



ORD 23-004 & R 23-054

**AN ORDINANCE AND RESOLUTION OF THE MONO COUNTY BOARD OF
SUPERVISORS ADOPTING GENERAL PLAN AMENDMENT (GPA) 23-02 –
ANNUAL CLEANUP, IN COMPLIANCE WITH THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT (CEQA)**

WHEREAS, as an outcome of the annual General Plan review, several adjustments to the Land Use Element of the General Plan are proposed to make technical corrections, minor additions, and respond to changes in State law; and

WHEREAS, the Community Development Department conducted public outreach via the Regional Planning Advisory Committees, including Antelope Valley, Bridgeport, Mono Basin, June Lake and Long Valley to receive public input and community feedback on the proposed amendments; and

WHEREAS, in accordance with the California Environmental Quality Act and CEQA Guidelines Section 15164, a 2023 Addendum to the final Environmental Impact Report for the 2015 Regional Transportation Plan, General Plan, Countywide Integrated Waste Management Plan, and Noise Ordinance Updates, and Repeal of the Conway Ranch Specific Plan was certified on December 8, 2015; and

WHEREAS, an Addendum to the 2015 Regional Transportation Plan (RTP)/General Plan Update Environmental Impact Report (EIR) was prepared for GPA 23-02; and

WHEREAS, on May 18, 2023, the Planning Commission held a duly noticed public hearing regarding GPA 23-02 – Annual Cleanup; and

WHEREAS, having reviewed and considered all the information and evidence presented to it, including public testimony, written comments, staff reports and presentations, the Planning Commission recommends that the Board of Supervisors make required findings, adopt GPA 23-02 amending text in the General Plan Land Use Element and certify the accompanying Addendum.

**NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF MONO
FINDS AND ORDAINS AND RESOLVES AS FOLLOWS:**

SECTION ONE: The Board of Supervisors certifies the Addendum for GPA 23-02: Annual Cleanup.

SECTION TWO: The Board of Supervisors finds that the General Plan Amendment, including all text changes to the Land Use Element of the Mono County General Plan, which are attached hereto as Exhibit A and incorporated herein by reference, is consistent with the General Plan and

any applicable area plans, is reasonable and beneficial at this time, and will not have a substantial adverse effect on surrounding properties.

SECTION THREE: This ordinance and resolution shall become effective 30 days from the date of its adoption and final passage, which appears immediately below. The Clerk of the Board of Supervisors shall post this ordinance and resolution and also publish the ordinance and resolution in the manner prescribed by Government Code Section 25124 no later than 15 days after the date of this ordinance and resolution's adoption and final passage. If the Clerk fails to so publish this ordinance and resolution within said 15-day period, then the ordinance and resolution shall not take effect until 30 days after the date of publication.

PASSED AND ADOPTED this 18th day of July 2023, by the following vote:

AYES: Supervisors Duggan, Gardner, Kreitz, and Peters.

NOES: None.

ABSENT: Supervisor Salcido.

ABSTAIN: None.


Rhonda Duggan (Jul 19, 2023 17:49 PDT)

Rhonda Duggan, Chair

Attest:

Approved as to form:




Stacey Simon (Jul 19, 2023 13:29 PDT)

Clerk of the Board

County Counsel

Exhibit A – General Plan Amendment 23-02

General Plan Amendments as adopted by the Board of Supervisors will be inserted here.

2023 General Plan Amendment – Redline Changes

Planning Commission changes shown in purple.

Definition and Permitted Use Change Required by State Law

This modification is required under State Housing Element law. Definition and permitted uses added to Land Use Designations.

02.1042 Single Room Occupancy

“Single room occupancy” means a facility providing six or more dwelling units where each unit has a minimum floor area of one hundred fifty (150) square feet and a maximum floor area of four hundred (400) square feet. These dwelling units may have kitchen or bathroom facilities and shall be offered on a monthly basis or longer.

Added to MFR-L, MFR-M, MFR-H, C, CL-L, CL-H, MU

PERMITTED USES

- Transitional and Supportive Housing **including Single Room Occupancy facilities.**

Technical Corrections

These modifications are intended to clarify language or add more detail to existing sections. They do not represent major changes to existing policy.

Chapter 2 - Definitions

02.705 Land use designation.

“Land use designation” is a general category or class of land use activity (e.g., “residential,” “commercial” or “industrial”) that is permitted to occur on specific parcels of land in the unincorporated area of the county that have been duly assigned that designation by the County pursuant to this Land Use Element of the General Plan. Land use designations are generally described in Section IV of this Land Use Element and their specific assignments to individual parcels of land in the unincorporated area of the county are depicted in the Land Use Maps available at <https://monomammoth.maps.arcgis.com>. Because assigned land use designations essentially create regulatory boundaries or areas within which certain permitted uses may occur, parcels of land are sometimes described under these Land Development Regulations as being located within their assigned land use designations. Except as otherwise expressly provided by these Land Development Regulations, no land may be developed or used except in the manner permitted by its assigned designation (see Section 01.060 of these Land Development Regulations). **Please see “Section IV. Land Use Designations” for an explanation of dual, split and mixed designation (MD) land use designations.**

Chapter 4 - General

04.110 Building height.

D. Exceptions to Height Limitations:

2. Director Review: The following uses shall be permitted at a height greater than 35 feet subject to Director Review and approval: chimneys, silos, cupolas, flag poles, wind generation towers, monuments, natural gas storage holders, personal radio and other similar towers, water tanks, church steeples and similar structures and mechanical appurtenances that are permitted in a designation. In cases where the additional height might result in substantial detrimental effects on the enjoyment and use of surrounding properties, a use permit will be required but shall not exceed 60 feet, except for wind generation towers.

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'

~~NOTE: 30 foot front, side and rear yards is required by State law on all lots greater than one acre regardless of the land use designation. Subject to CalFire setback standards. In the case of contradictory standards, the more restrictive setback shall apply.~~

04.281 Guesthouses.

“Guesthouse” means an accessory use to a residence that may contain living and sleeping spaces, including bathrooms, but shall not contain facilities for the cooking of food.

A guesthouse shall not be used ~~as an Accessory Dwelling Unit~~ for rental whether compensation is direct or indirect.

As a condition of approval, the owner shall record a “Declaration of Restriction” limiting the use of the unit to that of a bona fide guesthouse. Said covenant shall include an accurate site plan showing all improvements and clearly indicate the guesthouse.

Guesthouses exceeding 640 sq. ft. or on parcels less than one acre, will be subject to Director Review. Guesthouses exceeding 1,400 sq. ft. will be subject to a use permit.

04.360 50 Inactive Projects.

TABLE 04.030: ANIMAL STANDARDS

Zone District	Minimum Lot Area Required	Animal Units Permitted	Distance Separation Requirements
ER RR	10,000 sq. ft.	Less than one acre: one unit per 10,000 sq. ft. of lot area with Director Review with Notice 1-10 acres: one unit per 10,000 sq. ft. of lot area. >10 acres: no limit	~~No requirements in OS, PF, AG Except for movement on and off the property, animals shall not be kept, maintained or used in any other way, inside or outside any structure within 50' of those portions of any structure used for human occupancy, assembly or habitation,~~

RMH AG PF OS RM	10,000 sq. ft.	10 acres or less: one unit per 10,000 sq. ft. >10 acres: no limit	~~other than the residence of the owner or keeper of such animals.~~
SFR MU	20,000 sq. ft.	Two units per 20,000 sq. ft. of lot area with Director Review with Notice >1 acre: one unit per 10,000 sq. ft. of lot area.	

Distance Separation Requirements

No requirements in OS, PF, AG.

Except for movement on and off the property, animals shall not be kept, maintained or used in any other way, inside or outside any structure within 50' of those portions of any structure used for human occupancy, assembly or habitation, other than the residence of the owner or keeper of such animals.

Chapter 12 – Development Credits

Sections:

- 12.010 Background.**
- 12.020 Purpose and Intent.**
- 12.030 Definitions**
- 12.040 ~~Scope.~~ Development Credits Program Provisions**
- 12.050 Clustering**
- ~~12.060~~**

12.010 Background.

Agriculture is an important component of the Mono County economy and cultural identity. The landowners of two valleys in particular, Bridgeport and Hammil, have expressed a strong desire to preserve their agriculturally designated lands. In these regions, a development credit program was crafted in the 1980s that allocated a fixed number of development credits to each parcel of agriculturally designated land based upon the total acreage of the individual parcel, or the total aggregated acreage of each individual landowner. Historically a “ledger” of development credits was maintained by the Community Development Department. This ledger is no longer maintained, as the number of development credits is tracked for each parcel directly on the Land Use Designation maps **and a Development Credit map**. Previously, the Area Plans for Bridgeport and Hammil valleys have described the Development Credits program. **Policies specific to those regions as well as the Bodie Hills, can still be found in their respective Area Plans.** This chapter was created during the 2013 General Plan Update to better organize information regarding the existing development credit program and facilitate expanded agriculture preservation policies.

12.040 20 Purpose and Intent.

The purpose of the Development Credits program is to:

- Implement the policies of the General Plan, including the area plans of the Hammil Valley, Bridgeport Valley, and Bodie Hills.
- Encourage the continuation of agricultural production.
- Ensure the retention of parcels sized large enough for viable agricultural production by allowing a process to transfer the development potential of large parcels to smaller parcels, clustered in appropriate locations.

12.020 30 Definitions.

Development Credit: One development credit permits the construction of one single-family residence. Accessory Dwelling Units, pursuant to Chapter 16 of the Mono County Land Development Regulations, shall not be considered as a development credit.

Exclusive Agriculture: A land use designation given to a parcel that has no remaining development credits.

Cluster development: The concentration of detached single-family residences onto smaller lots than ordinarily permitted by the base designation, while not exceeding the permitted density for the total acreage being considered. This permits optimum use of the land; i.e., responding to site constraints by clustering away from the area of sensitivity or high agricultural value, yet not decreasing the allowable density.

12.040 Scope Development Credits Program Provisions.

The following development credit program provisions are applicable to all Agriculture land use designations with the DC suffix on the Land Use Designation maps (see <https://monomammoth.maps.arcgis.com>).

A. Residential Development

One development credit permits the construction of one single-family residence. Accessory Dwelling Units, pursuant to Chapter 16 of the Mono County Land Development Regulations, shall be permitted and shall not be considered as a development credit.

B. Subdivision Potential

Development credits shall be considered in the subdivision process. Parcels with multiple development credits may, through the subdivision process, cluster parcels smaller than otherwise allowed by the land use designation in appropriate locations. The total number of development credits allocated to a parcel equals the total number of developable parcels that may be created.

C. Minimum Parcel Size and Designation

1. In the Bridgeport Valley and Bodie Hills, no parcel may be created less than one acre in size.
2. In the Hammil Valley, no parcel may be created less than 10 acres in size.

Parcels created through the subdivision process that are less than the minimum allowed parcel size for the AG designation shall be redesignated with the RR designation.

D. Development Credit Plan:

Applicants proposing boundary changes to parcels with assigned Development Credits should propose the reassignment and configuration as part of the project or boundary adjustment.

- i. It is the applicant's responsibility to propose the redistribution of assigned DCs in a new planning permit that proposes to alter parcel boundaries/ parcels.
- ii. If the applicant fails to propose the redistribution/ reassignment, staff will use a proportionality principle according to acreage and initial DC assignments, to redistribute.

E. Farm Labor Housing

Exclusive farm labor housing is allowed without consideration of development credits on parcels that support ongoing agricultural operations.

F. Exclusive Agriculture

1. One Exclusive Agriculture parcel per map may be created through the subdivision process.
2. Exclusive Agriculture parcels will be noted on the Land Use Designation maps at <https://monomammoth.maps.arcgis.com> as AG parcels with the EX suffix.
3. Exclusive Agriculture parcels of 160 or more acres are permitted one single-family dwelling and one Accessory Dwelling Unit pursuant to Chapter 16 of the Mono County Land Development Regulations.
4. Exclusive Agriculture parcels shall not be further subdivided, decreased in size by a lot line adjustment, or merged with nonexclusive agriculture parcels.
5. Exclusive Agriculture parcels may be enlarged through lot line adjustment or merger only when the larger parcel will remain completely with the Exclusive Agriculture designation.

12.060 50 Clustering.

Wherever feasible, residential development shall occur on clustered parcels of the minimum parcel size allowed by each community. The location of the residential clusters shall be guided by the following policies:

- a. Adjacent to existing residential development (if feasible);
- b. A buffer may be required in consultation with adjacent agricultural landowners;
- c. Avoiding steep slopes and fault hazard areas;
- d. Avoiding wetlands and areas subject to flooding;
- e. Away from visually sensitive areas, such as ridgelines or along scenic highways;
- f. Minimizing impacts to wildlife including migrating deer, sage grouse, etc.;
- g. Minimizing impacts to cultural resource sites;
- h. Proximate to existing access and utilities (if feasible);
- i. On soils of sufficient structural and sanitary waste disposal capabilities.
- j. To avoid impacts to irrigated land; and
- k. On soils rated Class II or poorer by the Soil Conservation Service land use capability classifications.

FOOTNOTES: The Development Credit program was incorporated into area plan policies of the General Plan and implemented a process and formula for assigning credits. Development credits were assigned in accordance with the total acreage under a single ownership. The total number of development credits were assigned in accordance with the following rules:

- a. For lands under a single ownership which total ten (10) acres or less, one (1) development credit was assigned.
- b. For lands under a single ownership which total forty (40) acres or less, one (1) development credit was assigned for each ten (10) acres.
- c. For lands under a single ownership which total more than forty (40) acres, four (4) development credits were assigned for the first forty (40) acres, and one additional development credit was assigned for each additional forty (40) acres, or portion thereof greater than ten (10) acres.

Chapter 23 – Dark Sky Regulations

23.050.E. Fixture Types. All new outdoor lighting shall use full cutoff luminaires with the light source downcast and fully shielded with no light emitted above the horizontal plane and a preferred temperature of 2300K, and not to exceed 3000K, with the following exceptions:

1. Fixtures that have a maximum output of 100 lumens (~~equivalent to one 10-watt incandescent bulb~~) or less, regardless of the number of bulbs, may be left unshielded provided the bulb surfaces are obscured from off-site visibility with a semi-translucent or frosted glass that has an opaque top to prevent the light from shining directly up. However, partial or full shielding is preferred to control light output in all situations.
2. Fixtures that have a maximum output of 600 lumens (~~equivalent to one 40-watt incandescent bulb~~) or less shall be partially or totally shielded using a solid or semi-translucent barrier, provided that the lamp is not visible from off site, no direct glare is produced, and the fixture has an opaque top to keep light from shining directly up; e.g., a low output-style wall pack.
3. Floodlights that do not meet the definition of “full cutoff” may be used if permanently directed downward, if no light is projected above the horizontal plane, and if fitted with external shielding to prevent glare and off-site light trespass. Unshielded floodlights are prohibited.

Table 23.050.E shall be used to determine conversions between watts and lumens:

Table 23.050.E			
Incandescent bulb (12-18 lm/W)	Lumens (lm)	LED bulb (90 lm/W)	Halogen (23 lm/W)
25 W	300-450 lm	3-5 W	15-22 W
40 W	480-720 lm	5-8 W	23-35W
60 W	720-1080 lm	8-12 W	35-52 W
75 W	900-1350 lm	10-15 W	44-65 W

Table 23.050.E

Incandescent bulb (12-18 lm/W)	Lumens (lm)	LED bulb (90 lm/W)	Halogen (23 lm/W)
100 W	1200-1800 lm	14-20 W	58-87 W

Chapter 25 – Short-term Rentals

25.015 General Requirements and Applicability.

- A. This Chapter applies to short-terms rental in any single-family unit with a land use designation(s) of SFR, ER, RR, 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.
- B. Short-term rentals covered by this Chapter are subject to a Use Permit (see Chapter 32) and a Short-Term Rental (STR) Activity Permit under Mono County Code Chapter 5.65 unless otherwise exempted.
- C. Unless explicitly stated otherwise in this Chapter, short-term rentals covered by this Chapter shall operate in compliance with this Chapter, Chapter 5.65 of the Mono County Code, and all applicable Area Plan policies, and must exhibit no reasonable opposition from neighbors within 500 feet of the subject parcel.
- D. Pursuant to Chapter 5.65 of the Mono County Code and the required Short-Term Rental Activity Permit, short-term rentals covered by this Chapter shall be specific to the owner and shall terminate upon a change of ownership.
- E. Rental is limited to a single party of individuals as consistent with an approved short-term rental permit.
- F. General Plan Land Use Element Chapter 16 – Accessory Dwelling Units governs the eligibility of accessory dwelling units for short-term rentals.

25.020 Establishment of Owner-Occupied Short-Term Rental

Owner-occupied short-term rentals require the owner to live on site, or the unit must be associated with an owner-occupied principal residence on the same parcel or a physically contiguous adjacent parcel. 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). ~~To ensure the short term rental use is clearly subordinate to the primary use of the property, rental of the entire primary residential unit while the owner lives in an on-site ADU is prohibited. The owner is required to be present during the rental.~~

Action 13.M.1.h. Owner-Occupied and Not-Owner-Occupied rentals may be permitted in the Leonard Avenue neighborhood, except Skyline Drive, subject to discretionary permit(s) for short-term rentals and June Lake Area Plan policies. Short-term rentals are prohibited on Skyline Drive.

General Plan Policies

Policy 1.A.2. Assure that adequate public services and infrastructure are available to serve planned development.

Action 1.A.2.a. Require that necessary services and facilities, including utility lines, are available or will be provided as a condition of approval for proposed projects.

Action 1.A.2.b. Require that new development projects adjacent to existing communities be annexed into existing service districts, where feasible.

Action 1.A.2.c. Through permit conditions and mitigation measures, require development projects to fund the public services and infrastructure costs of the development. In accordance with State law (Government Code § 53077), such exactions shall not exceed the benefits derived from the project.

Action 1.A.2.d. Request input and will-serve letters from applicable special districts for development projects, including planning and building permit applications. If a timely response is not received, ministerial permits shall be issued in a timely manner, in accordance with standard procedures. Staff will work with the special districts to resolve any issues with the application.

~~Mono Basin Area Plan: **Action 10.F.1.a.** Require development projects to obtain "will serve" letters from applicable service agencies.~~

~~Long Valley Area Plan: **Action 23.A.2.a.** Require development projects to obtain "will serve" letters from applicable service agencies.~~

~~Tri-Valley Area Plan: **Action 26.A.4.d.** New development projects, including subdivisions, shall comply with fire safe regulations and obtain "will serve" letters from the White Mountain Fire Protection District.~~

~~Tri-Valley Area Plan: **Action 26.C.4.b.** New development projects and subdivisions shall comply with fire safe regulations and obtain "will serve" letters from the Chalfant Valley Fire Department.~~

Manufactured Home Standards with RPAC recommendations

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.

These building and architectural standards are intended to ensure visual compatibility with traditional single-family home construction (stick built). Before an installation permit is issued for any manufactured, factory-built or modular housing, plans shall be submitted in compliance with the following standards:

- A. A site plan in full compliance with the building permit application checklist.
- B. Evidence that the home is 10 years old or newer (except in RMH) and bears a seal of the US Department of Housing and Urban Development (HUD) certifying that HUD construction standards are met;
- C. Elevations showing the roof slope, roof materials, eave overhang and exterior siding materials;
- D. The unit must meet the designated wind, seismic and roof load requirements;
- E. In addition, the following standards shall apply except in the RMH land use designation:
 1. Have a minimum width of 20 feet or more. A minimum width less than 20 feet may be allowed when the home is generally consistent with community or countywide design guidelines. **Per the Antelope Valley and Mono Basin Regional Planning Advisory Committee's (RPAC's) recommendations, manufactured homes with a width of**

less than 20 feet are considered consistent with community character and design guidelines in the Antelope Valley and community of Lee Vining.

2. Be attached to a foundation that meets the same building code and seismic requirements as required for all other single-family residential structures in the county, and consists of either:

- a. A permanent perimeter foundation constructed of concrete or masonry, or
- b. A permanent and complete non-structural perimeter enclosure consisting of siding, skirting, or similar paneling on a non-load bearing frame that connects the unit to the ground with no gaps and meets the following requirements:
 - i. An appearance like a standard concrete or masonry foundation associated with a single-family residential structure. Examples of acceptable siding materials include, but are not limited to, masonry siding (such as Hardi Plank), adhered masonry veneer (i.e., river rock or ledger stone), and wood siding assemblies that meet Office of State Fire Marshal (OSFM) standards for Wildland Urban Interface (WUI) compliance.
 - ii. California Residential Code (CRC) standards.
- c. Sheet or corrugated metal, reflective materials, or other materials not resembling a concrete or masonry foundation typical of a traditional single-family residential structure are not acceptable.

3. Be covered with an exterior material customarily used for conventional dwellings and approved by the Mono County Building Division;
