

## LAND USE ELEMENT UPDATES

### 1. COUNTYWIDE LAND USE POLICIES

**Policy 1.M.1.** Approvals of ~~Type I~~ Owner-Occupied and ~~Type III~~ Not Owner-Occupied short-term rental operations shall be specific to the property owner and non-transferrable. Sale or transfer of the property renders the approval to operate the rental null and void.

**Action 1.M.1.a.** The following permits are required to operate ~~Type I~~ Owner-Occupied and ~~III~~ Not Owner-Occupied short-term rentals: 1) a Use Permit pursuant to Chapter 25, and 2) a Short-Term Rental (STR) Activity Permit pursuant to Mono County Code Section 5.65. The STR Activity Permit shall be specific to the property owner and non-transferrable.

### 2. JUNE LAKE AREA LAND USE POLICIES

**Policy 13.M.1.** Short-term rentals are subject to Chapter 25 of the General Plan Land Use Element and Mono County Code Chapter 5.65, with the following specifications based on the context of individual neighborhoods (see General Plan map), which vary in character.

**Action 13.M.1.a.** Not Owner-Occupied ~~Type II~~ short-term rentals are prohibited throughout June Lake in residential land use designations (e.g., SFR, ER, RR, MFR-L or RMH). ~~Type III~~ Not Owner-Occupied short-term rentals, which are ~~non-owner occupied and~~ specific to the owner/non-transferrable (pursuant to Mono County Code Chapter 5.65), may be permitted in specific locations (see below).

**Action 13.M.1.a.** Prohibit Owner-Occupied ~~Type I~~ and Not Owner-Occupied ~~Type III~~ rentals in the Williams Tract and Petersen Tract.

**Action 13.M.1.b.** Defer short-term rental housing decisions for the Highlands to the appropriate tract map and specific plan procedures.

**Action 13.M.1.c.** No public input was received from the Dream Mountain neighborhood, and therefore short-term rentals may be permitted subject to the countywide discretionary permit(s) for short-term rentals.

**Action 13.M.1.d.** In the Clark Tract, Owner-Occupied ~~Type I~~ and ~~Type III~~ Not Owner-Occupied rentals may be permitted year-round on Nevada Street/Silver Meadow subject to the discretionary permit(s) for short-term rentals and June Lake Area Plan policies. In the rest of the Clark Tract, only ~~Type I~~ Owner-Occupied rentals may be permitted subject to the discretionary permit(s) for short-term rentals, June Lake Area Plan policies, and the following additional requirements: summer only (April 16 through October 31), the number of approvals shall be limited to eight parcels total (3% of existing parcels) including existing Transient Rental Overlay Districts (TRODs), and ~~Type III~~ Not Owner-Occupied rentals are prohibited. See MCC Chapter 5.65 for other operational requirements specific to the Clark Tract.

**Action 13.M.1.e.** In the South 158 neighborhood, ~~Type III~~ Not Owner-Occupied rentals are prohibited. The CAC was evenly split on Owner-Occupied ~~Type I~~ rentals, and therefore ~~Type I's~~ Owner-Occupied rentals may be permitted subject to discretionary permit(s) for short-term rentals and June Lake Area Plan policies.

**Action 13.M.1.f.** ~~Type I Owner-Occupied~~ and ~~Type III Not Owner-Occupied~~ rentals may be permitted in the Leonard Avenue neighborhood subject to discretionary permit(s) for short-term rentals and June Lake Area Plan policies.

**Action 13.M.1.g.** The Rodeo Grounds development could potentially be an appropriate location for short-term rentals, and the opportunity should be explored.

### 3. CHAPTER 25 – SHORT-TERM RENTALS

#### 25.015 General Requirements and Applicability.

- A. This chapter applies to short-term rental in any single-family unit with a land use designation(s) of SFR, ER, RR, ~~MFR-L~~ or RMH in all communities except June Lake. In June Lake, this chapter applies only to SFR designations; short-term rentals in other residential land use designations in June Lake are not permitted.

### 4. RESIDENTIAL LAND USE DESIGNATIONS:

- Add the updates below to all residential land use designations, requiring that small-scale agriculture uses be subject to a primary residential use.

#### Estate Residential (ER)

**INTENT: The “ER” designation is intended to permit large-lot, single-family dwelling units with ancillary rural uses in areas adjacent to developed communities. Small-scale agriculture is permitted.**

#### PERMITTED USES

- Single-family dwelling
- Small-scale agriculture<sup>1</sup>
- Accessory buildings and uses<sup>1</sup>
- Manufactured home used as a single-family dwelling<sup>2</sup>
- Animals and pets (see Animal Standards Section 04.270)
- Home occupations (see Home Occupation regulations, Section 04.290)
- Accessory Dwelling Unit (as prescribed in Chapter 16, Development Standards – Accessory Dwelling Unit)
- Transitional and Supportive Housing<sup>5</sup>
- Outdoor cultivation of a maximum of six mature and 12 immature cannabis plants under the Compassionate Use Act.

#### NOTES

1. Accessory buildings, ~~small-scale agriculture~~, 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

## 5. COMMERCIAL LODGING, MODERATE (CL-M) & HIGH (CL-H)

### Commercial Lodging, Moderate (CL-M) and High (CL-H)

**INTENT:** The “CL-M” designation is intended to provide commercial lodging units for short-term occupation in or near residential uses.

The “CL-H” designation is intended to provide short-term commercial lodging units in close proximity to commercial/recreational centers.

#### PERMITTED USES

- Single-family dwelling (manufactured homes are not permitted)
- Duplexes and triplexes
- Accessory buildings and uses<sup>1</sup>
- Animals and pets (see Animal Standards Section 04.270)
- Home occupations (see Home Occupation regulations, Section 04.290)
- Transitional and Supportive Housing<sup>5</sup>
- Outdoor cultivation of a maximum of six mature and 12 immature cannabis plants under the Compassionate Use Act
- **Transient rentals (rentals for fewer than 30 consecutive days) in condominium developments where units are under individual ownership**

#### USES PERMITTED SUBJECT TO DIRECTOR REVIEW (Director Review Processing, Ch. 31)

- **Transient rentals (rentals for fewer than 30 consecutive days) in single-family residential units, including accessory dwelling units, and multi-family units under single ownership** of up to three dwelling units

#### USES PERMITTED SUBJECT TO USE PERMIT (Use Permit Processing, Ch. 32)

- Mobile-home parks (see Dev. Standards –Mobile-home and RV Parks, Ch. 17)
- Recreational-vehicle parks (see Ch. 17)
- Condominiums, cooperatives, townhomes, cluster developments, apartments containing four or more units
- Hotels, motels, lodges, bed-and-breakfast establishments, cabins and other uses found to be similar by the Commission. Ancillary uses such as limited dining, lounges and convenience retail, provided the ancillary use does not occupy more than 25% of the project's habitable space
- **Transient rentals (fewer than 30 consecutive days) in multi-family units under single ownership** of four or more dwelling units
- Conversion of five or more apartment units into transient rentals
- Conversion of existing habitable space into ancillary uses
- Parking lots and parking structures other than required off-street parking
- Construction of an accessory building prior to construction of the main building

## 6. MULTI-FAMILY RESIDENTIAL, LOW (MFR-L), MODERATE (MFR-M), HIGH (MFR-H)

### Multi-Family Residential, Low (MFR-L), Moderate (MFR-M), High (MFR-H)

**INTENT:** The “MFR-L” designation is intended to provide for low-density multifamily residential development, such as duplexes and triplexes.

The “MFR-M” designation is intended to encourage long-term multifamily housing by allowing for higher population densities and by not allowing commercial lodging facilities; i.e., hotels, motels.

The “MFR-H” designation is intended to encourage multifamily units by allowing for higher population densities and to provide for commercial lodging facilities; i.e., hotels, motels.

**USES PERMITTED SUBJECT TO USE PERMIT** (Use Permit Processing, Ch. 32)

#### ~~MFR-L only~~

- ~~Short term rentals (fewer than 30 consecutive days) in single family residential units in compliance with Chapter 25 of the Land Development Regulations (set forth in Section VI of this Land Use Element) and with a valid Short Term Rental Activity Permit and in compliance with all operational requirements of Chapter 5.65 of the Mono County Code and any applicable area plan policies except in the June Lake Planning Area where short term rentals are only permittable in SFR.~~

#### **MFR-L, MFR-M and MFR-H**

- Art galleries
- Quasi-public buildings and uses
- Public utility buildings and structures, not including service yards
- Country clubs and golf courses
- Condominiums, cooperatives, townhomes, cluster developments, apartments containing four or more units
- Parking lots and parking structures

#### **MFR-H only**

- Mobile-home parks (see Dev. Standards – Mobile Homes and RV Parks, Ch. 17)
- Recreational-vehicle parks (see Ch. 17)
- Social care facilities and related integrated professional offices
- Parking lots and parking structures when abutting a commercial district
- Hotels, motels, bed-and-breakfast establishments and dorms
- Transient rentals (fewer than 30 consecutive days) ~~of four or more dwelling units only~~
- Manufactured housing subdivision (see Ch. 18)

Transient rentals (fewer than 30 consecutive days) are prohibited in MFR-L and MFR-M, except in the following complexes: ~~Aspen Meadows, Hideaway Down Canyon, Interlaken, Birch Creek,~~ Edgewater, Sierra Suns, or in complexes where transient use is not specifically addressed in the use permit and/or parcel map of an existing development and can be demonstrated as a non-conforming use prior to the adoption date of this General Plan Amendment.

**7. CHAPTER 04 – GENERAL, TABLE 04.120: MINIMUM YARDS**

LUD	Front	Rear	Side
SFR <1 acre	20'	10'	10'
SFR >1 acre	30'	30'	30'
ER <1 acre	50'	10'	10'
ER >1 acre	50'	30'	30'
RR <1 acre	50'	10'	10'
RR >1 acre	50'	30'	30'
RU	30'	30'	30'
RMH <1 acre	20'	10'	10'
RMH >1 acre	30'	30'	30'
MFR <1 acre	20'	10'	10'
MFR >1 acre	30'	30'	30'
MU <1 acre	10'	5'	10'
MU >1 acre	30'	30'	30'
CL	10'	5'	0'
C	10'	5'	0'
SC	10'	5'	0'
IP	20'	10'	10'
RM	50'	30'	30'
AG	50'	50'	50'
NHP	30'	30'	30'
OS	50'	30'	30'

**04.280 Placement of manufactured homes in conventional SFR areas.**

These standards permit the placement of manufactured, factory-built or modular housing in all areas designated for conventional single-family residential dwellings: SFR, ER, RR, MFR-L, MU, RU, RM, AG and OS. ~~In addition, they are allowed in the MU designation subject to Director Review.~~

**04.360 Inactive Projects.**

An inactive project is one where the project applicant has not submitted the information and/or documents requested in the most recent County correspondence within 180 days. County staff shall provide written notification of “inactive status” to the project applicant 180 days following the last correspondence. Project applicants shall have 30 days from the date of that notice to submit the information and/or documents requested. If the County does not receive a complete response within 30 days, the project will be deemed withdrawn and all application materials and a final invoice will be mailed to the applicant.

## CONSERVATION/OPEN SPACE ELEMENT UPDATES

### 1. CULTURAL RESOURCES

**Action 22.C.1.f.** Project grading, earthwork, and site disturbance in general shall be subject to the following standard mitigation measures if archeological evidence is encountered:

- a. Work shall be stopped and appropriate agencies will be notified if archaeological evidence is encountered during earthwork activities. A qualified consultant shall be hired and an appropriate report shall be filed with the County Planning Division which identifies acceptable site mitigation measures. If the archaeological evidence is determined to be of Native American heritage, local tribes shall be contacted and, if requested by the tribe(s), the developer shall pay a tribal cultural monitor to be on site until earthwork and site disturbance is complete.
- b. California Code of Regulations §15064.5(e) shall be followed in the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery.