



RESOLUTION R20-02

**A RESOLUTION OF THE MONO COUNTY PLANNING COMMISSION RECOMMENDING
ADOPTION OF JUNE LAKE HIGHLANDS SPECIFIC PLAN AMENDMENT #2 AND
MODIFICATION OF TRACT MAP #34-24 AND #34-26**

WHEREAS, the June Lake Highlands Specific Plan, Environmental Impact Report, and Tract Map #34-24 was originally approved and adopted in 2001 for the development of a 39-lot single-family subdivision and up to 114 condominium units on 21.2 acres; and

WHEREAS, the June Lake Highlands Specific Plan Amendment #1, an amendment to address an adjacent 1.55-acre site for division into four single-family parcels, was approved and adopted in 2004; and

WHEREAS, Tract Map #34-26 (Phase II) was approved and adopted in 2006, subdividing the remainder parcel created by Tract Map #34-24 into 28 single-family lots and removing 114 condominium units of the June Lake Highlands Specific Plan; and

WHEREAS, the Specific Plan contains a number of development standards designed to achieve the goal of the June Lake Highlands Specific Plan, which is to provide quality, environmentally sensitive permanent and resort housing in proximity to the community of June Lake; and

WHEREAS, the addition of Policy 1-D would amend the Specific Plan to allow parcels to conduct transient rentals subject to the specified permitting process(es); and

WHEREAS, no other changes are proposed to the Specific Plan and all previously approved mitigation measures remain in effect, and a Categorical Exemption 15301(a) was prepared in compliance with the California Environmental Quality Act (CEQA); and

WHEREAS, Condition #36 is proposed to be added to Tract Map #34-24 for consistency with Policy 1-D of the June Lake Highlands Specific Plan; and

WHEREAS, Condition #44 is proposed to be added to Tract Map #34-26 for consistency with Policy 1-D of the June Lake Highlands Specific Plan; and

WHEREAS, on June 18, 2020, the Planning Commission held a duly noticed public hearing regarding June Lake Highlands Tract Map Modification and June Lake Highlands Specific Plan Amendment #2; and

NOW, THEREFORE, THE MONO COUNTY PLANNING COMMISSION DOES HEREBY RESOLVE AS FOLLOWS:

SECTION ONE: Having reviewed and considered the analysis in the staff report and testimony provided in the public hearing, the Planning Commission finds that the following modifications are hereby incorporated into the proposed June Lake Highlands Specific Plan Amendment #2 and TM #34-24 and #34-26 modification. The June Lake Highlands Specific Plan Amendment #2 and TM #34-24 and #34-26 modifications are included as **Exhibit A** and incorporated herein by this reference:

1 **SECTION TWO:** Having reviewed and considered all information and evidence presented to it
2 regarding June Lake Highlands Specific Plan Amendment #2 as set forth in **Exhibit A**, including public
3 testimony, written comments, staff reports and presentations, the Planning Commission finds that:

4 A. *The proposed changes in the Specific Plan are consistent with the text and maps of the General Plan
5 because:*

6 The proposed changes to the Highland’s Specific Plan are consistent with General Plan policies
7 directing the County to utilize the specific plan process for large-scale projects. The project is also
8 consistent with Land Use Element Policies for the June Lake Area; Objective 13.M. To balance the
9 character of single-family residential neighborhoods and the tourist economy, utilize a mix of best
10 practices, creative solutions, and regulatory mechanisms, as guided by public input and
11 engagement, to address the complexity of short-term rentals.

12 The project site is an existing specific plan approved for development and within the community
13 of June Lake. The Amendment is also consistent with General Plan policies for amending Specific
14 Plans and Tract Maps (Chapter 36 and Chapter 48).

15 The Amendment provides transient rental for those seeking to visit the community and surrounding
16 area and does not alter the adopted Highland’s Specific Plan in a manner that makes it inconsistent
17 with the text or maps of the General Plan.

18 The site is near the Village and has long been identified for residential development. Leonard
19 Avenue, a neighborhood permitted for non-owner occupied transient rental, is directly adjacent to
20 the site. Amendment #2 allows the Single-Family Residential LUD parcels in this project to apply
21 for a ministerial Vacation Home Rental Permit to conduct transient rentals consistent with General
22 Plan Chapter 26, Transient Rental Standards & Enforcement in Nonresidential and MFR-H Land
23 Use Designations and TRODS.

24 B. *The proposed changes in the Specific Plan are consistent with the goals and policies contained within any
25 applicable area plan because:*

26 Small-town character is preserved by maintaining an area of single-family residential land uses for
27 residential occupancy, whether short-term or long-term rental or full-time residency. The
28 Amendment also enhances and supports the tourism-based economy by providing a form of nightly
29 rentals. The specific plan changes are consistent with the following area plan polices, in the General
30 Plan Land Use Element:

1) Issues/Opportunities/Constraints for the June Lake Area

7. Improvements to the June Mountain Ski Area are intended to increase the mountain's capacity
to the limits provided by the USFS special use permit, enhance the visitor experience, and
promote increased visitation. Local accommodations, however, are not sufficient to handle the
expected influx of ski-related visitors.

17. 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 300 hours of staff time from December
2016 to December 2017. Workshops included education on the existing industry/market, County
regulations and identification of community character; technical considerations and issues of

1 individual neighborhoods; concerns and negative impacts; opportunities and benefits; and
2 potential solutions; and the input was used as the basis for the development of policies and
3 regulations.

4 19. Opportunities expressed about short-term rentals include meeting a tourism market need,
5 economic development for June Lake, tax revenue for the County, assisting homeowners in
6 keeping and upgrading their properties, the potential for reduced impact compared to long-term
7 rentals, accountability and enforcement through regulation, protecting property rights, and
8 educating, socializing with, and serving as ambassadors to visitors.

9 HOUSING:

10 22. In the past, June Lake residents, most of whom reside in single-family homes and have lived
11 in the community for several years, would like new housing units to consist of single-family
12 homes, bed-and breakfast establishments, and motels/hotels; condominiums were not highly
13 regarded. Seasonal residents felt no additional housing was needed. Both groups identified the
14 need for affordable housing.

15 23. Housing or lodging facilities are oriented primarily to second-home owners and tourists, not
16 to local housing needs.

17 2) Countywide Land Use Policies, June Lake Community Development

18 Objective 13.M. To balance the character of single-family residential neighborhoods and the
19 tourist economy, utilize a mix of best practices, creative solutions, and regulatory mechanisms,
20 as guided by public input and engagement, to address the complexity of short-term rentals.

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

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

26 C. *The site of proposed change in the specific plan is suitable for any of the land uses permitted within the
27 proposed specific plan because:*

28 The June Lake Highlands Final Specific Plan Goals, Objectives, and Policies (2001) describes the
29 intent of the Highlands is “to provide a quality residential area complete with on-site amenities for
30 both permanent and transient occupancy” (pg.42).

Land Use Objective 1 states, “provide a mix of quality residential uses with an integrated design
format to serve the needs of both local and transient users.

D. *The proposed changes to the specific plan are reasonable and beneficial at this time because:*

The proponent of this project has waited to request these Amendments in order to provide the County
and June Lake community time to establish a transient rental regulatory program. Community
outreach during that process did not request the Highland’s to either prohibit or allow transient
rental, leaving the option up to Highlands’ property owners and the determination to the Specific
Plan Amendment and Tract Map Modification process.

1 The timing for this amendment is reasonable because a regulatory program has been established to
2 allow properties designated Single-family Residential and Multi-family Residential to apply for
3 permits to conduct transient rental.

4 *E. The proposed changes to the specific plan will not have a substantial adverse effect on surrounding
5 properties because:*

6 The proposed changes will not have a substantial adverse effect on surrounding properties because
7 the sites will be developed, or are already developed, to Single-Family LUD development standards.
8 This project does not change the established development and design regulations established by the
9 Specific Plan and Tract Map. Transient rental use will be further regulated under Chapter 26 of the
10 Mono County General Plan, including the Vacation Home Rental permit standards.

11 The majority of surrounding properties are federally owned and apart of the Inyo National Forest,
12 which is not planned to be developed. Surrounding properties privately owned (Interlaken, Victory
13 Lodge, and the Leonard Avenue neighborhood) already have the ability conduct transient/short-term
14 rentals.

15 **SECTION THREE:** Having reviewed and considered all information and evidence presented to it
16 regarding the modification of Tract Maps #34-24 and #34-26 as set forth in Exhibit A, including public
17 testimony, written comments, staff reports, and presentations, the Planning Commission finds per Mono
18 County Code (MCC) 17.21.070 that:

19 *1. That there are changes in circumstances which make any or all of the conditions or the design of a
20 recorded final map no longer appropriate or necessary:*

21 The project is adjacent to Interlaken and Leonard Avenue which allows for transient rentals subject to
22 certain County requirements. This Modification of condition #36 in Tract Map #34-24 and #44 in
23 Tract Map #34-26 would provide additional transient rental opportunities for those seeking to visit the
24 community and surrounding area of the Village. The June Lake Highlands Specific Plan design is for
25 single family residential use.

26 A Specific Plan Amendment under Planning Commission Resolution R20-02 Section One has been
27 recommended to the Board of Supervisors to allow for these transient rentals. The amendment is also
28 consistent with General Plan policies for amending Specific Plans and Tract Maps (Chapter 3) and
29 Chapter 48).

30 *2. That the proposed modification(s) do not impose any additional burdens on the present owners of the
property:*

The proposed modification to allow for transient rentals was initiated by the original developer and
agreed on by property owners. A majority of property owners requested to be included in this Tract
Map modification. The change does not impose additional burdens on current owners.

3. That such modification(s) would not alter any right, title, or interest in the real property:

1 The Tract Map modification adds the ability to rent a single-family home for less than 30 days. It does
2 not deny or lessen any right, title, or interest in real property subject to the June Lake Highlands
3 Specific Plan.

4 *4. That the proposed modification(s) are consistent with applicable general and specific plans:*

5 The proposed modification to Tract Map #34-24 & #34-26 is consistent with the Land Use Element
6 Policies for the June Lake Area; Objective 13.M. To balance the character of single-family residential
7 neighborhoods and the tourist economy, utilize a mix of best practices, creative solutions, and
8 regulatory mechanisms, as guided by public input and engagement, to address the complexity of short-
9 term rentals.

10 The Specific Plan has been amended under Planning Commission Resolution R20-02 Section One
11 providing transient rentals under Mono County General Plan Chapter 26 Transient Rental Standards
12 and Enforcement in Nonresidential and MFR-H Land Use Designations and TRODS.

13 *5. That the proposed modification(s) do not result in an increased number of dwelling units or a greater
14 density than set forth in the recorded map:*

15 The project allows for existing properties to conduct transient rental consistent with the Mono County
16 General Plan and June Lake Highlands Specific Plan. All properties have the land use designation
17 Single-family Residential and will be developed accordingly. Sites suitable for Single- family
18 Residential development are also suitable for transient rental (less than 30 days) because the use is
19 similar to and not more obnoxious than already permitted uses within the designation. It does not
20 increase the total number of dwelling units and/or does not allow for a greater density under Tract
21 Maps #34-24 or #34-26.

22 The project will not increase the allowable density of the June Lake Highlands. The Amendment will
23 not change the land use designation (LUD) of any property. All Highlands properties are designated
24 Single-family Residential which allows for the development of a single-family residence plus
25 accessory structures. All properties must adhere to development standards for the SFR designation.

26 *6. That the site is physically suitable for the type and proposed density of the development:*

27 All properties within the June Lake Highlands Specific Plan allow for single-family residential
28 development. The physical location of the Highlands is suitable for transient rentals because it is
29 adjacent to June Lake's commercial core where most hotels/motels are located. Additionally, the
30 project is adjacent to Interlaken and Leonard Avenue as the only other neighborhood in the June Lake
community where non-owner occupied rentals may be permitted.

*7. That the design of the subdivision or proposed improvements, as modified, will not be likely to cause
substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat:*

The tract maps were originally approved under a Final Environmental Impact Report (FSEIR;SCH #
19980520037). This Tract Map Modification to allow for transient rentals does not change any
mitigation measures adopted under the FSEIR. In addition, this modification does not apply to the
requirements under Mono County Code 17.21.080.3.

1 8. *That the design of the subdivision or type of improvements will not be likely to cause serious public*
2 *health problems, or conflict with public easements, or requirements related to drainage, snow storage,*
3 *or other requirements set forth in the recorded map deemed necessary and appropriate by the public*
4 *works department:*

5 The design, improvements, easements, drainage, snow storage, and/or other requirements have
6 been completed and are not impacted by this Tract Map Modification to allow for transient rentals.

7 **SECTION FOUR:** The Planning Commission finds that the June Lake Highlands Specific Plan
8 Amendment #2 and modification of Tract Maps #34-24 and #34-26 has been prepared in compliance with
9 CEQA, Categorical Exemption Class 1, 15301(a): which allows for the: operation, repair, maintenance,
10 permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical
11 equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the
12 time of the lead agency's determination. Examples include but are not limited to the conversion of a single-
13 family residence to office use.

14 Single-family homes that are rented on a transient basis will still be used as single-family homes and
15 in a manner that is not substantially different from how they would be used if they were occupied by full-time
16 residents or long-term renters. In addition, transient rentals are subject to compliance with regulations
17 governing the management of these units stipulated in Mono County Code 5.65, which addresses aesthetics,
18 noise, parking, utilities, and other similar issues. As a result, rental of a single-family residence is not an
19 expansion of use, and is no more intensive or impactful than, for example, conversion of a single-family
20 residence to office use.

21 June Lake Highlands Specific Plan Amendment #2, modification of Tract Maps #34-24 and #34-26,
22 and the CEQA Exemption reflect the County's independent judgment and analysis. The Planning Commission
23 further finds that the project has been presented to, and reviewed by, the Planning Commission and is adequate
24 for consideration by the Board of Supervisors in making a decision on the merits of the June Lake Highlands
25 Specific Plan Amendment #2 and modification of Tract Maps #34-24 and #34-26.

26 **SECTION FIVE:** The Planning Commission recommends that the Board of Supervisors: 1) make
27 the findings outlined above, 2) approve the Categorical Exemption 15301(a) and 3) approve June Lake
28 Highlands Specific Plan Amendment #2 and modification of Tract Maps #34-24 and #34-26 as proposed in
29 **Exhibit A** with any modifications listed in Section One.

30 **PASSED AND ADOPTED** this 18th day of June 2020, by the following vote of the Planning Commission:

AYES :

NOES :

ABSENT :

ABSTAIN :

Scott Bush, Chair

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ATTEST:

APPROVED AS TO FORM:

Melissa Bell
Secretary of the Planning Commission

Christian Milovich
Assistant County Counsel