yes my primary concern is for my, the most contentious, tract. Though I have already expressed myself a little to Wendy and Scott, I would like to emphasize my thoughts in an email, because a lot of time is being spent on this and a lot is at stake.

I don't see any way to get around a vote, at least for the Clark Tract, by property owners. The way the information is being gathered makes no sense to me toward the eventuality of finding a clear answer, yay for STR, yay for STR with modifications, or nay to STR.

For starters, I know you have received emails and they were probably not able to attend any meeting and produce sticky dots or "get educated." Attendees were "forced" to write negative comments, even if they were for STR, and positive comments, even though they may have been against them. As a result, those ideas mean nothing about how anyone feels about allowing them or not. The same goes for the sticky dot exercise. The sticky dot exercise was the only one that resembled, and I say "resembled" because I know it was not, a vote. I put a number of dots on ideas of how to improve STR, even though I am against them in the Clark Tract (except for possibly Type 1). I did that because if the "vote" was to keep them, I would want them modified... but it did **not** mean I want them in my neighborhood. The mere gathering of ideas from both sides does not constitute a conclusion of how folks fee.

I don't see getting around a vote. What do you see?

Thanks, Ann

Wendy Sugimura

From: David Rosky <dave.rosky@gmail.com>
Sent: Thursday, May 04, 2017 2:19 PM
To: Wendy Sugimura
Subject: Re: Short term rental workshop question

Categories: JL STRs

Hi Wendy,

Thanks for the reply.

I will try to make one of the meetings. We're part time residents, planning to be full time in a few years, but at the moment we here primarily on weekends. If I end up not being able to make the meeting, then I can perhaps make a statement through email.

It also sounds like some letters should potentially be addressed to the supervisors and planning commission, since it sounds like to some degree, decisions have already been made regarding June Lake, and these meetings might largely be passing it down. I don't specifically mean that to sound cynical, but it sounds like it might be the case to some extent.

A few additional observations for the moment:

What really concerns me is the process. I could accept what you are saying if, for example, it can be proven (through an official vote of some kind, not just a count of vocal people at a meeting) that a true majority of the residents of, say, the Clark Tract are strongly against it. My perception, however, is that the "incompatibility" is the perceived result of a very vocal minority. Casting separate rules into concrete for individual neighborhoods based on a vocal minority is not right just to make sure that the county will never need to deal with and resolve conflict. Conflicts may occur, but they should be dealt with rather than cause everyone to be unable to avail themselves of the general policy.

Furthermore, for specific restrictions to be placed on individual neighborhoods, people should have to show that such activity actually physically affects them in a negative way.

I don't want to be all negative, and I've been taught that if you are going to complain about something, you should offer an alternative. To that effect, what I feel would be far more appropriate are specifically stated mitigations that have to do with physical issues like parking, traffic, noise, etc., not some general "incompatibility" based on a loud minority of people who just simply don't like the policy even though it can be implemented in a way that would not affect them.

Examples of the above might be limits on the number of nights per year, limits on the number of rooms or renters, limits that state that the property owner must be present (e.g., bed and breakfast type operation vs. all-out rental), etc. These kinds of limits might be acceptable in order to reduce the impact in certain areas rather than a black-and-white, all or nothing approach.

To end with a question, are the specific characteristics of these overlays still under consideration, such as I just mentioned in the previous paragraph? If so, I might like to add some details to those proposals and have you register that as a comment. Or is the decision now just whether various June Lake neighborhoods are completely in or out?

Thanks..

Best regards,
David

On Tue, May 2, 2017 at 1:46 PM, Wendy Sugimura <wsugimura@mono.ca.gov> wrote:

> Hi, David,
>
> I understand your concern, and your rationale is the reason why the initial approach utilized one "tool" or "mechanism" for all of Mono County. Through the controversy that ensued, and conversations with the Mono County Board, Planning Commission, the June Lake Citizen Advisory Committee, and general community conversations, some recognition surfaced that different neighborhoods in June have different characteristics and different levels of tolerance for short-term rentals.
>
> The current approach is similar to a land-use "zoning" type of exercise, where some areas are more appropriate for commercial, or residential, or mixed use. Even within residential, there are several levels of "intensity" that are zoned differently. So, the idea that different neighborhoods have different character such that short-term rentals are compatible with some and not others has the same logic pattern.
>
> Regardless, you are welcome to voice your concern about the approach, either in the upcoming meetings or I can log your email as your comment. However, just to be clear, this approach is the direction I received from the Board, which was then vetted with the Planning Commission and June Lake CAC, and so I can't unilaterally decide to change it. I would still encourage you to add your opinion about it to the mix, though.
>
> Hope this helps!
>
> Thanks,
>
> Wendy
>
> **From:** David Rosky [mailto:dave.rosky@gmail.com]
> **Sent:** Thursday, April 27, 2017 9:34 PM
> **To:** Wendy Sugimura <wsugimura@mono.ca.gov>
> **Subject:** Short term rental workshop question

Hi Wendy,

My name is David Rosky, and we are in the Clark Tract. I have received the mailings regarding the workshops and will try to attend one of them.

I'm particularly both curious and concerned about a comment in the body of the email, though. At one point, it says "Each neighborhood will have the opportunity to consider if short-term rentals should be allowed or not, and the implications of those decisions." I'm wondering how such a decision would proceed. Would a small handful of vocal opponents of short term rentals be allowed to decide at a meeting for the entire community? Would it require a vote among the community at large, with a required minimum participation?

I personally feel that in an area without a specific HOA or specific CC&Rs, whatever rules the county adopts as whole should apply in those areas. Otherwise, we are effectively being forced into a de facto CC&R that we never agreed to.

The county should consider public opinion in its rule making, but whatever the county decides should be both binding on, and available to, all residents that don't have specific overriding CC&Rs already in place. If a certain neighborhood can make themselves exempt from one set of rules, what't to keep them from making themselves exempt from any other set of rules? It sets a bad precedent to do so.

Best regards,

David

Wendy Sugimura

From: Ian Fettes <ian@mechdc.com>
Sent: Sunday, May 21, 2017 7:05 PM
To: Wendy Sugimura
Subject: STR's

Hi Wendy,

I'm a little disturbed that it's apparent that people still do not understand the difference between Type 1's and Type 2's - even though you outline the differences at the beginning of each meeting.

Jill Stark, who I think has attended most of the meetings so far, came up to Scott Burns and I on Saturday and, in the course of our discussion, asked "what exactly is the difference between the two types of rentals".

Also, again on Saturday, I had a discussion with Roxanna (Fodera?) and it was clear that she did not appreciate the difference between the two. She has been present at every meeting that I've attended.

As you know, the two types of rentals are significantly different, and that is presumably why the County has introduced the concept of the Type 1.

Type 1's have been excluded from the moratorium on SLR's in Mono County (with the exception of June Lake) precisely because they have not attracted the controversy associated with Type 2's.

The occupancy of Type 1's is limited - typically one to two people and, because the properties are owner-occupied, the management is on-site. That's obviously why Type 1's have received more general acceptance.

I listen to your description of the two types and, although it seems clear to me, I'm concerned that somehow it's just not getting across.

Anything that you can do to better clarify this distinction would be greatly appreciated.

Thanks!

Ian

Wendy Sugimura

From: Debra Bryan Mahony <bryanmahony@gmail.com>
Sent: Friday, May 12, 2017 12:18 PM
To: Paul McFarland
Cc: coachronci@gmail.com; lilabldona@suddenlink.net; sammahony@gmail.com; sierrahiker@hotmail.com; Member Service; Ann Tozier; Bob Gardner; ian@mechdc.com; mrosasltd@hotmail.com; dlindsey@juno.com; bill@nanostencil.com; gretchen03 @earthlink.net; carol.postmus@gmaill.com; rebjl1@yahoo.com; Wendy Sugimura
Subject: Re: Vacation Rental Study - Colorado Association of Ski Towns

Hi Paul,

Thank you for the Colorado Ski Town discussion.

Another interesting manner in which Lake Tahoe is managing the nightly rental situation, can be found on VRBO,HomeAway/VacationRental website.

Tahoe has 'noise sensitive communities'. These are homes that are close together, where loud noise In or out could disturb neighbors.

The rental agreements for these nightly zoned rentals, have very stringent and specific rules regarding noise and the control of noise.

This is another way the Tahoe communities have addressed nightly rentals.

Sam and I will miss the May 13, 2017 meeting, as we are out of town moving the 90s parents into assisted living.

We look forward to attending the remainder of the community meetings.

Sincerely,

Bryan Mahony

On Wed, May 10, 2017 at 9:09 AM, Paul McFarland <pmcfarland@mono.ca.gov> wrote:

> Hello June STR sub-committee folks –
>
> Please find attached a study from the Colorado Association of Ski Towns addressing the issues, emerging trends and best practices surrounding vacation home rentals. This report is also now posted on the County's short-term rental webpage at http://www.monocounty.ca.gov/community-development/page/short-termtransient-rentals
>
> Please feel free forward this report around to others you know are interested.
>
> Thanks, paul

Paul McFarland

Assistant Planner

Mono County Community Development Department, Bridgeport Office

760-932-5433

Office Hours – Tuesday, Wednesday, Thursday 8am to 3pm

--
Bryan Mahony
760 937 7142
bryanmhaony@gmail.com
PO Box 69
June Lake, CA 93529

Wendy Sugimura

From: Dale Greiner <dtgreiner@gmail.com>
Sent: Saturday, May 27, 2017 11:26 AM
To: Wendy Sugimura
Subject: STR's

Categories: JL STRs

Hi Wendy:
I am submitting this email in support of the STR approach in a form that benefits the owners to the max. This is a win-win situation for all involved. Any other approach would be a disadvantage to the owners or the County. I would like to see the County be more involved in the code enforcement portion to provide a level of comfort for the citizens who encounter unsavory renters.
As a side note; not allowing STR would be very detrimental to the Village of June Lake as well as income for the County.

Respestfully--
Dale Greiner
23 Granite Ave
June Lake

Wendy Sugimura

From: Leslie Chapman
Sent: Monday, April 17, 2017 3:48 PM
To: Scott Burns; Wendy Sugimura
Subject: FW: Form submission from: Contact the County

-----Original Message-----
From: Mono County California [mailto:noreply@mono.ca.gov]
Sent: Monday, April 17, 2017 3:10 PM
To: Leslie Chapman <lchapman@mono.ca.gov>
Subject: Form submission from: Contact the County

Submitted on Monday, April 17, 2017 - 3:10pm Submitted by anonymous user: [68.118.142.66] Submitted values are:

Name: James Heiting
E-mail Address: heit49@aol.com
County Department: Community Development
Comments: I am a property owner in June Lake at the Edgewater Condos. I understand there may be a meeting to discuss short-term vacation rentals in June Lake in the next month or so. I want to voice my support for continuing availability of short-term rental space in June Lake. Such is a necessity to the economy of the area and the life of the area.
IP Address: 68.118.142.66

The results of this submission may be viewed at:
http://monocounty.ca.gov/node/913/submission/1306

Wendy Sugimura

From: Bob Gardner
Sent: Wednesday, May 24, 2017 5:51 PM
To: Wendy Sugimura
Subject: FW: June Lake Short Term Rentals

fyi as we discussed.

Bob

-----Original Message-----
From: Gib Lanpher [mailto:eglanpher@yahoo.com]

Sent: Monday, May 1, 2017 9:10 AM
To: Bob Gardner <bgardner@mono.ca.gov>
Cc: stark@fairplex.com
Subject: June Lake Short Term Rentals

Dear Bob:

I understand that there are a series of meetings scheduled at the end of May that will be addressing the issue of short term rentals on the June Lake loop. Like many second home owners we will not be able to attend as we normally spend July-September at the Williams Tract house that our family built in 1960. Through you, however, I would like to share a few thoughts on the issue.

First, the Williams tract is quite small compared to the other tracts being evaluated. There are essentially only two roads, Aspen Road off of highway 158 which has long been accepted by and maintained by the County, and Pinecrest Avenue which is privately maintained. Our house, 75 Pinecrest, is one of four on the Avenue -- all second homes. Rarely are any used in the winter because Pinecrest is steep and impossible to plow once serious snow falls. While I hesitate to speak for my three Pinecrest neighbors, I'm quite sure that like us they do not favor opening our neighborhood to short term rentals.

Second, let me address the Aspen Road portion of the Williams tract. I think there are six privately owned single family homes and two long-term rental duplexes on the Road, and two commercial cabins/condos just as one enters Aspen Road from 158. I believe only one or two of the single family homes are occupied year-round. John and Candy Logue should be consulted as one of these owner/occupiers.

Finally, I'm curious as to what is driving the push for short term rentals. Most, if not all, June Lake property owners knew or should have known about the 30 day rule when they acquired their properties. Now some want to change the rule so they can monetize what may have been an excessive investment. Is there a push by Mammoth/June Mountain to encourage more local beds to support the ski area? I imagine the County is probably supportive as it would increase TOT revenue from an unincorporated area. It seems to me that changing the long time well understood rules leaves those of us who bought/built in non-commercial areas of June Lake in the lurch.

Bob, Please share the foregoing with the relevant CAC and County folks.

As long time owners and pretty substantial taxpayers, I think it would be better to schedule important meetings for July/August when more second homeowners would be available to attend. While meetings are worthwhile, I think before there are any changes in the rules regarding rentals, the County should poll all property owners on eah of the potentially affected tracts. It would not be hard as the County has all names and addresses in the tax office.

Best regards. Gibson Lanpher

3801 Warren st. NW

Washington, DC 20016

June Lake Area Plan: Short-Term Rentals

June Lake CAC
September 6, 2017

Ground Rules

- Be respectful and civil
- Represent yourself and your own opinion/intentions
- Participate positively
- Give all ideas an honest chance
- Seek understanding
- Stay focused

Staff Role

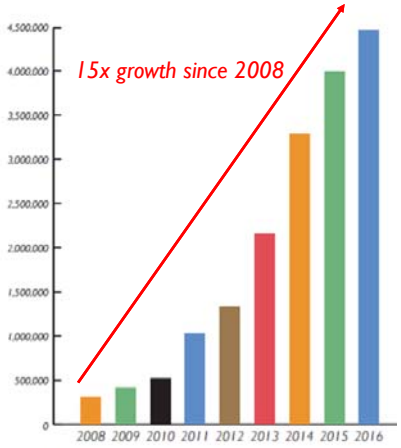
- **We are listeners, facilitators, and analysts:**
  - Accurately record what you say
  - Provide analysis to show where there is common ground
  - Identify irreconcilable differences
  - Encourage the exploration of solutions
  - Develop policies based on these outcomes
- **Our job is to lay out issues for decision – we aren't trying to "sell" anything**

Discussion Outline

- Background
- Review of process
- Review workshop information
- Review policy direction and solutions
- **New: June Lake policies, best practices, solutions used by other jurisdictions**
- **New: Proposed policies**
- Next steps

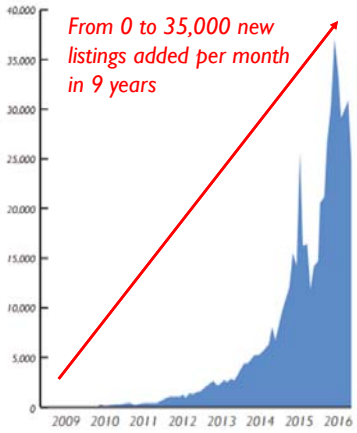
THE SHORT TERM RENTAL INDUSTRY IS EXPLODING

Global listings on top four platforms (2008 - 16)*



**Airbnb, VRBO, Flipkey, Homeaway*

Global listings created by month (Airbnb 2009 - 16)



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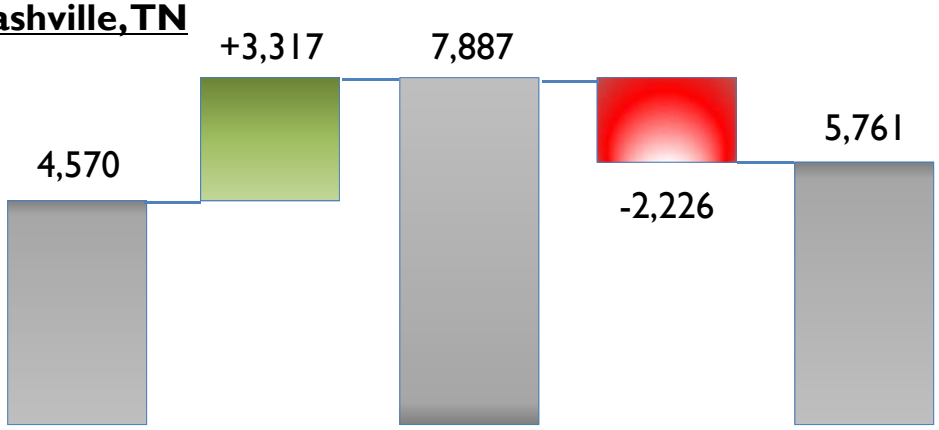
HOST COMPLIANCE

THE STR MARKET IS VERY DYNAMIC AND SEASONAL

Nashville, TN



Active STR listings as of 7/19/16	New STR listings between 7/19/16 and 2/24/17	Total # of Listings active between 7/19/16 and 2/24/17	Listings deactivated between 7/19/16 and 2/24/17	Active STR listings as of 2/24/17

New STRs as a % of Active STRs on 7/19/16 = 72%

iCompass

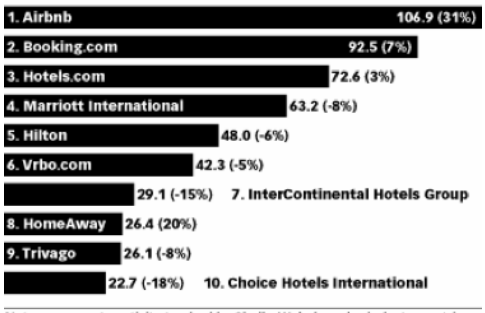
HOST COMPLIANCE

SHORT TERM RENTALS HAVE BECOME MAINSTREAM

More people visit Airbnb than any hotel or travel booking website

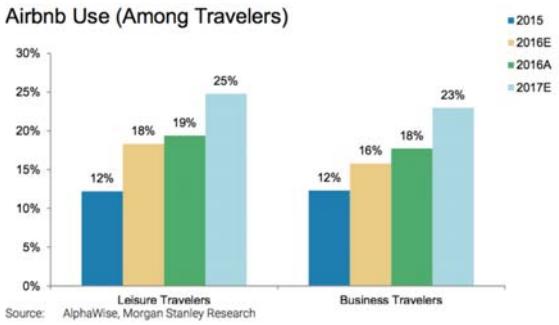
Top 10 US Hotel & Accommodation Sites, Ranked by Total Traffic, Q1 2017

millions and % change vs. same period of prior year



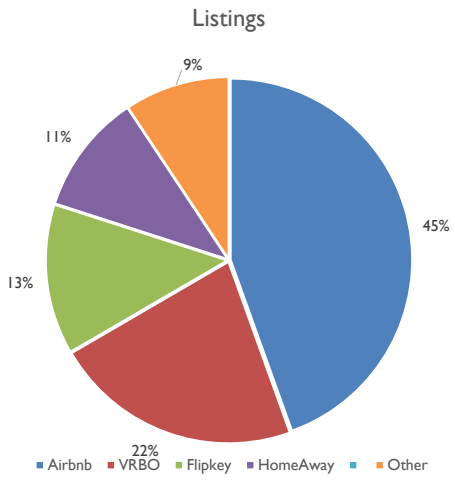
Note: represents activity tracked by SimilarWeb, broader industry metrics may vary; includes desktop/laptop and Android mobile devices

~25% of the travelling population in the U.S. has now stayed at a short-term rental



Sources: SimilarWeb; "Travel Trends & Insights, May 12, 2017; AlphaWise; Morgan Stanley Research

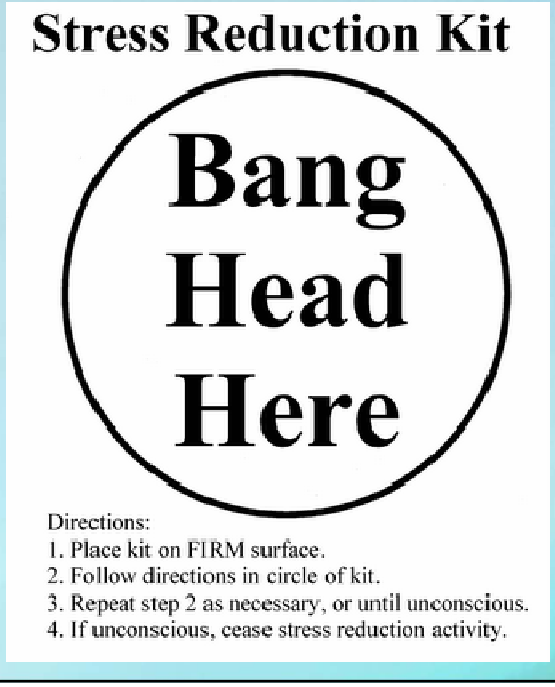
WHILE AIRBNB AND VRBO GETS ALL THE PRESS, THEY ARE ONLY TWO OF THE PLAYERS IN A FRAGMENTED MARKET



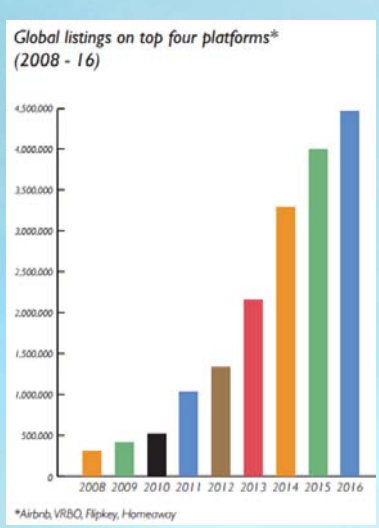
Source: Host Compliance

We have heard you:

Make It Go Away!



Reality: No Silver Bullet, No Magic Wand



COMMUNITY TENSION: SHORT-TERM RENTALS IS A POLITICALLY SENSITIVE ISSUE WHICH CAN CAUSE A LOT OF TENSION IF UNRESOLVED

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HOST COMPLIANCE

Past Mono County Policies

- ~2008-2015: Transient Rental Overlay Districts (TRODs)
  - Focus: Increase tourism opportunities and provide additional economic support to homeowners
  - Process: Overlay district approved by General Plan Amendment
- 2015-2017: Type I & Type II Short-Term Rentals
  - Type I rentals are owner-occupied and approved by Use Permit
  - Type II rentals are non-owner occupied and approved by General Plan Amendment
  - Moratorium county-wide on Type II rentals until Feb. 26, 2018
  - June Lake Area Plan policies to be updated before applications can be processed
- 2017: June Lake Area Plan Policy Update

Residents Established the Process

- **Purpose:** *Conduct a community conversation to update June Lake Area Plan policies to address short-term rentals in residential areas.*
- **Need:**
  - Short-term rentals are a common issue in resort areas and is not going away.
  - Decisions are needed to handle the issue and ensure protection of area and neighborhood character.
- **Principles:**
  - Opportunity for input
  - Consensus/common ground in the best interest of the community
  - Public engagement
  - Finality and certainty

Residents Established the Process

- Neighborhood maps: Board direction & subcommittee consensus on the premise that neighborhood character varies
- Outreach campaign and calendar
- Workshop Calendar

Set up to avoid the "yes" vs. "no" trap that does not create space to explore nuanced, tailored policies.

Policy development and public opinion is messy. There are no black-and-white, right-or-wrong answers.

Steps

1. **Community Outreach:** mailer to all tax addresses & PO Boxes
2. **Workshops:** ~40 hours of public engagement
3. **Analysis:** common ground, irreconcilable differences, potential solutions
4. **Develop Policy Direction** consistent with input and analysis
5. **Proposed Policies:** craft June Lake Area Plan policies
6. **Adoption:** Vetted through the June Lake CAC and Planning Commission, the Board of Supervisors adopts the final policies.

Body of Information

- **242 pages of workshop information:** presentations, raw verbatim public input, sorted information and initial analysis, analysis of potential solutions, attempt to seek consensus
- **Best practices:** Colorado Ski Towns study, Host Compliance research
- **Other jurisdictions:** researched specific examples, Community Development Director Listserv discussion (Calaveras, Mariposa, Alpine counties; city/county of San Francisco)

No Silver Bullet. No Magic Wand.

Neighborhood Character: WHY we regulate

- Wildlife
- Nature & environment
- Dark skies
- Sense of neighborhood/friendly neighbors
- Peace & quiet, and privacy
- Views
- Low density & residential development
- Safe
- Low/slow traffic
- Leonard: well-planned, larger lots, accessible

Concerns: reduce, eliminate, mitigate

- Disrupts neighborhood / disrespectful behavior
- Poor management & inadequate enforcement
- Change in property values / residential character, too many
- Increased noise, lights, trash, parking, traffic problems
- Decreased safety
- Wildlife issues
- Negative impacts to local businesses (particularly lodging)
- Reduced workforce housing
- No equity – no contribution to neighborhood needs

Impacts may be caused by:

- Permanent residents
- Second homeowners
- Guests of residents and/or second homeowners
- Legitimate long-term renters
- Legal short-term renters
- Illegal short-term renters

Opportunities: enhance, increase, support

- Local economic benefit
- Meets market need
- Increased county revenue
- Opportunity to be ambassadors and educate visitors (e.g., about wildlife issues), social opportunity
- Increased regulatory control and accountability
- Benefits property owners, incentive to maintain property
- Potential to financially contribute to neighborhood needs
- Provides flexibility and personal choices

Issues, Opportunities and Constraints

Adopted June Lake Area Plan: Land Use

Goal 13: That June Lake ultimately develop into a moderately sized, self-contained, year-round community.

Objective 13.B. Promote well-planned and functional community development that retains June Lake's mountain-community character and tourist-oriented economy.

Objective 13.K. Retain the Down Canyon's single-family residential character while providing for additional commercial development along SR 158 and pockets of higher-density residential uses.

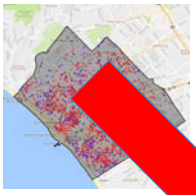
Policy 13.K.1. Retain the area's single-family residential character while allowing for pockets of higher-density residential developments in areas that have good automobile access and commercial developments, bordering SR 158.

Proposed Policies

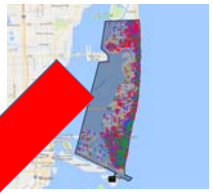
- Existing June Lake policies exhibit a "push-pull" dynamic between community character and the tourist economy.
- To swing too far in one direction is to neglect the other, which is not consistent with current policy.
- However, given the issues, opportunities, and constraints, the proposed policies contain a shift in focus.
  - Focus: Support a small-scale supplemental sharing model rather than a business or investment model.

COMPLETE SHORT-TERM RENTAL BANS HAVE PROVEN TO BE INEFFECTIVE AND EXPENSIVE TO ENFORCE.

Santa Monica, CA
1,252 STRs



Miami Beach, FL
7,112 STRs



Bans don't work!

New York, NY
45,433 STR

West Hollywood, CA
1,324 STRs

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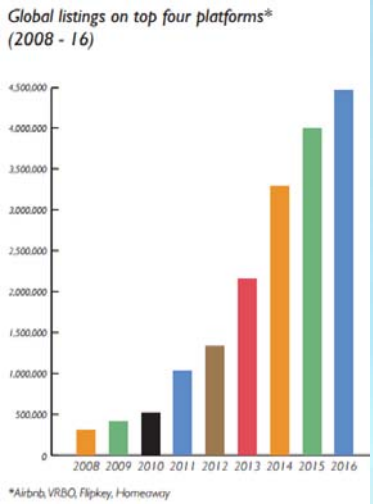
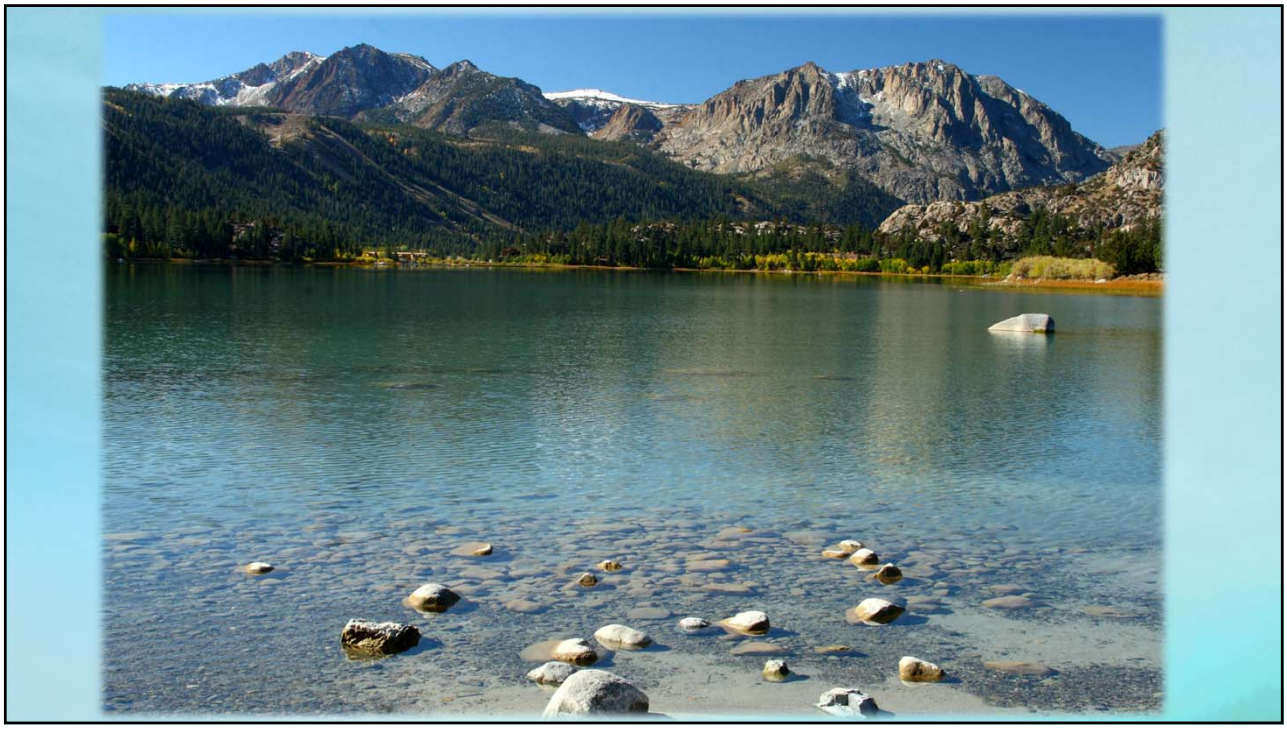
HOST COMPLIANCE

Reality: No Silver Bullet, No Magic Wand





June Lake Area Plan Update 2017
Short-Term Rental Policies

I. ISSUES, OPPORTUNITIES AND CONSTRAINTS

Community Development: Land Use

16. The short-term rental market (i.e., rentals for less than 30 days) in residential neighborhoods has exploded worldwide, exhibiting a 15x growth rate from 2008 to 2016, and is also affecting June Lake. The market is dynamic and seasonal, and rentals have become mainstream. No "silver bullet" exists; a variety of creative solutions and mechanisms are needed to address the complexity of the issue. Effort is being made to avoid the trap of "yes" vs. "no," which results in a polarized discussion that does not delve into nuances of how to best tailor policies and regulations to solve problems and take advantage of opportunities.

17. The short-term rental phenomenon in residential neighborhoods has some basis in the idea that excess assets can be rented to or shared with others, potentially for a fee that benefits the owner. Given the growth in the short-term rental market, the market has evolved from a small-scale supplemental sharing model to a full investment or business model.

18. In order to provide opportunity for public input, develop and identify any consensus/common ground in the best interests of the community, engage residents in conversations about the character of their neighborhoods, and seek certainty and finality regarding short-term rentals, over 50 hours of community workshops were held supported by over 200 hours of staff time since Dec. 2016. Workshops included education on the existing industry/market and County regulations and identification of community character, technical considerations and issues of individual neighborhoods, concerns and negative impacts, opportunities and benefits, and potential solutions, and the input is funneled into the development of policies and regulations.

19. Concerns expressed about short-term rentals include disruption of the sense of neighborhood, impacts to quality of life, inappropriate behavior and lack respect for the neighborhood by renters, lack of enforcement, poor management, reduction in workforce housing units and property values, reduction in safety, inequitable competition for traditional hotels/motels, and environmental and wildlife issues.

20. Opportunities expressed about short-term rentals include meeting a tourism market need, economic development for June Lake, tax revenue for the County, assisting homeowners in keeping and upgrading their properties, the potential for reduced impact compared to long-term rentals, accountability and enforcement through regulation, protecting property rights, and educating, socializing with, and serving as ambassadors to visitors.

21. Very few legal mechanisms exist that require accountability by the online platforms, and some of these platforms are lobbying for regulations at the state level to limit local government power. As a result, a regulatory solution is not likely to emerge by regulating online platforms any time soon unless legal proceedings are pursued.

22. Differentiating between neighborhood impacts of illegal rentals vs. legal rentals is difficult, and the court of public opinion often does not recognize a difference. The County has received very few complaints and had only one enforcement case to date against regulated and properly permitted short-term rentals.

23. Local governments like Mono County are challenged to provide cost effective enforcement, whether rentals are legal or illegal, due to 1) rental properties spread across many hosting platforms; 2) listings are highly dynamic, constantly changing and requiring frequent monitoring and tracking; 3) data is not easily accessible through the

hosting platforms, making acquisition of addresses, owners, frequency of renting, etc., very difficult; and 4) hosting platforms may prevent property owners from including permit data on their listing. A multi-pronged enforcement effort is needed to be successful, and be should coordinated across County departments.

24. Industry data indicates short-term rentals will not stop if they are banned or prohibited. They will continue to be an issue that potentially impacts neighborhoods and requires a County response.

Community Development: Housing

25. The increase in short-term rentals in single-family residential areas has the potential to further reduce the already limited housing stock available for workforce housing.

Community Development: Tourism

61. Short-term rentals (rentals less than 30 days) in single-family residential areas meets a tourism market need and has the potential to utilize existing units for additional visitor accommodations, rather than units remaining vacant and not contributing to the local economy.

Existing Policies

Community Development: Land Use

GOAL 13. That June Lake ultimately develop into a moderately sized, self-contained, year-round community.

Objective 13.A.
Promote the expansion of the June Lake Loop's privately owned land base to accommodate planned community growth.

Policy 13.A.3. Consistent with the intent Chapter 25 of the Land Use Element, approve Transient Rental Overlay Districts (TRODs) only within June Lake residential neighborhoods exhibiting support for allowing transient rental of single family homes.

Objective 13.B.
Promote well-planned and functional community development that retains June Lake's mountain-community character and tourist-oriented economy.

Objective 13.K. Retain the Down Canyon's single-family residential character while providing for additional commercial development along SR 158 and pockets of higher-density residential uses.

Policy 13.K.1. Retain the area's single-family residential character while allowing for pockets of higher-density residential developments in areas that have good automobile access and commercial developments, bordering SR 158.

*** *** ***

Policy Revision Options

Proposed Policies	Alternatives (not comprehensive or exhaustive)
1. Delete Policy 13.A.3.	2. Retain Policy 13.A.3. and replace the TROD reference with Short-Term Rentals. Type I and II rentals would be regulated under Chapter 25 as it currently exists.
3. **Objective:** To balance the character of single-family residential neighborhoods and the tourist economy, utilize a mix of best practices, creative solutions, and regulatory mechanisms, as guided by public input and engagement, to address the complexity of short-term rentals.	4. **Policy:** Prohibit short-term rentals in all single-family residential land use designations in June Lake. a. **Action:** The community acknowledges a ban will not make short-term rentals disappear; industry data indicates rentals continue despite a ban. b. **Action:** The County shall pursue enforcement efforts within available resources (see #22 below), and it is acknowledged that while progress can be made, illegal rentals are likely to persist.
5. **Policy:** Short-term rentals should be evaluated in June Lake within the context of specific neighborhoods (see map), which vary in character. a. **Action:** Policies and regulations may be tailored to meet individual neighborhood character.	6. Establish policies and regulations that apply to all of June Lake, and do not consider regulations specific to various neighborhoods.

7. **Policy:** Short-term rentals in single-family residential neighborhoods should support a model for the supplemental sharing of excess assets, rather than a full business or investment model. a. **Action:** Only the property owner may apply for a short-term rental permit, and the owner is the responsible party. b. **Action:** Short-term rentals shall be limited to one per person or entity and one per parcel.	8. Modify, add, or eliminate policy or actions.
9. **Policy:** Type I (owner-occupied) short-term rentals, as defined in Chapter 25, in single family residential land use designations may be considered only under limited and highly regulated conditions in some areas, subject to Chapters 25 and 26. a. **Action:** To address concerns raised by the community regarding potential neighborhood impacts, the following requirements and regulations shall be added to Chapter 26 for short-term rentals in June Lake: • Exterior lighting fixtures shall comply with Chapter 23 – Dark Sky Regulations, which may require existing fixtures to be replaced or retrofitted. • Owner or manager must respond on-site when warranted within 30 minutes. • Quiet hours from 10 pm to 7 am, and no outdoor amplified sound. • Outdoor parties, which may include special events, outdoor events, lawn parties, weddings, and similar activities, are prohibited. • Owner shall acquire home insurance coverage that specifically covers short-term renting, and shall maintain appropriate liability coverage that covers injury and damage to hosts, guests, and others. • Owner shall notify lender of change in use to short-term rental, and provide verification to County upon request. • Maximum occupancy of 10 persons, which may be further limited by septic system or other requirements, and shall be posted over the primary exit door. • The number of allowed vehicles shall not exceed the number of on-site parking spaces. • In order to rent a detached and separate unit, the property owner must occupy the other unit on the property. • Landline phone service is required, and owner must disclose the limited service by cell phone carriers. • A "hideaway" key or other access is required in the event a guest is locked out.	Potential regulations pending legal counsel advice: • Owner and renters shall hold harmless area residents where private roads are used to access the property. • Can the County require payment into a private fund for community services, such as road repair? 10. Add, modify, or eliminate policies or actions.

• For emergency and safety purposes, provide a medical kit consisting of basic first aid equipment, and a survival kit including water, food, radio, batteries, and other common equipment. The kits must be maintained in good order and clearly identified. • Post management contact information online. • Interior informational sign shall also include an evacuation plan and a statement regarding respect for adjacent property owner's rights, neighborhood character, and trespassing concerns. b. **Action:** In order to limit changes to residential neighborhood character, short-term rentals in the Clark Tract shall not exceed ~3% of parcels, or eight rentals (of 245 parcels), similar to Durango, CO. c. **Action:** In the Clark Tract, in order to ensure prepared visitors, the following must be disclosed in advertisements and the rental agreement: a description of rough road conditions, and the potential need for chains in winter conditions. Contact information for the manager/owner if road assistance is needed shall be included in the rental agreement. d. **Action:** Explore options to offset loss of workforce housing via housing studies and General Plan policy development, which may include requiring a unit be available for long-term rentals for 4-6 months of the year, mitigation fees, etc.	11. Expand the 3% cap to all single-family residential land use designations in June Lake.
12. **Policy:** Short-term rentals may be prohibited in neighborhoods with certain safety and/or infrastructure characteristics that are not compatible with visitor use, or where conflicts with other regulations exist. a. **Action:** Short-term rentals may be prohibited where one or more of the following safety or infrastructure conditions exist: • Emergency access issues due to a single access point to/from the neighborhood (see Safety Element, Objective 5.D. and subsequent policies, and Land Use Element 04.180). • Access to the parcel, in whole or part, includes an unimproved dirt road (e.g., surface is not paved or hardened with a treatment) and/or roads are not served by emergency vehicles. • The majority of parcels in a neighborhood/ subdivision are substandard or small (less than 7,500 square feet), potentially resulting in greater impacts to adjacent neighbors and/or changes to residential character. • Current water or sewer service is inadequate or unable to meet Environmental Health standards.	13. Add, eliminate, or modify conditions supporting prohibition.

b. **Action:** Short-term rentals may be prohibited in the following neighborhoods due to small parcels and/or emergency access issues: Petersen Tract and Williams Tract. c. **Action:** Short-term rentals should not be approved when prohibited by homeowner association CC&Rs and proof is submitted by the HOA to the County in order to respect the local homeowner's determinations and prevent civil legal issues. d. **Action:** Uses on federal lands (e.g., Forest Service cabins) are governed by federal regulations, and the County's current understanding is that short-term rentals are allowed up to two weeks. These rentals are required to comply with TOT requirements.	
14. **Policy:** Short-term rentals may be considered in non-owner occupied properties, where deemed appropriate, by changing the Land Use Designation to Single Family Residential – Short-Term Rental (SFR-STR). a. **Action:** A short-term rental use shall be subject to use permit, applicable provisions of Chapter 25, and Chapter 26 (including provisions specific to June Lake). The use permit shall run with the owner and not with the land, and the rental shall be limited to a single party of individuals. b. **Action:** Due to large lot sizes, roads similar to County standards, and proximity to the Village, the Leonard Avenue neighborhood and Highlands Specific Plan area should be redesignated SFR-STR.	Modify the SFR-STR Land Use Designation: 15. Allow short-term rentals in SFR-STR as a permitted use or Director Review (with or without notice), subject to Chapter 26. 16. Reduce the minimum district size. Utilize a different approval process: 17. Permit Type II rentals in specified areas as defined in Chapter 26. 18. Require identified areas to change their Land Use Designation by annexing into an adjacent LUD, or to an applicable existing LUD. Other: 19. Do not allow Type II rentals or the equivalent.
20. **Policy:** To support the tourist economy, short-term rentals are allowed in a limited form, and additional opportunities could be explored. a. **Action:** The Rodeo Grounds development could be a potentially appropriate location for short-term rentals, and the opportunity should be explored. b. **Action:** Support an even playing field, e.g., equitable regulations and taxation, between hotels/motels and short-term rentals to support existing commercial lodging facilities.	21. Add, modify, or eliminate policies or actions.
22. **Policy:** Expand the enforcement effort to be more proactive, comprehensive, and include a larger suite of tools and methods, subject to County resource availability. a. **Action:** Implement an education campaign on short-term rentals, which may include a flyer in property tax bills or other County mailings/communications, posting regulations on hosting websites (e.g., Airbnb's "Responsible Hosting" webpage), refocus the County's related webpage, information via Mono County tourism	23. Add, modify, or eliminate policies or actions.

marketing and the Chamber of Commerce, and local media articles. b. **Action:** Provide for a private right of action for property owners within 100' of a short-term rental, similar to the City and County of San Francisco, which may be resolved in small claims court and does not provide for attorneys' fees recovery. c. **Action:** Consider a "three strikes" mandatory permit revocation policy, similar to Steamboat, CO and Santa Fe, NM. d. **Action:** Provide an anonymous reporting hotline for illegal rental activity. e. **Action:** The County shall, resources permitting, invest in technology, systems, and services to support identification of violations, tracking, enforcement actions, and other compliance issues, such as provided by Host Compliance. f. **Action:** The County shall, within legal constraints, coordinate information between department such as Community Development, Environmental Health, Tax Collector, Sheriff, and Assessor, to ensure comprehensive permitting, taxing, approvals, and enforcement. g. **Action:** Require Vacation Home Rental permit numbers to be posted in the title of the short-term rental online advertisement. h. **Action:** Existence of a listing for an unpermitted unit is *prima facie* evidence of a violation. i. **Action:** To support accountability, an annual permit renew renewal, certification report, and fees shall be required for short-term rental use permits, subject to the following requirements (coordinate this renewal with business license renewal process): • An annual self-certification under penalty of perjury for all requirements in the June Lake Area Plan and Chapter 26 is required. • Owner must confirm/update management contact information, to be kept on file by the Community Development Department. • Payment of fees, as established by the Board of Supervisors, for staff time. • Failure to submit annual report by deadline would result in a delinquency letter and additional fee. • After 45 days from the notification letter, failure of an owner to meet all requirements in this section shall be deemed a violation and the permit shall not be renewed.	24. Specific private right of action language needs to be provided by County Counsel. 25. Legal barriers for sharing Tax Collector information, even between County departments, exist and may prevent seamless coordination. 26. Pending legal counsel guidance, listing an unpermitted unit could be considered a violation. 27. A request was made during public workshops to have contact information mailed to property owners within 500' annually. The associated staff workload appears overly burdensome and problematic. An alternative is to maintain current contact information for all properties online.

Changes to Chapter 25:

- 500' noticing distance shall be based on the farthest edge of a contiguous parcel of the same owner.
- Add to Type I rentals (25.020) that the short-term rental must exhibit no reasonable opposition from neighbors within 500' of the subject parcel.

Single-Family Residential – Short-Term Rental (SFR-STR)

INTENT: The "SFR" district is intended to provide for the development of single-family dwelling units in community areas.

PERMITTED USES

- Single-family dwelling
- Accessory buildings and uses[1]
- Animals and pets (see Animal Standards Section 04.270)
- Home occupations (see Home Occupation regulations, Section 04.290)
- Small-scale agriculture
- Accessory Dwelling Unit (as prescribed in Chapter 16, Development Standards – Accessory Dwelling Units)
- Manufactured home used as a single-family dwelling[2] [sl]
- Transitional and Supportive Housing[6]

USES PERMITTED SUBJECT TO DIRECTOR REVIEW (Director Review Processing, Ch. 31)

- None stated

USES PERMITTED SUBJECT TO USE PERMIT (Use Permit Processing, Ch. 32)

- Cluster development of single-family dwellings on lots of 3+ acres
- Country clubs and golf courses
- Mobile-home parks (see Dev. Standards – Mobile Homes & RV Parks, Ch. 17) [c]
- Construction of an accessory building prior to construction of the main building
- Manufactured housing subdivision (see Ch. 18)
- Non-owner occupied short-term rentals
  - Definition: Rental for less than 30 days of an entire dwelling unit that is not concurrently occupied by the owner or on the same parcel (or an adjacent parcel) as a principal residence concurrently occupied by the owner.
  - Rental limited to single party of individuals.
  - Subject to 25.040 (noticing), 25.080 (additional requirements), Chapter 26, and area plans
  - This use permit runs with the owner, not with the land.

DEVELOPMENT STANDARDS

Minimum Lot Size: 7,500 sf [3,5]

Minimum District Area: 5 acres

Minimum Lot Dimensions: Width – 60'
Depth – 100'

Maximum Lot Coverage: 40%

Minimum Setbacks:
Front: 20' **Rear:** 10' **Side:** 10'
See Section 04.120 for other provisions.

Building Density: 1 du/lot and an Accessory Dwelling Unit (see Ch. 16, Development Standards – Accessory Dwelling Units).

Population Density:
Maximum population density of 15 persons per acre

Maximum Building Height: 35' See Table 04.010 for other provisions.

NOTES

1. Accessory buildings and uses customarily incidental to any of the permitted uses are permitted only when located on the same lot and constructed simultaneously with or subsequent to the main building.
2. Provided that the unit is fewer than 10 years old and meets the criteria set forth in Section 04.280. When there are two mobile homes on the same parcel, they must 1) comply with the Accessory Dwelling Unit requirements (see Ch. 16), or 2) comply with State standards for a mobile-home park and obtain a use permit from the County (see Ch. 17, Mobile Homes and RV Parks).
3. Densities stated are based upon availability of both community water and sewer.
4. Uses may have been omitted from the list of those specified, hence the Commission may find other uses to be similar and not more obnoxious or detrimental to the public health, safety and welfare. See explanation of interpreting "similar uses" (Ch. 04, Uses not listed as permitted).
5. Lots requiring individual septic systems are subject to minimum dimensions as determined by the Lahontan Regional Water Quality Control Board.
6. Transitional and Supportive Housing projects are permitted in the same manner as other residential housing.

SEE ALSO

Land Development Regulations –

Ch. 04	Development Standards – General
Ch. 06	Development Standards – Parking
Ch. 10	Development Standards – Equestrian Overlay District
Table 04.010	Building Heights

FOOTNOTES

c.	Clarification
sl.	State Law requirement

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August 25, 2017

Supervisor Bob Gardner
Planning Director Scott Burns

Dear Supervisor Gardner and Director Burns:

I understand that the subject of short-term rentals will be taken up at the September June Lake CAC meeting with the expectation that the subject will then move to the Planning Commission and then to the Board of Supervisors. Unfortunately, the CAC meeting takes place just as my teaching begins, so I will not be able to attend. As a substitute, I am writing to offer some suggestions that grow out of my concerns over the approval process for short-term rentals in the June Lake neighborhoods and over the lack of enforcement resources should such rentals be approved in residential neighborhoods. I think it fair to say that my concerns are widely shared in the community.

My discomfort over the approval process is that the zoning change approving short-term rentals has the most specific impact on individuals' homes in a neighborhood and yet neighbors have no influence over whether the approval takes place. I think this result is based on reasoning that gets the analysis backwards. County zoning decisions, which ultimately rest with the Board of Supervisors, takes place at the county level because zoning must be consistent over larger areas. Commercial districts, for example, have to be defined and separated from residential districts. rather than on smaller areas. These decisions have to be made at the county level.

Short-term rentals are exactly the opposite. Here the new zoning affects areas that are already residential and where there is no plausible reason why the designations of the areas where short-term rentals should be approved needs to be made other than at the neighborhood level. The people who live in the neighborhood know better than the Planning Department, the Planning Commission or the Board of Supervisors whether short-term rentals fit in their

neighborhoods. I understand that the County's position initially was that short-term rentals would not be allowed in a neighborhood without the neighborhoods approval. However, it now seems that the resolve to follow the sensible course of allowing those directly affected to make the decisions seems to have evaporated. The understanding of the June Lake community is that while we will be given an audience for our concerns, the decision whether to approve short-term rentals in a neighborhood will be made at the county level and will not be limited by a neighborhood's preference. This is the source of the disaffection of many in the June Lake community over the decision process: the decisions will be made at the county level rather than at the neighborhood level for no good reason. People feel like they ought to retain decisions over their neighborhoods unless there is a reason for the decision to be made at the county level by people who did not live in their neighborhoods. No such reason has been offered as yet. I do not believe there is one.

There is an approach to this issue that can accommodate both points of view. Stated in non-technical terms, it is easy to require that an applicant for the right to rent their property on a short-term basis must demonstrate that a majority of their neighbors favor the application. This still leaves the ultimate decision in the hands of the county if the county has an interest in prohibiting short-term rentals that the neighborhood would allow, but respects the neighborhood's decision if a majority do not want this activity. Avoiding "big" government starts at the county level.

I recognize that implementing this simple idea will require some line drawing, for example identifying the area a majority of whose residents must approve an application in order for it go forward. I would be happy to assist the County Counsel's office in drafting the language, but this is not a difficult exercise and Mono County has a very talented County Counsel's office.

My second suggestion goes to the problem of enforcing the limits that the County proposes to impose on owners availing themselves of short-term renting. My concerns, which are no different than those of others with whom I have spoken and which have been voiced at prior CAC meetings, is that the absence of enforcement can be expected to degrade their neighborhoods and the quality of their lives. A few examples are obvious. If garbage is not handled carefully, it will attract bears, the damage from which will not be limited to the renter of the property whose tenants' sloppiness endangers everyone else's property. While such behavior can be prohibited, its proof will be difficult, and the county's enforcement budget is limited. Similarly, if houses in neighborhood are rented to groups, the potential for misbehavior from alcohol, noise from parties and like behavior is significant, and there can be no expectation that there will be enforcement resources to stop the behavior. At 10:00 pm on a Saturday night, there will be no one from the County to call, a designated agent may not answer their phone (and would be ill-equipped to handle misbehaving renters) and I have been advised that the Sheriff's office would view such behavior as a civil matter. The threat of an after-the-fact enforcement action against a real estate agent or the property owner simply would not be helpful.

The under-enforcement problem is not so easy to mitigate, and is itself reason for residents to oppose short-term rentals in their neighborhoods. Nonetheless, in other circumstances where it can be expected that insufficient public enforcement resources will be available, a common approach is to supplement public enforcement with private enforcement. This is accomplished by giving affected individuals the right to enforce the terms of the government regulation, in this case, the right to bring a private action against a short-term renter who ignores the County restrictions. Like the requirement for neighbor approval of an application to engage in short-term renting, the terms of the private right of action, for example, the right to recover attorney fees, will need to be carefully drafted. However, the task is not rocket science. More important, the private right will not be practical unless there is a pattern of misbehavior sufficient to warrant the expense of an enforcement action (I would make sure that the right could be enforced in small claims court). For this reason, conditioning a permit on neighbor approval will be more effective than supplementing limited public enforcement with private enforcement. Given the fact that allowing short-term rentals affects existing neighborhoods in a fashion different from any other zoning change, every effort to limit the negative impact on the surrounding neighborhoods is worth the effort.

Left to my own assessment, I would solve the problems that I have addressed in this letter by not allowing short-term rentals at all in residential neighborhoods. Taking into account what necessarily will be inadequate County enforcement, the game cannot be worth the candle. But if the County determines to go forward, the two suggestions I've described – requiring majority approval by neighbors and providing for private enforcement – at least will somewhat mitigate the impact on surrounding neighbors and at least give residents of June Lake neighborhoods the ability to control their own fate.

If there are questions about the suggestions I have made, I would be happy to respond to them.

Sincerely,

Ronald J. Gilson

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October 4, 2017

To: June Lake Citizens Advisory Committee (CAC)

From: Wendy Sugimura, Senior Analyst

RE: ADDITIONAL INFORMATION FOR AGENDA ITEM #8 – RECOMMENDATION ON THE JUNE LAKE AREA PLAN UPDATE: SHORT-TERM RENTAL POLICIES

Please find enclosed the additional following documents:

1. Memorandum responding to various questions and issues raised at and since the last CAC meeting.

2. Three public comment letters received since the last meeting.

Please contact Wendy Sugimura (760.924.1814, wsugimura@mono.ca.gov) with any questions.

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October 4, 2017

To: June Lake Citizens Advisory Committee (CAC)

From: Wendy Sugimura, Senior Analyst

RE: QUESTIONS AND ADDITIONAL INFORMATION ON SHORT-TERM RENTALS

At the last meeting on September 6, 2017, the CAC received a presentation on potential policy and regulatory options for addressing short-term rentals (STRs) in June Lake. Several questions were asked at and following that meeting, and this memorandum is intended to provide a response and applicable information.

1. Can the CAC review STR applications in June Lake and provide either a pre-approval or recommendation to the Planning Commission?

The role of the CAC is to help develop and advise various decision-making bodies on local planning policy. By developing planning policies, the CAC establishes the vision, community character, and guidelines by which development projects are evaluated. The evaluation itself, however, is the role of the Planning Commission who is charged with certain approval authorities. One way to think of the system is that the CAC advises on setting the rules, and then the Planning Commission implements the rules. If the roles are not respected, the system does not function as intended.

2. Can STRs be banned?

Yes, STRs can be banned outright in June Lake, either in specific neighborhoods or in all single-family neighborhoods.

3. If STRs can be banned, why was it not the proposed policy at the last meeting? Certain people have been attending these meetings over and over to say the same thing, and are still not being heard.

The people in favor of banning STRs have been heard. Banning STRs was included as a policy option that could be selected, and was included as an option in the "Solutions" sticky dot exercise from Day One during the May workshops.

In the "Solutions" sticky dot exercise, "Prohibit STR Type I" and "Prohibit STR Type II" were available for people to select at all 10 neighborhood workshop meetings, meaning this data has enough integrity to represent input from all the meetings. None of the Clark Tract meetings resulted in a majority of sticky dots for prohibiting either rental type, although some workshops approached half (around the 40-50% range), particularly for Type II rentals. Only the Petersen Tract workshop resulted in a majority of sticky dots for

prohibiting Type II rentals. The number of "dots" in favor of prohibition dropped slightly from Type IIs to Type Is, indicating slightly fewer objections to Type I rentals. The raw data collected is as follows:

Solutions	Clark #1	Clark #2	Clark #3	Clark #4	Clark/Open	Petersen
Prohibit STR Type I	5	2	4	3	3	3
Prohibit STR Type II	8	7	4	4	3	6
Total Workshop Participants	38	15	10	15	7	10

**Note: Only the Clark and Petersen Tract meetings had enough participants to conduct the sticky dot exercise.*

Staff's role is to accurately record and represent the overall result of all input into this process. The information from the May workshops did not support a complete and outright ban of Type I and II rentals in any neighborhood, and therefore a ban was not the proposed policy. A case could be made, based on public opinion only, for banning Type II rentals in the Petersen Tract.

As was emphasized in the goals established by the Steering Committee for this process, there is a difference between "being heard" and "getting what you want." The people who would like to see STRs banned have been heard, and the workshop information does not support their position.

However, for those who continue to believe that "everyone" is in favor of prohibiting STRs in a neighborhood, an option does exist. Covenants, Conditions and Restrictions (CC&Rs) can be developed without forming a homeowner's association, and voted upon by residents. Residents can impose their own rules, provided a vote on the CC&Rs pass (which should be no problem if everyone does indeed agree), and ban STRs regardless of the County's policies.

4. **If the workshop input does not support prohibiting Type II rentals (except perhaps in the Petersen Tract), why is the policy solution for Type II rentals so onerous that it could result in a de facto ban? Changing the land use designation and meeting the minimum district size is not easy, and could result in a concentration of rentals that overly commercialize an area instead dispersing rentals and impacts.**

While the workshop information does not support a ban or prohibition on Type II rentals, there were higher numbers and more support for doing so. Logically, then, Type II rentals should be more limited than Type I rentals. Combined with the premise that STRs should be based on the old "sharing economy" model that benefits local residents and does not support a business model, Type II rentals then should be highly restricted.

The proposed policy to require changing the land use designation to a new designation (Single Family Residential – Short Term Rental) is more of a traditional "zoning" exercise. The concept is that if an area (a five-acre minimum, in this case) is deemed to have a character more compatible with visitor lodging uses, then the land use designation and permitted uses should reflect that character. Because of this character, more intensive rentals, such as Type II, would be compatible and eventually, the character of the area may indeed change to be more commercialized.

5. **Do other caps on the number of permits exist elsewhere? How were they established?**

A tremendous variety of caps exist, from the number of permits, to the number of days that a unit can be rented, to residency requirements before the unit can be rented, to other creative solutions, and the numerical range for the caps is very broad. The County does not have the resources to exhaustively research the issue, identify the range of caps, or contact individual jurisdictions to research their rationale. Instead, a few detailed studies that seem applicable to the County were identified and researched. Ultimately, if a cap is utilized, June Lake should select a limit that reasonably protects community character.

6. STR data summary from the Mono County Housing Needs Assessment and Residential Survey:

A housing needs assessment for Mono County and the Town of Mammoth Lakes is underway, and questions about STRs were included on a resident survey conducted earlier this year. A total of 860 residents responded to the survey, of which 284 were County residents.

Overall, one in 20 year-round resident homeowners who responded to the survey intend to convert their property to short-term rentals in the next five years. Most (82%) live in Mammoth Lakes. The remainder live in June Lake (13%) and Bridgeport (5%). Among seasonal homeowners, 8% plan to convert to STRs within the next five years, and half (4%) live in June Lake. According to the survey results, current owners who plan to convert their homes into rental units are most likely to choose long-term rentals (55%), followed by short-term rentals (32%), and then seasonal rentals (14%). Note the survey did not identify individual properties, and so whether the land use designation (e.g., Single-Family Residential or a designation where STRs are permitted) of these potential short-term rental conversions is unknown.

In general, the housing needs assessment is identifying and defining the housing problem, and the data indicates STRs represent a small impact overall. Other issues, such as the age, condition, affordability, and quantity of housing units appear to be more significant drivers. However, including incentives for property owners to convert STRs into long-term rentals is important, and is expected to be part of the housing policy toolkit. The final report and toolkit is anticipated to be released for public review in the next couple of months.

7. Can the County provide for a single-person veto in order to deny an application?

No, County Counsel has determined that the County cannot arbitrarily "give away" its discretionary decision-making authority to a single individual (or even a party of individuals). It is the County's responsibility to evaluate land use applications for compliance with the General Plan and any other applicable regulations, and make a determination based on that compliance, the merit of the project, and public input.

The fact that Mono County respects public input in this process is supported by denials of STR applications (which were called Transient Rental Overlay Districts [TRODs] back then), and this extensive public input process in June Lake to try to craft a different solution.

8. What about Monterey County's private road ordinance that allows for a single resident on a privately-owned road to veto a project accessed by that road?

This ordinance (see attached) applies to discretionary land use applications where parties have disputed the legal authority of the applicant to use private roads in the manner proposed by the development application. Monterey County has a situation where private parties may have "Private Road Agreements" and "Private Road Maintenance Agreements," which don't apply in Mono County. Those sections are not included in this excerpt. The ordinance also contains language throughout that the County is not party to the private agreements, which does apply to Mono County, but is also not included in this excerpt. Applicable excerpts are included below, along with a very basic analysis.

First, a couple of definitions are needed in order to discuss the ordinance:

21.64.320(C)(6). *"Party to a Private Road" means both: any person or entity that owns the underlying fee interest in land that is subject to and burdened by a Private Road … and any person or entity that holds an interest in the Private Road and benefits from it …* (such as an easement holder)

21.64.320(C)(11). *"Proof of Access" means one or more of the following: a.) Written concurrence of all Parties to a Private Road; or…*

So then, applications fall into different "tiers" based on private agreements. All situations in Mono County would fall under Tier 1:

21.64.320(D)(2)(c)(i). *Tier 1: The Project is not subject to a Private Road Agreement or a Private Road Maintenance Agreement;*

Then, standards are defined and used in evaluating Tier 1 projects:

21.64.320(E). *Regulations. For all nonexempt Projects, the following standards, based on substantial evidence in the record, shall apply:*

1. Tier 1 Projects: The Appropriate Authority shall consider any objection from a Party to a Private Road regarding access a substantive dispute and shall either deny the Project on that basis or approve the Project subject to the Proof of Access condition described in Subsection 21.64.320(F)(1) and/or the Private Road Maintenance condition described in Subsection 21.64.320(F)(2).

This section means that if a single party objects to the use of the road for this project, then the project shall be denied or the "Proof of Access Condition" described below must be met.

21.64.320(F)(1). *Proof of Access Condition*
If the Appropriate Authority finds, based on substantial evidence in the record, that a substantive dispute exists regarding the use of a Private Road for a Project, said Authority may approve the Project but shall require as a condition of Project approval that the Applicant provide the County with Proof of Access demonstrating that the dispute has been satisfactorily resolved, in accordance with the Tier standards set forth above.

This section means the "Proof of Access" definition (above, section 21.64.320(C)(11)) must be met, which requires the written concurrence of all parties to a private road. Presumably, if even one person on the private road objects, the condition cannot be met and, in a roundabout way, requires the project to be denied.

If the costs of repairing and maintaining the road are in dispute (as opposed to access), then the provision below allows for a private agreement, settlement, or other written documentation that the dispute has been resolved. Presumably, the resolution would be for the project applicant to provide repair and maintenance resources.

21.64.320.F.2. *Private Road Maintenance Condition*
If the Appropriate Authority finds, based on substantial evidence in the record and in accordance with the Tier standards set forth above, that a substantive dispute exists regarding the costs of repairing or maintaining a Private Road as it relates to a Project, said Authority may approve the Project but shall require as a condition of Project approval that the Applicant provide the County with adequate documentation demonstrating that the dispute has been satisfactorily resolved. For the purposes of this Section, adequate documentation may include written withdrawal of objections, a properly executed Private Road Maintenance Agreement, a final settlement or final judicial determination, or written documentation showing that a majority of the Parties to a Private Road have agreed to repair and maintenance terms in light of the Project.

The conclusion is that this ordinance does allow for one person on a private road to object to access for the project and cause a denial of the application. A couple of points should be noted:

- This ordinance applies to private roads, and would therefore apply to all private roads throughout the county. No distinguishing traits would allow private roads in June Lake to be treated differently than private roads in other parts of the county.
- Development and adoption of this ordinance would be handled separately from the STR issue. It is almost a completely separate issue, relating more to the use and management of private roads.
- The ordinance would apply to any discretionary permit (e.g., use permit), not just short-term rentals. Again, it is an issue related to private roads, not a specific land use.
- Recommendation of this ordinance concept raises an entirely different policy question to the County, and discussion with and direction from the Planning Commission and Board of Supervisors would be required before proceeding. This ordinance expands this particular discussion to a countywide level, and legally limiting the conversation to June Lake does not seem possible.
- The relationship between this ordinance and areas with Zones of Benefits is unknown at this time.

Finally, however, this ordinance could potentially achieve the desired result of allowing a veto by a single person through a different mechanism based on private roads.

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, ADDING SECTION 320 TO CHAPTER 21.64 OF THE MONTEREY COUNTY CODE TO ESTABLISH REGULATIONS RELATING TO THE ISSUANCE OF LAND USE PERMITS AND ENTITLEMENTS FOR DEVELOPMENT UTILIZING PRIVATE ROADS.

County Counsel Summary

This ordinance amends Chapter 21.64 of Title 21 (non-coastal zoning) of the Monterey County Code to establish special regulations for the issuance of land use permits and entitlements for development utilizing private streets, roads, and other travelled ways. The ordinance, which would apply in the non-coastal unincorporated area of Monterey County, provides for the resolution of disputes regarding the use of a private road, street, or other travelled way as part of the process by which discretionary permits, licenses or other entitlements for a development are considered by the County of Monterey.

The Board of Supervisors of the County of Monterey ordains as follows:

SECTION 1. Findings and Declarations:

1. Pursuant to Article XI of the California Constitution, the County of Monterey ("County") may adopt and enforce ordinances and regulations to protect and promote the public health, safety, and welfare of its citizens.

2. The County is charged with, among other tasks, the responsibility of assuring that development is compatible with surrounding neighborhoods and incorporates provisions for adequate access for occupants, residents and emergency services.

3. Many of the streets, roads, and other travelled ways in the County are privately owned ("Private Roads") the use of which is governed by agreements among private parties ("Private Road Agreements"). The County is not a party to such agreements and does not enforce their terms and conditions, nor does the County have jurisdiction to adjudicate a dispute among the parties to such agreements. Applications for development that require discretionary permits or other entitlements have, in some instances, proposed to use Private Roads, and, also in some instances, other parties to the applicable Private Road Agreement, or adjoining landowners, have disputed the legal authority of the applicant to use the Private Road in the manner proposed by the development application.

4. Issues have arisen during the County's consideration of discretionary land use permit applications as to whether the issuance of certain land use related permits, licenses, entitlements and other approvals is consistent with any applicable Private Road Agreement, and County desires that any issues that may arise over the use of Private Roads are resolved by the parties to the applicable Private Road Agreement. The County also wishes to provide certainty to the applicant and the public in the planning process as to the manner in which the County will

address disputes among parties to a Private Road Agreement that arise in connection with land use related applications.

5. In view of the foregoing and to protect the public health, safety, and welfare, it is necessary for the County to enact this ordinance to set forth standards to review the use of Private Roads in conjunction with certain land use related applications. These standards provide guidance for how and when the County may consider requiring additional proof demonstrating legal rights surrounding use of Private Roads as part of the land use entitlement and permitting process.

6. The Board of Supervisors finds that the ordinance is not a project under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15060(c)(3) and 15378(b)(5) because the ordinance establishes permit review procedures for development projects utilizing existing private roads and does not authorize nor require any physical change to the environment.

SECTION 2. The Table of Contents of Chapter 21.64 of the Monterey County Code is amended to add Section 21.64.320 to read as follows:

21.64.320 Regulations relating to applications involving use of private roads.

SECTION 3. Section 320 is added to Chapter 21.64 of the Monterey County Code to read as follows:

21.64.320 Regulations relating to applications involving use of private roads.

A. Purpose: The purpose of this Section is to establish regulations relating to the issuance of certain discretionary permits or entitlements that may result in the intensification of use of a Private Road.

B. Applicability: These regulations apply to all properties in the inland (non-coastal) unincorporated area of the County in all zoning districts. Where a conflict exists between the provisions of this Section and other provisions of the County Code, the provisions of this Section prevail.

C. Definitions: In addition to the definitions found in Chapter 21.06 of this Title, the following definitions shall apply to this Section:

1. "Applicant" means the person or entity submitting an Application to the County of Monterey for a discretionary permit.

2. "Application" means an application for a Project.

3. "Final Settlement or Final Judicial Determination" means a written agreement between Interested Parties resolved personally or through other avenues including but not limited to mediation, arbitration, or a document evidencing a binding arbitration decision or final court judgment.

4. "Interested Party" means any person or entity that owns property abutting a Private Road but that is not a Party to a Private Road.

5. "Notice" means written notice of an Application provided to all Parties to a Private Road and Interested Parties that will be used to access a Project, such notice to be personally delivered or deposited in the United States Mail, first class postage pre-paid.

6. "Party to a Private Road" means both: any person or entity that owns the underlying fee interest in land that is subject to and burdened by a Private Road, such as the servient tenement in the case of an easement; and any person or entity that holds an interest in the Private Road and benefits from it, such as the dominant tenement in the case of an easement.

7. "Private Road" means any travelled way, avenue, place, drive, lane, street, boulevard, highway, easement, or alley not owned, maintained, nor required to be maintained by the state, county, incorporated city, or other public agency, except that the term "Private Road" for purposes of this Section shall include quasi-private roads that have all of the following characteristics: the road is under the jurisdiction of a federal governmental agency; it lies on national forest or private land; it is open to public use; and private users bear or contribute directly to the cost of maintenance.

8. "Private Road Agreement" means any document of record, properly executed and recorded, that is an agreement between parties concerning the right to use private property as access to another parcel of private property. A Private Road Agreement may include, without limitation, a written contract, an easement, grant deed, reservation or a designation on a final subdivision map. A Private Road Agreement also includes a final court judgment documenting an easement or other right of access.

9. "Private Road Maintenance Agreement" means a document of record, properly executed and recorded, that is an agreement between parties to a Private Road concerning the costs and responsibilities of those parties for upkeep and repair of the Private Road.

10. "Project" means:

a. a use for which a discretionary permit, license or other entitlement from the County is required; or a change in land use from an agricultural designation (Farmland, Permanent Grazing, Rural Grazing) to a non-agricultural designation; and

b. in either case, where access to the property from a public road is, or will be, provided either primarily or subordinately by a Private Road.

11. "Proof of Access" means one or more of the following:

a. Written concurrence of all Parties to a Private Road; or

b. Existence of a Final Settlement or Final Judicial Determination that the Private Road may be used to access the Project; or

c. A properly executed Private Road Agreement.

D. Application review and procedures:

1. Application Requirements. An Applicant shall provide the following with any Application, and an Application will not be deemed complete until the information or documentation required is provided:

a. A copy of the Private Road Agreement, if applicable;

b. A copy of the Private Road Maintenance Agreement, if applicable;

c. Written permission to use a Private Road for the Project from a Private Road governing structure, if applicable;

d. A Site Plan that includes, but is not limited to, documentation showing existing access limits and minimum access requirements from the Project to the primary public road or right-of-way. If access does not meet minimum requirements of the local Fire Authority and Monterey County Resource Management Agency--Public Works Department, the Applicant must demonstrate the ability to meet the minimum level of improvements required.

2. Application Review. Upon submittal of an Application, the Director of Planning shall:

a. Review the Application to determine if the Project is exempt pursuant to Subsection 21.64.320 (D) (4) of this Section;

b. Provide Notice pursuant to Subsection 21.64.320(D)(3) of this Section;

c. If the Application is not exempt pursuant to Subsection 21.64.320 (D) (4), the Director of Planning shall classify the Project as belonging within one of the following categories:

i. Tier 1: The Project is not subject to a Private Road Agreement or a Private Road Maintenance Agreement;

ii. Tier 2: The Project is not subject to a Private Road Agreement but is subject to a Private Road Maintenance Agreement;

iii. Tier 3: The Project is subject to a Private Road Agreement but not a Private Road Maintenance Agreement; or

iv. Tier 4: The Project is subject to a Private Road Agreement and a Private Road Maintenance Agreement.

3. Notice Requirements.

a. The Director of Planning shall provide Notice of a Project to all Parties to a Private Road and Interested Parties within 10 working days of submittal of an Application for a Project except Notice is not required for the following types of Projects:

i. The first single family dwelling on a legal lot of record;

ii. Any action authorized by an emergency permit issued pursuant to Chapter 21.75 of this Title provided that such action exists or occurs only so long as the emergency permit is effective;

iii. Projects with access via public road(s) only;

iv. Projects whose use of a Private Road is limited to emergency access only;

v. Routine and Ongoing agricultural uses;

vi. Accessory Dwelling Units, Guesthouses, and/or other subordinate uses that are accessory to the primary use of the property; and

vii. Projects with access via a Private Road(s) that are subject to a legally established Private Road governing structure such as a homeowners' association or similar organization where said governing structure is authorized to make determinations regarding the use, maintenance, and related matters regarding the Private Road(s) and where such governing structure has provided written permission to use the Private Road(s) for the Project. Examples of Projects within this exception may include but are not limited to projects considered allowed uses within the Del Monte Forest area, the Monterra and Tehama subdivisions, and similar subdivisions with previously contemplated allowed uses and Private Road governing structures. This exemption does not apply if access to the Private Road(s) subject to the governing structure is accessed by another Private Road(s) not subject to the governing structure. In such a case, Notice shall be provided to Interested Parties outside of the jurisdiction of the governing structure.

b. The Notice shall provide the opportunity for any Party to a Private Road to object to the use of the Private Road, for purposes of the Project, within 30 days from the mailing of the Notice. The purpose of this early Notice and objection is to provide an opportunity for resolution of disputes prior to consideration of the Project by the Appropriate Authority or for staff to consider a recommendation following the provisions of this Section. For the purposes of this Section, objections from Interested Parties who own land abutting a Private Road shall be

considered on a case by case basis. Objections from Interested Parties shall not provide a basis for applying the conditions described in subsection F of this Section.

c. The Notice may include notification of the Land Use Advisory Committee meeting where the Project will be considered if such consideration is required pursuant to the Land Use Advisory Committee Procedures adopted by the Board of Supervisors.

4. Exemptions: The following types of Projects shall be exempt from the regulations contained in Subsections E and F of this Section:

a. The first single family dwelling on a legal lot of record;

b. Any action authorized by an emergency permit issued pursuant to Chapter 21.75 of Title 21 of the Monterey County Code provided that such action exists or occurs only so long as the emergency permit is effective;

c. Projects with access via public road(s) only;

d. Projects whose use of a Private Road is limited to emergency access only;

e. Projects that, in the opinion of the Director of Planning, do not result in intensification of the use of a Private Road(s);

f. Projects with access via a Private Road(s) that are subject to a legally established Private Road governing structure such as a homeowners' association or similar organization where said governing structure is authorized to make determinations regarding the use, maintenance, and related matters regarding the Private Road(s) and where such governing structure has provided written permission to use the Private Road(s) for the Project. This exemption does not apply if access to the Private Road(s) subject to the governing structure is accessed by another Private Road(s) not subject to the governing structure. In such a case, the Project is not exempt from the regulations contained in Subsections E and F of this Section;

g. Routine and Ongoing agricultural uses;

h. Accessory Dwelling Units, Guesthouses, and/or other subordinate uses that are accessory to the primary use of the property;

i. Federal project on a Private Road.

5. In all cases, Applicants are encouraged to provide early notification of a Project to Interested Parties and Parties to the Private Road and to work collaboratively with all parties to resolve issues. For Projects falling within Tier 1, Tier 2, or Tier 3, Applicants are encouraged to prepare or cause to be prepared, executed and recorded, Private Road Agreements and/or Private Road Maintenance Agreements, as the case may be.

6. The exemption from the regulations contained in Subsections E and F of this Section is not intended to limit the discretion of the Appropriate Authority to consider access as part of its review of Applications.

E. Regulations. For all nonexempt Projects, the following standards, based on substantial evidence in the record, shall apply:

1. Tier 1 Projects: The Appropriate Authority shall consider any objection from a Party to a Private Road regarding access a substantive dispute and shall either deny the Project on that basis or approve the Project subject to the Proof of Access condition described in Subsection 21.64.320 (F) (1) and/or the Private Road Maintenance condition described in Subsection 21.64.320 (F) (2).

2. Tier 2 Projects: The Appropriate Authority shall consider any objection from a Party to a Private Road regarding the legal rights to use a Private Road for the Project a substantive dispute and shall either deny the Project on that basis or approve the Project subject to the Proof of Access condition described in Subsection 21.64.320 (F) (1). Matters of

proportionate costs for repair and maintenance of such roads shall be subject to the terms of the Private Road Maintenance Agreement.

3. Tier 3 Projects: The Appropriate Authority shall rely on the plain language of the Private Road Agreement regarding rights of access. If an objection is made involving proportionate costs for repair and maintenance of the Private Road(s), the Appropriate Authority shall consider an objection of fifty percent or more of the parties to a Private Road Agreement a substantive dispute and in this case, shall either deny the Project on that basis or approve the Project subject to the Private Road Maintenance condition described in Subsection 21.64.320 (F) (2). An objection of fifty percent or more of the Parties to a Private Road Agreement shall be determined on a one vote per lot basis.

4. Tier 4 Projects: The Appropriate Authority shall rely on the plain language of the Private Road Agreement and Private Road Maintenance Agreement regarding rights of access and proportionate costs for repair and maintenance. Unless a Project proposes a use that is clearly inconsistent with the plain language of the Agreements, the Appropriate Authority may approve a Project without applying conditions to the Project outlined in this Section.

5. The "Tiers" described above are intended to provide standards that the Appropriate Authority will apply when considering an Application for a Project that is not exempt from the requirements of this Section pursuant to Subsection 21.64.320.D.4 and that involves a substantive dispute over the Private Road as described within the applicable Tier. Generally where a legally executed document exists, the County will consider such documentation to be adequate evidence to demonstrate access for the purposes of this Section and conditions of approval will not typically be warranted where such documentation exists. In all cases, regardless of whether the Appropriate Authority elects to apply a condition of approval to a Project, Interested Parties, Parties to a Private Road, and/or Applicants may have legal rights under the California Civil Code, and nothing in this Section is intended to preclude their exercise of rights under the Civil Code.

F. Project Conditions.

1. Proof of Access Condition

If the Appropriate Authority finds, based on substantial evidence in the record, that a substantive dispute exists regarding the use of a Private Road for a Project, said Authority may approve the Project but shall require as a condition of Project approval that the Applicant provide the County with Proof of Access demonstrating that the dispute has been satisfactorily resolved, in accordance with the Tier standards set forth above.

2. Private Road Maintenance Condition

If the Appropriate Authority finds, based on substantial evidence in the record and in accordance with the Tier standards set forth above, that a substantive dispute exists regarding the costs of repairing or maintaining a Private Road as it relates to a Project, said Authority may approve the Project but shall require as a condition of Project approval that the Applicant provide the County with adequate documentation demonstrating that the dispute has been satisfactorily resolved. For the purposes of this Section, adequate documentation may include written withdrawal of objections, a properly executed Private Road Maintenance Agreement, a final settlement or final judicial determination, or written documentation showing that a majority of the Parties to a Private Road have agreed to repair and maintenance terms in light of the Project.

a. Maintenance of any Private Road will be subject to a Private Road Maintenance Agreement, or if no such Agreement exists, then County recognizes that parties may have recourse pursuant to California Civil Code Section 845. The County is not a party to such

Private Road Maintenance Agreement and does not interpret or enforce their terms and conditions, nor does the County have jurisdiction to adjudicate a dispute among the parties as to the maintenance of any Private Road.

3. If a condition of approval is added to a Project pursuant to this Section, said condition shall be satisfied prior to issuance of any other permits in furtherance of the Project or recordation of a final map, whichever occurs first and as applicable.

4. If a Project is approved subject to one or more of the conditions provided in this Section, the Director of Planning shall, in his or her discretion, have the authority to stay the expiration of the entitlement for the Project for a period no greater than the number of days from initial filing of judicial proceedings to the final judicial determination or settlement regarding the access dispute.

G. Nothing in this Section:

1. Affects the authority of the County to exercise the power of eminent domain pursuant to Government Code Section 66462.5 of the California Subdivision Map Act; or

2. Diminishes or in any way alter or lessen the effect of the California Civil Code. Where a conflict exists between these provisions and the provisions of State or Federal laws, the State or Federal law shall prevail.

SECTION 4. SEVERABILITY. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 5. EFFECTIVE DATE. This ordinance shall become effective on the thirty-first day following its adoption.

PASSED AND ADOPTED on this __ day of _____, 201__, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

_____
Chair,
Monterey County Board of Supervisors

A T T E S T:

GAIL T. BORKOWSKI
Clerk of the Board of Supervisors

By: _____
Deputy

APPROVED AS TO FORM
WENDY S. STRIMLING
Senior Deputy County Counsel

Wendy Sugimura

From: Burdette, Dorothy A <Dorothy.Burdette@wyn.com>
Sent: Monday, September 18, 2017 6:07 PM
To: Wendy Sugimura
Subject: Letter from Petersen Tract homeowner

Importance: High

Wendy,
Please include this in the letters received re STR.
Thank you,
Dorothy Burdette

Norma Jean Deak – Petersen Tract Homeowner
I would like to express my opposition to short-term rentals in residential neighborhoods in June Lake. Allowing such rentals has the potential to change the nature of the community. I am not suggesting that short-term renters are bad people nor that they come in with the intention to create nuisance, but your attitude toward a neighborhood where you will be spending two or three days may not be the same as your attitude toward the neighborhood in which you live. By increasing the number of people you also increase the potential for problems. If you look on-line you will see that a two or three bedroom house that would normally house a family of four or maybe five could potentially accommodate up to eight people. Furthermore, since it has been claimed that enforcement of regulations is difficult who would stop someone from purchasing a home or two in the middle of a residential area with the sole purpose of weekend rentals?

But my main concern is not nuisance but safety. With more people come more cars on roads that are already challenging. I live in the Petersen Tract and we have had several near misses this summer entering and leaving. The roads are narrow and in the summer there are trees and bushes that block visibility. If someone is entering and leaving at the same time someone has to go to the side to let the other get through. Imagine how this would be with the increase in traffic and winter weather conditions. You will also have an increase in drivers who are not familiar with the roads or perhaps inexperienced in dealing with ice and snow. Like other areas we have private roads so we are responsible if accidents occur on the road in front of our property. The argument that accidents can occur anyway is totally beside the point. The risk increases exponentially with an increase in traffic and with no benefit at all to those of us who will not be involved in the short-term rental business.

It is true that neighbors or longer-term renters can create problems but a community has more effective ways of dealing with issues that arise among neighbors. These neighborhoods are small. Neighbors know each other and can talk to each other about problems. There is also community pressure at work. If you live in a community most people will try to live harmoniously. (Noise complaints are understandably a very low priority for police. Police arrive late or in most cases the following day. No one believes that a sheriff will come from Bridgeport or Bishop after midnight because of a noise complaint in June Lake.) The idea that even if short-term rentals are forbidden in residential neighborhoods that it will happen anyway is irrelevant. Of course that's true but it's true of any law. There will always be people who break the law or try to stretch it. It doesn't mean that we stop passing laws. If there is a ban in place it increases the pressure that a neighborhood can put on a homeowner who ignores it. Also there are many law-abiding citizens who even if they disagree will not break the law. In the end, there will be a lot fewer short-term rentals in a neighborhood that does not allow short-term rentals than in one that does.

I would like to end with some of my impressions of the Sept. 6 meeting. I do not wish to impugn anyone's motives. I honestly believe that the majority of those on both sides of this issue have good intentions and believe that their view would be best for the community. What I found troubling was that I felt that the power point was bias in favor of short-term rentals in residential neighborhoods. Graphs that show the "exploding" "dynamic" market that is now "mainstream"

juxtaposed with a man with his head in the sand as he attempts to deny that he has no ability to stop or a frustrated man with his head on his desk pleading “make it go away” communicate clearly that if you are not in support of short-term rental you are in denial fighting against something that is unstoppable. Personally I found it patronizing and counterproductive. Rather than having our heads in the sand or despondently crying out “Make it go away” we are choosing to take a stand against something that we do not believe is in the best interest of our community no matter how popular or widespread it is. Finally, this debate should be concerned with local conditions, not what is happening in Manhattan, West Hollywood or Santa Monica.

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Dear CAC Board Members,

I'd like to take this opportunity to express my support for STR's in June Lake - with, of course, an appropriate level of control and regulation. June Lake relies almost entirely on tourism for its survival and it would be extreme folly to not embrace this rapidly growing segment of the tourist market.

However, at this time, I would like to focus on the Type 1 category - specifically in the Clark Tract. My property would fall under the heading of a Type 1, as it is an on-site Guest House and I am a full-time resident in June Lake.

I am probably the only Type 1 candidate in the Clark Tract. If there are more, I think it's safe to say that the number of potential Type 1's in the Clark Tract is minimal.

My Cabin has a single bed loft bedroom and, when I rented it on a short-term basis, I had a strict occupancy limit of two adults - no exceptions for visitors. That translated into one car in the driveway.

The people that would be attracted to my Cabin are not looking for the Hotel/Motel experience. They want a peaceful, self-contained environment and, if it is not available, they will not come to June Lake.

For the last twelve months I've been renting longer term. The rules have to change for longer term rentals. As a Landlord, you can't restrict tenants from having friends and family over to visit - which means more cars and more potential for issues.

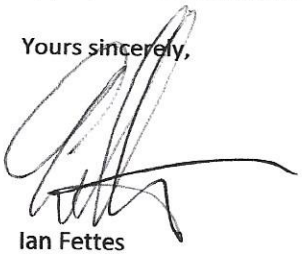
I've been generally fortunate in terms of my tenants. However, we typically now have two vehicles in the driveway, with more at weekends. And, unlike my short-term renters who come to June Lake for the peace and tranquility, my longer-term renters develop their own social network of local friends who want to visit - not to mention friends and family from further afield.

There's a strong case to support the notion that the longer the tenancy, the greater the potential impact on the neighborhood. A 40% occupancy is typical for short-term rentals, whereas longer-term rentals are approaching 100% occupancy.

I cannot comprehend how anyone would conclude that, in a situation such as mine, short-term rentals would be anything other than the least impactful rental option for my neighborhood.

I truly hope that the CAC Board will, at the very least, support Type 1 STR's in the Clark Tract - with, of course, the appropriate controls and regulations.

Yours sincerely,



Ian Fettes
149 Mountain View Lane,
June Lake
September 20, 2017

Wendy Sugimura

From: Dorothy Burdette <lildabldoya@suddenlink.net>
Sent: Wednesday, September 13, 2017 1:53 PM
To: Wendy Sugimura
Subject: Short-term rentals not allowed in San Diego, city attorney says - The San Diego Union-Tribune

Please include in emails re SFR for CAC members to read
http://www.sandiegouniontribune.com/business/tourism/sd-fi-shortterm-rentals-20170315-story.html#share=email~story

This email has been checked for viruses by Avast antivirus software.
www.avast.com

Wendy Sugimura

From: Wendy Sugimura
Sent: Friday, September 29, 2017 1:16 PM
To: Wendy Sugimura
Subject: FW: Short-term Rental Survey - Last Opportunity

---------- Forwarded message ----------
From: **Thomas G. Duffy, CPA/PFS** <tom114@dkllpcpa.com>
Date: Thu, Sep 28, 2017 at 11:59 PM
Subject: RE: Short-term Rental Survey - Last Opportunity
To: Ann Tozier <anntozier@gmail.com>

Hi Ann,

I have been mulling over this issue for over a year. My wife, Anne and I bought our cabin/house in June Lake on Silver Meadow Lane 11 years ago. The property had been in the Borst family for about 10 years prior and I am a partner in other real estate ventures with Lee Borst, the son of the prior owner. I have been backpacking and skiing in the Sierra's since the early 70's and have felt a very strong connection with nature and the outdoors from the physical presence of being in the Sierra's. The idea of sharing this experience with others is a gratifying and compelling discussion. I have a STR across the street from my cabin and when I am relaxing, hiking, skiing and enjoying my experience, there have been many others sharing it across the street. The owners of the property across from me have their reasons for the STR and the property management company appears to do a great job of maintenance and review of the property. While the traffic on our self-maintained dirt roads is heavier, our cost of repair of the roads probably would be the same if the STR's were not in the neighborhood. There is also a STR relationship next to my neighbor but this STR has the owner present for most of the year. So, the plusses of the STR relationship, in my opinion, is that it leaves the original owner, who has been in the property for years, still in the capacity of being sensitive to the neighborhood and also needing the STR income to make the ownership of the property still viable. It is bringing a source of support to the local economy in that the vacant property now has tenants that are visiting and enjoying the local offerings and stimulating the local economy and allowing the landlord the ability to keep the property. The cons can be just as compelling in that a couple of bad apples in the tenant screening can really disrupt the local environment. While the economic benefits will probably be the same for the community and the owner, the ambiance and serenity of my Sierra experience will be diminished and tarnished. Fortunately, I have not experienced any of the cons over the last year in my stay at my house in June Lake. While I try to get my cabin every month and stay four to five days at a time, my continued involvement in managing my CPA firm and maintaining client relationships has not allowed me this time in the Sierra's. For the first 5 to 7 years I was there almost every month. I am hopeful that I will be there more as I was in the first 5 to 7 years of ownership. In my time at the cabin over that time period there were no absentee STR's in our area. So now that the times are changing and the economics are more compelling, we will all have to review this STR's policy carefully. In my professional training, I understand the economics of the STR's and the benefits that the owners of the STR's will receive. If the whole Silver Meadow and Nevada streets were to be allowed STR's, I think that the whole experience in the local neighborhood would be negatively affected. Certainly, our little neck of the woods is very private and serene and the STR's could really jeopardize that whole experience. I would not want to see that every house is allowed an absentee owner STR's but I feel that for many that economic reality or investment could be compelling, only for personal economic gain. The owners that are in the properties and renting out rooms to tenants, have a much more vested interest in the community and maintain the ambiance of the experience and are probably making a positive impact to the community and the local experience. So, to your question: Type I STR, yay; Type II STR, NIMBY (nay), but my neighbor across the street is my exception. It all revolves around the intent, compassion, communication and sensitivity of the property owner to control the environment that they are creating around their property.

And last but not least, I have been reviewing all of the emails on the Clark tract roads with the folks up the hill next to our cabin and I want to thank you Ann for your efforts in bringing together the neighborhood and being a voice of reason among the masses. It appears to me that you have taken this all on due to your commitment to make a difference in the community and to bring a certain sense of balance to the local area. I applaud your efforts and commitment and I wish you continued strength in your journey.

Sincerely,

Tom Duffy

Thomas G. Duffy, CPA/PFS | Managing Partner

Wendy Sugimura

From: Carol McCahon <cemccahon@gmail.com>
Sent: Friday, September 29, 2017 2:49 PM
To: Brown, Julie; jora@friendsoftheinyo.org; Al & Patti Heinrich; mrm@shat.com; Jeff Ronci; dave.rosky@gmail.com; Ann Tozier; Wendy Sugimura
Subject: STR in the Clark Tract

I have lived in June Lake for 42 years. Most of those years, I have been a resident of the Clark Tract. I am very much opposed to STR (short term rentals) in the Clark Tract for all the reasons that have been given many, many times. My neighbors, the Escoto's are also opposed, but they are out of town.

Please listen to us, we have spoken, but it doesn't seem like any one is paying attention. We don't want this!

If you must have Short Term Rentals, I propose it is on Nevada Street and Highway 158. Other than those two areas, I am adamantly opposed!

Sincerely,

-
Carol McCahon

Wendy Sugimura

From: Dorothy Burdette <lildabldoya@suddenlink.net>
Sent: Monday, October 02, 2017 3:34 PM
To: Wendy Sugimura
Subject: Fw: Petersen Tract

Another opinion re SFR
----- Original Message -----
From: "Byron Light" <bhlite@earthlink.net>
To: "Dorothy Burdette" <lildabldoya@suddenlink.net>
Sent: Monday, October 02, 2017 3:29 PM
Subject: Petersen Tract

> Dorothy - sorry for the delay:back and computer problems
>
> Please add our names to those strongly opposed to efforts to change our
> Petersen Tract zoning to STR.
>
> Byron H. and Patricia C. Light
> 903 Mono Drive
> June Lake, CA

This email has been checked for viruses by Avast antivirus software.
https://www.avast.com/antivirus

To: **Members of the June Lake Citizens Action Committee**

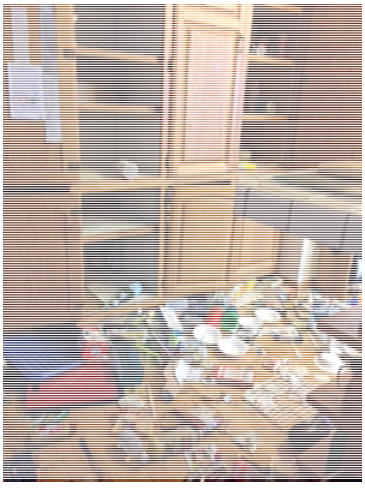
From: **Jill Malone and Rod Goodson**
100 Mountain View Lane, June Lake, CA 93529

Date: **October 2, 2017**

Re: **Concerns about Short-Term Rentals (Type I and Type II)**

We are taking this opportunity to send our concerns to the June Lake CAC at their meeting on October 4, 2017 about short-term rentals in June Lake. Transient rentals have been a topic at June Lake CAC meetings for several years. Attempts at obtaining a transient rental overlay in our area of the Clark Tract in June Lake have met with stiff neighborhood resistance and have been ultimately and appropriately rejected. Our concerns include the following:

1. The continuing issue of transient rentals has caused much discord in the neighborhood. It has pitted neighbor against neighbor, breeding dishonesty and intimidation on the part of its proponents. Sadly this has degraded the harmony and welfare of the neighborhood as the issue drags on without resolution. Homeowners in the neighborhood are overwhelmingly against transient rentals of all types and are continuously on the defensive with respect to their rights. A final resolution that excludes this area of June Lake from all types of transient rentals would be a welcome relief.
2. We have a serious bear intrusion problem in the Clark Tract. Houses on either side of our home have been ransacked, and there are extensive invasions throughout the neighborhood. Much care and a diligent defense against this threat are needed at all times. Residents have a unique knowledge of this problem from seeing damage and hearing reports of the break-ins. They are conscientious in their behavior to prevent this problem. However, transient rentals would bring in people who do not have knowledge of and experience with this bear break-in problem and who are not conditioned to act accordingly. The likely and unfortunate outcome of transient rentals in our area would be an increase in bear break-ins, ultimately teaching these bears to be even bolder in their actions.



3. General opinion in the neighborhood is against transient rentals of all stripes. Repeatedly it has been shown that the overwhelming majority of people who have taken the time to attend CAC meetings in the past few years are against short-term rentals and TRODs. Approximately 40 people attended a

transient rental/TROD workshop meeting, and of those in attendance 30 people signed a statement in opposition to transient rentals and TRODs. This statement was forwarded to the CAC committee.

4. Access in the Clark Tract is limited. This is a remote, difficult-to-reach area. Services that are customary for a visiting tourist are not located in the tract. One must leave the tract for shopping, restaurants, food, or entertainment. This increases traffic and road problems within the tract.

5. The roads are hazardous in the tract. The roads are narrow, and they lack parking and turnaround space. These conditions are intensified in the winter months with snow and ice. However, even in the summer there have been problems with turnarounds, accidents, and emergencies. The photo below documents such a situation in summer when emergency services were called to the scene.

6. Since the roads are privately maintained for both maintenance and snow removal, there is a legal risk of lawsuits against homeowners of these private roads. Opening up these private roads to tourism leaves the homeowners liable to litigation from individuals who drive into the area unaware of the inherent hazardous conditions.

7. Allowing private short-term rentals of any kind detracts from the legitimate hotel businesses in the area that meet all hotel standards and legal requirements (e.g., the Americans with Disabilities Act). These legitimate hotel businesses can be trusted to keep accurate records of all their rentals and pay their required taxes.

8. We and many of our neighbors built or bought into this area because of the unique character of the neighborhood. The character is one of quiet mountain living where one knows one's neighbors, where there is a common interest in maintaining the beauty and serenity of the area, and where the residents understand the hazards of the region and the proper conduct required. All this is threatened by a TROD or any transient rental permit that allows short-term rentals in this area. It is clear that the people in favor of transient rentals are not doing so to maintain the serenity of the region and ensure its safety, but rather to benefit financially from renting short-term to out-of-town tourists.

Please consider these points when contemplating any amendments to the General Plan. Type I and Type II transient rental permits are inappropriate, unwanted, and hazardous in certain areas of June Lake. Specifically, the Clark Tract needs to be excluded from any General Plan amendments authorizing transient rentals.
Thank you.

Wendy Sugimura

From: Ross Biederman <rebjl1@yahoo.com>
Sent: Wednesday, October 04, 2017 10:15 AM
To: jbrown@mammothresorts.com; jora@friendsoftheinyo.org; heinrichsfour@aol.com; mrm@schat.com; coachronci@gmail.com; Ann Tozier; dave.rosky@gmail.com; Wendy Sugimura; Scott Burns
Subject: CAC meeting tonight

First a heartfelt thank you for the time and energy you devote to the CAC.

Lynda and I urge you to vote NO on Short Term Rentals (type I and type II) within the Clark Tract. Many Clark Tract residents have for years now, at numerous town, CAC, Planning Commission and Board of Supervisors meetings, presented the problems with unacceptable dangerous roads, homeowner liability, safety issues of bringing unknown people weekly to our residential neighborhood along with issues commonly observed with current visitors: noise, garbage, blocked roads, lose dogs. The Planning Dept. in return has offered no solution to our incurred liability, no assurance of any of the STR funds generated returning to June Lake and no demonstrated ability to enforce any of the myriad rules and regulations newly generated to sway us into accepting STRs. This despite opening every recent meeting with the same speech reporting that law enforcement CANNOT adequately monitor existing illegal rentals or enforce existing law. Unless of course, as the Planning Department suggests, we permit STRs next to our homes in which case magically all these problems are resolved.

At the last CAC meeting Planning Dept. personnel dismissed and discounted most, if not all, persons who have reported observed complaints of bad behavior by renters and other tourists in our neighborhoods. Further, we who oppose STRs were depicted in a projected cartoon image with our heads in the sand. The Planning Dept. has degenerated into an openly biased sales dept. for AirBnd and VRBO. Such unprofessional and prejudicial behavior at every meeting I have attended (town meetings, CAC, Planning Commission, Board of Supervisors) for the past 3 years proves them an undependable partner in any venture risking the sanctity of our homes. All this of course is now labeled with the politically correct term of "transparency". Indeed it is transparent; the relentless pushing of STRs is most certainly transparent. Who would this TRULY benefit? Money for the county? Mammoth Mountain? Certainly income for a few self-serving home owners who elected to purchase homes within the Clark Tract and now wish to rent their property expecting neighbors to tolerate the ramifications; something akin to buying a house near an airport and then demanding change to the flights. We've seen this before.

But really in a decent society none of this should be necessary. The elephant in the room is simply that the Clark Tract is zoned SFR and that we, each and every one of us, found that desirable and chose to buy or build a home here. Each of us signed purchase contracts promising to preserve that SFR character. It's time for integrity.

Other towns have resisted this takeover by AirBnB and VRBO whom our Planning Dept seems to represent. We must do the same.

We urge you to protect and preserve our single family residential neighborhood in the Clark Tract and vote NO to STRs in the Clark Tract, both type I and type II.

Sincerely,

Dr. and Mrs. Ross Biederman

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From: Ross Biederman <rebjl1@yahoo.com>
Sent: Wednesday, October 04, 2017 10:15 AM
To: jbrown@mammothresorts.com; jora@friendsoftheinyo.org; heinrichsfour@aol.com; mrm@schat.com; coachronci@gmail.com; Ann Tozier; dave.rosky@gmail.com; Wendy Sugimura; Scott Burns
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Sincerely,

Dr. and Mrs. Ross Biederman

Wendy Sugimura

From: Wendy Sugimura
Sent: Friday, September 29, 2017 1:16 PM
To: Wendy Sugimura
Subject: FW: Short-term Rental Survey - Last Opportunity

---------- Forwarded message ----------
From: **Thomas G. Duffy, CPA/PFS** <tom114@dkllpcpa.com>
Date: Thu, Sep 28, 2017 at 11:59 PM
Subject: RE: Short-term Rental Survey - Last Opportunity
To: Ann Tozier <anntozier@gmail.com>

Hi Ann,

I have been mulling over this issue for over a year. My wife, Anne and I bought our cabin/house in June Lake on Silver Meadow Lane 11 years ago. The property had been in the Borst family for about 10 years prior and I am a partner in other real estate ventures with Lee Borst, the son of the prior owner. I have been backpacking and skiing in the Sierra's since the early 70's and have felt a very strong connection with nature and the outdoors from the physical presence of being in the Sierra's. The idea of sharing this experience with others is a gratifying and compelling discussion. I have a STR across the street from my cabin and when I am relaxing, hiking, skiing and enjoying my experience, there have been many others sharing it across the street. The owners of the property across from me have their reasons for the STR and the property management company appears to do a great job of maintenance and review of the property. While the traffic on our self-maintained dirt roads is heavier, our cost of repair of the roads probably would be the same if the STR's were not in the neighborhood. There is also a STR relationship next to my neighbor but this STR has the owner present for most of the year. So, the plusses of the STR relationship, in my opinion, is that it leaves the original owner, who has been in the property for years, still in the capacity of being sensitive to the neighborhood and also needing the STR income to make the ownership of the property still viable. It is bringing a source of support to the local economy in that the vacant property now has tenants that are visiting and enjoying the local offerings and stimulating the local economy and allowing the landlord the ability to keep the property. The cons can be just as compelling in that a couple of bad apples in the tenant screening can really disrupt the local environment. While the economic benefits will probably be the same for the community and the owner, the ambiance and serenity of my Sierra experience will be diminished and tarnished. Fortunately, I have not experienced any of the cons over the last year in my stay at my house in June Lake. While I try to get my cabin every month and stay four to five days at a time, my continued involvement in managing my CPA firm and maintaining client relationships has not allowed me this time in the Sierra's. For the first 5 to 7 years I was there almost every month. I am hopeful that I will be there more as I was in the first 5 to 7 years of ownership. In my time at the cabin over that time period there were no absentee STR's in our area. So now that the times are changing and the economics are more compelling, we will all have to review this STR's policy carefully. In my professional training, I understand the economics of the STR's and the benefits that the owners of the STR's will receive. If the whole Silver Meadow and Nevada streets were to be allowed STR's, I think that the whole experience in the local neighborhood would be negatively affected. Certainly, our little neck of the woods is very private and serene and the STR's could really jeopardize that whole experience. I would not want to see that every house is allowed an absentee owner STR's but I feel that for many that economic reality or investment could be compelling, only for personal economic gain. The owners that are in the properties and renting out rooms to tenants, have a much more vested interest in the community and maintain the ambiance of the experience and are probably making a positive impact to the community and the local experience. So, to your question: Type I STR, yay; Type II STR, NIMBY (nay), but my neighbor across the street is my exception. It all revolves around the intent, compassion, communication and sensitivity of the property owner to control the environment that they are creating around their property.

And last but not least, I have been reviewing all of the emails on the Clark tract roads with the folks up the hill next to our cabin and I want to thank you Ann for your efforts in bringing together the neighborhood and being a voice of reason among the masses. It appears to me that you have taken this all on due to your commitment to make a difference in the community and to bring a certain sense of balance to the local area. I applaud your efforts and commitment and I wish you continued strength in your journey.

Sincerely,

Tom Duffy

Thomas G. Duffy, CPA/PFS | Managing Partner

To: **Members of the June Lake Citizens Action Committee**

From: **Jill Malone and Rod Goodson**
100 Mountain View Lane, June Lake, CA 93529

Date: **October 2, 2017**

Re: **Concerns about Short-Term Rentals (Type I and Type II)**

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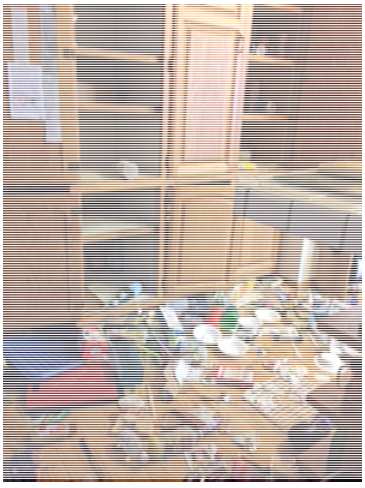

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Thank you.

Wendy Sugimura

From: Dorothy Burdette <lildabldoya@suddenlink.net>
Sent: Monday, October 02, 2017 3:34 PM
To: Wendy Sugimura
Subject: Fw: Petersen Tract

Another opinion re SFR
----- Original Message -----
From: "Byron Light" <bhlite@earthlink.net>
To: "Dorothy Burdette" <lildabldoya@suddenlink.net>
Sent: Monday, October 02, 2017 3:29 PM
Subject: Petersen Tract

> Dorothy - sorry for the delay:back and computer problems
>
> Please add our names to those strongly opposed to efforts to change our
> Petersen Tract zoning to STR.
>
> Byron H. and Patricia C. Light
> 903 Mono Drive
> June Lake, CA

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https://www.avast.com/antivirus

Wendy Sugimura

From: Carol McCahon <cemccahon@gmail.com>
Sent: Friday, September 29, 2017 2:49 PM
To: Brown, Julie; jora@friendsoftheinyo.org; Al & Patti Heinrich; mrm@shat.com; Jeff Ronci; dave.rosky@gmail.com; Ann Tozier; Wendy Sugimura
Subject: STR in the Clark Tract

I have lived in June Lake for 42 years. Most of those years, I have been a resident of the Clark Tract. I am very much opposed to STR (short term rentals) in the Clark Tract for all the reasons that have been given many, many times. My neighbors, the Escoto's are also opposed, but they are out of town.

Please listen to us, we have spoken, but it doesn't seem like any one is paying attention. We don't want this!

If you must have Short Term Rentals, I propose it is on Nevada Street and Highway 158. Other than those two areas, I am adamantly opposed!

Sincerely,

-
Carol McCahon

The Office of Planning and Research

The Governor's Office of Planning and Research is assisting CAL FIRE in the distribution of the following letter related to CAL Fire's role in the permitting of the conversion of timberland.

DEPARTMENT OF FORESTRY AND FIRE PROTECTION
Legal Services
P.O. Box 944246
SACRAMENTO, CA 94244-2460 (916) 653-9656
Website: www.fire.ca.gov

October 6, 2017

County Planning Commissions, Departments, and Staff [Via Email Listserve]

Re: CAL FIRE's Role in the Permitting of Timberland Conversions

To Whom It May Concern:

The Department of Forestry and Fire Protection (CAL FIRE) has permitting and enforcement jurisdiction over, among other things, the conduct of timber operations, including the conversion of timberland to uses other than growing timber. The conversion of timberland in particular often creates overlapping jurisdiction between Counties and CAL FIRE. The purpose of this letter is to clarify CAL FIRE's role in the permitting of all timberland conversions, including CAL FIRE's role under the California Environmental Quality Act (CEQA) where the County or other local entity is exercising its general zoning and police power in permitting some other aspect of the overall project. CAL FIRE hopes that this letter will assist Counties in the exercise of their permitting authority and landowners in compliance with the laws related to timber operations.

Background: Timber Operations, Timberland, Timberland Conversion, Permitting and Exemptions

In the State of California, the conduct of timber operations is strictly regulated pursuant to the Z'berg-Nejedly Forest Practice Act of 1973 (Pub. Resources Code, §§ 4511–4629.13) (the Forest Practice Act) and the Forest Practice Rules (Title 14, Cal. Code of Regs.,§§ 895–1115.3) adopted by the State Board of Forestry and Fire Protection (the Board of Forestry) pursuant to the authority delegated to the Board in the Act. Timber operations, as defined in the Forest Practice Act, means (i) the cutting or removal, or both (ii) from timberlands (iii) of timber or other solid wood forest products (iv) for commercial purposes. The commercial purposes of the cutting and removal may be *either* an intent to sell, barter, exchange, or trade the timber *or* an intent to convert timberland to a use other than growing timber, whether or not there is any intent to commercialize the timber. (Pub. Resources Code § 4527.) All timber operations must be conducted pursuant to a Timber Harvesting Plan (THP) approved by CAL FIRE. (Pub. Resources Code § 4581.) A landowner who intends to convert timberland must also secure a Timberland Conversion Permit (TCP) from CAL FIRE prior to the timberland conversion. (Pub. Resources Code § 4621.)

The Act defines "timberlands" to include all non-federal land that is available for, and capable of, growing a crop of trees of commercial species, as designated by the Board of Forestry. (Pub. Resources Code § 4526; *see* 14 CCR § 895.1.) A "crop of trees" includes any number of trees that may be harvested commercially. (14 CCR § 895.1.) It is important to note that timberlands are thus defined by their physical characteristics rather than their zoning, that some or all of a property may be timberlands, and that zoning restrictions may not preclude the conduct of timber operations and, therefore, the requirement of a THP or TCP. CAL FIRE encourages landowners to contact a Registered Professional Forester or their local CAL FIRE Unit Forester to assist in determining whether their land includes timberlands.

A TCP is a document that is approved by CAL FIRE in its discretion, to be exercised pursuant to the standards in the Forest Practice Act & Rules. (Pub. Resources Code §§ 4621 and 4622.) Though a TCP is required prior to the conversion of timberland, the Forest Practice Act & Rules provide several exemptions to the TCP requirement. One important exemption for Counties is for the conversion of non-TPZ land for subdivision developments, which exempts the project from the TCP requirement where a County has approved a tentative subdivision map and granted all permits required by the County. (14 CCR § 1104.2.) Additional exemptions are available for public entities converting timberland for the construction or maintenance of rights-of-way and for public and private utilities for gas, water, sewer, oil, electric, and communications rights-of-way. (14 CCR §§ 1104.1(b), 1104.1(c).)

A property owner may also submit a Notice of Conversion Exemption Timber Operations (Notice of Conversion Exemption), commonly known as a "less than three acre exemption," which allows for the one-time conversion of less than three acres of timberland to a use other than growing timber. (14 CCR § 1104.1(a).) CAL FIRE must accept a Notice of Conversion Exemption that meets all of the criteria provided in the Forest Practice Act & Rules and reject one that does not. The Notice of Conversion Exemption must be prepared by a Registered Professional Forester, who must ensure that certain environmental and archaeological criteria are met and values protected. (*Ibid*.) Timber operations pursuant to a Notice of Conversion Exemption must be conducted by a Licensed Timber Operator (LTO) and are subject to the operational provisions of the Forest Practice Act & Rules. (*Ibid*.) But a Notice of Conversion Exemption is a ministerial document and does not require evaluation of the cumulative or other impacts that would be evaluated for a discretionary approval under CEQA, and it may therefore be inappropriate for other agencies to rely on a Notice of Conversion Exemption for CEQA purposes.

As a related point, CAL FIRE would like to stress that only a TCP approved by CAL FIRE or a conversion exemption accepted by CAL FIRE allows for the lawful conversion of timberland. THPs, non-industrial timber management plans (NTMPs), and other documents that allow for the commercial harvest of timber from timberlands do not permit the conversion of timberland to uses other than growing timber. It would be inappropriate for a County to rely on anything other than a TCP or Notice of Conversion Exemption—approved or accepted by CAL FIRE prior to the conversion of timberland—as evidence of the lawful conversion of timberland to another use. CAL FIRE encourages County permitting authorities to contact CAL FIRE if they have any questions about whether particular timberlands were lawfully converted.

Interplay between CAL FIRE and County Permits and Permitting

A TCP is required in addition to any local permits that may be required for the intended use other than growing timber, including, for example, local permits for building, grading, cannabis cultivation, etc. The Forest Practice Act recognizes the County's traditional zoning and land use authority by requiring that a TCP be "conditioned upon the granting of the necessary rezoning or use permit if rezoning or a use permit is required" and that "no timber operations shall commence until the granting of such rezoning or use permit as may be required." (Pub. Resources Code § 4622.) The CEQA Guidelines also recognize the primacy of the County's general police power over limited purpose agencies like CAL FIRE, providing "the Lead Agency shall be the public agency with the greatest responsibility for supervising or approving the project as a whole. . ." and that "[t]he Lead Agency will normally be the agency with general governmental powers, such as a city or county, rather than an agency with a single or limited purpose." (14 CCR § 15051.) Local permits usually apply to the ongoing use of a property, as opposed to the permits from CAL FIRE that are simply approving the cutting and removal of timber for the new use of the property, and local permits often cover a larger geographic area than the timber operations permitted by CAL FIRE.

Accordingly, for projects that require both a TCP and a discretionary permit issued by the County, the County is the proper Lead Agency for CEQA purposes. CAL FIRE serves as Responsible Agency for the limited purposes of permitting the cutting and removal of timber for timberland conversion through the THP and TCP. CAL FIRE encourages Counties and project applicants to engage CAL FIRE early in the planning process if there is any doubt over the proper Lead Agency for a project that requires a TCP. This will allow the parties to agree to the proper Lead Agency or, if necessary, submit the matter to the Governor's Office of Planning and Research for determination. (*See* Pub. Resources Code § 21165.)

The requirements for a Notice of Conversion Exemption also recognize the County's traditional authority over zoning and land use and seek to ensure that CAL FIRE does not approve a Conversion Exemption for a conversion incompatible with County zoning and land use restrictions. CAL FIRE must reject a Notice of Conversion Exemption unless the authorized designee of the County Board of Supervisors signs the exemption stating that the conversion is in compliance with all County regulations. (14 CCR § 1104.1(a)(1)(D).) If a County does not have an authorized designee, the Registered Professional Forester preparing the Conversion Exemption must certify that she has contacted the County to ensure compliance. (*Ibid.*) Unfortunately, CAL FIRE is not always able to verify that the County has been contacted or that the conversion is in conformance with County regulations. Therefore, CAL FIRE encourages Counties that have not already done so to designate a County officer to review all Notices of Conversion Exemption and ensure their consistency with County regulations.

Lands zoned timberland production zone (TPZ) present a unique overlap of the respective jurisdictions of CAL FIRE and the County. The immediate rezone of TPZ constitutes the conversion of timberland and requires a TCP, whether timber operations are to occur or not. (14 CCR§§ 1100(g)(2), 1103.1.) But in order for CAL FIRE to issue a TCP for the immediate rezone of TPZ lands, CAL FIRE must make the affirmative findings specified in the Forest Practice Act & Rules. (Pub. Resources Code§ 4621.2; 14 CCR§ 1109-1110.) Since the immediate rezone of TPZ requires a TCP in addition to the approval of the County, CAL FIRE is a responsible agency for purposes of environmental review under CEQA. Early consultation with CAL FIRE during the immediate rezone process will ensure that the resulting CEQA document will enable CAL FIRE to make the required affirmative findings and issue the TCP.

* * *

CAL FIRE hopes that this letter clarifies the proper roles of Counties in approving projects that involve timberland conversion and of CAL FIRE in its review of conversions and will help ensure that the review of projects involving timberland conversion respects both the County's general authority over land use and zoning and CAL FIRE's limited but important authority over the timberland resources of the State.

CAL FIRE supports Counties in their efforts to create and maintain an effective system of evaluation of environmental impacts from various projects that require timberland conversion for their implementation, and CAL FIRE looks forward to assisting Counties as a Responsible Agency. If you would like further information, have any questions, or would like to meet with me or your Unit Forester to discuss these issues, please do not hesitate to contact me by telephone at (916) 657-0561 or by email at Toby.McCartt@fire.ca.gov.

Very Truly Yours,
Toby A. Mccartt Staff Attorney CAL FIRE

Cc: Dennis Hall, Asst. Dep. Director, Resource Management (CAL FIRE) Matt Dias, Executive Officer (State Bd. of Forestry and Fire Protection)

Learn More About OPR

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Your copy should address 3 key questions: Who am I writing for? (Audience) Why should they care?

(Benefit) What do I want them to do here? (Call-to-Action)

Create a great offer by adding words like "free" "personalized" "complimentary" or "customized." A sense of urgency often helps readers take an action, so think about inserting phrases like "for a limited time only" or "only 7 remaining!"

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