



# AGENDA

## BOARD OF SUPERVISORS, COUNTY OF MONO STATE OF CALIFORNIA

Regular Meetings: The First, Second, and Third Tuesday of each month. Location of meeting is specified just below.

MEETING LOCATION Board Chambers, 2nd Fl., County Courthouse, 278 Main St., Bridgeport, CA 93517

### Regular Meeting December 8, 2015

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**TELECONFERENCE LOCATIONS:** 1) First and Second Meetings of Each Month: Mammoth Lakes CAO Conference Room, 3rd Floor Sierra Center Mall, 452 Old Mammoth Road, Mammoth Lakes, California, 93546; 2) Third Meeting of Each Month: Mono County Courthouse, 278 Main, 2nd Floor Board Chambers, Bridgeport, CA 93517. Board Members may participate from a teleconference location. Note: Members of the public may attend the open-session portion of the meeting from a teleconference location, and may address the board during any one of the opportunities provided on the agenda under Opportunity for the Public to Address the Board.

**NOTE:** In compliance with the Americans with Disabilities Act if you need special assistance to participate in this meeting, please contact the Clerk of the Board at (760) 932-5534. Notification 48 hours prior to the meeting will enable the County to make reasonable arrangements to ensure accessibility to this meeting (See 42 USCS 12132, 28CFR 35.130).

Full agenda packets are available for the public to review in the Office of the Clerk of the Board (Annex I - 74 North School Street, Bridgeport, CA 93517), and in the County Offices located in Minaret Mall, 2nd Floor (437 Old Mammoth Road, Mammoth Lakes CA 93546). Any writing distributed less than 72 hours prior to the meeting will be available for public inspection in the Office of the Clerk of the Board (Annex I - 74 North School Street, Bridgeport, CA 93517). **ON THE WEB:** You can view the upcoming agenda at [www.monocounty.ca.gov](http://www.monocounty.ca.gov). If you would like to receive an automatic copy of this agenda by email, please send your request to Bob Musil, Clerk of the Board: [bmusil@mono.ca.gov](mailto:bmusil@mono.ca.gov).

***UNLESS OTHERWISE SPECIFIED BY TIME, ITEMS SCHEDULED FOR EITHER THE MORNING OR AFTERNOON SESSIONS WILL BE HEARD ACCORDING TO AVAILABLE TIME AND PRESENCE OF INTERESTED PERSONS. PUBLIC MAY COMMENT ON AGENDA ITEMS AT THE TIME THE ITEM IS HEARD.***

9:00 AM Call meeting to Order

Pledge of Allegiance

**1. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD**

on items of public interest that are within the subject matter jurisdiction of the Board.  
(Speakers may be limited in speaking time dependent upon the press of business)

and number of persons wishing to address the Board.)

**2. APPROVAL OF MINUTES**

**A. Board Minutes**

Departments: Clerk of the Board

Approve minutes of the Regular Meeting held on October 20, 2015.

**B. Board Minutes**

Departments: Clerk of the Board

Approve minutes of the Special Meeting held on October 30, 2015.

**C. Board Minutes**

Departments: Clerk of the Board

Approve minutes of the Regular Meeting held on November 3, 2015.

**D. Board Minutes**

Departments: Clerk of the Board

Approve minutes of the Special Meeting held on November 5, 2015.

**E. Board Minutes**

Departments: Clerk of the Board

Approve minutes of the Special Meeting held on November 5, 2015.

**F. Board Minutes**

Departments: Clerk of the Board

Approve minutes of the Regular Meeting held on November 10, 2015.

**G. Board Minutes**

Departments: Clerk of the Board

Approve minutes of the Regular Meeting held on November 17, 2015.

**3. RECOGNITIONS**

**A. Certificate of Appreciation for Lynda Salcido**

Departments: Board of Supervisors

(Chairman Fesko) - Certificate of appreciation for Lynda Salcido for her role as Interim CAO.

**4. BOARD MEMBER REPORTS**

The Board may, if time permits, take Board Reports at any time during the meeting and not at a specific time.

**5. COUNTY ADMINISTRATIVE OFFICE**

CAO Report regarding Board Assignments

Receive brief oral report by County Administrative Officer (CAO) regarding work activities.

**6. DEPARTMENT/COMMISSION REPORTS**

**7. CONSENT AGENDA**

(All matters on the consent agenda are to be approved on one motion unless a board member requests separate action on a specific item.)

**A. Hiring Freeze Variance; DSS FTS IV**

Departments: Social Services

A Fiscal Technical Specialist IV position vacancy within Social Services will be created due to a retirement at the end of December 2015. The department requests the ability to recruit and hire a replacement for the incumbent prior to her departure to allow for cross training. This position is included in the current BOS-approved Allocation List.

**Recommended Action:** Approve hiring freeze variance and authorize the Director of Social Services to fill one Fiscal Technical Specialist IV vacancy within the Department of Social Services.

**Fiscal Impact:** There is no cost to the Mono County General Fund; the cost for this position this year and in subsequent fiscal years is paid for with Social Services funds. The cost for a Fiscal Technical Specialist IV for the remainder of FY 2015-16 is approximately \$34,132 of which \$23,460 is salary. The full year cost is approximately \$68,624 of which \$46,920 represents salary.

**B. Hiring Freeze Variance - Deputy County Counsel I/II/III or Assistant (one position only)**

Departments: County Counsel

Approve hiring freeze variance and authorize the County Counsel to fill one Deputy County Counsel I/II/III or Assistant (one position only) vacancy within the County Counsel's office.

**Recommended Action:** Approve hiring freeze variance and authorize the County Counsel to fill one Deputy County Counsel I/II/III or Assistant (one position only) vacancy within the County Counsel's office.

**Fiscal Impact:** Filling this position at the Deputy I, II, or III level would result in a savings to the County of \$2,506/month (Deputy I level), \$1,671/month (Deputy II

level), or \$836/month (Deputy III level), as the position is currently budgeted at the Assistant level. If filled at the Assistant level, then it would be cost-neutral.

**C. Appointment to Fill Planning Commission Vacancy**

Departments: Board of Supervisors

Appoint Carol Ann Mitchell to fill the seat recently vacated by Roger B. Thompson on the Mono County Planning Commission, as recommended by Supervisor Fred Stump, with term expiring March 1, 2017.

**Recommended Action:** Appoint Carol Ann Mitchell to fill the seat recently vacated by Roger B. Thompson on the Mono County Planning Commission, as recommended by Supervisor Fred Stump, with term expiring March 1, 2017.

**Fiscal Impact:** No impact beyond budgeted expenses.

**8. CORRESPONDENCE RECEIVED (INFORMATIONAL)**

All items listed are located in the Office of the Clerk of the Board, and are available for review.

**A. California Water Boards**

Departments: Clerk of the Board

Receipt of Notice of Petition for Temporary Urgency Change for Permit 21185 (Application 28609) of June Lake Public Utility District from the State Water Resources Control Board.

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**9. REGULAR AGENDA - MORNING**

**A. County Invasive Plant Program**

Departments: Agricultural Commissioner

30 minutes (15 minute presentation; 15 minute discussion)

(Nathan D. Reade, Agricultural Commissioner) - This will be a presentation to provide an overview of the Agricultural Department's Invasive Plant Program.

**Recommended Action:** None. Informational only.

**Fiscal Impact:** None.

**B. General Plan Amendment 15-002**

Departments: Community Development Department

Public Hearing - 10:30 a.m. / 1 hour and 30 minutes

(Courtney Weiche) - Public hearing regarding proposed amendment of the General Plan Designated Land Use Map to establish a Transient Rental Overlay District to

allow for nightly rentals (with a Vacation Home Rental Permit) on APNs 016-099-027, --036, --037 and 016-096-006, in June Lake.

**Recommended Action:** Conduct public hearing. As recommended by the Planning Commission take the following actions: (1) approve Addendum #15-02 to the Mono County General Plan EIR; and (2) adopt proposed Resolution 15-\_\_\_ Adopting General Plan Amendment 15-002 Establishing a Transient Rental Overlay District approved a Transient Rental on Assessor's Parcel Numbers 016-099-036 and -037 in June Lake.

**Fiscal Impact:** Potentially increased revenues from transient occupancy taxes.

**10. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD**

on items of public interest that are within the subject matter jurisdiction of the Board. (Speakers may be limited in speaking time dependent upon the press of business and number of persons wishing to address the Board.)

**11. CLOSED SESSION**

**A. Closed Session - Public Employment**

PUBLIC EMPLOYMENT. Government Code section 54957. Title: HR Director.

**B. Closed Session - Public Employment**

PUBLIC EMPLOYMENT. Government Code section 54957. Title: Finance Director.

**C. Closed Session - Public Employment**

PUBLIC EMPLOYMENT. Government Code section 54957. Title: Assistant Finance Director/Auditor-Controller.

**D. Closed Session - Public Employment**

PUBLIC EMPLOYMENT. Government Code section 54957. Title: County Counsel

**E. Closed Session - Human Resources**

CONFERENCE WITH LABOR NEGOTIATORS. Government Code Section 54957.6. Agency designated representative(s): Marshall Rudolph, John Vallejo, and Leslie Chapman. Employee Organization(s): Mono County Sheriff's Officers Association (aka Deputy Sheriff's Association), Local 39--majority representative of Mono County Public Employees (MCPE) and Deputy Probation Officers Unit (DPOU), Mono County Paramedic Rescue Association (PARA), Mono County Public Safety Officers Association (PSO), and Mono County Sheriff Department's Management Association (SO Mgmt). Unrepresented employees: All.

**F. Conference with Legal Counsel**

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION.  
Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code section 54956.9. Number of potential cases: one.

**THE AFTERNOON SESSION WILL RECONVENE AFTER CLOSED SESSION**

**12. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD**

on items of public interest that are within the subject matter jurisdiction of the Board. (Speakers may be limited in speaking time dependent upon the press of business and number of persons wishing to address the Board.)

**13. REGULAR AGENDA - AFTERNOON**

**A. Simon Employment Agreement Amendment**

Departments: BOS, CAO, County Counsel  
10 minutes (5 minute presentation; 5 minute discussion)

(Marshall Rudolph) - Resolution approving an agreement and first amendment to agreement re employment of Stacey Simon and prescribing the compensation, appointment, and conditions of said employment.

**Recommended Action:** Adopt Resolution R15-\_\_\_, approving an agreement and first amendment to agreement re employment of Stacey Simon and prescribing the compensation, appointment, and conditions of said employment.

**Fiscal Impact:** The net cost of eliminating a .9 Assistant Position and filling an Acting County Counsel Position at the proposed rate is \$23,115 for the remainder of Fiscal Year 2015-16. Of that, \$16,500 is Salary; \$3,719 is PERS; and \$2,896 is for Benefits. The cost for a full 12 months is \$46,230 of which \$33,000 is Salary; \$7,439 is PERS; and \$5,792 is Benefits.

**B. 2015 Mono County Regional Transportation Plan, General Plan, Countywide Integrated Waste Management Plan, and Noise Ordinance Updates, and Final Environmental Impact Report**

Departments: Community Development  
Public Hearing - 1:30 p.m. / 1 hour and 30 minutes

(Wendy Sugimura, Brent Calloway, Sandra Bauer) - Public Hearing on the 2015 Mono County Regional Transportation Plan, General Plan, Countywide Integrated Waste Management Plan, and Noise Ordinance Updates and Repeal of the Conway Ranch Specific Plan, and Final Environmental Impact Report. Below is a link to the Project Documents which are too large to attach to the agenda: <http://monocounty.ca.gov/planning/page/mono-county-general-plan-update>. This page contains a link to the FEIR. All documents may also be obtained on CD or in hardcopy, upon request, at the Community Development Department Office in

Mammoth Lakes.

**Recommended Action:**

1. Conduct a public hearing on the project and the associated Final Environmental Impact Report (FEIR), and receive any additional public comments;
2. Consider the Planning Commission recommendation; deliberate the project, Final Environmental Impact Report, and additional public comments; and make any desired modifications;
3. Following the public hearing and project deliberations, adopt Resolution 15-\_\_ certifying the Final EIR for the 2015 Mono County Regional Transportation Plan, General Plan, Countywide Integrated Waste Management Plan, and Noise Ordinance Updates (the “2015 Updates”); approving and adopting the Mitigation Monitoring and Reporting Plan, and adopting the 2015 Updates (except Noise Ordinance) and repealing the Conway Ranch Specific Plan;
4. Introduce, read title, and waive further reading of Ordinance ORD15-\_\_, Amending Chapter 10.16 of the Mono County Code Pertaining to Noise Regulation;
5. Direct staff to make administrative edits and corrections as necessary; and
6. Direct staff to file the Notice of Determination and pay California Department of Fish & Wildlife filing fees.

**Fiscal Impact:** Completion of the 2015 Updates has no additional impact to the General Fund, except for the required California Department of Fish and Wildlife filing fee of \$3,069.75 for the EIR. The Regional Transportation Plan, General Plan Update, and Noise Ordinance were funded with a \$326,514 Sustainable Communities Grant from the State of California, transportation funding via the Local Transportation Commission, and budgeted general funds. Fiscal impacts of implementation are to be determined based on specific programs undertaken.

**C. ESTA Board Member Vacancy**

Departments: Board of Supervisors, County Counsel

20 minutes (5 minute presentation; 15 minute discussion)

(Marshall Rudolph) - Discussion and possible action regarding filling of current vacancy on the governing board of Eastern Sierra Transit Authority (ESTA), to which the Mono County Board of Supervisors may appoint any member of the public at large. Note that the ability to appoint a member of the public to the ESTA board is the result of a recent amendment to the ESTA joint powers agreement.

**Recommended Action:** Take such action to fill current vacancy as the Board deems appropriate or provide direction to staff regarding any process the Board may wish to use to solicit interested parties who may wish to be considered for appointment to the vacancy.

**Fiscal Impact:** None.

**ADJOURN**



**OFFICE OF THE CLERK  
OF THE BOARD OF SUPERVISORS**

**REGULAR AGENDA REQUEST**

Print

**MEETING DATE**    December 8, 2015

**Departments: Clerk of the Board**

**TIME REQUIRED**

**SUBJECT**                    Board Minutes

**PERSONS  
APPEARING  
BEFORE THE  
BOARD**

**AGENDA DESCRIPTION:**

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Approve minutes of the Regular Meeting held on October 20, 2015.

**RECOMMENDED ACTION:**

**FISCAL IMPACT:**

**CONTACT NAME:** Helen Nunn

**PHONE/EMAIL:** x5534 / hnunn@mono.ca.gov

SUBMIT THE ORIGINAL DOCUMENT WITH  
ATTACHMENTS TO THE OFFICE OF  
THE COUNTY ADMINISTRATOR  
**PRIOR TO 5:00 P.M. ON THE FRIDAY**  
**32 DAYS PRECEDING THE BOARD MEETING**

**SEND COPIES TO:**

**MINUTE ORDER REQUESTED:**

YES  NO

**ATTACHMENTS:**

<p>Click to download</p> <p> <a href="#">Draft Minutes</a></p>
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**History**

Time	Who	Approval
11/24/2015 6:57 PM	County Administrative Office	Yes
11/30/2015 4:29 PM	County Counsel	Yes
11/13/2015 5:25 PM	Finance	Yes





**DRAFT MEETING MINUTES  
BOARD OF SUPERVISORS, COUNTY OF MONO  
STATE OF CALIFORNIA**

Regular Meetings: The First, Second, and Third Tuesday of each month. Location of meeting is specified just below.

MEETING LOCATION Mammoth Lakes BOS Meeting Room, 3rd Fl. Sierra Center Mall, Suite 307,  
452 Old Mammoth Rd., Mammoth Lakes, CA 93546

**Regular Meeting  
October 20, 2015**

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Flash Drive	#1006
Minute Orders	M15-206 to M15-215
Resolutions	R15-71 to R15-72
Ordinance	ORD15-08 NOT USED

9:00 AM Meeting Called to Order by Chairman Fesko.

Pledge of Allegiance led by Chairman Fesko.

*Break: 9:52 a.m.  
Reconvene: 10:00 a.m.  
Break: 11:23 a.m.  
Reconvene: 11:33 a.m.  
Closed Session: 12:20 p.m.  
Afternoon Session: 1:35 p.m.  
Adjourn: 2:44 p.m.*

**The Mono County Board of Supervisors stream all of their meetings live on the internet and archives them afterward. To listen to any meetings from June 2, 2015 forward, please go to the following link: <http://www.monocounty.ca.gov/meetings>**

1. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

*No one spoke.*

2. APPROVAL OF MINUTES

**Note**

**These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors**

A. Board Minutes

Departments: Clerk of the Board

Approve minutes of the Regular Meeting held on October 6, 2015, as corrected.

**Stump moved; Corless seconded**

**Vote: 5 yes; 0 no**

**M15-206**

B. Board Minutes

Departments: Clerk of the Board

Approve minutes of the Special Meeting held on October 7, 2015.

**Stump moved; Alpers seconded**

**Vote: 5 yes; 0 no**

**M15-207**

C. Board Minutes

Departments: Clerk of the Board

Approve minutes of the Special Meeting held on October 8, 2015.

**Corless moved; Alpers seconded**

**Vote: 5 yes; 0 no**

**M15-208**

3. RECOGNITIONS - NONE

4. BOARD MEMBER REPORTS

The Board may, if time permits, take Board Reports at any time during the meeting and not at a specific time.

**Supervisor Johnston:**

- Noted that the Great Basin Unified Air Pollution Control District will be receiving the "Excellence in Environmental, Energy and Resources Stewardship Award" during the American Bar Association annual Fall Conference in Chicago. The award is for the Great Basin's work on dust control at the Owens Dry Lake.
- There was an LA Times article regarding the recent election in the Town for Measure Z
- We received a letter from the MCWD regarding the ORMAT/Geothermal Project

**Supervisor Stump:**

- 10-14: Attended the Long Valley Fire District Board meeting - Received a briefing from Town Public Works about proposed airport development. The Mammoth Airport is within the Long Valley Fire District and that Board wanted to make sure that communication lines are firm.
- 10-15: Met with the new Tribal Chair of the Utu Utu Gwaitu Paiute Tribe to discuss economic development on land in the Tribal Trust and other Tribe owned land in the Benton area.
- 10-15: Attended the EMS Committee meeting
- 10-18: Spent the day in Chalfant due to flooding in the Community. The area that flooded was the same area that flooded four months ago. This flood was more intense as it overtopped Hwy 6 and extended into Hammil Valley. Cinnamon Ranch Road was the worst effected there. Thanks to Public Works, the S.O., Social Services, Cal Fire, and DWP for assistance. Chalfant VFD did an outstanding job. Public Works had just finished cleaning the only County

**Note**

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- responsible ditch in West Chalfant and the ditch did its job.
- I want to recognize the Wheeler Crest Fire Department, Chief Dale Schmidt and Robin Connors. Robin has written two regional FEMA Assistance to Firefighters grant requests. All the Departments in the Inyo and Mono Counties were invited to participate. Some choose not to. The first grant is for breathing air compressors to fill breathing air bottles. That grant was awarded and Lee Vining, June Lake, Chalfant, and Independence will receive compressors. A compressor costs between \$25,000 and \$40,000. The second grant is still pending and it will fund Self Contained Breathing Apparatus. Departments choosing to participate are Lee Vining, June Lake, Long Valley, Wheeler Crest, Paradise, White Mountain, Chalfant, Big Pine and Independence. This is an excellent example of people working together to address equipment needs on their own. All that they asked from the County was letters of support and recommendation from me.
- Requested an agenda item for Nov 3 to include- purchase of sandbags, sandbags in storage were rotten. Pre-stage sandbags; also have a discussion of avalanche forecasting. Exposed areas from Swall to Twin. LA County is to spend \$1m -\$2m on El Nino preparations. Mono County's prep should be taken out of contingency. Full discussion should be agenda item. Walker, Coleville, Bridgeport, June Lake, Crowley, and tri-valley area all have flood issues. Will work with staff. General consensus to place on agenda on the 3<sup>rd</sup>, regular meeting.

**Supervisor Alpers:**

- 10/14 - Attended the MBRPAC meeting held at the LVCC. The meeting did not muster a quorum so no business could be conducted. However, discussion was held during the meeting regarding the incursion of drones in the Mono Basin. Dave Marquart of the Tufa Reserve State Park was present and told the Committee of harmful drone activity over Mono Lake. Drones have been observed land on tufa towers and disturbing osprey nests around the Lake. Mr. Marquart is being told by his superiors that State legislation will be slow developing, however the best way to get the issue moving is for counties to take action through local ordinances.
- 10/15 - Attended the Mono County First 5 meeting held in Mammoth at the offices of the MCOE. The independent audit of First 5 produced no findings, which was good news. The First 5 Board was excited about the \$500,000 CDBG grant awarded to Mono County. There is great anticipation about Mono County and the ESUSD working together to create 2 new classrooms. Molly Debaillets is fully engaged and doing an excellent job in role as Director of Mono County First 5. Please see her attached Director's report under Department/Commission Reports.
- 10/16 - Attended the ESTA Board of Directors meeting held at the chambers of the Bishop City Council. 1) Jo Bacon was elected Vice-Chair of the Board to serve for the balance of 2015. 2) The ESTA Board voted to support the proposed Specific Plan grant to be awarded to Inyo County and the City of Bishop for a corridor plan for North Sierra Hwy from Wye Rd to the Paiute Palace Casino. 3) The Board voted to support the effort financially by contributing \$5,000 /year to the effort. This will help make up a \$310,000 shortfall in the grant to make the plan more comprehensive. A variety of local stakeholders are making the project financially whole. 4) The Board approved final adoption of an amendment to the ESTA JPA authorizing the member entities to appoint an individual from the public at large to fill one of the entities two positions on the authority's Board. 5) 2015 ESTA Annual Report will be distributed at the BOS meeting.

**Supervisor Corless:**

- Mammoth Lakes Broadband Task Force Meeting: The group has set a presentation date to Town Council on December 2.
- Inyo National Forest/Sierra Cascades Dialog Session in Bishop, seeking public comment/discussion around Wild & Scenic River and Wilderness identification/evaluation process, Species of Conservation Concern, and management of the Pacific Crest Trail. Note that Forest Plan Revision process has been considerably slowed down and next steps will happen in Spring 2016 (rather than this fall).
- Mono Arts Council News: The arts council was successful in applying for State-Local Partnership Program funding, for which our Board wrote a letter naming MAC as Mono County's local partner and giving our support for their application. MAC will be awarded at least

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\$16,000 toward administrative costs. Remember that MAC (such as Meet the Masters) serve schoolchildren throughout the county with free arts programs.

- This week: BOS/county update to town council on Weds. CSAC Institute course on law enforcement and behavioral health policy; making progress with appointments to the Behavioral Health board and should have recommendations for the board in December.
- Sending best wishes and healing thoughts to District 5 resident Fred Richter, who took a bad fall last weekend and injured his back and ankle, and is having surgery at Renown in Reno today.

**Supervisor Fesko:**

- October 15<sup>th</sup> – Attended the EMS Ad Hoc Committee. The Committee has boiled the options down to 2, one of which has preference over the other. Next meeting, November 5<sup>th</sup> at 1pm in Lee Vining, Committee members will be giving the committee an overview of the overall workings of Mono County's Paramedic program, along with their interaction with other agencies, such as the various Fire Districts in the county, MWTC, East Fork Fire and EMS, Symons, etc. The Ad-Hoc committee has requested that all of the Board of Supervisors be present at this meeting in order to hear how the entire EMS program, not just Paramedics, operate and interact together.
- Attended the Bridgeport RPAC. They adopted a resolution supporting "A Main Street Arch and Banner in Bridgeport". Talk again of trails and how better to promote a more diverse economy.
- October 17<sup>th</sup> – Attended the Bridgeport Ducks Unlimited dinner in Bridgeport. While electrical power was out for a good portion of the day in parts of Bridgeport, the Bridgeport Memorial was fully powered thanks to the backup generator. The dinner was able to continue as planned and the evening was a great success. Thank you Public Works and Mono County!
- October 19<sup>th</sup> – I met with Dr. Stacey Adler and Ms. Ana Danielson to discuss the situation with the Mono County Public Libraries. The meeting was successful with a great and open exchange of information and ideas on the current program and how ideas on how help the program in the future. I look forward to their presentation to our Board this afternoon.

## 5. COUNTY ADMINISTRATIVE OFFICE

**Lynda Salcido:**

- Wednesday the 14<sup>th</sup>, attended a management team meeting in Lee Vining, was well attended.
- Did not make the EMS meeting on the 15<sup>th</sup>. Learned of the floods on the way back into town. There was a debriefing meeting yesterday, another this Friday, will be to dealing with shelter issues,

## 6. DEPARTMENT/COMMISSION REPORTS

**Kathy Peterson:**

- Eastern Sierra Agency on Aging is beginning work on next 4 year plan, due May 1<sup>st</sup>. We have a needs assessment, 4 pages long, advertised, targeted to those age 60 and older. She will send out email, and she asks that it be distributed as necessary. Due Nov 6<sup>th</sup>, Jan 11<sup>th</sup> is the proposed date to be compiled. She will distribute when completed. Then Jean Turner will advise on results and four year process.

**Bob Musil:**

- Clerk's Board Report – October 20, 2015
- Elections
- Election Night – 1,228 votes cast
- Election +3            1,322 total votes
- 1 ballot not readable, final vote was 910 (68.89%) yes, 411 (31.11%) no.
- 2,900 Registered voters in Mammoth Lakes. Turnout was 45.59%
- 860 Voters (65.05%) Vote by mail
- 462 Voters (34.95%) Election Day ballots cast
- 77 Provisional ballots cast, 62 accepted and 15 rejected

**Note**

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- There were a couple of small hiccups, nothing major. Fantastic job by Clerk-Recorder's Office, I.T., Public Works, Community Development.
- Clerk of the Board of Supervisors
- Brown Act requires agenda to be posted 72 hours in advance of regular meeting, 24 hours in advance of special meeting.
- Agenda Process – Agendas are reviewed by Board Chairman, CAO, County Counsel, Finance and Clerk's Office. Each individual agenda item must be approved by CAO, County Counsel and Finance. Because everyone is so busy, sometimes those approvals are delayed.
- We try to get agendas out on Thursday, because it gives us time if there are problems getting approvals, and also works for our department workflow.

**Supervisor Fesko and Supervisor Stump:**

- Thank you to the Clerk's office and staff.

**First 5 Mono Director's Report:**

**Local Meetings Attended:**

- Child Abuse Prevention(CAPC):
  - Elected officers (Molly is Chair and Sal Montanez, Behavioral Health is the vice-chair)
  - Reviewed First 5 and Wild Iris programs that receive CAPC funds
- Breastfeeding Task Force (BFTF):
  - Discussion: how to get participation from other agencies, dropping Babies on Parade insert in the Mammoth Times, potential new initiatives.
- Mono County Child Care Council (MCCCC):
  - Approved supply scholarships for local providers and adopted a 2014-15 Community Plan & annual report.
  - Got info on new TK stipend program
- Inter-Agency Coordinating Council (ICC):
  - Learned of virtual meeting opportunity for Inclusion Collaborative from Jenni Huh (MCOE Special Education Local Plan Area (SELPA) Director)
- Strengthening Families:
  - 2-1-1 discussion
  - Bookmark contest planning
- Safe Kids:
  - Health & Safety fair in Mammoth Lakes, May 21<sup>st</sup>
  - Hospital presentation in injury data

**Training:**

- Department of Social Services, Trauma Informed Practices: all employees except 3 participated
- F5 HIPPA training: all employees completed training with County Counsel (3 with Molly)
- Completed two new commissioner orientations

**F5 Association Summit Highlights:**

- Coordination of Statewide HV: Discuss development of a statewide collaboration for data, training, and advocacy purposes
- Common Indicators: Potential for cross county data collection on common indicators
- IMPACT open space meeting: Discussion with other counties and F5 CA about the IMPACT program development.

**Reports:**

- Completed the Quarter 1 report for Child Abuse Prevention Intervention and Treatment (CAPIT) grant from the Department of Social Services which funds the Parenting Partners home visiting program for families with children 1-5 years old
- Working on F5CA annual report and annual evaluation presentation

**Applications:**

- Working on the California State Preschool Program (CSPP) Expansion Funds Application

**Note**

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Due November 24, 2015

- Working on the IMPACT Application, Due December 11, 2015

**Legislative Update:**

- Bills Vetoed by Governor:
  - AB 47, Preschool for all: Governor says will continue push to include preschool in the budget
  - AB 50, Evidence based HV for Medi-cal enrolled families: Governor says lack of funding provision
- Approved by Governor:
  - AB762 Integrated child care licenses: Child care sites licensed for preschool age & infants do not have to have a separate license for toddlers (18m-30m)
- Tobacco bills and initiatives:
  - Initiative for the 2016 Ballot: Filed by Save Lives Coalition (Labor and medical groups) to Tax e-cigarettes like other tobacco products and increase the CA state tobacco tax to \$2/pack. Funds would largely go to fund Medi-cal.
    - Impact on First 5 funding: F5 would get a rate equivalent to .50/pack as exist currently
    - Status: Needs enough signatures to get on the ballot.
  - In the legislature none of the 6 tobacco related bills were passed by the assembly, but have been approved for special session.
    - SBX2 5: add e-cigarettes to tobacco product definition
    - SBX2 6/ABx2 7: close loopholes in smoke-free workplace laws (hotel lobbies, break rooms, tobacco retailers, small businesses)
    - SBX2 7/ABx2 8: increase age of sale for tobacco prod to 21
    - SBX2 8: require all schools to be tobacco free
    - SBx2 9: allow local jurisdictions to tax tobacco
    - SBx2 10: establish an annual Board of Equalization (BOE) tobacco licensing fee program (increase licensing fee and change the current onetime fee for tobacco retailers to an annual fee)
  - Tobacco Tax related:
    - SBX2 14: (in senate appropriations) include e cigarettes in the definition of tobacco and raise tax to \$2, includes "backfill" meaning that First 5 funding would remain intact at .50/pack.

7. CONSENT AGENDA

A. Maternal, Child, and Adolescent Health (MCAH) Agreement Funding Application

Departments: Health Department

Proposed Agreement with California Department of Public Health (CDPH) Maternal, Child, and Adolescent Health (MCAH) Program for FY 2015-16.

**Action:** Approve County entry into agreement and authorize Chair of the Board of Supervisors to sign the Agreement Funding Application (AFA)/Update Form for the Maternal Child and Adolescent Health (MCAH) Program for FY 2015-16. Additionally, provide authorization for the Public Health Director to approve amendments and/or revisions that may occur during the agreement period.

**Johnston moved; Stump seconded**

**Vote: 5 yes; 0 no**

**M15-209**

B. Hiring Freeze Variance Request

**Note**

**These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors**

Departments: Probation

Probation Department request for a variance to the hiring freeze to hire a Deputy Probation Officer V (DPO V).

**Action:** Approve hiring freeze variance and authorize the Probation Department Chief of Probation to initiate recruitment of a DPO V.

**Johnston moved; Stump seconded**

**Vote: 5 yes; 0 no**

**M15-210**

**Supervisor Fesko:**

- Just a reminder that while we are in a hiring freeze, it just means all requests have to come before the Board. This position is fully funded, not from general fund.

C. Amendment to Department of Health Care Services Substance Use Disorder Contract

Departments: Behavioral Health

Proposed contract amendment with Department of Health Care Services for Substance Use Disorder prevention, treatment and recovery.

**Action:** Approve County entry into proposed contract and authorize Director of Behavioral Health to execute said contract on behalf of the County. Provide any desired direction to staff.

**Johnston moved; Stump seconded**

**Vote: 5 yes; 0 no**

**M15-211**

D. Aggregate Crushing Bid Results and Contract Award

Departments: Public Works, Solid Waste Division

Proposed contract with Mamco, Inc. pertaining to Aggregate Crushing at Benton Crossing Landfill.

**Action:** Authorize Public Works Director to execute a contract with lowest responsible bidder (Mamco, Inc. dba Alabassi) for Aggregate Crushing Services at Benton Crossing Landfill, in the amount of \$81,200. Authorize Solid Waste Superintendent to approve any necessary change orders within statutory limits.

**Johnston moved; Stump seconded**

**Vote: 5 yes; 0 no**

**M15-212**

**Supervisor Johnston:**

- Would like to recognize Tony Dublino for his work on this.

E. Appointment of Mono County Economic Development, Tourism & Film Commissioner

Departments: Economic Development

Geoffrey McQuilkin has applied for the Mono County Economic Development, Tourism & Film Commission which involves a 4-year term, beginning October 20, 2015 through June 30, 2019. This appointment will fill the vacancy on the

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Commission left by the resignation of Bill Banta, District 3.

**Action:** Appoint Geoffrey McQuilkin to the Mono County Economic Development, Tourism & Film Commission for a 4-year term beginning October 20, 2015 and ending June 30, 2019.

**Alpers moved; Johnston seconded**

**Vote: 5 yes; 0 no**

**M15-213**

Item pulled by Supervisor Alpers

**Supervisor Alpers:**

- Introduced Geoff McQuilkin as new appointment.

**Geoff McQuilkin:**

- Introduced himself; he appreciates the opportunity to serve. It is an exciting opportunity to be more involved with Mono County. This is an impressive group, excellent staff, and very creative.

#### F. Response to Grand Jury Report

Departments: Board of Supervisors, CAO, County Counsel

Response by Board of Supervisors to 2014-15 grand jury final report. (This matter was discussed at the last Board meeting and the Board directed staff to make various revisions to a draft response, which have been incorporated into this "final" version of the response.)

**Action:** Approve and authorize Board Chair to sign proposed letter to presiding judge regarding the Board of Supervisors' response to the 2014-15 grand jury final report, as amended.

**Johnston moved; Alpers seconded**

**Vote: 5 yes; 0 no**

**M15-214**

Item pulled by Supervisor Johnston

**Supervisor Johnston:**

- Minor suggestion, on the last page, item 2 under recommendations, referencing creating a counter partition in probation. He feels the Board's response applies to the first, not second, sentence only. Maybe we should add that we are also looking at security measures in Probation.

**Marshall Rudolph:**

- Will add sentence; "security measures will also be assessed by the end of this fiscal year".

#### 8. CORRESPONDENCE RECEIVED (INFORMATIONAL)

All items listed are located in the Office of the Clerk of the Board, and are available for review.

##### A. Letter from Department of Transportation

Departments: Clerk of the Board

Correspondence dated October 6, 2015 received from the Department of Transportation regarding a Commission Vacation Resolution for Vacation #215 covering a portion of Material Site 190, Baseline Pit.

#### Note

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B. Letter from Bureau of Land Management

Departments: Clerk of the Board

Letter and information dated October 6, 2015 received from the Bureau of Land Management regarding the implementation of sagebrush restoration in the Bodie Hills.

C. Firefighter of the Year Awards

Departments: Clerk of the Board

Flyer received from Bridgeport Christian Fellowship announcing their Firefighter of the Year Awards to take place on October 29, 2015.

\*\*\*\*\*

9. REGULAR AGENDA – MORNING

**Motion to Add “Urgent” Agenda Item**

Move that the Board determine that there is a need to take immediate action with respect to the proposed agenda item, Ratification of Proclamation of Local Emergency, that the need for action came to the County’s attention subsequent to the agenda being posted and therefore, that the Board add the item to the agenda.

**Stump moved, Fesko seconded**

**Vote: 5 yes; 0 no**

**M15-215**

**Action:** Ratifying a Proclamation of Local Emergency and Continued State of Local Emergency.

**Stump moved; Alpers seconded**

**Vote: 5 yes; 0 no**

**R15-71**

A. Plastic Bag Ban Ordinance

Departments: Public Works, Solid Waste Division

(Tony Dublino) - Presentation by Tony Dublino regarding potential Mono County Ordinance banning single-use plastic bags.

**Action:** None (informational only). Provide any desired direction to staff.

**Tony Dublino:**

- This was first brought up in 2012, but was not supported at that time. TOML did not want to participate at that time. Not much support from business owners at the time, so was dropped. Without TOML support, he did not want to proceed. In 2014, the State passed SB270. That law will apply to any stores that generate more than \$2m in annual sales. Will pre-empt any local ordinances if it goes forward. Referendum challenging ban to be on November 2016 ballot. Ordinance applies to all retailers in TOML, can use existing stock of plastic bags thru holidays. As state legislation is written, would include ABC type 20-21

**Note**

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licenses, beer and wine. Who do we want it to apply to? When should this go into effect?  
Needs direction on outreach; we should reach out to all business owners affected by this.

- Does not see this effort as a huge time commitment. Outreach would involve minimal hours. He would not be here unless he thought it was possible to pull off.
- His personal feeling is we should align with State's ordinance.

**Supervisor Fesko:**

- He has been following this at the state level. Biggest concern is limited staff, so many other things on our plate. Wants to let the process go through the State and see what happens after November 2016. Could be a waste of time, a duplicate effort if it passes in November.

**Supervisor Johnston:**

- He asked this be placed on agenda; has been on his radar for 10 + years. Wants this board to take action on this. Congratulates the Town on taking a stand on this. Inappropriate to ignore this issue. Should be a collaborative effort within the jurisdictions.
- The town has taken a bold step. We should follow their lead. Town and County would be on the same page.

**Supervisor Stump:**

- Tony made some staff commitments to Conway Ranch. How do you perceive availability to work on this?
- Does support, but wants business owners contacted before we do anything. Should we fastrack this prior to November election, only to have efforts mitigated by vote? Please clarify 20-21 issue and see if it applies to restaurants. Don't want to be in a position where we do a lot of hard work and the voters repeal it. Cognizant of work load.

**Supervisor Corless:**

- She wants to move forward with this. Fine to follow state guidelines.

**Supervisor Alpers:**

- Outreach is important. Doesn't want to cause confusion if we do one thing and the state does something else. Wants to align with state proposal.

**Michael Raimondo, TOML Mayor:**

- The Town kicked this around for awhile; restaurants are excluded. It was a Council decision to move forward.

A general consensus was reached to move forward with outreach to businesses prior to November 2016 vote, and move forward with the model of the state.

**B. Appeal of Variance 15-001**

Departments: Community Development Department

Public Hearing - 10:00 a.m. / 1 hour

(Courtney Weiche) - Appeal by Matthew Lehman, Lehman Investments LLC, of the Planning Commission's approval of noise Variance 15-001/Lower Rock Creek Mutual Water Company.

**Action:** Conduct a public hearing to receive all relevant testimony in considering the appeal by Matthew Lehman and Lehman Investments LLC of noise Variance 15-001/ Lower Rock Creek Mutual Water Company (LRCMWC), and affirm the Planning Commission's decision granting the variance, making appropriate findings.

**Stump moved; Alpers seconded**

**Vote: 4 yes; 0 no; Johnston absent**

**R15-72**

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Supervisor Johnston has recused himself.

**Courtney Weiche:**

- Gave general background on the variance; went through her power point presentation (please see additional documents on website).
- Everyone in the area was noticed for the variance; properties within 300 feet of the site for the appeal.
- The nature of the appeal is only the noise variance.

**Supervisor Stump:**

- How was the 300 foot addressed to top of canyon?
- We could decide not to hear the appeal because of the inaccuracies.
- The noise variance does not expire?

**Supervisor Fesko:**

- Looking at the appeal application, the only item we can address today because of 15-001 is the noise variance.

**Stacey Simon:**

- Noise variance and CEQA finding. The well itself is beyond time limit for appeal. Staff took liberal approach in accepting this appeal. The line where the applicant is supposed to describe what is being appealed was not filled out correctly. The issues stated were approved years ago, or administratively. Board could find the appeal is inadequate.
- Noise variance would expire 30 days from when drilling starts. Would still be in effect if not drilled until spring 2016.

**Matthew Lehman:**

- He finds it convenient that his inaccurate appeal application wasn't brought up to him earlier if it was a concern. He has more concerns than just the noise. Read a prepared statement. He was initially denied noise variance when he drilled his well. As required by county code, has to buffer noise with hay bales, etc. He was finally only given a 10 day variance, not a 30 day. Questions the community's sudden acceptance of noise. Feels one property owner is being treated differently than another. Feels it's a display of favoritism.
- Concern – proposed well to replace existing well, without capping existing well, when will this be done? Otherwise he objects to the potential to take 2x water from aquifer. He invested more than \$1.3m in drilling his wells. How does the community plan to contain the water needed to drill? Public safety issues?
- Feels Mono Co did not address same issues with this well that were addressed when he drilled. LRCMWC should have to mitigate.
- He feels frustrated. Simply wants same fair treatment for his property as being given now.

Mr. Lehman refused to give clerk a copy of his statement.

**Jim Moyer, President of Board of LRCMWC:**

- Read statement into record (please see additional documents on website). Intent and responsibility to have replacement well before the current well fails. Fire requires working well for fire suppression. Volunteer fire department relies on well. Once replacement well is up and running, generator will be purchased for backup power.
- Lehman suggested the board purchase his property for \$600k. Board declined.
- Board has decided to postpone drilling until spring. Winter conditions are not conducive to drilling.
- The driller explained to LRCMWC that there was no room at the site for hay bales, would have needed to have been between the drill site and the top of the canyon. Houses are there; would need to build a hay wall high enough. Not a feasible solution.

**Supervisor Alpers:**

- Due to the location of site, the noise is unmitigatable. How was it determined that it was unmitigatable?

**Tim Sanford, Attorney for LRCMWC:**

- Assertion that since ML was treated unfairly, the water co should be, too. Telling with ML by

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acknowledging the only relevant issue is the noise variance but then spoke of CEQA issues. Back in 2010 should have been brought up. Noise is only issue now. Lehman does not own a lot within jurisdiction of water co, he is not a resident. Lehman is not a shareholder of water co. in order to have a standing in court, has to show actual financial impact, where is the impact to Lehman? His property does butt up to property where well is being drilled but is bare land right now. The well is failing, water is needed for domestic use and water flow.

- Well would be down in deep canyon. In normal situation you can put a hay bale fence around driller to help mitigate noise. Reason for variance is because it can't be done any other way. Loud conversation levels of 60-70 decibels is what we're talking about. Driller has to be able to come in and do this quickly or they can't do it, too many other projects backed up. 2-3 weeks estimated completion, 30 days variance was to be safe.
- Unfair treatment – the reason for his appeal because there is no tangible impact to Lehman. Presupposes his drilling situation was the same as the water co is now. Differences – purpose now is to preserve status quo. Residents are entitled to have water, as they have for decades. Lehman is a private party trying to develop a property to make a profit. Lehman has mitigation available to him and water co does not. Lehman got his variance after he violated his permit and drilled through the night. Conclude – the intent is to protect the community from excessive noise. The community has agreed to the excessive noise as evidenced by signed petition and numerous letters and emails in support, and attendance today. Only person against is Lehman. His client was threatened that if they went ahead, they would have to spend their well money on attorneys. Without the appeal, drilling would be happening right now. Because of appeal, drilling has to be postponed until spring, and hopefully there won't be a water emergency. Appeal has cost the shareholders of water co.

**Steve Fredricksen, recent director of water co:**

- Served on June Lake water board,
- With regard to the statement by Lehman about sealing existing well – the water co does intend to keep both wells, but can only use one at a time, only to meet demands of community. Not selling water to outside user. Any good public water system is looking to provide a safe, reliable continuous source of water for users. New well means: Prevent existing well from failing. Able to refurbish existing well, adding redundancy to system.

**Mark Daniel, Asst Chief on Paradise Fire Dept:**

- Read Paradise Fire letter into record. Please see additional documents on website.

**Liz O'Sullivan:**

- Grateful to water board on behalf of community. Community should be able to provide ourselves with basic utilities. Lehman is a developer, not a resident. The well is essential to the community.

**Deanna Campbell:**

- Please consider the comments of neighbors, need 2<sup>nd</sup> well for safety and security of our community. Have not heard about rationale for noise variance, only other issues.

**Denyse Racine:**

- Emphasize points – noise ordinances discuss impacts to sensitive receptors. The community are the sensitive receptors; there are none on his property. Potential impacts to recreation? Other ways to enter canyon besides that location, plenty of opportunities to access trail during the 30 days. Unfair treatment? CEQA, local lawmakers, recognize different situations. Paradise residents are not only people in support. Also Wheeler Crest Fire, we work as a team.

**Mike O'Sullivan:**

- Redundancy and status quo. Has gotten sick from creek water, originally was only water supply to homes. After well drilled, new status quo was well water. Need redundancy to protect well water. Request the approval of variance to maintain public health.

Hearing closed to public @ 11:10 a.m.

**Supervisor Fesko:**

- We would not be here if not for noise variance. Why was one given 30 days, another given

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10 days?

- It is interesting that 60 decibels is speaking voice, but limit at night is 50.
- Apologizes to Lehman for what he had to go through, as the process can seem overbearing and unfair at times. Does not seem to be a way, in this canyon, to mitigate the noise. For benefits stated today, getting this well in outweighs other issues. Has to uphold Planning Commission's ruling.

**Courtney Weiche:**

- Both projects referred to have different circumstances. Lehman asked for a 10 day variance, not a 30 day.

**Supervisor Stump:**

- District 2 is his- it is important to look at what happened to Lehman 10 years ago. However, there are significant differences between projects. Connections in the community are dependent on this drilling. Noise mitigation in the canyon is not practical. Learned that if Paradise is upset about something, he will know, but he has not heard of any objections to this. Notes the need for redundancy. Urges supervisors to deny appeal and uphold noise variance.

**Supervisor Corless:**

- Agrees with Supervisor Stump's comments, we need to look at prior situation for ways to improve processes, and perhaps learn from mistakes. What's at hand is uphold Planning Commission noise variance.

**Supervisor Alpers:**

- Regulatory compliance at some point may paralyze all incentives to move forward. We as a government need to keep it reigned in, keep it realistic. The two properties have different issues. One property had mitigatable noise, the other does not. There is a need for quality water and to have infrastructure in place. The community is willing to put up with noise for 30 days to make that happen. Supports upholding Planning Commission decision.

## C. Mammoth Lakes Town Council Update

Departments: Board of Supervisors

30 minutes (15 minute presentation; 15 minute discussion)

(Michael Raimondo, Town Mayor and Dan Holler, Town Manager) - Mammoth Lakes Town Council Update from the Town Mayor and Town Manager to the Mono County Board of Supervisors.

**Action:** None. Informational Only.

**Michael Raimondo, TOML Mayor:**

- Update on TOT, record year. June is up 14.5% from last year. Up 103% from 5 years ago. July is up 12%, Aug was flat, Sept expected to be strong, Oct looking good too.
- Air service: thanks to the Board for support. Feels it's a critical economic component. April – Aug was flat, 8,000 passengers in summer into airport. Data shows visitors are staying longer. Next year, will shift to 4 days a week service. Seeing usage from Inyo and Bishop. As of Nov 1, 6 and 10 air packs on sale again. Still on track for new terminal in 2019.
- Thank you for support of youth sports.
- Looking forward to economic development through new parking areas, internet infrastructure, airport road being done and paved, new parking area for Whitmore.
- Growing partnerships of chief and sheriff explorer program, working well together.
- Completed strategic alignment workshops. November 17 next meeting in Suite Z.

**Supervisor Johnston:**

- Pleased with NGO alignment.
- \$700m received for forest service and fire fighting. Great Basin wrote a letter about smoke issue.

**Note**

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**Dan Holler:**

- Lots of partnership work going on, model for state and LTC work being done. Lots of work with forest service, looking to joint project for trails next summer, approximately \$60-100k worth of work. Capital projects going forward, like a new parking lot at elementary school, concession stand, and gym floor at High School.
- Volcom Brothers wants to stay on as corporate sponsor of skate park.
- Ongoing IT partnership between Town and County is going well. New phone system in place by end of year.
- Expanding transfer station, working with County staff for 5 year agreement, parcel fee in place.
- Ongoing work on communication, reliability and upgrades. Updating emergency operations plan.
- Challenges with forest plan revision and impacts of wildfires. Looking into how to enhance funding, concerned with building a coalition across the west. Mudslides on I-5 created more people here in town.
- Draft of the Solid Waste Flow agreement should be out this week.

**Supervisor Corless:**

- Thanks for coming. Commends the town on working with Forest Service to improve trails. Solid Waste Flow agreement, where are we?

**D. Budget Amendment - Senior Program**

Departments: Social Services

30 minutes (10 minute presentation; 20 minute discussion)

(Kathy Peterson) - The Department wishes to amend the Senior Services budget and request the use of contingency funds to purchase the services of Community Service Solutions, a non-profit organization located in Walker, to provide part-time assistance with Senior Service program operations until the full-time Mono County Site Coordinator returns from extended leave.

**Action:** Approve budget amendment request in the amount of \$11,580 and appropriate funds from contingency by decreasing contingencies and increasing operating transfers out by \$11,580 in the general fund and increasing operating transfers in and increasing contract services by \$11,580 in the Senior Program budget (4/5ths vote required).

This item was pulled from the agenda.

**Supervisor Fesko:**

- Kudos to Kathy Peterson for having developed a way not to use contingency fund for this.

**Supervisor Stump:**

- Best wishes to Sandi Rustin. She has dedicated years to the seniors in Walker, she deserves our support as she strives to recover.

**10. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD**

*No one spoke.*

**11. CLOSED SESSION**

**A. Closed Session - Human Resources**

**Note**

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CONFERENCE WITH LABOR NEGOTIATORS. Government Code Section 54957.6. Agency designated representative(s): Marshall Rudolph, John Vallejo, Leslie Chapman, and Lynda Salcido. Employee Organization(s): Mono County Sheriff's Officers Association (aka Deputy Sheriff's Association), Local 39--majority representative of Mono County Public Employees (MCPE) and Deputy Probation Officers Unit (DPOU), Mono County Paramedic Rescue Association (PARA), Mono County Public Safety Officers Association (PSO), and Mono County Sheriff Department's Management Association (SO Mgmt). Unrepresented employees: All.

B. Closed Session - Public Employment

PUBLIC EMPLOYMENT. Government Code section 54957. Title: Risk Manager.

C. Closed Session - Public Employment

PUBLIC EMPLOYMENT. Government Code section 54957. Title: County Administrator.

D. Closed Session - Public Employment

PUBLIC EMPLOYMENT. Government Code section 54957. Title: HR Manager.

E. Closed Session - Public Employment

PUBLIC EMPLOYMENT. Government Code section 54957. Title: County Counsel.

REGULAR SESSION TO RECONVENE AFTER CLOSED SESSION.

*Nothing to report out of closed session.*

12. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

*No one spoke.*

13. REGULAR AGENDA - AFTERNOON

A. Library Funding

Departments: Clerk of the Board

Discussion regarding library finances and funding options. The questions included in the agenda packet were provided by the Bridgeport Friends of the Library.

**Action:** Provide any desired direction to staff.

**Ana Danielson, Library Director:**

- The library system is operated by Mono County Office of Education. We have 7 libraries in county: Benton, Crowley, Mammoth, June Lake, Lee Vining, Bridgeport, and Coleville. Coleville, Lee Vining, and Benton also function as school libraries.

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- Prep work done in library = ordering materials, cataloguing, prepping, shelving materials, researching, no direct contact with public.
- Relooked at financials and realized deficit is closer to \$33k. The proposed changes would help to reduce the deficit and/or help add to reserve funds.
- If we accept State library funds, we cannot charge for public services. Internet service is not covered, and is something we're looking at for potential revenue.
- Tax revenue went down, library costs did not.

**Stacey Adler, County Superintendent of Schools:**

- Property tax has decreased or remained flat, but their costs have increased, which led to a decline in reserves. Decisions need to be made. 90% of budget is people: personnel, salaries, and benefits. Library Board Authority has 4 action items on their agenda for Thursday in Coleville (See additional documents on website). They feel they can balance the budget for 15-16 school year, and recognize the need to operate differently than in past.
- 14-15 chart (see additional documents on website), how each hypothetical factor would equate to funding.
- Cuts to Mammoth library hours are the least patronized hours, late Tuesday and early Saturday.
- She made the spreadsheet to see what the numbers were showing. Has to figure out how to manage what each branch received versus what they require. Working hard to balance it out. Employees left that were not replaced, they have done some things with internet to lower costs, making steps all along. Would not say this is new, they have been addressing this all along. Taking a harder look now than in the past, but were not without the knowledge or concern.
- Ana is operating under a waiver, completely legal. Disagrees that the MCOE has mismanaged the libraries. They are keeping libraries open and serving the communities. This is a challenge but an opportunity to do things better, moving forward, to keep this from happening again.

**Supervisor Stump:**

- Asked Stacey to explain options 1-6 on her handout; are all 6 on the table?
- The Bookmobile is valued in the Tri-Valley area, many constituents rely on it.
- Two major questions regarding Ana's credentials and mismanagement by the MCOE.

**Supervisor Fesko:**

- Do all four options on the handout need to be adopted to balance the budget?
- The financial spreadsheet looks like most would stay same.

**Supervisor Corless:**

- Last Tuesday, we heard a lot of concern about cuts to Bridgeport service hours, but see that cuts to Mammoth are on the table.
- The library is a source of internet for those who can't afford it or don't have their own computer. Pleased to hear starting a planning process of library friends' group and committees. Encouraged the library groups to solicit funding from CSA groups.

**Supervisor Johnston:**

- No reaction from library on how to deal with this all along? We forgot we were dipping into reserves?
- Providing free Wi-fi for non-residents? Is charging for Wi-fi a consideration to increase revenue? Thinks people would be willing to pay a nominal fee to use internet.

Supervisor Fesko opened the item to public comment.

**Dr. Brian Laren, resident of Twin Lakes, member of Friends of Library in Bridgeport:**

- Gratifying that things have changed since this issue came up. The Friends cares, but we didn't know. We only found out when it became a crisis, in about August. Communication could be improved, but this is a good start. Wonderful we're as close as we are to balancing the budget, but still need a basis for funding. We are going to work with CSA #5, they are open to an application from the Friends of the Library. Also looking to philanthropic families in the area for help. Spoke to Clerk-Recorder about initiative process, we average 1.68% of

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tax for library school districts. If 1.68 isn't enough, maybe 2 is. When people drive into town to use free internet, it directly benefits the businesses and town. Perhaps they should contribute to the shortfall as well.

**Supervisor Fesko:**

- CSA #5 meets Nov 3<sup>rd</sup>, 5 pm at Twin Lakes annex. Suggest going to their meeting. Has requested it be on the agenda. CSA does not support funding on a permanent, maintenance basis, but willing to look at it.
- The 1.68% of property taxes can't change, but changing a parcel fee could be a referendum.
- Initial thought is we don't want the library back. What's the best, most efficient way to run this? MCOE subsidizes the library at \$200k. He feels the community needs to get ranting and raving to get movement. Happy to hear that the MCOE does not need the big cuts talked about earlier. Minimal cuts this year appears to save the program. What about next year? Appreciates everyone coming today.
- Wants to talk with Abbie about Visitors' Center idea. Thank you, look forward to being updated. Library meeting in Coleville is 10 am Thursday.

**Stacey Simon:**

- Regarding CSA funds, there are limits to how these funds can be used. Funds can be used to support library; there are restrictions, but can be done. CSA makes a recommendation to the BOS, BOS would decide to ratify or not.
- 1.68% is pre-Proposition 13.

**John Schoonover, resident of Bridgeport, member of Friends:**

- Wants to ask, why we are the only one that the library is not run by the BOS out of 58 counties in CA. Feels the library under the MCOE has been troublesome. Has been in deficit for 7 years. Lack of transparency. Going thru his handout (see additional documents).
- Questions that the waiver is true, hasn't seen evidence of that. Wants to know if the BOS would consider taking the library back over.
- He is not sure how other counties do it, he's just asking to look at pros and cons.

**Supervisor Stump:**

- He would entertain people asking for funding if they can identify where the money will come from. County is running in deficit. Congrats for working on how to balance current budget. What would the County cut in order to take it over? Has not heard how that could happen. Immediate problem is \$30-40k. Given what Mono Co has to do, he is not in favor of taking the libraries back over.

**Supervisor Johnston:**

- Idea is to take 1.68% as county revenue, then operate county library with it?

**Abbie Bridges, Bridgeport Librarian:**

- Bridgeport library wants to play a bigger role in the community. Wants to become a visitor center also. Entry area has room for visitor information. Visitors already use the library for information. CSA funds might help pay internet bill.

ADJOURN

ATTEST

---

TIMOTHY E. FESKO  
CHAIRMAN

---

HELEN NUNN  
SR. DEPUTY CLERK OF THE BOARD

**Note**

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OFFICE OF THE CLERK  
OF THE BOARD OF SUPERVISORS

## REGULAR AGENDA REQUEST

Print

**MEETING DATE** December 8, 2015

**Departments: Clerk of the Board**

**TIME REQUIRED**

**SUBJECT** Board Minutes

**PERSONS  
APPEARING  
BEFORE THE  
BOARD**

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### AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Approve minutes of the Special Meeting held on October 30, 2015.

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### RECOMMENDED ACTION:

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### FISCAL IMPACT:

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**CONTACT NAME:** Helen Nunn

**PHONE/EMAIL:** x5534 / hnunn@mono.ca.gov

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SUBMIT THE ORIGINAL DOCUMENT WITH  
ATTACHMENTS TO THE OFFICE OF  
THE COUNTY ADMINISTRATOR  
**PRIOR TO 5:00 P.M. ON THE FRIDAY**  
**32 DAYS PRECEDING THE BOARD MEETING**

### SEND COPIES TO:

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### MINUTE ORDER REQUESTED:

YES  NO

---

### ATTACHMENTS:

Click to download

[Draft Minutes](#)

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### History

Time	Who	Approval
11/24/2015 6:53 PM	County Administrative Office	Yes
11/30/2015 4:04 PM	County Counsel	Yes
11/24/2015 1:18 PM	Finance	Yes



**DRAFT SPECIAL MEETING MINUTES**  
**BOARD OF SUPERVISORS, COUNTY OF MONO**  
**STATE OF CALIFORNIA**

MEETING LOCATION Board Chambers, 2nd Fl., County Courthouse, 278 Main St., Bridgeport, CA 93517

**Special Meeting**  
**October 30, 2015**

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Flash Drive	#1017, 1018
Minute Orders	M15-216 NOT USED
Resolutions	R15-71 NOT USED
Ordinance	ORD15-08 NOT USED

9:02 AM Meeting Called to Order by Chairman Fesko.

*Supervisors present: Alpers, Corless, Fesko, Johnston and Stump.*  
*Supervisors absent: None.*

*Closed Session: 9:03 a.m. to 3:37 p.m.*  
*Adjourn: 3:43 p.m.*

Pledge of Allegiance led by Chairman Fesko

**1 OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD**  
*No one spoke.*

**2. AGENDA ITEMS**

**A. Closed Session - Public Employment**

PUBLIC EMPLOYMENT. Government Code section 54957. Title: County Administrator.

**B. Closed Session - Public Employment**

PUBLIC EMPLOYMENT. Government Code section 54957. Title: HR Director.

The Board of Supervisors came back into open session at 3:37 p.m., and reported that they had selected Leslie Chapman for the position of County Administrative Officer.

**ADJOURN 3:43 p.m.**

ATTEST

---

TIMOTHY E. FESKO  
CHAIRMAN

---

BOB MUSIL  
CLERK OF THE BOARD

**Note**

**These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors**



OFFICE OF THE CLERK  
OF THE BOARD OF SUPERVISORS

## REGULAR AGENDA REQUEST

Print

**MEETING DATE** December 8, 2015

**Departments: Clerk of the Board**

**TIME REQUIRED**

**SUBJECT** Board Minutes

**PERSONS  
APPEARING  
BEFORE THE  
BOARD**

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### AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Approve minutes of the Regular Meeting held on November 3, 2015.

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### RECOMMENDED ACTION:

---

### FISCAL IMPACT:

---

**CONTACT NAME:** Helen Nunn

**PHONE/EMAIL:** x5534 / hnunn@mono.ca.gov

---

SUBMIT THE ORIGINAL DOCUMENT WITH  
ATTACHMENTS TO THE OFFICE OF  
THE COUNTY ADMINISTRATOR  
**PRIOR TO 5:00 P.M. ON THE FRIDAY**  
**32 DAYS PRECEDING THE BOARD MEETING**

### SEND COPIES TO:

---

### MINUTE ORDER REQUESTED:

YES  NO

---

### ATTACHMENTS:

Click to download

[11-3-15 draft minutes](#)

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### History

Time	Who	Approval
11/24/2015 6:52 PM	County Administrative Office	Yes
11/30/2015 4:02 PM	County Counsel	Yes
11/24/2015 1:14 PM	Finance	Yes



**DRAFT MEETING MINUTES  
BOARD OF SUPERVISORS, COUNTY OF MONO  
STATE OF CALIFORNIA**

Regular Meetings: The First, Second, and Third Tuesday of each month. Location of meeting is specified just below.

MEETING LOCATION Board Chambers, 2nd Fl., County Courthouse, 278 Main St., Bridgeport, CA 93517

**Regular Meeting  
November 3, 2015**

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Flash Drive	Flash drive #1020 & #1021
Minute Orders	M15-216 to M15-224
Resolutions	R15-73 to R15-75
Ordinance	ORD15-08 NOT USED

9:00 AM Meeting Called to Order by Chairman Fesko.

*Supervisors Present: Fesko, Stump, Alpers, Corless, Johnston  
Supervisors Absent: none.*

*Break: 9:50  
Reconvene: 10:02  
Closed Session/Lunch: 11:45  
Reconvene: 1:45  
Closed Session: 3:25 p.m.  
Reconvene: 4:01 p.m.  
Adjourn: 4:03 p.m.*

**The Mono County Board of Supervisors stream all of their meetings live on the internet and archives them afterward. To listen to any meetings from June 2, 2015 forward, please go to the following link: <http://www.monocounty.ca.gov/meetings>**

Pledge of Allegiance led by Supervisor Johnston.

- 1. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD**  
*No one spoke*
- 2. APPROVAL OF MINUTES**

**Note**

**These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors**

**A. Board Minutes**

Departments: Clerk of the Board

**Action:** Approve minutes of the Regular Meeting held on October 13, 2015.

**Johnston moved; Alpers seconded**

**Vote; 5 yes; 0 no**

**M15-216**

**3. RECOGNITIONS - NONE**

**4. BOARD MEMBER REPORTS**

**Supervisor Alpers:**

- 10/21 - Attended a 2 hour meeting with LADWP officials at the County Conference Room. Attended with Supervisor Stump, Scott Burns and Wendy Sugimura from the Mono County; and Jim Yannotta, Greg Loveland and Dave Martin from DWP. The agenda topics included: 1) Flooding issues in Chalfant. 2) Water export practices from the Mono Basin and Crowley Lake as they relate to recreational fisheries. 3) Sage Grouse habitat on DWP lands. All discussions pointed to drought conditions hampering DWP's operations including lease, recreation and environmental issues. DWP exported only 21,000 acre feet of water out of the eastern Sierra region this past year. DWP will work cooperatively with the County, BLM and other affected agencies in the Chalfant area to mitigate flooding impacts. The County and DWP agreed to meet at least twice a year to maintain communication on issues of mutual importance.
- 10/27 Spoke to SCE about local rep. New rep is Rudy Gonzalez.
- 10/31 - Toured the JL Loop to assess the economic impact of the fall colors marketing effort. The numbers of photographers, bikers, fishermen, hikers and general auto "looky-loos" was quite astonishing. Weather conditions and colors were at their peak this past weekend. At the request of the JLCAC and the MBRPAC, Caltrans has installed a second ROAD CLOSED gate on Hwy 158 just north of Grant Lake. This gate will allow access to the Parker Lake recreation area in drought years and early springs while keeping avalanche areas around Grant and Silver Lakes closed to traffic.

**Supervisor Corless:**

- Town Council 10/21: gave County update at meeting, packed house due to Multi-Use-Facility Consideration.
- CSAC Institute Emerging Issues Course on Behavioral Health and Law Enforcement, great discussion with county supervisors and staff from counties large and small, rural and urban. As we continue to shape a work plan and recommendations from the Behavioral Health Advisory Board, communicating with our peers in other parts of the state is important—there were some great ideas that could be implemented here in Mono
- Strategic Planning: team met 10/27 to map out next step
- Collaborative Planning Team/updates: was happy to chair the meeting on Oct. 29, highlights and actions include BLM/DWP reporting back to CPT in January regarding erosion control efforts/plans in Chalfant and Swall Meadows.
- TOML Broadband Task Force: met 10/29 to continue to develop presentations/recommendations to council in December; noted discussions

**Note**

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- with Sierra Center Mall to purchase broadband/tap into 395 directly.
- Follow up to Tree Mortality discussion: Gov's office did declare a state of emergency in the affected counties, per RCRC
- CAO interviews: Thanks to Management Team for participating. We are down to two finalists and department head feedback informed the board's decision. It is my intention, whoever is the next CAO, that we find ways to better integrate the management team into our decision making process.
- Board of Supervisors Update/Newsletter: It is in the works—was hoping to send it out last week but did not get a response to request for items to include, and was very much focused on CAO selection. Many thanks to Economic Development for providing some content; invite everyone to contribute.

**Supervisor Fesko:**

- October 21 - Attended the RCRC Executive meeting in Sacramento. The Executive committee authorized Greg Norton, president of RCRC, to grant \$500,000 to the Butte and Valley fire victims. This money will go the respective counties to help offset some of the costs borne by the counties. Up to \$1,000,000 will be sought from the RCRC Board to directly help the victims of these fires.
- Paul Smith gave a presentation on the three bills signed by Governor Brown regarding on Medical Marijuana. Paul Smith has a presentation that he is willing to give to our Board. Also he's willing to work with staff to create ordinances that we must have in place to protect our rights under these three bills.
- October 22 - Attended the Mono County Board of Education Library Authority meeting in Coleville. Of the four items (with 7 options total) presented to the BOS on Tuesday October 20, the Library Authority voted as follows: Option A - Reduce County Library Director's hours 5% or 10% -- voted NOT to cut hours period; Option B - Eliminate the Bookmobile -- Voted to cut (~\$10,000 savings); Option C - reduce Bridgeport Librarian Hours -- voted to postpone, but the Bridgeport Librarian offered up cutting prep time by 12 hours; Option D - Reduction of Mammoth Lakes hours -- voted to reduce by 3 hours per week
- October 24/25 - Annual Virginia City ATV overnight ride. I broke a record of 3 flat tires in three days on the same tire!
- October 29 - Several meetings including one with Sara Burak, Avalanche Expert, to discuss possible issues this year with El Nino and several areas in District 4 that are of concern.
- October 30 - CAO Final interviews. Thank you to all of our Department Heads and managers for their contribution to our interview process.

**Supervisor Johnston:**

- Participated in the annual Halloween in The Trails. About 50 homes participated with decorations, music and other spooky things. We had 300 to 400 kids and parents go through our haunted house part of the event. Thanks to the Town for closing the street and to all the residents and visitors for a safe and successful Halloween.
- Attended the Senior Dinner. It was well attended and provides funding for senior activities; the students are the wait staff for the event.
- Attended the play "Of Mice and Men" at the Edison Theatre. Again, it was a very good play; my wife helped with concessions.
- Presented the "Welcome" at the annual California County Planning

**Note**

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Commissioners Annual Meeting which was held in June Lake on Oct 23. Dan Roberts, our planning commissioner, is the President of the organization.

- Rode the new Rock Creek Road after its improvement; an excellent road improvement for which we can thank our staff for all their work on it. Looking forward to the completion of the Convict Road project.
- Mark Drew, Director of the Inyo-Mono Integrated Regional Water Management program, announced award of seven successful Prop 84 funding projects. One is the June Lake PUD Uranium Removal Plan.
- Attended the Mammoth Lakes Housing meeting: Noted several items regarding the provision of housing for the workforce such as housing laborers and retail help in the community.
- MLH will also be holding its semi-annual Strategic Planning workshop on November 12.
- Will be asking the County staff, with possible action by the Board, regarding the potential of a short term loan from our housing fund to assist with an affordable housing unit.
- From CSAC, it is noted that the Governor signed the Tree Mortality State of Emergency Proclamation due to the die off of millions of trees throughout California. The Proclamation focuses on fire prevention, tree removal activities, bio-energy facilities, and prescribed burns among others. We might have concerns with the smoke aspects of the prescribed burns.
- Also from CSAC is information from the Congress for a two year budget extension; hopefully avoiding a debate on future government shutdown.
- The MLPD will be holding another Hispanic Community Town Hall meeting at 5:30 on November 6 at the Grand Sierra Lodge in Mammoth. MLH representatives will be participating "in Spanish" at the meeting regarding housing options.
- The Town Ice Rink is scheduled to open November 27.
- Also the Town will be holding another NGO Strategy Alignment meeting on November 17.

**Supervisor Stump:**

- 10/21 - Met with senior DWP management. Supervisor Alpers, Scott Burns and Wendy Sugimura were also present. DWP agreed to hold an annual meeting with the County in the fall to review operations and to send a representative to Collaborative Planning Team meetings, which they did on 10-29. Several other issues discussed including flooding in Chalfant. Supervisor Alpers can comment.
- 10/27 - Attended the CSA 1 meeting. That Board voted to make a skate park their number 1 infrastructure project. They are still setting aside funds to improve the Community Center and finish the interior of the snack portion of the new bathroom building at the baseball/soccer field.
- 10/28 - Held a second meeting with the new Tribal Chair about economic development in the Benton area. There is a meeting set between the Tribal Chair and Community Development to answer zoning questions about various parcels of land in the Benton area and explain the County processes for lands outside the Tribal Trust.
- 10/28 - Attended Long Valley RPAC. RPAC is starting work on a more in

**Note**

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depth look at trail connectivity.

- 10-29 - Attended CPT meeting. Sup. Corless did an excellent job as Chair. Obtained commitment from BLM, Cal Trans, and DWP to discuss possible actions with each other around Hwy 6 flood issues. Sup Corless will cover the rest.
- 10/30 - Received notification that PUC staff has recommended that the PUC adopt Resolution T-17477 funding a grant for \$7,633,459 to bring high speed fiber optic internet to Old Benton (including the Tribal Lands), Benton, White Mountain Estates, Paradise, Swall Meadows, Lee Vining and Mono City. Commission will have this item on their 12-3 agenda.
- Attended Celebration of life for Dr. Bortalazzo

## 5. COUNTY ADMINISTRATIVE OFFICE

CAO Report regarding Board Assignments

Receive brief oral report by County Administrative Officer (CAO) regarding work activities.

**Lynda Salcido:**

- 10/23 Attended Chalfant flood debrief and future improvement discussion
- 10/23 Met with Department heads re: plan to support CAO/HR activities. Thanks to department heads for assistance.
- 10/26 Met with Frank Frievalt re: Incident Management Team and EMS
- 10/27 EMS Captains meeting with Health department
- 10/28 Public Health Mission and Values meeting
- 10/28 Meeting with staff re: CAO office
- 10/29 Halloween potluck in Bridgeport
- 10/29 Met with 2 external CAO candidates
- 10/29 Senior Dinner
- 10/30 CAO Interviews all day
- Thanks to department heads for being diligent in questions and format for CAO candidate discussions
- Christmas party 12/9 in Lee Vining; start setting up about 11:00.

## 6. DEPARTMENT/COMMISSION REPORTS

**Jeff Walters:**

- Sold old 1997 snowcat for \$24,000
- 2 Foresters sold; \$2,000 for one, \$2,800 for the other.
- F-150 sold for \$5,800
- Total \$34,000+ plus to county. Beneficial to take vehicles to auction.

**Sheriff Braun:**

- Jennifer Hansen leaving to be Public Affairs Officer for State of Washington Legislature.

## 7. CONSENT AGENDA

(All matters on the consent agenda are to be approved on one motion unless a board member requests separate action on a specific item.)

### A. CSAC EIA - Medical Malpractice Insurance Coverage

Departments: Risk Management

**Note**

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Proposed contract with the California State Association of Counties Excess Insurance Authority (CSAC-EIA) committing Mono County to remain in CSAC-EIA's medical malpractice insurance program through October 1, 2017, in order to obtain a premium reduction (available from the underwriter if 75% of member counties commit prior to December 30, 2015).

**Action:** Approve County entry into proposed contract and authorize the County Administrative Officer to execute said contract on behalf of the County.

**Stump moved; Corless seconded**

**Vote: 5 yes; 0 no**

**M15-217**

**B. Hire at a B Step - Maintenance Worker II in Walker**

Departments: Public Works - Road

A Maintenance Worker II vacancy exists in Walker. Public Works has followed the Mono County Public Employees MOU protocol to fill that vacancy and would like to hire the qualified applicant at a B Step as permitted by Section 80 of the Personnel Rules.

**Action:** Authorize Public Works Director, in consultation with Human Resources, to hire a qualified Maintenance Worker II at a B Step for the vacancy in Road Area 5 (Walker).

**Stump moved; Corless seconded**

**Vote: 5 yes; 0 no**

**M15-218**

**C. Reappointment to Assessment Appeals Board**

Departments: Clerk of the Board

Consider reappointment of John Gallagher, Rose Murray and Paul Oster to the Assessment Appeals Board for three year terms commencing on November 6, 2015 and expiring on November 5, 2018.

**Action:** Approve the reappointment of John Gallagher, Rose Murray and Paul Oster to the Assessment Appeals Board for three year terms commencing on November 6, 2015 and expiring on November 5, 2018.

**Stump moved; Corless seconded**

**Vote: 5 yes; 0 no**

**M15-219**

**D. Appointments to Mono County Child Care Council**

Departments: Clerk of the Board

Reappointment of Chanden Robasciotti and Salvador Montanez to the

**Note**

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Mono County Child Care Council for a term of two months only beginning 11/1/15 and expiring 12/31/15. If your board approves these two month terms, this will make all terms expire on December 31st of staggering years, which will be easier to track and administer.

**Action:** Appoint Chanden Robasciotti and Salvador Montanez to the Mono County Child Care Council, with terms expiring 12/31/15.

**Stump moved; Corless seconded**

**Vote: 5 yes; 0 no**

**M15-220**

**8. CORRESPONDENCE RECEIVED (INFORMATIONAL)**

All items listed are located in the Office of the Clerk of the Board, and are available for review.

**A. Fish and Game Commission**

Departments: Clerk of the Board

Correspondence from the Fish and Game Commission dated October 22, 2105 regarding notice of proposed regulatory action that listing the gray wolf as Endangered under the California Endangered Species Act is warranted.

**B. Wildlife Conservation Board Pepperweed Removal**

Departments: Clerk of the Board

Correspondence dated 10/20/15 from the Wildlife Conservation Board regarding Middle Owens Valley Perennial Pepperweed Removal for Inyo and Mono Counties. Project ID: 2015030.

**Supervisor Johnston:**

- Gray wolf is protected under federal species protection act, California is acting under state authority.

\*\*\*\*\*

*The board acknowledged receipt of the correspondence.*

**9. REGULAR AGENDA - MORNING**

**A. Local Emergency**

Departments: Board of Supervisors

Review state of local emergency, which was proclaimed by the Sheriff as Director of Emergency Services on October 18, 2015, and ratified by the Board on October 20, 2015.

**Action:** Take action to terminate the state of local emergency, which was proclaimed by the Sheriff as Director of Emergency Services on

**Note**

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October 18, 2015, and ratified by the Board on October 20, 2015.

**Stump moved; Johnston seconded**

**Vote: 5 yes; 0 no**

**R15-73**

**Marshall Rudolph:**

- Board can extend or terminate state of emergency

**Sheriff Braun:**

- Recommend terminating state of emergency

**Supervisor Stump:**

- Supports terminating emergency

## **B. 2015/2016 CSAC Appointments**

Departments: Clerk of the Board of Supervisors

Selection from the Board of Supervisors of a member and alternate to serve on the California State Association of Counties (CSAC) Board of Directors for 2015.

**Action:** Elect Supervisor Johnston as a member of the Board of Supervisors to serve on the CSAC Board of Directors for the 2015 Association year beginning on December 1, 2015; also elect Supervisor Corless as an alternate member.

**Alpers moved; Stump seconded**

**Vote: 5 yes; 0 no**

**M15-221**

**Supervisor Fesko:**

- Need member for 12/1 meeting

**Supervisor Alpers:**

- Suggests reappointing Johnston and Corless

## **C. Review of Snow Removal Policies, Procedures and Priorities**

(Jeff Walters) - Each year the Roads Division of Public Works provides the Board of Supervisors for their review a list of the snow removal policies, procedures and priorities for county-maintained roads.

**Action:** 1. Receive a staff report regarding current snow removal policies, procedures, and priorities. 2. Provide direction to staff regarding modification to current snow removal policies, procedures and priorities. 3. Adopt Resolution No. R15-74, "A Resolution of the Mono County Board of Supervisors Re-Establishing Snow Removal Policies, Procedures and Priorities for County-Maintained Roads."

**Alpers moved; Stump seconded**

**Vote: 5 yes; 0 no**

**R15-74**

**Jeff Walters:**

**Note**

**These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors**

- Maps show all county mileage
- Categorized by priority
- Maps are reviewed annually
- Lundy and Virginia Lake roads will be plowed and kept open as long as possible
- Will pass along Cottonwood Canyon comments
- Putting in snow stakes to alert crews to sensitive improvements
- Inyo County will work with us on Rock Creek
- North Shore Drive not yet complete, will finish next year

**Garret Higerd:**

- Putting in snow poles as part of close out of June Lake project to alert plow operators
- Will know in next week or so what can still be done on North Shore Drive after winter

**Supervisor Alpers:**

- Can 2<sup>nd</sup> gate be installed on Lundy Lake road?
- Cottonwood Canyon Road – sides are deteriorating. Can crews try to preserve shoulder of road as long as possible?
- New improvements in local communities – have crews been trained to protect these improvements?
- North Shore Drive in June Lake?

**Supervisor Johnston:**

- Appreciates Airport road being kept up

**Supervisor Stump:**

- Are we coordinating Lower Rock Creek with Inyo?

**D. Winter Preparedness**

Departments: Public Works - Road

(Jeff Walters) - With a strong El Niño weather pattern expected this winter there are preparations Mono County could make to assist with managing the effects of significant rain and snow.

**Action:** 1. Authorize Public Works Director, in consultation with County Counsel and Risk to issue an RFP for avalanche forecasting, to purchase sufficient sandbags and to purchase and install a portable weather station, contract service not to exceed \$10,000 total between them. 2. Amend the 2015-16 Board Approved budget as follows: In the General Fund: Increase appropriation in Operating Transfers Out by \$15,000 and decrease Contingencies by \$15,000. In the Road Fund: Increase Operating Transfers In by \$15,000, increase Special Department expense in the Road Fund by \$5,000. (4/5ths vote required.)

**Stump moved; Alpers seconded**

**Vote: 5 yes; 0 no**

**M15-222**

**Jeff Walters:**

- Lots of El Nino discussion in statewide media

**Note**

**These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors**

- County has some avalanche danger: Twin Lakes Road, Lundy Lake Rd, Crowley Lake Drive, Lower Rock Creek
- Operators trained, need to do refresher
- When is road safe for operators? Are they aware of avalanche situation? They need to communicate with department supervisors
- Will not send crews into danger for minor resident concerns
- Will do RFP for forecasting station
- Station is bigger than breadbox, guy wired tower, portable, easy to raise
- Working with Brett McCurry to inventory equipment
- Does not have count for Chalfant
- Has quote for sand for bags to be distributed to local communities
- Have about 1800 bags for each of 8 locations
- Need about 10,000 more bags, plus sand and tarps to cover sand piles
- Sand and bags are not currently evenly spaced out to communities
- Historically we provide bags, but not sand or filling
- Public or emergency responders fill bags
- We have new bags in Chalfant, old bags were used mistakenly
- Two homes were flooded
- Can prepare for forecasted events. Hard to prepare for unexpected events.
- Bridges are our biggest vulnerability. Depends on type and location of event. Swall Meadows is concern because of Round Valley fire. Roads and culverts have been redone since fire. Some culverts were cleaned this spring.
- We do not have a strike force per se, but all county employees are disaster workers.

**Brett McCurry:**

- Extensive culvert cleaning over last 3 years. Brush removal, riprap in inlets and outlets to slow down water.
- Cannot be more prepared by pre-placing sand bags.

**Supervisor Johnston:**

- What is size of weather station?
- We have bags, piles, etc. How does it all work?
- How many homes flooded in recent Chalfant flood?
- Are there vulnerabilities in our system? Roads, bridges, etc.
- Do you have an El Nino strike force in waiting?

**Supervisor Stump:**

- Bags in Chalfant flood were old and deteriorated, failed when filled
- Bags were used around structures and to try to divert water from community at large. Diversion was not very effective. Not enough people to help fill
- Should have focused on keeping water out of residences instead of community as a whole
- Part of delay was waiting for Public Works to deliver fill material
- Pre-staging sand and bags would let community get started faster
- Inmates helped fill bags, sped up response once they arrived
- Wants to speed up mitigation efforts where possible, this will not prevent all potential issues
- We need \$15,000 instead of \$10,000 if we add all items discussed

**Supervisor Fesko:**

- Will sandbags use sand?
- Who does bagging?
- Bags can be stored properly. What should we do with old bags – get rid of them to avoid risk of failure?

**Note**

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- Locals will pull together in emergencies, if they have supplies
- Having access to forecasting data will help us be more self reliant
- Need to be as prepared as possible

#### **E. Ordinance Amending Chapter 7.50 of the Mono County Code**

Departments: Social Services, County Counsel

(Kathryn Peterson) - Proposed ordinance No. ORD 15- 08 amending chapter 7.50 of the Mono County Code pertaining to the provision of General Assistance to indigent residents of Mono County.

**Action:** Introduce, read title, and waive further reading of proposed ordinance No. ORD 15-08 amending chapter 7.50 of the Mono County Code pertaining to the provision of General Assistance to indigent residents of Mono County.

**Corless moved; Alpers seconded**

**Vote: 5 yes; 0 no**

**M15-223**

**Kathy Peterson:**

- State law requires county provide services to indigent residents
- Total assistance budget is \$12,000 in Mono County
- \$3,000 is for burials
- Max general assistance is \$331/month for 3 months max
- Actually a loan, not a grant.
- 1-2 burial requests per year
- Bringing dates into alignment
- This change will assist clients

**Christy Milovich:**

- State law has not changed with regard to general assistance

#### **F. 2014-17 Public Health Emergency Preparedness Agreement**

Departments: Public Health Emergency Preparedness

(Dr. Richard O. Johnson) - In October, 2003, the Board of Supervisors approved the first Public Health Preparedness and Response to Bioterrorism plan for FY 2002/3 (minute order 02-219). This program has been funded ever since by Federal CDC (Centers for Disease Control and Prevention) and ASPR (Assistant Secretary for Preparedness and Response) money, with 70% of the total funds being passed to the locals through the California Department of Public Health (CDPH). This agreement provides funds for Public Health to address planning, preparedness, response, mitigation, and recovery for all hazards and events that potentially impact the health of the public and the healthcare system.

**Action:** Approve and authorize the Chair's signature on the NON-

**Note**

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**SUPLANTATION CERTIFICATION FORM for the AGREEMENT.**

**Stump moved; Johnston seconded**

**Vote: 5 yes; 0 no**

**M15-224**

**Dr. Richard Johnson:**

- Requesting signature on non-supplantation agreement
- Same funding level as last year
- Had 2 Ebola at-risk travelers last year
- Current plan is to isolate exposed patient, call regional partners in San Bernardino to take patient
- Now have measles event because of vaccine issues
- Measles used to kill .1% of infected kids
- Need to be tied in to access regional resources
- Next year's exercise will be large multi-casualty event
- Transportation of victims will be large part of exercise
- Preparing for anthrax exercise now, involving drone delivery of bio weapons
- Department of Defense will not give vaccine to military, so county will be responsible
- Alternate care site exercise coming in spring – what if primary sites are swamped or not available
- Working with University of Utah on community resilience project for El Nino, fire, earthquake, etc.
- Working on Medical Health Multi Agency Coordination Group

**Marshall Rudolph:**

- Non-supplantation refers to not using funds to replace general fund spending

**Supervisor Stump:**

- What is non-supplantation?

**G. White Mountain Estates Tentative Tract Map 37-46 extension**

Departments: Community Development

(Gerry Le Francois) - Public hearing regarding a one-year extension for Tentative Tract Map 37-46/White Mountain Estates.

**Action:** Approve resolution #R15-75, granting one-year extension for Tentative Tract Map 37-46/White Mountain Estates until November 20, 2016.

**Stump moved; Johnston seconded**

**Vote: 5 yes; 0 no**

**R15-75**

**Gerry LaFrancois:**

- White Mountain Estates is existing subdivision off Hwy 6, supposed to be done in 2 phases
- First phase is completed
- 2<sup>nd</sup> phase was not done when originally proposed in 2007
- This proposal is for 2<sup>nd</sup> phase, adjacent to original phase, extension was entered into in 2010

**Note**

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- In 2012 developer requested that housing mitigation, traffic calming and park fees be waived, and this was done
- Requesting 1 year extension with option for 2 additional 1 year extensions
- Right turn lane is required by Caltrans, and is part of process
- No changes to prior amendments

**Garrett Higerd:**

- Progress is being made on right turn lane and other project requirements
- Bonds will be taken out to secure some required improvements
- Drainage channels have all been installed, and roads were paved last summer. Utilities have been installed

**Supervisor Stump:**

- Is right turn lane requirement included?
- 2012 resolution regarding park maintenance, are there any similar changes in this agreement
- Regrets that park fees were removed, but will respect existing agreement
- Will community locked mailboxes be included by developer

**Supervisor Johnston:**

- Where are we on drainage ditches, and the possibility of El Nino?
- What are target home costs? Will they be manufactured?
- Large lots on east side of property because there are numerous fault lines in the area

Public Hearing

**Steve Kappos:**

- There will be lockboxes and separate HOA
- Developer has most of subdivision improvements done
- Turn lane may be done this year
- Developer may come to Board for final map in January; he is that close
- Homes will be manufactured. 19 acre remainder can have one home, it could be stick built
- Will be most affordable new housing in the county

**10. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD**

*No one spoke*

**11. CLOSED SESSION**

Nothing to report out of first closed session

**A. Closed Session--Human Resources**

CONFERENCE WITH LABOR NEGOTIATORS. Government Code Section 54957.6. Agency designated representative(s): Marshall Rudolph, John Vallejo, Leslie Chapman, and Lynda Salcido. Employee Organization(s): Mono County Sheriff's Officers Association (aka Deputy Sheriff's Association), Local 39--majority representative of Mono County Public Employees (MCPE) and Deputy Probation Officers Unit (DPOU), Mono County Paramedic Rescue Association

**Note**

**These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors**

(PARA), Mono County Public Safety Officers Association (PSO), and Mono County Sheriff Department's Management Association (SO Mgmt). Unrepresented employees: All.

**B. Closed Session - Public Employment**

PUBLIC EMPLOYMENT. Government Code section 54957. Title: County Administrator.

**C. Closed Session - Public Employment**

PUBLIC EMPLOYMENT. Government Code section 54957. Title: HR Manager.

**D. Closed Session - Public Employment**

PUBLIC EMPLOYMENT. Government Code section 54957. Title: County Counsel.

**E. Closed Session - Conference with Legal Counsel**

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION. Paragraph (1) of subdivision (d) of Government Code section 54956.9. Name of case: Luman v. Mono County Personnel Appeals Board.

**REGULAR SESSION WILL RECONVENE AFTER CLOSED SESSION**

**12. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD**

*No one spoke*

**13. REGULAR AGENDA - AFTERNOON**

**A. SCE Drought Resolution Presentation**

Departments: Board of Supervisors

(David Simmons, SCE) - Drought Resolution Presentation by Southern California Edison regarding the removal of trees on the forest.

**Action:** None.

**David Simmons – SCE:**

- Had handout slide presentation for Board
- Bark Beetle – problem started in 2003, still going on today
- Drought declaration covers any overhead item that could spark - primary, secondary, or other.
- Deal with objections on a case by case basis
- Have cut over 150,000 trees in last 13 years due to bark beetle

**Note**

**These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors**

- Low level of activity anticipated locally. Have so far identified about 300 trees from Mammoth to June Lake.
- CalFire is not requiring submission of plans
- Bark Beetles are specific to pines
- Lumber can be merchantable, depending on staining. Not as big a problem with drought affected trees.
- Assessments are all visual, but they are looking at all trees for other mitigating factors.
- Not burning at this point, due to pollution concerns
- Exploring different disposal methods
- Private locations are being monitored to make sure property owners are notified
- Underground installation comes down to cost factors
- CEMA is funded by SCE, and reimbursed by CPUC allowance of rate hikes to all SCE customers
- CalFire will have \$5 million in grants for homeowner assistance
- Program applies to all utilities, and does impact availability of funding

**Joel Poggus:**

- Explained boundary of operations

**Supervisor Corless:**

- What level of activity should we expect here?

**Supervisor Fesko:**

- How do you deal with property owner objections to tree removal?
- How are CEMA's funded?

**Supervisor Johnston:**

- Are you doing any burning?
- Are you shipping to biomass areas?
- Are you monitoring notification of property owners?
- Is there anything going on to promote underground lines?

**Supervisor Stump:**

- Is CalFire requiring submission of plans?
- Pines appear to be primary species
- Is any of the lumber merchantable?
- Fir rots from inside out, may still appear healthy. How do you assess?
- Does this program apply to all utilities?

**B. Ormat Casa Diablo IV Project Update**

Departments: Board of Supervisors

(Charlene Wardlow, Business Development Director, Ormat) -

Update on Ormat operations in Mammoth Lakes and Casa Diablo IV Project status. This item was requested by Supervisor Corless.

**Action:** None.

**Charlene Wardlow:**

- PowerPoint presentation
- Original application submitted almost 6 years ago
- Ormat is a publically traded company
- Ms. Wardlow has been in geothermal industry for more than 30 years.
- Explained briefly the various geothermal technologies
- We generate all of our power, sell excess to power grid

**Note**

**These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors**

- There are no large thermal features like at Yellowstone or Lassen Parks
- Hope to work with MCWD to resolve their concerns
- Plant 1 update is on hold due to price issues for power and transmission line issues
- Long Valley HAC has been precedent setting; data is valuable for both the project and the caldera as a whole. Ormat pays for the USGS research and data, but USGS provides data but no analysis. All agencies in HAC have signed NDA's. MCWD has signed other NDA, and is eligible to come to committee. Only confidential data is for well on federal land.
- Tax data comes from Ormat's tax division.
- Since 2005, an additional 25% of royalties is supposed to come back to county, but feds may not be sending it all.
- Ormat spoke as proponent at APQCD hearing not as EIR preparer.
- Water goes through entire system at very deep depths through fractured systems.
- Proprietary data is due to federal law.
- BLM is holding meeting Thursday. Ormat disagrees that additional monitoring is needed today, but it might be in the future.
- PPA's and tax assessments are based on future income stream, and that is why assessments are being appealed.
- Difference on certification – EIS and EIR are often released separately.
- We are not building CD IV yet. Waiting for SCE analysis on cost to upgrade transmission. Often involves transformers, not new lines.

**Pat Hayes, MCWD:**

- MCWD provides water for public health and welfare.
- As a responsible public agency, we have been concerned about this project since 2005, and requested monitoring wells. None were installed.
- MCWD installed their own wells, and found hot water in them.
- All they want is to install monitoring wells and follow the science.

**Supervisor Corless:**

- Thank you for coming.
- Agenda item came out of a field study, and as a public body we have a responsibility to get information out to the public.
- What can we as a county do to improve the efficacy of the HAC?
- MCWD will give their update on 11/17.

**Supervisor Fesko:**

- You use electricity for powering plant. Do you generate more than your own electricity?

**Supervisor Johnston:**

- Timing of presentation during lawsuits is not desirable.
- Does not like data on Mono County resource being kept secret.
- Supposed to be a joint EIS/EIR, certification should happen at the same time. Why are they a year apart?
- If barrier is impermeable, how did hot water get down there to begin with?
- Mammoth Lakes property tax is dependent on available drinking water.
- What would it take to get MCWD and Ormat together to resolve their concerns?
- Slide shows taxes. If you are showing contribution, why are you appealing them?

**Note**

**These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors**

**Supervisor Stump:**

- What is status of plant 1 update
- Does HAC need to exist? Data is proprietary.
- Please don't throw darts at MCWD
- Huge tax implications for county, but most of county's property tax revenue comes from town.
- HAC has no authority to initiate litigation; they are purely advisory
- If SCE has transmission issues, why are you building CD IV?

*Closed Session: 3:25*

*Reconvene: 4:01*

Report out of Closed Session:

Item 11e)

By Unanimous vote, Leslie Chapman has been approved to be Mono County's first female CAO, effective 11/4, contract details to be negotiated.

**ADJOURN**

ATTEST

---

TIMOTHY E. FESKO  
CHAIRMAN

---

BOB MUSIL  
CLERK OF THE BOARD

**Note**

**These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors**



OFFICE OF THE CLERK  
OF THE BOARD OF SUPERVISORS

## REGULAR AGENDA REQUEST

Print

**MEETING DATE** December 8, 2015

**Departments: Clerk of the Board**

**TIME REQUIRED**

**SUBJECT** Board Minutes

**PERSONS  
APPEARING  
BEFORE THE  
BOARD**

---

### AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Approve minutes of the Special Meeting held on November 5, 2015.

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### RECOMMENDED ACTION:

---

### FISCAL IMPACT:

---

**CONTACT NAME:** Helen Nunn

**PHONE/EMAIL:** x5534 / hnunn@mono.ca.gov

---

SUBMIT THE ORIGINAL DOCUMENT WITH  
ATTACHMENTS TO THE OFFICE OF  
THE COUNTY ADMINISTRATOR  
**PRIOR TO 5:00 P.M. ON THE FRIDAY**  
**32 DAYS PRECEDING THE BOARD MEETING**

### SEND COPIES TO:

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### MINUTE ORDER REQUESTED:

YES  NO

---

### ATTACHMENTS:

Click to download

[11-5-15 Draft Minutes](#)

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### History

Time	Who	Approval
11/24/2015 6:52 PM	County Administrative Office	Yes
11/30/2015 4:29 PM	County Counsel	Yes
11/24/2015 1:06 PM	Finance	Yes



**DRAFT MEETING MINUTES  
BOARD OF SUPERVISORS, COUNTY OF MONO  
STATE OF CALIFORNIA**

Lee Vining Community Center, 296 Mattly Avenue, 107885 Highway 395, Lee Vining, CA 93541

**Special Meeting  
November 5, 2015**

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Flash Drive	ON PORTABLE RECORDER
Minute Orders	None
Resolutions	None
Ordinance	ORD15-08 NOT USED

1:10 PM Meeting Called to Order by Chairman Fesko.

*Supervisors Present: Alpers, Corless, Fesko, Johnston and Stump.  
Supervisors Absent: None*

*Adjourn: 4:10 p.m.*

Pledge of Allegiance led by Chairman Fesko.

**1 OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD**  
*No one spoke.*

**2. AGENDA ITEMS**

**A. Special Meeting - Attend EMS Ad Hoc Committee**

Attend EMS Ad Hoc Committee meeting at Lee Vining Community Center. Potentially ask questions and/or make comments during the following workshops: 1. Overview of Current EMS System, and 2. EMS Models Workshop.

**Action:** None. Informational only.

Introductions were made among the EMS Committee members and members of the Board.

**Frank Frievalt:**

**Note**

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- Down to four models: existing system with modifications, interface with fire, private models, or a hybrid system.
- Having a hard time rating models.
- Will show maps and discuss potential call types and view how system operates.
- Hybrid system already exists in a fashion with some cooperation.
- Four parts of discussion: policy, admin, legal, and operations.
- End goal today is to be able to rate options.
- Handout should include Medic 8 in Bridgeport.
- Call types.
- MWTC is at Base Commander discretion.

**Jack Copeland:**

- Issues with private option - \$3 million /year, \$2 million shortfall. Not viable as a private business. Parts of system may be viable, such as 395 corridor.
- All options are open.

**Supervisor Stump:**

- Are you assuming no county subsidy of private?
- Thinks contribution will be required, but at what level?

**Bob Rooks/ Kevin Smith:**

- Map and magnetic decals show location of assets available.

**Supervisor Fesko:**

- MWTC has 2 units. 1 is reserve and often not available for county.

Overview of Call types: Frank Frievalt and Kevin Smith.

**Call 1:**

- MMSA, could be winter or summer.
- Medic would respond, dispatch would tell them where to go, and give ETA for patient to staging. 5 miles, 10 minutes to Main Lodge. Mammoth Fire typically does not respond.
- Winter resource deployment plan:
- Rigs are moved in morning. Medic 2 will go to Mammoth from 10-4. Medic 7 moves from Bridgeport to June Lake. Sometimes Medic 1 moves from Walker to Bridgeport. Sometimes Medic 7 bypasses June and goes to Mammoth so they can get training/practice/experience.
- No summer rotation: calls are more spread through the county.

**Rosemary Sachs:**

- Will often meet ambulance with gurney to speed turnaround of medics.
- In winter, SME ambulances are considered transportation unit and are called directly by MMSA. All are ICEMA certified. If these went away, medic call volume would probably go up some.
- SME does not charge for transport. Some patients refuse paramedics/ambulance because of cost.

**Supervisor Fesko:**

- SME transport, do they transport to Airport? They will transport to Bishop for elective surgery. This is potential loss of revenue to medic system.

**Dr. Rick Johnson:**

- SME does not transport to the airport.

**Bob Rooks:**

- Other resources, such as reserve Medic 6, can be brought in as needed or for busy and/or holiday periods.
- About 60% of calls are in Mammoth.

**Note**

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**Call 2:**

- General call to residence in June Lake. Dispatch will send Medic 2 and June Lake Fire volunteers. Typical transport to Mammoth. Serious transport will use helicopter, takes 45-60 minutes. Will call them early to get them enroute. Serious goes to Reno for more definitive care. Ambulance may go north with patient to predetermined landing zone.
- If Medic 2 is in Mammoth, Medic 7 will have deployed from Bridgeport to June.
- Fixed wing aircraft can meet ambulance at Mammoth airport. If patient goes to Mammoth Hospital, they can call Careflight if needed. Air transport not available in bad weather.

**Jack Copeland:**

- 50% reimbursement is about best we can hope for.

**Call 3:**

- Motor vehicle accident on 395 in Walker Canyon. Medic 1 and 7 respond immediately. Vehicle accident assumption is always that there are multiple patients. If only 1 victim, closest ambulance continues, other returns to home base.
- Antelope Valley will send Fire response. MWTC may/may not respond.
- Transport non-serious from Medics to Carson Valley Medical Center, 1 hour to get there. Medic 1, +/- 1 hour return. Medic 7, +/- 1.5 hours. Medic 7 is minimum 3 hours on transport and treatment.
- Motor vehicle accident may require extrication from vehicle.
- Dispatch will send closest Fire Dept regardless of district.
- In critical scenarios, helicopter will land right at scene. If necessary, will drive and meet at alternate location. If helo not available, will drive wherever needed, includes Reno.
- Units will rotate north if Walker and Bridgeport are unavailable.
- We have mutual aid agreements with East Fork if necessary.

**Supervisor Stump:**

- Highway call volume increases drastically in bad weather.

**Rick Mitchell:**

- Will units rotate north if Walker and Bridgeport are unavailable?

**Bill VanLente:**

- Is East Fork available if necessary?

**Call 4:**

- Walk in and carryout: Somebody is injured in back country and requires on-site assistance. If stable, Search and Rescue are primary resource, and medics will meet them and patient at trailhead.
- If serious, may have helicopter land at site and handle directly.
- Medics can hike in with Search and Rescue, then use wheeled litter to transport. Takes 4 people on litter, need backups to spell each other. Very slow, 1 mile per hour. In Bridgeport, about equal distance from hospitals, so typically give patients choice where to go.

**Call 5:**

- Air transport from site (already covered). Dispatch will not send Careflight directly – Sheriff or medics make the call.

**Call 6:**

- Air transport from hospital.

**Note**

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**Rosemary Sachs:**

- Hospital calls Careflight often before they get a doctor at Renown. May drive patient to Bishop if needed, will keep patient at hospital until flight can get in somewhere.
- Fairly common call, typically 1 per day in winter.
- Medic 3 meets flight at airport, brings them to hospital, takes patient and crew back to airport, or can take just patient to meet aircraft. On a long call, will rotate Medic 2 from June Lake to Mammoth to cover.

**Call 7:**

- Paramedic response to non-EMS incidents with Fire Dept or Law Enforcement; fires, law enforcement, etc.
- Not automatic in the Tri-Valley.

**Call 8:**

- Calls to Tri-Valley: Benton – Fire District will send unit.
- A) Medic 3 will start driving – 1 hour response – until confirmed that other transport is available. Mono County may call Bishop, who send Symons.
- B) Symons can't come, Medic 3 comes over. White Mtn Fire may transport in volunteer ambulance depending on level of care required.
- C) If no volunteer response – Medic 3 goes all the way in, stabilizes and transports to Bishop.
- If Hwy 120 East is open, sometimes it's faster to use Medic 2. If Medic 3 goes, Medic 2 goes to June Lake, Medic 7 rotates to Lee Vining.
- There is no formal mutual aid agreement with Symons ambulance.

**Call 9:**

- Calls on 120 from Lee Vining to Yosemite.
- Park has ambulance staffed with Ranger. Do not like to leave Park. Park calls Mono dispatch. Medic 2 drives up and picks up patient for transport. Happens every 1-2 days in summer. If accident, Lee Vining Fire responds.
- We don't have mutual aid agreement with Park, we just do it.

**Call 10:**

- Scheduled transport to long-term care.
- Skilled nursing facility in Bishop. Medics will also sometimes transport patients to psychiatric treatment – could be Sacramento, Los Angeles; arranged by hospital.
- Down a unit while transporting, do not call in reserve unit.
- Very rare, done to help Behavioral Health. Typically use Medic 2 out of June Lake. If Medic 3 goes, Medic 2 rotates so Mammoth is always covered.

There are other calls, but these are the most common.  
Goals: County-Wide, Fiscally Sustainable, High Quality.

**Stacey Simon:**

- Change in provider/new entity will require competitive bidding.
- ICEMA would handle any RFPs, cost to county would be minor. ICEMA feels a subsidy will be required to any potential bidders.
- Current level of subsidy is +/- \$2 million. If private would require same, there is no savings.
- ACA may allow EMS to take people to other billable locations.
- Labor cost is 90% of program; does not include A-87 funds (HR, legal, etc.).

**Note**

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- What does the Board want? The committee is doing its job, giving Board recommendations, options, pros and cons.

**Frank Frievalt:**

- What would be different with a private provider?
- How much institutional history would be lost?
- What would happen if private business is not viable and county had to restart program?
- If we go the RFP route, and we have good interest, that would indicate there are efficiencies to be gained.

**Supervisor Fesko:**

- If Board did not think there is a moral obligation to provide EMS, we wouldn't be here.

**Supervisor Johnston:**

- Wants to see system made more efficient. We have a good Solid Waste system, but we had to raise rates and run more efficiently. Taxpayers want a system that works, is efficient, and provides benefit.

**Supervisor Alpers:**

- Agrees with Supervisor Johnston. County is 3,100 sq. miles, need to get most bang for dollars. Everything is on the table.

**Supervisor Stump:**

- There will have to be a financial contribution. Future Boards may say the program should be dropped because the county can't afford the contribution. We have to address the money issue.

**Lynda Salcido:**

- Inyo County contributes \$0 general fund to EMS. Is that what we want?

ADJOURN

ATTEST

---

TIMOTHY E. FESKO  
CHAIRMAN

---

BOB MUSIL  
CLERK OF THE BOARD

**Note**

These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors



**OFFICE OF THE CLERK  
OF THE BOARD OF SUPERVISORS**

**REGULAR AGENDA REQUEST**

Print

**MEETING DATE** December 8, 2015

**Departments: Clerk of the Board**

**TIME REQUIRED**

**SUBJECT** Board Minutes

**PERSONS  
APPEARING  
BEFORE THE  
BOARD**

**AGENDA DESCRIPTION:**

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Approve minutes of the Special Meeting held on November 5, 2015.

**RECOMMENDED ACTION:**

**FISCAL IMPACT:**

**CONTACT NAME:** Helen Nunn

**PHONE/EMAIL:** x5534 / hnunn@mono.ca.gov

SUBMIT THE ORIGINAL DOCUMENT WITH  
ATTACHMENTS TO THE OFFICE OF  
THE COUNTY ADMINISTRATOR  
**PRIOR TO 5:00 P.M. ON THE FRIDAY**  
**32 DAYS PRECEDING THE BOARD MEETING**

**SEND COPIES TO:**

**MINUTE ORDER REQUESTED:**

YES  NO

**ATTACHMENTS:**

<p>Click to download</p> <p> <a href="#">Draft Minutes</a></p>
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**History**

Time	Who	Approval
11/24/2015 6:52 PM	County Administrative Office	Yes
11/30/2015 4:06 PM	County Counsel	Yes
11/24/2015 1:21 PM	Finance	Yes



**DRAFT MEETING MINUTES  
BOARD OF SUPERVISORS, COUNTY OF MONO  
STATE OF CALIFORNIA**

Antelope Valley Community Center, 442 Mule Deer Road, 107885 Hwy 395, Walker, CA 96107

**Special Meeting  
November 5, 2015**

Flash Drive	ON PORTABLE RECORDER
Minute Orders	NONE USED
Resolutions	NONE USED
Ordinance	NONE USED

6:30 PM Meeting Called to Order by Chairman Fesko

*Supervisors Present: Alpers, Corless, Fesko, Johnston and Stump  
Supervisors Absent: None*

Pledge of Allegiance led by Supervisor Corless

Supervisor Fesko introduced other Supervisors and Staff

Ned Welch thanked the Board for coming to Walker and introduced the RPAC members – Mark Lightner, Katie Newell, Judi Curti, Mike Curti, Dan Anthony, Orville Mosby, Bill VanLente, Arden Gerbig, Johnny Vannoy, Bruce Woodworth, Don Morris, Jeff Ulrich from USFS.

**1 OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD**

Mike Curti – Burn Season is open. Must follow regulations and have permit.

CJ Hermas – Represents a group of residents, “Friends of the West Walker”. The issue of a park on the Walker River is very much opposed by this group.

Gerry LeFrancois - will distribute local maps to members of the Board.

Claudia Bonnett - Doesn't live on North River Lane, but supports them.

**2. AGENDA ITEMS**

**Note**

These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors

## **A. Regional Planning Advisory Committees Workshop**

Departments: Clerk of the Board

As a follow up to recent Board inquiries, this workshop will review the purpose, progress and procedures of Mono County RPACS.

**Action:** None.

Scott Burns – Presented PowerPoint.

- Checking in to see how RPAC is going.
- We've been doing RPACs since the June Lake CAC in 1985.
- Antelope Valley is most active RPAC.
- RPACs advise the Board and Planning on development and related policy issues.
- Want to maintain small town rural atmosphere.
- Also advises County on General Plan.
- Updating General Plan now, goes to Planning Commission Thursday.
- RPACs are established by Board resolution.
- They help the County in numerous ways.
- Not all RPACs are following established rules and procedures.
- RPACs are advisory, not decision making.
- They have no authority independent of the Board of Supervisors.

Gerry LeFrancois

- Powerpoint shows location and status of all planning areas.

Antelope Valley Bylaws

- Revised in 1998
- Subject to Brown Act
- Have Chair, Vice Chair, Secretary
- Normally meet first Thursday of each month
- 15 member maximum
- Open to all residents
- Attendance requirements – must attend 3 meetings before being considered for appointment

Fred Stump

- Paradise has design review committee which can comment, but has no veto powers.

Board Comments:

Supervisor Alpers

- First RPAC he worked with was Chalfant in 1986 or 1987
- Are you happy with bylaws?
- What can we do to help you?

Supervisor Stump

- How widespread is feeling that RPAC is dysfunctional?
- Does lack of term limits keep people off RPAC

### **Note**

**These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors**

- How would Claudia fix problems
- How many are in agreement? Almost entire audience by show of hands.
- Is the process able to adequately deal with issues? No

Public Comments:

CJ Hermas

- Community feels they aren't being represented by RPAC
- Has application to join RPAC
- Understands that certain members will disagree
- Expects to be treated with respect and have opinions properly considered
- Doesn't know about term limit issue
- Feels community was misled by current RPAC about trails issue.
- At last meeting, suggested open space for properties purchased by FEMA after flood. Was told we are going to a committee.

Claudia Bonnett

- Was on RPAC for about 12 years; many members were not on the RPAC at the time
- Was frequently a dissenter
- RPAC is a community forum and clearinghouse; this is lacking here in Antelope Valley
- No attempts at compromise on this RPAC
- Why does membership require a unanimous vote?
- When she worked for government, all employees went to training to learn how to listen, speak to each other and compromise
- What we are being told by RPAC tonight does not square with what they said at last RPAC meeting.

Fred (didn't catch last name)

- Problem is lack of information. If not online, information is not available.

Roger Donahue

- Part of problem is lack of foreknowledge.
- Trails issue just appeared on agenda. People had no advance knowledge. Led to rumors and trust issues.
- Majority of people are online. County needs to have more information on website.
- Other counties will offer FEMA-type properties for lease. Would like to do so.
- Community is constantly threatened by RPAC

Ned Welch

- Will not try to refute very passionate feelings.
- Wants Supervisors to know that biggest opposition effort to

**Note**

**These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors**



trails was from former RPAC chairman Dan Anthony. Collected 77 signatures and letters regarding trails near Camp Antelope.

- Grant application was dropped for trails near Camp Antelope.
- Feels if you show up, you should stay on RPAC. If you play, you stay.
- Denying spouses might be a first amendment violation.

Katie Newell

- North River plan was taken off the table in June.
- RPAC has 15 member limit to establish quorum
- Term limits won't work here.

Dan Anthony

- Was chairman for 3 years; only had 2 or 3 times with no quorum.

Bill VanLente

- Initially thought trails were a good idea; realized community opposition was substantial and changed mind.

Lou (didn't catch last name)

- Since 1997 flood, FEMA parcels have just been open space. Please leave them as open space.

Judi Curti

- Problem may be that we are revisiting General Plan
- FEMA parcels are not addressed in Plan
- Staff suggested dealing with them in General Plan
- Let's deal with them so we don't have to keep revisiting issue.

Mike White

- Planning keeps saying this is only a "concept".
- Use Topaz Lane parcel instead of Eastside Lane/395

Supervisor Johnston

- Appreciates turnout and trails discussion
- Concerned with how RPACs and "non-RPACs" are set up in County.
- RPACs cost a lot of money. Tonight's meeting is probably costing \$1,500.
- Wants meetings to be productive, for any group.
- For other areas, wants all members to be appointed and follow Brown Act and other rules
- Everyone should have terms
- Not concerned with membership limits, but need to change enabling measure to allow a range for each community.
- Committees should not have county employees.
- Spouses should not be on same committee.
- Applicants should not have to be approved by committee.
- Bylaws should be ratified by Board of Supervisors.
- Principles he has laid out are good ones for any public group.
- Will continue to vote the way he does.

**Note**

**These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors**

#### Supervisor Corless

- Great to see participation
- RPAC has two functions: Town Hall and Advisory
- Agrees with many of Supervisor Johnston's points
- Does RPAC and community feel changes would help concerns?
- Wants to get rid of unanimous vote requirement.
- Maybe training is a good idea.
- Need both Town Hall and Advisory functions.

#### Supervisor Fesko

- Was on RPAC for 16 years.
- Not once was a local applicant turned away.
- 3 Meeting rule is to make sure people really want to serve.
- If it's not broke don't fix it.
- Has enjoyed the community involvement over the last 6 months.
- How will term limits in Antelope Valley fix the problems being discussed today?
- The grant was never to build anything: it was to fund the outreach efforts. Based on feedback, you amend the concept. The process broke down here.
- Can do away with unanimous vote, but feels that RPAC vote on applicants shows support.
- Will set up date to sit and have discussion with community about what real concerns are.

#### Supervisor Stump

- RPAC has to be flexible to meet each community's needs.
- If terms are needed, we should look at them.
- No problem with number of members.
- Wants to get rid of unanimous vote requirement
- Community Development should not be on RPAC; no other restrictions on employment.
- Has never heard this level of disagreement in any of his 5 communities.
- Membership should be up to Supervisors, not RPAC. Requirement to show up at meetings to demonstrate interest is fine.
- You have a dysfunction. If term limits helps solve that, they are a good idea.
- If an applicant is on the agenda, they can speak to the Board when the agenda item comes up.
- Will defer action on this item if people can come to Board meeting next meeting and show that this really is just about one issue.
- What is opinion of RPAC on changes?

#### Note

**These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors**

- If Supervisor Fesko can't fix problem, will still listen to community on this issue.

Supervisor Alpers

- Thought this would be a short meeting.
- This group is dysfunctional.
- June Lake CAC has terms; process saved the day when the issue of June Mountain's closure was being discussed.
- We need terms here.
- Wants to see applications and resumes of applicants.
- Wants to know that there is consistency among RPACs regarding how they make recommendations to the Board.
- Needs to trust local Supervisor and RPACs to make good recommendations to Board.
- Supports terms.
- Wants the ability to reject applicants if necessary.
- Interviews applicants in his district.
- Dysfunctional might have been a poor choice of words.
- If your Supervisor can work through issues and bring recommendations to Board, he would be very pleased.

Marshall Rudolph

- RPAC members serve at the pleasure of the Board.

Bruce Woodworth

- Disagrees that there is dysfunction.
- This is just over one issue.

Dan Anthony

- Most of the people on the RPAC are not listening to the community.
- If an applicant is rejected by a Supervisor, how can you go around them to the entire Board?

Mike Curti

- This is first time he has heard from community that RPAC is dysfunctional
- RPAC has not discussed way that parcels could be used.
- Feels RPAC should look at all options before making recommendation to Board.

Orville Mosby

- Possible solution: See if the community wants something before we apply for a planning grant.

Don Morris

- What we have is contempt prior to investigation.
- Community used to fight against County, now they fight against RPAC.
- Resigned.

Bill VanLente

- It is wrong to generalize from this one issue that the RPAC is

**Note**

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dysfunctional.

- Can support idea of terms.

Mark (didn't catch last name)

- No problem with terms
- Need consistency

Katie Newell

- It doesn't matter to me.

Ned Welch

- Watched Board meeting about Sheriff's vehicles, they were much more animated on that issue, but it wasn't dysfunctional.
- Leave things as they are.

Judi Curti

- We've only had one fully attended meeting in 2 years. Terms might make that worse.

Mike Curti

- Will follow whatever the Board decides

Dan Anthony

- Can go either way on terms
- Should stay at 15 members
- Board should decide on members, not RPAC

Orville Mosby

- Right now would not reapply

Bill VanLente

- Does have problem with losing unanimous vote
- Conflict is not inherently bad

Arden Gerbig

- Continuity among members is good. Has been on RPAC since beginning.
- RPAC is not broken, could use a couple of little fixes in bylaws.

Johnny Vannoy

- If bylaws aren't broke, don't fix them.
- Term limits won't work.
- Board members should look in their own backyards, before they worry about this RPAC.
- Agrees with Friends of River Road that trails are not needed in that area.
- Thought that issue was dead 3 months ago.
- RPAC is not dysfunctional.

Bruce Woodworth

- Agrees with eliminating "black ball" votes
- Does not see term limits as fixing anything.

**ADJOURN 9:23 p.m.**

ATTEST

**Note**

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TIMOTHY E. FESKO  
CHAIRMAN

---

BOB MUSIL  
CLERK OF THE BOARD



**OFFICE OF THE CLERK  
OF THE BOARD OF SUPERVISORS**

**REGULAR AGENDA REQUEST**

Print

**MEETING DATE** December 8, 2015

**Departments: Clerk of the Board**

**TIME REQUIRED**

**SUBJECT** Board Minutes

**PERSONS  
APPEARING  
BEFORE THE  
BOARD**

**AGENDA DESCRIPTION:**

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Approve minutes of the Regular Meeting held on November 10, 2015.

**RECOMMENDED ACTION:**

**FISCAL IMPACT:**

**CONTACT NAME:** Shannon Kendall

**PHONE/EMAIL:** x5533 / skendall@mono.ca.gov

SUBMIT THE ORIGINAL DOCUMENT WITH  
ATTACHMENTS TO THE OFFICE OF  
THE COUNTY ADMINISTRATOR  
**PRIOR TO 5:00 P.M. ON THE FRIDAY**  
**32 DAYS PRECEDING THE BOARD MEETING**

**SEND COPIES TO:**

**MINUTE ORDER REQUESTED:**

YES  NO

**ATTACHMENTS:**

<p>Click to download</p> <p> <a href="#">11-10-15 Draft minutes</a></p>
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**History**

Time	Who	Approval
11/24/2015 6:52 PM	County Administrative Office	Yes
11/30/2015 4:30 PM	County Counsel	Yes
11/16/2015 5:16 PM	Finance	Yes



DRAFT MEETING MINUTES  
BOARD OF SUPERVISORS, COUNTY OF MONO  
STATE OF CALIFORNIA

Regular Meetings: The First, Second, and Third Tuesday of each month. Location of meeting is specified just below.  
MEETING LOCATION Board Chambers, 2nd Fl., County Courthouse, 278 Main St., Bridgeport, CA 93517

Regular Meeting  
November 10, 2015

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Flash Drive	#1001
Minute Orders	M15-225 to M15-229
Resolutions	R15-76 to R15-80
Ordinance	ORD15-08 NOT USED

9:00 AM Meeting Called to Order at 9:00 a.m.

*Supervisors Present: Alpers, Corless, Fesko, Johnston & Stump.  
Supervisors Absent: None.*

*Break: 9:22 a.m.  
Reconvene: 9:29 a.m.  
Break: 10: 56 a.m.  
Reconvene: 11:03 a.m.  
Closed Session: 11:11 a.m.  
Reconvene: 12:43 p.m  
Adjourn: 12:45 p.m.*

**The Mono County Board of Supervisors stream all of their meetings live on the internet and archives them afterward. To listen to any meetings from June 2, 2015 forward, please go to the following link:**  
<http://www.monocounty.ca.gov/meetings>

Pledge of Allegiance led by Supervisor Stump.

1. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD  
*No one spoke.*
2. APPROVAL OF MINUTES - NONE
3. RECOGNITIONS
  - A. Resolution in Appreciation of Jeff Ulrich

**Note**

**These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors**

Departments: Board of Supervisors

Presentation of Resolution of Appreciation for retiring Bridgeport District Ranger Jeff Ulrich. This item is being requested by Supervisor Tim Fesko.

**Action:** Approve resolution of appreciation for retiring Bridgeport District Ranger Jeff Ulrich.

**Fesko moved; Stump seconded**

**Vote: 5 yes; 0 no**

**M15-225**

**Chairman Fesko:**

- Read and presented resolution

#### 4. BOARD MEMBER REPORTS

**Supervisor Alpers read this announcement:**

Three years goes by quickly in the busy lives of county supervisors. What we have accomplished in that time as a team for this County, its constituents and visitors has been, in my mind, nothing short of spectacular. A number of issues, such as solid waste, carb compliance and the paramedic program, that have been "kicked down the road" by previous Boards, are now being addressed head on by the current Board. Positive new leadership in so many departments and continued stabilization of the workforce has been crucial. Veteran department heads are shining in such difficult areas as endangered species, carb compliance, emergency medical services, senior programs, facilities O & M and economic development to name just a few. The infrastructure improvements countywide have been significant, including the Board's commitment to renewables, and road and street improvements in almost all of our communities. Our emergency service and response programs, especially in the south County, have shined considering the monstrous fire emergencies in Paradise/Swall Meadows, June Lake, Lee Vining and Bridgeport. Our continued commitment to improved cellular service and high speed digital access through Digital 395 and the soon to be connected communities throughout the County will pay dividends in the near future. Our relationship with the Town of Mammoth Lakes is at a high point with our IT contract, parcel fee and solid waste flow agreements, and a quarterly public information exchange between our two entities. Through the CPT and outreach from individual Supervisors and department heads, our shared working environment with Federal, State, County, Municipal and Tribal jurisdictions, including major utilities, is moving forward in good faith with a high level of communication. Adopted Boardroom protocols, published legislative objectives, and the strategic planning process we have embarked upon are activities unmatched in the administrative history of Mono County. I don't have the time this morning to embellish the myriad of accomplishments, both big and small and by all involved, that I could as we have business to conduct. I do, however, sense that Mono County is on the path to become that sparkling example of quality local government that I always imagined it could be.

It is with this sense of pride and team accomplishment that I am announcing that I will not seek re-election to the Mono County Board of Supervisors in 2016. In my judgment, the time is right for a District Three succession plan. By my announcement today, individuals interested in running for this seat will have at least 3 months of study and observation available to them before making a decision. With the veteran leadership currently in place, it will be much easier and faster for a new leader to be brought up to effective speed on the job. For me, It is time to move on to specific projects and challenges that I have always dreamed of engaging. I like what JFK once said "Those who dare to fail miserably can achieve greatly." That

#### **Note**

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being said, I am looking forward to a great year of productive accomplishment throughout the Mono County operation in 2016.

**Supervisor Corless:**

- Congratulations to Leslie Chapman; she is looking forward to working with her in this new capacity, continuing the strategic planning process, and building the CAO's office, including hiring a Human Resources director.
- Mammoth Mountain is open and snow is falling—great start to the ski season.
- EMS meeting: good progress, many thanks to committee members, especially Rosemary Sachs, her appointee who represents Mammoth Hospital.
- Thanks to the Antelope Valley RPAC and to local residents for an engaging—if somewhat contentious—meeting on Thursday. She hopes that we can schedule special evening meetings in all county communities so that we can have more interaction with constituents.
- Recording issue: news from Mammoth Lakes Board of Realtors that Inyo-Mono Title, after 32 years, will be cutting back on the days per week that has staff handling recording in Bridgeport—due to employee status changes. Realtors are concerned, and the MLBOR will be discussing at their meeting tomorrow. She brought this issue to Leslie and Bob, and hope the county can help facilitate a solution—perhaps recording in Mammoth one day a week, and investigating moving to the electronic recording delivery system.

**Supervisor Fesko:**

- November 3 – Attended CSA #5 in Bridgeport. Two items of interest are: (1) The CSA is moving forward with the contract with Foxx Communications in its attempt to get internet access into the Twin Lakes area. (2) The Bridgeport Friends of the Library were present to open discussion about funding for a Visitors Center at the library. This would help drive even more people into this facility.
- November 4 – met with Community advocates for the EMS program to discuss their thoughts and concerns on the program. Updated them on the current status of the EMS Ad-Hoc committee.
- Met with Community Leaders to discuss future projects in and around Walker.
- November 5 – attended the EMS Ad-Hoc meeting in Lee Vining. The entire Board of Supervisors were present to hear a presentation by Ad-Hoc members on how the current system on the ground operates. At the next meeting on the 19<sup>th</sup>, we shall start working on the two options in front of the committee at this time.
- Attended the Board of Supervisors Special Meeting in Walker. This meeting was held in conjunction with the regular Antelope Valley RPAC Meeting.
- November 9 – attended the Local Transportation Committees meeting. CalTrans reported on a number of projects in Mono County, ranging from ideas, to project study, to environmental study, to design, and construction. Just some are: Conway Guardrail, North Sherwin Shoulders, Lee Vining ADA, Sheep Ranch Shoulders, Aspen-Fales shoulders, N Main Street Sidewalks, Virginia Lakes Turn Pocket, Little Walker Shoulders, Crestview Maintenance Truck Shed, etc.
- Thanked staff on many levels – Gerry LeFrancois and Scott Burns for their efforts on the planning side. Also thanks to Clerk-Recorder for all work involved in getting agendas out.
- Handout re: Mono County Projects (to be posted to web); brief discussion on some of them.
- Dick Noles passed away, adjourn meeting in honor of him.

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- Catherine Swallow also passed away, a woman known to the area that was in assisted living in Gardnerville, NV. Asked that meeting also be adjourned in her honor.

**Supervisor Johnston:**

- Attended the EMS meeting in Lee Vining on November 5th.
- Attended the Antelope Valley RPAC on the evening of November 5th.
- Also attended the LTC where there were quarterly reports from each jurisdiction; noted that the adoption of the Regional Transportation Plan will be in December; heard a report from CALTRANS regarding the draft Hwy 89 Route Concept; and received an ESTA update among other items.
- Participated in the Treasury Oversight Committee meeting on Monday, November 9th; the summary report will be forthcoming at our next Board meeting.
- Noted that he will be attending the all day Mammoth Lakes Housing strategy session on November 12.

**Supervisor Stump:**

- 11-4: Tour of Hwy 6 culverts with Josh of Public Works followed by a meeting at Cal Trans Dist. 9 office to discuss Hwy 6.
- 11-5: EMS Committee with full Board.
- 11-5: Walker RPAC meeting/special meeting.
- 11-9 : LTC, Cal Trans gave more information on Hwy 6 work and announced that Dist. 9 is now fully independent from the Fresno office

5. COUNTY ADMINISTRATIVE OFFICE

CAO Report regarding Board Assignments

Receive brief oral report by County Administrative Officer (CAO) regarding work activities.

**Leslie Chapman:**

- Wednesday morning, management meeting. We will be changing the format a little bit, putting the Department Heads in charge of meetings; Robin Roberts will take over meeting for a period of time. She's already sent out monthly survey.
- Thursday, EMS meeting: thanked entire board for showing up.
- Thursday night, Antelope Valley RPAC meeting – that community is very engaging.
- Treasury Oversight meeting – not sure how long she'll be leading that meeting; will bring back full report next Tuesday.
- Thanked Lynda Salcido for moving things forward, has already spent time with both Lynda and Marshall getting up to speed.

6. DEPARTMENT/COMMISSION REPORTS

*No one spoke.*

7. CONSENT AGENDA

(All matters on the consent agenda are to be approved on one motion unless a board member requests separate action on a specific item.)

A. EMS Ad Hoc Committee - Time Extension

Request by the EMS Ad Hoc Committee to extend deadline for final report to March 1, 2016.

**Note**

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**Action:** Approve request by the EMS Ad Hoc Committee to extend the deadline for their final report to December 17, 2015.

**Stump moved; Corless seconded**

**Vote: 4 yes; 1 no: Johnston**

**M15-226**

**Pulled by Supervisor Johnston:**

- He was not in support of this committee from the beginning; having said that it has progressed the past few months.
- He did learn a lot from the presentation at the last meeting although he was surprised that this presentation didn't happen for six months.
- Solutions – the options are still nebulous and it doesn't look like there is an eminent recommendation for us.
- He is shocked at how many people are there, spending time, etc. at these meetings.
- He asked six months ago how this was being paid for, budgeted?
- He is not in favor of a huge time extension on this; hoping for a resolution soon.
- In regards to allocation of resources: he agrees we should have done this when committee was formed. Instead, we have sent a message that paramedics can go above and beyond utilizing overtime while the rest of the staff is on furloughs. It is not fair.

**Supervisor Alpers:**

- Shares some of same concerns as Supervisor Johnston.
- He feels if options are prioritized that we could maybe get information by January, maybe not as late as March.
- He thinks the committee will be relieved to have this over with.

**Supervisor Stump:**

- He agrees that even though the committee needs additional meetings, there wasn't a consensus on it going until March.
- He thinks this can be dealt with by December.
- He is not in favor of recommended action; he would support amending to December 15<sup>th</sup> or as close to that time as possible. He's ok to extend to December 17<sup>th</sup>.
- Next year we need one item (for one hour per month) to address EMS.
- Feels like the rankings will be pushed forward by setting date to December.

**Supervisor Corless:**

- She agrees with the December 17<sup>th</sup> date.
- At some point we have to allocate sufficient staff resources and financial resources to do what needs to be done; going to require professional analysis.
- Credits Lynda Salcido and Rob DeForrest for suggesting this committee to try to improve this program.
- We did go through a budget process on August 18<sup>th</sup> and this committee was accounted for, not item by item, but accounted for in the budget.

**Supervisor Fesko:**

- Explained there were a lot of people involved that had no previous EMS knowledge; it has taken time to get people up to speed.
- The Committee has always struggled with what information to give to Board.
- The March 1<sup>st</sup> date is not a firm date. All upcoming holidays were taken into account. It was a matter of trying to get past busy season and coming back and regrouping.
- He's fine with a shorter time period than March; he just doesn't want to shortchange the committee.

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- He's ok with the 17<sup>th</sup> of December.

**Leslie Chapman:**

- All of the costs are sunk costs – there is no additional money being spent aside from everyone's general job descriptions, etc.

B. Ordinance Amending Chapter 7.50 of the Mono County Code

Departments: Social Services, County Counsel

Proposed ordinance No. ORD 15-08 amending chapter 7.50 of the Mono County Code pertaining to the provision of General Assistance to indigent residents of Mono County.

**Action:** Adopt proposed ordinance No. ORD 15-08 amending chapter 7.50 of the Mono County Code pertaining to the provision of General Assistance to indigent residents of Mono County.

**Stump moved; Alpers seconded**

**Vote: 5 yes 0 no**

**ORD15-08**

8. CORRESPONDENCE RECEIVED (INFORMATIONAL) - NONE

All items listed are located in the Office of the Clerk of the Board, and are available for review.

9. REGULAR AGENDA - MORNING

A. ESTA Annual Report

Departments: Clerk of the Board of Supervisors

(John Helm) - Presentation of the 2014/2015 ESTA Annual Report.

**Action:** None.

**John Helm (ESTA):**

**Powerpoint – ESTA – Annual Report 2015**

- 8 years of Operation
- Inyo and Mono Counties
  - Majority of services in Mammoth and Bishop area
- Current Governance
- ESTA Service History
- Operating Revenue Source FY 2015
- Operating Expenses FY 2015
- Reserves
- Service – passenger trips (40/hour)
- Service - hours
- Service – miles
- Key Performance Indicators

Additional Comments:

- Looking at temporary service in June Lake – Oh Ridge to other lakes on fixed frequencies.
- We are looking at alternative types of fuel sources.
- He'd be pleased to share any insights he has with YARTS (Dick Wittington).

**Supervisor Stump:**

**Note**

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- Gave kudos to John for his involvement and work with ESTA.
- Has a friend that utilizes service for her children; she's always been complimentary.
- Asked whether their budget allowed for some leverage?

**Supervisor Johnston:**

- Asked about accident statistics.
- Alternative fuel options – are we looking into any of these types of transportation?

**Supervisor Corless:**

- Thanked John for his work with ESTA; it's important to realize what the transit system provides for our visitors and guests.
- She and Supervisor Alpers sit on the YARTS board; it has come to that board's attention that there is a lack of planning – would he be willing to give YARTS board a presentation?

**Supervisor Alpers:**

- It's a dream to see where our transit system is now – recognized John's work on ESTA.

**Supervisor Fesko:**

- Looking at numbers, ESTA is doing something right; hats off to John and staff.
- Looks forward to a steady progression moving forward.

**Marshall Rudolph:**

- JPA amendment – the board can now add an additional member of the public for the board; maybe put on a future agenda?
- You might want to choose a specific process for this.
- Put on the December 8<sup>th</sup> agenda to discuss this?

**B. Bodie Road**

Departments: Public Works - Road

(Jeff Walters) - Public Works and California State Parks have previously worked on the unpaved section of the Bodie Road to improve the road's surface for vehicles. Another round of work would consist of hauling in material, grading, wetting it down and compacting. This would build up and improve the road surface and reduce the costs associated with future road repairs.

**Action:** Authorize the expenditure of approximately \$25,000 in equipment and labor out of the Road Fund to assist in maintaining the Bodie Road from the easterly end of State Route 270 to the entrance of the Park. The State Park will be responsible for assisting with their own equipment and a single operator.

**Fesko moved; Corless seconded**

**Voted: 5 yes; 0 no**

**M15-227**

**Jeff Walters:**

- Gave history/explanation of item.
- This \$45,000 will continue to improve the road.
- It is good to fill cracks in the cold, you don't waste materials.
- Negotiations with state parks are ongoing; working with county

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counsel, etc. At some point we will have a final agreement.

**Supervisor Fesko:**

- Asked about crack filling – ok to do when it's cold?
- Doing this now builds upon what we've already done.
- Feels the push internally has been good; he is seeing collaboration, wanting to work together. Good partnership.

**Supervisor Stump:**

- He has no problem with this request.

**Supervisor Corless:**

- She supports this; she is seeing a great partnership between us and the parks, this is a good thing.

C. Mono County Property Assessed Clean Energy Programs (PACE)

Departments: Finance

(Gerald Frank) - Consider adding two program administrators to Mono County's PACE program, Ygrene and California First.

Action: 1. Adopt proposed California Statewide Communities Development Authority Resolution #R15-76. (California First Program) and, 2. Adopt proposed California Home Finance Authority Resolutions #R15-77, #R15-78, #R15-79 and Collection Agreements (Ygrene Program).

**Johnston moved; Alpers seconded**

**Vote: 5 yes; 0 no**

**R15-76**

**R15-77**

**R15-78**

**R15-79**

**Gerald Frank:**

- We currently have two PACE programs in our county; it's been suggested that we add more.
- Gives better access to funds.
- Gave history on Hero and Fig Tree Programs and projects completed.
- Explained what a larger pool would offer.
- Mono County (minus the Town of Mammoth Lakes) has residential projects only.
- Dan Holler wasn't interested in Fig Tree program when we acquired it.

**Supervisor Johnston:**

- Great program.
- Is it only residential projects that have been done?
- Agrees it's a good idea to bring this up to the Town.

**Supervisor Corless:**

- Asked contractor questions.
- The Town just uses Hero?
- What projects are financed through which different companies? Or are they general?
- Maybe talk to County/Town Liaison program about PACE program.

**Note**

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**Supervisor Stump:**

- Even though the program is administered through Finance, the Town has only signed up with one program?
- How much back checking is done? He's worried about how much work is being done by Finance?
- Why so many resolutions?

**Supervisor Fesko:**

- He is in support of this and the competition.

**Stacey Simon**

- There are four different resolutions for two programs because one relates to relationship; it made the other one more paper heavy.
- The process is just different depending on company.

**D. CARB Compliance - Vehicle Replacement Cost Overage and Extension**

Departments: Public Works - Road

(Jeff Walters) - The Mono County Board of Supervisors previously authorized Public Works to go out to bid for one new Dump/Plow/Water truck to replace two existing trucks. The bid was closed on October 28th and low bid was nearly \$15,000 above the Board approved budget of \$224,547.

**Action:** Authorize Public Works to use Motor Pool funds to cover the difference until the sale of the old trucks. Utilize the proceeds from the sale of the old equipment and, if necessary, funds from the Road Insurance monies from the Round Fire to repay Motor Pool.

**Johnston moved; Stump seconded**

**Vote: 5 yes; 0 no**

**M15-228**

**Jeff Walters:**

- History of item explained including bid history.
- They need existing dump truck to help plow through Winter.
- Asking board to take \$15,524 as upfront payment from motor pool (for new dump truck) and then when winter is done or truck is eminent they can repay the funds from sale of old trucks.

**Supervisor Alpers:**

- Agrees that preparing for El Nino winter is smart; this is something we're going to have to do.

**Supervisor Fesko:**

- Maybe we go out to bid again?
- \$14,524 is under what they need, they want to borrow from motor pool and then use existing truck (that this new truck will replace) plus other old trucks and then repay motor pool.
- He can support this; we need to move forward with CARB compliance – he's just ask that in the future to look at process to get a little closer to actual prices.

**E. Bid Results for the Bridgeport Memorial Hall Remodel Project**

(Joe Blanchard) - The project consists of demolition,

**Note**

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constructing mechanical/storage rooms, serving bar, accessible wheelchair lift, theater stage and seating area, and second floor restrooms at the Memorial Hall Building located at 73 North School Street in Bridgeport.

**Action:** Based on the staff report indicating that no bids were received in response to a formal solicitation for bids, approve and authorize Public Works Director to construct the project by force account with Public Works staff pursuant to subdivision (c) of Public Contract Code section 22038.

**Fesko moved; Alpers seconded**

**Vote: 5 yes; 0 no**

**M15-229**

**Joe Blanchard:**

- Explained no bids have been received for this project and that CSA#5 is putting up the money for this remodel.
- Went over code section about how the Public Works staff can then take over project if approved by Board.
- Noisy fans won't be replaced but after this remodel the entire building will be ADA compliant.

**Supervisor Stump:**

- Asked about cost of project and materials.
- Will noisy fans be replaced?

**Supervisor Fesko:**

- Explained how important this is to citizens in Bridgeport.
- Even though project costs are lower, there is no way to know exactly how much it will be. The way it is set up there is wiggle room.
- The CSA fund is healthy but there are other projects they want to work on.

**Supervisor Johnston:**

- This is a very good representation of a community participating. Asked about how much taxes are, etc? Is it extra?

**Marshall Rudolph:**

- There are no extra tax costs for this.

F. Employment Contract with Leslie Chapman

Departments: Board of Supervisors, County Counsel (Marshall Rudolph) - Resolution Approving an Agreement re Employment of Leslie Chapman and prescribing the compensation, appointment, and conditions of said employment. This agreement reflects Ms. Chapman's recent appointment as County Administrator (she was previously the County's Finance Director) and modifies her compensation accordingly.

**Action:** Adopt Resolution R15-80, Approving an Agreement re Employment of Leslie Chapman and prescribing the compensation, appointment, and conditions of said employment.

**Alpers moved; Corless seconded**

**Note**

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**Vote: 5 yes; 0 no**

**R15-80**

**Marshall Rudolph:**

- This is the contract to memorialize Leslie Chapman's terms of employment as CAO; will supersede her current contract as Finance Director.

10. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

**Supervisor Johnston:**

- Is there some type of recognition being proposed for Lynda Salcido?
- Asked that staff work on engineering staff recognition – there has been a lot of road work lately.

11. CLOSED SESSION

**Marshall Rudolph:**

- Reporting out of closed session, for item #11e (closed session item below): the Board took action to extend paid administrative leave for both a Deputy Sheriff and a Public Safety Officer retroactive to October 31, 2015 and continuing until January 10, 2016 or until the Sheriff takes final disciplinary action, whichever happens first. This was unanimous action by the Board, with all members present.

A. Closed Session--Human Resources

CONFERENCE WITH LABOR NEGOTIATORS. Government Code Section 54957.6. Agency designated representative(s): Marshall Rudolph, John Vallejo, Leslie Chapman, and Lynda Salcido. Employee Organization(s): Mono County Sheriff's Officers Association (aka Deputy Sheriff's Association), Local 39--majority representative of Mono County Public Employees (MCPE) and Deputy Probation Officers Unit (DPOU), Mono County Paramedic Rescue Association (PARA), Mono County Public Safety Officers Association (PSO), and Mono County Sheriff Department's Management Association (SO Mgmt). Unrepresented employees: All.

B. Closed Session - Public Employment

PUBLIC EMPLOYMENT. Government Code section 54957. Title: County Administrator.

C. Closed Session - Public Employment

PUBLIC EMPLOYMENT. Government Code section 54957. Title: HR Manager.

D. Closed Session - Public Employment

PUBLIC EMPLOYMENT. Government Code section 54957. Title: County Counsel.

E. Closed Session: Performance Evaluation

**Note**

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2 PUBLIC EMPLOYEE PERFORMANCE EVALUATIONS.  
Government Code section 54957. Title: Public Safety Officer; Deputy Sheriff.

F. Closed Session - Public Employment

PUBLIC EMPLOYMENT. Government Code section 54957. Title: Finance Director.

G. Conference with Legal Counsel

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION.  
Paragraph (1) of subdivision (d) of Government Code section 54956.9.  
Name of case: Luman v. Mono County Personnel Appeals Board.

ADJOURN at 12:45 p.m. in memory of Dick Noles and Catherine Swallow.

ATTEST

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TIMOTHY E. FESKO  
CHAIRMAN

---

SHANNON KENDALL  
ASSISTANT CLERK OF THE BOARD



**OFFICE OF THE CLERK  
OF THE BOARD OF SUPERVISORS**

**REGULAR AGENDA REQUEST**

Print

**MEETING DATE** December 8, 2015

**Departments: Clerk of the Board**

**TIME REQUIRED**

**SUBJECT** Board Minutes

**PERSONS  
APPEARING  
BEFORE THE  
BOARD**

**AGENDA DESCRIPTION:**

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Approve minutes of the Regular Meeting held on November 17, 2015.

**RECOMMENDED ACTION:**

**FISCAL IMPACT:**

**CONTACT NAME:** Shannon Kendall

**PHONE/EMAIL:** x5533 / skendall@mono.ca.gov

SUBMIT THE ORIGINAL DOCUMENT WITH  
ATTACHMENTS TO THE OFFICE OF  
THE COUNTY ADMINISTRATOR  
**PRIOR TO 5:00 P.M. ON THE FRIDAY**  
**32 DAYS PRECEDING THE BOARD MEETING**

**SEND COPIES TO:**

**MINUTE ORDER REQUESTED:**

YES  NO

**ATTACHMENTS:**

<p>Click to download</p> <p> <a href="#">11-17-15 Draft Mins</a></p>
--

**History**

Time	Who	Approval
11/24/2015 6:53 PM	County Administrative Office	Yes
11/30/2015 4:29 PM	County Counsel	Yes
11/19/2015 9:35 AM	Finance	Yes



**DRAFT MEETING MINUTES**  
**BOARD OF SUPERVISORS, COUNTY OF MONO**  
**STATE OF CALIFORNIA**

Regular Meetings: The First, Second, and Third Tuesday of each month. Location of meeting is specified just below.

MEETING LOCATION Mammoth Lakes BOS Meeting Room, 3rd Fl. Sierra Center Mall, Suite 307, 452 Old Mammoth Rd., Mammoth Lakes, CA 93546

**Regular Meeting**  
**November 17, 2015**

---

Flash Drive	On portable recorder
Minute Orders	M15-230 to M15-231
Resolutions	R15-81
Ordinance	ORD15-09 NOT USED

9:01 AM Meeting called to order by Chairman Fesko.

*Supervisors Present: Alpers, Corless, Fesko, Johnston and Stump.*  
*Supervisors Absent: None.*

*Break: 10:05*  
*Reconvene: 10:12 a.m.*  
*Closed Session: 10:43 a.m.*  
*Reconvene: 2:58 p.m.*  
*Adjourn: 3:00 p.m.*

Pledge of Allegiance led by Chairman Fesko.

1. **OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD**  
*No one spoke.*
2. **APPROVAL OF MINUTES - NONE**
3. **RECOGNITIONS - NONE**
4. **BOARD MEMBER REPORTS – BOARD REPORTS WERE NOT GIVEN AT TODAY’S MEETING**
5. **COUNTY ADMINISTRATIVE OFFICE**

CAO Report regarding Board Assignments  
Receive brief oral report by County Administrative Officer (CAO)

**Note**

These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors

regarding work activities.

**Leslie Chapman:**

- Nothing to report.

## 6. DEPARTMENT/COMMISSION REPORTS

**Jeff Simpson:**

- They have a commercial in town being worked on; location will be on Mountain/Sunny Slopes. It's a car commercial.
- Initial TOT – going to be up 7.5% from last year. This is a big deal.

## 7. CONSENT AGENDA

(All matters on the consent agenda are to be approved on one motion unless a board member requests separate action on a specific item.)

### A. Quarterly Investment Report

Departments: Finance

Quarterly Investment Report for Quarter Ended: September 30, 2015

**Action:** Approve Quarterly Investment Report for Quarter ending September 30, 2015.

**Johnston moved; Corless seconded**

**Vote: 5 yes; 0 no**

**M15-230**

**Pulled by Supervisor Johnston:**

- The committee is revising the way they are looking at investments.
- Revised version of Investment Policy to come to Board soon.

### B. Fish and Game Fine Fund Expenditure

Departments: Economic Development

On Wednesday, October 7, 2015, the Mono County Fisheries Commission approved a \$2,000.00 expenditure from the Fish and Game Fine Fund to help support the Bridgeport Fish Enhancement Foundation (BFEF) Cage Culture Program. If approved, this money will be used to reimburse BFEF for fish, fish food and a fish rearing cage that has been placed in the marina at Lower Twin Lakes in Bridgeport. Over the year, the cage has been periodically filled with stocked fish from Desert Springs Trout Farm. The fish were then fed daily until they were big enough to be released into open waters. The Cage Culture Program will ensure a better price per pound, allowing more fish to be purchased and planted into Lower Twin Lakes every year. The program will also allow small groups of fish to be released into open waters periodically, rather than 400 pounds all at once from a truck load at Desert Springs Trout Farm. This program has been successful at other locations in the Eastern Sierra including this past year at Lower Twin Lakes. In the future, BFEF would like to expand the program to other bodies of water throughout the Eastern Sierra.

**Action:** Approve the recommendation by the Mono County Fisheries

#### **Note**

**These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors**

Commission to allocate \$2,000.00 from the Fish and Game Fine Fund to support the Bridgeport Fish Enhancement Foundation (BFEF) Cage Culture Program.

**Corless moved; Stump seconded**

**Vote: 5 yes; 0 no**

**M15-231**

**8. CORRESPONDENCE RECEIVED (INFORMATIONAL)**

All items listed are located in the Office of the Clerk of the Board, and are available for review.

**A. Thank you letter from Andreas Family**

Departments: Clerk of the Board

Letter of thank you received from Maria Andreas and Family with regard to her landfill fees.

**B. Application for ABC License - Cinnamon Bear Inn, Inc.**

Departments: Clerk of the Board

Receipt of an Application for Alcoholic Beverage License for Cinnamon Bear Inn, Inc. dated October 27, 2015. This is informational only.

**Supervisor Stump:**

- Asked for clarification as to why our board is receiving this.

\*\*\*\*\*

*The Board acknowledged receipt of the correspondence.*

**9. REGULAR AGENDA - MORNING**

**A. Short Term Revolving Loans to Mammoth Lakes Housing**

Departments: CAO

(Leslie Chapman) - Proposed resolution R15-\_\_\_\_\_ A resolution of the Mono County Board of Supervisors authorizing the creation of a revolving loan fund for the purchase of deed-restricted housing within the Town of Mammoth Lakes and authorizing the County Administrative Officer in consultation with County Counsel to negotiate and execute loan agreements consistent with the requirements set forth therein.

**Action:** Adopt proposed resolution R15-81, a resolution of the Mono County Board of Supervisors authorizing the creation of a revolving loan fund for the purchase of deed-restricted housing within the Town of Mammoth Lakes and authorizing the County Administrative Officer in consultation with County Counsel to negotiate and execute loan agreements consistent with the

**Note**

These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors

requirements set forth therein.

**Corless moved; Alpers seconded**

**Vote: 3 yes; 1 no: Stump; 1 abstain: Johnston**

**R15-81**

**Action:** Direct Staff to prepare a letter to both the Town of Mammoth Lakes and the Mammoth Lakes Housing Board to voice concerns brought to the Board's attention regarding the residential area of Sierra Valley Sights in the Town of Mammoth Lakes.

**Corless moved; Alpers seconded**

**Vote: 3 yes; 1 no: Stump; 1 abstain: Johnston**

**M15-232**

**Supervisor Johnston:**

- Will remain in board room but will refrain from participating due to potential conflict of interest.

**Leslie Chapman:**

- This was suggested by Supervisor Johnston.
- Asked Jennifer Halferty to provide board some explanation.
- Only county owned funds would be used, not special districts or other funds. This would not come from the treasury.

**Jennifer Halferty:**

- She gave an explanation about the item.
- They're currently looking for additional tools and resources, asking Board for money to create a revolving loan fund for the purchase of deed restricted housing.
- Key thing is to make sure it is affordable for applicants.
- Timeframes vary depending on contractors and other factors. 3 – 6 months is a reasonable amount of time that monies will be invested.
- The hits come from their general fund.
- They have heard from Leigh before (Sierra Valley Sights). Zoning is an issue there; there is a lot of density with the houses in that area. She lives there and loves it.
- Newer deeds have a clause that properties need to be in sellable condition; deferred maintenance comes off the value creating a direct hit to owner; there is an agreement which creates a sense of partnership.
- This is a slow process of buying new ones, selling old ones, etc.
- We're using these funds to maintain not ADD to the deed restricted properties.
- On issue of adding interest: she sees both sides. It is a good interest rate. She feels that the fact that this conversation is happening shows that there is collaboration going on. She respects all of it.

**Supervisor Stump:**

- How did owners get involved with deed restriction process?
- Price subsidized in the first place to create deed restrictions?
- Total amount is approximately \$300,000?
- He did receive email with 11 Sierra Valley Sights residents who feel they are being picked on. He needs to at least listen to them.
- This is the second time in a month that we've heard from citizens alleging failures in the governmental processes. He finds that concerning – that anyone feels shut out of process, as if they are not allowed to speak.
- He is troubled because the citizens that he has heard from are not over

**Note**

**These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors**

the top complainers.

- He thinks we should charge interest - .9% - if the resolution is approved.

**Supervisor Corless:**

- She absolutely supports this; her husband and herself owned a deed restricted property and it allowed them to now own a home today.
- She feels it's crucial for a healthy community.
- We need to step back and look back at what we're doing today; we're not addressing parking concerns at Sierra Valley Sights. We aren't adding new deed restrictions, we are being asked to help maintain deed restrictions already in place.
- She feels like a lot of things can be resolved; she strongly supports this. It benefits the entire county tremendously.
- Board could agree to draft a letter to Mammoth Lakes Housing or Town Council to request that Sierra Valley Sights concerns be addressed; keeping it separate from agenda item.
- She feels that Board needs to be conscientious of neighbors around the affordable housing issue.
- In regards to Lori at Mammoth Mountain, "Affordable Housing" is not correct term – she is part of MMSA housing, employee housing.

**Supervisor Fesko:**

- Value could go up based on income.
- Asking for approximately \$91,000?
- With this proposed zero interest loan to MLH – other entities interest would still grow, correct?
- What is the time frame?
- Will County eventually be made whole?
- Asked Leigh what she would do differently about this loan proposal? He doesn't see this as only pertaining to Sierra Valley Sights.
- Asked Jennifer if there are restrictions you can put in the deed? Is there anything like that in the newer deeds?
- How does Jennifer address Leigh's concerns?
- He also thinks it might be a good idea to charge interest.

**Leigh Gausch:**

- She's here on behalf of a lot of people who are frustrated by the board meetings.
- She doesn't want more deed restricted homes in her area; it has affected property values at Sierra Valley Sights.
- She would like to see stipulations on affordable housing; i.e. property upkeep, keeping yards clean, general maintenance.
- There is segregation between rich homes and poor homes.
- She feels that she and others are not listened to.
- She'd like to see affordable housing distributed throughout the whole town.
- She asks that the board think twice before doing this.
- She wants to board to place stipulations on these types of homeowners.

**Leslie Chapman:**

- If an interest rate is proposed, she feels the interest rate should not fluctuate.
- The County has many funds.

**Stacey Simon:**

- Brought back revised resolution; went over changes made to resolution, locking in interest rate, etc.

**Note**

**These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors**



## **B. Mammoth Community Water District Update**

Departments: Board of Supervisors

(Pat Hayes, Irene Yamashita) - Update on MCWD operations and conservation efforts.

**Action:** None.

**Betty Hylton (power point):**

### **WATER SUPPLY AND CONSERVATION UPDATE:**

- Water Supply
- Map of Water Basin
- Current Precipitation Charts
- 2015 Water Supply
- Surface Water Supply
- Water Well Graphs
- Water Source Graphs
- Water Reductions
- Worked with Irrigation Customers to Improve Efficiency
- Revised Water Restrictions
- Rebates
- Advertising
- Educational Opportunities
- Utilized new AMI System
- Neighborhood Reports
- Irrigation Day identification
- May to October savings.

Additional Comments:

- Slides will be emailed to the clerk for uploading to the website.

**Irene Yamashita:**

- Gave explanation as to what minimum CFS is before having to shut things down.
- Looking at an exploratory well; by early next year.
- Able to move around production to dying wells.
- District has been putting a lot of investment into the infrastructure.

Update on ORMAT:

- They have been making progress.
- They have meetings scheduled.
- Hopes Board doesn't feel any of the PR pieces have been out of line.

**Supervisors, General Questions:**

- Other uses for reclaimed water?
- Have they changed out smart meters?
- We were one of top water savings locations?
- Does this hurt on revenue side?
- Asked what information is available on website.
- Is search still on for alternative sites? What is on horizon?
- In MCWD's PR, as long as you're negotiating, try not to slam ORMAT. Board wants to see resolution.
- Thanked them for coming; perspective is that Geothermal is second to water supply, which for the town is first. Their efforts are greatly appreciated. Protecting economy is number one; geothermal has to be secondary to water supply. Happy that they are working with other agencies for ensure protection of water supply.

### **Note**

**These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors**

**10. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD**

*No one spoke.*

**11. CLOSED SESSION**

**A. Closed Session - Public Employment**

PUBLIC EMPLOYMENT. Government Code section 54957. Title: HR Director.

**B. Closed Session - Public Employment**

Departments: Closed Session - Public Employment

PUBLIC EMPLOYMENT. Government Code section 54957. Title: Finance Director.

**C. Closed Session - Public Employment**

PUBLIC EMPLOYMENT. Government Code section 54957. Title: County Counsel

**D. Closed Session--Human Resources**

CONFERENCE WITH LABOR NEGOTIATORS. Government Code Section 54957.6. Agency designated representative(s): Marshall Rudolph, John Vallejo, and Leslie Chapman. Employee Organization(s): Mono County Sheriff's Officers Association (aka Deputy Sheriff's Association), Local 39--majority representative of Mono County Public Employees (MCPE) and Deputy Probation Officers Unit (DPOU), Mono County Paramedic Rescue Association (PARA), Mono County Public Safety Officers Association (PSO), and Mono County Sheriff Department's Management Association (SO Mgmt). Unrepresented employees: All.

**E. Closed Session - Conference with Legal Counsel**

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION. Paragraph (1) of subdivision (d) of Government Code section 54956.9. Name of case: Luman v. Mono County Personnel Appeals Board.

**ADJOURN at 3:00 p.m. in honor of George “Ross” Mather; also adjourn meeting in recognition of the events in Paris, France and note that we lowered our flag to half mast.**

ATTEST

---

TIMOTHY E. FESKO  
CHAIRMAN

**Note**

These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors

---

SHANNON KENDALL  
ASSISTANT CLERK OF THE BOARD



**OFFICE OF THE CLERK  
OF THE BOARD OF SUPERVISORS**

**REGULAR AGENDA REQUEST**

Print

**MEETING DATE** December 8, 2015

**Departments: Board of Supervisors**

**TIME REQUIRED**

**PERSONS  
APPEARING  
BEFORE THE  
BOARD**

Chairman Fesko

**SUBJECT** Certificate of Appreciation for Lynda Salcido

**AGENDA DESCRIPTION:**

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Certificate of appreciation for Lynda Salcido for her role as Interim CAO.

**RECOMMENDED ACTION:**

**FISCAL IMPACT:**

**CONTACT NAME:** Shannon Kendall

**PHONE/EMAIL:** x5533 / skendall@mono.ca.gov

SUBMIT THE ORIGINAL DOCUMENT WITH ATTACHMENTS TO THE OFFICE OF THE COUNTY ADMINISTRATOR **PRIOR TO 5:00 P.M. ON THE FRIDAY 32 DAYS PRECEDING THE BOARD MEETING**

**SEND COPIES TO:**

**MINUTE ORDER REQUESTED:**

YES  NO

**ATTACHMENTS:**

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**History**

Time	Who	Approval
11/30/2015 8:00 AM	County Administrative Office	Yes
11/30/2015 4:03 PM	County Counsel	Yes
11/19/2015 9:36 AM	Finance	Yes

*MONO COUNTY BOARD OF SUPERVISORS  
CERTIFICATE OF APPRECIATION*

*Presented to:  
LYNDA SALLCIDO*

*In sincere appreciation for her dedication and service as  
Interim CAO between May 12, 2015 and November 4, 2015*

-----  
*Larry Johnston, Supervisor District #1*

-----  
*Fred Stump, Supervisor District #2*

-----  
*Tim Alpers, Supervisor District #3*

-----  
*Timothy Fesko, Supervisor District #4*

-----  
*Stacy Corless, Supervisor District #5*

*December 8, 2015*





OFFICE OF THE CLERK  
OF THE BOARD OF SUPERVISORS

## REGULAR AGENDA REQUEST

Print

**MEETING DATE** December 8, 2015

**Departments: Social Services**

**TIME REQUIRED**

**SUBJECT** Hiring Freeze Variance; DSS FTS IV

**PERSONS  
APPEARING  
BEFORE THE  
BOARD**

---

### AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

A Fiscal Technical Specialist IV position vacancy within Social Services will be created due to a retirement at the end of December 2015. The department requests the ability to recruit and hire a replacement for the incumbent prior to her departure to allow for cross training. This position is included in the current BOS-approved Allocation List.

---

### RECOMMENDED ACTION:

Approve hiring freeze variance and authorize the Director of Social Services to fill one Fiscal Technical Specialist IV vacancy within the Department of Social Services.

---

### FISCAL IMPACT:

There is no cost to the Mono County General Fund; the cost for this position this year and in subsequent fiscal years is paid for with Social Services funds. The cost for a Fiscal Technical Specialist IV for the remainder of FY 2015-16 is approximately \$34,132 of which \$23,460 is salary. The full year cost is approximately \$68,624 of which \$46,920 represents salary.

---

**CONTACT NAME:** Kathy Peterson

**PHONE/EMAIL:** 760-924-1763 / kpeterson@mono.ca.gov

---

SUBMIT THE ORIGINAL DOCUMENT WITH  
ATTACHMENTS TO THE OFFICE OF  
THE COUNTY ADMINISTRATOR  
**PRIOR TO 5:00 P.M. ON THE FRIDAY**  
**32 DAYS PRECEDING THE BOARD MEETING**

**SEND COPIES TO:**  
Kathy Peterson

---

### MINUTE ORDER REQUESTED:

YES  NO

---

### ATTACHMENTS:

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[Staff Report](#)

**History**

<b>Time</b>	<b>Who</b>	<b>Approval</b>
11/24/2015 6:57 PM	County Administrative Office	Yes
11/30/2015 4:05 PM	County Counsel	Yes
11/16/2015 5:18 PM	Finance	Yes



Office of the ... DEPARTMENT OF SOCIAL SERVICES

C O U N T Y O F M O N O

P. O. Box 2969 • Mammoth Lakes • California 93546

KATHRYN PETERSON, MPH  
Director

BRIDGEPORT OFFICE  
(760) 932-5600  
FAX (760) 932-5287

MAMMOTH LAKES OFFICE  
(760) 924-1770  
FAX (760) 924-5431



To: Mono County Board of Supervisors

From: Kathy Peterson, Social Services Director 

Date: November 16, 2015

Re: Hiring freeze variance; Fiscal Technical Specialist IV

**Recommended Action:**

Approve hiring freeze variance and authorize the Director of Social Services to fill one Fiscal Technical Specialist IV vacancy within the Department of Social Services.

**Fiscal Impact:**

There is no cost to the Mono County General Fund; the cost for this position this year and in subsequent fiscal years is paid for with Social Services funds. The cost for a Fiscal Technical Specialist IV for the remainder of FY 2015-16 is approximately \$34,132 of which \$23,460 is salary. The full year cost is approximately \$68,624 of which \$46,920 represents salary.

**Discussion:**

A Fiscal Technical Specialist IV position vacancy within Social Services will be created by the retirement of Cathy Touchstone at the end of December 2015. The Fiscal Technical Specialist IV is housed in the Walker Social Services office and performs a variety of high level fiscal and administrative functions, including supervision for the Fiscal Technical Specialist II and III positions within the department. The department requests authorization to recruit and hire a replacement for the incumbent just prior to her departure to allow for cross training. Doing so will prevent a lapse in service and ensure the successful candidate has the full benefit of Ms. Touchstone's considerable experience and institutional knowledge. This position is included in the current BOS-approved Allocation List.





OFFICE OF THE CLERK  
OF THE BOARD OF SUPERVISORS

## REGULAR AGENDA REQUEST

Print

**MEETING DATE** December 8, 2015

**Departments: County Counsel**

**TIME REQUIRED**

**SUBJECT** Hiring Freeze Variance - Deputy  
County Counsel I/II/III or Assistant  
(one position only)

**PERSONS  
APPEARING  
BEFORE THE  
BOARD**

---

### AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Approve hiring freeze variance and authorize the County Counsel to fill one Deputy County Counsel I/II/III or Assistant (one position only) vacancy within the County Counsel's office.

---

### RECOMMENDED ACTION:

Approve hiring freeze variance and authorize the County Counsel to fill one Deputy County Counsel I/II/III or Assistant (one position only) vacancy within the County Counsel's office.

---

### FISCAL IMPACT:

Filling this position at the Deputy I, II, or III level would result in a savings to the County of \$2,506/month (Deputy I level), \$1,671/month (Deputy II level), or \$836/month (Deputy III level), as the position is currently budgeted at the Assistant level. If filled at the Assistant level, then it would be cost-neutral.

---

**CONTACT NAME:** Stacey Simon

**PHONE/EMAIL:** (760) 924-1704 / [ssimon@mono.ca.gov](mailto:ssimon@mono.ca.gov)

---

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**32 DAYS PRECEDING THE BOARD MEETING**

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### MINUTE ORDER REQUESTED:

YES  NO

---

### ATTACHMENTS:

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[Coco hiring freeze waiver](#)

**History**

<b>Time</b>	<b>Who</b>	<b>Approval</b>
12/2/2015 6:42 AM	County Administrative Office	Yes
11/30/2015 4:27 PM	County Counsel	Yes
12/1/2015 1:56 PM	Finance	Yes

**County Counsel**  
Marshall Rudolph

**Assistant County Counsel**  
Stacey Simon

**Deputies**  
Christian Milovich  
John-Carl Vallejo

**OFFICE OF THE  
COUNTY COUNSEL**

*Mono County*  
South County Offices  
P.O. BOX 2415  
MAMMOTH LAKES, CALIFORNIA 93546

**Telephone**  
760-924-1700  
**Facsimile**  
760-924-1701

---

**Legal Assistant**  
Jenny Senior

To: Mono County Board of Supervisors

From: Marshall Rudolph and Stacey Simon

Date: December 8, 2015

Re: Hiring freeze variance; Deputy County Counsel I/II/III or Assistant County Counsel (one position only)

**Recommended Action:**

Approve hiring freeze variance and authorize the County Counsel to fill one Deputy County Counsel I/II/III or Assistant (one position only) vacancy within the County Counsel's office.

**Fiscal Impact:**

Filling this position at the Deputy I, II, or III level would result in a savings to the County of \$2,506/month (Deputy I level), \$1,671/month (Deputy II level), or \$836/month (Deputy III level), as the position is currently budgeted at the Assistant level. If filled at the Assistant level, then it would be cost-neutral.

**Discussion:**

Starting December 31, 2015, there will be two anticipated vacancies in the office of the County Counsel resulting from the departure of the County Counsel and a Deputy II (budgeted to move to Assistant County Counsel in December). Given the workload of the office, these anticipated departures create an immediate need to recruit and hire. Existing staff, with the assistance of outside counsel, will carry the additional workload in the interim.

As a part of the recruitment, it is proposed that the position of Deputy III be added to the positions currently provided for within the County Counsel's Office. Currently, those positions are Deputy I, II and Assistant. The addition of a third level of Deputy would create an additional career ladder step within the office, with a cost to the County below that of the Assistant County Counsel position.

The positions being advertised (except Deputy III) are included in the current approved allocation list. If the successful candidate has the experience and qualifications commensurate with the Deputy III level, then an amendment to the allocation list would be required.



OFFICE OF THE CLERK  
OF THE BOARD OF SUPERVISORS

## REGULAR AGENDA REQUEST

Print

**MEETING DATE** December 8, 2015

**Departments: Board of Supervisors**

**TIME REQUIRED**

**SUBJECT** Appointment to Fill Planning  
Commission Vacancy

**PERSONS  
APPEARING  
BEFORE THE  
BOARD**

---

### AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Appoint Carol Ann Mitchell to fill the seat recently vacated by Roger B. Thompson on the Mono County Planning Commission, as recommended by Supervisor Fred Stump, with term expiring March 1, 2017.

---

### RECOMMENDED ACTION:

Appoint Carol Ann Mitchell to fill the seat recently vacated by Roger B. Thompson on the Mono County Planning Commission, as recommended by Supervisor Fred Stump, with term expiring March 1, 2017.

---

### FISCAL IMPACT:

No impact beyond budgeted expenses.

---

**CONTACT NAME:** Scott Burns

**PHONE/EMAIL:** 924.1807 / sburns@mono.ca.gov

---

SUBMIT THE ORIGINAL DOCUMENT WITH  
ATTACHMENTS TO THE OFFICE OF  
THE COUNTY ADMINISTRATOR  
**PRIOR TO 5:00 P.M. ON THE FRIDAY**  
**32 DAYS PRECEDING THE BOARD MEETING**

**SEND COPIES TO:**

---

### MINUTE ORDER REQUESTED:

YES  NO

---

### ATTACHMENTS:

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[staff report](#)

---

History

Time

Who

Approval

12/2/2015 6:46 AM

County Administrative Office

Yes

11/30/2015 4:11 PM

County Counsel

Yes

12/1/2015 1:54 PM

Finance

Yes

# Mono County Community Development Department

---

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

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

December 8, 2015

**To:** Honorable Mono County Board of Supervisors  
**From:** Scott Burns on behalf of District 2 Supervisor Fred Stump  
**RE:** Appointment to fill Planning Commission Vacancy

**RECOMMENDATION:**

Appoint Carol Ann Mitchell to fill the seat recently vacated by Roger B. Thompson on the Mono County Planning Commission, as recommended by Supervisor Fred Stump, with term expiring March 1, 2017.

**FISCAL IMPACT:**

No impact beyond budgeted expenses.

**BACKGROUND:**

The Mono County Planning Commission consists of five commissioners appointed by the Board of Supervisors, with each supervisor entitled to nominate one commissioner. On the prior recommendation of Supervisor Stump, Roger B. Thompson was appointed by the Board of Supervisors to a four-year term expiring March 1, 2017. Roger B. Thompson recently informed staff and Supervisor Stump that he has moved from Mono County and will no longer be available to serve on the commission. The attached Mono County Code chapter provides further explanation of Planning Commission purpose, composition and duties.

Following outreach and solicitation of interested parties, Supervisor Stump is recommending that Carol Ann Mitchell, a long-time Chalfant resident and active community member, be appointed to the Planning Commission.

**ATTACHMENT:**

Mono County Code Chapter 2.36 Excerpts

## **Chapter 2.36 - PLANNING COMMISSION**

### **2.36.010 - Creation of planning commission.**

The Mono County planning commission is created to advise the board of supervisors and planning department and otherwise take such actions as are authorized or required by law. (Ord. 96-01 § 1 (part), 1996.)

### **2.36.020 - Membership—Terms—Vacancies.**

- A. The planning commission consists of five members appointed by the board of supervisors, who shall be eligible voters of Mono County. Each supervisor shall be entitled to nominate one commission member.
- B. The term of each member appointed after the effective date of this section shall expire on March 1st following the date of the expiration of the term of the nominating supervisor.
- C. Vacancies shall be filled by appointment for the unexpired portion of the term.
- D. Members of the planning commission may be removed by a majority of the board of supervisors for the following reasons:
  - 1. Failing to meet the following attendance requirements: a commissioner shall not have three consecutive unexcused absences for regular meetings, nor may a commissioner miss five or more regular meetings in any twelve-month period;
  - 2. Acting inappropriately, in the board's opinion, in matters regarding conflict of interest;
  - 3. Failing to carry out commissioner duties over a period of time due to a frequent inability to vote, caused by repeated conflict of interest issues;
  - 4. Failing to carry out the duties of commissioner by abstaining on issues when there are no apparent conflict of interest issues;
  - 5. Other enumerated causes which, in the opinion of a majority of the board, are reflected in the commissioner's failure to carry out the duties of the commission, or bringing discredit to the county of Mono. (Ord. 07-01 § 1, 2007; Ord. 96-01 § 1 (part), 1996.)

### **2.36.060 - Duties.**

- A. The planning commission shall have such duties and take such actions as are required by this code, assigned by the board of supervisors or otherwise required by law.
- B. The planning commission shall act as the principal advisory body to the board of supervisors on planning matters. (Ord. 96-01 § 1 (part), 1996.)



**OFFICE OF THE CLERK  
OF THE BOARD OF SUPERVISORS**

**REGULAR AGENDA REQUEST**

Print

**MEETING DATE**    December 8, 2015

**Departments: Clerk of the Board**

**TIME REQUIRED**

**SUBJECT**                    California Water Boards

**PERSONS  
APPEARING  
BEFORE THE  
BOARD**

**AGENDA DESCRIPTION:**

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Receipt of Notice of Petition for Temporary Urgency Change for Permit 21185 (Application 28609) of June Lake Public Utility District from the State Water Resources Control Board.

\*\*\*\*\*

**RECOMMENDED ACTION:**

**FISCAL IMPACT:**

**CONTACT NAME:** Shannon Kendall

**PHONE/EMAIL:** x5533 / skendall@mono.ca.gov

SUBMIT THE ORIGINAL DOCUMENT WITH  
ATTACHMENTS TO THE OFFICE OF  
THE COUNTY ADMINISTRATOR  
**PRIOR TO 5:00 P.M. ON THE FRIDAY**  
**32 DAYS PRECEDING THE BOARD MEETING**

**SEND COPIES TO:**

**MINUTE ORDER REQUESTED:**

YES  NO

**ATTACHMENTS:**

Click to download
<a href="#">Notice</a>

History

Time

Who

Approval



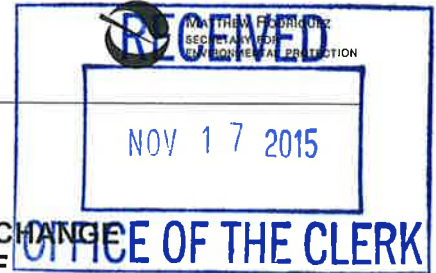
11/18/2015 7:52 AM

Clerk of the Board

Yes



EDMUND G. BROWN JR.  
GOVERNOR



**State Water Resources Control Board**

**NOTICE OF PETITION FOR TEMPORARY URGENCY CHANGE  
FOR PERMIT 21185 (APPLICATION 28609) OF  
JUNE LAKE PUBLIC UTILITY DISTRICT**

COUNTY: Mono

STREAM SYSTEM: Fern Creek

On November 4, 2015, the June Lake Public Utility District (Petitioner) filed a Temporary Urgency Change Petition (TUCP) with the State Water Resources Control Board (State Water Board), Division of Water Rights (Division) requesting renewal of the Order issued on May 26, 2015 (2015 Order). This petition renewal request is identical to the Petitioner's 2015 Order and the Petitioner's August 25, 2014 Order (2014 Order). The 2014 Order approved the TUCP filed on filed on May 20, 2014 and authorized a temporary reduction in the minimum bypass flow requirement of Permit 21185 (Application 28609) from 200 gallons per minute (gpm) to 25 gpm. The requested renewal period would begin November 28, 2015 and end May 26, 2016. The requested change would help the Petitioner meet projected potable water demand for its Down-Canyon Service Area.

Summary of Permit 21185:

Source:	Fern Creek tributary to Reversed Creek thence Rush Creek thence Mono Lake
Point of Diversion:	NW¼ of SE¼ of Section 21, T2S, R26E, MDB&M
Season of Diversion:	January 1 to December 31 of each year
Diversion Rate and Annual Amount:	0.13 cubic foot per second (or 58.3 gpm) by direct diversion 150 acre-feet per year
Bypass Flow Requirement:	<b>Existing:</b> 200 gpm <b>Proposed:</b> 25 gpm
Purpose of Use:	Municipal
Place of Use:	N½ of NW¼ and N½ of NE¼ of Section 21 and NW¼ of NW¼ of Section 22; all within T2S, R26E, MDB&M

More information regarding this TUCP is available at:  
[http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/applications/transfers\\_tu\\_notices/index.shtml](http://www.waterboards.ca.gov/waterrights/water_issues/programs/applications/transfers_tu_notices/index.shtml)

Pursuant to Water Code section 1438, subdivision (a), the State Water Board may issue a temporary change order in advance of public notice.

Pursuant to California Water Code section 1438, subdivision (d), any interested person may file an objection to the temporary change. Objections must be received by the Division by 4:30 p.m. on **December 13, 2015**.

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

Objections filed with the Division must indicate the manner in which service upon the Petitioner of a duplicate copy of the protest has been made. Correspondence directed to the Petitioner should be addressed to: Wagner & Bonsignore, CCE, c/o Mr. Vince Maples, 2151 River Plaza Drive, Suite 100, Sacramento, CA 95833.

For more information regarding this project, including procedures for filing objections, please contact Steve Marquez at (916) 341-5350 or [Steve.Marquez@waterboards.ca.gov](mailto:Steve.Marquez@waterboards.ca.gov). Written correspondence or inquiries should be addressed as follows: State Water Resources Control Board, Division of Water Rights, Attn: Steve Marquez, P.O. Box 2000, Sacramento, CA 95812-2000.

DATE OF NOTICE: November 13, 2015



**OFFICE OF THE CLERK  
OF THE BOARD OF SUPERVISORS**

**REGULAR AGENDA REQUEST**

Print

**MEETING DATE** December 8, 2015

**Departments: Agricultural Commissioner**

**TIME REQUIRED** 30 minutes (15 minute presentation; 15 minute discussion)      **PERSONS APPEARING BEFORE THE BOARD** Nathan D. Reade, Agricultural Commissioner

**SUBJECT** County Invasive Plant Program

**AGENDA DESCRIPTION:**

(A brief general description of what the Board will hear, discuss, consider, or act upon)

This will be a presentation to provide an overview of the Agricultural Department's Invasive Plant Program.

**RECOMMENDED ACTION:**

None. Informational only.

**FISCAL IMPACT:**

None.

**CONTACT NAME:** Shannon Kendall

**PHONE/EMAIL:** x5533 / skendall@mono.ca.gov

SUBMIT THE ORIGINAL DOCUMENT WITH ATTACHMENTS TO THE OFFICE OF THE COUNTY ADMINISTRATOR  
**PRIOR TO 5:00 P.M. ON THE FRIDAY  
32 DAYS PRECEDING THE BOARD MEETING**

**SEND COPIES TO:**

**MINUTE ORDER REQUESTED:**

YES  NO

**ATTACHMENTS:**

<p>Click to download</p> <p> <a href="#">Ag Commissioner Staff</a></p>
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**History**

Time	Who	Approval
11/9/2015 5:07 PM	County Administrative Office	Yes

11/30/2015 4:30 PM

County Counsel

Yes

11/10/2015 5:00 PM

Finance

Yes



# Counties of Inyo & Mono

Nathan D. Reade

Agricultural Commissioner

Director of Weights and Measures

207 W. South Street, Bishop, CA 93514

Telephone - (760) 873-7860 Fax - (760) 872-1610

Email - inyomonoag@gmail.com Web - www.inyomonoagriculture.com



Date: November 5, 2015  
To: Honorable Board of Supervisors  
From: Nathan D. Reade, Agricultural Commissioner  
Subject: County Invasive Plant Program

## Subject

County Invasive Plant Program

## Recommendation

Receive a presentation regarding the Agriculture Department's Invasive Plant Program.

## Discussion

This presentation will provide an overview of the Agriculture Department's Invasive Plant Program including why it exists, how program goals are set and achieved, and how the program interacts with other agencies and groups through the Eastern Sierra Weed Management Area group framework. The workshop will also provide an overview of the historical context of the program, current difficulties, and future challenges and opportunities.

## Fiscal Impact

This item is only a workshop, and will not directly result in actions that may have fiscal impacts.



**OFFICE OF THE CLERK  
OF THE BOARD OF SUPERVISORS**

**REGULAR AGENDA REQUEST**

Print

**MEETING DATE** December 8, 2015

**Departments: Community Development Department**

**TIME REQUIRED** Public Hearing - 10:30 a.m. / 1 hour and 30 minutes **PERSONS APPEARING BEFORE THE BOARD** Courtney Weiche

**SUBJECT** General Plan Amendment 15-002

**AGENDA DESCRIPTION:**

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Public hearing regarding proposed amendment of the General Plan Designated Land Use Map to establish a Transient Rental Overlay District to allow for nightly rentals (with a Vacation Home Rental Permit) on APNs 016-099-027, --036, --037 and 016-096-006, in June Lake.

**RECOMMENDED ACTION:**

Conduct public hearing. As recommended by the Planning Commission take the following actions: (1) approve Addendum #15-02 to the Mono County General Plan EIR; and (2) adopt proposed Resolution 15-\_\_ Adopting General Plan Amendment 15-002 Establishing a Transient Rental Overlay District approved a Transient Rental on Assessor's Parcel Numbers 016-099-036 and -037 in June Lake.

**FISCAL IMPACT:**

Potentially increased revenues from transient occupancy taxes.

**CONTACT NAME:** Courtney Weiche

**PHONE/EMAIL:** 760-924-1803 / cweiche@mono.ca.gov

SUBMIT THE ORIGINAL DOCUMENT WITH ATTACHMENTS TO THE OFFICE OF THE COUNTY ADMINISTRATOR **PRIOR TO 5:00 P.M. ON THE FRIDAY 32 DAYS PRECEDING THE BOARD MEETING**

**SEND COPIES TO:**

**MINUTE ORDER REQUESTED:**

YES  NO

**ATTACHMENTS:**

Click to download
<a href="#">staff report</a>
<a href="#">BOS Reso</a>

<a href="#">EIR Addendum 15-02</a>
<a href="#">Larry Marsh Comment Letter</a>
<a href="#">Joe Blommer Comment Letter</a>
<a href="#">Ralph Lockhart Comment Letter</a>
<a href="#">Planning Commission Packet and Attachments</a>
<a href="#">Planning Commission Packet and Attachments Part II</a>
<a href="#">Planning Commission DRAFT Minutes</a>
<a href="#">PC Resolution R15-04</a>

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### History

Time	Who	Approval
12/2/2015 6:56 AM	County Administrative Office	Yes
12/2/2015 5:23 PM	County Counsel	Yes
12/1/2015 1:52 PM	Finance	Yes



# Mono County Community Development Department

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](http://www.monocounty.ca.gov)

December 8, 2014

**To:** Mono County Board of Supervisors

**From:** Courtney Weiche, Associate Planner

**Subject:** General Plan Amendment 15-002/ Transient Rental Overlay District expansion at June Lake

## **RECOMMENDED ACTION**

The Planning Commission has, by Resolution R15-04, recommended approving Addendum 15-02 to the Mono County General Plan EIR and approving a modified proposal consisting of APNs 016-099-036 and -037 for a Transient Rental Overlay District. Government Code section 65356 provides that the Board may approve, modify, or disapprove the recommendation of the Planning Commission.

## **BACKGROUND**

The Board of Supervisors approved General Plan Amendment 12-001 in December 2012 that added Chapter 25, Transient Overlay Districts, and Chapter 26, Transient Rental Standards and Enforcement, to the Mono County General Plan Land Use Element. The intent of the amendment was to allow transient rentals within residential neighborhoods exhibiting support for allowing transient rentals to increase tourism opportunities and provide additional economic support to homeowners.

The creation of Chapters 25 & 26 provides a General Plan tool to allow transient rentals in specific neighborhoods through a General Plan Amendment application for a Transient Rental Overlay District (TROD).

A TROD application requires that the shape of any proposed district be contiguous, compact and orderly. Factors used to determine compact and orderly include street-frontage sharing, adjoining yards, and existing characteristics that define residential neighborhood boundaries such as subdivision boundaries, major roads, natural features, large undeveloped parcels and commercial or civic land uses.

Chapter 26 provides regulations that ensure transient rentals meet minimum safety requirements, provide 24-hour local property management, allow for enhanced enforcement of unpermitted transient operators, and provide means for minimizing potential neighborhood conflicts such as parking and noise. If a Transient Rental Overlay District is approved, individual homeowners in the district would then be required to submit a Transient Rental application in conformance with the regulations specified in Chapter 26 before commencing short-term rentals.

## **GENERAL PLAN AMENDMENT 15-002 Nevada Street**

The proposal is to expand the existing Transient Rental Overlay District (TROD) along Nevada Street, Highway 158 and Silver Meadow Lane in the June Lake community on four parcels (APN 016-099-027, -036, -037, and 016-096-006) along Nevada St. The original application and Planning Commission public hearing notice included two additional parcels (APN 016-099-041 and -042). The property owner has since decided to withdraw those properties from the proposed TROD application. The remaining four parcels are contiguous to one another and therefore still qualify as a district.

All four parcels are designated Single Family Residential (SFR) and each parcel has an existing primary residence. Access is taken from Nevada Street; an unimproved and privately maintained road. The Clark Tract residents above Nevada Street take access from California Street, to the south, right near the exit off

Hwy 158 and are not directly impacted as the proposal is much farther down the road. There are numerous Forest Service lessee cabins farther north along Nevada Street on USFS property. Depending on the winter, the access road to the cabins is closed just beyond the farthest parcel included in the proposed TROD at 164 Nevada Street.

### **PLANNING COMMISSION RECOMMENDATION**

The Planning Commission considered the item at a noticed public hearing November 12, 2015. After considering lengthy public testimony, submitted comment letters and commissioner discussion, Resolution R15-05 was adopted by the Planning Commission recommending approval of GPA 15-002, as modified, to the Board of Supervisors. Two initial motions failed. After deliberating possible alternatives, a modified proposal to include only two of the proposed four parcels (APN's 016-099-036 and 016-099-037) in the TROD was approved on a 3-1 vote. The two parcels recommended by the Planning Commission are adjacent and abut the existing TROD.

State law, Government Code section 65356, provides that the Board may approve, modify, or disapprove the recommendation of the Planning Commission.



Red is existing TROD  
Blue and Yellow is original application  
Yellow is Planning Commission recommendation

The Commission recommendation took into consideration the proximity of the residents opposed to the project and impact concerns. Most opposition was expressed by owners of property located in the upper Clark Tract, and by USFS lessee cabin owners, and the Silver Lake Tract Homeowners Association, located approximately a quarter mile to the north of the TROD. Of the 16 residents located in direct proximity to the proposed TROD, along Nevada Street, no opposition was presented, and three letters of support were submitted.

Please see attached Planning Commission staff report for additional background information; including original project proposal, project images, and Planning Commission comment letters.

### **PUBLIC HEARING NOTICING**

Similar to the noticing for the Planning Commission (see attached Planning Commission staff report), a public hearing notice was sent to all property owners, within a general 1000' radius, along Nevada Street (including all USFS cabin lessees) and Washington Street located above the proposed TROD expansion November 19. In addition, the hearing notice was published in the Mammoth Times, The Sheet and the Inyo Register in a 1/8 -page ad. State law requires only one notice published in the paper and property owner notice sent within 300 feet of a project, 10 days prior to the hearing.

### **GENERAL PLAN CONSISTENCY**

The proposed general plan amendment complies with existing General Plan, Countywide Policies:

**Objective H** Maintain and enhance the local economy.

Policy 5: Promote diversification and continued growth of the county's economic base.

*Action 5.1:* Encourage and promote the preservation and expansion of the county's tourist and recreation based economy.

### **CEQA COMPLIANCE**

An addendum to the county General Plan EIR has been prepared for the proposed project. The impacts of the proposed project will not result in a substantive change to the number of significant effects, severity of effects, or the feasibility and/or effectiveness of applicable mitigation measures or alternatives previously addressed in the General Plan EIR.

### **ATTACHMENTS**

- Draft Board of Supervisors Resolution R15-\_\_
- EIR Addendum 15-02
- Comments Received Following Planning Commission Meeting:
  - Larry Marsh
  - Joe Blommer
  - Ralph Lockhart
- Planning Commission Staff Report and Attachments
- Planning Commission Resolution R15-05
- Planning Commission Draft Minutes



**RESOLUTION R15-\_\_**

**A RESOLUTION OF THE MONO COUNTY BOARD OF SUPERVISORS APPROVING GENERAL PLAN AMENDMENT 15-002 ESTABLISHING A TRANSIENT RENTAL OVERLAY DISTRICT ONTO ASSESSOR PARCEL NUMBERS 016-099-036 & 016-099-037 AT JUNE LAKE**

**WHEREAS**, In accordance with General Plan Requirements, the property owners have submitted a Transient Rental Overlay District application for a transient rental, which includes a General Plan Map Amendment (GPA); and

**WHEREAS**, the proposed General Plan Amendment 15-002, in conjunction with a Vacation Home Rental Permit, will allow the owners of properties to rent out Single-Family Residential homes on a transient or nightly basis; and

**WHEREAS**, pursuant to the California Environmental Quality Act (CEQA) an Addendum to the Mono County General Plan EIR pursuant to CEQA section 15164 has been prepared; and

**WHEREAS**, the Mono County Planning Commission did on November 12, 2015, hold a noticed and advertised public hearing to hear all testimony relevant to the General Plan Amendment, and upon conclusion of the hearing, recommended via resolution that the proposed transient rental overlay district be approved by the Mono County Board of Supervisors, in a modified configuration.

**NOW, THEREFORE, BE IT FURTHER RESOLVED THAT**, having considered the environmental addendum and taken into consideration all evidence and testimony before it, including the recommendation of the Planning Commission, the Mono County Board of Supervisors, in conformance to the Mono County General Plan, Chapter 48, Section 48.020, hereby finds that the proposed changes are consistent with the General Plan and approves General Plan Amendment 15-002 adding a Transient Rental Overlay District to Assessor Parcel Numbers 016-099-036 & 016-099-037.

**PASSED AND ADOPTED** this 8th day of December 2015, by the following vote of the Board of Supervisors, County of Mono:

AYES :  
NOES :  
ABSENT :  
ABSTAIN :

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Timothy E. Fesko, Chair  
Mono County Board of Supervisors

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ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Clerk of the Board

\_\_\_\_\_  
County Counsel

**Mono County General Plan Land Use Amendment 15-002**  
**GENERAL PLAN EIR ADDENDUM #15-02**  
**State Clearinghouse #98122016**  
**☞ November 12, 2015 ☛**

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**INTRODUCTION AND DISCUSSION OF PROPOSED MODIFICATIONS**

**1. Transient Overlay Districts**

Mono County has received applications to amend the General Plan Land Use Designation Maps to establish a Transient Rental Overlay District (TROD) to allow for nightly rentals. GPA 15-002 would establish a TROD on four parcels (APN 016-099-027, -036, -037, and 016-096-006) along Nevada St. at June Lake.

A subsequent Vacation Home Rental Permit will be required in accordance with Chapter 26 of the Mono County General Plan before commencing rentals of any dwellings. Vacation Home Rental Permits will address and regulate traffic and parking, guide tenant occupancy, establish minimum health and safety requirements, and require 24-hour property management, among other things.

**ENVIRONMENTAL REVIEW & CEQA PROVISIONS FOR PREPARATION OF AN ADDENDUM TO A FINAL EIR**

In 2001, Mono County certified an Environmental Impact Report (EIR) in conjunction with the adoption/amendment of its General Plan (SCH # 98122016) (the “General Plan EIR”). The General Plan EIR analyzed the impacts of designating areas of the county as SFR, ER, RR, or RMH, and assumed full buildout and use of those properties for all allowed uses. It also addressed and analyzed the impacts associated with the development of accessory dwelling units. As discussed below, an addendum to the General Plan EIR is the appropriate level of environmental review for the proposed amendments, because none of the conditions set forth in CEQA Guidelines section 15162 exist.

The California Environmental Quality Act (CEQA §15164[a]) states:

*“(a) The lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.”*

In turn, §15162 states that preparation of a subsequent EIR is required where one or more of the following occurs:

*“(a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:*

*(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;*

*(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or*

*(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete shows any of the following:*

*(A) the project will have one or more significant effects not discussed in the previous EIR or negative declaration;*

*(B) significant effects previously examined will be substantially more severe than shown in the previous EIR;*

*(C) mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or*

*(D) mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.”*

### **DISCUSSION OF IMPACTS**

Establishing Transit Rental Overlay Districts that would allow nightly rentals proposed in the aforementioned residential areas (the “Project”) does not require major revisions to the General Plan EIR because it does not involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects; there are not substantial changes with respect to the circumstances under which the project is undertaken; and there is not new information of substantial importance, which was not known and could not have been known with the exercise of due diligence at the time the previous EIR was certified as complete which shows any of the following listed above under headings (3) (A) through (3) (D), for the following reasons:

1. The proposed Transient Rental Overlay Districts will not have a significant effect on the environment or increase the severity of previously identified significant effects. The creation of a Transient Rental Overlay District enables short-term rentals but does not expand the types of structures allowed or the manner in which the vacant parcels can be developed in the future. Future development will be limited to the residential densities established in the underlying land use designation. Additionally, General Plan Land Use Element Chapter 26 further governs how transient rentals are to be conducted, which places much-more-stringent regulations on rentals than that of a home occupied by a full-time resident.
2. Additionally, even following designation and permitting for transient rental use, there is no change to the underlying property use. Single-family homes that are now used seasonally or periodically by the owner, or are rented on a long-term basis, will still be used as single-family homes and in a manner that is not substantially different from how they would be used if they were occupied by full-time residents or long-term renters. The General Plan EIR analyzed land use designations at buildout assuming full-time occupancy. Since there is virtually no difference in the use of a home being occupied by a full-time resident and its use by household that rents the home on a short-term basis, the environmental impacts to the neighborhood and surrounding areas are no different. Transient rentals, due to the intermittent and temporary nature of their use, will not create any additional impacts on traffic or air and water quality. Furthermore, since the occupancy and parking will be much more narrowly regulated by a required property manager, the impacts on noise and street congestion will also be reduced. Accordingly, the impacts of the proposed project would not be increased beyond those analyzed in the General Plan EIR.
3. The establishment of Transient Rental Overlay Districts creates the possibility of a reduction in environmental impacts that exist at present, since transient uses would be subject to more-

stringent restrictions than are applicable to full-time owner-occupied residences or residences subject to long-term lease. Specifically, these include restrictions on occupancy, parking and the requirement for oversight through local property management. Currently, there are no restrictions on how many occupants can use a single-family home, but the occupancy in homes used as transient rentals will be restricted by the number of bedrooms and/or any septic system limitations. Parking requirements will be site specific and not only will have to meet the General Plan residential parking standards, but will be limited to on-site parking only. These measures in conjunction with local property management being available 24 hours to regulate noncompliant activities of tenants will minimize visual and noise impacts far beyond residences having full-time occupancy.

4. The change to the regulations affecting the size and permitting requirements of accessory dwelling units will not cause an environmental impact. The change reduces the potential intensity of allowed development and environmental impacts on parcels less than one acre in size.

### **CONCLUSION**

CEQA Sections 15164(c) through 15164(e) states, *“An Addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration. The decision-making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project. A brief explanation of the decision not to prepare a subsequent EIR pursuant to §15162 shall be included in an addendum to an EIR, the lead agency’s findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.”*

The information presented above indicates that the proposed General Plan Amendment does not represent a substantive change to the number of significant effects, severity of effects, or the feasibility and/or effectiveness of applicable mitigation measures or alternatives previously addressed in the General Plan EIR. Therefore, a subsequent EIR is not required because none of the conditions set forth in CEQA Guidelines section 15162 exist for this project.



## Courtney Weiche

---

**From:** Larry Marsh <jlmarsh@uci.edu>  
**Sent:** Friday, November 20, 2015 11:30 AM  
**To:** Courtney Weiche  
**Subject:** Re: BOS Date

Dear Courtney

This email regards the TROD application on Nevada street- we will be unable to attend the board hearing. However, we are at 161 Nevada. We do not plan to rent our house out but joined the TROD both to support Pat and Valorie who have been good neighbors in the community and to set the stage such that our children could rent the home after we are gone if it became necessary to do so. Also, economic times seem to have conspired such that many neighbors are not up there very often and the occasional family occupying e.g. the Andersen house next door, at least puts some lights in the house and have provided some pleasant interactions in the past. For example, it was pleasant to chat with the family from England that was there some months ago and direct them to some of the best sights in the area. We have not noticed any adverse effects of the house next to us being designated a TROD.

We would appreciate being included in this TROD if possible.

Thank you for your consideration

Larry Marsh

J.Lawrence Marsh, Ph.D.

Professor, Developmental and Cell Biology Room 4444 McGaugh Hall University of California Irvine Irvine, CA 92697-2300

## Courtney Weiche

---

**From:** Joe Blommer <tozblom@gmail.com>  
**Sent:** Thursday, November 19, 2015 12:47 PM  
**To:** Courtney Weiche; Larry Johnston; Fred Stump; Tim Alpers; Tim Fesko; Stacy Corless; Bob Musil  
**Subject:** TROD on Nevada St in June Lake

Mono Co Supervisors & Staff,

I am writing regarding a recent TROD application on Nevada St in June Lake that has been presented to the Planning Commission & will be considered by the Board of Supervisors.

I did not attend the Planning Commission meeting, but from meeting notes I have read, it appears that neighbors directly adjacent to the TROD applicants either are in favor of the TROD or did not express an opinion. Other neighbors have expressed strong opposition to this, and any other, TRODs in the area. I do not want TROD rentals in my neighborhood, but this TROD is not in my immediate neighborhood. I think the opinions of the directly adjacent neighbors carry the most weight.

There is one TROD-related area-wide issue that has been brought up that warrants consideration. The neighborhoods of the current TROD application, a recently denied TROD & some approved TRODs have roads that are not maintained by the county. These are not private roads, they are county right of way. So approval of any TROD in these areas means TROD homes will receive rental income & the county will receive TOT revenue while adjacent neighbors will bear the cost or perform the work of road maintenance. These neighbors will fill potholes & plow snow, while the county & TROD rental owner have no obligation to participate. I think a mandate for road maintenance & snow plowing participation should be include in any TROD approval in these areas. I also think the county should participate. As our county supervisors, you have the authority to amend the TROD provisions & I think you have the obligation to the area homeowners/taxpayers.

Frankly, the fact that these county roads are not maintained by the county, while the homeowners pay the same property taxes as other homeowners with county-maintained roads, has been, and continues to be, a sore point.

Thank you for your consideration.

Joe Blommer  
302 West Steelhead Rd  
June Lake, CA

## Courtney Weiche

---

**Subject:** FW: TROD request

**From:** "Ralph Lockhart" <[rlockhart@doubleeagle.com](mailto:rlockhart@doubleeagle.com)>  
**Date:** November 12, 2015 at 10:46:39 AM PST  
**To:** "Pat Gale" <[pgale81@gmail.com](mailto:pgale81@gmail.com)>  
**Subject:** RE: TROD request  
**Reply-To:** <[rlockhart@doubleeagle.com](mailto:rlockhart@doubleeagle.com)>

Hello Pat. I am sorry I am so late and you are in the Planning commission meeting now (most likely). I am supportive of your application for a TROD on Nevada street at your property.

I hope all goes well with the approval.

Regards,

Ralph Lockhart  
CEO – Double Eagle Resort  
Resident neighboring Nevada Street  
Property Owner on Nevada Street (Black's Pond).

**From:** Pat Gale [<mailto:pgale81@gmail.com>]  
**Sent:** Monday, November 9, 2015 2:28 PM  
**To:** Pat Gale <[pgale81@yahoo.com](mailto:pgale81@yahoo.com)>  
**Subject:** TROD request

Greetings:

As you all are aware, I am now temporarily working at San Jose State University, living in the Bay Area with my wife.

Moving from June Lake was not something I ever wanted to do. But, life is what it is.

We are in a position where we need to rent out our J/L home. And, we want to be able to continue to come to J/L as often as possible. The only real way we can do both is if our home can be rented as a vacation rental. We have applied with 3 of our neighbors to annex to an existing Transient Rental Overlay District.

Some of the letters the county received expressed concern about lots of traffic. Obviously, with me not being there full time, our house will be occupied considerably less than it has been for the last six years.

The Mono County Planning Commission will be meeting this Thursday, 11/12/15 at 10 AM in Bridgeport for a public hearing, and to make a decision on this.

We would REALLY appreciate it if you could support us in our quest. Being there would be great. If you can't do that, sending an email to [cweiche@mono.ca.gov](mailto:cweiche@mono.ca.gov) might also help.

Thank you very much.

Pat Gale  
760-709-2119

I sent this twice, because the full county package was >13,4 Meg

# 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](http://www.monocounty.ca.gov)

## AGENDA

THURSDAY, NOVEMBER 12, 2015 – 10 a.m.  
Supervisors Chambers, County Courthouse, Bridgeport

\*Videoconference: Town/County Conference Room, Minaret Village Mall, Mammoth Lakes

Full agenda packets, plus associated materials distributed less than 72 hours prior to the meeting, will be available for public review at the Community Development offices in Bridgeport (Annex 1, 74 N. School St.) or Mammoth Lakes (Minaret Village Mall, above Giovanni's restaurant). Agenda packets are also posted online at [www.monocounty.ca.gov](http://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 October 8, 2015 – *p. 1*

### 4. PUBLIC HEARING

#### 10:10 A.M.

**A. GENERAL PLAN AMENDMENT 15-002** to amend the General Plan Land Use Designation Map to add six parcels along Nevada Street (APN 016-099-027, -036, -037, -041, -042 and 016-096-06) to the established Transient Rental Overlay District (TROD) along Nevada Street and SR 158 at June Lake to allow for nightly rentals. In accordance with the California Environmental Quality Act, an addendum to the existing General Plan EIR is being utilized. *Staff: Courtney Weiche, associate planner – p. 4*

#### 10:50 A.M.

**B. 2015 MONO COUNTY REGIONAL TRANSPORTATION PLAN, GENERAL PLAN, COUNTYWIDE INTEGRATED WASTE MANAGEMENT PLAN, AND NOISE ORDINANCE UPDATES; AND REPEAL OF THE CONWAY RANCH SPECIFIC PLAN** (the "2015 Updates and Repeal of the Conway Ranch Specific Plan"); **AND FINAL ENVIRONMENTAL IMPACT REPORT** to 1) adopt Resolution 15-05 making findings that a Final EIR (FEIR) has been prepared for the project in compliance with CEQA and that the FEIR is adequate and complete for consideration by the Board of Supervisors; 2) recommending the Board of Supervisors make the required findings and statement, certify the FEIR, and adopt the Mitigation Monitoring and Reporting Program (MMRP); and 3) finding that the 2015 Updates and Repeal of the Conway Ranch Specific Plan, including text changes to the Land Use Element, are consistent with the General Plan and recommending the Board of Supervisors adopt GPA 15-003, the MMRP, the CIWMP, and Noise Ordinance, and repeal the Conway Ranch Specific Plan. The 2015 Updates and Repeal of the Conway Ranch Specific Plan include a comprehensive update to the Land Use, Circulation, Conservation/Open Space, Safety and Noise elements of the General Plan; as well as the Regional Transportation Plan (RTP), three elements of the Countywide Integrated Waste Management Plan (CIWMP), Noise Ordinance, and the repeal of the Conway Ranch Specific Plan. The General Plan, RTP, CIWMP and Noise Ordinance cover the unincorporated areas. The RTP also applies

DISTRICT #1  
COMMISSIONER  
Mary Pipersky

DISTRICT #2  
COMMISSIONER  
Rodger B. Thompson

DISTRICT #3  
COMMISSIONER  
Daniel Roberts

DISTRICT #4  
COMMISSIONER  
Scott Bush

DISTRICT #5  
COMMISSIONER  
Chris Lizza

## Mono County Community Development Department

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November 12, 2015

**To:** Mono County Planning Commission

**From:** Courtney Weiche, Associate Planner

**Subject:** General Plan Amendment 15-002/Transient Rental Overlay District expansion at June Lake

### RECOMMENDED ACTION

1. Approve Resolution R15-04 , accepting Addendum 15-02 to the Mono County General Plan EIR and recommending approval of General Plan Amendment 15-002; or
  - a. Determine that the Planning Commission cannot make one or more of the required findings contained in the staff report and deny GPA 15-002.

### BACKGROUND

The Board of Supervisors approved General Plan Amendment 12-001 in December 2012 that added Chapter 25, Transient Overlay Districts, and Chapter 26, Transient Rental Standards and Enforcement, to the Mono County General Plan Land Use Element. The intent of the amendment was to allow transient rentals within compatible residential neighborhoods to increase tourism opportunities and provide additional economic support to homeowners.

The creation of Chapters 25 & 26 provides a General Plan tool to allow transient rentals in specific neighborhoods through a General Plan Amendment application for a Transient Rental Overlay District (TROD).

A TROD application requires that the shape of any proposed district be contiguous, compact and orderly. Factors used to determine compact and orderly include street-frontage sharing, adjoining yards, and existing characteristics that define residential neighborhood boundaries such as subdivision boundaries, major roads, natural features, large undeveloped parcels, and commercial or civic land uses.

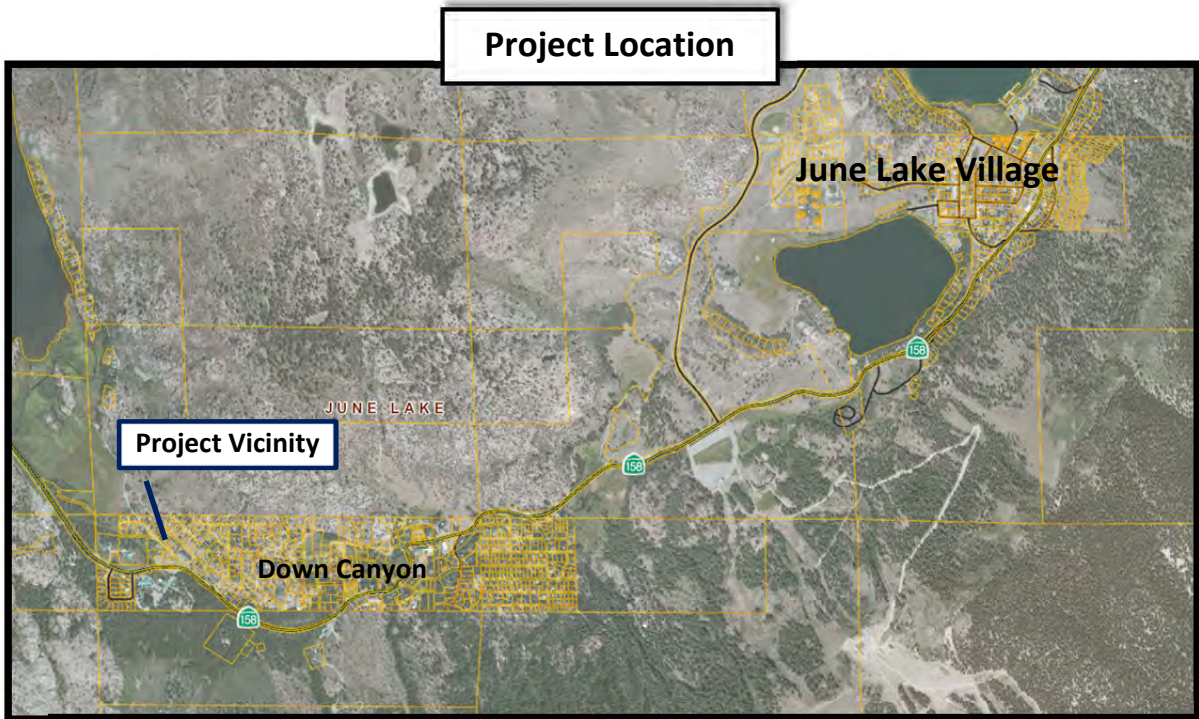
Chapter 26 provides regulations that ensure transient rentals meet minimum safety requirements, provide 24-hour local property management, allow for enhanced enforcement of unpermitted transient operators, and provide means for minimizing potential neighborhood conflicts such as parking and noise. If a Transient Rental Overlay District is approved, individual homeowners in the district would then be required to submit a Transient Rental application in conformance with the regulations specified in Chapter 26 before commencing short-term rentals.

### GENERAL PLAN AMENDMENT 15-002 June Lake/Nevada St.

The proposal is to expand the existing Transient Rental Overlay District (TROD) along Nevada Street, Highway 158 and Silver Meadow Lane at June Lake on four parcels (APN 016-099-027, -036, -037, and 016-096-006) along Nevada St. The original application and public hearing notice included two additional parcels (APN 016-099-041 and -042). The property owner has since decided to withdraw their portion of the proposed TROD from this application. The remaining four parcels are contiguous to one another and therefore still qualify as one district.

All four parcels are designated Single Family Residential (SFR) and each parcel has an existing primary residence. Access is taken from Nevada St; an unimproved and privately maintained road. The Clark Tract residents above Nevada St. take access from California Street, to the south, right near the exit off

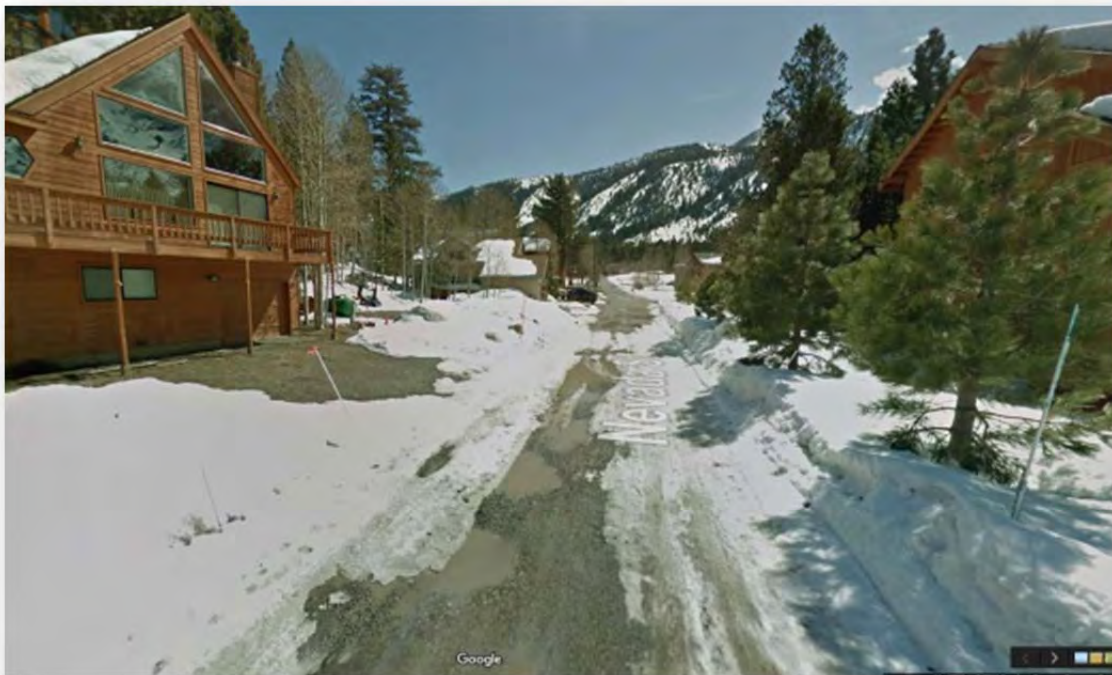
Hwy 158 and are not directly impacted as the proposal is much further down the road. There are numerous forest service lessee cabins further north along Nevada Street on USFS property. Depending on the winter, the access road to the cabins is closed just beyond the farthest-most parcel included in the proposed TROD at 164 Nevada Street.



**Access to California & Nevada St.**



**Street View from Opposite End of Nevada St. Looking South**





# Proposed Residences in TROD Expansion

122 Nevada St.



130 Nevada St.



161 Nevada St.



164 Nevada St.





## LAND DEVELOPMENT TECHNICAL ADVISORY COMMITTEE

The LDTAC met September 21, 2015, to review and provide input on the project proposal. The LDTAC accepted the proposed Transient Rental Overlay District application and recommended moving forward with processing the permit.

## COMMENTS RECEIVED

A public hearing notice was sent to all property owners, within a general 1000' radius, along Nevada Street (including all USFS cabin lessees) and Washington St. located above the proposed TROD expansion October 21<sup>st</sup>. In addition, the hearing notice was published in the Mammoth Times and The Sheet for two consecutive weeks. Note state law requires only one notice to be published in the paper and property owner notice to be sent within 300 feet of a project, 10 days prior to the hearing.

Following public notice, multiple phone calls and letters were received. Two participants in the existing adjoining TROD called expressing their support. Property owner at 93 Nevada St. expressed support, however wanted to make sure the vacant area on their parcel was not used for any parking during the winter months as this is the primary location for Nevada Street snow storage. They acknowledged it is common for locals to use this area for overflow parking during summer months, but locals also understand it is prohibited once the snow falls in order to accommodate Nevada Street snow storage needs. A condition of approval for the Vacation Home Rental permit has been added so that review of rental agreements along Nevada Street clearly state this restriction (regardless of summer vs. winter months) and emphasizes Chapter 26 requirement that all visitor parking must be located on site.

In addition, a number of letters were received in opposition, citing the following concerns:

- Road maintenance impacts and associated upkeep costs
- Accident liability
- Quality of life impacts
- Inadequate parking for existing residences
- Impacts to local hotels
- In addition, one comment letter was re-submitted, with an attached petition, from a previous TROD application

All comment letters have been included as an attachment to this staff report. It is important to recognize, that although there has been known controversy related to previous TROD applications in the project vicinity, the County has an obligation to impartially process new permit applications in conformance to regulations.

## GENERAL PLAN CONSISTENCY

The proposed general plan amendment complies with existing General Plan, including the following Countywide Policies:

**Objective H** Maintain and enhance the local economy.

Policy 5: Promote diversification and continued growth of the county's economic base.

*Action 5.1:* Encourage and promote the preservation and expansion of the county's tourist and recreation based economy.

## CEQA COMPLIANCE

An addendum to the county General Plan EIR has been prepared for the proposed project. The impacts of the proposed project will not result in a substantive change to the number of significant effects, severity of effects, or the feasibility and/or effectiveness of applicable mitigation measures or alternatives previously addressed in the General Plan EIR.

## ATTACHMENTS

- EIR Addendum 15-02
- GPA 15-002:
  - Resolution R15-04

- Comment Letters
- Chapter 26 Transient Rental Standards and Enforcement



## RESOLUTION R15-04

**A RESOLUTION OF THE MONO COUNTY PLANNING COMMISSION  
RECOMMENDING APPROVAL OF GENERAL PLAN AMENDMENT 15-002,  
PLACING A TRANSIENT RENTAL OVERLAY DISTRICT ON FOUR PARCELS  
AT JUNE LAKE (ASSESSOR'S PARCEL NUMBERS 016-099-027, -036, -037 & 016-096-006)**

**WHEREAS**, In accordance with General Plan Requirements, the property owner has submitted a Transient Rental Overlay District application for a transient rental, which includes a General Plan Map Amendment (GPA); and

**WHEREAS**, the proposed General Plan Amendment 15-002, in conjunction with a Vacation Home Rental Permit, will allow the owners of Assessor's Parcel Numbers (APN) 016-099-027, -036, -037, and 016-096-006 to rent out Single-Family Residential (SFR) homes on a transient or nightly basis; and

**WHEREAS**, pursuant to the California Environmental Quality Act (CEQA) an addendum to the Mono County General Plan EIR pursuant to CEQA section 15164 has been prepared; and

**WHEREAS**, the Planning Commission did on November 12, 2015, hold a noticed and advertised public hearing to hear all testimony relevant to the General Plan Amendment.

**NOW, THEREFORE, BE IT RESOLVED THAT**, in consideration of evidence and testimony presented at the public hearing and in accordance with Chapter 48 of the Land Use Element of the General Plan, the Planning Commission finds as follows with respect to the proposed GPA:

1. *The proposed change in the land use designation is consistent with the text and maps of this General Plan.*

The project promotes the following General Plan's countywide policies: Objective D states the County should provide for commercial development to serve both visitors and residents; Policy 4 allows for the integration of small-scale commercial uses with associated residential uses; Objective H maintains and enhances the local economy; and Action 5.1 encourages and promotes the preservation and expansion of the county's tourist and recreation-based economy. The project provides for additional visitor lodging and encourages tourist-based economy and is consistent with the text and maps of the General Plan.

2. *The proposed change in land use designation is consistent with the goals and policies contained within any applicable area plan.*

The project is located within the June Lake Planning Area. The June Lake Area Plan encourages providing a wide range of commercial and residential uses. The project provides for additional visitor lodging for the tourist-based economy by providing a variety of lodging options within the June Lake Loop.

3. *The site of the proposed change in land use designation is suitable for any of the land uses permitted within that proposed land use designation.*

The project is not changing the underlying land use designation of Single-Family Residential (SFR), but is adding a Transient Rental Overlay District that will allow the addition of nightly rentals only in single-family dwellings. Chapter 25 in the Mono County General Plan allows

1 Transient Rental Overlay Districts to be applied to the SFR, RR, ER, MFR-L, and RMH land  
2 use designations. Chapter 26 in the Mono County General Plan requires that any homes being  
3 rented within the overlay district obtain a Vacation Home Rental Permit that will regulate  
4 parking, guide tenant occupancy, establish minimum health and safety requirements, and require  
5 24-hour property management, among other things.

4 4. *The proposed change in land use designation is reasonable and beneficial at this time.*

5 The proposed change to add a Transient Rental Overlay District is reasonable because the  
6 economy is visitor-oriented and this proposal helps to expand the variety of lodging options  
7 within June Lake.

7 5. *The proposed change in land use designation will not have a substantial adverse effect on  
8 surrounding properties.*

9 The application of a Transient Rental Overlay District on Assessor’s Parcel Numbers  
10 016-099-027, -036, -037, and 016-096-006 will not create undue hardship on adjacent  
11 properties. Single-family homes that are used seasonally or periodically by the owner, or are  
12 rented on a long-term basis, will still be used as single-family homes and in a manner that is not  
13 substantially different from how they would be used if they were occupied by full-time residents  
14 or long-term renters. The General Plan EIR analyzed land use designations at buildout assuming  
15 full-time occupancy. Transient rentals will have similar visual characteristics as a home having  
16 seasonal or full-time occupancy.

14 Furthermore, homes used as rentals within the district are subject to more-stringent restrictions  
15 than applicable to full time owner-occupied residences or residences subject to long-term lease.  
16 Specifically, these include restrictions on occupancy based on the number of bedrooms, parking  
17 and the requirement for oversight through local property management. These measures in  
18 conjunction with local property management being available 24 hours to regulate non-compliant  
19 activities of tenants will minimize visual and noise impacts far beyond residences having full-  
20 time occupancy. Moreover, Chapter 26 in the General Plan provides enhanced enforcement  
21 mechanisms to prevent non-permitted or unauthorized transient rentals within residential zones.

19 **NOW, THEREFORE, BE IT FURTHER RESOLVED THAT,** having considered the  
20 environmental addendum and taken into consideration all evidence and testimony before it, the Mono County  
21 Planning Commission, in conformance to the Mono County General Plan, Chapter 48, Section 48.020, hereby  
22 finds that the proposed changes are consistent with the General Plan and recommends that the Board of  
23 Supervisors approve General Plan Amendment 15-002 adding a Transient Rental Overlay District to  
24 Assessor’s Parcel Numbers 016-099-027, -036, -037, and 016-096-006.

23 **PASSED AND ADOPTED** this 12th day of November 2015, by the following vote of the Planning  
24 Commission, County of Mono:

- 25 AYES :  
26 NOES :  
27 ABSENT :  
28 ABSTAIN :

29 \_\_\_\_\_  
Rodger B. Thompson, Chair

Mono County Planning Commission

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
C.D. Ritter, Commission Secretary

\_\_\_\_\_  
Stacey Simon, Assistant County Counsel

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**Mono County General Plan Land Use Amendment 15-002**  
**GENERAL PLAN EIR ADDENDUM #15-02**  
**State Clearinghouse #98122016**  
 ☞ **November 12, 2015** ☛

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**INTRODUCTION AND DISCUSSION OF PROPOSED MODIFICATIONS**

**1. Transient Overlay Districts**

Mono County has received applications to amend the General Plan Land Use Designation Maps to establish a Transient Rental Overlay District (TROD) to allow for nightly rentals. GPA 15-002 would establish a TROD on four parcels (APN 016-099-027, -036, -037, and 016-096-006) along Nevada St. at June Lake.

A subsequent Vacation Home Rental Permit will be required in accordance with Chapter 26 of the Mono County General Plan before commencing rentals of any dwellings. Vacation Home Rental Permits will address and regulate traffic and parking, guide tenant occupancy, establish minimum health and safety requirements, and require 24-hour property management, among other things.

**ENVIRONMENTAL REVIEW & CEQA PROVISIONS FOR PREPARATION OF AN ADDENDUM TO A FINAL EIR**

In 2001, Mono County certified an Environmental Impact Report (EIR) in conjunction with the adoption/amendment of its General Plan (SCH # 98122016) (the “General Plan EIR”). The General Plan EIR analyzed the impacts of designating areas of the county as SFR, ER, RR, or RMH, and assumed full buildout and use of those properties for all allowed uses. It also addressed and analyzed the impacts associated with the development of accessory dwelling units. As discussed below, an addendum to the General Plan EIR is the appropriate level of environmental review for the proposed amendments, because none of the conditions set forth in CEQA Guidelines section 15162 exist.

The California Environmental Quality Act (CEQA §15164[a]) states:

*“(a) The lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.”*

In turn, §15162 states that preparation of a subsequent EIR is required where one or more of the following occurs:

*“(a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:*

*(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;*

*(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or*

(3) *New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete shows any of the following:*

- (A) *the project will have one or more significant effects not discussed in the previous EIR or negative declaration;*
- (B) *significant effects previously examined will be substantially more severe than shown in the previous EIR;*
- (C) *mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or*
- (D) *mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.”*

### **DISCUSSION OF IMPACTS**

Establishing Transit Rental Overlay Districts that would allow nightly rentals proposed in the aforementioned residential areas (the “Project”) does not require major revisions to the General Plan EIR because it does not involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects; there are not substantial changes with respect to the circumstances under which the project is undertaken; and there is not new information of substantial importance, which was not known and could not have been known with the exercise of due diligence at the time the previous EIR was certified as complete which shows any of the following listed above under headings (3) (A) through (3) (D), for the following reasons:

1. The proposed Transient Rental Overlay Districts will not have a significant effect on the environment or increase the severity of previously identified significant effects. The creation of a Transient Rental Overlay District enables short-term rentals but does not expand the types of structures allowed or the manner in which the vacant parcels can be developed in the future. Future development will be limited to the residential densities established in the underlying land use designation. Additionally, General Plan Land Use Element Chapter 26 further governs how transient rentals are to be conducted, which places much-more-stringent regulations on rentals than that of a home occupied by a full-time resident.
2. Additionally, even following designation and permitting for transient rental use, there is no change to the underlying property use. Single-family homes that are now used seasonally or periodically by the owner, or are rented on a long-term basis, will still be used as single-family homes and in a manner that is not substantially different from how they would be used if they were occupied by full-time residents or long-term renters. The General Plan EIR analyzed land use designations at buildout assuming full-time occupancy. Since there is virtually no difference in the use of a home being occupied by a full-time resident and its use by household that rents the home on a short-term basis, the environmental impacts to the neighborhood and surrounding areas are no different. Transient rentals, due to the intermittent and temporary nature of their use, will not create any additional impacts on traffic or air and water quality. Furthermore, since the occupancy and parking will be much more narrowly regulated by a required property manager, the impacts on noise and street congestion will also be reduced. Accordingly, the impacts of the proposed project would not be increased beyond those analyzed in the General Plan EIR.
3. The establishment of Transient Rental Overlay Districts creates the possibility of a reduction in environmental impacts that exist at present, since transient uses would be subject to more-

stringent restrictions than are applicable to full-time owner-occupied residences or residences subject to long-term lease. Specifically, these include restrictions on occupancy, parking and the requirement for oversight through local property management. Currently, there are no restrictions on how many occupants can use a single-family home, but the occupancy in homes used as transient rentals will be restricted by the number of bedrooms and/or any septic system limitations. Parking requirements will be site specific and not only will have to meet the General Plan residential parking standards, but will be limited to on-site parking only. These measures in conjunction with local property management being available 24 hours to regulate noncompliant activities of tenants will minimize visual and noise impacts far beyond residences having full-time occupancy.

4. The change to the regulations affecting the size and permitting requirements of accessory dwelling units will not cause an environmental impact. The change reduces the potential intensity of allowed development and environmental impacts on parcels less than one acre in size.

### **CONCLUSION**

CEQA Sections 15164(c) through 15164(e) states, *“An Addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration. The decision-making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project. A brief explanation of the decision not to prepare a subsequent EIR pursuant to §15162 shall be included in an addendum to an EIR, the lead agency’s findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.”*

The information presented above indicates that the proposed General Plan Amendment does not represent a substantive change to the number of significant effects, severity of effects, or the feasibility and/or effectiveness of applicable mitigation measures or alternatives previously addressed in the General Plan EIR. Therefore, a subsequent EIR is not required because none of the conditions set forth in CEQA Guidelines section 15162 exist for this project.

# MONO COUNTY PLANNING COMMISSION

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## **Comment Letters General Plan Amendment 15-002 November 12, 2015**

**NOTE:** Comment letters are arranged in order received, not alphabetical.

Ross & Lynda Biederman

Jil Stark

Patrick & Catherine Hoefler

East Shore Silver Lake Improvement Association

Dennis Lindsay

**NOTE:** Comment letters received after agenda packet was sent.

Rod Goodson & Jill Malone

James & Ann Marie Mahoney

Ann Tozier

Patti Heinrich

Blake & Carol Sibla

**NOTE:** Comment letters received at public hearing

Igor Vorobyoff

Dewayne & Jill Wallentine

Carol McCahon

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DISTRICT #1  
COMMISSIONER  
Mary Pipersky

DISTRICT #2  
COMMISSIONER  
Rodger B. Thompson

DISTRICT #3  
COMMISSIONER  
Daniel Roberts

DISTRICT #4  
COMMISSIONER  
Scott Bush

DISTRICT #5  
COMMISSIONER  
Chris I. Lizza

October 29, 2015

C.D. Ritter  
Secretary to the Planning Commission  
P.O. 347  
Mammoth Lakes, CA 93546

RECEIVED  
OCT 29 2015  
MONO COUNTY  
Community Development

Re: General Plan Amendment 15-001 (b) Transient Rental Overlay District  
June Lake APNs 016-099-027,-036,-037,-041 and 016-096-06

Dear Members of the Planning Commission:

We are 22 year full time residents of the Clark Tract and wish to voice strong disagreement with the proposed Transient Rental Overlay District involving the above referenced properties on Nevada Street. This is our home. To allow transient rentals in this area betrays residents and allows a few home owners - who knowingly purchased homes in a non-rental area - to alter living conditions for everyone else living in the neighborhood. This is not a victimless action: those of us who live here must tolerate the tourist activity while rental landlords are elsewhere and happily oblivious to the issues created.

We recognize the obvious: guest renters are here for vacation and holiday activity. To approve this TROD request essentially creates a hotel zone within the Clark Tract that will alter the quality of life promised by living in a non-rental single family residential neighborhood.

Mammoth Lakes' recent vote on Measure Z clearly illuminates the public's wish to protect and preserve private neighborhoods. The June Lake Clark Tract is no different. County Supervisors, the June Lake Citizens Advisory Committee, and the majority of citizens attending public meetings have agreed that the Clark Tract is inappropriate for an Overlay District. It was determined that the roads are private, not well maintained and dangerous for rentals.

Of note, all Clark Tract roads are poorly maintained private roads for which Mono County has refused to provide maintenance nor snow removal. If an Overlay District is approved the County must consider incurred liability. By allowing vacation rentals on the Nevada Street dirt road the County risks lawsuits by inexperienced snow drivers in winter and pothole slip and fall suits by pedestrians. If the County is not willing to maintain the roads, then they should not allow rentals and collect TOT money on those same roads.

A quick drive through the area will reveal the obvious inadequacy of parking space and the danger to drivers attempting to navigate narrow, slippery and steep roads immediately connected to the proposed Overlay District. The single lane primary exit route from the upper portions of the Clark Tract-which is an ice sheet during the winter- descends steeply and ends onto the Nevada Street Overlay District road. It is a frequent site of stuck or sliding out-of-control vehicles with a well-deserved reputation of danger in June Lake. Visiting pedestrians often walk these roads oblivious to this danger. Nevada Street slopes upward to this "T" intersection and is also significantly icy.

We implore the Planning Commission to please protect and respect the non-transient rental zoning of the June Lake Clark Tract. Please do not open the gates to such duplicity and disregard for existing zoning ordinances and home owners who chose to live in a zoned non-rental neighborhood.

Respectfully,

*Ross E Biederman, Lynda G Biederman*

Dr. Ross and Lynda Biederman  
140 Wyoming Street  
June Lake, CA 93529  
760-648-1017

## CD Ritter

---

**From:** Jil Stark <stark@fairplex.com>  
**Sent:** Monday, November 02, 2015 5:13 PM  
**To:** CD Ritter  
**Cc:** Scott Burns  
**Subject:** TROD application on Nevada Street in June Lake

RECEIVED  
NOV 02 2015  
MONO COUNTY  
Community Development

Dear members of the Planning Commission.

First, I am writing to you as a member of the June Lake CAC. A number of years ago we had a presentation of TRODS at a CAC meeting. At this time I believe it was implied by the County that a TRODS would not be allowed in the Clark or Peterson Tract. I do however clearly remember that our Supervisor, at the time, made it very clear that neither tract would be considered. Nevada Street is in the Clark Tract. It is very clear that the majority of residents in this single family area do not want the area turned into a weekend hotspot. There are two homes in this tract that have been renting illegally for about six years, both have received numerous complaints about this issue, but in this lengthy amount of time, both are still renting. As a member of the CAC I want to support the residents of this tract, who fear that if Nevada Street becomes a legal renting area the situation will move to include more homes in their area.

Second, as a resident of a home on the northern end of Nevada Street, I want to know what are the legal implications of an accident on a road that is not maintained by the County? The southern end of this street is badly engineered, it is not engineered at all. At the end of the paved entrance to the dirt road there is a small hill. If it rains, or if snow melts, water runs down this hill. In the winter the hill becomes icy. One residence next to the hill has received water damage. The road receives very little maintenance. It is posted at 5 MPH to keep the dust away from the homes and for safety reasons, it is a narrow dirt road. The four homes in the applied for TROD sit right on this road with minimum setback.

Third, there is the whole issue of elected officials applying TRODS to areas where the majority of residents don't want them. Mammoth should send a clear message to the members of the Commission and to the County. Then there is Santa Monica that passed strict short term rental rules in May, and right now San Francisco is voting tomorrow on a measure targeting short term rentals. These ballot votes are costly and I hope unnecessary in our beautiful part of the world.

Most Sincerely,  
Jil Stark, 929 Nevada Street

Sent from my iPad

RECEIVED

NOV 02 2015

MONO COUNTY  
Community Development

**CD Ritter**

---

**From:** PC <pch1951@msn.com>  
**Sent:** Monday, November 02, 2015 12:47 PM  
**To:** CD Ritter; Scott Burns; Lynda Biederman; blake.sibla@verizon.net; Jil Stark; Paul McCahon; Rod Goodson; dlindsay@juno.com; Nick Criss  
**Subject:** TROD application Nevada street Clark Tract  
**Attachments:** BOS Petition pg1 of 5.pdf; BOS Petition pg2 of 5.pdf; BOS Petition pg3 of 5.pdf; BOS Petition pg4 of 5.pdf; BOS Petition pg5 of 5.pdf

Dear members of the Planning Commission,

Again we are faced in the Clark Tract with another TROD application. We do not understand why the County keeps pursuing these TRODS when they already know the people in the Clark Tract are against it for many reasons. Some reasons are the roads and upkeep there of which the County does nothing to maintain and the roads are very dangerous for people who do not know and understand the roads especially in the winter. At last meeting with the Planning Commission I wrote a letter which I apologized for some of the strong things I said about the County...I guess I was wrong to apologize. With the new applications we have all the same problems and issues as stated prior. It appears the goal of the County is to create one large motel/hotel in all of June Lake. I do not know if the current applicants have been renting illegally or not but that is not the real issue. Attached is the petition that homeowners signed last time this was brought to the Planning Commission. Many on the petition are second homeowners who want to maintain their lifestyle and what they bought into. I handed the petition over to Blake Sibla who may have many more additional names to add from the Clark Tract.

We should not have to revisit this issue whenever someone decides to file an application. The Clark Tract should be ruled by the County as a no vacation rental Tract. A couple of TRODS have already sneaked into being approved because the way the County wrote the code. These TRODs too should be disapproved. We believe the County has acted on behalf of Mammoth Mountain and not the citizens of the county by the insidious approach it has taken with TRODs. It is time the County start working for the people of the community.

I hope you consider the facts and not approve the current applications in the Clark Tract. If you decide to approve then you should just approve the entire Tract open to rentals and get rid of this hodge podge approach. I will be unable to attend this meeting because I will be out of town but I hope you read and consider what we had to say.

Thanks,

**Patrick & Catherine Hoefler**

**Patrick & Catherine Hoefler**

**8 Wyoming Street**

**June Lake, CA 93529**

**Secretary to the Planning Commission**

**P.O. Box 347**

**Mammoth Lakes, CA 93546**

**RE: General Plan Amendment 15-001(b)**

**Dear members of the Planning Commission**

- The County has failed the homeowners in the Clark Tract except for a select few who have violated the law for years**
- And the County is tearing apart the heart and soul of our community**

**Where most home owners of the tract have followed the local laws and ordinances a select few have been allowed to illegally rent their properties for years to the detriment of home owners in the tract and now the county is about to reward them for their behavior.**

**We believe the county has intentionally turned a blind eye to the illegal activity because in over seven years of us complaining to the county with rental activity almost weekly the county inspector has never caught them renting. Even though the rentals are listed on a number of internet sites i.e. Vacation Rentals by Owner which includes comments from previous renters and the county has been powerless in enforcing the laws. The county has one inspector for all of Mono County and the inspector cannot inspect or try to enforce laws and regulations throughout the entire county by himself. The county has failed to adequately staff the inspector's office and require that office to enforce the laws and regulations.**

**Another example of how the county has failed our tract is there appears to have been no impact studies on the community. The tract has no association and everything that is done is done voluntarily by the home owners. Snow removal is done through voluntary contributions each year. A few citizens have taken upon themselves to acquire asphalt and fill our pot holes in an attempt to maintain the roads. My**



wife and I have gone to Lee Vining over six different years and purchased the asphalt and had it placed in our pickup truck and we would go fill the pot holes from the Whispering Pines all the way to our house on Wyoming Street. Many people have told me they thought it was the Whispering Pines doing the repairs but on the contrary they contribute nothing...I understand they do not even contribute for snow removal.

Now if one takes a look at the amount of additional traffic created by this rental activity it is easy to see that our roads deteriorate much faster with the additional amount of vehicles driving on our roads. If there are only six properties that are allowed to rent and each rental unit has an average of four cars that equates 24 additional vehicles going back and forth all day and night long plus the vehicles from the maids, managers, garbage, spa, and guests. This impacts the entire tract not just those next to the rental units. I believe those citizens who like us have made voluntary repairs to the roads will finally say why are we doing this for the renters. At that point the roads will be totally destroyed. And when it comes to our roads the county uses the excuse it is a private tract.

The process that the county employs to inform homeowners is seriously flawed. Only those owners next to the property in question are notified. The rest of the tract is not informed although the entire tract will be impacted. And one has less than two weeks to respond. The county is slicing out small pieces in the tract where they are changing the zoning but the zoning next to and around the tract remain the same. The tract will end up with a hodge podge of zoning where parts are commercial and other parts are residential. This is ridiculous! I have one petitioner (from an application on Washington Street that was approved) who said he was notified but he was gone on vacation and didn't know until he came back which was already too late. Another petitioner told me they were informed but had just purchased their house and did not know what was going on. This is no way to treat the law abiding homeowners of the tract. Some homeowners who when constructing or purchasing their homes had the intent up front to rent out their homes knowing the zoning was residential and rentals were not allowed. If they cannot afford their home then they should sell.

These changes in our tract will in all likely hood remain for the life of the tract...forever. We placed our property on the market because of what the county is doing. We had one renter next door who told me they were really interested in our property but decided that no way did they want to own another property next to a rental because they had gone through that before. So we have languished on the market for three years with no luck at all. Yes we are priced appropriately and will take a huge loss when and if it sells.

The sense of community is being taken away from us by the county. One likes to know who their neighbors are... not go outside every other day and one has a new crowd of neighbors and vehicles who cares less about our community. Community is our heart and soul and this is being destroyed.

We are helping subsidize the rentals and the businesses in June Lake. We thought this was a conservative county so why don't we let capitalism and the market place do its thing without us home owners subsidizing these people. It is neither our fault nor our responsibility if a business owner makes wrong decisions or is just incompetent.

The safety and liability issues that could arise are tremendous. It only takes one person to be injured on ones non rental property even if they are trespassing and be sued and held liable.

The county and the current and last supervisor have failed us personally. I communicated and tried to work with both supervisors but I noticed quickly what their agendas were...and those agendas were not for all the people but only for select people who violated the laws.

The county states this overlay is to help improve the economic viability of June Lake. This is totally inaccurate because it creates no additional economic viability for June Lake. Here is why...many of the renters I have talked to had previously rented rooms at many of our local motels including the double eagle. It's called spread the wealth away from local business owners and place that money in the pockets of home owners.

It's all about beds! There had been a push by Rusty Gregory along with a few of our leading business owners to create more beds. Guess what...if the mountain gets snow or would make snow the people would come and the beds would come naturally without creating havoc by allowing rentals in a residential private tract. More beds do not bring more people and in turn bring more snow to the mountain it is just the opposite. This is simple economics. I wonder how much more money these motel owners would have made if illegal rentals were not occurring? Especially over the past four years! When an entrepreneur sees an opportunity to make money the beds will be created.

Transient Rental Overlay has been codified now for about two years. In the code it states any violation of the code will incur a \$1000 fine for the first rental and \$2000 for each rental thereafter. There has been no enforcement of this new code since it was codified. What makes the county think that if these homes are approved that there would be enforcement of the new code since the county has never enforced any code relating to illegal renting?

My home will be surrounded by rental homes with at least three homes adjacent to my property, and one property where I provided an easement to cross my property to get to the paper road to construct his house on the other side of the paper road. According to the county attorney I was told that paper roads not used as a road would be shared for use by adjacent property owners. So I have property on the other side of the easement road that cuts through my property and fifty percent use of the paper road. However, the Shea property took over the entire paper road and turned it into his driveway for his renters and the county refusing to rectify the matter. This is not fair and in total contravention of what the county attorneys' stance is on paper roads. Neither Shea or his property manager know where the property limits are.

- Problems we have encountered because of illegal rentals:

Physical and personal intimidation.

Beer bottles, cans and other garbage thrown onto our property.

Garbage placed outside for the animals even though I have read the rules provided to the renters to not place garbage outside. It happens anyway and our bears are then exterminated!

We have had RV's, campers, boats, trucks, and cars parked on our property and have counted as many as sixteen cars staying at Shea's property where they are parked on the road, on our property, and other owners property.

I have had parts of our driveway damaged from renters who use chains to get up the hill or damaged in the summer when the asphalt warms up the big trucks tear up the asphalt.

Most of these rental units have no land for the renters to play so they come onto my property.

Renters slide down above my property and onto my driveway which in good winters can be as high as eight feet. They have damaged or destroyed numerous young trees I had planted where they do their sledding.

I have had rocks thrown onto my roof of the house and chunks of loose pavement from the road dug up and thrown by children all over my driveway while their mother was watching.

Renters have entered my driveway and laid huge patches of rubber.

We have found ski boots thrown high up into the Juniper tree.

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Parties late at night ending up on the road under our bedroom keeping us up.

Wild flowers which we have tried to maintain are trampled or cut on our property.

Pets allowed doing their thing or running loose on my property and they do not pick it up.

About half of the renters speed through tract and right through my property on the easement road where most home owners do not speed because they know the dangers that exist on such roads as ours in the Clark tract.

Many renters believe they are renting in the wilderness and have the right to go anywhere not realizing these are really private properties.

In summary:

The illegal renters have joined with the county to bully the entire tract in getting what they want by pulling the blanket over to them...this is not fair.

There was no county enforcement before the new code and no enforcement by the county after the new code.

The code is forcing neighbors to police other neighbors which in turn creates hate and discontent in the community.

The increased wear and tear on the Clark Tract roads would be borne by all homeowners on a voluntary basis and therefore our infrastructure would fall apart in short order.

The current owner and manager of the Shea property on California St. have caused physical and personal intimidation therefore how could we ever complain to either one about their renters' violations per the code?

Once there is a violation that impacts the neighbor of the rental unit it is already too late...the harm has been done!

**The safety and liability concerns of the homeowners have not been addressed and these are serious concerns.**

**This activity will not create any additional economic benefit as a whole but in fact just transfer revenue from the motel owners to the homeowners renting their properties.**

**The process the county is employing in notifying homeowners within 100 feet of the proposed rental overlay is flawed because the entire community is impacted because of the roads, increased traffic, and noise.**

**What was once a nice friendly community has changed to seeing new strangers every week who do not care about the community and have no interest in the community.**

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**Sincerely,**

**Patrick & Catherine Hoefler**

This is addressed to the Planning Commission concerned about the Transient Rental Overlay.

We who are homeowners in the Clark Tract of June Lake are opposed to any transient overlay in our community because of the increased wear and tear on our fragile roads, garbage, parking, and trespass.

Name	Address	Phone #	
Dwayne Wallaten	32 W Washington	760 648 7957	Res,
Robert Munking	133 Washington	760 648 9936	Res,
Joan Hammetton	60 Wyoming	<del>760 648</del> 648 7678	2nd
Pat Harp	8 Wyoming	760-648-1659	Res
Catherine Hoop	"	"	"
Gill Wallentune	32 Washington St.	760 937-5597	Res
Roxanna Faden	82 Waterfall St.	760 648-7898	
Tony FODERH	82 Waterfall St.	760 648-17898	
Justin Byers	151 Wyoming St.	678-617-9981	2nd
Denise M. Craig	64 California St.	760-648-1135	Res.
John Elyworth	108 CA St	760 914 0094	
Bill Reym	14 Wyoming st.	949-499-5672	2ND
Wally	105 Washington St	760-648-1085	
Paul Berding	105 Washington St	760-648-1085	
Blake Dibia	136 North View Lane	760 937-5910	
Carol Dibia	136 North View Lane	760-937-1597	
LYNN DORAN	39 WASHINGTON ST	310-377-1757	

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Name	Address	Phone #
Cynthia Hous Meal Tray	21 Washington St. June Lake Ca	760-473-2732 "
John M. J.	50 S. Texas St.	760-914-0796
Egubekha Baer	36 Wyoming St.	760 648-7565
William C. Baer	36 Wyoming St	760 648-7565
Bob Hatty	60 Wyoming St	760 648-7678
Pat Hally	60 Wyoming St.	760 648-7678
Dennis Lindsay	5424 Boulder Dr.	760 648 7686
Rod Goodson	100 Mountain View Lane	760-533-1252
Jill Malone	100 Mountain View Lane	760-533-3188
Paul McCallister	130 W. Steelhead Rd	760-914-0079
AL Heinrich	209 Deer Meadow Lane	760 648-1914
Goss Biederman	140 Wyoming St	760 648-1017

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# Clark Tract Overlay

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balboa newport realty

cilla herpe

consulate

cousins

Credit Agricole

Delta 1

dominique

Eldorado 9

fabie Bardin

folley sophie

Fred

Greentrees Hydroponics

HP

Isabelle

Janmie Nash



Lynda Biederman (lgbiederman@yahoo.com)

To: pch1951@msn.com

Parts of this message have been blocked for your security. Show content | I trust lgbiederman@yahoo.com content.

I Lynda Biederman am opposed to allowing rentals in the Clark Tract. I live at 140 Wyorr in the Clark Tract as a full time resident of Jt and strongly believe that transient rentals in Tract would be dangerous due to the private roads and hills.

Lynda Biederman

**Lynda Biederman**

REALTOR® - Associate

**JUNE LAKE PROPERTIES, INC.**

BRE License #01444897

lgbiederman@yahoo.com

<http://junelakerealestate.com>

(760) 648-7505 Office

(760) 914-0950 Cell

(888) 522-9652 Fax, Toll Free e-fax

Escape the Crowds, Discover the June Lake Loop!

Information Deemed Reliable, but Not Guaranteed

Rentals

601club@adelphia.net (601club@adelphia.net)

Add to contacts

5/05/15

[Keep this message at the top of your inbox]

To: pch1951@msn.com

601club@adelphia.net

I trust 601club@adelphia.net. Always show content.

We do not support another rental property on Wyoming St in June Lake.

Gregory & Marsha Bock

128 Washington St

June Lake, CA 93529

Dear Patrick and

Catherine,

Thanks for the heads up on this issue. We are strongly against a "Transient Rental Overlay District". The hill above our cabin is already a disaster in winter. Please include us in opposition to this crazy idea.

Fin and Winnie Martin

h-310--541-1889

c-310-291-1999

# East Shore Silver Lake Improvement Association

(ESSLIA) Silver Lake Tract

Mark Shoemaker  
President

Jil Stark  
Exec. Vice President

Kris Capra  
Vice President

November 3, 2015

Mono County Planning Commission  
Secretary to the Planning Commission  
PO Box 347  
Mammoth Lakes, CA 93546

RECEIVED  
NOV 04 2015  
MONO COUNTY  
Community Development

Subject: Transient Rental Overlay District (TROD)  
Along Nevada Street & S.R. 158 at June Lake

Dear Sirs,

I am currently President of the East Shore Silver Lake Improvement Association (ESSLIA). We have 27 Forest Service cabins along Nevada Street on the shore of Silver Lake. These cabins were built from 1924 to 1953. After the first few cabins were established in 1924 our Association developed a small road now known as Nevada Street, a 1.5 mile road beginning at Highway 158. Since that time the 27 cabin owners of ESSLIA have been the main contributors to the upkeep of Nevada Street. We are now faced with a proposal to amend the general plan use designated map to add 6 parcels along Nevada Street to the TROD. We formally oppose this amendment to the general plan for the following reasons:

1. Nevada Street was not nor ever has been engineered for heavy traffic flow. It was originally engineered for 6-7 months of use for the cabins along Silver Lake between April and November, before the snow pack. We feel increasing the transient flow of traffic will cause serious damage to the road, especially during the winter months. This road was not engineered to professional standards, and as a consequence is quite hummocky, and drains poorly, making it slick, muddy and dangerous in wet seasons.
2. The parking situation is currently not optimized for the current residents, which causes congestion from a passage and safety perspective. Section 25.050.4 requires that "...property must be certified by the CDD as complying with parking requirements..." which is currently not the case.
3. Section 26.010 B implies that expanding transient rentals will provide an economic benefit to the community and to Mono County due to increased TOT receipts, however, this will not be the case. It should be noted that a review of the existing June Lake Community already has a surplus of rental properties available. An additional increase of rental properties will not, in aggregate, create more rental income, and thus will not create an economic benefit for all property owners. Likewise, Mono County will not benefit, since this amendment will have no impact on the total Transient Occupancy Tax collected. While the addition of certain new rental properties could benefit those specific owners, it will simply take existing rental income from other property owners in the June Lake community.

ESSLIA has long been a strong economic and philanthropic contributor to the June Lake Community. On behalf of ESSLIA, we have conveyed our concerns and appreciate the opportunity to be heard on this important issue.

Sincerely,

A handwritten signature in black ink that reads "Mark Shoemaker". The signature is written in a cursive, flowing style.

Mark Shoemaker  
President, ESSLIA



Nov 6, 2015

RECEIVED  
NOV 06 2015  
MONO COUNTY  
Community Development

Mono County Planning Division  
Courtney Weiche  
PO Box 347  
Mammoth Lakes, CA 93546

RE: Transient Rental Overlay Districts

Gentlemen:

I am a homeowner in the Clark Tract and have concerns about any TROD in the Clark Tract. I have been the victim of illegal renting in the area for years with noise and property damage. The people applying for this TROD always try to pass this through in October because most of the part time homeowners are not in town and they hope to sneak it through. This is not right, nor fair to the homeowners that bought or built their homes thinking they are in a Single Family Home location and now they are in the middle of the Hotel District. Their property values are going down and that is a loss to the homeowners and the county over time. All the issues we had with the last request are the same, i.e., the private roads cannot handle the traffic, and there is NO snow removal. Is the county going to assume the legal liability? This will be very bad for the County and the homeowners. There will be NO net gain to the County in TOT Tax because they will be taking business from our local hotels and motels. The other issue is will they pay the TOT Tax? How does the county enforce this? Any cost for enforcement will be greater than any gain. It is much better to trust our local businesses than to try to collect from private owners. To net it out the local homeowners have to put up with part time renters and the County does not gain anything but liability. Why would we want to do this?

Yours truly,

Dennis E. Lindsay  
5424 Boulder Drive (Hwy 158)  
June Lake, CA 93529

**TO:** Mono County Community Development Department Planning Division  
P.O. Box 347, Mammoth Lakes, CA 93546

**FROM:** Rod Goodson and Jill Malone  
100 Mountain View Lane, June Lake, CA 93529

**DATE:** November 9, 2015

**RE:** Transient Rental Overlay District  
Nevada Street, June Lake, CA

RECEIVED  
NOV 10 2015  
MONO COUNTY  
Community Development

Dear Ms. Ritter, Mr. Burns, and the members of the Planning Commission:

We are writing with respect to the proposed Transient Rental Overlay District for Nevada Street within the Clark tract of June Lake, and we wish to state our strong opposition to this proposal.

We respectfully ask the Planning Commission to protect the June Lake Clark tract and show consideration for the homeowners who purchased and/or built their homes in this area with an understanding of and appreciation for the zoning laws that exist here. These zoning ordinances are in place for a good reason and are highly valued by the people in this neighborhood. Changing the zoning in the Clark tract is not only unnecessary, it invites a host of problems that include increased traffic on roads unable to accommodate it and an escalation in accidents, noise, animal disturbances, and debris.

Short-term overnight rentals, while appropriate for some areas, are especially inappropriate for the Clark tract. These rentals cause a high influx of people in the area which is not consistent with the character of the neighborhood. In addition, the privately maintained roads have limited parking, are steep and narrow, and require extra care to drive. Snow removal is spotty and not reliable, resulting in hazardous driving conditions. Please refer to the information related to the application on Mountain View Lane which resulted in much neighborhood pushback and was ultimately withdrawn.

Sincerely,

Rod Goodson and Jill Malone

JILL MALONE  
ROD GOODSON

100 MOUNTAIN VIEW LANE, JUNE LAKE, CA 93529

760-633-1177

RECEIVED  
NOV 10 2015  
MONO COUNTY  
Community Development

November 9, 2015  
C.D. Ritter  
Secretary to the Planning Commission  
P.O. Box 347  
Mammoth Lakes, CA

Re; General Plan Amendment 15-001 (b) Transient Rental Overlay District  
June Lake APN's 016-099-027, -036, -037, -041 and 016-096-06

Dear Members of the Planning Commission:

We are the owners of the home at 781 Nevada Street and wish to voice our strong disagreement with the proposed Transient Rental Overlay District involving the above referenced properties on Nevada Street.

We believe our quiet single family residential area should remain just that and we believe that the TROD will greatly diminish the quality of life for Clark Tract homeowners and homeowners on Nevada Street for the following reasons:

1. Nevada Street from County Road 158 past the subject properties is already a narrow, poorly maintained road and is unpaved directly in front of the proposed TROD properties. It is full of potholes and during periods of rain and/or melting snow is filled with deep pools of water, turning to dangerous ice with cold evening temperatures. It is a hazard for pedestrians and vehicles alike.
2. The parking on such a narrow road would be impacted greatly as there is little room for either onsite or offsite parking for these properties and there is often "overflow" parking for the Whispering Pines on Nevada Street. Nevada Street is the only means of ingress and egress for the residents along Silver Lake for +/- 1 mile.
3. The intersection of Nevada Street and California Street (the exit for Clark Tract residents) is a blind and dangerous intersection, even to local knowledgeable residents. Traffic from renters would exacerbate this danger and serious injuries would likely occur. In winter, the ice on both streets creates a great driving hazard and occasion for accidents.
4. The entire area is in a dangerous fire zone and increased traffic and/or parking along Nevada Street would inhibit the ability of fire service vehicles and/or medical equipment from proceeding further down Nevada Street to assist the 27 cabin owners along Silver Lake, as well as any homes or structures on Steelhead Drive in case of an emergency. In addition, cabin owners may be severely inhibited from adequately and conveniently evacuating ahead of any fire threat. The same issue applies as all of these homes are in a flood plain and could be impacted by any failure of the dams on Agnew and/or Gem Lake requiring immediate evacuation per So. California Edison.
5. The increase in both vehicle and pedestrian traffic on Nevada Street will likely result in an increase in more accidents with litigation against the County as well as adjacent, innocent homeowners who are not renting their properties. The County should not be allowed to "transfer" this liability to private citizens when it does nothing to maintain the road and limit liability.

6. It is well known that Transient renters do not possess the same concern for the surrounding environment and the flora and fauna of the area will be impacted negatively. In addition, vacation and holiday renters are unknowledgeable about the neighbors and, generally, do not maintain the same quiet behavior as local homeowners. The quiet enjoyment by homeowners to which they are entitled and for which they purchased would be disrupted dramatically.

In consideration of the above, we strongly urge the Planning Commission to maintain the status quo of this non-rental neighborhood and maintain the quality of life to which we, and other homeowners in the immediate area, are entitled.

Thank you for your consideration.

Respectfully,

A handwritten signature in blue ink, consisting of a large, stylized 'J' followed by 'm' and 'A', and then the full name 'Ann Marie Mahoney' written in a cursive script.

James and Ann Marie Mahoney  
781 Nevada Street  
June Lake, CA 93529  
760 648-

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NOV 10 2015  
MONO COUNTY  
Community Development

November 10, 2015

Mono County Planning Department  
PO Box 347  
Mammoth Lakes, CA 93546

Re: Transient Rental Overlay District application on Nevada St., June Lake

Dear Planning Commission:

I have continuing grave concerns about TRODs in the Clark Tract of June Lake, and am fundamentally opposed to them, even ones not adjacent to my home. Here are some of my reasons, and I think they are compelling ones that should be considered seriously. I know many of my neighbors feel similarly.

Our roads get no maintenance whatsoever from Mono County, even though we pay taxes like everyone else. There is no grading, no pothole repair, no plowing, etc. Even when the street signs rot and fall over they are not put back up unless a neighbor decides to do it (most have fallen over at some point, some still are). Parking and snow storage is very limited, as well. Yet, the county wants to allow more TRODs, which I believe will bring more traffic to our streets, adding to the problem.

I have lived full time in my Clark Tract home for 6 ½ years now, and have seen a growing bear problem. Houses across from me have had screens and windows, destroyed in the last couple of years, resulting in some break-ins. I do not like to see the bears harmed in any way, and I think that increasing transient visitors in our tract increases the potential for the attractive nuisances that lead to their demise. Even locals forget food in their cars occasionally and I guarantee that people who come from out of town are more likely to forget, even if instructed by the rental owner. There have been too many bears exterminated as a result of these human failures.

There is only one enforcement officer, and with the downsizing the county has had to endure I do not see them increasing that to two any time soon. However, they continue to want to allow an increase in rentals putting a potential strain on the one staff person who can control any problems that may arise.

The Clark Tract is a quiet, residential neighborhood where some locals have chosen to live full time. Please don't turn it into a mini-hotel district.

Respectfully,  
Ann Tozier  
302 W. Steelhead Rd.  
June Lake, CA 93529

CD Ritter

---

RECEIVED

NOV 10 2015

MONO COUNTY  
Community Development

**From:** HeinrichsFour@aol.com  
**Sent:** Tuesday, November 10, 2015 9:14 AM  
**To:** CD Ritter  
**Cc:** Tim AlpersContact; Larry Johnston; Tim Fesko; Fred Stump; Stacy Corless; mtnlgb@yahoo.com  
**Subject:** Nevada Street TROD  
**Attachments:** TROD Ltr Alpers 7-14-15.doc

CD please include my letter in the Planning Commission packet.

Mono County Supervisors and Planning Commission,

Please consider the attached letter as opposing the Nevada Street TROD. This subject has come up numerous times at June Lake CAC meetings and, to date, has not been resolved. As stated in the attached letter, the County told the community at a CAC meeting that residential areas were not affected, however, subsequently, the county presented the opposite plan to the BOS. Several members of the community are currently considering a costly ballot measure, like Measure Z, that passed in Mammoth. Additionally, several community members are considering the legal merits of the county's action, wherein the County advised the community that the residential areas, such as the Clark Tract, would remain SFR zoned and later reversed this position without advising the Community..

Thank you for your consideration,

Patti Heinrich

To: Tim Alpers  
Mono County Board of Supervisor

July 14, 2015

Scott Burns  
Mono County Planning

Subject: Incorporation of Transient Rental Overlay District (TROD) into the June Lake Area Plan

Dear Tim and Scott,

The philosophy of TROD was first presented to the JLCAC in 2009. At that time, several residents and CAC committee members were concerned about the adverse impact ramifications on property values and quality of life caused by weekend/holiday rentals.

At the August 4, 2009, CAC meeting Mark Magit presented the TROD proposal. The public and CAC committee members voiced concerns about negative impacts on residential neighborhoods and Mark and Supervisor Bauer advised, as stated in the meeting minutes "No single family residencies are now included in the proposal."

Several other relevant comments were made by members of the public and CAC committee members during the CAC meeting:

Ron Gilson (public) – "emphasized his opinion that the County should not have the decision to allow transient rentals; it should be up to the neighbors"

Rob Morgan (CAC) – "Is this setting a precedent to allow residential rentals?"

Jerry Allendorf (President CAC) – "People who live nearby ought to be notified."

Jil Stark (CAC)- "I thought we decided that we would send a survey or questionnaire." and "do the residents of June Lake want this?"

Dale Bromberger (CAC) – "In favor, once we get a consensus of what the tracts want."

Additionally, Scott Burns presented "June Lake SFR Transient Rental Options" at the July 7, 2009 CAC meeting that stated "apply to specific neighborhood area (ability to isolate rental area properties – would not include all SFR)."

Another relevant statement is contained in the 7/7/2009 Draft V. 1, Transient Rental of Single Family Residences, ¶ 1, line 14, "The Board of Supervisors also finds that the transient rental of single family residents raises concerns in the communities where this use may be permitted, due to the potential of increased traffic, noise, density, and disturbance to the peace and quiet of those areas of these transient uses are not properly regulated."

RECEIVED  
NOV 10 2015  
MONO COUNTY  
Community Development

To: C.D. Ritter, Scott Burns, and the Members of the Planning Commission

Re: Mono County Community Development Department Planning Division  
Transient Rental Overlay District, Nevada Street June Lake, CA

Dear Ladies and Gentlemen,

November 10, 2015

We are writing with respect to the newly proposed Transient Rental Overlay District for the Clark Tract of June Lake, and we wish to once again voice opposition to this proposal. We would hope that with the outpouring of local sentiment and the overwhelming passage of Mammoth's Measure Z, the appointed and elected County Officials would heed the Public's strong wishes and not continually tamper with well thought-out and well established zoning laws and districts. To encourage the development of 'hotel-zones' within the heart of a residential neighborhood is egregiously contrary to good planning and stewardship of the land.

Having successfully sold property and represented many within the 'proposed district' for well over three-decades, I can assure you that individuals and families select an area in which to purchase, reside and recreate for a reason. Zoning and Land Use is paramount in that process. To change and alter this edict is truly a betrayal of the trust and confidence we the people have entrusted you to represent and protect. We respectfully ask the Planning Commission to demonstrate consideration for the homeowners who purchased and/or built in this area with an understanding and appreciation for the zoning laws that exist. These zoning ordinances are in place for a good reason and are highly valued by the people in our neighborhood.

Lastly and of great importance is the fact that removing potentially and much needed longer-term rental properties from the working public is simply more poor planning and bad judgment. Where will our local employees live, what kind of rental rates will they be subjected to, and how far may they be forced to travel if the pool of rental dwellings continues to shrink? There are already in place income generating opportunities should the proponents of this 'hotel district' choose to rent to locals for longer-term tenancies. Short-term overnight rentals are especially inappropriate for the Clark Tract and inconsistent with the character of the residential neighborhood, where access is limited and County services are sorely lacking (i.e. snow removal, road maintenance, trash removal, etcetera).

A similar proposal on Mountain View Lane was soundly defeated for good and obvious reasons. I hope the Board has the resolve, foresight and consistency to honor and protect the majority of the citizen's neighborhoods, existing uses, wishes and goals.

Respectfully submitted,

*BLAKE & CAROL SIBLA*

Blake & Carol Sibla  
136 Mountain View Lane  
June Lake CA 93529



**Courtney Weiche**

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**Subject:** FW: Planning Commission Meeting This Thursday

RECEIVED  
NOV 12 2015  
MONO COUNTY  
Community Development

----- Forwarded message -----

**From:** Igor Vorobyoff <[igorthe5th@gmail.com](mailto:igorthe5th@gmail.com)>

**Date:** Mon, Nov 9, 2015 at 6:40 PM

**Subject:** Planning Commission Meeting This Thursday

**To:** Pat Gale <[pgale81@gmail.com](mailto:pgale81@gmail.com)>

Hi Pat,

Are you coming up for the meeting to approve/disapprove the Transient Residency Overlay District? I read the input from people against it, who include the Silver Lake association and a bunch of people in the top of the Clark Tract. The association's main concern is with road maintenance. I'm fine with the idea, having lived with renters at the Anderson house over the last year. It's actually kind of nice to have some people around, since usually this is a ghost town otherwise down here.

Igor

Sent from my iPad

November 10, 2015

RECEIVED  
NOV 12 2015  
MONO COUNTY  
Community Development

To the Mono County Planning Commission

Subject: Transient Rental Overlay District (TROD)  
Along Nevada Street & S.R. 158 at June Lake

Dear Commissioners:

My name is Igor Vorobyoff and I live year-round at 35 Silver Meadow Lane, just off Nevada Street. We are a community of 16 properties geographically separate from properties of the Silver Lake Association and the upper portion of the Clark Tract. Only six of the properties are occupied by year-round residents, of whom four are owners and two are tenants. The remaining 10 properties are used as second homes. One property, the Anderson's at 9 Silver Meadow Ln., is already under the TROD (Transient Rental Overlay District) program.

I would like to address some of the fears expressed regarding the proposed Transient Resident Overlay District in letters from the East Shore Silver Lake Improvement Association (henceforth the Association) and residents of the upper Clark Tract.

First, The Association is concerned that the added traffic will adversely impact Nevada Street. There is no way to quantify future impact, but I can say two things about it. First, from personal communications I know that two of the property owners do not intend to take advantage of this program in the near future. The third is one of the rental properties with year-round tenants, who logically will not have an additional impact on the road, since they are already using it. So we are left with just one property that will be opening its doors to paying guests in the near future. Clearly the overall added impact from traffic related to the four properties in question will be minimal in the foreseeable future. And if someday the two other property owners decide to rent out their properties, the impact wouldn't be more than if they simply came up more often.

But let's say a problem arises. We have been cooperating with the Association in maintenance of Nevada Street ever since I built my house here in 1982. Because I am a year-round resident of this community with time on my hands and because no one else seems to want the job, I have been serving as its unofficial representative in negotiations with the Association on our share of road maintenance expenses. I'm sure the Association would agree with me that we have had a good working relationship. And I'm certain that should adverse impacts arise some time in the distant future, we can work things out to everyone's satisfaction, just as we have in the past. I know the four owners well, and they are friends of mine. I can confidently predict that they will cooperate reasonably in mitigating adverse impacts.

Second, Some owners in the upper portion of the Clark Tract are concerned about illegal rentals and unruly tenants. We have no illegal rentals in our community. As for unruly tenants, let me say this:

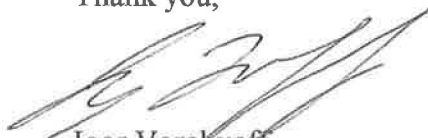
We live in a resort town, not some exclusive suburb in LA County. We are dependent on visitors, without whom the town would probably never have come into existence, and we would not be fortunate enough to own properties here. Nor, perhaps, would the town continue to exist without the presence of paying guests. A sure way to keep them coming is to make them feel at home. Treat them as part of the community, and they will be encouraged not only to return, but also to respect their neighbors. My own experience with guests at the Anderson house at 9 Silver Meadow Lane (next door to me) tells me this is true. I've made it a practice to introduce myself to them and offer to share my knowledge of the area with them. In the year the property has been under the TROD program, guests have behaved responsibly, and our interaction has been mutually beneficial.

Third, the Association and owners in the upper Clark Tract say our roads are steep and dangerous. That may be so in the upper Clark Tract, but on Nevada Street there is but a single short grade of about 50 feet at its southern end. In all my years on Silver Meadow Lane I have never witnessed or heard of a vehicle failing to negotiate our community's segment of the road, save for three occasions: several years ago a commercial pickup got stuck in soft dirt created due to inadequate drainage, last year a foreign tourist backed into a ditch that we dug to improve drainage (we have since raised berms alongside the ditches), and many winters ago, when I was young and foolish, I got stuck on the short grade at the southern end of the road. I don't think three instances in 35 years warrant calling the road dangerous.

Finally, when considering your decision, please remember that there has been no open opposition to the proposed Overlay District from the 16 property owners of our community.

I am delighted to vouch for the four owners under the present application as responsible members of our community who would do nothing to its detriment.

Thank you,



Igor Vorobyoff

**CD Ritter**

---

**From:** Scott Burns  
**Sent:** Wednesday, November 11, 2015 6:31 AM  
**To:** Courtney Weiche; CD Ritter  
**Subject:** Fwd: Clark tract June Lake

**RECEIVED**  
NOV 12 2015  
MONO COUNTY  
Community Development

Sent from my iPad

Begin forwarded message:

**From:** [jillwallentine@gmail.com](mailto:jillwallentine@gmail.com) <[jillwallentine@gmail.com](mailto:jillwallentine@gmail.com)>  
**Date:** November 10, 2015 at 7:04:27 PM PST  
**To:** [sburns@mono.ca.gov](mailto:sburns@mono.ca.gov) <[sburns@mono.ca.gov](mailto:sburns@mono.ca.gov)>  
**Subject:** Clark tract June Lake

Scott, my husband and I are concerned about people renting their homes out for vacation rentals. We bought are home 32 years ago because it's quiet and very little traffic. The roads are not up to handle more traffic than we have now. Tourist do not know how to drive in winter conditions, our roads are not designed for two way traffic and parking is very limited. June Lake is hard pressed to fill the motels. We do not need more rental properties especially in a tract that is Not zoned for it. We've raised 3 kids in the Clark tract because there hasn't been a lot of traffic. We have a son who just bought a home in the Clark tract with a small child. One reason, because of it's quiet surroundings and lack of traffic. The folks who want to do this knew it wasn't zoned for this lifestyle. Please take into consideration the zoning as it stands. We are concerned long term residents parents, and grandparents.  
Sincerely, Dewayne and Jill Wallentine  
Sent from my LG G Vista, an AT&T 4G LTE smartphone

RECEIVED  
NOV 12 2015  
MONO COUNTY  
Community Development

**CD Ritter**

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**From:** Carol McCahon <cemccahon@gmail.com>  
**Sent:** Thursday, November 12, 2015 7:08 AM  
**To:** CD Ritter; Scott Burns  
**Subject:** Clark Tract TROD

To Whom it may Concern:

I am against TROD anywhere in the Clark Tract. I think that the Clark Tract is an inappropriate residential community for this type of occupancy for several reason ... all of which have been already brought forward in previous attempts and remain valid.

Respectfully,

--  
Carol McCahon

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](http://www.monocounty.ca.gov)

**DRAFT MINUTES**

NOVEMBER 12, 2015

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**COMMISSIONERS:** Scott Bush, Chris I. Lizza, Mary Pipersky, Dan Roberts. **ABSENT:** Rodger B. Thompson

**STAFF:** Scott Burns, director; Gerry Le Francois, principal planner (video); Courtney Weiche, associate planner; Wendy Sugimura & Brent Calloway, associate analysts; Nick Criss, compliance officer (video); Stacey Simon, assistant county counsel; C.D. Ritter, commission secretary

**GUEST:** Supervisor Fred Stump (video)

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**1. CALL TO ORDER & PLEDGE OF ALLEGIANCE:** Vice-chair Chris Lizza called the meeting to order at 10:15 a.m. in the board chambers at the county courthouse in Bridgeport, and attendees recited the pledge of allegiance.

**2. PUBLIC COMMENT:** None

**3. MEETING MINUTES:**

**MOTION:** Adopt minutes of Oct. 8, 2015, as submitted. (*Bush/Roberts. Ayes: 4. Absent: Thompson.*)

**4. PUBLIC HEARING**

**A. GENERAL PLAN AMENDMENT 15-002** to amend the General Plan Land Use Designation Map to add six parcels along Nevada Street (APN 016-099-027, -036, -037, -041, -042 and 016-096-06) to the established Transient Rental Overlay District (TROD) along Nevada Street and SR 158 at June Lake to allow for nightly rentals. In accordance with the California Environmental Quality Act, an addendum to the existing General Plan EIR is being utilized. *Staff: Courtney Weiche, Associate Planner*

Courtney Weiche presented a PowerPoint explaining the proposed TROD, the purpose and intent of both Chapters 25 and 26, the history of the existing TROD being expanded (on the Blacks and Silver Meadow Lane properties) and the recent changes to the TROD boundaries since the original noticing was sent out in October. Two of the original six parcels have since been withdrawn (same owner for both parcels 016-099-041 & -042) and the current project proposal includes only four parcels. Weiche noted staff expanded the noticing boundaries from the required 300 ft to 1000+ ft, noticed changed from 10 days to 20 days prior, and included all USFS lessee cabins to the north within the Silver Lake Tract. A summary of comment letters and phone calls was also given.

**OPEN PUBLIC COMMENT:**

**Patrick Gale**, primary contact for the TROD application, explained purpose and desire for requesting a TROD on his property. A resident of June Lake since 1962, Gale recently moved to San Jose for career change purposes and has struggled to maintain costs and upkeep associated with his home. Gale indicated County staff encouraged him to talk to adjoining property owners and nearby neighbors about his proposal to know what sort of support or opposition may be present prior to submitting an application. Upon outreach, Gale found that four additional neighbors wanted to be included in his application (which allowed the proposal to connect and expand the existing TROD located along Silver Meadow Lane and Hwy 158 across from Double Eagle). Gale intends to eventually return to June Lake, but in the meantime rents out occasionally to supplement costs while still being able to visit monthly.

**Sam Mahony** (195 Washington St.) is adjacent to the proposed TROD and in favor of approving. Acknowledges that the road (Nevada Street) is in poor condition, however does not feel additional personal

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DISTRICT #1  
COMMISSIONER  
Mary Pipersky

DISTRICT #2  
COMMISSIONER  
Rodger B. Thompson

DISTRICT #3  
COMMISSIONER  
Daniel Roberts

DISTRICT #4  
COMMISSIONER  
Scott Bush

DISTRICT #5  
COMMISSIONER  
Chris Lizza

vehicles will have much of an impact on the roads, as it is primarily the heavy-equipment vehicles (for new home construction, etc.) and snowplows that do a majority of the damage to the roads. His neighbor uses his home once every six months or so, but lends it to family, friends, and colleagues and could be considered transient pattern by default. Has not experienced the negative impacts of that use. Believes house rentals are beneficial to the community.

**Lynda Biederman** has been a full-time resident of June Lake for 21 years. Bought in the Clark Tract specifically for its "residential character." Has seen the changes in character of the neighborhood with just the increase of second homeowners. Referenced 2009 CAC minutes and was concerned the CAC was misled. Referenced the June Lake Area Plan and its emphasis and need for workforce housing. Further points out three CAC members wrote letters of opposition. Questions how to revoke the existing TRODs in June Lake. Biederman also submitted a comment letter.

**Igor Vorobyoff**, neighboring property owner and full-time resident, submitted a letter for the commissioners and then summarized comments. He is neighbor of existing vacation home rental along Silver Meadow Lane. He explained his hesitation and reluctance for the TROD originally, but did not specifically oppose it at that time (in 2014). However, he has been pleasantly surprised by his experience with renters he has come into contact with and the transient rental operation. Agrees the roads in the upper Clark Tract are bad, however lower portion is a different environment – 16 properties in this area, four permanent. To his knowledge, there are no illegal rentals in this portion. Amongst the 16 owners, none opposed TRODs in their neighborhood. Believed there is a community benefit, and it is appropriate where proposed (along Nevada Street). He enjoys having neighbors on occasion – "no longer a ghost town." He is "OK happening in his backyard."

**Ross Biederman**, 21-year resident, believes this area should be for homeowners and not tourists. Wants to maintain quiet and safe neighborhoods, not a place for businesses. These are separate uses. References the General Plan maps and wants to make sure adjoining uses are consistent; i.e., village is commercial and more appropriate place for transient uses. This is competition with existing businesses, not an economic gain to community. There should be consistency with the June Lake Area Plan; additional lodging conflicts with protecting workforce housing. Some of these proposed homes in the TROD could create long-term housing opportunities for local workforce. There is a need to protect single-family residences. Biederman also submitted a comment letter.

**Karl Seiberling**, an additional applicant within the TROD, stated he has no intent on renting right away and currently rents his home on a long-term basis. However, finds it could be beneficial if it were necessary in the future for either himself or his children. Believes this process could encourage people to invest in their property. Stated 75% of the homes are second homeowners and are rarely occupied.

**Jeff Ronci**, lifelong June Lake resident and owner of the nearby Whispering Pines, stated he is on the fence about the issue, but thinks, as a lodging owner, he tended to lean toward opposition. Occupancy varies depending on the time of year, but during peak season of summer can operate around 95% full. Believes there are plenty of existing lodging options available. "If you want to run a hotel, then buy a hotel." Ronci then read Patti Heinrich's comment letter (CAC Chair) into the record. \*All letters received and/or read were included in the agenda packet. **CLOSE PUBLIC COMMENT.**

**DISCUSSION:** Commissioner Bush suggested that "contiguous" property not be taken literally, but expanded to include bigger community. Commissioner Roberts noted the prior referenced TROD proposal was denied due to neighbor opposition, but saw adjoining neighborhood support here. Commissioner Pipersky leaned toward maintaining quiet and not providing financial support for second homeowners to maintain their property. Commissioner Lizza reminded that the original intent was for TRODs to be a tool for homeowners, not something the County was advocating for or against. Appreciated the letters and comments from the community. Although he heard no opposition from immediate neighbors, felt the applicant properties more suitable for workforce housing. Commissioner Pipersky noted the additional restrictions and regulations required under Chapter 26 and thought they may provide enough protections for adjoining neighbors.

***MOTION #1:*** Approve Resolution R15-04, accepting Addendum 15-02 to the Mono County General Plan EIR and recommending approval of General Plan Amendment 15-002. (*Roberts/Pipersky. Ayes: Bush &*

*Roberts. Noes: Pipersky & Lizza.)* A tied vote would not give a clear recommendation to the Board of Supervisors and nobody would win, so try another motion. Maybe the smallest TROD would be best?

***MOTION #2:*** Approve Resolution R15-04, accepting Addendum 15-02 to the Mono County General Plan EIR and recommending approval of General Plan Amendment 15-002, as modified to reflect the recommendation that just two parcels (122 & 139 Nevada St., APNs 016-099-036 & -037) out of the four proposed be included in the TROD. *(Bush/Pipersky. Ayes: Bush. Noes: Roberts, Pipersky, Lizza.)*

In ensuing discussion, Roberts and Pipersky supported full TROD (all or nothing) and to let Board of Supervisors sort it out. Stacey Simon indicated the Commission must make a written recommendation to the Board and suggested that a new motion be made.

***MOTION #3:*** Approve Resolution R15-04, accepting Addendum 15-02 to the Mono County General Plan EIR and recommending approval of General Plan Amendment 15-002, as modified to reflect the recommendation that two parcels (122 & 139 Nevada St., APNs 016-099-036 & -037) out of the four proposed be included in the TROD. *(Bush/Roberts. Ayes: Bush, Roberts, Pipersky. Noes: Lizza.)* Commissioner Lizza favored workforce housing over TRODs.

**--- Break: 12:45-1:05 p.m. ---**

**B. 2015 MONO COUNTY REGIONAL TRANSPORTATION PLAN, GENERAL PLAN, COUNTYWIDE INTEGRATED WASTE MANAGEMENT PLAN, AND NOISE ORDINANCE UPDATES; AND REPEAL OF THE CONWAY RANCH SPECIFIC PLAN; AND FINAL ENVIRONMENTAL IMPACT REPORT** (the "2015 Updates and Repeal of the Conway Ranch Specific Plan) to adopt Resolution 15-05 1) making findings that a Final EIR (FEIR) has been prepared for the project in compliance with CEQA and that the FEIR is adequate and complete for consideration by the Board of Supervisors; 2) recommending the Board of Supervisors make the required findings and statement, certify the FEIR, and adopt the Mitigation Monitoring and Reporting Program (MMRP); and 3) finding that the 2015 Updates and Repeal of the Conway Ranch Specific Plan, including text changes to the Land Use Element, are consistent with the General Plan and recommending the Board of Supervisors adopt GPA 15-003, the MMRP, the CIWMP, and Noise Ordinance, and repeal the Conway Ranch Specific Plan. The 2015 Updates and Repeal of the Conway Ranch Specific Plan include a comprehensive update to the Land Use, Circulation, Conservation/Open Space, Safety and Noise elements of the General Plan; as well as the Regional Transportation Plan (RTP), three elements of the Countywide Integrated Waste Management Plan (CIWMP), Noise Ordinance, and the repeal of the Conway Ranch Specific Plan. The General Plan, RTP, CIWMP and Noise Ordinance cover the unincorporated areas. The RTP also applies to the town of Mammoth Lakes, and the CIWMP addresses solid waste issues within the town. The General Plan and RTP update continue to focus growth in and adjacent to existing communities to avoid growth in environmentally sensitive areas and agricultural lands, and support sustainable, healthy, and livable communities. The 2015 Updates and Repeal of the Conway Ranch Specific Plan will supersede and replace the currently adopted documents and plans. An Environmental Impact Report has been prepared for the proposed project in compliance with provisions of the California Environmental Quality Act (CEQA). *Staff: Wendy Sugimura, associate analyst; Brent Calloway, associate analyst*

Director Scott Burns lauded in detail the contributions of staff and consultants in a Herculean effort to update the General Plan and concomitant documents.

Wendy Sugimura reviewed the documents to be adopted in sequential order. Changes included: clarification of existing policies; elimination or modification of outdated or inconsistent regulations; streamlined or innovative regulation reform; and State mandates or department/procedural needs. Also addressed were the Circulation Element and RTP; Conservation/Open Space Element; biological assessment of plant communities and species as well as wildlife species; Safety and Noise elements; Countywide Integrated Waste Management Plan; and the EIR.

The following changes were made to concerns in comment letter from Supervisor Larry Johnston:

**Large-scale alternative energy projects:** Policy language recommended by Planning Commission: Policy 11.A.3: Oppose commercial-scale (e.g., >3MW) solar and wind energy projects in Mono County **on non-County-owned public lands** to protect visual, recreational, and wildlife habitat and



biological resources, and the noise environment, and ensure projects on private lands protect these resources.

Action 11.A.3.a. Where pre-empted by state law or other jurisdictional authority, work with applicable agencies to avoid, minimize and mitigate the impacts to the environmental, visual, recreational, wildlife habitat, and noise environment within the county, for alternative energy development on federal, state, LADWP or other agency lands.

Action 11.A.3.ba. Ensure and/or for non-county public lands advocate for no adverse project impacts to the visual recreational, and noise environment in Mono County.

Action 11.A.3.cb. Ensure and/or for non-county public lands advocate for no adverse projects impacts to biological resources and wildlife habitat in Mono County, including sage grouse habitat and wind energy development impacts to migratory birds.

Delete the following:

~~GOAL 12. Regulate development of large scale wind and solar energy resources to ensure that environmental impacts are mitigated and the project is compatible with existing and planned land uses.~~

~~Objective 12.A. Large scale solar and window energy facilities shall not adversely impact the visual, recreational, and wildlife habitat resources, and noise environment in Mono County.~~

~~Policy 12.A.1. Project conditions shall require compliance with all applicable provisions of the Conservation/Open Space Element and the Noise Element.~~

~~Policy 12.A.2. Wind energy facilities shall not adversely affect wildlife.~~

~~Action 12.A.a. Wind energy facilities shall be sited so as to avoid flight paths of migratory birds.~~

#### **OHV Proliferation:**

Varied input, some commissioners supportive, some not; one suggested removing language supporting exploration of potential opportunities and combined-use roads.

Commission agreed on adding this policy language: Encourage agencies to manage OHV use to minimize user conflicts.

If stronger language is desired, the recommendation is to provide clear direction to staff about the conversation to initiate with the RPACs, and then develop policy through the RPACs and Planning Commission for future consideration by the Board of Supervisors

#### **Rodeo Grounds:**

Commission agreed to include this language:

Action 12.J.2.b. Explore resort and residential development at the base of June Mountain Ski Area through conversations with the community, June Mountain, US Forest Service, and other stakeholders, and consider the "Conceptual Plan, June Mountain Ski Base Facilities" (2013).

#### **Extension of Dark Sky Ordinance north of Mountain Gate:**

No action by Commission: Antelope Valley RPAC to discuss and make recommendation if desired.

#### **Industrial and heavy commercial equipment storage:**

No action by Commission.

#### **Expanded Home Occupation:**

No action by Commission.

#### **Other input:**

Transient Rental Overlay Districts (TRODS): To be revisited and any revision could be incorporated into a future General Plan update.

Typographical errors noted: Action 24.F.3.fl, title page of Circulation Element, make sure edit to June Lake PUD language (Issue #35 in June Lake Area Plan) is amended.

RTP: Page 30: Open passes as soon as practical.

Page 42, second bullet under Lee Vining: Change from speed along Mono Lake to reduce speed limits in Mono City.

**MOTION:** Adopt Resolution R15-05 recommending that the Board of Supervisors certify the Final EIR for the 2015 Mono County regional Transportation Plan, General Plan, Countywide Integrated Waste

Management Plan, and Noise Ordinance updates (the "2015 Updates"); approve and adopt the Mitigation Monitoring and Reporting Plan, and adopt the 2015 Updates and repeal the Conway Ranch Specific Plan. (*Ayes: 4. Absent: Thompson.*)

**5. WORKSHOP:** No items.

**6. REPORTS:**

**A. DIRECTOR:** 1) County Counsel: Marshall Rudolph has accepted a position with Inyo County starting January 2016; 2) CCPCA: Thanks to presenters Wendy Sugimura, Brent Calloway, and Commissioner Thompson.

**B. COMMISSIONERS: Roberts:** The California County Planning Commissioners Association (CCPCA) held its first-ever annual conference in Mono County, hosted at June Lake, and attendance was up a bit from last year. Indoor presentations and a ride up the two-person chairlift to June Mountain Chalet occurred the first day, and then a bus tour of areas of interest from Bridgeport to Mammoth the second day. Attendees from Mono included commissioners Roberts, Thompson, and Lizza and commission secretary CD Ritter. **Lizza:** Attended conferences of the Association of Environmental Professionals, thanking local presenters Stacey Simon and Wendy Sugimura, and CCPCA, organized by Commissioner Roberts, who as president of the CCPCA hosted the conference.

**7. INFORMATIONAL:** No items.

**8. ADJOURN** at 2:55 p.m. to December 10, 2015

*Prepared by CD Ritter, commission secretary*



**RESOLUTION R15-04**

**A RESOLUTION OF THE MONO COUNTY PLANNING COMMISSION  
RECOMMENDING APPROVAL OF GENERAL PLAN AMENDMENT 15-002,  
WITH MODIFICATIONS, PLACING A TRANSIENT RENTAL OVERLAY DISTRICT  
ON TWO RATHER THAN FOUR PARCELS WITHIN THE JUNE LAKE COMMUNITY  
(ASSESSOR'S PARCEL NUMBERS 016-099-036 & -037)**

**WHEREAS**, in accordance with General Plan Requirements, property owners have submitted a Transient Rental Overlay District application for a transient rental, which includes a General Plan Map Amendment (GPA); and

**WHEREAS**, originally consisting of six parcels, two parcels were withdrawn by the property owners prior to hearing, and thus a revised proposal of four rather than six parcels was considered by the Planning Commission; and

**WHEREAS**, the proposed General Plan Amendment 15-002, in conjunction with a Vacation Home Rental Permit, would allow the owners of properties within a Transient Rental Overlay District to rent out Single-Family Residential (SFR) homes on a transient or nightly basis; and

**WHEREAS**, in response to concerns expressed in public correspondence and testimony during the public hearing, a modified concept for the project consisting of two rather than four parcels has been proposed by the Planning Commission, consisting of APNs 016-099-036 & -037; and

**WHEREAS**, pursuant to the California Environmental Quality Act (CEQA) an addendum to the Mono County General Plan EIR pursuant to CEQA section 15164 has been prepared; and

**WHEREAS**, the Planning Commission did on November 12, 2015, hold a noticed and advertised public hearing to hear all testimony relevant to the General Plan Amendment.

**NOW, THEREFORE, BE IT RESOLVED THAT**, in consideration of evidence and testimony presented at the public hearing and in accordance with Chapter 48 of the Land Use Element of the General Plan, the Planning Commission finds as follows with respect to the proposed GPA:

1. *The proposed change in the land use designation is consistent with the text and maps of this General Plan.*

The project promotes the following General Plan's countywide policies: Objective D states the County should provide for commercial development to serve both visitors and residents; Policy 4 allows for the integration of small-scale commercial uses with associated residential uses; Objective H maintains and enhances the local economy; and Action 5.1 encourages and promotes the preservation and expansion of the county's tourist and recreation-based economy. The project provides for additional visitor lodging and encourages tourist-based economy and is consistent with the text and maps of the General Plan.

2. *The proposed change in land use designation is consistent with the goals and policies contained within any applicable area plan.*

1 The project is located within the June Lake Planning Area. The June Lake Area Plan encourages  
2 providing a wide range of commercial and residential uses. The project provides for additional  
3 visitor lodging for the tourist-based economy by providing a variety of lodging options within  
4 the June Lake Loop.

- 5 3. *The site of the proposed change in land use designation is suitable for any of the land uses*  
6 *permitted within that proposed land use designation.*

7 The project is not changing the underlying land use designation of Single-Family Residential  
8 (SFR), but is adding a Transient Rental Overlay District that will allow the addition of nightly  
9 rentals only in single-family dwellings. Chapter 25 in the Mono County General Plan allows  
10 Transient Rental Overlay Districts to be applied to the SFR, RR, ER, MFR-L, and RMH land  
11 use designations. Chapter 26 in the Mono County General Plan requires that any homes being  
12 rented within the overlay district obtain a Vacation Home Rental Permit that will regulate  
13 parking, guide tenant occupancy, establish minimum health and safety requirements, and require  
14 24-hour property management, among other things.

- 15 4. *The proposed change in land use designation is reasonable and beneficial at this time.*

16 The proposed change to add a Transient Rental Overlay District is reasonable because the  
17 economy is visitor-oriented and this proposal helps to expand the variety of lodging options  
18 within June Lake.

- 19 5. *The proposed change in land use designation will not have a substantial adverse effect on*  
20 *surrounding properties.*

21 The application of a Transient Rental Overlay District on Assessor's Parcel Numbers  
22 016-099-036 & -037 will not create undue hardship on adjacent properties. Single-family homes  
23 that are used seasonally or periodically by the owner, or are rented on a long-term basis, will still  
24 be used as single-family homes and in a manner that is not substantially different from how they  
25 would be used if they were occupied by full-time residents or long-term renters. The General  
26 Plan EIR analyzed land use designations at buildout assuming full-time occupancy. Transient  
27 rentals will have similar visual characteristics as a home having seasonal or full-time occupancy.

28 Furthermore, homes used as rentals within the district are subject to more-stringent restrictions  
29 than applicable to full time owner-occupied residences or residences subject to long-term lease.  
30 Specifically, these include restrictions on occupancy based on the number of bedrooms, parking  
and the requirement for oversight through local property management. These measures in  
conjunction with local property management being available 24 hours to regulate non-compliant  
activities of tenants will minimize visual and noise impacts far beyond residences having full-  
time occupancy. Moreover, Chapter 26 in the General Plan provides enhanced enforcement  
mechanisms to prevent non-permitted or unauthorized transient rentals within residential zones.

**NOW, THEREFORE, BE IT FURTHER RESOLVED THAT,** having considered the  
environmental addendum and taken into consideration all evidence and testimony before it, the Mono County  
Planning Commission, in conformance to the Mono County General Plan, Chapter 48, Section 48.020, hereby  
finds that the proposed changes are consistent with the General Plan and recommends that the Board of  
Supervisors approve General Plan Amendment 15-002, as modified, adding a Transient Rental Overlay  
District to Assessor's Parcel Numbers 016-099-036 & -037.

**PASSED AND ADOPTED** this 12th day of November 2015, by the following vote of the Planning  
Commission, County of Mono:

Resolution R15-04  
Mono County Planning Commission  
November 12, 2015

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AYES : Scott Bush, Mary Pipersky, Dan Roberts

NOES : Chris I. Lizza

ABSENT : Rodger B. Thompson

ABSTAIN :

\_\_\_\_\_  
Chris I. Lizza, Vice-Chair

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
C.D. Ritter, Commission Secretary

\_\_\_\_\_  
Stacey Simon, Assistant County Counsel



**OFFICE OF THE CLERK  
OF THE BOARD OF SUPERVISORS**

**REGULAR AGENDA REQUEST**

Print

**MEETING DATE**    December 8, 2015

**TIME REQUIRED**

**SUBJECT**                    Closed Session - Public Employment

**PERSONS  
APPEARING  
BEFORE THE  
BOARD**

**AGENDA DESCRIPTION:**

(A brief general description of what the Board will hear, discuss, consider, or act upon)

PUBLIC EMPLOYMENT. Government Code section 54957. Title: HR Director.

**RECOMMENDED ACTION:**

**FISCAL IMPACT:**

**CONTACT NAME:**

**PHONE/EMAIL:** /

SUBMIT THE ORIGINAL DOCUMENT WITH  
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*PRIOR TO 5:00 P.M. ON THE FRIDAY  
32 DAYS PRECEDING THE BOARD MEETING*

**SEND COPIES TO:**

**MINUTE ORDER REQUESTED:**

YES  NO

**ATTACHMENTS:**

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**History**

Time	Who	Approval
11/9/2015 5:05 PM	County Administrative Office	Yes
11/30/2015 4:09 PM	County Counsel	Yes
11/9/2015 7:07 PM	Finance	Yes



**OFFICE OF THE CLERK  
OF THE BOARD OF SUPERVISORS**

**REGULAR AGENDA REQUEST**

Print

**MEETING DATE**    December 8, 2015

**TIME REQUIRED**

**SUBJECT**                    Closed Session - Public Employment

**PERSONS  
APPEARING  
BEFORE THE  
BOARD**

**AGENDA DESCRIPTION:**

(A brief general description of what the Board will hear, discuss, consider, or act upon)

PUBLIC EMPLOYMENT. Government Code section 54957. Title: Finance Director.

**RECOMMENDED ACTION:**

**FISCAL IMPACT:**

**CONTACT NAME:**

**PHONE/EMAIL:** /

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Time	Who	Approval
11/9/2015 5:06 PM	County Administrative Office	Yes
11/30/2015 4:28 PM	County Counsel	Yes
11/10/2015 5:01 PM	Finance	Yes



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OF THE BOARD OF SUPERVISORS**

**REGULAR AGENDA REQUEST**

Print

**MEETING DATE**    December 8, 2015

**TIME REQUIRED**

**SUBJECT**            Closed Session - Public Employment

**PERSONS  
APPEARING  
BEFORE THE  
BOARD**

**AGENDA DESCRIPTION:**

(A brief general description of what the Board will hear, discuss, consider, or act upon)

PUBLIC EMPLOYMENT. Government Code section 54957. Title: Assistant Finance Director/Auditor-Controller.

**RECOMMENDED ACTION:**

**FISCAL IMPACT:**

**CONTACT NAME:**

**PHONE/EMAIL:** /

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Time	Who	Approval
11/30/2015 7:58 AM	County Administrative Office	Yes
11/30/2015 4:02 PM	County Counsel	Yes
12/1/2015 1:57 PM	Finance	Yes





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OF THE BOARD OF SUPERVISORS**

**REGULAR AGENDA REQUEST**

Print

**MEETING DATE** December 8, 2015

**TIME REQUIRED**

**SUBJECT** Closed Session - Public Employment

**PERSONS  
APPEARING  
BEFORE THE  
BOARD**

**AGENDA DESCRIPTION:**

(A brief general description of what the Board will hear, discuss, consider, or act upon)

PUBLIC EMPLOYMENT. Government Code section 54957. Title: County Counsel

**RECOMMENDED ACTION:**

**FISCAL IMPACT:**

**CONTACT NAME:**

**PHONE/EMAIL:** /

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**History**

Time	Who	Approval
11/9/2015 5:06 PM	County Administrative Office	Yes
11/30/2015 4:09 PM	County Counsel	Yes
11/10/2015 5:01 PM	Finance	Yes



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OF THE BOARD OF SUPERVISORS**

**REGULAR AGENDA REQUEST**

Print

**MEETING DATE**     December 8, 2015

**TIME REQUIRED**

**SUBJECT**             Closed Session - Human Resources

**PERSONS  
APPEARING  
BEFORE THE  
BOARD**

**AGENDA DESCRIPTION:**

(A brief general description of what the Board will hear, discuss, consider, or act upon)

CONFERENCE WITH LABOR NEGOTIATORS. Government Code Section 54957.6. Agency designated representative(s): Marshall Rudolph, John Vallejo, and Leslie Chapman. Employee Organization(s): Mono County Sheriff's Officers Association (aka Deputy Sheriff's Association), Local 39--majority representative of Mono County Public Employees (MCPE) and Deputy Probation Officers Unit (DPOU), Mono County Paramedic Rescue Association (PARA), Mono County Public Safety Officers Association (PSO), and Mono County Sheriff Department's Management Association (SO Mgmt). Unrepresented employees: All.

**RECOMMENDED ACTION:**

**FISCAL IMPACT:**

**CONTACT NAME:**

**PHONE/EMAIL:** /

SUBMIT THE ORIGINAL DOCUMENT WITH  
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**ATTACHMENTS:**

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**History**

Time

Who

Approval

11/9/2015 5:07 PM	County Administrative Office	Yes
11/30/2015 4:05 PM	County Counsel	Yes
11/10/2015 5:05 PM	Finance	Yes



**OFFICE OF THE CLERK  
OF THE BOARD OF SUPERVISORS**

**REGULAR AGENDA REQUEST**

Print

**MEETING DATE**     December 8, 2015

**TIME REQUIRED**

**SUBJECT**             Conference with Legal Counsel

**PERSONS  
APPEARING  
BEFORE THE  
BOARD**

**AGENDA DESCRIPTION:**

(A brief general description of what the Board will hear, discuss, consider, or act upon)

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code section 54956.9. Number of potential cases: one.

**RECOMMENDED ACTION:**

**FISCAL IMPACT:**

**CONTACT NAME:**

**PHONE/EMAIL:** /

SUBMIT THE ORIGINAL DOCUMENT WITH  
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32 DAYS PRECEDING THE BOARD MEETING***

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**MINUTE ORDER REQUESTED:**

YES  NO

**ATTACHMENTS:**

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**History**

Time	Who	Approval
12/2/2015 5:27 PM	County Administrative Office	Yes
12/2/2015 9:39 AM	County Counsel	Yes
12/2/2015 9:40 AM	Finance	Yes



**OFFICE OF THE CLERK  
OF THE BOARD OF SUPERVISORS**

**REGULAR AGENDA REQUEST**

Print

**MEETING DATE**    December 8, 2015

**TIME REQUIRED**

**SUBJECT**            Afternoon item

**PERSONS  
APPEARING  
BEFORE THE  
BOARD**

**AGENDA DESCRIPTION:**

(A brief general description of what the Board will hear, discuss, consider, or act upon)

THE AFTERNOON SESSION WILL RECONVENE AFTER CLOSED SESSION

**RECOMMENDED ACTION:**

**FISCAL IMPACT:**

**CONTACT NAME:**

**PHONE/EMAIL:** /

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THE COUNTY ADMINISTRATOR  
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32 DAYS PRECEDING THE BOARD MEETING*

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**MINUTE ORDER REQUESTED:**

YES  NO

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**History**

Time

Who

Approval



**OFFICE OF THE CLERK  
OF THE BOARD OF SUPERVISORS**

**REGULAR AGENDA REQUEST**

Print

**MEETING DATE** December 8, 2015

**Departments: BOS, CAO, County Counsel**

**TIME REQUIRED** 10 minutes (5 minute presentation; 5 minute discussion) **PERSONS APPEARING BEFORE THE BOARD** Marshall Rudolph

**SUBJECT** Simon Employment Agreement Amendment

**AGENDA DESCRIPTION:**

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Resolution approving an agreement and first amendment to agreement re employment of Stacey Simon and prescribing the compensation, appointment, and conditions of said employment.

**RECOMMENDED ACTION:**

Adopt Resolution R15-\_\_\_, approving an agreement and first amendment to agreement re employment of Stacey Simon and prescribing the compensation, appointment, and conditions of said employment.

**FISCAL IMPACT:**

The net cost of eliminating a .9 Assistant Position and filling an Acting County Counsel Position at the proposed rate is \$23,115 for the remainder of Fiscal Year 2015-16. Of that, \$16,500 is Salary; \$3,719 is PERS; and \$2,896 is for Benefits. The cost for a full 12 months is \$46,230 of which \$33,000 is Salary; \$7,439 is PERS; and \$5,792 is Benefits.

**CONTACT NAME:** Marshall Rudolph

**PHONE/EMAIL:** (760) 924-1707 / mrudolph@mono.ca.gov

SUBMIT THE ORIGINAL DOCUMENT WITH ATTACHMENTS TO THE OFFICE OF THE COUNTY ADMINISTRATOR  
**PRIOR TO 5:00 P.M. ON THE FRIDAY  
32 DAYS PRECEDING THE BOARD MEETING**

**SEND COPIES TO:**

**MINUTE ORDER REQUESTED:**

YES  NO

**ATTACHMENTS:**

Click to download
<a href="#">staff report re Simon amendment</a>
<a href="#">Simon resolution</a>
<a href="#">Simon exhibit</a>

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**History**

<b>Time</b>	<b>Who</b>	<b>Approval</b>
12/2/2015 5:27 PM	County Administrative Office	Yes
12/2/2015 11:53 AM	County Counsel	Yes
12/2/2015 12:04 PM	Finance	Yes

**County Counsel**  
Marshall Rudolph

**Assistant County Counsel**  
Stacey Simon

**Deputy County Counsels**  
John-Carl Vallejo  
Christian Milovich

**OFFICE OF THE  
COUNTY COUNSEL**

*Mono County*  
South County Offices  
P.O. BOX 2415

MAMMOTH LAKES, CALIFORNIA 93546

**Telephone**  
760-924-1700  
**Facsimile**  
760-924-1701

**Legal Assistant**  
Jennifer Senior

TO: Board of Supervisors

FROM: Marshall Rudolph

DATE: December 8, 2015

RE: Resolution Approving Agreement and First Amendment to Simon  
Employment Agreement

**Recommendation:**

Adopt Resolution R15-\_\_, Approving an Agreement and First Amendment to Agreement re Employment of Stacey Simon and Prescribing the Compensation, Appointment, and Conditions of Said Employment.

**Fiscal Impact:**

The net cost of eliminating a .9 Assistant Position and filling an Acting County Counsel Position at the proposed rate is \$23,115 for the remainder of Fiscal Year 2015-16. Of that, \$16,500 is Salary; \$3,719 is PERS; and \$2,896 is for Benefits. The cost for a full 12 months is \$46,230 of which \$33,000 is Salary; \$7,439 is PERS; and \$5,792 is Benefits.

**Discussion:**

As the Board knows, I will be resigning as County Counsel on December 30<sup>th</sup>, creating a vacancy. Stacey Simon is currently an Assistant County Counsel and technically a part-time employee, handling 90% of a full-time workload for an FLSA exempt employee. The proposed Resolution would approve an amendment to Ms. Simon's employment agreement whereby she would temporarily serve as Acting County Counsel on a full-time basis, at a salary of \$13,000 per month, effective January 1, 2016. She would serve in that capacity until such a time as the Board or Ms. Simon chooses to discontinue such services and/or until the Board appoints a new County Counsel (which could be Ms. Simon). The amendment provides that if Ms. Simon ceases serving as Acting County Counsel for any reason and does not become the County Counsel, then her employment status and corresponding compensation would revert back.



If you have any questions regarding this item, please call me at 924-1707.

Encl.



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**RESOLUTION NO. R15-\_\_**

A RESOLUTION OF THE MONO COUNTY BOARD OF SUPERVISORS APPROVING AN AGREEMENT AND FIRST AMENDMENT TO AGREEMENT RE EMPLOYMENT OF STACEY SIMON AND PRESCRIBING THE COMPENSATION, APPOINTMENT, AND CONDITIONS OF SAID EMPLOYMENT

**WHEREAS**, the Mono County Board of Supervisors has the authority under Section 25300 of the Government Code to prescribe the compensation, appointment, and conditions of employment of county employees;

**NOW, THEREFORE, BE IT RESOLVED** by the Mono County Board of Supervisors, that the Agreement and First Amendment to Agreement re Employment of Stacey Simon, a copy of which is attached hereto as an exhibit and incorporated herein by this reference as though fully set forth, is hereby approved and the compensation, appointment, and other terms and conditions of employment set forth in that Agreement are hereby prescribed and shall govern Ms. Simon's employment. The Chair of the Board of Supervisors shall execute said Agreement on behalf of the County.

***PASSED AND ADOPTED*** this      day of      , 2015, by the following vote:

AYES            :  
NOES            :  
ABSTAIN        :  
ABSENT         :

ATTEST: \_\_\_\_\_  
                 Clerk of the Board

\_\_\_\_\_  
TIMOTHY E. FESKO, Chair  
Board of Supervisors

APPROVED AS TO FORM:  
  
\_\_\_\_\_  
COUNTY COUNSEL

## **AGREEMENT AND FIRST AMENDMENT TO AGREEMENT RE EMPLOYMENT OF STACEY SIMON**

This Agreement and First Amendment is entered into this 8th day of December, 2015, by and between Stacey Simon and the County of Mono (sometimes referred to herein collectively as "the parties") for the purpose of amending that certain Agreement re Employment of Stacey Simon.

### **I. RECITALS**

- A. The County currently employs Stacey Simon as an Assistant County Counsel in accordance with an Agreement entered into on or about April 1, 2014. Under that Agreement, Ms. Simon is expected to handle or perform approximately 90% of a "full-time" workload for an FLSA exempt employee (36 hours per week).
- B. The current County Counsel, Marshall Rudolph, is resigning effective December 30, 2015, at which point the position of County Counsel shall become and remain vacant until such a time as the Board of Supervisors concludes any recruitment process it may wish to conduct and appoints a new, permanent County Counsel. In the meantime, the Board wishes for Ms. Simon to serve as Acting County Counsel, handling a "full-time" workload, and to adjust her compensation while she serves in that capacity, and Ms. Simon is willing to serve in that capacity on the terms and conditions set forth in this First Amendment.
- C. The parties understand that Ms. Simon may be considered as a candidate for permanent appointment as County Counsel, and in the event that she is selected for and accepts such an appointment, the parties shall enter into a new employment agreement which shall supersede this Agreement in its entirety.

### **II. AGREEMENT**

NOW, THEREFORE, the parties agree as follows:

1. Section 2 of the Agreement re Employment of Stacey Simon is amended to read as follows:

"Effective January 1, 2016, while remaining at all times an Assistant County Counsel, Ms. Simon shall also serve temporarily as the Acting County Counsel, serving at the will and pleasure of the Board of Supervisors in accordance with the terms and conditions of this Agreement. And during that

period of time, the Board shall be deemed the "appointing authority" with respect to Ms. Simon's employment and any provisions of this Agreement delegating authority to the County Counsel over Ms. Simon's employment shall be deemed temporarily amended so that the delegated authority shall instead be retained and exercised by the Board of Supervisors. As Acting County Counsel, Ms. Simon shall have, exercise, and discharge all of the powers and duties of the County Counsel, together with any additional powers and duties that may be granted or assigned to her by the Board of Supervisors. Ms. Simon's service as Acting County Counsel shall continue until such a time as the Board of Supervisors appoints a permanent County Counsel (which may potentially be Ms. Simon) or until the Board otherwise notifies Ms. Simon that it no longer desires her services as Acting County Counsel or until Ms. Simon notifies the Board that she no longer desires to serve as Acting County Counsel, whichever comes first; at that time, if Ms. Simon for any reason ceases serving as Acting County Counsel and is not appointed as the County Counsel, then she shall resume her former employment status as solely an Assistant County Counsel, handling 90% of a full-time workload, and serving at the will and pleasure of the County Counsel, who shall be the 'appointing authority' at that point for all purposes with respect to Ms. Simon's employment."

2. The first sentence of Section 3 of the Agreement re Employment of Stacey Simon is amended to read as follows:

"Effective January 1, 2016, and continuing for the period of time that she serves as Acting County Counsel, Ms. Simon shall be expected to handle or perform 100% of a "full-time" workload for an FLSA exempt employee and her salary for such services shall be \$13,000 per month. Whenever Ms. Simon's services as Acting County Counsel cease (See Section 2 above) and she resumes her former employment as solely an Assistant County Counsel, her workload expectation shall revert to 90% of a "full-time" FLSA exempt employee (36 hours per week) and her salary shall revert to \$9,221 per month."

3. Section 4 of the Agreement re Employment of Stacey Simon is amended to add the following sentence to the end of said Section 4:

"Notwithstanding the foregoing, effective January 1, 2016, and continuing for as long as Ms. Simon is handling a full-time workload as Acting County Counsel, there shall be no proration in her vacation and sick leave or merit leave; if and when such services cease and Ms. Simon reverts to part-time employment, then the proration otherwise specified by this Section 4 shall resume."

4. All other provisions of the Agreement re Employment of Stacey Simon not hereby amended shall remain in full force and effect.

**III. EXECUTION:**

The parties hereby execute this Agreement as of the date first written above.

STACEY SIMON

THE COUNTY OF MONO

\_\_\_\_\_

\_\_\_\_\_

By: Timothy E. Fesko, Chair  
Board of Supervisors

APPROVED AS TO FORM:

\_\_\_\_\_

County Counsel



OFFICE OF THE CLERK  
OF THE BOARD OF SUPERVISORS

## REGULAR AGENDA REQUEST

Print

**MEETING DATE** December 8, 2015

**Departments: Community Development**

**TIME REQUIRED** Public Hearing - 1:30 p.m. / 1 hour  
and 30 minutes

**PERSONS  
APPEARING  
BEFORE THE  
BOARD**

Wendy Sugimura, Brent Calloway,  
Sandra Bauer

**SUBJECT** 2015 Mono County Regional  
Transportation Plan, General Plan,  
Countywide Integrated Waste  
Management Plan, and Noise  
Ordinance Updates, and Final  
Environmental Impact Report

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### AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Public Hearing on the 2015 Mono County Regional Transportation Plan, General Plan, Countywide Integrated Waste Management Plan, and Noise Ordinance Updates and Repeal of the Conway Ranch Specific Plan, and Final Environmental Impact Report. Below is a link to the Project Documents which are too large to attach to the agenda:

<http://monocounty.ca.gov/planning/page/mono-county-general-plan-update>. This page contains a link to the FEIR. All documents may also be obtained on CD or in hardcopy, upon request, at the Community Development Department Office in Mammoth Lakes.

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### RECOMMENDED ACTION:

1. Conduct a public hearing on the project and the associated Final Environmental Impact Report (FEIR), and receive any additional public comments;
2. Consider the Planning Commission recommendation; deliberate the project, Final Environmental Impact Report, and additional public comments; and make any desired modifications;
3. Following the public hearing and project deliberations, adopt Resolution 15-\_\_ certifying the Final EIR for the 2015 Mono County Regional Transportation Plan, General Plan, Countywide Integrated Waste Management Plan, and Noise Ordinance Updates (the "2015 Updates"); approving and adopting the Mitigation Monitoring and Reporting Plan, and adopting the 2015 Updates (except Noise Ordinance) and repealing the Conway Ranch Specific Plan;
4. Introduce, read title, and waive further reading of Ordinance ORD15-\_\_, Amending Chapter 10.16 of the Mono County Code Pertaining to Noise Regulation;
5. Direct staff to make administrative edits and corrections as necessary; and
6. Direct staff to file the Notice of Determination and pay California Department of Fish & Wildlife filing fees.

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### FISCAL IMPACT:

Completion of the 2015 Updates has no additional impact to the General Fund, except for the required California Department of Fish and Wildlife filing fee of \$3,069.75 for the EIR. The Regional Transportation Plan, General Plan Update, and Noise Ordinance were funded with a \$326,514 Sustainable Communities Grant from the State of California, transportation funding via the Local Transportation Commission, and budgeted general funds. Fiscal impacts of implementation are to be determined based on specific programs undertaken.

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**CONTACT NAME:** Wendy Sugimura

**PHONE/EMAIL:** 760.924.1814 / wsugimura@mono.ca.gov

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SUBMIT THE ORIGINAL DOCUMENT WITH  
ATTACHMENTS TO THE OFFICE OF  
THE COUNTY ADMINISTRATOR  
**PRIOR TO 5:00 P.M. ON THE FRIDAY**  
**32 DAYS PRECEDING THE BOARD MEETING**

**SEND COPIES TO:**

---

**MINUTE ORDER REQUESTED:**

YES  NO

---

**ATTACHMENTS:**

Click to download
<input type="checkbox"/> <a href="#">Staff Report</a>
<input type="checkbox"/> <a href="#">1 BOS Presentation</a>
<input type="checkbox"/> <a href="#">2 PH Notice</a>
<input type="checkbox"/> <a href="#">3 PC Reso</a>
<input type="checkbox"/> <a href="#">4 BOF Letter</a>
<input type="checkbox"/> <a href="#">5 Johnston Letters</a>
<input type="checkbox"/> <a href="#">6 Policy White Paper</a>
<input type="checkbox"/> <a href="#">7 BOS Resolution &amp; Findings</a>
<input type="checkbox"/> <a href="#">8 Noise Ordinance</a>

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**History**

Time	Who	Approval
12/2/2015 6:34 AM	County Administrative Office	Yes
12/1/2015 10:02 AM	County Counsel	Yes
12/1/2015 1:59 PM	Finance	Yes

# Mono County Community Development Department

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

## Planning Division

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

December 8, 2015

**To: Mono County Board of Supervisors**

**From:** Wendy Sugimura, Associate Analyst  
Scott Burns, Director  
Courtney Weiche, Associate Planner

Brent Calloway, Associate Analyst  
Gerry LeFrancois, Principal Planner  
Nick Criss, Associate Analyst - Code

**Re: Public Hearing on the 2015 Mono County Regional Transportation Plan, General Plan, Countywide Integrated Waste Management Plan, and Noise Ordinance Updates and Repeal of the Conway Ranch Specific Plan, and Final Environmental Impact Report**

### RECOMMENDATIONS

1. Conduct a public hearing on the project and the associated Final Environmental Impact Report (FEIR), and receive any additional public comments;
2. Consider the Planning Commission recommendation; deliberate the project, Final Environmental Impact Report, and additional public comments; and make any desired modifications;
3. Following the public hearing and project deliberations, adopt Resolution 15-\_\_ (Attachment #7) certifying the Final EIR for the 2015 Mono County Regional Transportation Plan, General Plan, Countywide Integrated Waste Management Plan, and Noise Ordinance Updates (the "2015 Updates"); approving and adopting the Mitigation Monitoring and Reporting Plan, and adopting the 2015 Updates and repealing the Conway Ranch Specific Plan;
4. Introduce, read title, and waive further reading of proposed noise ordinance (Attachment #8);
5. Direct staff to make administrative edits and corrections as necessary; and
6. Direct staff to file the Notice of Determination and pay California Department of Fish & Wildlife filing fees.

### FISCAL IMPACT

Completion of the 2015 Updates has no additional impact to the General Fund, except for the required California Department of Fish and Wildlife filing fee of \$3,069.75 for the EIR. The Regional Transportation Plan, General Plan Update, and Noise Ordinance were funded with a \$326,514 Sustainable Communities Grant from the State of California, transportation funding via the Local Transportation Commission, and budgeted general funds. Fiscal impacts of implementation are to be determined based on specific programs undertaken.

### BACKGROUND

The 2015 Mono County Regional Transportation Plan (RTP), General Plan, Countywide Integrated Waste Management Plan (CIWMP), and Noise Ordinance Updates (hereinafter the "2015 Updates"); and repeal of the Conway Ranch Specific Plan constitute the project analyzed under the California Environmental Quality Act (CEQA), and consists of the following components:

- General Plan Amendment (GPA) 15-003: A comprehensive update to the General Plan, including the Land Use, Circulation, Conservation/Open Space, Safety, and Noise elements and appendices of the



General Plan, as well as the Regional Transportation Plan (RTP) and appendices, and redesignation of Conway Ranch to mostly Open Space;

- Countywide Integrated Waste Management Plan (CIWMP): Three elements including the Siting, Non-Disposal Facility, and Household Hazardous Waste elements;
- Noise Ordinance; and
- The repeal of the Conway Ranch Specific Plan.

The General Plan, RTP, CIWMP and Noise Ordinance apply to the unincorporated areas. The RTP also applies to the town of Mammoth Lakes, and the CIWMP is related to solid waste issues within the town. GPA 15-003 continues to focus growth in and adjacent to existing communities to avoid growth in environmentally sensitive areas and agricultural lands, and support sustainable, healthy, and livable communities. The General Plan Update will supersede and replace the currently adopted General Plan, including the RTP as part of the Circulation Element. The CIWMP updates the existing CIWMP with current waste generation data and disposal capacity, and establishes options and guidance for waste management following the anticipated closure of the regional Benton Crossing Landfill. The CIWMP also replaces the outdated and optional Hazardous Waste Management Element of the General Plan. The Noise Ordinance Update makes clarifying and consistency changes to the existing noise ordinance. Repeal of the Conway Ranch Specific Plan provides consistency with the redesignation of that property as Open Space, with SFR designations for the existing residences.

The Draft Environmental Impact Report (DEIR) on the project was released for public review and comment on July 31, 2015. The DEIR comment period closed September 29 at 5 pm after a 60-day review period, the maximum allowable time under state law. The Notice of Availability and Notice of Completion for the project and DEIR were sent to all required entities pursuant to Government Code (GC) §65352, air quality policies were sent to the Great Basin Unified Air Pollution Control District pursuant to GC §65302.1, and the Safety Element was distributed pursuant to GC §65302.5.

The Board of Supervisors held a project workshop on September 15 (see Attachment #1). In addition, the following outreach meetings were held during the months of August-October:

- Eight Regional Planning Advisory Committees (RPACs): Antelope Valley, Bridgeport, Mono Basin, June Lake, Long Valley, Paradise, Benton/Hammil, and Chalfant;
- Local Transportation Commission in the town of Mammoth Lakes;
- A special meeting in Mammoth Lakes for town residents;
- Mono County Planning Commission;
- Mono County Collaborative Planning Team; and
- Three separate Spanish outreach meetings: Bridgeport, Lee Vining, and Mammoth, with translation provided by Public Health Department staff.

It should be noted that the vast majority of public outreach occurred during policy development through numerous RPAC and Planning Commission meetings between 2010 and 2015. Feedback from various planning initiatives, area plan updates, community conversations, development projects, and interactions with other agencies were incorporated, positioning public engagement as a driver of the updates. The meetings listed above were to review the consolidated product, with relatively little "new" information, and this approach appears to be reflected in the relatively low number and typically positive/helpful comments received during the public comment period and outreach meetings.

The 2015 Updates and FEIR for this public hearing are available by calling 760.924.1800 or online at <http://monocounty.ca.gov/planning/page/mono-county-general-plan-update>.

The anticipated adoption schedule provides for this duly noticed public hearing by the Board of Supervisors (see Attachment #2 for published notice), and is constrained by a deadline of December 15. The Local Transportation Commission (LTC) must adopt the RTP update before December 15 in order to submit for project funding under the State/Regional Transportation Improvement Program (STIP/RTIP).

## **DISCUSSION**

The Planning Commission held a public hearing on the project on Nov. 12, 2015, recommended several policy modifications as described below, and adopted Resolution 15-05 (Attachment #3) recommending the Board of Supervisors certify the Final EIR for the 2015 Mono County Regional Transportation Plan, General Plan, Countywide Integrated Waste Management Plan, and Noise Ordinance Updates (the "2015 Updates"); approve and adopt the Mitigation Monitoring and Reporting Plan, and adopt the 2015 Updates and repeal the Conway Ranch Specific Plan. No additional public testimony was received at this public hearing.

### Modifications to the Project

Comments on the project were received via 1) letters and emails during the DEIR comment period, 2) letters on the draft Safety Element, 3) a letter and an email from Supervisor Johnston, and 4) the public hearing and discussion by the Planning Commission.

A total of 14 letters was received during the DEIR comment period, with two more letters received after the deadline. Responses to all letters received during the EIR comment period, including late letters received before Oct. 31, are provided in the FEIR. The FEIR is provided to the Board under separate cover and is available at the online address above.

Although technically only responses to environmental issues are required under CEQA, the County chose to use the FEIR as a forum to respond to all comments. Therefore, detailed explanations and modifications regarding the 2015 Updates are included in the FEIR. A "track changes" version of these modifications to the applicable General Plan elements and RTP are available at the online address above. Changes were limited to the following policy areas:

- Biological Resources: Sierra Nevada bighorn sheep, trash receptacles related to black bear issues, Witcher and Birch creeks in Swall Meadows, and eradication of non-native plants;
- Hydrology, Water Quality, Water Supply: June Lake water supply, AB 685 reference, collaboration on community infrastructure needs, and impacts of livestock grazing; and
- Regional Transportation Plan and Circulation: vehicle miles traveled, Mono Basin bike trail, and numerous minor technical edits and clarifications.

Separate from the EIR, Government Code §65302.5 requires the County to send the draft Safety Element to the California Geological Survey of the Department of Conservation, the California State Board of Forestry and Fire Protection, and all local fire protection agencies. Only the Board of Forestry and Fire Protection provided a comment letter, which the Mono County Board of Supervisors is required to consider prior to adoption of the Safety Element and communicate in writing its reasons for not accepting any of the recommendations. The County has drafted a response (see Attachment #4) with the majority of comments handled through future planning efforts, including updates to the Emergency Operations Plan and Community Wildfire Protection Plan. No policy modifications are required at this time.

In addition, several policy issues raised by the public and Supervisor Johnston were highlighted for further consideration by the Planning Commission prior to making a recommendation to the Board. Supervisor Johnston's letter, an analysis of policy issues, other policy items raised by the Planning Commission, and the Commission's recommendation and consensus are provided in Attachments #5 and #6 for further discussion by the Board. Policy changes recommended by the Commission are included in the "track changes" project documents and were limited to the following:

- Large-scale alternative energy projects,
- Rodeo Grounds (in June Lake),
- OHV management, and
- The Regional Transportation Plan.

No comments were received specific to the Countywide Integrated Waste Management Plan (CIWMP), which has been recommended for approval by the Solid Waste Task Force.

County Counsel suggested minor text edits to the draft Noise Ordinance. A "track changes" version of the Noise Ordinance is available online at <http://monocounty.ca.gov/planning/page/mono-county-general-plan-update>.

### Compliance with the California Environmental Quality Act

Sandra Bauer of Bauer Planning & Environmental Services Inc., is the lead consultant for the environmental documentation and compliance with CEQA. James Paulus, Ph.D., conducted a Biological Assessment for specific areas of the county in support of the EIR and to facilitate future streamlining, provided policy development recommendations, and responded to comments specific to biological resources. Jeff Henderson with Michael Baker International (formerly known as PMC) prepared the Resource Efficiency Plan for the County in support of General Plan policies and the EIR, to facilitate future streamlining under CEQA §15183.5, and assisted with response to comments related to air quality and greenhouse gas emissions.

Sandra Bauer will present the CEQA process to the Board, including the timing, Scoping and Notice of Preparation, the Draft Environmental Impact Report (DEIR), DEIR comments and County responses, and the Final EIR, including significant and unavoidable environmental effects, areas of controversy, and the alternatives considered, and the recommendation of the Planning Commission.

This staff report has been reviewed by the Community Development director. Please contact Wendy Sugimura at 760.924.1814 or [wsugimura@mono.ca.gov](mailto:wsugimura@mono.ca.gov) with any questions.

### **Attachments**

1. Staff report and PowerPoint presentation from Sept. 15 BOS project workshop
2. Public Hearing notice published in newspapers of record
3. Planning Commission Resolution 15-05
4. Agency comments on the Safety Element and County response letter
5. Letters on policy issues from Supervisor Johnston
6. Policy Issues White Paper and Planning Commission policy recommendations
7. Resolution 15-\_\_ with Exhibit A: Findings and Statement of Overriding Considerations
8. Ordinance 15-\_\_ with Exhibit A: Noise Ordinance

Note: Project documents and the Final EIR are provided to Supervisors separately on a CD and as hard copies by request. The public may request a CD or hard copies by calling 760.924.1800, or download the files from <http://monocounty.ca.gov/planning/page/mono-county-general-plan-update>.

# Mono County Community Development Department

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

## Planning Division

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

September 15, 2015

**To: Mono County Board of Supervisors**

**From: Wendy Sugimura, Associate Analyst  
Brent Calloway, Associate Analyst  
Scott Burns, Director**

**Re: Regional Transportation Plan (RTP) / General Plan Update (GPU) and Environmental Impact Report (EIR) Workshop**

### Action Requested

This workshop is informational only at this time. A formal public hearing at which action can be taken is anticipated for December. Provide any desired direction to staff.

### Fiscal Impact

To be determined; based on implementation of future projects and programs. This RTP/GPU Update was funded primarily by transportation planning funds and a \$326,514 Sustainable Communities Planning grant from the state, with some General Fund contribution through the Community Development Department budget.

### Background

Policy development for the Mono County Regional Transportation Plan (RTP) / General Plan Update (GPU) has been underway for the past three-to-five years through various planning initiatives. The policies have been compiled in a complete draft RTP/GPU and was released with the Draft Environmental Impact Report (DEIR) for public review and comment on July 31, 2015. The DEIR comment period is open for 60 days, the maximum allowable time by state law, and closes on September 29 at 5 pm.

The full project covered by the DEIR includes a comprehensive update of the Mono County General Plan; the Regional Transportation Plan (RTP) which also includes the Blueprint, Bicycle Transportation Plan, and Trails Plan as appendices; three elements of the County Integrated Waste Management Plan (CIWMP); and Noise Ordinance. All the project components cover the unincorporated areas, and the RTP and CIWMP also applies to the town of Mammoth Lakes to varying degrees. RTP language was provided directly by the Town, and the CIWMP was vetted through the Solid Waste Task Force. The General Plan and RTP update continue to focus growth in and adjacent to existing communities to avoid growth in environmentally sensitive areas, and support sustainable, healthy, and livable communities. The project will replace the currently adopted General Plan, RTP and CIWMP.

The Board of Supervisors has reviewed several of the planning initiatives forming the policy basis for this update, including the following:

- Resource Efficiency Plan;
- Biomass Utilization;
- Landownership Adjustment Project (2010);
- Circulation Element: Communications Policies (by Nate Greenberg), Facilities Project Approval Process (by Joe Blanchard); and
- Bridgeport Main Street Revitalization Project.

In addition, various Supervisors have been engaged in more localized efforts of updating area plans in both the Land Use Element and RTP, the community design character effort, and other planning issues.

The RTP/General Plan Update is being presented at all of the RPACs (Antelope Valley, Bridgeport, Mono Basin, June Lake CAC, Long Valley, Benton/Hammil, Chalfant, and Paradise/Swall Meadows) this month to provide citizens with an opportunity to learn about the project, ask questions, and comment. In addition, to this Board meeting, a Local Transportation Commission meeting on Sept. 14 and a Planning Commission workshop on Sept. 10 were held in Mammoth Lakes. Outreach meetings in Spanish, advertised through local residents and businesses with Spanish-speaking employees, are being held in Bridgeport, Lee Vining, and Mammoth.

The anticipated adoption schedule provides for outreach during September, drafting of the Final EIR (response to comments) in October, a public hearing with the Planning Commission in November to make a recommendation to the Board of Supervisors, and a public hearing with the Board of Supervisors in early December. The Local Transportation Commission must adopt the RTP update before December 15 in order to submit for project funding under the State/ Regional Transportation Improvement Program (STIP/RTIP).

## Discussion

The purpose of the RTP/General Plan Update is to update old information, address new issues, update area plans, coordinate with land management agencies, and provide streamlining opportunities for future development. A number of planning initiatives that have been conducted over the past 5 years to address these objectives include the following:

- **Resource Efficiency Plan (REP):** The REP is intended to help residents and businesses save energy and money, reduce County expenses, support local sustainability initiatives in small and rural communities, and serve as a tool to streamline compliance with state legislation for greenhouse gas emissions (GHG). The plan consists of GHG emission inventories, GHG emission forecasts and reduction targets, GHG reduction policies, and a monitoring/reporting tool. The REP also serves as the Greenhouse Gas Emission Reduction Plan required by CEQA Section 15183.5 for tiering by future development projects.
- **Biomass Utilization:** Originally investigating a combined heat-and-power facility, the study concluded the sustainable biomass supply would best support thermal-only projects. The study has resulted in a \$215,000 grant from the Sierra Nevada Conservancy to build a thermal biomass facility at the Bridgeport Road Shop.
- **Main Street Revitalization and Community Design:** A very detailed Main Street Revitalization Community Planning project was held in Bridgeport in 2012, resulting in the re-design of Main Street that recently won a 2015 Excellence in Transportation Award from Caltrans. A community "design idea book" for streetscape and building features was also part of this project, and in 2014 similar design books were developed as part of the Scenic Byway project for Coleville & Walker and June Lake, along with additional design information for Bridgeport.
- **Landownership Adjustment Project (LAP) and Blueprint:** These projects were completed in 2010, and reinforce the policies to consolidate growth within and adjacent to existing communities. The LAP provides

the “nuts and bolts” of how and why land exchanges could occur, and is the basis for a Collaborative Planning Team sub-committee that coordinates land ownership and management strategies across agency boundaries. The LAP serves as the “growth model” for the Blueprint, which addresses future growth and transportation scenarios for the unincorporated county and town.

- **Communications Policies:** IT Director Nate Greenberg, as the project manager for D395, crafted a set of communications policies to address broadband distribution and service quality, design and placement of communication infrastructure, and future planning. These policies were incorporated into a new section in the Circulation Element and also provided an update to development standards in Chapter 11 of the Land Use Element.
- **Facilities Policies:** The “County Project Approval Process” flow chart, developed jointly between Public Works and Community Development to structure and organize community-based facility projects, has been incorporated into a new section of the Circulation Element. Additional policies also address service locations, the prioritization of facilities maintenance, and working with special districts.
- **Healthy Communities/Health in All Policies:** In conjunction with the Mono County Public Health Department, policies were crafted to address increased activity and healthy food choices in communities, and support for local food and agriculture. These policies dovetail with existing policies on walkable communities, transit, revitalized main streets, trails and bicycling, and agriculture.
- **Other programs and agency coordination:** Programs/policies of other agencies were also reviewed and coordinated with General Plan policies, such as watershed studies, Caltrans complete streets, resource management issues, etc.

Rather than reviewing these planning initiatives again, the presentation to the Board of Supervisors will review area plans and delve into more technical details of the RTP/GPU. A brief overview of the Draft Environmental Impact Report will also be provided.

This staff report has been reviewed by the Community Development Director. Please contact Wendy Sugimura at 760.924.1814 or [wsugimura@mono.ca.gov](mailto:wsugimura@mono.ca.gov) with any questions.

**Attachments:**

- A. Powerpoint presentation: 2015 Regional Transportation Plan/General Plan Update
- B. DEIR Executive Summary



AVAILABLE AT:

- All County libraries
- County offices in Bridgeport and Mammoth
- Online at <http://monocounty.ca.gov/planning/page/mono-county-general-plan-update>

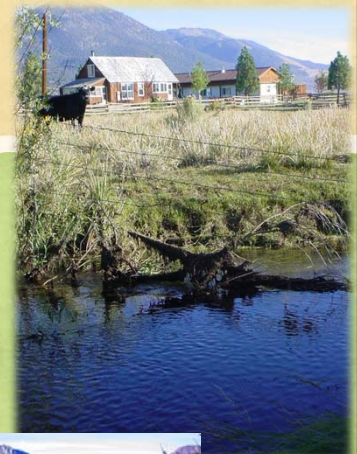


# 2015 Regional Transportation Plan / General Plan Update

Plus: Environmental Impact Report  
Integrated Waste Management Plan  
Noise Ordinance

## RTP/GPU and EIR Components

- Land Use Element
  - Policies, Area Plans, Maps, Development Regulations
- Circulation Element and Regional Transportation Plan (RTP)
  - Communication & Facilities Policies
  - RTP: Blueprint, Bicycle Transportation Plan, Trails Plan
- Conservation / Open Space Element
- Safety and Noise Elements, and Appendices
- Countywide Integrated Waste Management Plan
- Environmental Impact Report (EIR)



## Major Planning Efforts for Policy Development

- Resource Efficiency Plan
- Biomass Utilization
- Landownership Adjustment Project & Blueprint
- Communications Policies
- Facilities Policies
- Main Street Revitalization and Community Design
- Healthy Communities/Health in All Policies
- Other programs and agency coordination



Photo Courtesy of Ilene Mandelbaum

## Land Use Element

- Buildout Calculations
- Maps – online at <https://monomammoth.maps.arcgis.com/home/>
  - Map Corrections and Replaced Conway Ranch Specific Plan with Open Space Designation
- Area Plans
- Development Regulations

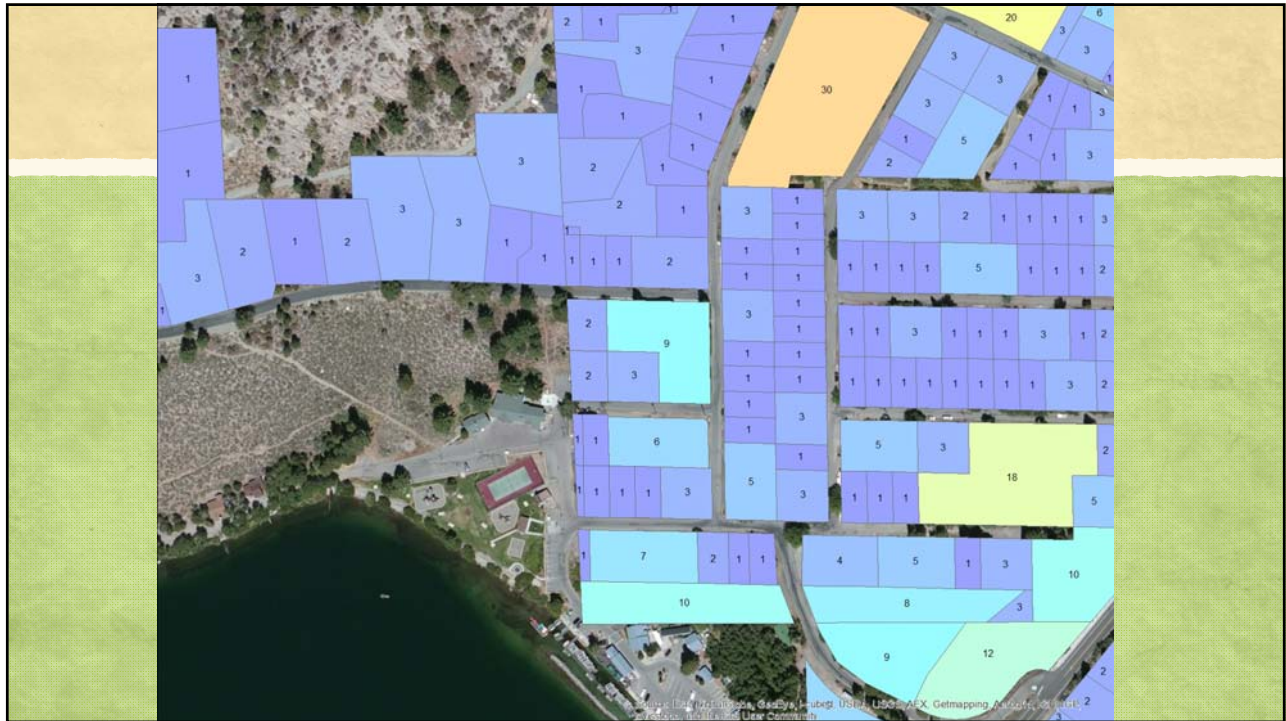




# Buildout Calculations

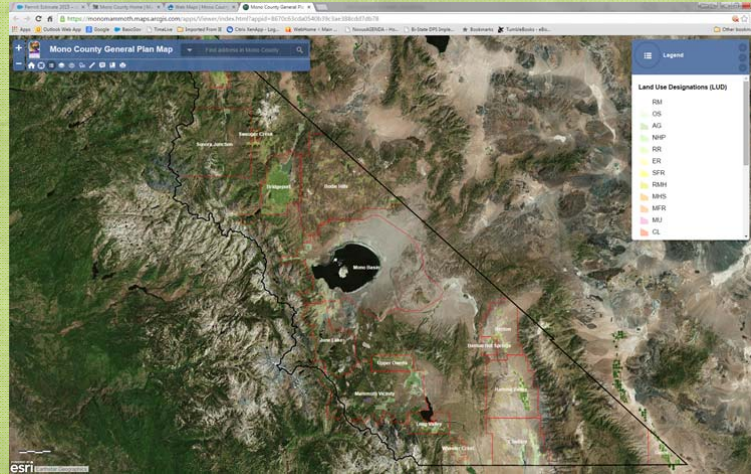
2000		2015		
Planning Area	Old Total Buildout	Planning Area	MTB	TRB
Antelope	5,194	Antelope	4,536	2,661
Benton	3,874	Benton	2,510	2,067
Bodie Hills	402	Bodie Hills	318	318
Bridgeport	3,531	Bridgeport	3,158	3,158
Chalfant	661	Chalfant	598	574
Hammil	304	Hammil	285	285
June Lake	3,970	June Lake	3,236	3,019
Long Valley	2,600	Long Valley	2,041	1,972
Mammoth Vicinity	400	Mammoth Vicinity	338	110
Mono Basin	1,601	Mono Basin	933	908
No Planning Area	4,756	No Planning Area	2,457	670
Oasis	na	Oasis	1,667	102
Paradise	na	Paradise	223	154
Sonora	na	Sonora	138	138
Swaugger	9	Swaugger	8	8
Upper Owens	na	Upper Owens	807	52
Wheeler Crest	645	Wheeler Crest	389	389
<b>TOTAL</b>	<b>27,947</b>	<b>TOTAL</b>	<b>23,642</b>	<b>16,585</b>

MTB = Maximum Theoretical Buildout TRB = Theoretical Regulatory Buildout



## Land Use Element - Maps

<https://monomammoth.maps.arcgis.com/home/>



## Land Use Element: Antelope Valley Area Plan

- Maintain scenic, agricultural and natural resources; add historic values
- Encourage alternative energy sources and conservation easements to protect resources and open space
- New development must demonstrate sufficient water supply
- Heavy equipment storage allowed on parcels >5 acres
- Encourage trail easements with willing buyers and sellers
- Enhance home business/expanded home occupation
- Promote main street revitalization in Walker and Coleville
- Promote tourism and recreation opportunities



## Land Use Element: Bridgeport Area Plan

- Focused development, and Ag preservation (development credits)
- Increased recreation opportunities & trails and wayfinding
- Specific Issues: Groundwater policies per state law, water leasing, wildfire risk, economic and Main Street revitalization



## Land Use Element: Mono Basin Community Plan

- Issues / Opportunities / Constraints, and Goals & Policies included
- Small-town character consist with natural values of Mono Basin
  - Compact, orderly growth
  - Aesthetic architectural design and visual improvements, dark sky protection
  - Green and energy efficient practices
- Protect and enhance natural, historical and recreational values
  - Conway Ranch, upland water management, trails
- Specific Issues: housing supply, light industrial, road shops, ag, parking, main street/complete streets, infrastructure, local services
- Sustainable local economy: diversify, tourism, local businesses
- Sense of Community: connected, engaged, respectful, diverse activities



## Land Use Element: June Lake Area Plan



- Update of Land Use Designations: maps & definitions
- Community Design & D395 incorporated into policies
- Emphasis on recreation and tourism
- Conservation/Open Space: emphasis on ecosystem health, habitat, water – compliments General Plan well with more detail
- Housing: relies more on General Plan, employee housing requirement formulas eliminated in favor of “fair share” language
- Safety: relies on General Plan, law enforcement services policy retained
- Transportation policies in RTP
- Updated to reflect current conditions, e.g. agency name & state law changes, etc.



## Land Use Element: Long Valley Area Plan

- Improve infrastructure for public services & facilities
- Protect and enhance existing community character (primarily residential)
- Convenient and necessary commercial development focused in area near community center and should follow design guidelines, also light industrial uses
- Recreation and open space: emphasis on expanding recreation uses and developing a regional trail system
- Coordination with adjacent public lands: landownership adjustments



## Land Use Element: Paradise Area Plan

- Maintain community character (e.g., single family) and health of surrounding natural lands
- Retain quiet, residential character
- Support infrastructure, public safety, and service capacity
- Support safe recreational facilities



## Land Use Element: Other Area Plans

- **Tri-Valley** (no policy changes, recently updated in 2011)
- **Upper Owens** (minor policy changes, participation of all landowners)
- **Benton Hot Springs** (minor policy changes, participation of all landowners)
- **Oasis** (very minor changes, all landowners notified)
- **Sonora** (minor policy changes (sage grouse), recently updated in 2011)
- **Wheeler Crest** (minor consistency edits)
- **Mammoth Vicinity** (minor consistency edits)
- **Bodie Hills** (minor consistency edits)
- **Swauger Creek** (minor consistency edits)



## Land Use Element – Development Regulations

- Clarification of existing policy
- Modified or eliminated outdated/inconsistent policies
- Streamlined or updated regulations to reflect local circumstances
- Addressed State mandates, such as fire safe regulations



## Clarification of Existing Policies

- 1. Clarify that a parcel can have 2 LUDs and remove the requirement for a lot split along the LUD line.
- 2. Clarification that communication towers allowed in all LUDs with Use Permit.
- 3. Clarification that accessory use prior to main use requires a use permit.
- 4. Language added to lot size regulations noting the authority of Lahontan/SWRCB.
- 5. Commercial and industrial height exception not limited to commercial and industrial LUDs.
- 6. Clarification that accessory structures are not allowed in setbacks.

## Clarification of Existing Policies

- 7. Clarification that side yard setbacks may be reduced to 5 feet in certain situations.
- 8. Guesthouse size limitations made consistent with Accessory Dwelling Unit size limitations.
- 9. Development Credits policies clarified and moved to dedicated section.
- 10. Resource Extraction standards (rather than LUD)
- 11. Cargo containers allowed in flood areas when in compliance with Ch 21. Flood Regulations.
- 12. Density Bonus information organized into one section.

## Outdated or Inconsistent Regulations Modified or Eliminated

- 13. Language allowing mining, drilling (oil/gas), wind farms, hydroelectric facilities in all LUDs with Use Permit removed.
- 14. Line removed exempting RV storage on vacant land.
- 15. Fences allowed to 7 feet height without permit.
- 16. Setback of animal to neighboring home increased from 40 to 50 feet.
- 17. Three residential parking space requirement removed in June Lake.

## Streamlined or Innovative Regulation Reform

- 18. In commercial LUD, DR rather than Use Permit required for most uses when using existing structures, and lesser intensity use new structures.
- 19. Minimum lot area requirements for Hotel, motel lodge etc. eliminated.
- 20. Depth to Width regulations changed to guidelines eliminating need for variance in certain situations.
- 21. Accessory buildings over 20 feet allowed by the Director rather than more formal Director Review.
- 22. Cell tower height allowed to 80 feet in certain situations.
- 23. Space between building requirements eliminated.

## Streamlined or Innovative Regulation Reform

- 24. Tandem parking prohibition for commercial and multi-family removed, allowed only in certain situations.
- 25. Prohibition of less than 20' wide manufactured home removed, allowed when consistent with design guidelines.
- 26. Manufactured Housing Subdivision regulations made more flexible, allowed in more LUDs and not limited to manufactured homes.
- 27. Use permit and Variance expiration when failure to exercise rights extended from 1 to 2 years or as otherwise stated in permit conditions.
- 28. Non-Conforming Use regulations loosened, allows for modifications including potential expansion to nonconforming structures in certain circumstances and allows exemption for destroyed nonconforming single family homes that were previously permitted.



## State Mandates or Department/Procedural Needs

- 29. Composting facilities allowed as a permitted use in Agriculture and Resource Management LUDs.
- 30. Waste processing and recycling uses added to Industrial and Public Facility LUDs.
- 31. Small wind towers language added in to comply with state law.
- 32. Added language about site plan review for building permits within sensitive species habitat.
- 33. Cottage food operation language added to home occupation regulations in compliance with state law.
- 34. Required finding added for Expanded Home Occupation permits.

## State Mandates or Department/Procedural Needs

- 35. Requirement for adequate waste management space added in compliance with state law.
- 36. Plan of Operations concept added.
- 37. Mobile Vendor Standards and Guidelines added.
- 38. Bed and Breakfast parking requirements added.
- 39. Many changes to utility section, mostly relating to height, undergrounding, conduit requirements and state law compliance.
- 40. Flood & Fire regulations modified per state law.

## Regional Transportation Plan (RTP)

- Covers the unincorporated county and Mammoth Lakes
- Updated data: population & demographics, traffic counts, transit services, airport use, etc.
- Goods and Vehicle Movement
  - Continue to provide for and maintain road system, and increase safety
  - In cooperation with Caltrans District 9
- Focus on walkable communities, multi-modal mobility and main streets
  - Resource Efficiency Plan policies: reduce vehicle miles traveled (transit, bike, etc.)
  - Main street planning
  - Bicycling and trails; Complete Streets
- Relationship to land use, resource stewardship, sensitive habitats
- Appendices: Blueprint, Bicycle Transportation Plan, Trails Plan



## Conservation/Open Space Element

- Biological Assessment
- Policy Development & Review



## Conservation / Open Space Element

- Biological Assessment:
  - <http://monocounty.ca.gov/planning/page/rtpgpudeir-technical-studies>
  - Covers areas within an adjacent to existing communities
  - Focuses on species and habitats of conservation concern, including mule deer and Bi-State sage grouse
  - Provides basis for streamlining



### Biological Study Area Overview



## Biological Assessment: Plant Communities

Holland name and CDFW classification number	Alliance and primary association names	acreage in study area
upland communities		
Big Sagebrush Scrub 35.110.00	Big Sagebrush Shrubland <i>Artemisia tridentata-Atriplex canescens</i>	1.1
Big Sagebrush Scrub 35.110.01	Big Sagebrush Shrubland <i>Artemisia tridentata-Ericameria nauseosa</i>	44
Big Sagebrush Scrub 35.110.13	Big Sagebrush Shrubland <i>Artemisia tridentata-Ephedra nevadensis</i>	492
Rubber Rabbitbrush Scrub 35.310.00	Rubber Rabbitbrush Shrubland <i>Ericameria nauseosa-Artemisia tridentata</i>	64
bottomlands communities		
Willow Riparian Scrub 61.209.00	Sandbar Willow Thicket <i>Salix exigua-Ericameria nauseosa</i>	0.4
Desert Saltbush Scrub 36.370.00	Torrey Saltbush Shrubland <i>Atriplex torreyi-Artemisia tridentata</i>	3.9
Black Greasewood Scrub 36.400.00*	Budsage Shrubland <i>Sarcobatus vermiculatus-Artemisia spinescens</i>	12
Black Greasewood Scrub 36.400.00*	Black Greasewood Shrubland <i>Sarcobatus vermiculatus-Ericameria nauseosa</i>	43
Black Greasewood Scrub 36.400.01	Black Greasewood Shrubland <i>Sarcobatus vermiculatus</i>	64

## Biological Assessment: Plant Species

Scientific Name Common Name Life Form	Rank or Status <sup>1</sup>		Flowering Period	Communities Some Potential for Occurrence
	CNPS	CNDDDB		
<i>Orthotrichum shevockii</i> Shevock's bristle moss bryophyte on rocks	1B.3		-	Big Sagebrush Scrub Rubber Rabbitbrush Scrub Desert Saltbush Scrub Black Greasewood Scrub
<i>Allium atrorubens</i> var. <i>atrarubens</i> Great Basin onion bulbiferous herb	2B.3	S2	May-June	Big Sagebrush Scrub Rubber Rabbitbrush Scrub Desert Saltbush Scrub Willow Riparian Scrub
<i>Boechea bodiensis</i> Bodie Hills rockcress herbaceous perennial	1B.3	S2	June-August	Big Sagebrush Scrub Rubber Rabbitbrush Scrub
<i>Boechea dispar</i> pinyon rockcress herbaceous perennial	2B.3	S3	March-June	Big Sagebrush Scrub Rubber Rabbitbrush Scrub
<i>Chaetodelpha wheeleri</i> Wheeler's dune-broom rhizomatous herb	2B.2	S2	April-Sept	Big Sagebrush Scrub Rubber Rabbitbrush Scrub Desert Saltbush Scrub Black Greasewood Scrub
<i>Cryptantha fendleri</i> sand dune cryptantha herbaceous annual	2B.2	S1	June-July	Big Sagebrush Scrub Rubber Rabbitbrush Scrub Desert Saltbush Scrub Willow Riparian Scrub
<i>Cymopterus globosus</i> globose cymopterus herbaceous perennial	2B.2	S1	March-June	Big Sagebrush Scrub Rubber Rabbitbrush Scrub Black Greasewood Scrub

## Biological Assessment: Wildlife Species

species	status <sup>1</sup>		Communities Some Potential for Occurrence
	CDFW	State ranking	
<b>amphibians</b>			
<i>Lithobates pipiens</i> northern leopard frog	SSC	S2	Willow Riparian Scrub Wild Rose Riparian Scrub Transmontane Alkaline Marsh
<b>reptiles</b>			
<i>Elgaria panamintina</i> Panamint alligator lizard	SSC	S3	Big Sagebrush Scrub Desert Saltbush Scrub Willow Riparian Scrub Wild Rose Riparian Scrub Transmontane Alkaline Marsh
<b>birds</b>			
<i>Buteo swainsoni</i> (nesting) Swainson's hawk	Threatened	S3	Big Sagebrush Scrub
<b>mammals</b>			
<i>Antrozous pallidus</i> pallid bat	SSC	S3	disturbed habitats with buildings
<i>Lepus townsendii townsendii</i> western white-tailed jackrabbit	SSC	S3?	Big Sagebrush Scrub Willow Riparian Scrub Wild Rose Riparian Scrub
<i>Myotis ciliolabrum</i> western small-footed myotis	NL	S3	disturbed habitats with buildings
<i>Taxidea taxus</i> American badger	SSC	S3	Big Sagebrush Scrub Great Basin Mixed Scrub Rubber Rabbitbrush Scrub Desert Saltbush Scrub Shadscale Scrub Black Greasewood Scrub Alkali Sacaton Grassland Wild Rose Riparian Scrub

## Biological Assessment

- Determine plant communities, and sensitive communities, plants and wildlife
- Developer options:
  - Determine presence/absence
  - Assume presence and develop project to fully mitigate impacts
- Benefit: Narrows the study scope and provides detailed information to direct resource studies



Photo Credit: CDFG



## C/OS Policy Development & Review

- Policy Memo by Dr. James Paulus
- Review of 1989 geothermal Settlement Agreement
- Biological Resources: sage grouse
  - Projects with the potential for significant impacts must adopt a statement of overriding consideration
  - Examples of design measures to reduce impacts
  - Review of ministerial permits to reduce impacts
  - Continued collaboration on the Bi-State Action Plan and with the Local Area Working Group
  - Result: Cooperative
  - Focus on sage grouse and mule deer
  - Federally- and state- listed species: defer to agencies
  - Result: Cooperative grant with BLM for up to \$250,000 over 5 years



## C/OS Policy Development & Review

- Biological Resources
  - Detail and additional mitigation measures
  - Mule deer habitat and migration corridors
  - Prevent utilization of non-native plants & encourage removal
- Open Space: Updated policies to focus on maintaining open space
- Hydrology: wetlands, riparian areas, water quality protection
  - Water: Groundwater management, conservation, out-of-area water transfers
  - 30-ft buffer: Best management practices, discourage development
  - No net loss of wetlands at regional scale
  - Stormwater run-off and Low-Impact Development standards



## C/OS Policy Development & Review

- Sustainable agricultural policies
- Alternative Energy: transmission and distribution lines, renewable energy generation
- Recreation: removed parks standards, prioritize maintenance, trails
- Resource Efficiency Plan
- Cultural Resources



## Safety and Noise Elements

- Legal Mandates Update
- Safety:
  - Local Hazard Mitigation Plan Update
  - Fire Safe & Flood Plain Regulations
- Noise:
  - New data and noise readings
  - Noise generally not an issue
  - Noise Ordinance update



## Countywide Integrated Waste Management Plan (CIWMP)

- Updates Countywide Siting Element, Non Disposal Facility Element, and Household Hazardous Waste Element of the CIWMP.
- Elements have been updated to reflect existing waste generation and disposal capacities, as well as identifying future disposal options including out-of-county transfer of waste.
- Identifies need to transition away from landfilling waste at Benton Crossing Landfill.
- Identifies potential Non-Disposal Facilities and the types of infrastructure that will be necessary for future waste management.
- Analyzes County's Household Hazardous Waste programs and identifies future programs.
- For more information, contact Tony Dublino, Solid Waste Supt. 760.932.5453.

## Environmental Impact Report

- Provides for tiering and streamlined processing of future projects
- Potentially significant impacts relating to biological resources, geology, cultural resources, hydrology, recreation, aesthetics, and utilities & public services.
- Alternatives
  1. No Project
  2. Compact Development: Increase minimum parcel size outside communities, increase density within communities
  3. Proactive Resource and Biological Policy: More aggressive policies for resource efficiency and biological conservation that were not recommended due to potential infeasibility.
    - EIR recommends vetting through communities
    - Menu structure: Provides ability to pick and choose specific policies for inclusion or vetting

## Environmental Impact Report

**Public Comment Period: July 31 – September 29, 2015**

Submit comments to:

Wendy Sugimura

PO Box 347, Mammoth Lakes, CA 93546

[wsugimura@mono.ca.gov](mailto:wsugimura@mono.ca.gov)



## 2015 Anticipated Adoption Schedule

- **September:** Community outreach and Planning Commission workshop
- **September 29 at 5 pm:** Close of EIR comment period
- **October:** Drafting of Final EIR and response to comments
- **November:** Planning Commission Public Hearing
- **Early December:** Board of Supervisors Public Hearing to adopt the project and certify the EIR, followed by similar action by Local Transportation Commission



## Questions? Comments?

Sign up for email updates at your RPAC website:

<http://monocounty.ca.gov/rpac>

**Mono County Community Development Department**

760.924.1800 or 760.932.5423

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760.924.1807

## MONO COUNTY RTP/GENERAL PLAN UPDATE DRAFT EIR



### SECTION 2.0

## EXECUTIVE SUMMARY

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### 2.0 PURPOSES OF THIS DRAFT EIR

The County of Mono, as Lead Agency, determined that the 2015 *RTP/General Plan Update* is a 'project' as defined in the CEQA Guidelines, and requires the preparation of an EIR. In compliance with CEQA, this Draft EIR has been prepared to analyze the potential environmental effects associated with implementation of the project. The EIR has been prepared to fully inform decision-makers in the county, responsible and trustee agencies, interested organizations and the general public of the potential environmental consequences associated with approval and implementation of the Draft *RTP/General Plan Update*. A detailed description of the proposed project, including the project setting, project components and characteristics, project objectives, discretionary actions, and how the EIR will be used, is provided in EIR §3.0 (Project Description).

### 2.1 AREAS OF CONTROVERSY AND ISSUES TO BE RESOLVED

This Draft EIR addresses the full range of potentially significant environmental impacts associated with the proposed *RTP/General Plan Update* that are known to the county, were raised in comments on the Notice of EIR Preparation (NOP) scoping process, or were raised during preparation of the Draft EIR. During the NOP process, three comment letters were received from interested agencies (Lahontan Regional Water Quality Control Board, California Department of Parks and Recreation, and California Department of Transportation). The comments are summarized in EIR §1.0 (Introduction) and provided in EIR Appendix B. Significant effects identified in this EIR include impacts pertaining to biological resources, soils and geology, health and safety hazards, cultural resources, hydrology, recreation, aesthetics, and public services. Although the residents and communities of Mono County hold a wide range of goals for long-range planning (as identified throughout this EIR), the *RTP/General Plan Update* has been a community-based process, and there are no known unresolved issues or areas of controversy at the time of this Draft EIR release for public review.

### 2.2 ALTERNATIVES TO THE PROPOSED PROJECT

The CEQA Guidelines require that an EIR describe a reasonable range of alternatives to the project or to the location of the project that would reduce or avoid significant impacts, and that could feasibly accomplish the basic objectives of the proposed project. EIR §6 (Alternatives) identifies two alternatives that were rejected from detailed consideration (one pertaining to water reclamation, and one pertaining to transportation) as well as three alternatives that were analyzed and compared to the project as proposed, including:

- Alternative 1: No Project Alternative. Under Alternative 1, the County would not adopt the Draft *RTP/General Plan Update*. The existing 2001 Mono County *General Plan* (all elements) and the 2008 RTP (with 2013 updates) would continue to be implemented as at present, and no changes or other planning initiatives would occur until subsequent proposals are formulated, evaluated under CEQA, and considered for approval by the Mono County Board of Supervisors and other responsible and trustee agencies.
- Alternative 2: Compact Development Alternative. Both the existing and the proposed *RTP/General Plan Update* reflect a long-standing priority of Mono County to direct growth to existing communities. Opportunities remain

that would enable this goal to be more fully realized. Alternative 2 considers a series of steps that would curtail development outside of community areas through increased minimum acreage requirements for subdivisions, agricultural lands and other similar uses, and through higher development density allocations within defined community boundaries.

- Alternative 3: Proactive Resource and Biological Policy Alternative. During the course of the *RTP/General Plan* update, the county considered a wide range of potential policies for each of the General Plan Elements. The County ultimately recommended policies for each *General Plan Element* based on an assessment of their ability to feasibly achieve the stated project objectives. At the same time, it was recognized that some of the excluded policies had substantial merit, and warranted consideration. Alternative 3 presents and describes policies for resource efficiency and biological conservation that were considered and found meritorious but ultimately not recommended due to potential infeasibility.

EIR §6 provides, in Table 6-2, a comparative analysis of the proposed project and each of the three analyzed project alternatives. The comparison uses a numerical scoring system to assess how each alternative compares to the proposed project in terms of meeting project objectives and avoiding or minimizing potentially significant impacts. Scoring provided in Table 6-2 indicates that No Project Alternative would be least effective at meeting project objectives and least effective at avoiding or reducing significant effects. Alternative 2, the 'compact development alternative,' would be environmentally superior to the proposed project. Alternative 3 would also be environmentally superior to the proposed project, though to a lesser degree than Alternative 2. Alternatives 2 and 3 are not recommended at the present time, however, because the underlying concepts were not presented to the community RPACs for discussion during development of the draft General Plan and were not among the land use scenarios developed by the RPACs for consideration in the current update. This EIR recommends that the county present the concepts underlying Alternatives 2 and 3 for future discussion among RPAC and community planning groups. If the discussions indicate that these changes are broadly supported, it is recommended that the County incorporate the revisions in a future General Plan amendment.

### **2.3 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

This EIR focuses on the significant environmental effects of the proposed *RTP/General Plan Update*, in accordance with the CEQA Guidelines. The CEQA Guidelines defines a significant effect as a substantial adverse change in the physical conditions which exist in the area affected by the proposed project. A less than significant effect is one in which there is no long or short-term significant adverse change in environmental conditions. The environmental impacts of the proposed project, the impact level of significance prior to mitigation, the proposed mitigation measures to mitigate an impact, and the impact level of significance after mitigation are summarized in Table 2-1.

<b>TABLE 2-1: Executive Summary of Project Impacts and Mitigation Measures</b>			
<b>ENVIRONMENTAL IMPACT</b>	<b>LEVEL OF SIGNIFICANCE WITHOUT MITIGATION</b>	<b>MITIGATION MEASURES</b>	<b>RESULTING LEVEL OF SIGNIFICANCE</b>
<b>§4.1 LAND USE AND PLANNING</b>			
4.1(a) Physically divide an established community	Less than Significant	Mitigated to the greatest feasible extent through RTP/General Plan Policies and Actions. No supplemental mitigation measures are recommended.	Less than Significant
4.1(b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect.	Less than Significant	Mitigated to the greatest feasible extent through RTP/General Plan Policies and Actions. No supplemental mitigation measures are recommended.	Less than Significant
<b>§4.2 REGIONAL TRANSPORTATION PLAN AND CIRCULATION</b>			
4.2(a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation and all relevant components of the circulation system.	Less than Significant	Mitigated to the feasible extent through RTP/General Plan Policies and Actions. No supplemental mitigation measures are recommended.	Less than Significant
4.2(b) Conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures.	Less than Significant	Mitigated to the feasible extent through RTP/General Plan Policies and Actions. No supplemental mitigation measures are recommended.	Less than Significant
4.2(c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.	No Impact	Mitigated to the feasible extent through RTP/General Plan Policies and Actions. No supplemental mitigation measures are recommended.	No Impact
4.2(d) Result in inadequate emergency access or design hazards.	Less than Significant	Mitigated to the feasible extent through RTP/General Plan Policies and Actions. No supplemental mitigation measures are recommended.	Less than Significant
4.2(e) Conflict with adopted policies, plans, or programs for public transit, bicycle, parking/pedestrian facilities, or decrease safety or performance of such facilities.	No Impact	Mitigated to extent feasible through proposed Policies and Actions. No supplemental mitigations recommended.	No Impact

<b>§4.3 AIR QUALITY, CLIMATE CHANGE, GHG EMISSIONS</b>			
4.3(a) Conflicts with or obstructs implementation of the air quality plan or results in a cumulatively considerable net increase of a criteria pollutant for which the region is non-attainment under an applicable federal or state ambient air quality standard.	Less than Significant	Mitigated to extent feasible through proposed Policies and Actions. No supplemental mitigations recommended.	Less than Significant
4.3(b) Violates an air quality standard or contributes substantially to an existing or projected air quality violation.	Less than Significant	Mitigated to extent feasible through proposed Policies and Actions. No supplemental mitigations recommended.	Less than Significant
4.3(c) Exposes sensitive receptors to substantial pollutant concentrations.	Less than Significant	Mitigated to extent feasible through proposed Policies and Actions. No supplemental mitigations recommended.	Less than Significant
4.3(d) Creates objectionable odors affecting a substantial number of people.	Less than Significant	<p>Impacts reduced through RTP/General Plan Policies and Actions. Supplemental recommended mitigations include:</p> <ol style="list-style-type: none"> <li>1. <i>Among the critical next steps for consideration of a biomass facility at Mammoth Mountain garage, it is recommended that the county work with the biomass team to develop a tight management plan for on-site wood chip storage and handling as a way to avoid serious odor problems and spontaneous wood pile combustion.</i></li> <li>2. <i>As one of the critical next steps, it is recommended that the county work with the biomass team to determine the distance and locational relationship between the garage site and nearby residences (or other potentially sensitive uses) with the specific goal of verifying that the distances and conditions (wind, access, noise) are not conducive to future neighborhood complaints about odors.</i></li> </ol>	Less than Significant
4.3(e) Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment or conflict with an applicable plan, policy or regulation adopted for the purpose of reducing GHG emissions.	Less than Significant	Mitigated to extent feasible through proposed Policies and Actions. No supplemental mitigations recommended.	Less than Significant
<b>§4.4 BIOLOGICAL RESOURCES</b>			
4.4(a) Have a substantial adverse effect, directly or through habitat modifications, on a candidate, sensitive, or special status species as identified in local or regional plans, policies, regulations, or by CDFW or USFWS?	Potentially Significant	Mitigated to extent feasible through proposed Policies and Actions. No supplemental mitigations recommended.	Significant and Unavoidable

4.4(b) Have a substantial adverse effect on a riparian habitat or sensitive natural plant community identified in local/regional policies, regulations, by CDFW or USFWS?	Potentially Significant	Mitigated to extent feasible through proposed Policies and Actions. No supplemental mitigations recommended.	Significant and Unavoidable
4.4(c) Have a substantial adverse effect on federally protected wetlands as per Clean Water Act §404 (marsh, vernal pool, coastal, etc.) through removal, filling, hydrological interruption, other means?	Potentially Significant	Mitigated to extent feasible through proposed Policies and Actions. No supplemental mitigations recommended.	Significant and Unavoidable
4.4(d) Interfere substantially with the movement of a native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede use of native wildlife nurseries?	Potentially Significant	Mitigated to extent feasible through proposed Policies and Actions. No supplemental mitigations recommended.	Significant and Unavoidable
4.4(e) Conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy?	Potentially Significant	Mitigated to extent feasible through proposed Policies and Actions. No supplemental mitigations recommended.	Significant and Unavoidable
4.4(f) Conflict with provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved habitat conservation plan?	No Impact	Mitigated to extent feasible through proposed Policies and Actions. No supplemental mitigations recommended.	No Impact
<b>§4.5. GEOLOGY, SOILS, MINERALS</b>			
4.5(a) Expose people or structures to potential substantial adverse effects involving: i) Rupture of a known Alquist-Priolo earthquake fault as delineated by the State Geologist or based on other substantial evidence? ii) Strong seismic ground shaking? iii) Seismic-related ground failure, including liquefaction? iv) Landslides?	Potentially Significant	Mitigated to extent feasible through proposed Policies and Actions. No supplemental mitigations recommended.	Significant and Unavoidable
4.5(b) Result in substantial soil erosion or the loss of topsoil?	Potentially Significant	Mitigated to extent feasible through proposed Policies and Actions. No supplemental mitigations recommended.	Significant and Unavoidable
4.5(c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse, or be located on expansive soil creating substantial risks to life or property?	Potentially Significant	Mitigated to extent feasible through proposed Policies and Actions. No supplemental mitigations recommended.	Significant and Unavoidable
4.5(d) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	Potentially Significant	Mitigated to extent feasible through proposed Policies and Actions. No supplemental mitigations recommended.	Less than Significant

4.5(e) Result in the loss of availability of a known mineral resource or an identified locally important mineral resource that would be of value to the region and to residents of the state of California?	Potentially Significant	Mitigated to extent feasible through proposed Policies and Actions. No supplemental mitigations recommended.	Significant and Unavoidable
<b>§4.5. PUBLIC HEALTH &amp; SAFETY, HAZARDS, HAZARDOUS MATERIALS</b>			
4.6(a) Create a hazard to the public or environment through routine transport, use or disposal of hazardous materials, or release of hazardous materials into the environment, including within 1/4 mile of a school?	Potentially Significant	Mitigated to extent feasible through proposed Policies and Actions. No supplemental mitigations recommended.	Significant and Unavoidable
4.6(b) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to CGC §65962.5 and, as a result, would it create a significant hazard to the public or the environment?	Potentially Significant	Mitigated to extent feasible through proposed Policies and Actions. No supplemental mitigations recommended.	Significant and Unavoidable
4.6(c) Create a safety hazard for people residing or working in an area located in an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport or private airstrip?	Potentially Significant	Mitigated to extent feasible through proposed Policies and Actions. No supplemental mitigations recommended.	Significant and Unavoidable
4.6(d) Impair implementation of or physically interfere with an adopted emergency response or evacuation plan?	Potentially Significant	Mitigated to extent feasible through proposed Policies and Actions. No supplemental mitigations recommended.	Significant and Unavoidable
4.6(e) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	Potentially Significant	Mitigated to extent feasible through proposed Policies and Actions. No supplemental mitigations recommended.	Significant and Unavoidable
4.6(f) Expose people or structures to significant risk of avalanche, landslides, destructive storms or winds, rockfall or volcanic activity?	Potentially Significant	Mitigated to extent feasible through proposed Policies and Actions. No supplemental mitigations recommended.	Significant and Unavoidable
<b>§4.7. CULTURAL RESOURCES</b>			
4.7(a) Cause a substantial adverse change in the significance of a prehistorical or historical resource?	Potentially Significant	Mitigated to extent feasible through proposed Policies and Actions. No supplemental mitigations recommended.	Significant and Unavoidable
4.7(b) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	Potentially Significant	Mitigated to extent feasible through proposed Policies and Actions. No supplemental mitigations recommended.	Significant and Unavoidable
4.7(c) Disturb any human remains or sacred lands, including those interred outside of formal cemeteries?	Potentially Significant	Mitigated to extent feasible through proposed Policies and Actions. No supplemental mitigations recommended.	Significant and Unavoidable
<b>§4.8. HYDROLOGY, FLOODING, WATER QUALITY, WATER SUPPLY</b>			

4.8(a) Violate any water quality standards?	Potentially Significant	Mitigated to extent feasible through proposed Policies and Actions. No supplemental mitigations recommended.	Significant and Unavoidable
4.8(b) Violate wastewater treatment or discharge requirements or require new wastewater treatment facilities?	Potentially Significant	Impacts reduced through RTP/General Plan Policies and Actions. Supplemental recommended mitigation includes:  <i>1. It is recommended that the County formalize policies consistent with LRWQCB recommendations for controlling the problems associated with septic systems including (a) reevaluate and update the adequacy of existing local regulations for installation and maintenance of septic systems, including applicable criteria from Basin Plan Appendix C; (b) continue to limit the use of septic systems on small-lot, higher density developments; (c) encourage alternative waste treatment systems; (d) encourage &amp; support funding for wastewater treatment plants in outlying areas where water quality problems and/or population density require wastewater collection and treatment.</i>	Significant and Unavoidable
4.8(c) Have insufficient groundwater or surface water supplies to sustainably serve General Plan land uses from existing entitlements, facilities and resources?	Potentially Significant	Mitigated to extent feasible through proposed Policies and Actions. No supplemental mitigations recommended.	Significant and Unavoidable
4.8(d) Alter existing drainage patterns causing substantial erosion, siltation, flooding, polluted runoff?	Potentially Significant	Mitigated to extent feasible through proposed Policies and Actions. No supplemental mitigations recommended.	Significant and Unavoidable
4.8(e) Place housing or structures in a 100-year flood hazard area as mapped on a Flood Hazard Boundary or Flood Insurance Rate Map or other flood delineation map?	Less than Significant	Mitigated to extent feasible through proposed Policies and Actions. No supplemental mitigations recommended.	Less than Significant
4.8(f) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	Less than Significant	Mitigated to extent feasible through proposed Policies and Actions. No supplemental mitigations recommended.	Less than Significant
4.8(g) Expose people or structures to inundation by seiche, tsunami, or mudflow?	Less than Significant	Mitigated to extent feasible through proposed Policies and Actions. No supplemental mitigations recommended.	Less than Significant
<b>§4.9. RECREATION</b>			
4.9(a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial	Less than Significant	Mitigated to extent feasible through proposed Policies and Actions. No supplemental mitigations recommended.	Less than Significant



physical deterioration of the facility would occur or be accelerated?			
4.9(b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	Potentially Significant	Mitigated to extent feasible through proposed Policies and Actions. No supplemental mitigations recommended.	Significant and Unavoidable
<b>§4.10. AESTHETICS, LIGHT &amp; GLARE, SCENIC RESOURCES</b>			
4.10(a) Have a substantial adverse effect on a scenic vista or scenic including trees, rock outcroppings, and historic buildings within a state scenic highway?	Potentially Significant	Mitigated to extent feasible through proposed Policies and Actions. No supplemental mitigations recommended.	Significant and Unavoidable
4.10(b) Substantially degrade the existing visual character or quality of the site and its surroundings?	Potentially Significant	Mitigated to extent feasible through proposed Policies and Actions. No supplemental mitigations recommended.	Significant and Unavoidable
4.10(c) Create a new source of substantial light or glare that would adversely affect day or nighttime views?	Potentially Significant	Mitigated to extent feasible through proposed Policies and Actions. No supplemental mitigations recommended.	Significant and Unavoidable
<b>§4.11. AGRICULTURE, FORESTS, CONSERVATION</b>			
4.11(a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to nonagricultural use, or conflict with existing zoning for agricultural use, or a Williamson Act contract?	Less than Significant	Mitigated to extent feasible through proposed Policies and Actions. No supplemental mitigations recommended.	Less than Significant
4.11(b) Conflict with existing zoning for, or cause rezoning of, forest land or result in the loss of forest land or conversion of forest land to non-forest use?	Less than Significant	Mitigated to extent feasible through proposed Policies and Actions. No supplemental mitigations recommended.	Less than Significant
<b>§4.12. POPULATION AND HOUSING</b>			
4.12(a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	No Impact	Mitigated to extent feasible through proposed Policies and Actions. No supplemental mitigations recommended.	No Impact
4.12(b) Displace substantial numbers of people or existing housing, necessitating the construction of replacement housing elsewhere?	No Impact	Mitigated to extent feasible through proposed Policies and Actions. No supplemental mitigations recommended.	No Impact
<b>§4.13. PUBLIC SERVICES AND UTILITIES</b>			
4.13(a) Create a need for new or modified governmental facilities in order to maintain acceptable service ratios, response times or other performance objectives for any of the	Potentially Significant	Mitigated to extent feasible through proposed Policies and Actions. No supplemental mitigations recommended.	Significant and Unavoidable

public services: Police protection, Schools, Other public facilities, services and utilities?			
4.13(b) Result in a wasteful, inefficient, and/or unnecessary consumption of energy?	Less than Significant	Mitigated to extent feasible through proposed Policies and Actions. No supplemental mitigations recommended.	Less than Significant
4.13(c) Be served by a landfill with insufficient permitted capacity to accommodate the project’s solid waste disposal needs and comply with federal, state, and local statutes and regulations related to solid waste?	Less than Significant	Mitigated to extent feasible through proposed Policies and Actions. No supplemental mitigations recommended.	Less than Significant
<b>§4.14. NOISE</b>			
4.14(a) Expose persons to or cause a permanent or temporary significant increase in ambient noise levels or result in noise levels exceeding standards set by the general plan or noise ordinance or other applicable standards.	Less than Significant	Mitigated to extent feasible through proposed Policies and Actions. No supplemental mitigations recommended.	Less than Significant
4.14(b) Expose persons to or generate excessive groundborne vibration or groundborne noise levels.	Less than Significant	Mitigated to extent feasible through proposed Policies and Actions. No supplemental mitigations recommended.	Less than Significant
4.14(c) Expose people residing or working in the project area to excessive noise levels for a project located in an airport land use plan or (where such a plan has not been adopted) within two miles of a public airport or public use airport or a private airstrip.	Less than Significant	Mitigated to extent feasible through proposed Policies and Actions. No supplemental mitigations recommended.	Less than Significant
<b>OTHER CEQA TOPICS</b>			
Cumulative Impacts on Agriculture associated with Walker River Water Transfer Program	Potentially Significant and Adverse	Will be mitigated to extent feasible through measures proposed in forthcoming EIR for Walker River Water Transfer Project Proposal.	To be determined through future EIR
Cumulative Impacts on Aesthetic and Scenic Values associated with Walker River Water Transfer Program	Potentially Significant and Adverse	Will be mitigated to extent feasible through measures proposed in forthcoming EIR for Walker River Water Transfer Project Proposal.	To be determined through future EIR
Cumulative Impacts on Biological Resources associated with Walker River Water Transfer Program	Potentially Significant and Adverse	Will be mitigated to extent feasible through measures proposed in forthcoming EIR for Walker River Water Transfer Project Proposal.	To be determined through future EIR
Cumulative Impacts on Cultural Resources associated with Walker River Water Transfer Program	Potentially Significant and Adverse	Will be mitigated to extent feasible through measures proposed in forthcoming EIR for	To be determined through future EIR

		Walker River Water Transfer Project Proposal.	
Cumulative Impacts on Hydrology and Water Quality associated with Walker River Water Transfer Program	Potentially Significant and Adverse	Will be mitigated to extent feasible through measures proposed in forthcoming EIR for Walker River Water Transfer Project Proposal.	To be determined through future EIR
Cumulative Impacts on Land Use and Planning Associated with Walker River Water Transfer Program	Potentially Significant and Adverse	Will be mitigated to extent feasible through measures proposed in forthcoming EIR for Walker River Water Transfer Project Proposal.	To be determined through future EIR
Cumulative Impacts on Recreation Associated with Walker River Water Transfer Program	Potentially Significant and Adverse	Will be mitigated to extent feasible through measures proposed in forthcoming EIR for Walker River Water Transfer Project Proposal.	To be determined through future EIR
Cumulative Impacts associated with Water Reclamation	Potentially Significant and Adverse	No Water Reclamation projects proposed at this time.	To be determined through CEQA analysis when and if proposed.
Cumulative Impacts associated with Landfill Closure	Potentially Significant and Adverse	Will be mitigated to extent feasible through measures proposed in EIR for Benton Regional Landfill Closure and Replacement Project.	To be determined through CEQA analysis when replacement site is proposed.

NOTE: This public hearing notice was also published in the Mammoth Times and The Sheet.

# PROOF OF PUBLICATION

(2015.5 C.C.P.)

This space is for County Clerk's Filing Stamp

STATE OF CALIFORNIA,  
COUNTY OF INYO

I am a citizen of the United States and a resident of the County aforesaid. I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of the The Inyo Register

## Proof of Publication of Public Notice

### County of Inyo

The Inyo Register has been adjudged a newspaper of general circulation by the Superior Court of the County of Inyo, State of California, under date of Oct. 5, 1953, Case Number 5414; that the notice, of which the annexed is a printed copy (set in type not smaller than non-pareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof, on the following dates, to wit:

**NOVEMBER 19**

in the year **2015**

I certify (or declare) under penalty of perjury that the foregoing is true and correct, on this **20TH** Day of **NOVEMBER, 2015**

  
Signature

### 320 PUBLIC NOTICES

#### NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Mono County Board of Supervisors will conduct a public hearing on **Dec. 8, 2015**, in the Board of Supervisors Chambers, Mono County Courthouse, Bridgeport, CA, to consider the following: **10:30 a.m. GENERAL PLAN AMENDMENT 15-002** to amend the General Plan Land Use Designation Map to add four parcels along Nevada Street (APN 016-099-027, -036, -037, and 016-096-06) to the established Transient Rental Overlay District (TROD) along Nevada Street and SR 158 in June Lake to allow for nightly rentals on those properties, with a valid Transient Rental Permit. The Planning Commission recommended, via Resolution 15-04, that only APNs 016-099-036 & -37 be added to the TROD. (The owners of APNs 016-099-041 and -042 withdrew their applications prior to the Commission Meeting). In accordance with the California Environmental Quality Act, an addendum to the existing General Plan EIR is being utilized. **1:30 p.m. GENERAL PLAN AMENDMENT (GPA) 15-003, COUNTYWIDE INTEGRATED WASTE MANAGEMENT PLAN (CIWMP) UPDATE, NOISE ORDINANCE UPDATE, AND REPEAL OF CONWAY RANCH SPECIFIC PLAN.** GPA 15-003 includes a comprehensive update to the Land Use, Circulation, Conservation/Open Space, Safety and Noise elements, as well as the Regional Transportation Plan (RTP), and redesignates Conway Ranch as Open Space. GPA 15-003 continues to focus growth in and adjacent to existing communities to avoid growth in environmentally sensitive areas, and support sustainable, healthy, and livable communities. The General Plan, RTP, CIWMP and Noise Ordinance apply to the unincorporated areas. The RTP also applies to the town of Mammoth Lakes, and the CIWMP is related to solid waste issues within the town. The General Plan Update will supersede and replace the currently adopted General Plan, including the RTP as part of the Circulation Element. The CIWMP updates the existing CIWMP with current waste generation data and disposal capacity, and establishes options and guidance for waste management following the anticipated closure of the regional Benton Crossing Landfill. The Noise Ordinance Update makes clarifying and consistency changes to the existing noise ordinance. Repeal of the Conway Ranch Specific Plan provides consistency with the redesignation of that property as Open Space. An Environmental Impact Report has been prepared for the proposed project in compliance with provisions of the California Environmental Quality Act (CEQA). On Nov. 12, 2015, the Planning Commission recommended additional changes to the General Plan and RTP Update, and adopted Resolution 15-05 recommending that the Board of Supervisors certify the Final EIR for the 2015 Mono County Regional Transportation Plan, General Plan, Countywide Integrated Waste Management Plan, and Noise Ordinance Updates (the "2015 Updates"), approve and adopt the mitigation monitoring and reporting program, adopt the 2015 Updates, and repeal the Conway Ranch Specific Plan. The referenced documents and supporting materials for the above projects are available for public review at the Community Development Department offices in Bridgeport and Mammoth Lakes, and for more information call 760.924.1800. **INTERESTED PERSONS** may appear before the Board of Supervisors to present testimony at the public hearing, or prior to or at the hearing file written correspondence with: Board Clerk, PO Box 715, Bridgeport, CA 93517. 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 Board of Supervisors prior to or at the public hearing.  
(IR 11/19/15, #11900)



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**RESOLUTION 15-05**

**A RESOLUTION OF THE MONO COUNTY PLANNING COMMISSION  
RECOMMENDING THAT THE BOARD OF SUPERVISORS  
CERTIFY THE FINAL EIR FOR THE 2015 MONO COUNTY REGIONAL  
TRANSPORTATION PLAN, GENERAL PLAN, COUNTYWIDE  
INTEGRATED WASTE MANAGEMENT PLAN, AND NOISE ORDINANCE  
UPDATES (THE “2015 UPDATES”), APPROVE AND ADOPT  
THE MITIGATION MONITORING AND REPORTING PROGRAM,  
ADOPT THE 2015 UPDATES, AND REPEAL THE CONWAY RANCH SPECIFIC PLAN**

**WHEREAS**, between 2010 and 2015, the Planning Division of the Mono County Community Development Department (hereinafter “ Staff”) conducted extensive public outreach via the Regional Planning Advisory Committees and the June Lake Citizens Advisory Committee, performed a detailed internal review, and consulted with various agency planning partners and others for the purpose of identifying issues within the Mono County General Plan in need of update or revision; and

**WHEREAS**, while that effort was ongoing, supporting grant funds were secured to help offset impacts to the general fund, on January 22, 2013, the Board of Supervisors formally directed Staff to commence preparation of an update to the Mono County General Plan by adoption of Resolution R13-05, initiating what was then referred to as General Plan Amendment 13-1; and

**WHEREAS**, the County General Plan includes, as part of its Circulation Element, the Mono County Regional Transportation Plan (RTP), and historically has included components of the Countywide Integrated Waste Management Plan (CIWMP) as a part of its Hazardous Waste Management Element; accordingly, these plans were also reviewed and analyzed for potential update; and

**WHEREAS**, finally, as a part of the review process, a need to update the County’s Noise Ordinance, which is utilized in conjunction with a variety of General Plan policies and actions and applies to projects and activities throughout the county, as well as to repeal the Conway Ranch Specific Plan (in conjunction with the General Plan update re-designating the property as Open Space), were identified; and

**WHEREAS**, incorporating the information developed and gathered since 2010, draft updates to the General Plan (including the RTP and the designation of Conway Ranch as primarily Open Space and related repeal of the Specific Plan), the CIWMP (now a document separate from the General Plan) and the Noise Ordinance (collectively the “2015 Updates”) were prepared; and

**WHEREAS**, in accordance with the requirements of the California Environmental Quality Act (CEQA) a Notice of Preparation (NOP) of Environmental Impact Report for the 2015 Updates was released on June 6, 2014; and

**WHEREAS**, a Draft Environmental Impact Report (Draft EIR) for the 2015 Updates was circulated for a 60-day public review and comment period starting July 31, 2015, and ending September

1 29, 2015, and was provided to the entities and agencies set forth in California Government Code §65352  
2 et seq.; and

3 **WHEREAS**, from late August to the end of October of 2015, County Staff conducted 15 publicly  
4 noticed meetings/workshops, including three specifically for the Spanish-speaking public, regarding the  
5 2015 Updates throughout the county with regional planning advisory committees, agencies, the  
6 Collaborative Planning Team, Planning Commission, Local Transportation Commission and the Board of  
7 Supervisors; and

8 **WHEREAS**, the County received public comments regarding the 2015 Updates and the Draft EIR,  
9 both in written form and at public meetings, which have been addressed and/or responded to in the proposed  
10 Final Environmental Impact Report (Final EIR), no request for tribal consultation was made; and

11 **WHEREAS**, on November 12, 2015, the Planning Commission held a duly-noticed public hearing  
12 regarding the 2015 Updates and related Final EIR approval; and

13 **WHEREAS**, having reviewed and considered all the information and evidence presented to it,  
14 including public testimony, written comments, the Final EIR, and staff reports and presentations, the  
15 Planning Commission recommends that the Board of Supervisors make required findings, certify the Final  
16 EIR for the 2015 Updates, adopt the Mitigation Monitoring and Reporting Program (MMRP) and adopt the  
17 2015 Updates.

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

20 **SECTION ONE:** The Planning Commission finds that a Final EIR has been prepared for the  
21 2015 Updates in compliance with CEQA and that the Final EIR reflects the County's independent  
22 judgment and analysis. The Planning Commission further finds that the Final EIR has been presented to,  
23 and reviewed by the Planning Commission and is adequate and complete for consideration by the Board  
24 of Supervisors in making a decision on the merits of the 2015 Updates, including making the findings  
25 substantially in the form set forth in **Exhibit A**, which is attached hereto and incorporated by this  
26 reference.

27 **SECTION TWO:** The Planning Commission recommends that the Board of Supervisors: 1)  
28 make the findings and statement required by 14 CCR §§ 15091 and §15093, substantially in the form set  
29 forth in **Exhibit A**; 2) find that the updated Noise Ordinance, the Right To Farm Regulations (Land Use  
30 Element [LUE] Chapter 24), and the Parking regulations (LUE Chapter 06) will substantially mitigate  
their respective impacts when applied to future projects; 3) certify the Final EIR; and 4) adopt the  
Mitigation Monitoring and Reporting Program for the 2015 Updates.

**SECTION THREE:** The Planning Commission further finds that the 2015 Updates, including  
all text changes to the Land Use Element of the Mono County General Plan, is consistent with the  
General Plan and all applicable area plans and recommends that the Board of Supervisors adopt GPA 15-  
003 (formerly referred to as GPA 13-1), the Mitigation Monitoring and Reporting Program (MMRP), the  
2015 Countywide Integrated Waste Management Plan, and the updated Noise Ordinance, and repeal the  
Conway Ranch Specific Plan.

1 PASSED AND ADOPTED THIS 12<sup>TH</sup> DAY OF NOVEMBER 2015, BY THE FOLLOWING

2 VOTE:

3  
4 AYES: Scott Bush, Chris I. Lizza, Mary Pipersky, Dan Roberts

5 NOES:

6 ABSENT: Rodger B. Thompson

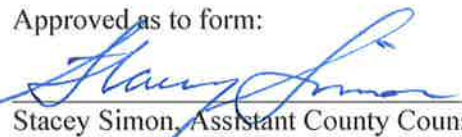
7 ABSTAIN:

8   
Chris Lizza  
Vice-Chair, Mono County Planning Commission

11 Attest:

12   
13 Clerk of the Commission

Approved as to form:

14   
15 Stacey Simon, Assistant County Counsel

**BOARD OF FORESTRY AND FIRE PROTECTION**

P.O. Box 944246  
SACRAMENTO, CA 94244-2460  
Website: [www.bof.fire.ca.gov](http://www.bof.fire.ca.gov)  
(916) 653-8007



Brent Calloway  
Mono County Community Development  
PO Box 347  
Mammoth Lakes, CA 93546

October 7, 2015

Re: Mono County Safety Element Review

Dear Mr. Calloway,

The State Board of Forestry and Fire Protection (Board) is required to review and provide recommendations to the safety element of county and local government general plans when such plans are being amended. This review is in accordance with Government Code (GC) 65302.5, which requires the Board to review the fire safety elements when the general plan contains State Responsibility Areas or Very High Fire Hazard Severity Zones.

Enclosed is the final review and recommendations for the Mono County General Plan Safety Element. The Board has prepared this document in cooperation with members of the CAL FIRE Land Use Planning Program. Government Code 65302.5 also requires the Mono County Community Development Department to consider and accept the recommendations made by the Board and communicate in writing to the Board its reasons for not accepting any recommendations.

The Board noted that many of the requirements for Safety Element contents are met by incorporating the Mono County Community Wildfire Protection Plan (CWPP), Emergency Operations Plan, or other General Plan elements. As those documents, particularly the CWPP, are updated over time, the enclosed Assessment should be used to ensure those required components are included in or updated in the CWPP. If that information is taken out of the CWPP or other plans, the Safety Element should be updated to remain compliant with the General Plan requirements in the Government Code.

The submitted Safety Element includes references to Chapter 22 – Fire Safe Regulations contained within the General Plan Land Use Element. The Board would like to notify the County of changes to the Title 14 SRA Fire Safe Regulations that take effect on January 1, 2016. The Board recommends Mono County submit their Chapter 22- Fire Safe Regulations to the state for certification for use in lieu of the state minimum standards after their local adoption in early 2016. More information about the new regulations and how to submit them to the Board may be found online at: [http://bofdata.fire.ca.gov/board\\_joint\\_policies/local\\_government/](http://bofdata.fire.ca.gov/board_joint_policies/local_government/).

Thank you for the opportunity to participate in your planning process and we look forward to working with you on these recommendations and future updates to the Mono County Community Wildfire Protection Plan and Emergency Operations Plan. We hope this input leads to greater protection and reduced cost and losses from wildfires to Mono County and adjacent wildlands.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Keith Gilles".

J. Keith Gilles  
Chair, Board of Forestry and Fire Protection

Enclosure: Mono County General Plan Safety Element Assessment  
CC: Chief Pete Muñoa, CAL FIRE Land Use Planning



# Mono County

## General Plan Safety Element Assessment Tier 2

September 14, 2015

Board of Forestry and Fire Protection



### Contents

**Purpose and Background**

**Methodology for Review and Recommendations**

**Review Process and Timeline**

**Tier 2 Recommendations**

Jurisdiction: Mono County	Notes:	CAL FIRE Unit: San Bernardino/Inyo/Mono	Date Received: 8/1/2015
County: Mono	LUPP Reviewer: Martinez	Unit Contact: Steve Shaw	Date Reviewed: 8/25/2015

**Purpose and Background:** The State Board of Forestry and Fire Protection (Board) is required to review and make recommendations for the safety element of general plan updates in accordance with Government Code (GC) 65302.5. The review and recommendations apply to those general plans with State Responsibility Area (SRA) (Public Resources Code (PRC) 4125) or Very High Fire Hazard Severity Zone Local Responsibility Area (VHFHSZ LRA) (GC 51177(i), PRC 4125).

The statutory requirements for the Board review and recommendations pursuant to GC 65302.5 (a)(1) and (2), and (b) are as follows:

- *“The draft elements...to the fire safety element of a county’s or a city’s general plan...shall be submitted to the Board at least 90 days prior to... the adoption or amendment to the safety element of its general plan [for each county or city with SRA or VHFHSZ].”*
- *“The Board shall... review the draft or an existing safety element and report its written recommendations to the planning agency within 60 days of its receipt of the draft or existing safety element....”*
- *“Prior to adoption of the draft element..., the Board of Supervisors... shall consider the recommendations made by the Board... If the Board of Supervisors...determines not to accept all or some of the recommendations..., the Board of Supervisors... shall communicate in writing to the Board its reasons for not accepting the recommendations.”*

**Methodology for Review and Recommendations:** The Board established a standardized method to review the safety element of general plans. The methodology includes 1) examining the safety element for inclusion of factors that are important for mitigation of wildfire hazard and risks, and 2) making recommendations related to these factors. The evaluation factors and recommendations below were developed using CAL FIRE technical documents and input from local fire departments.

The Tier 2 recommendations below apply to communities with

- Medium amounts of VHFHSZ Zone acreage or 10 to 20% of acreage is VHFHSZ LRA; or
- Medium population densities; or
- VHFHSZ that does not encroach on population centers or does not add significantly to contiguous high fire hazard fuels at a regional level.

The counties assigned Safety Element Assessment Tier 2 are **Colusa, Imperial, Inyo, Kings, Merced, Modoc, and Mono**. There are 48 cities, listed below, evaluated under Tier 2.

As local fuels, boundaries, populations, and other variables change throughout time, Board staff have the discretion to re-assign a jurisdiction into a lower or higher assessment tier. Staff will consider:

- Variations in population and population density; or
- Changes in proportion of land designated VHFHSZ (lower or higher); or
- Firefighting capabilities (paid, volunteer, equipment, etc) and contract changes; or
- Past planning efforts and involvement of organizations such as local Fire Safe Councils and new initiatives or efforts that have emerged over time; or
- Changes to the context of VHFHSZ within the region – does the VHFHSZ in a jurisdiction combine with neighboring fuels to create a continual pattern of very high fire risk in a way that it hadn't previously?

Cities (alphabetical by county)

Cities (alphabetical by county)				
<b>Alameda</b>	<b>Monterey</b>	<b>Riverside con't</b>	<b>San Diego</b>	<b>Shasta</b>
Berkeley	Monterey	Palm Springs	Carlsbad	Anderson
Piedmont	<b>Orange</b>	Perris	Chula Vista	<b>Siskiyou</b>
Pleasanton	Fullerton	Riverside	Del Mar	Etna
<b>Calaveras</b>	Irvine	San Jacinto	El Cajon	Yreka
Angels Camp	Laguna Woods	Temecula	Solana Beach	<b>Sonoma</b>
<b>Los Angeles</b>	Mission Viejo	Wildomar	Vista	Santa Rosa
Arcadia	Orange	<b>San Bernardino</b>	<b>San Luis Obispo</b>	<b>Tehama</b>
West Covina	<b>Riverside</b>	Chino Hills	San Luis Obispo	Red Bluff
<b>Marin</b>	Corona	Fontana	<b>Santa Clara</b>	<b>Ventura</b>
Larkspur	Hemet	Hesperia	Morgan Hill	Camarillo
<b>Mendocino</b>	Jurupa Valley	Rialto	San Jose	Fillmore
Ukiah	Menifee	Upland		Ventura
	Moreno Valley	Yucca Valley		

## Review Process and Timeline

The county/local jurisdiction and CAL FIRE Land Use Planning staff will receive and review technical guidance documents, the Board assessment, and relevant information from CAL FIRE and the Governor's Office of Planning and Research.



The county or local jurisdiction will work closely with CAL FIRE Land Use Planning staff during the development of the general plan and the safety element in particular.



**At least 90 days prior to the adoption or amendment of the General Plan:** The county or local jurisdiction will submit the safety element to the Board of Forestry & Fire Protection for review. Jurisdictions are encouraged to send safety elements to the Board prior to the 90 day statutory requirement for greater collaboration.



**No more than 60 days later:** The Board will consider staff recommendations and approve as-is or with changes at the next Board meeting. This deadline may be modified upon mutual agreement between Board staff and local jurisdictions.

## Tier 2 General Plan Safety Element Recommendations

Please click on the appropriate box to “check” whether the plan satisfies each point. Standard recommendations are included in the checklist but please highlight or add additional comments as necessary.

### 1.0 Inter-agency Wildfire Protection Planning

- 1.1 General Plan references and incorporates County or Unit Fire Plan: Yes Partial No  
**This is included in the CWPP.**

**Recommendation:** Identify, reference or create (if necessary) a fire plan for the geographic scope of the General Plan. The General Plan should incorporate the general concepts and standards from any county fire plan, fire protection agency (federal or state) fire plan, and local hazard mitigation plan. Identify or reference the local Unit Fire Plan and, if applicable, the Community Wildfire Prevention Plan.

**Priority:** High Medium Low N/A

**Recommendation:** Ensure fire plans incorporated by reference into the General Plan contain evaluations of fire hazards, assessment of assets at risk, prioritization of hazard mitigation actions, and implementation and monitoring components.

**Priority:** High Medium Low N/A

- 1.2 Map or describe existing emergency service facilities and areas lacking services, specifically noting any areas in SRA or VHFHSZs. Yes Partial No

**Recommendation:** Include descriptions of emergency services including available equipment, personnel, and maps of facility locations.

**Priority:** High Medium Low N/A **Mono County Community Development Director Scott Burns stated they were planning on adding this to the safety element soon but have not done so as of yet.**

**Recommendation:** Initiate studies and analyses to identify appropriate staffing levels and equipment needs commensurate with the current and projected emergency response environment.

**Priority:** High Medium Low N/A **Mr. Burns stated they are planning to add this recommendation by reference this prior to their safety element adoption.**

**Recommendation:** Establish goals and policies for emergency service training that meets or exceeds state or national standards.

**Priority:** High Medium Low N/A **This is included in the Mono County CWPP.**

- 1.3 Inter-fire service coordination preparedness/mutual aid and multi-jurisdictional fire service agreements. Yes Partial No

**Recommendation:** Adopt the Standardized Emergency Management Systems for responding to large scale disasters requiring a multi-agency response. Ensure and review mutual

aid/automatic aid and other cooperative agreements with adjoining emergency service providers.

**Priority:**  High  Medium  Low  N/A **This information is included in the Mono County Emergency Operations Plan (EOP) and included by reference to this plan in the safety element.**

## 2.0 Land Use:

2.1 Disclose wildland urban interface hazards including Fire Hazard Severity Zones designations and other vulnerable areas as determined by CAL FIRE or fire prevention organizations. Describe or map any Firewise Communities or other firesafe communities as determined by the National Fire Protection Association, Fire Safe Council, or other organizations.

Yes  Partial  No **Mono County makes reference to the Mono County CWPP, but they do not individually have this information in their safety element. They have not adopted the FRAP VHFHSZ maps as required. They do plan to look into this and will include the FRAP maps to the safety element. The maps in the CWPP are potentially not the FRAP maps and appear not to encompass the same areas as the FRAP.**

**Recommendation:** Specify whether the entity has a Very High Fire Hazard Severity Zones (VHFHSZ) designation pursuant GC 51175 and include a map of the zones that clearly indicates any area designated VHFHSZ.

**Priority:**  High  Medium  Low  N/A

**Recommendation:** Adopt CAL FIRE recommended Fire Hazard Severity Zones including model ordinances developed by the Office of the State Fire Marshal for establishing VHFHSZ areas.

**Priority:**  High  Medium  Low  N/A

2.2 Goals and policies include mitigation of fire hazard for future development.  Yes  Partial  No

**Recommendation:** Adopt fire safe development codes to be used as standards for fire protection for new development in Very High Fire Hazard Severity Zones (VHFHSZ) within the entity's jurisdiction that meet or exceed statewide standards in 14 California Code of Regulations Section 1270 et seq and have them certified by the Board of Forestry.

**Priority:**  High  Medium  Low  N/A **Chapter 22 – Fire Safe Regulation part of Land Use Element but not certified by Board of Forestry. Will submit to Board after adoption in early 2016.**

**Recommendation:** Establish goals and policies for specific ordinances, or specify the current existing ordinances, code sections, or regulations, that address evacuation and emergency vehicle access; water supplies and fire flow; fuel modification for defensible space; and home addressing and signing.

**Priority:**  High  Medium  Low  N/A **See above comment**

**Recommendation:** Consider mitigation of previously developed areas that do not meet Title 14 California Code of Regulations Section 1270 et seq. or equivalent local ordinance.

**Priority:**  High  Medium  Low  N/A **When asked about this section in the meeting Mr. Burns stated they have not addressed this in the plan are considering and update to the CWPP and safety element reference change next year post safety element adoption to address this issue.**

- 2.3 The design and location of new development provides for adequate infrastructure for the safe ingress of emergency response vehicles and simultaneously allows civilian egress during an emergency: Yes Partial No **The CWPP talks about major road access and potential evacuation routes in the CWPP and their Master Environmental Assessment but does not adequately map tertiary routes and temporary safe locations. They will look at adding a comprehensive plan to the plan but unsure when or how they would address.**

**Recommendation:** Develop pre-plans for fire prone areas that address civilian evacuations to temporary safety locations.

**Priority:** High  Medium  Low N/A **See above comments**

**Recommendation:** Develop a policy that approval of parcel maps and tentative maps is conditional based on meeting regulations adopted pursuant to §4290 and 4291 of the Public Resources Code, particularly those regarding road standards for ingress, egress, and fire equipment access.

**Priority:** High  Medium  Low N/A **Addresses partially in the CWPP; a stand-alone policy and process exists to cover this recommendation. This is common practice and they stated they would add by reference to the safety element.**

- 2.4 Fire suppression defense zones. Yes Partial No

**Recommendation:** Establish goals and policies that create wildfire defense zones for emergency services, including fuel breaks or other staging areas where WUI firefighting tactics could be most effectively deployed.

**Priority:** High  Medium  Low N/A **Not addressed – they stated they would work to add on the next EOP and CWPP update next year.**

- 2.5 Prioritizing asset protection from fire when faced with a lack of suppression forces.

Yes Partial No

**Recommendation:** Identify and prioritize protection needs for assets at risk in the absence of response forces.

**Priority:** High  Medium  Low N/A

**Recommendation:** Establish fire defense strategies (such as fire ignition resistant areas) that provide adequate fire protection without dependency on fire resources (both air and ground) and could serve as safety zones for the public or emergency support personnel.

**Priority:** High  Medium  Low N/A

### 3.0 **Housing:**

- 3.1 Incorporation of current fire safe building codes. Yes Partial No

**Recommendation:** Adopt building codes for new development in State Responsibility Areas or incorporated areas with VHFHSZ that are based on those established by the Office of the State Fire Marshal in Title 19 and Title 24 CCR, referred to as the “Wildland Urban Interface Building Codes.”

**Priority:**  High  Medium  Low  N/A

**Recommendation:** Ensure new development proposals contain specific fire protection plans, actions, and codes for fire engineering features for structures in VHFHSZ. Examples include codes requiring automatic sprinklers in VHFHSZ.

**Priority:**  High  Medium  Low  N/A

3.2 Consideration of diverse occupancies and their effects on wildfire protection.

Yes  Partial  No

**Recommendation:** Ensure risks to uniquely occupied structures, such as seasonally occupied homes, multiple dwelling structures, or other unique structures/owners, are considered for appropriate wildfire protection needs.

**Priority:**  High  Medium  Low  N/A

3.3 Fuel modification around homes.  Yes  Partial  No

**Recommendation:** Establish ordinances in SRA or VHFHSZ for vegetation fire hazard reduction around structures that meet or exceed the Board of Forestry and Fire Protection's Defensible Space Guidelines for SRA and the Very High Fire Hazard severity zones, including vacant lots.

See [http://www.bof.fire.ca.gov/pdfs/Copyof4291finalguidelines9\\_29\\_06.pdf](http://www.bof.fire.ca.gov/pdfs/Copyof4291finalguidelines9_29_06.pdf)

**Priority:**  High  Medium  Low  N/A

**Recommendation:** Reduce fuel around communities and subdivisions, considering fuels, topography, weather (prevailing winds and wind event specific to the area), fire ignitions and fire history.

**Priority:**  High  Medium  Low  N/A

**Recommendation:** Include policies and recommendations that incorporate fire safe buffers and greenbelts as part of the development planning. Ensure that land uses designated near high or very fire hazard severity zones are compatible with wildland fire protection strategies/capabilities.

**Priority:**  High  Medium  Low  N/A

3.4 Identification and actions for substandard fire safe housing and neighborhoods relative to fire hazard area.  Yes  Partial  No **This is partially covered in the CWPP in the last third of the policy but does not adequately cover the intent of the below recommendations. Mono County added this to their list of agenda items to look into their next meeting and to scope how best to address this.**

**Recommendation:** Identify and map existing housing structures that do not conform to contemporary fire standards in terms of building materials, perimeter access, and vegetative hazards in VHFHSZ or SRA by fire hazard zone designation.

**Priority:**  High  Medium  Low  N/A

**Recommendation:** Identify plans and actions to improve substandard housing structures and



neighborhoods. Plans and actions should include structural rehabilitation, occupancy reduction, demolition, reconstruction, neighborhood-wide fuels hazard reduction projects, community education, and other community based solutions.

**Priority:**  High  Medium  Low  N/A

3.5 Assessment and projection of future emergency service needs.  Yes  Partial  No

**Recommendation:** Ensure new development includes appropriate facilities, equipment, personnel and capacity to assist and support wildfire suppression emergency service needs. Future emergency service needs should be:

- Established consistent with state or national standards.
- Developed based on criteria for determining suppression resource allocation that includes elements such as identified values and assets at risk, ignition density, vegetation type and condition, as well as local weather and topography.
- Local Agency Formation municipal services reviews for evaluating level of service, response times, equipment condition levels and other relevant emergency service information.

**Priority:**  High  Medium  Low  N/A

#### 4.0 **Conservation and Open Space:**

4.1 Identification of critical natural resource values relative to fire hazard areas.  Yes  Partial  No  
**I addressed these recommendations in my meeting with the team and they stated this would be added as an agenda item in the future to scope how best to address these recommendations.**

**Recommendation:** Identify critical natural resources and other “open space” values within the geographic scope of the General Plan.

**Priority:**  High  Medium  Low  N/A

4.2 Inclusion of resource management activities to enhance protection of open space and natural resource values.  Yes  Partial  No **In the conservation/open space element**

**Recommendation:** Develop plans and action items for vegetation management that provides fire damage mitigation and protection of open space values.

**Priority:**  High  Medium  Low  N/A

**Recommendation:** Establish goals and policies for reducing the wildland fire hazards within the entity’s boundaries and, with the relevant partners, on adjacent private wildlands, federal lands, vacant residential lots, and greenbelts with fire hazards that threaten the entity’s jurisdiction.

**Priority:**  High  Medium  Low  N/A **Included in the CWPP**

4.3 Integration of open space into fire safety effectiveness.  Yes  Partial  No

**Recommendation:** Establish goals and policies for incorporating systematic fire protection improvements for open space. Specifics policies should address fire mitigation planning with agencies/private landowners managing open space adjacent to the General Plan area, water

sources for fire suppression, and other fire prevention and suppression needs.

**Priority:**  High  Medium  Low  N/A

## 5.0 **Circulation:**

5.1 Adequate access to high hazard wildland/open space areas.  Yes  Partial  No

**Recommendation:** Establish goals and policies for adequate access in Very High Fire Hazard Severity Zones that meet or exceed standards in Title 14 CCR 1270 for lands with no structures, and maintain conditions of access in a suitable fashion for suppression access or public evacuation.

**Priority:**  High  Medium  Low  N/A **They do not address the public evacuation routes in a formal plan and do not address the maintenance of such. They are adding this to a future agenda to scope how best to add this information to their plan.**

5.2 Incorporate a policy that provides for a fuel maintenance program along roadways in the agency having jurisdiction.  Yes  Partial  No

**Recommendation:** Develop an adaptive vegetation management plan that considers fuels, topography, weather (prevailing winds and wind event specific to the area), fire ignitions and fire history.

**Priority:**  High  Medium  Low  N/A **Addressed in the CWPP**

5.3 Emergency response barriers.  Yes  Partial  No

**Recommendation:** Identify goals and policies that address vital access routes that if removed would prevent fire fighter access (bridges, dams, etc.). Develop an alternative emergency access plan for these areas.

**Priority:**  High  Medium  Low  N/A **This is partially addressed in the CWPP but there is currently no comment or plan in place to address alternate emergency access, etc. They will add this recommendation to a future agenda item and address the issue in a future CWPP update.**

5.4 Adequacy of existing and future transportation system to incorporate fire infrastructure elements.  Yes  Partial  No

**Recommendation:** Establish goals and policies for proposed and existing transportation systems to facilitate fire infrastructure elements such as turnouts, helispots and safety zones.

**Priority:**  High  Medium  Low  N/A **Mono County does not currently address the helispot and safety zones recommendation will add this to the Emergency Operations Plan and CWPP update next year**

## 6.0 **Post Fire Safety, Recovery and Maintenance:**

The post fire recommendations address an opportunity for the community and landowners to re-evaluate land uses and practices that affect future wildfire hazards and risk. They also provide for immediate post-fire life and safety considerations to mitigate potential losses to life, human assets and critical natural resources.

6.1 Develop post-fire priorities and goals for the recovery of the built and natural environments.  
 Yes  Partial  No

**Recommendation:** Reevaluate hazardous conditions and provide for future fire safe conditions. Evaluate redevelopment in high or very high fire hazard severity zones.

**Priority:**  High  Medium  Low  N/A

**Recommendation:** Restore sustainable landscapes and restore functioning ecosystems. Incorporate wildlife habitat/endangered species considerations.

**Priority:**  High  Medium  Low  N/A

**Recommendation:** Provide polices and goals for maintenance of the post-fire-recovery projects, activities, or infrastructure.

**Priority:**  High  Medium  Low  N/A

6.2 Post fire life and safety assessments.  Yes  Partial  No **They will add this to a future agenda item to scope how best to address this section.**

**Recommendation:** Develop frameworks for rapid post-fire assessment and project implementation to minimize flooding, protect water quality, limit sediment flows and reduce other risks on all land ownerships impacted by wildland fire.

**Priority:**  High  Medium  Low  N/A

# Mono County Community Development Department

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## OUTSIDE REVIEW OF SAFETY ELEMENT UPDATE Mono County Response to Board of Forestry Letter

In accordance with California government code section 65302.5 prior to adoption or amendment of a draft safety plan element, the County has circulated copies of the draft element for review and comment to the California Geological Survey of the Department of Conservation, the California State Board of Forestry and Fire Protection and all local fire protection agencies. After circulation of the draft element, the County did not receive a response from the California Geological Survey or from any of the local fire protection districts. The Board of Forestry and Fire Protection did provide a response in a letter dated October 7, 2015. GC §65302.5 continues by requiring the Board of Supervisors to consider the recommendations made by the Board of Forestry and communicate in writing back to the Board of Forestry its reasons for not accepting any of the recommendations.

The Board of Forestry comment letter contained 37 standard recommendations, 23 of which were deemed applicable by the Board of Forestry to Mono County. The following analysis includes all the applicable Board of Forestry recommendations and a brief response regarding the County's proposed acceptance of the recommendation. It is important to note that the Board of Forestry includes referenced documents as part of their safety element review including the Land Use Element Chapter 22 "Fire Safe Regulations", the Local Hazard Mitigation Plan (LHMP), the Emergency Operations Plan (EOP) and the Community Wildfire Protection Plan (CWPP).

**1. (1.2) Recommendation:** Include descriptions of emergency services including available equipment, personnel, and maps of facility locations.

Recommendation Accepted: The General Plan Map (online) has been updated to include emergency facility locations, descriptions of equipment and personnel will be updated in the subsequent EOP and LHMP updates.

**2. (1.2) Recommendation:** Initiate studies and analyses to identify appropriate staffing levels and equipment needs commensurate with the current and projected emergency response environment.

Recommendation Accepted: An analysis of appropriate staffing levels and equipment needs will be included in subsequent updates to the EOP.

**3. (1.2) Recommendation:** Establish goals and policies for emergency service training that meets or exceeds state or national standards.

Recommendation Accepted: Goals and policies regarding training are incorporated into the CWPP and will be updated during the scheduled and funded 2016 update of the CWPP.

**4. (2.1) Recommendation:** Specify whether the entity has a Very High Fire Hazard Severity Zones (VHFHSZ) designation pursuant GC §51175 and include a map of the zones that clearly indicates any area designated VHFHSZ.

Recommendation Accepted: CALFIRE Fire hazard zones have been added to the online General Plan Map in addition to web-links to CALFIRE mapping resources.

**5. (2.1) Recommendation:** Adopt CALFIRE recommended Fire Hazard Severity Zones (FHSZs) including model ordinances developed by the Office of the State Fire Marshal for establishing VHFHSZ areas.

Note: Both NA and High priority boxes are checked.

Recommendation Partially Accepted: The FHSZs have been added to the Mono County General Plan Map online. The Mono County Land Use Element (LUE) Chapter 22 Fire Safe Regulations apply to all State Responsibility Area (SRA) lands regardless of FHSZ and as there is a very limited amount of Local Responsibility Area (LRA) lands within the County and none within the VHFHSZ, the County feels that formally adopting the CALFIRE FHSZ maps would provide no additional utility.

**6. (2.2) Recommendation:** Adopt fire safe development codes to be used as standards for fire protection for new development in Very High Fire Hazard Severity Zones (VHFHSZ) within the entity's jurisdiction that meet or exceed statewide standards in 14 California Code of Regulations Section 1270 et. seq. and have them certified by the Board of Forestry.

Recommendation Accepted: LUE Chapter 22 Fire Safe Regulations are applicable to all of the private land in Mono County, comply with statewide standards and will be sent for certification by the BOF after adoption.

**7. (2.2) Recommendation:** Establish goals and policies for specific ordinances, or specify the current existing ordinances, code sections, or regulations, that address evacuation and emergency vehicle access; water supplies and fire flow; fuel modification for defensible space; and home addressing and signing.

Recommendation Accepted: See response above.

**8. (2.2) Recommendation:** Consider mitigation of previously developed areas that do not meet Title 14 California Code of Regulations Section 1270 et. seq. or equivalent local ordinance.

Recommendation Accepted: This is an important and challenging regulatory issue and is being addressed by policy in the CWPP and implemented primarily by local fire protection districts and fire safe councils.

**9. (2.3) Recommendation:** Develop pre-plans for fire prone areas that address civilian evacuations to temporary safety locations.

Recommendation Accepted: A comprehensive evaluation of community access and evacuation routes is programmed for 2016 and will be incorporated into the CWPP and Safety Element where relevant.

**10. (2.4) Recommendation:** Establish goals and policies that create wildfire defense zones for emergency services, including fuel breaks or other staging areas where WUI firefighting tactics could be most effectively deployed.

Recommendation Accepted: Goals and policies establishing wildfire defense zones for emergency services will be included in subsequent updates of the EOP and the programmed 2016 update of the CWPP.

**11. (2.5) Recommendation:** Identify and prioritize protection needs for assets at risk in the absence of response forces.

Recommendation Accepted: Goals and policies that identify and prioritize protection needs for assets at risk in the absence of response forces will be included in subsequent updates of the EOP and the programmed 2016 update of the CWPP.

**12. (2.5) Recommendation:** Establish fire defense strategies (such as fire ignition resistant areas) that provide adequate fire protection without dependency on fire resources (both air and ground) and could serve as safety zones for the public or emergency support personnel.

Recommendation Accepted: Fire defense strategies will be included in subsequent updates of the EOP and the programmed 2016 update of the CWPP.

**13. (3.1) Recommendation:** Adopt building codes for new development in State Responsibility Areas or incorporated areas with VHFHSZ that are based on those established by the Office of the State Fire Marshal in Title 19 and Title 24 CCR, referred to as the "Wildland Urban Interface Building Codes."

Recommendation Accepted: Mono County has adopted and enforces the 2013 California Building Code (CBC) throughout the county. The CBC and LUE Chapter 22 include requirements for fire resistive construction and residential fire sprinklers for all new construction regardless of the hazard zone.

**14. (3.1) Recommendation:** Ensure new development proposals contain specific fire protection plans, actions, and codes for fire engineering features for structures in VHFHSZ. Examples include codes requiring automatic sprinklers in VHFHSZ.

Recommendation Accepted: See response above.

**15. (3.4) Recommendation:** Identify and map existing housing structures that do not conform to contemporary fire standards in terms of building materials, perimeter access, and vegetative hazards in VHFHSZ or SRA by fire hazard zone designation.

Recommendation Accepted: This is an important and challenging regulatory issue and is being addressed by policy in the CWPP and implemented primarily by local fire protection districts and fire safe councils.

**16. (3.4) Recommendation:** Identify plans and actions to improve substandard housing structures and neighborhoods. Plans and actions should include structural rehabilitation, occupancy reduction,

demolition, reconstruction, neighborhood-wide fuels hazard reduction projects, community education, and other community based solutions.

Recommendation Accepted: This is an important and challenging regulatory issue and is being addressed by policy in the CWPP and implemented primarily by local fire protection districts and fire safe councils.

**17. (4.1) Recommendation:** Identify critical natural resources and other “open space” values within the geographic scope of the General Plan.

Recommendation Accepted: Much of the General Plan and its supporting documents and technical studies, particularly the Conservation/Open Space Element, Land Use Element, Environmental Impact Report and supporting documents, such as the biological assessment and Master Environmental Assessment, is dedicated to the preservation of the unique natural resources and open space values of Mono County.

**18. (5.1) Recommendation:** Establish goals and policies for adequate access in Very High Fire Hazard Severity Zones that meet or exceed standards in Title 14 CCR 1270 for lands with no structures, and maintain conditions of access in a suitable fashion for suppression access or public evacuation.

Recommendation Not Accepted: We respectfully disagree with this recommendation. The County does not promote the establishment or improvement of vehicular access to vacant lands (lands with no structures) where access is currently limited or non-existent.

**19. (5.3) Recommendation:** Identify goals and policies that address vital access routes that if removed would prevent fire fighter access (bridges, dams, etc.). Develop an alternative emergency access plan for these areas.

Recommendation Accepted: A comprehensive evaluation of community access and evacuation routes is programmed for 2016 and will be incorporated into the CWPP and Safety Element where relevant.

**20. (5.4) Recommendation:** Establish goals and policies for proposed and existing transportation systems to facilitate fire infrastructure elements such as turnouts, helispots and safety zones.

Recommendation Accepted: In addition to existing regulations including the LUE Chapter 22, a comprehensive evaluation of community access and evacuation routes is programmed for 2016 and will be incorporated into the CWPP and Safety Element where relevant.

**21. (6.1) Recommendation:** Reevaluate hazardous conditions and provide for future fire safe conditions. Evaluate redevelopment in high or very high fire hazard severity zones.

Recommendation Accepted: Mono County has adopted and enforces the 2013 California Building Code (CBC) throughout the county. The CBC and the LUE Chapter 22 include requirements for fire resistive construction and residential fire sprinklers for all new construction including redevelopment regardless of the hazard zone.

**22. (6.1) Recommendation:** Provide polices and goals for maintenance of the post-fire recovery projects, activities, or infrastructure.

Recommendation Accepted: Goals and policies for post-fire recovery will be included in subsequent updates of the EOP and the programmed 2016 update of the CWPP.

**23. (6.2) Recommendation:** Develop frameworks for rapid post-fire assessment and project implementation to minimize flooding, protect water quality, limit sediment flows and reduce other risks on all land ownerships impacted by wildland fire.

Recommendation Accepted: Frameworks for rapid post-fire assessment and project implementation will be included in subsequent updates of the EOP and the programmed 2016 update of the CWPP.



NOTE: An analysis and the Planning Commission recommendation regarding this issues are included in the Policy Issues White Paper (Attachment #5).

Date: October 1, 2015

To: Mono County Planning Commission  
From: Larry Johnston, District 1 Supervisor  
Re: General Plan Update Considerations

Dear Commissioners,

I am commenting on the Draft General Plan Update upon which you will soon be recommending. I view this Update as an opportunity to help solidify the direction of Mono County well into the future. It should be noted that the staff has done a wonderful job overall in preparing and forwarding the update of the General Plan. But I have four major areas of policy which I would request your careful consideration.

#### NET ZERO ENERGY

The first policy area deals with energy. As you may be aware, the County has adopted a “net zero” energy goal for County operations; that is, the goal would eventually result in no net energy use by the County in its operations – ultimately becoming a self-reliant energy producer and user. This was adopted last year (2014) by the Board of Supervisors; a significant achievement. Although it is addressed to some degree in the General Plan, I believe the major goal of County operations (i.e., net zero energy use) should be much more emphatically stated in the General Plan. Present language gets lost in more generalized statements and tends to be buried in subordinate Objectives and Policies. Goal 16 (page V-45) is an example. It says “Improve energy efficiency in existing buildings,” which is good but words like “Encourage” and “Improve” and “Collaborate with Community Partners” are extremely weak as goals and policies if anything substantial is going to be achieved in the long run.

Not only should the goal of net zero energy use for County operations be more emphatically reiterated in the General Plan, but this major policy should be extended to the general public as a goal for all citizens and projects within the County. During the same time frame that the Board adopted the net zero energy use policy for County operations, we also instituted the PACE (Property Assessed Clean Energy) program which allows citizens the opportunity to finance energy conservation and production improvements via a tag-on to property tax payments (e.g., a solar system could be financed then paid back through the annual property tax payment process). A much stronger emphasis should be included in the General Plan so that if a development is proposed (such as a property subdivision) the criteria for approval includes requirements that would meet net zero energy use. As an example of weak language, the proposed Goal 17 (page V-47) reads “Reduce energy use in new construction and major renovations.” Nice but without real impact. Inclusion of a strongly worded goal would actually fit extremely well with the sustainability grant upon which this General Plan Update is being funded. We should not be afraid of clearly stating what we want in our General Plan if we are truly serious about our future.

#### LARGE SCALE ALTERNATIVE ENERGY PROJECTS

My second policy area also deals with energy, that is, the potential for commercial large scale energy production such as large wind farms and solar farms. The present draft language in the Draft General Plan attempts to address this issue but again does not clearly articulate what we want or what we will not accept. The draft language in one of the draft goals in the General Plan (Goal 11 page v-42) states: “Encourage appropriately scaled renewable energy generation for use within the county.” It is followed

by a weakly worded policy (Policy 11.A.2, page v-42) that approaches, but unnecessarily avoids, a strongly worded policy saying that Mono County does not want energy projects larger than 3 MW. Moreover, proposed Goal 12 (page v-43) more or less voids the supposed 3MW threshold by saying “Regulate development of large-scale wind and solar energy resources to ensure that environmental impacts are mitigated and the project is compatible with existing and planned land uses.” Why would we want to talk about regulating something that we don’t even want, even if it is on federal land?

We should clearly state as a major goal that: 1) Mono County is very opposed to all commercial scale (>3MW) alternative energy development anywhere in the county, 2) we support and advocate “distributed” alternative energy production (roof-top, individual ground-source geothermal, or similar), and 3) we support community scale (1-3 MW) projects only on previously disturbed lands (such as old mining sites or landfill sites). A preliminary list of such disturbed lands is attached.

We are a scenic wonderland and one of the last remaining vestiges mostly undisturbed landscapes in California if not the nation. Weakly worded or unspecific goals and policies would be of little use if a large scale energy project were to actually come forward.

#### OHV PROLIFERATION

My third policy area deals with the proliferating and promotion of off highway vehicle (OHV) use. As noted above, we are a scenic wonderland and known as “Wild by Nature” in our motto and in most of our daily pursuits. Most people come to Mono for human powered adventures such as skiing, hiking, biking, running, fishing, camping, photography, eco-touring, peace and quiet. These are the very pursuits for which most of us came here and why most of us stay. But it is becoming more and more apparent that the proliferation and promotion of OHV use (as opposed to the incidental use by locals) threatens the long term wild-by-nature County that we all enjoy and love. It is not merely the noise, fumes, dust, trail destruction, and habitat destruction that occurs, but the almost total displacement of other non-motorized uses. There are examples all around. Take the family tent camping in the upper Owens, whereupon an OHV prominent family camps next door – the once peaceful tent camping experience is transformed into a dusty, fummy, noisy experience. Ultimately there are no multiple uses where OHV use is promoted or allowed. And the proliferation gets worse with every passing year, every promotional piece, every OHV event, and every justification based on TOT production. Moreover, those charged with OHV enforcement are highly understaffed and seemingly unable to keep pace with the growth of OHV use. Promotion of OHV use flies in the face of sustainability, ironically sustainability being the very source of our General Plan update funding. Yet, unless you read deeply between the lines (e.g., “Protect natural resources and enhance public access.” P. II-30; “Expand tourism and marketing efforts.” P. II-41; “‘Combined’ enjoyment among users such as hikers, bicyclists, off-road vehicles, equestrians and runners shall be encouraged where practical.” P. II-46.) there is virtually nothing said about proliferation of OHV use anywhere in the Draft General Plan. Yet I believe it is one of the most serious threats we face; it’s almost a case of the Emperor not wearing clothes.

Proliferation and promotion of OHV use should be addressed outright in the General Plan and that the COUNTYWIDE VISION statement on page II-29 should be augmented to include a statement of our human-powered vision and that OHV proliferation is unwelcome and inconsistent with the parts of the vision statement that reads “The environmental and economic integrity of Mono County shall be maintained and enhanced through orderly growth, minimizing land use conflicts, supporting local tourist and agricultural based economies, and protecting the scenic, recreational, cultural and natural resources of the area.” In addition, County-sponsored promotional activities should cease as a general rule.

Further, the County should advocate that other agencies (such as the USFS) should limit the promotion of OHV use in their land use documents and policies, lest we become “Wild by Motor.”

#### RODEO GROUNDS

The fourth policy item deals with the June Lake Rodeo Grounds. I believe the development of an environmentally compatible resort project in June Lake is one of the best opportunities the county has for creating a sustainable economic environment for the region. It would substantially help the June Mountain Ski Area’s long term success as well as dovetail with Mammoth Mountain Ski Area operations. But the site of the Rodeo Grounds is problematic, being highly visible and not well connected to the June Mountain Ski Area. The ski area itself is in need of upgrading both in terms of facilities and visual presentation, particularly the main access lift and base facilities.

The General Plan should include the concept plans (already prepared) for a land trade that would change the location of resort development from the Rodeo Grounds site to the base area of June Mountain. As mentioned, the base area is in need of upgrading whether or not the present Rodeo Grounds development proceeds. The concept plan (incidentally, prepared by sustainability grant funding) would allow a much more compatible development on lands that are currently mostly already disturbed. A key feature to the plan is that it would integrate base area improvements directly in conjunction with resort development. Additionally, the ski-in, ski-out ability afforded by the concept plan is very desirable in ski area development and success. Most importantly, I believe there would be a much higher level of community support if the resort site were in the proper location at the base of the mountain.

Yes there would be the need to trade land that was already traded but that was done many, many years ago under different environmental and economic conditions. But good plans don’t just happen; they can be achieved if we take bold action to help make it happen.

Thank you for your careful review and consideration of these policy issues as well as others.

Sincerely,  
Larry Johnston

## **Mono County Site Inventory**

### **Solar Energy Development – Potential Medium Scale (1 MV ± ) PV Sites**

**May, 2011**

(Sites generally listed North to South)

1. Aucherberry (sp?) Pit
  - County-owned
  - Directly adjacent to 395, n. of Marine housing development
  - Lines nearby – NV Energy?
  - Large exposed/denuded hillside
  - Needs erosion abatement
  - 5± acres
  
2. Walker Landfill/Transfer Station
  - County-owned land – closed landfill /transfer station operations still open
  - Nearby transmission lines ~0.25 miles away
  - Relatively open exposure
  - Positive economic impact to area?
  - Road access ok
  
3. Walker Community Center / County Yard
  - County-owned land - currently open
  - Lines nearby
  - Rooftops of storage buildings could be retrofitted w/ PVs
  - 5± acres
  - Road access ok
  - Could power nearby county buildings
  
4. Mono County “Thou Shalt Not Steal” old aggregate pit (just n. of Caltrans at Sonora Jct)
  - County-owned land?
  - 5± acres?
  - Near 395 (1/2 mile n. of SR 108)
  - Nearby transmission lines ~0.25 miles away
  - Relatively open exposure
  - Road access Ok
  - Cal Trans operations ~.5 miles away
  
5. Bridgeport Landfill /transfer station
  - County-owned land (?) -closed landfill /transfer station operations still open
  - Nearby transmission lines ~0.3 miles away
  - Open exposure
  - Road access ok
  - Positive economic impact to area?

6. Bodie Road (RV Park site near Hwy 395)
  - 150 acres private property for sale
  - zoned specific plan for RV park
  - Road access ok
  - Conduit and/or undergrounded along Bodie Road
7. Hwy 167 (just north of Mono City) Aggregate Site
  - BLM-owned land (Caltrans site)
  - Lines nearby
  - Road access
  - Depressed land
8. Lee Vining sewage treatment site
  - DWP-owned land / LV PUD
  - Depressed land
  - Lines nearby
  - Road access fair
  - Could power nearby community center / other uses
9. Lee Vining Airport
  - DWP-owned land / county airport
  - Lines nearby ~0.5 miles
  - Road access ok
  - Disturbed land
  - Would need to work around FAA requirements
10. Granite Aggregate Site E. Hwy 120 (along s. side Rush Creek)
  - Private ownership / TBD – site used as aggregate pit
  - Lines nearby within ~0.25 miles
  - Could power operations Granite Construction Pit
  - Lots of depressed land (below grade of surrounding land)
  - Wide, open exposure
  - Road access on private road
11. Marzano Gravel Pit (along n. side Rush Creek)
  - Private ownership / TBD – site used as aggregate pit
  - Close to 395 w/ private road access
  - Lines nearby
  - Lots of depressed land (below grade of surrounding land)
  - Wide, open exposure
12. Mammoth Airport Pit
  - Federally-owned
  - Site used for construction debris (rocks, etc.)
  - LOTS of depressed, low lying land
  - Nearby lines ~.25 miles away
  - Road access over federal land

13. CA DFG Fish Hatchery

- Any extra, impacted, available land?
- State-owned
- Could power hatchery operations
- Adjacent lines
- Road access ok (?)

14. Pumice Valley Landfill

- DWP-owned land (County lease)
- No nearby transmission lines (3+ miles)
- Highly disturbed land
- Wide, open exposure
- Road access ok

15. Benton Transfer Station / old landfill site

- County-owned land (?) – closed landfill - transfer station still in operation
- ~5 acres
- Lines nearby ~.25 miles away
- Road access ok
- Positive economic impact to area?

16. Chalfant Transfer site/ old landfill site?

- County-owned – closed landfill - transfer station
- 5 acres?
- Lines nearby /on-site
- Road access ok

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**Site Selection Criteria** for consideration in ranking locations (not necessarily in ranked order):

- Previously impacted land / habitat
- Adjacent or near to existing power lines w/ available capacity
- 5+ contiguous acres
- South facing & no shading
- Amenable property owner (Mono County land preferred)
- Low impact on surrounding viewshed
- Existing road access
- Lowest habitat value
- Proximity to powered operations
- Appropriate surface & substrata
- Demonstration opportunities

Note: no contacts with property owners or lease holders have been made— preliminary inventory only.

## Wendy Sugimura

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**From:** Larry Johnston  
**Sent:** Tuesday, September 29, 2015 6:12 AM  
**To:** Scott Burns  
**Cc:** Wendy Sugimura  
**Subject:** GP Draft EIR Comment

Scott,

I would like to comment on the draft General Plan EIR. My comments are in regard to two specific general plan amendments that are being integrated into the overall General Plan Update.

The first is the proposed allowance of industrial and heavy commercial uses on parcels larger than 5 acres in the Antelope Valley. This proposed change would allow industrial-like land use types in rural settings that are incompatible with the environmental conditions and livability of the area. For example, trucks, trailers, and other industrial businesses using heavy equipment, which would be allowable on a parcel immediately adjacent to a rural residential parcel, would create visual, dust, erosion, traffic, noise, lighting, and other similar impacts to the immediate environment. Heavy equipment maintenance activities could create oil spills, gasoline or fuel spills affecting the quality of the ground water and surface waters with virtually no oversight. Changes would likely effect wildlife with the degradation of wildlife habitats.

I believe these changes are environmentally significant and cannot be mitigated to less than significant levels. Also, this proposed change cannot be fully analysed environmentally at the level of a General Plan EIR and should be considered completely separate and subsequent to the present general plan update.

The second item of concern is the proposal to allow expanded commercialized home occupation uses in noncommercial areas. Similar to the proposed change above, this change will have impacts that cannot be analyzed at the general plan EIR level and should be considered as a separate general plan amendment.

Thank you for your consideration of these comments.

Larry Johnston

Sent from my Verizon Wireless 4G LTE Smartphone

**2015 Updates & Repeal of the Conway Ranch Specific Plan  
Policy Issues White Paper**

Mono County Board of Supervisors; Dec. 8, 2015

A policy analysis of each issue was provided to the Planning Commission at its Nov. 12 public hearing to assist with deliberation of the 2015 Updates and Repeal of the Conway Ranch Specific Plan project. The analysis, updated for the Board of Supervisors, is in plain text and the Commission's recommendation is stated in italics and/or "redline" changes to policy language.

Note: Policy changes identified in this document are included in the most recent General Plan documents posted at <http://monocounty.ca.gov/planning/page/mono-county-general-plan-update>.

**The Planning Commission recommended the following policy changes:**

**Large-Scale Alternative Energy Projects**

Supervisor Johnston requests consideration of stronger language to prohibit large-scale renewable energy projects. Goal 11 in the Conservation/Open Space Element is cited as lacking strong oppositional language, and Goal 12 as inconsistent with Goal 11 because it allows for large-scale alternative energy projects under certain regulatory conditions.

The Board of Supervisors has consistently provided staff with direction to prevent large-scale alternative energy projects on public and private lands. With a focus of encouraging and incentivizing, the proposed Goal 11 language focuses on defining the type of desired alternative energy generation. Goal 12 reflects existing General Plan language, and standards were added rather than an outright prohibition since these projects would likely occur on public lands outside the County's jurisdiction and/or may be pre-empted by state law. Setting forth standards and conditions for these types of projects provides a substantive framework for the County to submit comments on projects.

If stronger language is desired, the following modifications are recommended:

*The Planning Commission refined suggested policy language, resulting in the following recommended modification to the Conservation/Open Space Element:*

**Policy 11.A.3.** Oppose commercial-scale (e.g., >3MW) solar and wind energy projects in Mono County on non-county public lands to protect visual, recreational, and wildlife habitat and biological resources, and the noise environment, and ensure projects on private lands protect these resources.

**Action 11.A.3.a.** Where pre-empted by state law or other jurisdictional authority, ~~W~~work with applicable agencies to avoid, minimize, and mitigate the impacts to the environmental, visual, recreational, wildlife habitat and noise environment within the county. ~~for alternative energy development on federal, state, LADWP or other agency lands.~~

**Action 11.A.3.ba.** Ensure (or for non-county public lands advocate), for no adverse project impacts to the visual, recreational, and noise environment in Mono County.



**Action 11.A.3.cb.** ~~Ensure (or for non-county public lands advocate);~~ for no adverse projects impacts to biological resources and wildlife habitat in Mono County, including sage grouse habitat and wind energy development impacts to migratory birds.

~~**GOAL 12. Regulate development of large-scale wind and solar energy resources to ensure that environmental impacts are mitigated and the project is compatible with existing and planned land uses.**~~

~~**Objective 12.A.**~~

~~Large-scale solar and wind energy facilities shall not adversely impact the visual, recreational, and wildlife habitat resources, and noise environment in Mono County.~~

~~**Policy 12.A.1.** Project conditions shall require compliance with all applicable provisions of the Conservation/Open Space Element and the Noise Element.~~

~~**Policy 12.A.2.** Wind energy facilities shall not adversely affect wildlife.~~

~~**Action 12.A.2.a.** Wind energy facilities shall be sited so as to avoid flight paths of migratory birds.~~

Note: These policies are based on Board direction and were not specifically vetted through the RPACs.

## **Rodeo Grounds**

The concept plan for June Mountain referenced in Supervisor Johnston's letter is attached. Historically, a development concept for the base of June Mountain dates as far back as the conceptual 1974 *June Lake Loop General Plan*. During the land exchange with the US Forest Service, the Community Development Department's understanding is that the transfer of the June Mountain base area into private ownership was considered but rejected due to resource values of the land (e.g., wetlands). With the completion of the land exchange, the likelihood of a private development at the base of June Mountain substantially decreased, and subsequent proposals focused on the current Rodeo Grounds parcels across the street.

The referenced concept plan was developed in 2013 during a transition between land owners and reconsideration of development ideas at the Rodeo Grounds. The plan was never fully publicly vetted for development consideration. However, as a conceptual vision of the potential for development at the base of June Mountain, it could be incorporated into General Plan policies for future consideration through a public process, which would also be consistent with the objectives of the General Plan Update.

If incorporation of the June Mountain base area concept plan is desired, the following potential policy language is suggested for inclusion in the Land Use Element:

**Policy 13.J.2.** Develop a major commercial/recreational node across from the June Mountain Ski Area. This node may include retail outlets such as convenience stores, gift shops and sporting goods outlets oriented to visitors and residents, and other uses such as restaurants, night-time entertainment facilities such as night clubs and movie theaters. A smaller neighborhood commercial node may also be appropriate elsewhere in the specific plan area, if the need can be demonstrated and a physically suitable and compatible site can be identified in the specific plan.

**Action 13.J.2.a.** Work with developers through the specific plan process.

**Action 13.J.2.b.** Explore locating resort and residential development at the base of June Mountain Ski Area through conversations with the community, June Mountain, US Forest Service and other stakeholders, and consider the "Conceptual Plan, June Mountain Ski Base Facilities" (2013).

*Planning Commission direction was to include Action 13.J.2.b. language in the Land Use Element. The Commission emphasized that the conversation should be community-driven.*

## **OHV Management**

Supervisor Johnston requests consideration of policies to discourage "off-highway vehicle (OHV) proliferation," including an amendment to the Countywide Vision Statement. As cited in Supervisor Johnston's letter, OHV activity is typically included in lists of examples referencing recreation, tourism, and sometimes trails throughout the Land Use Element, Regional Transportation Plan, and Trails Plan. The General Plan language does not obligate the County to specific commitments, or necessarily advocate for OHV activities. Instead, the language acknowledges OHV use as part of the mix of activities in Mono County and suggests exploring potential opportunities such as combined-use roads (which will be considered in the Mono County Strategic Plan discussion).

Public feedback on OHV activity tends to be mixed with both strong support and opposition, varies geographically across the county, and is expected to be highly controversial any time it is raised. For example, Paradise planning area policies clearly discourage OHVs, June Lake policies support this activity outside the Loop and recognize the importance of connecting to these trails, while North County communities (Bridgeport and Antelope Valley) tend to be more supportive.

If stronger language is desired, the recommendation is to provide clear direction to staff about the conversation to initiate with the RPACs, and then develop policy through the RPACs and Planning Commission for future consideration by the Board of Supervisors.

*Planning Commission feedback was mixed, reflecting support for and opposition to OHV activities. A suggestion was made to remove policy language supporting exploration of potential opportunities and combined-use roads. However, it was also noted that combined-use roads and OHV activities are of greater interest in certain communities. The Commission also recognized that most OHV use occurs on public land outside the County's jurisdiction. Ultimately, the Planning Commission suggested adding the following policy, which fits well in the Mono County Trails Plan (RTP Appendix G):*

**Policy 5a. Encourage agencies to manage OHV use on public lands to minimize user conflicts.**

## **Issues Raised During the Planning Commission Meeting**

The following language changes were raised during deliberation, and then recommended by the Planning Commission.

#### Regional Transportation Plan:

- P. 30: Mountain Passes  
There is some interest in attempting to keep the mountain passes (Tioga, Sonora, and Monitor) open as long as possible, including opening the passes as soon as practical, in order to increase access from the west and provide an economic boost to local communities. The County coordinates with Caltrans and Yosemite National Park to keep Tioga Pass open as long as possible. Residents in communities near Sonora and Monitor passes are also interested in keeping those passes open as long as possible.
- P. 42: In accordance with state laws and procedures, Post and enforce slow speed limits along US 395 within Lee Vining to minimize conflicts with pedestrians crossing the highway. Speeds in Mono City on US 395 along Mono Lake should also be lowered to minimize conflicts with in the residential neighborhood recreational visitors to the lake.

In addition, several typographical errors were identified. Staff noted that additional typographical errors will be corrected administratively as they are found.

The following policy changes were developed after the Planning Commission meeting in response to deliberation, and are recommended for Board consideration.

#### Regional Transportation Plan:

- P. 28: ... The LTC is has recently authorized an examin~~ing~~ation of seasonal road closure policies as part of the 2014-15 proposed Overall Work Program, and will seek local input on policy development. Of particular concern is the potential recreational access that can be provided during low-snow years, together with concerns for ensuring traveler safety. Figure 4 shows the existing highway system in the county.
- Policy 22.F.2. Explore traffic-calming improvements in Mono City to reduce speed in the residential neighborhood.
- **Objective 24.D.** Provide for safe and consistent access ~~between-through~~ Yosemite National Park ~~and to~~ its eastern gateway.
- **Policy 24.D.2.** Promote opening the areas along SR 120 to ~~Tuolumne Meadows-Tioga Pass~~ as soon as conditions are safe.
- **Policy 24.E.1.** SR 120 should remain a trans-Sierra highway open to through traffic for as long as ~~conditions the weather~~ allows. Road-opening policies should promote late closures and early openings based on road conditions.

#### **The Planning Commission took no action on the following policy items:**

##### **Net Zero Energy**

Supervisor Johnston submitted a comment letter requesting stronger language to achieve net zero energy for County facilities and private development. The policies referenced are in the Conservation/Open Space Element and were developed through the Resource Efficiency Plan, which was based on the premise of encouraging and incentivizing energy (and greenhouse gas emission reduction) improvements rather than requiring or

regulating such practices. This tactic was taken in recognition of public feedback that additional regulation could be, or be perceived as, prohibitive to new construction and/or renovations.

In addition, the California Building Code continues to increase energy efficiency requirements with each three-year code cycle, and is expected to require net zero energy by 2020 for new residential construction and 2030 for new commercial construction. The California Building Code provides Green Building Code "Tiers" referred to as "reach codes" as frameworks for achieving energy (and water) conservation practices in advance of State mandates. At this time, net zero energy regulation is not expected for renovations; however, building code cycles requiring increased energy efficiency will continue to apply.

The first consideration should be whether stronger policy language, requirements, and regulations are desired to achieve net zero energy. If so, the recommendation is to craft language for consideration by the Regional Planning Advisory Committees (RPACs) and the Planning Commission before consideration and adoption by the Board of Supervisors.

*Planning Commission consensus was to take no action. The general thought seemed to be that the California Building Codes provide sufficient regulation.*

### **Extension of Dark Sky Ordinance North of Mountain Gate**

The Dark Sky Ordinance (Chapter 23 of the Land Use Element), which requires down-shielded or low-wattage exterior light fixtures to preserve the ability to observe and enjoy the night sky, does not apply north of the Mountain Gate property on the West Walker River to the county line, effectively excluding the Antelope Valley. One comment letter suggested extending the regulation to the entire county (see comment letter #9 in the Final Environmental Impact Report [FEIR]), and the policy issue has been raised intermittently at RPAC, Planning Commission, and Board discussions over the years.

As noted in the FEIR, the exclusion reflects community consensus that was expressed in meetings with the Antelope Valley RPAC when the Dark Sky regulations were being developed, and was not raised by the Antelope Valley RPAC during area plan policy revisions for this General Plan Update. Community discussions over time anecdotally continue to support the current language, and a change is expected to be controversial.

Valid reasons exist for both retaining the current regulation and extending it to include the Antelope Valley. If extending the regulation is desired, the recommendation is to direct staff to support a focused discussion with the AVRPAC and Planning Commission, and bring the issue back to the Board of Supervisors for future consideration.

*The Planning Commission was informed the Antelope Valley RPAC is in the process of scheduling this policy discussion. The Commission agreed the Antelope Valley RPAC should first discuss the issue, and forward a policy recommendation, if any, to the Planning Commission.*

## **Industrial and Heavy Commercial Equipment Storage**

Separate from the letter addressed to the Planning Commission, Supervisor Johnston also raised concern about allowing the storage and use of industrial and heavy commercial equipment on parcels larger than five acres in the Antelope Valley.

General Plan amendment 11-002, adopted by the Board of Supervisors on February 7, 2012, included several dozen minor changes to the Land Use Element including a provision to allow for the storage of heavy equipment on parcels greater than five acres in the Antelope Valley for personal on-site use or community benefit. Environmental impacts of the policy change were analyzed with an addendum to the General Plan EIR, impacts specifically attributed to the heavy equipment policy change were considered to be "less-than-significant and reasonably ascertained without additional analysis."

If any policy modifications are desired, the recommendation is to craft language for consideration by the Regional Planning Advisory Committees (RPACs) and the Planning Commission before consideration and adoption by the Board of Supervisors.

*The Planning Commission consensus was that this item did not need to be revisited.*

## **Expanded Home Occupation**

Separate from the letter addressed to the Planning Commission, Supervisor Johnston also raised concern about allowing expanded home occupation uses in non-commercial areas. General Plan amendment 11-002, adopted by the Board of Supervisors on February 7, 2012 included several dozen minor changes to the Land Use Element including a provision that allowed for an expanded home occupation permit to be granted by the Planning Commission when a proposed home occupation cannot operate within the requirements of Land Use Element Section 04.290 A-H. Environmental impacts of the policy change were analyzed with an addendum to the General Plan EIR, impacts were considered to be less than significant as explained in the following discussion:

"The proposal to ease regulations to home occupations may produce impacts to the environment. The primary impacts are expected to be to traffic and community character in neighborhoods where home occupations proliferate, but those impacts are expected to be less than significant.

In considering the possible impacts of the proposed changes, one must consider the existing baseline of home occupations within the county. Although many of the existing home occupations are not in compliance with the letter of the existing home occupation requirements, they are for the most part proceeding without significant impacts or complaints from surrounding property owners.

The intent of the proposed changes is to create an environment where certain home occupations that are already known to operate without significant impacts will be able to operate legally into the future.

The proposal would essentially legalize the existing baseline, so additional impacts would be less than significant.

By creating a process through which interested parties can apply for an "Expanded Home Occupation" permit, the proposal places the responsibility of environmental review on the types of home occupations that may cause significant impacts. In this way, the County provides opportunity for

project-specific analysis and does not burden the general public with review of potential impacts of unknown future proposals.”

The current General Plan update includes the following proposed language requiring the Planning Commission to make specific findings to ensure Expanded Home Occupation Permits do not result in unforeseen significant environmental impacts.

“Expanded Home Occupation permit may be granted by the Planning Commission only when all of the following findings can be made in the affirmative:

1. That the proposed use is consistent with this General Plan and any applicable area plans or specific plans;
2. That the proposed use is compatible with the intent of the land use designation and is applicable throughout the county in that designation;
3. That the use is capable of meeting the standards and requirements of that designation; and
4. That the use will be similar to and not be more obnoxious to the general welfare (e.g., health, safety, noise, traffic generation) than the uses listed within the designation.”

If any policy modifications are desired, the recommendation is to craft language for consideration by the Regional Planning Advisory Committees (RPACs) and the Planning Commission before consideration and adoption by the Board of Supervisors.

*The Planning Commission consensus was that this item did not need to be revisited beyond the proposed language for the General Plan update.*

### **Issues Raised During the Planning Commission Meeting**

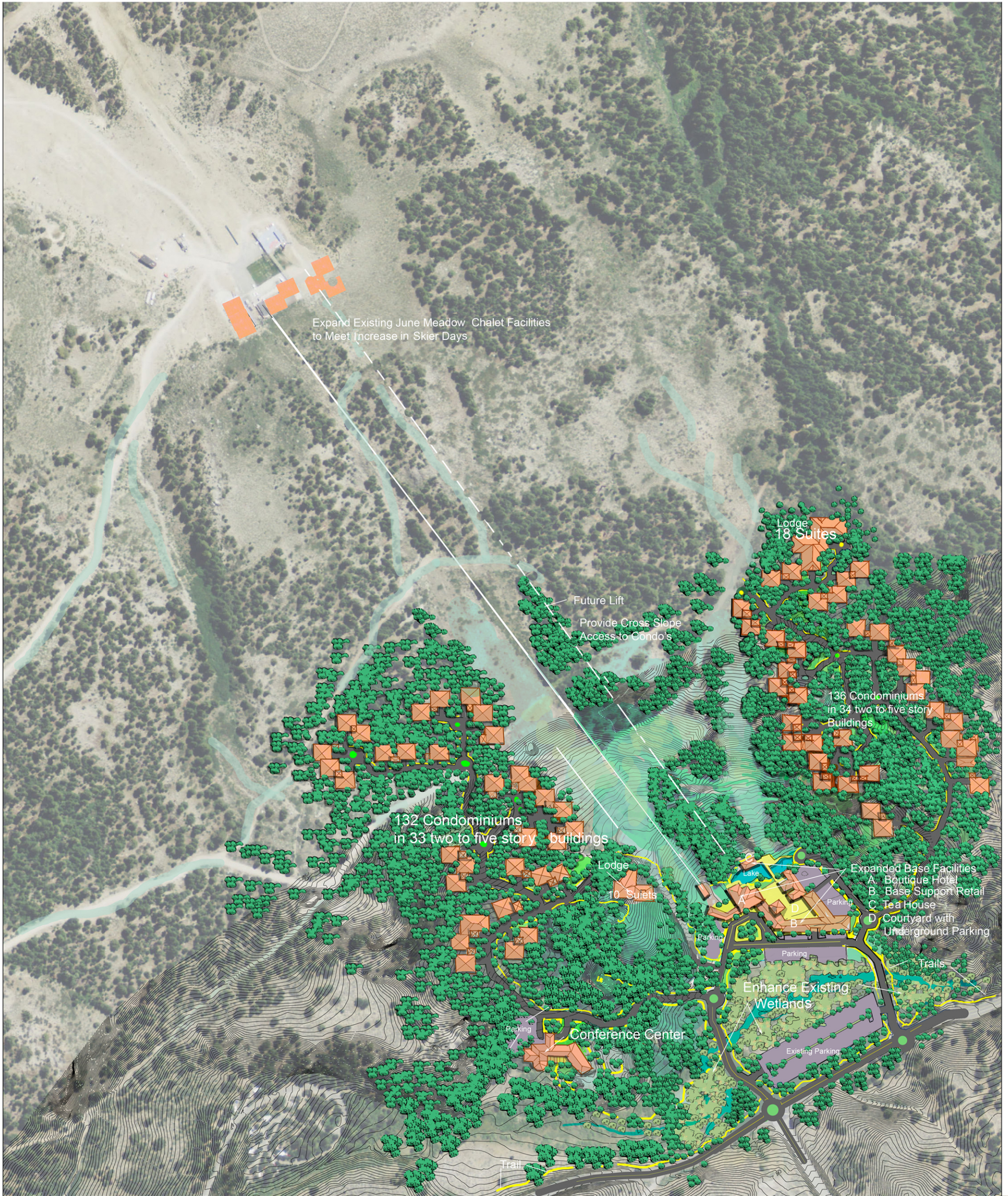
#### Transient Rental Overlay Districts:

The June Lake Community in particular has been very concerned about Transient Rental Overlay Districts (TRODs). Staff spent numerous hours meeting with concerned community members about TROD regulations and policies in the months leading up to the November Planning Commission hearing. Ultimately, the following policy was inserted into the June Lake Area Plan and the CAC confirmed in September that it satisfied concerns:

**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.

However, at a TROD application hearing at the Nov. 12 Planning Commission meeting, concerns were again raised about a wide range of policy issues, from timing of noticing and the definition of a "neighborhood" and "support," to the purpose and intent.

*The Planning Commission consensus was to revisit TROD regulations and policy in a future workshop to allow sufficient time for a full discussion. Any policy modifications would be handled through a future General Plan Amendment.*



South



## Conceptual Plan June Mountain Ski Base Facilities

Prepared For : County of Mono  
 Scott Burns, Community Development Director  
 Mammoth Lakes, California 93546

Prepared By : Bauer Planning & Environmental Services  
 P.O. Box 9222  
 Mammoth Lakes, California 93546





RESOLUTION 15-\_\_

**A RESOLUTION OF THE MONO COUNTY BOARD OF SUPERVISORS  
CERTIFYING THE FINAL EIR FOR THE 2015 MONO COUNTY REGIONAL  
TRANSPORTATION PLAN, GENERAL PLAN, COUNTYWIDE  
INTEGRATED WASTE MANAGEMENT PLAN, AND NOISE ORDINANCE  
UPDATES (THE “2015 UPDATES”), APPROVING AND ADOPTING  
THE MITIGATION MONITORING AND REPORTING PROGRAM,  
ADOPTING THE 2015 UPDATES, AND REPEALING THE CONWAY RANCH SPECIFIC PLAN**

**WHEREAS**, between 2010 and 2015, the Planning Division of the Community Development Department, Solid Waste Division of the Public Works Department, and the Information Technology Department of Mono County (hereinafter “Staff”) conducted extensive public outreach via the Regional Planning Advisory Committees and the June Lake Citizens Advisory Committee, performed a detailed internal review, and consulted with various agency planning partners and others for the purpose of identifying issues within the Mono County General Plan in need of update or revision; and

**WHEREAS**, while that effort was ongoing, supporting grant funds were secured to help offset impacts to the general fund, and on January 22, 2013, the Board of Supervisors formally directed Staff to commence preparation of an update to the Mono County General Plan by adoption of Resolution R13-05, initiating what was then referred to as General Plan Amendment 13-1; and

**WHEREAS**, the County General Plan includes, as part of its Circulation Element, the Mono County Regional Transportation Plan (RTP), and historically has included components of the Countywide Integrated Waste Management Plan (CIWMP) as a part of its Hazardous Waste Management Element; accordingly, these plans were also reviewed and analyzed for potential update; and

**WHEREAS**, finally, as a part of the review process, a need to update the County’s Noise Ordinance, which is utilized in conjunction with a variety of General Plan policies and actions and applies to projects and activities countywide, as well as to repeal the Conway Ranch Specific Plan (in conjunction with the General Plan update re-designating the property primarily as Open Space), were identified; and

**WHEREAS**, incorporating the information developed and gathered since 2010, draft updates to the General Plan (including the RTP and the designation of Conway Ranch as primarily Open Space and related repeal of the Specific Plan), the CIWMP (now a completely separate document from the General Plan) and the Noise Ordinance (collectively the “2015 Updates”) were prepared; and

**WHEREAS**, in accordance with the requirements of the California Environmental Quality Act (CEQA) a Notice of Preparation (NOP) of Environmental Impact Report for the 2015 Updates was released on June 6, 2014; and

**WHEREAS**, a Draft Environmental Impact Report (Draft EIR) for the 2015 Updates was circulated for a 60-day public review and comment period starting July 31, 2015, and ending September

1 29, 2015, and was provided to the entities and agencies set forth in California Government Code §65352  
2 et seq.; and

3 **WHEREAS**, from late August to the end of October of 2015, County Staff conducted 15 publicly  
4 noticed meetings/workshops, including three specifically for the Spanish-speaking public, regarding the  
5 2015 Updates throughout the county with regional planning advisory committees, agencies, the  
6 Collaborative Planning Team, Planning Commission, Local Transportation Commission and the Board of  
7 Supervisors; and

8 **WHEREAS**, the County received public comments regarding the 2015 Updates and the Draft EIR,  
9 both in written form and at public meetings, which have been addressed and/or responded to in the proposed  
10 Final Environmental Impact Report (Final EIR), no request for tribal consultation was made; and

11 **WHEREAS**, on November 12, 2015, the Planning Commission held a duly-noticed public hearing  
12 regarding the 2015 Updates and related Final EIR approval and recommended that the Board approve the  
13 2015 Updates (with minor modifications noted in the record) and Final EIR; and

14 **WHEREAS**, having reviewed and considered all the information and evidence presented to it,  
15 including the recommendation of the Planning Commission, public testimony, written comments, the Final  
16 EIR, and staff reports and presentations, the Board of Supervisors now wishes to make required findings,  
17 certify the Final EIR for the 2015 Updates, adopt the Mitigation Monitoring and Reporting Program  
18 (MMRP) and adopt the 2015 Updates.

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

21 **SECTION ONE:** The Board of Supervisors finds that a Final EIR has been prepared for the 2015  
22 Updates in compliance with CEQA and that the Final EIR reflects the County's independent judgment  
23 and analysis. The Final EIR has been presented to, and reviewed by the Board of Supervisors and is  
24 adequate and complete for consideration by the Board in making a decision on the merits of the 2015  
25 Updates, including making the findings set forth in **Exhibit A**, which is attached hereto and incorporated  
26 by this reference.

27 **SECTION TWO:** The Board of Supervisors hereby: 1) adopts and makes the findings and  
28 statement of overriding considerations set forth in **Exhibit A**; 2) finds that the updated Noise Ordinance,  
29 the Right To Farm Regulations (Land Use Element [LUE] Chapter 24), and the Parking regulations (LUE  
30 Chapter 06) will substantially mitigate noise impacts, agricultural impacts to adjacent properties, and  
parking impacts, respectively, when applied to future projects; 3) certifies the Final EIR; and 4) adopts the  
Mitigation Monitoring and Reporting Program for the 2015 Updates.

**SECTION THREE:** The Board of Supervisors further finds that the 2015 Updates, including all  
text changes to the Land Use Element of the Mono County General Plan, are consistent with the General  
Plan and all applicable area plans and takes the following actions:

- (1) Adopts GPA 15-003 (formerly referred to as GPA 13-1);

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(2) Adopts the 2015 Countywide Integrated Waste Management Plan (which upon adoption, shall supersede the outdated and optional Hazardous Waste Management Element of the General Plan, which is hereby repealed); and

(3) Repeals the Conway Ranch Specific Plan.

**PASSED AND ADOPTED THIS 8<sup>TH</sup> DAY OF DECEMBER 2015, BY THE FOLLOWING VOTE:**

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Timothy E. Fesko, Chairman

Attest:

Approved as to form:

\_\_\_\_\_  
Clerk of the Board

\_\_\_\_\_  
County Counsel

**EXHIBIT A  
FINDINGS OF FACT AND  
STATEMENTS OF OVERRIDING CONSIDERATIONS**

*for the proposed 2015 County of Mono  
Regional Transportation Plan, General Plan, Countywide Integrated Waste Management  
Plan, and Noise Ordinance Updates; and Repeal of the Conway Ranch Specific Plan*

**I. INTRODUCTION**

CEQA §15091 requires the Lead Agency to make one or more written findings for each significant effect, along with a brief statement of the rationale for each finding. The possible findings include: (a) Changes or alterations have been incorporated into the project that can avoid or substantially lessen the significant environmental effect as identified in the final Environmental Impact Report (EIR); (b) Such changes are within the responsibility and jurisdiction of another public agency and have or should be adopted by that other agency; (c) Specific economic, legal, social, technological or other considerations make infeasible the mitigation measures or alternatives identified in the EIR. These findings are made in Section VI.

When a Lead Agency approves a project that will result in significant adverse effects that will not be avoided or substantially lessened, the Agency is required to balance the unavoidable environmental risks against the economic, legal, social, technological, or other benefits associated with the project. California Environmental Quality Act (CEQA) §15093(b) states that if the Lead Agency decision-makers find that the benefits outweigh the unavoidable adverse effects, then the adverse effects may be considered to be “acceptable.” The process of balancing adverse effects against potential benefits requires Mono County to make written Findings, and to adopt a Statement of Overriding Considerations.

In accordance with §15093 of the CEQA Guidelines Section VII contains a Statement of Overriding Considerations, which explains how the Mono County Board of Supervisors, as the decision-making body of the County, weighed the significant and potentially significant impacts identified in the EIR prepared for the *2015 County of Mono Regional Transportation Plan, General Plan, Countywide Integrated Waste Management Plan, and Noise Ordinance Updates; and Repeal of the Conway Ranch Specific Plan* (herein after *2015 Updates and Repeal of the Conway Ranch Specific Plan*), against the potential benefits associated with the project. A summary table of contents is provided below.

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**II. FEIR BACKGROUND AND PROCESS**

The *2015 Updates and Repeal of the Conway Ranch Specific Plan Final EIR* culminates a multi-year process to update all of the County’s General Plan elements, the Regional Transportation Plan (RTP), three elements of the Countywide Integrated Waste Management Plan, and the Noise Ordinance, and repeal the Conway Ranch Specific Plan. The General Plan and RTP updates, as well as annual reviews, are mandated by state law, which requires every

city and county in California (except Charter cities) to prepare and maintain a planning document called a general plan. The formal EIR process was initiated on 6 June 2014 when the County circulated a Notice of Preparation (NOP) of an EIR. A scoping meeting was held on 19 June 2014 and the NOP review period closed on 11 July 2014. Three written comments were received on the NOP, including letters from the Lahontan Regional Water Quality Control Board, the California Department of Transportation, and the California Department of Parks and Recreation.

Concerns raised in response to the NOP were incorporated into the scope of the Draft EIR analysis. The County subsequently issued the Draft EIR for a 60-day public review and comment period that began on 31 July 2015 and ended on 29 September 2015. The Draft EIR contains a description of the project, description of the environmental setting, identification of project impacts, and mitigation measures for impacts found to be significant, as well as an analysis of project alternatives, identification of significant irreversible environmental changes, growth-inducing impacts, and cumulative impacts. By the close of the DEIR review and comment period, the County had received a total of 14 comment letters regarding the *2015 Updates and Repeal of the Conway Ranch Specific Plan* and Draft EIR from public agencies, organizations and members of the public. In accordance with CEQA §15088, a Final EIR was prepared that responded to all written comments received.

### III. SIGNIFICANT UNAVOIDABLE ADVERSE EFFECTS OF THE PROJECT

Analyses provided in the EIR indicate that approval and implementation of the *Draft 2015 Updates and Repeal of the Conway Ranch Specific Plan* may result in significant and unavoidable adverse environmental effects including:

- *Impacts to Candidate, Sensitive, Special Status Species*
- *Impacts to Riparian Habitat*
- *Impacts to Federally Protected §404 Wetlands*
- *Interfere with Fish or Wildlife Movement or Migration*
- *Conflict with Local Biological Protection Ordinances*
- *Exposure to Seismic Effects and Unstable Geology*
- *Substantial Soil Erosion*
- *Loss of Mineral Resources*
- *Potential for Release of Hazardous Materials*
- *Inadequate Emergency Response*
- *Exposure to Wildland Fire Risks*
- *Exposure to avalanche, rockfall, storms, volcanism*
- *Impacts to Prehistoric or Historic Resources*
- *Impacts to Paleontological Resources*
- *Impacts to Sacred Lands*
- *Violation of Water Quality Objectives*
- *Violation of Waste Discharge Requirements*
- *Uncertain Availability of Adequate Water Supplies*
- *Erosion and Siltation from Altered Drainage*
- *Impacts on Recreational Facilities*
- *Impacts to Scenic Resources in a State Scenic Highway*
- *Degraded Visual Character or Quality*
- *Create new sources of Light and Glare*
- *Impacts on public fire and utility service*

### IV. ADMINISTRATIVE RECORD OF PROCEEDINGS

The Administrative Record serves as the basis on which the Mono County Board of Supervisors determines whether to certify environmental documents and approve or disapprove a proposed project. CEQA Statutes §21167.6(e) defines the contents of Administrative Record to include, as applicable, all of the following materials:

- Project application materials.
- All staff reports and related documents with respect to CEQA compliance and the action on the project.
- Any documentation related to findings, and Statements of Overriding Considerations.
- Any transcript or minutes of the proceedings at which the decision making body of the respondent public agency heard testimony, or considered any environmental document on the project; any transcript of proceedings before any advisory body to the decision making body.
- All notices issued by the respondent public agency to comply with CEQA and/or other laws.
- All written comments received in response to, or in connection with environmental documents prepared for the project, including responses to the notice of preparation.

- All written evidence or correspondence submitted to, or transferred from, the respondent agency with respect to compliance with CEQA or with respect to the project.
- Any proposed decisions or findings submitted to the decision making body of the respondent public agency by its staff, or the project proponent, project opponents, or other persons.
- The documentation of the final public agency decision, including the final environmental impact report, mitigated negative declaration, or negative declaration, and all documents, in addition to those referenced in (3) cited or relied on in the findings or in a statement of overriding considerations adopted pursuant to CEQA.
- Any other written materials relevant to the respondent agency's compliance with CEQA or to its decision on the merits of the project, including the initial study, any drafts of any environmental document, or portions thereof, which have been released for public review, and copies of studies or other documents relied upon in any environmental document prepared for the project and either made available to the public during the public review period or included in the respondent public agency's files on the project, and all internal agency communications including staff notes and memoranda related to the project or to compliance with CEQA.
- The full written record before any inferior administrative decision making body whose decision was appealed to a superior administrative decision making body prior to the filing of litigation.

CEQA §15074(c) requires that Findings must also specify the location and custodian of the administrative record. The administrative record of the *2015 Updates and Repeal of the Conway Ranch Specific Plan Final EIR* shall be maintained and shall be available for public review at 437 Old Mammoth Road, Suite P in Mammoth Lakes, California, and 74 School Street, Annex I in Bridgeport, California, under the custody of the Mono County Community Development Department.

## V. CONSIDERATION OF THE ADMINISTRATIVE RECORD

In adopting these Findings, Mono County as Lead Agency finds that the Final EIR was presented to the Board of Supervisors as the decision-making body, and that Board of Supervisors reviewed and considered the information in the Final EIR prior to certifying the *2015 Updates and Repeal of the Conway Ranch Specific Plan Final EIR* and approving the project. By these findings, this Board of Supervisors ratifies, adopts, and incorporates the analysis, explanation, findings, responses to comments, and conclusions of the Final EIR. The Board of Supervisors finds that the Final EIR was completed in compliance with the California Environmental Quality Act. The information and conclusions contained in the Findings, in the Statement of Overriding Considerations, and in the Final EIR reflect Mono County's independent judgment and analysis.

## VI. FINDINGS REGARDING SIGNIFICANT AND UNAVOIDABLE IMPACTS

- A. **LAND USE.** No significant adverse impacts are foreseen and no Findings or Statement of Overriding Effects are required.
- B. **CIRCULATION AND REGIONAL TRANSPORTATION PLANNING.** No significant adverse impacts are foreseen and no Findings or Statement of Overriding Effects are required.
- C. **AIR QUALITY AND GREENHOUSE GASES.** No significant adverse impacts are foreseen and no Findings or Statement of Overriding Effects are required.

### **A. BIOLOGICAL RESOURCES**

1. ***General Plan implementation could have substantial adverse impacts, directly and through habitat modifications, on species identified in local or regional plans, or by the California Department of Fish and Wildlife (CDFW) or the United States Fish and Wildlife Service (USFWS), as candidate, sensitive or special status species.***

- a. **POTENTIAL IMPACT:** The potential for the Project to result in substantial adverse effects on Candidate, Sensitive & Special Status Species is discussed on DEIR pages 4.4-30 through 4.4-46.
- b. **MITIGATION MEASURES:** No feasible mitigation is available that would reduce to less than significant levels the significant adverse project effects on Candidate, Sensitive & Special Status Species.
- c. **FINDINGS:** Based upon the entire administrative record the Mono County Board of Supervisors finds:
  - i. **Effects of Mitigation and Remaining Impacts.** The Project, as originally designed, includes numerous components as described in Draft EIR Appendix D, Table 4.4-10, that minimize the severity of this impact. In addition, further policies and actions were developed in response to impacts identified during environmental review and incorporated directly into the project. These policies and actions have been included in the MMRP, are fully enforceable, and are listed below. However, even with the implementation of policies and actions that would reduce impacts on candidate, sensitive and special status species, the potential remains for significant adverse impacts.

**MITIGATING POLICIES**

**C/OS Action 2.A.3.c.** When applicable, revegetation and landscape plans should include provisions to retain and re-establish upland vegetation, especially bitterbrush and sagebrush, as important mule deer and sage grouse habitat.

**C/OS Action 2.A.3.h.** Maintenance agreements and procedures for roads and other infrastructure shall consider impacts to special-status species including consultation with appropriate state and federal agencies.

**RTP Policy 9.B.** Reduce the potential for wildlife collisions to improve transportation system safety.

**RTP Objective 9.A.7.** Seek funding for undercrossing passageways for mule deer where highways intersect traditional migratory routes to reduce collisions and animal mortality.

**RTP Objective 9.A.8.** Seek funding to widen existing undercrossing passageways for mule deer and other wildlife to reduce collisions and animal mortality.

**RTP Objective 9.A.9.** Incorporate measures in to the design of new roads and road upgrades to reduce collisions between vehicles and deer/wildlife, such as increasing driver line-of-sight and incorporating short sections of exclusion fencing that directs animals to areas of improved visibility.

**C/OS Action 13.C.4.d.** Seek ways to form partnerships that will facilitate mitigative control or eradication of invasive non-native plants in and around town areas. Identify and explore methods of forming collaborations, funding, and facilitating such programs.

**C/OS Action 2.A.1.b.** Project design should first seek to avoid impacts. Unavoidable impacts should next be minimized, and finally mitigated. Examples of potential appropriate mitigation measures for projects identified by Action 1.1 as having significant impacts to animal and plant habitats include:

- h. when wetland and riparian disturbance cannot be avoided, seek restoration of adjacent habitat or compensation through an acceptable mitigation fee or other program pursuant to CEQA requirements to meet §404 of the Clean Water Act;
- i. designing projects to limit the conveyance of pollutants and sediments from runoff into wetlands and riparian areas;

- j. requiring project design to minimize the redirection of wildlife movement, and in no case shall linear barriers such as fences or other design features direct wildlife onto highly traveled roadways;
- k. requiring projects with potential to impact nesting bird populations to consult with appropriate state and federal agencies, and potentially prepare a nesting bird plan approved by CDFW as a condition of approval;
- l. requiring development projects affecting and adjacent to wetland or riparian areas to undertake habitat restoration, including the removal of non-native species, when feasible, to ensure ecosystem function.

**C/OS Action 2.A.1.d.** Native vegetation is strongly encouraged for landscaping, erosion control, or other purposes. Use of non-native vegetation shall require an assessment and mitigation of the effects of the introduced species, and in no case shall invasive non-native species be approved.

**C/OS Action 2.A.1.e.** Landscaping and revegetation plans shall include measures to control invasive, non-native plants including weeds and annual grasses.

**C/OS Action 2.A.1.f.** For non-native plant removal, mechanical controls should be considered over chemical controls, where possible.

**C/OS Action 2.A.3.b.** Require landscape plans to incorporate the use of native vegetation when feasible. The transplanting of existing vegetation and use of locally collected seed may be required in the landscape plan.

**C/OS Action 13.C.4.b.** Revegetation plans should include measures to ensure the control of invasive, non-native plants including annual grasses.

**C/OS Action 13.C.4.c.** Revegetation plans should utilize plantings from local native stock, including adjacent riparian and wetland plants, and locally collected seed when feasible.

**LU Action 21.C.5.a.** Work with the appropriate agencies to develop and implement a raven mitigation plan for the landfill to protect sage-grouse populations.

**LU Action 1.A.3.d.** Consider requirements for bear-resistant trash receptacles in applicable community areas.

**C/OS Policy 4.A.5.** Projects within 30 feet of or that may otherwise impact wetland or riparian vegetation shall implement best management practices as recommended by the State Water Quality Control Board.

**C/OS Policy 4.A.7.** Continue to support “no net loss” of wetlands at a regional scale.

**RTP Policy 18.A.3.** Support preservation of the existing heritage trees along US 395 in a manner that ensures roadway safety.

**LU Action 24.F.3.f.** Engage with the California Department of Fish and Wildlife as the responsible agency for the protection and recovery of Sierra Nevada Bighorn Sheep prior to approving any new or renewed grazing use or altering any existing grazing use for domestic sheep.

**C/OS Action 2.A.1.r.** Work with the USFWS to ensure compliance with the Migratory Bird Treaty Act.



**C/OS Action 13.C.3.f.** Avoid siting cellular towers in Bi-State sage grouse habitat to the extent possible.

**LU Action 24.F.1.a.** CEQA analysis that considers direct and indirect impacts to sensitive biological resources at Witcher and Birch Creeks, including amphibians, will be required for any project that may impact these resources.

- ii. **Finding.** Specific economic, legal, social, technological, or other considerations, including the provision of employment opportunities to highly trained workers, make infeasible the implementation of additional mitigation measures or project alternatives identified in the final EIR that would reduce impacts to a less-than-significant level.

**Facts and Reasoning that Support Finding.** While the 2015 General Plan policies and actions would ensure that impacts are reduced, and although the level of development allowed under the 2015 General Plan is less than currently allowed, the only method to eliminate or reduce to a level that is less-than significant the potentially significant impacts on candidate and sensitive species would be to more severely restrict development potential in Mono County. Such a restriction would not meet the project objectives described on Draft EIR pages 3-2 and 3-3 and listed below. Impacts on candidate, sensitive and special status species thus represent a significant and unavoidable impact of the Project.

The Mono County economy is supported largely by tourism and outdoor recreation, with agriculture also a significant source of revenue and employment. The *2015 Updates and Repeal of the Conway Ranch Specific Plan* provide for a level of development that would allow additional community development and services and facilities for visitors and residents. The project also allows for recreational development throughout the county, which would contribute to the county's economic growth and stability. Development opportunities in Mono County are highly constrained by the extremely limited private land base (6% of all lands within the County are private). Much of the recreation and tourism occurs on public lands, with support facilities on private lands. It is anticipated that the county's economy will remain dependent on tourism and outdoor recreation due to the limited private land base, extensive environmental constraints on development, and distance from urbanized areas. The proposed level of development would support a balanced mix of land uses. Additional recreational development would in turn create job opportunities for area residents, and would benefit Mono County through increased revenues to the County, particularly in the form of additional transient occupancy taxes, sales taxes, and property taxes.

In addition to the economic benefits outlined above, adoption and implementation of the *2015 Updates and Repeal of the Conway Ranch Specific Plan* project would implement all of the basic project objectives and provide economic, social, legal, and other considerable benefits as described in Section VII below.

#### **PROJECT OBJECTIVES**

- *Update the General Plan and RTP and Provide Long-Term Planning Guidance:* Provide updates that are consistent with the Mono County vision and goals, and provide the County with long-term planning guidance in the form of specific objectives, policies, goals and programs that balance employment, housing, public services, economic growth, and recreational opportunities with the need to protect and maintain the county's environmental resources. Ensure that the updates address changes in circumstances, community priorities, and new requirements of law.
- *Respect Community Preferences & Private Property Rights:* Ensure that the project and related planning efforts respect private property rights and the planning goals and objectives developed and recommended by the Mono County Planning Commission, Regional Planning Advisory Committees and communities. Within that framework, reflect the regional goals developed in collaboration with landowners, responsible and trustee agencies, regional planning partners, businesses and other stakeholders. Adopt policies and undertake programs that combine innovative planning and sound science with the values of Mono County residents to achieve a sustainable future.

- Protect the Outstanding Scenic, Recreational and Environmental Resources of Mono County: Consistent with the Vision of the Mono County General Plan, protect the outstanding scenic, biological and recreational values, and rural character of Mono County through environmentally responsible resource management, thorough analysis of potential impacts and alternatives and cumulative effects associated with the project and related planning initiatives, and cost-effective allocation of available funds.
- Facilitate Streamlining and Tiering of Future CEQA Documents and Provide Incentives for General Plan Compliance: Facilitate tiering of environmental documents to streamline CEQA compliance for future projects that conform to policies of the updated RTP and General Plan, consistent with the provisions of CEQA §15168(d). Encourage and support tiering as a means to reduce the cost and redundancy of CEQA compliance in Mono County while safeguarding environmental resources and encouraging projects that conform to the General Plan.
- Strengthen County Infrastructure: Incorporate policies that provide for sound and forward-looking development, management, and maintenance of capital facilities, communications facilities, and community services.
- Promote Resource Efficiency: The objective to achieve and maintain resource efficiency is an integral part of the proposed project, as expressed in policies and actions proposed for numerous elements of the 2015 Updates and Repeal of the Conway Ranch Specific Plan. Additional objectives are to reduce GHG emissions by a) adopting a GHG reduction goal consistent with AB 32, b) developing estimates of feasible GHG reductions, c) integrating feasible measures into the project as a set of adopted policies and specific actions, and d) complying with CEQA Guidelines §15183 to facilitate the assessment of future projects' compliance with adopted GHG policies and actions.
- Strengthen the Mono County Economy and Support Vibrant Rural Communities: As part of the current planning effort, the County has prepared an Economic Development Strategy that is intended to strengthen and enhance job opportunities and economic conditions throughout Mono County, and the initial principles and strategies are incorporated into the General Plan. As with many other project elements, the strategic plan includes strong provisions for multi-jurisdictional collaboration.

2. **General Plan implementation could have substantial adverse impacts, directly and through habitat modifications, on riparian habitats and other sensitive natural communities identified in local or regional plans, or by CDFW or USFWS.**

- a. **POTENTIAL IMPACT:** Potential for the Project to result in substantial adverse effects on riparian habitats and other sensitive natural communities is discussed on DEIR pages 4.4-47 through 4.4-49.
- b. **MITIGATION MEASURES:** No feasible mitigation is available that would reduce to less than significant levels the significant adverse project effects on riparian habitats and other sensitive natural communities.
- c. **FINDINGS:** Based upon the administrative record the Mono County Board of Supervisors finds that:
  - i. **Effects of Mitigation and Remaining Impacts.** The Project, as originally designed, includes numerous components as described in Draft EIR Appendix D, Table 4.4-10, that minimize the severity of this impact. In addition, further policies and actions were developed in response to impacts identified during environmental review and incorporated directly into the project. These policies and actions have been included in the MMRP, are fully enforceable, and are listed below. However, even with the implementation of policies and actions that would reduce impacts on riparian habitats and other sensitive natural communities the potential remains for significant adverse impacts.

**MITIGATING POLICIES**

**C/OS Action 2.A.1.b.** Project design should first seek to avoid impacts. Unavoidable impacts should next be minimized, and finally mitigated. Examples of potential appropriate mitigation measures for projects identified by Action 1.1 as having significant impacts to animal and plant habitats include:

- h. when wetland and riparian disturbance cannot be avoided, seek restoration of adjacent habitat or compensation through an acceptable mitigation fee or other program pursuant to CEQA requirements to meet §404 of the Clean Water Act;

- i. designing projects to limit the conveyance of pollutants and sediments from runoff into wetlands and riparian areas;
- l. requiring development projects affecting and adjacent to wetland or riparian areas to undertake habitat restoration, including the removal of non-native species, when feasible, to ensure ecosystem function.

**C/OS Action 13.C.4.c.** Revegetation plans should utilize plantings from local native stock, including adjacent riparian and wetland plants, and locally collected seed when feasible.

**C/OS Policy 4.A.5.** Projects within 30 feet of or that may otherwise impact wetland or riparian vegetation shall implement best management practices as recommended by the State Water Quality Control Board.

**C/OS Policy 4.A.7.** Continue to support “no net loss” of wetlands at a regional scale.

**C/OS Action 3.E.1.b.** Applications for out-of-basin water transfers shall be submitted to the county Planning Division and shall include the following information: point of extraction; amount of extraction; nature and location of conveyance facilities; and identification of potential impacts to the environment such as wildlife and riparian habitat, wetlands, in-stream habitat, other water users (e.g., agricultural operators), and also including indirect effects such as the potential for increased flood risk due to reduced wetlands, and increased fire hazard risk that could result in increased sedimentation and reduced groundwater recharge capacity.

**C/OS Action 3.E.1.c.** In issuing a water transfer permit, the Planning Commission shall make the following findings: that the proposed project meets all reasonable beneficial water needs, including uses in-stream and for agricultural operations and recreational purposes, within the basin of origin; and that the proposed project adequately protects water quality, in-stream flows, lake levels, riparian areas, vegetation types, sensitive/rare wildlife and habitat, and related resources such as the visual quality and character of the landscape; and is not likely to increase indirect effects such as flooding, wildfire, and/or sedimentation, or reduce groundwater recharge capacity. Projects that do not adequately protect these resources shall be denied.

**C/OS Policy 3.E.2.b.** Applications for groundwater export projects shall obtain a Groundwater Transfer permit (Mono County Code section 20.01), which requires the assessment of the potential impacts of the project prior to project approval in accordance with CEQA, and requires findings to be made. In addition, indirect impacts of increased wildfire risk and sedimentation resulting from fire, and increased flood risk and reduced recharge rates due to reduced or degraded wetlands and riparian areas, should be considered.

**C/OS Policy 4.A.6.** Discourage development within 30 feet of recharge, riparian, and wetland areas to minimize trampling, erosion and siltation impacts, and consider amending the General Plan to specify use and setback requirements. Continue to enforce setback requirements from surface waters.

**LU Action 24.F.1.a.** CEQA analysis that considers direct and indirect impacts to sensitive biological resources at Witcher and Birch Creeks, including amphibians, will be required for any project that may impact these resources.

- ii. **Finding.** Specific economic, legal, social, technological, or other considerations, including the provision of employment opportunities to highly trained workers, make infeasible the implementation of additional mitigation measures or project alternatives identified in the final EIR that would reduce potential Project impacts to a less than significant level.

- iii. **Facts and Reasoning that Support Finding.** While the 2015 General Plan policies and actions would ensure that impacts are reduced, and although the level of development that would be allowed under the 2015 General Plan is less than currently allowed, the only method to eliminate the potentially significant impacts on riparian habitats and sensitive communities would be to more severely restrict development potential in Mono County. Such a restriction would not meet the project objectives as described on Draft EIR pages 3-2 and 3-3 and listed under Impact A1 above. Impacts on riparian habitats and other sensitive natural communities therefore represent a significant and unavoidable impact of the Project.

The Mono County economy is supported largely by tourism and outdoor recreation, with agriculture also a significant source of revenue and employment. The *2015 Updates and Repeal of the Conway Ranch Specific Plan* provide for a level of development that would allow additional community development and services and facilities for visitors and residents. The project also allows for recreational development throughout the county, which would contribute to the county's economic growth and stability. Development opportunities in Mono County are highly constrained by the extremely limited private land base (6% of all lands within the County are private). Much of the recreation and tourism occurs on public lands, with support facilities on private lands. It is anticipated that the county's economy will remain dependent on tourism and outdoor recreation due to the limited private land base, extensive environmental constraints on development, and distance from urbanized areas. The proposed level of development would support a balanced mix of land uses. Additional recreational development would in turn create job opportunities for area residents, and would benefit Mono County through increased revenues to the County, particularly in the form of additional transient occupancy taxes, sales taxes, and property taxes.

In addition to the economic benefits outlined above, adoption and implementation of the *2015 Updates and Repeal of the Conway Ranch Specific Plan* project would implement all of the basic project objectives listed under Impact A1 above and provide economic, social, legal, and other considerable benefits as described in Section VII below.

- 3. **General Plan implementation could have substantial adverse impacts, directly and through habitat modifications, on federally protected wetlands as defined by Clean Water Act §404, through direct removal, filling, hydrological interruptions, or other means.**
  - a. **POTENTIAL IMPACT:** The potential for the Project to result in substantial adverse effects on federally protected wetlands is discussed on pages 4.4-49 through 4.4-50 of the Draft EIR.
  - b. **MITIGATION MEASURES:** No feasible mitigation is available that would reduce to less than significant levels the significant adverse project effects on federally protected wetlands.
  - c. **FINDINGS:** Based upon the administrative record the Mono County Board of Supervisors finds that:
    - i. **Effects of Mitigation and Remaining Impacts.** The Project, as originally designed, includes numerous components as described in Draft EIR Appendix D, Table 4.4-10, that minimize the severity of this impact. In addition, further policies and actions were developed in response to impacts identified during environmental review and incorporated directly into the project. These policies and actions have been included in the MMRP, are fully enforceable, and are listed below. However, even with the implementation of policies and actions that would reduce impacts on federally protected wetlands the potential remains for significant adverse impacts.

**MITIGATING POLICIES**

**C/OS Action 2.A.1.b.** Project design should first seek to avoid impacts. Unavoidable impacts should next be minimized, and finally mitigated. Examples of potential appropriate mitigation measures for projects identified by Action 1.1 as having significant impacts to animal and plant habitats include:

- j. when wetland and riparian disturbance cannot be avoided, seek restoration of adjacent habitat or compensation through an acceptable mitigation fee or other program pursuant to CEQA requirements to meet §404 of the Clean Water Act;
- k. designing projects to limit the conveyance of pollutants and sediments from runoff into wetlands and riparian areas;
- l. requiring development projects affecting and adjacent to wetland or riparian areas to undertake habitat restoration, including the removal of non-native species, when feasible, to ensure ecosystem function.

**C/OS Action 13.C.4.c.** Revegetation plans should utilize plantings from local native stock, including adjacent riparian and wetland plants, and locally collected seed when feasible.

**C/OS Policy 4.A.5.** Projects within 30 feet of or that may otherwise impact wetland or riparian vegetation shall implement best management practices as recommended by the State Water Quality Control Board.

**C/OS Policy 4.A.7.** Continue to support “no net loss” of wetlands at a regional scale.

**C/OS Action 3.E.1.b.** Applications for out-of-basin water transfers shall be submitted to the county Planning Division and shall include the following information: point of extraction; amount of extraction; nature and location of conveyance facilities; and identification of potential impacts to the environment such as wildlife and riparian habitat, wetlands, in-stream habitat, other water users (e.g., agricultural operators), and also including indirect effects such as the potential for increased flood risk due to reduced wetlands, and increased fire hazard risk that could result in increased sedimentation and reduced groundwater recharge capacity.

**C/OS Action 3.E.1.c.** In issuing a water transfer permit, the Planning Commission shall make the following findings: that the proposed project meets all reasonable beneficial water needs, including uses in-stream and for agricultural operations and recreational purposes, within the basin of origin; and that the proposed project adequately protects water quality, in-stream flows, lake levels, riparian areas, vegetation types, sensitive/rare wildlife and habitat, and related resources such as the visual quality and character of the landscape; and is not likely to increase indirect effects such as flooding, wildfire, and/or sedimentation, or reduce groundwater recharge capacity. Projects that do not adequately protect these resources shall be denied.

**C/OS Policy 3.E.2.b.** Applications for groundwater export projects shall obtain a Groundwater Transfer permit (Mono County Code section 20.01), which requires the assessment of the potential impacts of the project prior to project approval in accordance with CEQA, and requires findings to be made. In addition, indirect impacts of increased wildfire risk and sedimentation resulting from fire, and increased flood risk and reduced recharge rates due to reduced or degraded wetlands and riparian areas, should be considered.

**C/OS Policy 4.A.6.** Discourage development within 30 feet of recharge, riparian, and wetland areas to minimize trampling, erosion and siltation impacts, and consider amending the General Plan to specify use and setback requirements. Continue to enforce setback requirements from surface waters.

**LU Action 18.D.1.f.** Utilize Best Management Practices (BMPs) including, but not limited to, the Low Impact Development (LID) techniques in the Appendix of the General Plan to minimize the effects of runoff.

**C/OS Action 4.A.8.a.** As required by the Lahontan Regional Water Quality Control Board, projects must provide post-construction stormwater management plans. Developers should utilize

stormwater control measures that are compatible with low-impact development solutions (see General Plan Appendix), such as rain gardens, green roofs, detention ponds, bioretention swales, pervious pavement, vegetated infiltration ponds, and other measures provided by the California Stormwater Quality Association ([www.casqa.org](http://www.casqa.org)) to effectively treat post-construction stormwater runoff, help sustain watershed processes, protect receiving water, and maintain healthy watersheds.

**C/OS Action 4.A.8.c.** Maintain drainage systems associated with roads and public infrastructure for stormwater management.

**C/OS Action 4.A.8.e.** Subject to the availability of County resources, provide education and advice on LID measures that could be incorporated into project designs.

**LU Action 24.F.1.a.** CEQA analysis that considers direct and indirect impacts to sensitive biological resources at Witcher and Birch Creeks, including amphibians, will be required for any project that may impact these resources.

- ii. **Finding.** Specific economic, legal, social, technological, or other considerations including the provision of employment opportunities to highly trained workers, make infeasible the implementation of additional mitigation measures or project alternatives identified in the final EIR that would reduce Project impacts on federally protected wetlands to a less-than-significant level.
- iii. **Facts and Reasoning that Support Finding.** While the 2015 General Plan policies and actions would ensure that impacts are reduced, and although the level of development allowed under the 2015 General Plan is less than currently allowed, the only method to eliminate the potentially significant impacts on wetlands would be to more severely restrict development potential within Mono County. Such a restriction would not meet the project objectives as described on Draft EIR pages 3-2 and 3-3 and listed under Impact A1 above. Impacts on federally protected wetlands therefore represent a significant and unavoidable impact of the Project.

The Mono County economy is supported largely by tourism and outdoor recreation, with agriculture also a significant source of revenue and employment. The *2015 Updates and Repeal of the Conway Ranch Specific Plan* provide for a level of development that would allow additional community development and services and facilities for visitors and residents. The project also allows for recreational development throughout the county, which would contribute to the county's economic growth and stability. Development opportunities in Mono County are highly constrained by the extremely limited private land base (6% of all lands within the County are private). Much of the recreation and tourism occurs on public lands, with support facilities on private lands. It is anticipated that the county's economy will remain dependent on tourism and outdoor recreation due to the limited private land base, extensive environmental constraints on development, and distance from urbanized areas. The proposed level of development would support a balanced mix of land uses. Additional recreational development would in turn create job opportunities for area residents, and would benefit Mono County through increased revenues to the County, particularly in the form of additional transient occupancy taxes, sales taxes, and property taxes.

In addition to the economic benefits outlined above, adoption and implementation of the *2015 Updates and Repeal of the Conway Ranch Specific Plan* project would implement all of the basic project objectives listed under Impact A1 above and provide economic, social, legal, and other considerable benefits as described in Section VII below.

4. **General Plan implementation could interfere substantially with the movement of native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.**
- a. **POTENTIAL IMPACT:** The potential for the Project to result in substantial adverse effects on wildlife movement, wildlife corridors or wildlife nursery sites is discussed on DEIR page 4.4-51.
  - b. **MITIGATION MEASURES:** No feasible mitigation is available that would reduce to less than significant levels the significant adverse project effects on wildlife movement, wildlife corridors or wildlife nursery sites.
  - c. **FINDINGS:** Based upon the administrative record the Mono County Board of Supervisors finds:
    - i. **Effects of Mitigation and Remaining Impacts.** The Project, as originally designed, includes numerous components as described in Draft EIR Appendix D, Table 4.4-10, that minimize the severity of this impact. In addition, further policies and actions were developed in response to impacts identified during environmental review and incorporated directly into the project. These policies and actions have been included in the MMRP, are fully enforceable, and are listed below. However, even with the implementation of policies and actions that would reduce impacts on the movement of native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, the potential remains for significant adverse impacts.

#### MITIGATING POLICIES

**C/OS Action 2.A.3.c.** When applicable, revegetation and landscape plans should include provisions to retain and re-establish upland vegetation, especially bitterbrush and sagebrush, as important mule deer and sage grouse habitat.

**C/OS Action 2.A.3.h.** Maintenance agreements and procedures for roads and other infrastructure shall consider impacts to special-status species including consultation with appropriate state and federal agencies.

**RTP Policy 9.B.** Reduce the potential for wildlife collisions to improve transportation system safety.

**RTP Objective 9.A.7.** Seek funding for undercrossing passageways for mule deer where highways intersect traditional migratory routes to reduce collisions and animal mortality.

**RTP Objective 9.A.8.** Seek funding to widen existing undercrossing passageways for mule deer and other wildlife to reduce collisions and animal mortality.

**RTP Objective 9.A.9.** Incorporate measures in to the design of new roads and road upgrades to reduce collisions between vehicles and deer/wildlife, such as increasing driver line-of-sight and incorporating short sections of exclusion fencing that directs animals to areas of improved visibility.

**C/OS Action 13.C.4.d.** Seek ways to form partnerships that will facilitate mitigative control or eradication of invasive non-native plants in and around town areas. Identify and explore methods of forming collaborations, funding, and facilitating such programs.

**C/OS Action 2.A.1.b.** Project design should first seek to avoid impacts. Unavoidable impacts should next be minimized, and finally mitigated. Examples of potential appropriate mitigation measures for projects identified by Action 1.1 as having significant impacts to animal and plant habitats include:

- h. when wetland and riparian disturbance cannot be avoided, seek restoration of adjacent habitat or compensation through an acceptable mitigation fee or other program pursuant to CEQA requirements to meet §404 of the Clean Water Act;
- i. designing projects to limit the conveyance of pollutants and sediments from runoff into wetlands and riparian areas;
- j. requiring project design to minimize the redirection of wildlife movement, and in no case shall linear barriers such as fences or other design features direct wildlife onto highly traveled roadways;
- k. requiring projects with potential to impact nesting bird populations to consult with appropriate state and federal agencies, and potentially prepare a nesting bird plan approved by CDFW as a condition of approval;
- l. requiring development projects affecting and adjacent to wetland or riparian areas to undertake habitat restoration, including the removal of non-native species, when feasible, to ensure ecosystem function.

**C/OS Action 2.A.1.d.** Native vegetation is strongly encouraged for landscaping, erosion control, or other purposes. Use of non-native vegetation shall require an assessment and mitigation of the effects of the introduced species, and in no case shall invasive non-native species be approved.

**C/OS Action 2.A.1.e.** Landscaping and revegetation plans shall include measures to control invasive, non-native plants including weeds and annual grasses.

**C/OS Action 2.A.1.f.** For non-native plant removal, mechanical controls should be considered over chemical controls, where possible.

**C/OS Action 2.A.3.b.** Require landscape plans to incorporate the use of native vegetation when feasible. The transplanting of existing vegetation and use of locally collected seed may be required in the landscape plan.

**C/OS Action 13.C.4.b.** Revegetation plans should include measures to ensure the control of invasive, non-native plants including annual grasses.

**C/OS Action 13.C.4.c.** Revegetation plans should utilize plantings from local native stock, including adjacent riparian and wetland plants, and locally collected seed when feasible.

**LU Action 21.C.5.a.** Work with the appropriate agencies to develop and implement a raven mitigation plan for the landfill to protect sage-grouse populations.

**LU Action 1.A.3.d.** Consider requirements for bear-resistant trash receptacles in applicable community areas.

**C/OS Policy 4.A.5.** Projects within 30 feet of or that may otherwise impact wetland or riparian vegetation shall implement best management practices as recommended by the State Water Quality Control Board.

**C/OS Policy 4.A.7.** Continue to support “no net loss” of wetlands at a regional scale.

**RTP Policy 18.A.3.** Support preservation of the existing heritage trees along US 395 in a manner that ensures roadway safety.



**LU Action 24.F.3.f.** Engage with the California Department of Fish and Wildlife as the responsible agency for the protection and recovery of Sierra Nevada Bighorn Sheep prior to approving any new or renewed grazing use or altering any existing grazing use for domestic sheep.

**C/OS Action 2.A.1.r.** Work with the USFWS to ensure compliance with the Migratory Bird Treaty Act.

**C/OS Action 13.C.3.f.** Avoid siting cellular towers in Bi-State sage grouse habitat to the extent possible.

**LU Action 24.F.1.a.** CEQA analysis that considers direct and indirect impacts to sensitive biological resources at Witcher and Birch Creeks, including amphibians, will be required for any project that may impact these resources.

- ii. **Finding.** Specific economic, legal, social, technological, or other considerations, including the provision of employment opportunities to highly trained workers, make infeasible the implementation of additional mitigation measures or project alternatives identified in the final EIR that would reduce to less than significant levels the potential Project impacts on the movement of native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors.
- iii. **Facts and Reasoning that Support Finding.** While the 2015 General Plan policies and actions would ensure that impacts are reduced, and although the level of development allowed under the 2015 General Plan is less than currently allowed, the only method to eliminate the potentially significant impacts on candidate and sensitive species would be to more severely restrict development potential within Mono County. Such a restriction would not meet the project objectives as described on Draft EIR pages 3-2 and 3-3 and listed under Impact A1 above. Impacts on the movement of resident or migratory species or with established wildlife corridors therefore represent a significant and unavoidable impact of the Project.

The Mono County economy is supported largely by tourism and outdoor recreation, with agriculture also a significant source of revenue and employment. The *2015 Updates and Repeal of the Conway Ranch Specific Plan* provide for a level of development that would allow additional community development and services and facilities for visitors and residents. The project also allows for recreational development throughout the county, which would contribute to the county's economic growth and stability. Development opportunities in Mono County are highly constrained by the extremely limited private land base (6% of all lands within the County are private). Much of the recreation and tourism occurs on public lands, with support facilities on private lands. It is anticipated that the county's economy will remain dependent on tourism and outdoor recreation due to the limited private land base, extensive environmental constraints on development, and distance from urbanized areas. The proposed level of development would support a balanced mix of land uses. Additional recreational development would in turn create job opportunities for area residents, and would benefit Mono County through increased revenues to the County, particularly in the form of additional transient occupancy taxes, sales taxes, and property taxes.

In addition to the economic benefits outlined above, adoption and implementation of the *2015 Updates and Repeal of the Conway Ranch Specific Plan* project would implement all of the basic project objectives listed under Impact A1 above and provide economic, social, legal, and other considerable benefits as described in Section VII below.

5. **General Plan implementation could potentially conflict with existing or proposed local policies or ordinances protecting biological resources.**

- a. **POTENTIAL IMPACT:** The potential for the project to substantially conflict with policies or ordinances protecting biological resources is discussed on page 4.4-52 of the Draft EIR.
- b. **MITIGATION MEASURES:** No feasible mitigation is available that would reduce to less than significant levels the potential for the project to substantially conflict with policies or ordinances protecting biological resources.
- c. **FINDINGS:** Based upon the administrative record the Mono County Board of Supervisors finds that:
  - i. **Effects of Mitigation and Remaining Impacts.** The Project, as originally designed, includes numerous components as described in Draft EIR Appendix D, Table 4.4-10, that minimize the severity of this impact. In addition, further policies and actions were developed in response to impacts identified during environmental review and incorporated directly into the project. These policies and actions have been included in the MMRP, are fully enforceable, and are listed below. However, even with the implementation of policies and actions that would reduce impacts on local biological protection ordinances, the potential remains for significant adverse impacts.

**MITIGATING POLICIES**

**RTP Policy 18.A.3.** Support preservation of the existing heritage trees along US 395 in a manner that ensures roadway safety.

- ii. **Finding.** Specific economic, legal, social, technological, or other considerations, including the provision of employment opportunities to highly trained workers, make infeasible the implementation of additional mitigation measures or project alternatives identified in the final EIR that would reduce Project impacts on local biological protection ordinances that are associated to a less-than-significant level
- iii. **Facts and Reasoning that Support Finding.** While the 2015 General Plan policies and actions would ensure that impacts are reduced, and although the level of development allowed under the 2015 General Plan is less than currently allowed, the only method to eliminate the potentially significant impacts on local biological protection ordinances would be to more severely restrict development potential within Mono County. Such a restriction would not meet the project objectives as described on Draft EIR pages 3-2 and 3-3 and listed under Impact A1 above. Impacts on federally protected wetlands therefore represent a significant and unavoidable impact of the Project.

The Mono County economy is supported largely by tourism and outdoor recreation, with agriculture also a significant source of revenue and employment. The *2015 Updates and Repeal of the Conway Ranch Specific Plan* provide for a level of development that would allow additional community development and services and facilities for visitors and residents. The project also allows for recreational development throughout the county, which would contribute to the county's economic growth and stability. Development opportunities in Mono County are highly constrained by the extremely limited private land base (6% of all lands within the County are private). Much of the recreation and tourism occurs on public lands, with support facilities on private lands. It is anticipated that the county's economy will remain dependent on tourism and outdoor recreation due to the limited private land base, extensive environmental constraints on development, and distance from urbanized areas. The proposed level of development would support a balanced mix of land uses. Additional recreational development would in turn create job opportunities for area residents, and would benefit Mono County through

increased revenues to the County, particularly in the form of additional transient occupancy taxes, sales taxes, and property taxes.

In addition to the economic benefits outlined above, adoption and implementation of the *2015 Updates and Repeal of the Conway Ranch Specific Plan* project would implement all of the basic project objectives listed under Impact A1 above and provide economic, social, legal, and other considerable benefits as described in Section VII below.

6. ***General Plan implementation would not conflict with provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other similar adopted plans.*** No significant adverse impacts are foreseen and no Findings or Statement of Overriding Effects are required.

## **B. GEOLOGY, SOILS AND MINERAL RESOURCES**

1. ***General Plan implementation could expose people or structures to potential substantial adverse impacts involving rupture of an earthquake fault, strong seismic ground shaking or landslides, or seismic-related ground failure.***

- a. **POTENTIAL IMPACT:** The potential for the project to expose people or structures to potential substantial adverse impacts involving rupture of an earthquake fault, strong seismic ground shaking or landslides, or seismic-related ground failure is discussed on Draft EIR pages 4.5-12 through 4.5-13.
- b. **MITIGATION MEASURES:** No feasible mitigation is available that would reduce to less than significant levels the significant adverse project effects related to exposure of people or structures to rupture of an earthquake fault, strong seismic ground shaking or landslides, or seismic-related ground failure.
- c. **FINDINGS:** Based upon the entire administrative record the Mono County Board of Supervisors finds:
  - i. **Effects of Mitigation and Remaining Impacts.** The Project, as originally designed, includes numerous components as described in Draft EIR Appendix D, Table 4.4-10, that minimize the severity of this impact. No further feasible mitigating policies and actions were identified in response to impacts determined during environmental review. Even with the implementation of the original project components that would reduce impacts associated with impacts involving strong seismic ground shaking, landslides or failure, the potential remains for significant adverse impacts.
  - ii. **Finding.** Specific economic, legal, social, technological, or other considerations, including the provision of employment opportunities to highly trained workers, make infeasible the implementation of additional mitigation measures or project alternatives identified in the final EIR that would reduce impacts to a less-than-significant level.
  - iii. **Facts and Reasoning that Support Finding.** While the 2015 General Plan policies and actions would ensure that impacts are reduced, and although the level of development allowed under the 2015 General Plan is less than currently allowed, the only method to eliminate or reduce to a level that is less-than significant the potentially significant impacts on candidate and sensitive species would be to more severely restrict development potential in Mono County. Such a restriction would not meet the project objectives as described on Draft EIR pages 3-2 and 3-3 and listed under Impact A1 (Biology) above. Impacts related to the exposure of people or structures to potential substantial adverse impacts involving rupture of an earthquake fault, strong seismic ground shaking or landslides, or seismic-related ground failure thus represent a significant and unavoidable impact of the Project.

The Mono County economy is supported largely by tourism and outdoor recreation, with agriculture also a significant source of revenue and employment. The *2015 Updates and Repeal of the Conway Ranch Specific Plan* provide for a level of development that would allow additional community development and

services and facilities for visitors and residents. The project also allows for recreational development throughout the county, which would contribute to the county's economic growth and stability. Development opportunities in Mono County are highly constrained by the extremely limited private land base (6% of all lands within the County are private). Much of the recreation and tourism occurs on public lands, with support facilities on private lands. It is anticipated that the county's economy will remain dependent on tourism and outdoor recreation due to the limited private land base, extensive environmental constraints on development, and distance from urbanized areas. The proposed level of development would support a balanced mix of land uses. Additional recreational development would in turn create job opportunities for area residents, and would benefit Mono County through increased revenues to the County, particularly in the form of additional transient occupancy taxes, sales taxes, and property taxes.

In addition to the economic benefits outlined above, adoption and implementation of the *2015 Updates and Repeal of the Conway Ranch Specific Plan* project would implement all of the basic project objectives listed under Impact A<sub>1</sub> (Biology) above and provide economic, social, legal, and other considerable benefits as described in Section VII below.

**2. General Plan implementation could result in substantial soil erosion or the loss of topsoil.**

- a. **POTENTIAL IMPACT:** The potential for the project to expose people or structures to potential substantial adverse impacts involving substantial soil erosion or the loss of topsoil is discussed on pages 4.5-13 through 4.5-15 of the Draft EIR.
- b. **MITIGATION MEASURES:** No feasible mitigation is available that would reduce to less than significant levels the project potential for substantial soil erosion or the loss of topsoil.
- c. **FINDINGS:** Based upon the administrative record the Mono County Board of Supervisors finds:
  - i. **Effects of Mitigation and Remaining Impacts.** The Project, as originally designed, includes numerous components as described in Draft EIR Appendix D, Table 4.4-10, that minimize the severity of this impact. In addition, further policies and actions were developed in response to impacts identified during environmental review and incorporated directly into the project. These policies and actions have been included in the MMRP, are fully enforceable, and are listed below. However, even with the implementation of policies and actions that would reduce potential for substantial soil erosion or the loss of topsoil, the potential remains for significant adverse impacts.

**MITIGATING POLICIES**

**C/JOS Action 2.A.1.d.** Native vegetation is strongly encouraged for landscaping, erosion control, or other purposes. Use of non-native vegetation shall require an assessment and mitigation of the effects of the introduced species, and in no case shall invasive non-native species be approved.

**Action 18.D.1.f.** Utilize Best Management Practices (BMPs) including, but not limited to, the Low Impact Development (LID) techniques in the Appendix of the General Plan to minimize the effects of runoff.

**C/JOS Action 4.A.8.a.** As required by the Lahontan Regional Water Quality Control Board, projects must provide post-construction stormwater management plans. Developers should utilize stormwater control measures that are compatible with low-impact development solutions (see General Plan Appendix), such as rain gardens, green roofs, detention ponds, bioretention swales, pervious pavement, vegetated infiltration ponds, and other measures provided by the California Stormwater Quality Association ([www.casqa.org](http://www.casqa.org)) to effectively treat post-construction stormwater runoff, help sustain watershed processes, protect receiving water, and maintain healthy watersheds.

**C/OS Action 4.A.8.c.** Maintain drainage systems associated with roads and public infrastructure for stormwater management.

**C/OS Action 4.A.8.d.** Complementary design features with the potential to improve habitat such as settling basins, vaults, and bank stabilization should be considered when designing or maintaining culverts. Culverts should be analyzed and designed to limit unintended adverse impacts such as degraded water quality, erosion and siltation of wetlands.

**C/OS Action 4.A.8.e.** Subject to the availability of County resources, provide education and advice on LID measures that could be incorporated into project designs.

**C/OS Policy 4.A.6.** Discourage development within 30 feet of recharge, riparian, and wetland areas to minimize trampling, erosion and siltation impacts, and consider amending the General Plan to specify use and setback requirements. Continue to enforce setback requirements from surface waters.

- ii. **Finding.** Specific economic, legal, social, technological, or other considerations, including the provision of employment opportunities to highly trained workers, make infeasible the implementation of additional mitigation measures or project alternatives identified in the final EIR that would reduce impacts to a less-than-significant level.
- iii. **Facts and Reasoning that Support Finding.** While the 2015 General Plan policies and actions would ensure that impacts are reduced, and although the level of development allowed under the 2015 General Plan is less than currently allowed, the only method to eliminate or reduce to a level that is less-than significant the potentially significant impacts associated with soil erosion and loss of topsoil would be to more severely restrict development potential in Mono County. Such a restriction would not meet the project objectives as described on Draft EIR pages 3-2 and 3-3 and listed under Impact A1 (Biology) above. Impacts related to the potential for substantial soil erosion or the loss of topsoil thus represent a significant and unavoidable impact of the Project.

The Mono County economy is supported largely by tourism and outdoor recreation, with agriculture also a significant source of revenue and employment. The *2015 Updates and Repeal of the Conway Ranch Specific Plan* provide for a level of development that would allow additional community development and services and facilities for visitors and residents. The project also allows for recreational development throughout the county, which would contribute to the county's economic growth and stability. Development opportunities in Mono County are highly constrained by the extremely limited private land base (6% of all lands within the County are private). Much of the recreation and tourism occurs on public lands, with support facilities on private lands. It is anticipated that the county's economy will remain dependent on tourism and outdoor recreation due to the limited private land base, extensive environmental constraints on development, and distance from urbanized areas. The proposed level of development would support a balanced mix of land uses. Additional recreational development would in turn create job opportunities for area residents, and would benefit Mono County through increased revenues to the County, particularly in the form of additional transient occupancy taxes, sales taxes, and property taxes.

In addition to the economic benefits outlined above, adoption and implementation of the *2015 Updates and Repeal of the Conway Ranch Specific Plan* project would implement all of the basic project objectives listed under Impact A1 (Biology) above and provide economic, social, legal, and other considerable benefits as described in Section VII below.

- 3. **General Plan implementation could result in structures located on a geologic unit or soil that is unstable or would become unstable due to the project and potentially result in lateral spreading, subsidence, liquefaction or collapse.**

- a. **POTENTIAL IMPACT:** The potential for the project to expose people or structures to unstable geology and potentially result in lateral spreading, subsidence, liquefaction or collapse, is discussed on pages 4.5-15 through 4.5-16 of the Draft EIR.
- b. **MITIGATION MEASURES:** No feasible mitigation is available that would reduce to less than significant levels the project potential for people and structures to be exposure to unstable geology, potentially resulting in lateral spreading, subsidence, liquefaction or collapse.
- c. **FINDINGS:** Based upon the administrative record the Mono County Board of Supervisors finds:
  - i. **Effects of Mitigation and Remaining Impacts.** The Project, as originally designed, includes numerous components as described in Draft EIR Appendix D, Table 4.4-10, that minimize the severity of this impact. No further feasible mitigating policies and actions were identified in response to impacts determined during environmental review. Even with the implementation of the original project components that would reduce potential for people and structures to be exposure to unstable geology, potentially resulting in lateral spreading, subsidence, liquefaction or collapse, the potential remains for significant adverse impacts.
  - ii. **Finding.** Specific economic, legal, social, technological, or other considerations, including the provision of employment opportunities to highly trained workers, make infeasible the implementation of additional mitigation measures or project alternatives identified in the final EIR that would reduce impacts to a less-than-significant level.
  - iii. **Facts and Reasoning that Support Finding.** While the 2015 General Plan policies and actions would ensure that impacts are reduced, and although the level of development allowed under the 2015 General Plan is less than currently allowed, the only method to eliminate the potentially significant adverse effects related to the exposure of people and structures to unstable geology (potentially resulting in lateral spreading, subsidence, liquefaction or collapse), would be to more severely restrict development potential within Mono County. Such a restriction would not meet the project objectives as described on Draft EIR pages 3-2 and 3-3 and listed under Impact A1 (Biology) above. Impacts associated with unstable geologic structures thus represent a significant and unavoidable project impact.

The Mono County economy is supported largely by tourism and outdoor recreation, with agriculture also a significant source of revenue and employment. The *2015 Updates and Repeal of the Conway Ranch Specific Plan* provide for a level of development that would allow additional community development and services and facilities for visitors and residents. The project also allows for recreational development throughout the county, which would contribute to the county's economic growth and stability. Development opportunities in Mono County are highly constrained by the extremely limited private land base (6% of all lands within the County are private). Much of the recreation and tourism occurs on public lands, with support facilities on private lands. It is anticipated that the county's economy will remain dependent on tourism and outdoor recreation due to the limited private land base, extensive environmental constraints on development, and distance from urbanized areas. The proposed level of development would support a balanced mix of land uses. Additional recreational development would in turn create job opportunities for area residents, and would benefit Mono County through increased revenues to the County, particularly in the form of additional transient occupancy taxes, sales taxes, and property taxes.

In addition to the economic benefits outlined above, adoption and implementation of the *2015 Updates and Repeal of the Conway Ranch Specific Plan* project would implement all of the basic project objectives listed under Impact A1 (Biology) above and provide economic, social, legal, and other considerable benefits as described in Section VII below.

4. **General Plan implementation would not result in structures on expansive soils incapable of adequately supporting the use of septic tanks or alternative waste systems:** No significant adverse impacts are foreseen and no Findings or Statement of Overriding Effects are required.
5. **General Plan implementation could result in the loss of availability of a known mineral resource or an identified locally important mineral resource that would be of value to the region and to residents of the state of California.**
  - a. **POTENTIAL IMPACT:** The potential for the project to result in loss of availability of a known mineral resource or an identified locally important mineral resource is discussed on pages 4.5-20 through 4.5-22 of the Draft EIR.
  - b. **MITIGATION MEASURES:** No feasible mitigation is available that would reduce to less than significant levels the potential loss of availability of a known mineral resource or an identified locally important mineral resource.
  - c. **FINDINGS:** Based upon the administrative record the Mono County Board of Supervisors finds:
    - i. **Effects of Mitigation and Remaining Impacts.** The Project, as originally designed, includes numerous components as described in Draft EIR Appendix D, Table 4.4-10, that minimize the severity of this impact. No further feasible mitigating policies and actions were identified in response to impacts determined during environmental review. Even with the implementation of the original project that would reduce potential loss of mineral resources, the potential remains for significant adverse impacts.
    - ii. **Finding.** Specific economic, legal, social, technological, or other considerations, including the provision of employment opportunities to highly trained workers, make infeasible the implementation of additional mitigation measures or project alternatives identified in the final EIR that would reduce impacts to mineral resources to a less-than-significant level.
    - iii. **Facts and Reasoning that Support Finding.** While the 2015 General Plan policies and actions would ensure that impacts are reduced, and although the level of development allowed under the 2015 General Plan is less than currently allowed, the only method to eliminate the potentially loss of mineral resources would be to more severely restrict development potential within Mono County. Such a restriction would not meet the project objectives as described on Draft EIR pages 3-2 and 3-3 and listed under Impact A1 (Biology) above. Impacts associated with mineral resources are thus significant and unavoidable.

The Mono County economy is supported largely by tourism and outdoor recreation, with agriculture also a significant source of revenue and employment. The *2015 Updates and Repeal of the Conway Ranch Specific Plan* provide for a level of development that would allow additional community development and services and facilities for visitors and residents. The project also allows for recreational development throughout the county, which would contribute to the county's economic growth and stability. Development opportunities in Mono County are highly constrained by the extremely limited private land base (6% of all lands within the County are private). Much of the recreation and tourism occurs on public lands, with support facilities on private lands. It is anticipated that the county's economy will remain dependent on tourism and outdoor recreation due to the limited private land base, extensive environmental constraints on development, and distance from urbanized areas. The proposed level of development would support a balanced mix of land uses. Additional recreational development would in turn create job opportunities for area residents, and would benefit Mono County through increased revenues to the County, particularly in the form of additional transient occupancy taxes, sales taxes, and property taxes.

In addition to the economic benefits outlined above, adoption and implementation of the *2015 Updates and Repeal of the Conway Ranch Specific Plan* project would implement all of the basic project objectives listed under Impact A<sub>1</sub> (Biology) above and provide economic, social, legal, and other considerable benefits as described in Section VII below.

## C. HEALTH, SAFETY AND HAZARDS

1. **General Plan implementation could create a significant hazard to the public or to the environment through the transport, use or disposal of hazardous materials or the release of hazardous materials into the environment.**

- a. **POTENTIAL IMPACT:** Draft EIR pages 4.6-26 through 4.6-29 discuss the potential for the project to create a significant hazard to the public or to the environment through the transport, use or disposal of hazardous materials or the release of hazardous materials into the environment.
- b. **MITIGATION MEASURES:** No feasible mitigation is available that would reduce to less than significant levels the significant hazards associated with transport, use, disposal or release of hazardous materials.
- c. **FINDINGS:** Based upon the administrative record the Mono County Board of Supervisors finds:
  - i. **Effects of Mitigation and Remaining Impacts.** The Project, as originally designed, includes numerous components as described in Draft EIR Appendix D, Table 4.4-10, that minimize the severity of this impact. No further feasible mitigating policies and actions were identified in response to impacts determined during environmental review. Even with the implementation of the original project components that would reduce potential hazards associated with transport, use, disposal or release of hazardous materials, the potential remains for significant adverse impacts.
  - ii. **Finding:** Specific economic, legal, social, technological, or other considerations, including the provision of employment opportunities to highly trained workers make infeasible the implementation of additional mitigation measures or project alternatives identified in the final EIR that would reduce impacts to a less-than-significant level.
  - iii. **Facts and Reasoning that Support Finding.** While the 2015 General Plan policies and actions would ensure that impacts are reduced, and although the level of development allowed under the 2015 General Plan is less than currently allowed, the only method to eliminate the potentially significant impacts associated with use, transport, disposal or release of hazardous materials would be to more severely restrict development potential within Mono County. Such a restriction would not meet the project objectives as described on Draft EIR pages 3-2 and 3-3 and listed under Impact A<sub>1</sub> (Biology) above. Impacts associated with transport, use, disposal or release of hazardous materials thus represent a significant and unavoidable impact of the project.

The Mono County economy is supported largely by tourism and outdoor recreation, with agriculture also a significant source of revenue and employment. The *2015 Updates and Repeal of the Conway Ranch Specific Plan* provide for a level of development that would allow additional community development and services and facilities for visitors and residents. The project also allows for recreational development throughout the county, which would contribute to the county's economic growth and stability. Development opportunities in Mono County are highly constrained by the extremely limited private land base (6% of all lands within the County are private). Much of the recreation and tourism occurs on public lands, with support facilities on private lands. It is anticipated that the county's economy will remain dependent on



tourism and outdoor recreation due to the limited private land base, extensive environmental constraints on development, and distance from urbanized areas. The proposed level of development would support a balanced mix of land uses. Additional recreational development would in turn create job opportunities for area residents, and would benefit Mono County through increased revenues to the County, particularly in the form of additional transient occupancy taxes, sales taxes, and property taxes.

In addition to the economic benefits outlined above, adoption and implementation of the *2015 Updates and Repeal of the Conway Ranch Specific Plan* project would implement all of the basic project objectives listed under Impact A<sub>1</sub> (Biology) above and provide economic, social, legal, and other considerable benefits as described in Section VII below.

2. **General Plan implementation would not create hazards resulting from projects located on sites that are included on a list of hazardous materials sites:** No significant adverse impacts are foreseen and no Findings or Statement of Overriding Effects are required.
3. **General Plan implementation would not expose people or structures to airport hazards:** No significant adverse impacts are foreseen and no Findings or Statement of Overriding Effects are required.
4. **General Plan implementation could impair implementation of or physically interfere with an adopted emergency plan or emergency evacuation plan.**
  - a. **POTENTIAL IMPACT:** Draft EIR pages 4.6-35 through 4.6-36 discuss the potential for the project to impair implementation of or physically interfere with an adopted emergency plan or emergency evacuation plan.
  - b. **MITIGATION MEASURES:** No feasible mitigation is available that would reduce to less than significant levels the significant hazards associated with impaired emergency evacuation.
  - c. **FINDINGS:** Based upon the administrative record the Mono County Board of Supervisors finds:
    - i. **Effects of Mitigation and Remaining Impacts.** The Project, as originally designed, includes numerous components as described in Draft EIR Appendix D, Table 4.4-10, that minimize the severity of this impact. No further feasible mitigating policies and actions were identified in response to impacts determined during environmental review. Even with the implementation of the original project components that would reduce potential hazards associated with impaired implementation of or physical interference with emergency evacuation, the potential remains for significant adverse impacts.
    - ii. **Finding:** Specific economic, legal, social, technological, or other considerations, including the provision of employment opportunities to highly trained workers, make infeasible the implementation of additional mitigation measures or project alternatives identified in the final EIR that would reduce impacts to a less-than-significant level.
    - iii. **Facts and Reasoning that Support Finding:** While the 2015 General Plan policies and actions would ensure that impacts are reduced, and although the level of development allowed under the 2015 General Plan is less than currently allowed, the only method to eliminate the potential for impaired emergency evacuation would be to more severely restrict development potential within Mono County. Such a restriction would not meet the project objectives as described on Draft EIR pages 3-2 and 3-3 and listed under Impact A<sub>1</sub> (Biology) above. Impacts associated with impaired implementation of or physical interference with emergency evacuation thus represent a significant and unavoidable impact of the Project.

The Mono County economy is supported largely by tourism and outdoor recreation, with agriculture also a significant source of revenue and employment. The *2015 Updates and Repeal of the Conway Ranch Specific Plan* provide for a level of development that would allow

additional community development and services and facilities for visitors and residents. The project also allows for recreational development throughout the county, which would contribute to the county's economic growth and stability. Development opportunities in Mono County are highly constrained by the extremely limited private land base (6% of all lands within the County are private). Much of the recreation and tourism occurs on public lands, with support facilities on private lands. It is anticipated that the county's economy will remain dependent on tourism and outdoor recreation due to the limited private land base, extensive environmental constraints on development, and distance from urbanized areas. The proposed level of development would support a balanced mix of land uses. Additional recreational development would in turn create job opportunities for area residents, and would benefit Mono County through increased revenues to the County, particularly in the form of additional transient occupancy taxes, sales taxes, and property taxes.

In addition to the economic benefits outlined above, adoption and implementation of the *2015 Updates and Repeal of the Conway Ranch Specific Plan* project would implement all of the basic project objectives listed under Impact A<sub>1</sub> (Biology) above and provide economic, social, legal, and other considerable benefits as described in Section VII below.

**5. General Plan implementation could expose people or structures to a significant risk of loss, injury or death involving wildland fires.**

- a. **POTENTIAL IMPACT:** Draft EIR pages 4.6-36 through 4.6-37 discuss the potential for the project to expose people or structures to a significant risk of loss, injury or death involving wildland fires.
- b. **MITIGATION MEASURES:** No feasible mitigation is available that would reduce to less than significant levels the significant hazards associated with exposure to wildland fire risks.
- c. **FINDINGS:** Based upon the administrative record, the Mono County Board of Supervisors finds:
  - i. **Effects of Mitigation and Remaining Impacts.** The Project, as originally designed, includes numerous components as described in Draft EIR Appendix D, Table 4.4-10, that minimize the severity of this impact. No further feasible mitigating policies and actions were identified in response to impacts determined during environmental review. Even with the implementation of the original project components that would reduce potential hazards associated with exposure of people or structures to significant risk of loss, injury or death involving wildland fires, the potential remains for significant adverse impacts.
  - ii. **Finding:** Specific economic, legal, social, technological, or other considerations, including the provision of employment opportunities to highly trained workers, make infeasible the implementation of additional mitigation measures or project alternatives identified in the final EIR that would reduce impacts to a less-than-significant level.
  - iii. **Facts and Reasoning that Support Finding:** While the 2015 General Plan policies and actions would ensure that impacts are reduced, and although the level of development allowed under the 2015 General Plan is less than currently allowed, the only method to eliminate the potential for impaired emergency evacuation would be to more severely restrict development potential within Mono County. Such a restriction would not meet the project objectives as described on Draft EIR pages 3-2 and 3-3 and listed under Impact A<sub>1</sub> (Biology) above. Impacts associated with exposure to wildland fire risk thus represent a significant and unavoidable impact of the Project.

The Mono County economy is supported largely by tourism and outdoor recreation, with agriculture also a significant source of revenue and employment. The *2015 Updates and Repeal of the Conway Ranch Specific Plan* provide for a level of development that would allow additional community development and services and facilities for visitors and residents. The project also allows for recreational development throughout the county, which would

contribute to the county's economic growth and stability. Development opportunities in Mono County are highly constrained by the extremely limited private land base (6% of all lands within the County are private). Much of the recreation and tourism occurs on public lands, with support facilities on private lands. It is anticipated that the county's economy will remain dependent on tourism and outdoor recreation due to the limited private land base, extensive environmental constraints on development, and distance from urbanized areas. The proposed level of development would support a balanced mix of land uses. Additional recreational development would in turn create job opportunities for area residents, and would benefit Mono County through increased revenues to the County, particularly in the form of additional transient occupancy taxes, sales taxes, and property taxes.

In addition to the economic benefits outlined above, adoption and implementation of the *2015 Updates and Repeal of the Conway Ranch Specific Plan* project would implement all of the basic project objectives listed under Impact A<sub>1</sub> (Biology) above and provide economic, social, legal, and other considerable benefits as described in Section VII below.

**6. *General Plan implementation could expose people or structures to a significant risk involving avalanche, landslides, destructive storms or winds, rockfall or volcanic activity.***

- a. **POTENTIAL IMPACT:** Draft EIR pages 4.6-37 through 4.6-39 discuss the potential for the project to expose people or structures to a significant risk involving avalanche, landslides, destructive storms or winds, rockfall or volcanic activity.
- b. **MITIGATION MEASURES:** No feasible mitigation is available that would reduce to less than significant levels the significant hazards associated with exposure to avalanche, landslides, destructive storms or winds, rockfall or volcanic activity.
- c. **FINDINGS:** Based upon the administrative record the Mono County Board of Supervisors finds:
  - i. **Effects of Mitigation and Remaining Impacts.** The Project, as originally designed, includes numerous components as described in Draft EIR Appendix D, Table 4.4-10, that minimize the severity of this impact. No further feasible mitigating policies and actions were identified in response to impacts determined during environmental review. Even with the implementation of the original project components that would reduce potential hazards associated with exposure of people or structures to significant risk involving avalanche, landslides, destructive storms or winds, rockfall or volcanic activity, the potential remains for significant adverse impacts.
  - ii. **Finding.** Specific economic, legal, social, technological, or other considerations, including the provision of employment opportunities to highly trained workers, make infeasible the implementation of additional mitigation measures or project alternatives identified in the final EIR that would reduce impacts to a less-than-significant level.
  - iii. **Facts and Reasoning that Support Finding.** While the 2015 General Plan policies and actions would ensure that impacts are reduced, and although the level of development allowed under the 2015 General Plan is less than currently allowed, the only method to eliminate the potential for impaired emergency evacuation would be to more severely restrict development potential within Mono County. Such a restriction would not meet the project objectives as described on Draft EIR pages 3-2 and 3-3 and listed under Impact A<sub>1</sub> (Biology) above. Impacts associated with exposure to avalanche, landslides, destructive storms or winds, rockfall or volcanic activity thus represent a significant and unavoidable project impact.

The Mono County economy is supported largely by tourism and outdoor recreation, with agriculture also a significant source of revenue and employment. The *2015 Updates and Repeal of the Conway Ranch Specific Plan* provide for a level of development that would allow additional community development and services and facilities for visitors and residents. The

project also allows for recreational development throughout the county, which would contribute to the county's economic growth and stability. Development opportunities in Mono County are highly constrained by the extremely limited private land base (6% of all lands within the County are private). Much of the recreation and tourism occurs on public lands, with support facilities on private lands. It is anticipated that the county's economy will remain dependent on tourism and outdoor recreation due to the limited private land base, extensive environmental constraints on development, and distance from urbanized areas. The proposed level of development would support a balanced mix of land uses. Additional recreational development would in turn create job opportunities for area residents, and would benefit Mono County through increased revenues to the County, particularly in the form of additional transient occupancy taxes, sales taxes, and property taxes.

In addition to the economic benefits outlined above, adoption and implementation of the *2015 Updates and Repeal of the Conway Ranch Specific Plan* project would implement all of the basic project objectives listed under Impact A1 (Biology) above and provide economic, social, legal, and other considerable benefits as described in Section VII below.

## **D. CULTURAL RESOURCES**

1. ***General Plan implementation could cause a substantial adverse change in the significance of a prehistoric or historic resource.***
  - a. **POTENTIAL IMPACT:** Draft EIR pages 4.7-11 through 4.7-13 discuss the potential for the project to cause a substantial adverse change in the significance of a prehistoric or historic resource.
  - b. **MITIGATION MEASURES:** No feasible mitigation is available that would reduce to less than significant levels the significant hazards associated with adverse change in the significance of a prehistoric or historic resource.
  - c. **FINDINGS:** Based upon the administrative record the Mono County Board of Supervisors finds:
    - i. **Effects of Mitigation and Remaining Impacts.** The Project, as originally designed, includes numerous components as described in Draft EIR Appendix D, Table 4.4-10, that minimize the severity of this impact. No further feasible mitigating policies and actions were identified in response to impacts determined during environmental review. Even with the implementation of the original project components that would reduce potential to cause a substantial adverse change in the significance of a prehistoric or historic resource, the potential remains for significant adverse impacts.
    - ii. **Finding.** Specific economic, legal, social, technological, or other considerations, including the provision of employment opportunities to highly trained workers, make infeasible the implementation of additional mitigation measures or project alternatives identified in the final EIR that would reduce impacts to a less-than-significant level.
    - iii. **Facts and Reasoning that Support Finding.** While the 2015 General Plan policies and actions would ensure that impacts are reduced, and although the level of development allowed under the 2015 General Plan is less than currently allowed, the only method to eliminate the potentially significant impacts associated with protection of historic or prehistoric resource would be to more severely restrict development potential within Mono County. Such a restriction would not meet the project objectives as described on Draft EIR pages 3-2 and 3-3 and listed under Impact A1 (Biology) above. Impacts associated with potential change in the significance of a prehistoric or historic resource thus represent a significant and unavoidable project impact.

The Mono County economy is supported largely by tourism and outdoor recreation, with agriculture also a significant source of revenue and employment. The *2015 Updates and Repeal of the Conway Ranch Specific Plan* provide for a level of development that would allow additional community development and services and facilities for visitors and residents. The project also allows for recreational development throughout the county, which would contribute to the county's economic growth and stability. Development opportunities in Mono County are highly constrained by the extremely limited private land base (6% of all lands within the County are private). Much of the recreation and tourism occurs on public lands, with support facilities on private lands. It is anticipated that the county's economy will remain dependent on tourism and outdoor recreation due to the limited private land base, extensive environmental constraints on development, and distance from urbanized areas. The proposed level of development would support a balanced mix of land uses. Additional recreational development would in turn create job opportunities for area residents, and would benefit Mono County through increased revenues to the County, particularly in the form of additional transient occupancy taxes, sales taxes, and property taxes.

In addition to the economic benefits outlined above, adoption and implementation of the *2015 Updates and Repeal of the Conway Ranch Specific Plan* project would implement all of the basic project objectives listed under Impact A<sub>1</sub> (Biology) above and provide economic, social, legal, and other considerable benefits as described in Section VII below.

2. **General Plan implementation could directly or indirectly destroy a unique paleontological resource or site or feature.**
  - a. **POTENTIAL IMPACT:** The potential for the project to directly or indirectly destroy a unique paleontological resource or site or feature is discussed on Draft EIR page 4.7-13.
  - b. **MITIGATION MEASURES:** No feasible mitigation is available that would reduce to less than significant levels the significant hazards associated with potential destruction of a unique paleontological resource or site or feature.
  - c. **FINDINGS:** Based upon the administrative record the Mono County Board of Supervisors finds:
    - i. **Effects of Mitigation and Remaining Impacts.** The Project, as originally designed, includes numerous components as described in Draft EIR Appendix D, Table 4.4-10, that minimize the severity of this impact. No further feasible mitigating policies and actions were identified in response to impacts determined during environmental review. Even with the implementation of the original project components that would reduce potential for the project to destroy a unique paleontological resource or site or feature, the potential remains for significant adverse impacts.
    - ii. **Finding.** Specific economic, legal, social, technological, or other considerations, including the provision of employment opportunities to highly trained, make infeasible the implementation of additional mitigation measures or project alternatives identified in the final EIR that would reduce impacts to a less-than-significant level.
    - iii. **Facts and Reasoning that Support Finding.** While the 2015 General Plan policies and actions would ensure that impacts are reduced, and although the level of development allowed under the 2015 General Plan is less than currently allowed, the only method to eliminate the potentially significant impacts associated with loss of a paleontological resource would be to more severely restrict development potential within Mono County. Such a restriction would not meet the project objectives as described on Draft EIR pages 3-2 and 3-3 and listed under Impact A<sub>1</sub> (Biology) above. The potential destruction of a unique paleontological site, resource or feature thus represents a significant and unavoidable project impact.

The Mono County economy is supported largely by tourism and outdoor recreation, with agriculture also a significant source of revenue and employment. The *2015 Updates and Repeal of the Conway Ranch Specific Plan* provide for a level of development that would allow additional community development and services and facilities for visitors and residents. The project also allows for recreational development throughout the county, which would contribute to the county's economic growth and stability. Development opportunities in Mono County are highly constrained by the extremely limited private land base (6% of all lands within the County are private). Much of the recreation and tourism occurs on public lands, with support facilities on private lands. It is anticipated that the county's economy will remain dependent on tourism and outdoor recreation due to the limited private land base, extensive environmental constraints on development, and distance from urbanized areas. The proposed level of development would support a balanced mix of land uses. Additional recreational development would in turn create job opportunities for area residents, and would benefit Mono County through increased revenues to the County, particularly in the form of additional transient occupancy taxes, sales taxes, and property taxes.

In addition to the economic benefits outlined above, adoption and implementation of the *2015 Updates and Repeal of the Conway Ranch Specific Plan* project would implement all of the basic project objectives listed under Impact A1 (Biology) above and provide economic, social, legal, and other considerable benefits as described in Section VII below.

**3. *General Plan implementation could cause disturbance to human remains or sacred lands, including those interred outside of formal cemeteries.***

- a. **POTENTIAL IMPACT:** The potential for the project to cause disturbance to human remains or sacred lands is discussed on Draft EIR pages 4.7-13 and 4.7-14.
- b. **MITIGATION MEASURES:** No feasible mitigation is available that would reduce to less than significant levels the significant hazards associated with potential disturbance of human remains or sacred lands.
- c. **FINDINGS:** Based upon the administrative record the Mono County Board of Supervisors finds:
  - i. **Effects of Mitigation and Remaining Impacts.** The Project, as originally designed, includes numerous components as described in Draft EIR Appendix D, Table 4.4-10, that minimize the severity of this impact. No further feasible mitigating policies and actions were identified in response to impacts determined during environmental review. Even with the implementation of the original project components that would reduce potential for the project to disturb human remains or sacred lands, the potential remains for significant adverse impacts.
  - ii. **Finding.** Specific economic, legal, social, technological, or other considerations, including the provision of employment opportunities to highly trained workers, make infeasible the implementation of additional mitigation measures or project alternatives identified in the final EIR that would reduce impacts to a less-than-significant level.
  - iii. **Facts and Reasoning that Support Finding.** While the 2015 General Plan policies and actions would ensure that impacts are reduced, and although the level of development allowed under the 2015 General Plan is less than currently allowed, the only method to eliminate the potentially significant impacts associated with disturbance to human remains or sacred lands would be to more severely restrict development potential within Mono County. Such a restriction would not meet the project objectives as described on Draft EIR pages 3-2 and 3-3 and listed under Impact A1 (Biology) above. Impacts associated with potential disturbance of human remains or sacred lands thus represent a significant and unavoidable project impact.

The Mono County economy is supported largely by tourism and outdoor recreation, with agriculture also a significant source of revenue and employment. The *2015 Updates and Repeal*

of the Conway Ranch Specific Plan provide for a level of development that would allow additional community development and services and facilities for visitors and residents. The project also allows for recreational development throughout the county, which would contribute to the county's economic growth and stability. Development opportunities in Mono County are highly constrained by the extremely limited private land base (6% of all lands within the County are private). Much of the recreation and tourism occurs on public lands, with support facilities on private lands. It is anticipated that the county's economy will remain dependent on tourism and outdoor recreation due to the limited private land base, extensive environmental constraints on development, and distance from urbanized areas. The proposed level of development would support a balanced mix of land uses. Additional recreational development would in turn create job opportunities for area residents, and would benefit Mono County through increased revenues to the County, particularly in the form of additional transient occupancy taxes, sales taxes, and property taxes.

In addition to the economic benefits outlined above, adoption and implementation of the 2015 Updates and Repeal of the Conway Ranch Specific Plan project would implement all of the basic project objectives listed under Impact A1 (Biology) above and provide economic, social, legal, and other considerable benefits as described in Section VII below.

**E. HYDROLOGY, FLOODING, WATER QUALITY, WATER SUPPLY**

1. **General Plan implementation could cause a violation of water quality objectives and standards.**
  - a. **POTENTIAL IMPACT:** Draft EIR pages 4.8-31 through 4.8-37 discuss the potential for the project to cause a violation of water quality standards.
  - b. **MITIGATION MEASURES:** No feasible mitigation is available that would reduce to less than significant levels the significant hazards associated with a potential violation of water quality standards.
  - c. **FINDINGS:** Based upon the administrative record the Mono County Board of Supervisors finds:
    - i. **Effects of Mitigation and Remaining Impacts.** The Project, as originally designed, includes numerous components as described in Draft EIR Appendix D, Table 4.4-10, that minimize the severity of this impact. In addition, further policies and actions were developed in response to impacts identified during environmental review and incorporated directly into the project. These policies and actions have been included in the MMRP, are fully enforceable, and are listed below. However, even with the implementation of policies and actions that would reduce potential to cause a cause a violation of water quality standards, the potential remains for significant adverse impacts.

**MITIGATING POLICIES**

**C/OS Action 2.A.1.b.** Project design should first seek to avoid impacts. Unavoidable impacts should next be minimized, and finally mitigated. Examples of potential appropriate mitigation measures for projects identified by Action 1.1 as having significant impacts to animal and plant habitats include:

- i. designing projects to limit the conveyance of pollutants and sediments from runoff into wetlands and riparian areas;

**C/OS Policy 4.A.5.** Projects within 30 feet of or that may otherwise impact wetland or riparian vegetation shall implement best management practices as recommended by the State Water Quality Control Board.

**LU Action 18.D.1.f.** Utilize Best Management Practices (BMPs) including, but not limited to, the Low Impact Development (LID) techniques in the Appendix of the General Plan to minimize the effects of runoff.

**C/OS Action 4.A.8.a.** As required by the Lahontan Regional Water Quality Control Board, projects must provide post-construction stormwater management plans. Developers should utilize stormwater control measures that are compatible with low-impact development solutions (see General Plan Appendix), such as rain gardens, green roofs, detention ponds, bioretention swales, pervious pavement, vegetated infiltration ponds, and other measures provided by the California Stormwater Quality Association ([www.casqa.org](http://www.casqa.org)) to effectively treat post-construction stormwater runoff, help sustain watershed processes, protect receiving water, and maintain healthy watersheds.

**C/OS Action 4.A.8.c.** Maintain drainage systems associated with roads and public infrastructure for stormwater management.

**C/OS Action 4.A.8.e.** Subject to the availability of County resources, provide education and advice on LID measures that could be incorporated into project designs.

**C/OS Action 5.C.2.i.** Proactively collaborate with stakeholders to avoid and minimize impacts to water quality from livestock and grazing activities, and recognize and support the Regional Water Quality Control Board, Sierra Business Council and UC Davis incentives for ranchers to install and monitor the efficacy of grazing management practices in an effort to protect and improve water quality.

**C/OS Policy 4.A.6.** Discourage development within 30 feet of recharge, riparian, and wetland areas to minimize trampling, erosion and siltation impacts, and consider amending the General Plan to specify use and setback requirements. Continue to enforce setback requirements from surface waters.

**C/OS Action 4.A.8.c.** Maintain drainage systems associated with roads and public infrastructure for stormwater management.

**C/OS Action 4.A.8.d.** Complementary design features with the potential to improve habitat such as settling basins, vaults, and bank stabilization should be considered when designing or maintaining culverts. Culverts should be analyzed and designed to limit unintended adverse impacts such as degraded water quality, erosion and siltation of wetlands.

- ii. **Finding.** Specific economic, legal, social, technological, or other considerations, including the provision of employment opportunities to highly trained workers, make infeasible the implementation of additional mitigation measures or project alternatives identified in the final EIR that would reduce impacts to a less-than-significant level.
- iii. **Facts and Reasoning that Support Finding.** While the 2015 General Plan policies and actions would ensure that impacts are reduced, and although the level of development allowed under the 2015 General Plan is less than currently allowed, the only method to eliminate the potentially significant impacts associated with potential violation of water quality standards would be to more severely restrict development potential within Mono County. Such a restriction would not meet the project objectives as described on Draft EIR pages 3-2 and 3-3 and listed under Impact A1 (Biology) above. Impacts associated with potential violation of water quality standards thus represent a significant and unavoidable project impact.

The Mono County economy is supported largely by tourism and outdoor recreation, with agriculture also a significant source of revenue and employment. The *2015 Updates and Repeal of the Conway Ranch Specific Plan* provide for a level of development that would allow additional community development and services and facilities for visitors and residents. The project also allows for recreational development throughout the county, which would contribute to the county's economic growth and stability. Development opportunities in Mono County are highly constrained by the extremely limited private land base (6% of all lands within the County are private). Much of the recreation and tourism occurs on public lands, with support facilities on private lands. It is anticipated that the county's economy will remain dependent on tourism and outdoor recreation due to the limited private land base, extensive environmental constraints on development, and distance from



urbanized areas. The proposed level of development would support a balanced mix of land uses. Additional recreational development would in turn create job opportunities for area residents, and would benefit Mono County through increased revenues to the County, particularly in the form of additional transient occupancy taxes, sales taxes, and property taxes.

In addition to the economic benefits outlined above, adoption and implementation of the *2015 Updates and Repeal of the Conway Ranch Specific Plan* project would implement all of the basic project objectives listed under Impact A1 (Biology) above and provide economic, social, legal, and other considerable benefits as described in Section VII below.

2. **General Plan implementation could jeopardize compliance with wastewater treatment requirements of the Lahontan Regional Water Quality Control Board (LRWQCB) or require construction or expansion of wastewater treatment facilities.**
  - a. **POTENTIAL IMPACT:** Draft EIR pages 4.8-37 through 4.8-39 discuss the potential for the project to jeopardize compliance with LRWQCB wastewater treatment requirements or cause construction or expansion of wastewater treatment facilities.
  - b. **MITIGATION MEASURES:** No feasible mitigation is available that would reduce to less than significant levels the significant hazards resulting from noncompliance with LRWQCB wastewater treatment requirements.
  - c. **FINDINGS:** Based upon the administrative record the Mono County Board of Supervisors finds:
    - i. **Effects of Mitigation and Remaining Impacts.** The Project, as originally designed, includes numerous components as described in Draft EIR Appendix D, Table 4.4-10, that minimize the severity of this impact. In addition, further policies and actions were developed in response to impacts identified during environmental review and incorporated directly into the project. These policies and actions have been included in the MMRP, are fully enforceable, and are listed below. However, even with the implementation of policies and actions that would reduce the significant hazards resulting from noncompliance with LRWQCB wastewater treatment requirements, the potential remains for significant adverse impacts.

#### MITIGATING POLICIES

**C Policy 4.B.5.** Work with special districts and other appropriate entities to meet community infrastructure needs such as water, sewer, fire protection, etc.

- ii. **Finding.** Specific economic, legal, social, technological, or other considerations, including the provision of employment opportunities to highly trained workers, make infeasible the implementation of additional mitigation measures or project alternatives identified in the final EIR that would reduce impacts to a less-than-significant level.
- iii. **Facts and Reasoning that Support Finding.** While the 2015 General Plan policies and actions would ensure that impacts are reduced, and although the level of development allowed under the 2015 General Plan is less than currently allowed, the only method to eliminate the potentially significant impacts resulting from noncompliance with LRWQCB wastewater treatment requirements would be to more severely restrict development potential within Mono County. Such a restriction would not meet the project objectives as described on Draft EIR pages 3-2 and 3-3 and listed under Impact A1 (Biology) above. Project impacts resulting from potential noncompliance with LRWQCB wastewater treatment requirements are therefore significant and unavoidable.

The Mono County economy is supported largely by tourism and outdoor recreation, with agriculture also a significant source of revenue and employment. The *2015 Updates and Repeal*

of the Conway Ranch Specific Plan provide for a level of development that would allow additional community development and services and facilities for visitors and residents. The project also allows for recreational development throughout the county, which would contribute to the county's economic growth and stability. Development opportunities in Mono County are highly constrained by the extremely limited private land base (6% of all lands within the County are private). Much of the recreation and tourism occurs on public lands, with support facilities on private lands. It is anticipated that the county's economy will remain dependent on tourism and outdoor recreation due to the limited private land base, extensive environmental constraints on development, and distance from urbanized areas. The proposed level of development would support a balanced mix of land uses. Additional recreational development would in turn create job opportunities for area residents, and would benefit Mono County through increased revenues to the County, particularly in the form of additional transient occupancy taxes, sales taxes, and property taxes.

In addition to the economic benefits outlined above, adoption and implementation of the 2015 Updates and Repeal of the Conway Ranch Specific Plan project would implement all of the basic project objectives listed under Impact A1 (Biology) above and provide economic, social, legal, and other considerable benefits as described in Section VII below.

3. **General Plan implementation could result in a situation where water supplies are insufficient to serve approved long-term uses.**
  - a. **POTENTIAL IMPACT:** Draft EIR pages 4.8-39 through 4.8-46 discuss the availability of adequate water to serve the project from existing entitlements, facilities and resources.
  - b. **MITIGATION MEASURES:** No feasible mitigation is available that would reduce to less than significant levels the potential that water supplies will be insufficient to serve approved land uses.
  - c. **FINDINGS:** Based upon the administrative record the Mono County Board of Supervisors finds:
    - i. **Effects of Mitigation and Remaining Impacts.** The Project, as originally designed, includes numerous components as described in Draft EIR Appendix D, Table 4.4-10, that minimize the severity of this impact. In addition, further policies and actions were developed in response to impacts identified during environmental review and incorporated directly into the project. These policies and actions have been included in the MMRP, are fully enforceable, and are listed below. However, even with the implementation of policies and actions that would reduce the significant hazards associated with insufficient water supplies, the potential remains for significant adverse impacts.

**MITIGATING POLICIES**

**C Policy 4.B.5.** Work with special districts and other appropriate entities to meet community infrastructure needs such as water, sewer, fire protection, etc.

**C/OS Action 3.E.1.b.** Applications for out-of-basin water transfers shall be submitted to the county Planning Division and shall include the following information: point of extraction; amount of extraction; nature and location of conveyance facilities; and identification of potential impacts to the environment such as wildlife and riparian habitat, wetlands, in-stream habitat, other water users (e.g., agricultural operators), and also including indirect effects such as the potential for increased flood risk due to reduced wetlands, and increased fire hazard risk that could result in increased sedimentation and reduced groundwater recharge capacity.

**C/OS Action 3.E.1.c.** In issuing a water transfer permit, the Planning Commission shall make the following findings: that the proposed project meets all reasonable beneficial water needs, including uses in-stream

and for agricultural operations and recreational purposes, within the basin of origin; and that the proposed project adequately protects water quality, in-stream flows, lake levels, riparian areas, vegetation types, sensitive/rare wildlife and habitat, and related resources such as the visual quality and character of the landscape; and is not likely to increase indirect effects such as flooding, wildfire, and/or sedimentation, or reduce groundwater recharge capacity. Projects that do not adequately protect these resources shall be denied.

**C/OS Policy 3.E.2.b.** Applications for groundwater export projects shall obtain a Groundwater Transfer permit (Mono County Code section 20.01), which requires the assessment of the potential impacts of the project prior to project approval in accordance with CEQA, and requires findings to be made. In addition, indirect impacts of increased wildfire risk and sedimentation resulting from fire, and increased flood risk and reduced recharge rates due to reduced or degraded wetlands and riparian areas, should be considered.

- ii. **Finding.** Specific economic, legal, social, technological, or other considerations, including the provision of employment opportunities to highly trained workers, make infeasible the implementation of additional mitigation measures or project alternatives identified in the final EIR that would reduce impacts to a less-than-significant level.
- iii. **Facts and Reasoning that Support Finding.** While the 2015 General Plan policies and actions would ensure that impacts are reduced, and although the level of development allowed under the 2015 General Plan is less than currently allowed, the only method to eliminate the potentially significant impacts resulting from insufficient water supplies would be to more severely restrict development potential within Mono County. Such a restriction would not meet the project objectives as described on Draft EIR pages 3-2 and 3-3 and listed under Impact A1 (Biology) above. Impacts associated with the potential insufficiency of water resources therefore represent a significant and unavoidable impact of the project.

The Mono County economy is supported largely by tourism and outdoor recreation, with agriculture also a significant source of revenue and employment. The *2015 Updates and Repeal of the Conway Ranch Specific Plan* provide for a level of development that would allow additional community development and services and facilities for visitors and residents. The project also allows for recreational development throughout the county, which would contribute to the county's economic growth and stability. Development opportunities in Mono County are highly constrained by the extremely limited private land base (6% of all lands within the County are private). Much of the recreation and tourism occurs on public lands, with support facilities on private lands. It is anticipated that the county's economy will remain dependent on tourism and outdoor recreation due to the limited private land base, extensive environmental constraints on development, and distance from urbanized areas. The proposed level of development would support a balanced mix of land uses. Additional recreational development would in turn create job opportunities for area residents, and would benefit Mono County through increased revenues to the County, particularly in the form of additional transient occupancy taxes, sales taxes, and property taxes.

In addition to the economic benefits outlined above, adoption and implementation of the *2015 Updates and Repeal of the Conway Ranch Specific Plan* project would implement all of the basic project objectives listed under Impact A1 (Biology) above and provide economic, social, legal, and other considerable benefits as described in Section VII below.

- 4. **General Plan implementation could alter existing drainage patterns in a manner that would result in substantial erosion, siltation, flooding or polluted runoff.**
  - a. **POTENTIAL IMPACT:** Draft EIR pages 4.8-46 through 4.8-48 discuss the potential for alteration of drainage patterns so as to cause substantial erosion, siltation, flooding or polluted runoff.

- b. **MITIGATION MEASURES:** No feasible mitigation is available that would reduce to less than significant levels the potential that drainage patterns would be altered in a manner that would result in substantial erosion, siltation, flooding or polluted runoff.
- c. **FINDINGS:** Based upon the administrative record the Mono County Board of Supervisors finds:
  - i. **Effects of Mitigation and Remaining Impacts.** The Project, as originally designed, includes numerous components as described in Draft EIR Appendix D, Table 4.4-10, that minimize the severity of this impact. In addition, further policies and actions were developed in response to impacts identified during environmental review and incorporated directly into the project. These policies and actions have been included in the MMRP, are fully enforceable, and are listed below. However, even with the implementation of policies and actions that would reduce the significant hazards associated erosion, siltation, flooding or polluted runoff resulting from the alteration of drainage patterns, the potential remains for significant adverse impacts.

**MITIGATING POLICIES**

**C/OS Action 2.A.1.b.** Project design should first seek to avoid impacts. Unavoidable impacts should next be minimized, and finally mitigated. Examples of potential appropriate mitigation measures for projects identified by Action 1.1 as having significant impacts to animal and plant habitats include:

- h. when wetland and riparian disturbance cannot be avoided, seek restoration of adjacent habitat or compensation through an acceptable mitigation fee or other program pursuant to CEQA requirements to meet §404 of the Clean Water Act;
- i. designing projects to limit the conveyance of pollutants and sediments from runoff into wetlands and riparian areas;
- l. requiring development projects affecting and adjacent to wetland or riparian areas to undertake habitat restoration, including the removal of non-native species, when feasible, to ensure ecosystem function.

**C/OS Action 2.A.1.d.** Native vegetation is strongly encouraged for landscaping, erosion control, or other purposes. Use of non-native vegetation shall require an assessment and mitigation of the effects of the introduced species, and in no case shall invasive non-native species be approved.

**C/OS Policy 4.A.5.** Projects within 30 feet of or that may otherwise impact wetland or riparian vegetation shall implement best management practices as recommended by the State Water Quality Control Board.

**LU Action 18.D.1.f.** Utilize Best Management Practices (BMPs) including, but not limited to, the Low Impact Development (LID) techniques in the Appendix of the General Plan to minimize the effects of runoff.

**C/OS Action 4.A.8.a.** As required by the Lahontan Regional Water Quality Control Board, projects must provide post-construction stormwater management plans. Developers should utilize stormwater control measures that are compatible with low-impact development solutions (see General Plan Appendix), such as rain gardens, green roofs, detention ponds, bioretention swales, pervious pavement, vegetated infiltration ponds, and other measures provided by the California Stormwater Quality Association ([www.casqa.org](http://www.casqa.org)) to effectively treat post-construction stormwater runoff, help sustain watershed processes, protect receiving water, and maintain healthy watersheds.

**C/OS Action 4.A.8.c.** Maintain drainage systems associated with roads and public infrastructure for stormwater management.

**C/OS Action 4.A.8.e.** Subject to the availability of County resources, provide education and advice on LID measures that could be incorporated into project designs.

**C/OS Action 3.E.1.b.** Applications for out-of-basin water transfers shall be submitted to the county Planning Division and shall include the following information: point of extraction; amount of extraction; nature and location of conveyance facilities; and identification of potential impacts to the environment such as wildlife and riparian habitat, wetlands, in-stream habitat, other water users (e.g., agricultural operators), and also including indirect effects such as the potential for increased flood risk due to reduced wetlands, and increased fire hazard risk that could result in increased sedimentation and reduced groundwater recharge capacity.

**C/OS Action 3.E.1.c.** In issuing a water transfer permit, the Planning Commission shall make the following findings: that the proposed project meets all reasonable beneficial water needs, including uses in-stream and for agricultural operations and recreational purposes, within the basin of origin; and that the proposed project adequately protects water quality, in-stream flows, lake levels, riparian areas, vegetation types, sensitive/rare wildlife and habitat, and related resources such as the visual quality and character of the landscape; and is not likely to increase indirect effects such as flooding, wildfire, and/or sedimentation, or reduce groundwater recharge capacity. Projects that do not adequately protect these resources shall be denied.

**C/OS Policy 3.E.2.b.** Applications for groundwater export projects shall obtain a Groundwater Transfer permit (Mono County Code section 20.01), which requires the assessment of the potential impacts of the project prior to project approval in accordance with CEQA, and requires findings to be made. In addition, indirect impacts of increased wildfire risk and sedimentation resulting from fire, and increased flood risk and reduced recharge rates due to reduced or degraded wetlands and riparian areas, should be considered.

**C/OS Action 5.C.2.i.** Proactively collaborate with stakeholders to avoid and minimize impacts to water quality from livestock and grazing activities, and recognize and support the Regional Water Quality Control Board, Sierra Business Council and UC Davis incentives for ranchers to install and monitor the efficacy of grazing management practices in an effort to protect and improve water quality.

**C/OS Policy 4.A.6.** Discourage development within 30 feet of recharge, riparian, and wetland areas to minimize trampling, erosion and siltation impacts, and consider amending the General Plan to specify use and setback requirements. Continue to enforce setback requirements from surface waters.

**C/OS Action 4.A.8.d.** Complementary design features with the potential to improve habitat such as settling basins, vaults, and bank stabilization should be considered when designing or maintaining culverts. Culverts should be analyzed and designed to limit unintended adverse impacts such as degraded water quality, erosion and siltation of wetlands.

- ii. **Finding.** Specific economic, legal, social, technological, or other considerations, including the provision of employment opportunities to highly trained workers, make infeasible the implementation of additional mitigation measures or project alternatives identified in the final EIR that would reduce impacts to a less-than-significant level.
- iii. **Facts and Reasoning that Support Finding.** While the 2015 General Plan policies and actions would ensure that impacts are reduced, and although the level of development allowed under the 2015 General Plan is less than currently allowed, the only method to eliminate the potential for significant erosion, siltation, flooding or polluted runoff resulting from the alteration of drainage patterns would be to more severely restrict development potential in Mono County. Such a restriction would not meet the project objectives as described on Draft EIR pages 3-2 and 3-3 and listed under Impact A1 (Biology) above. Impacts associated with the altered drainage patterns therefore represent a significant and unavoidable impact of the project.

The Mono County economy is supported largely by tourism and outdoor recreation, with agriculture also a significant source of revenue and employment. The *2015 Updates and Repeal of the Conway Ranch Specific Plan* provide for a level of development that would allow

additional community development and services and facilities for visitors and residents. The project also allows for recreational development throughout the county, which would contribute to the county's economic growth and stability. Development opportunities in Mono County are highly constrained by the extremely limited private land base (6% of all lands within the County are private). Much of the recreation and tourism occurs on public lands, with support facilities on private lands. It is anticipated that the county's economy will remain dependent on tourism and outdoor recreation due to the limited private land base, extensive environmental constraints on development, and distance from urbanized areas. The proposed level of development would support a balanced mix of land uses. Additional recreational development would in turn create job opportunities for area residents, and would benefit Mono County through increased revenues to the County, particularly in the form of additional transient occupancy taxes, sales taxes, and property taxes.

In addition to the economic benefits outlined above, adoption and implementation of the *2015 Updates and Repeal of the Conway Ranch Specific Plan* project would implement all of the basic project objectives listed under Impact A1 (Biology) above and provide economic, social, legal, and other considerable benefits as described in Section VII below.

6. ***General Plan implementation would not place housing in a mapped 100-year flood hazard zone:*** No significant adverse impacts are foreseen and no Findings or Statement of Overriding Effects are required.
7. ***General Plan implementation would not expose people or structures to a significant risk of loss, injury or death involving flood, including failure or a levee or dam:*** No significant adverse impacts are foreseen and no Findings or Statement of Overriding Effects are required.
8. ***General Plan implementation would not expose people or structures to significant risk resulting from seiche, tsunami or mudflow:*** No significant adverse impacts are foreseen and no Findings or Statement of Overriding Effects are required.

## **F. RECREATION**

1. ***General Plan implementation would not increase the use of parks or recreational facilities such that substantial deterioration would occur:*** No significant adverse impacts are foreseen and no Findings or Statement of Overriding Effects are required.
2. ***General Plan implementation may include the construction, use or expansion of recreational facilities that may adversely impact the environment.***
  - a. **POTENTIAL IMPACT:** Draft EIR pages 4.9-14 through 4.9-16 discuss the potential for project recreational facilities to adversely impact the environment.
  - b. **MITIGATION MEASURES:** No feasible mitigation is available that would reduce to less than significant levels the potentially significant environmental impacts associated with use or construction of recreational facilities.
  - c. **FINDINGS:** Based upon the administrative record the Mono County Board of Supervisors finds:
    - i. **Effects of Mitigation and Remaining Impacts.** The Project, as originally designed, includes numerous components as described in Draft EIR Appendix D, Table 4.4-10, that minimize the severity of this impact. No further feasible mitigating policies and actions were identified in response to impacts determined during environmental review. Even with the implementation of the original

project components that would reduce potential adverse environmental impacts associated with recreational facilities and activities, the potential remains for significant adverse impacts.

- ii. **Finding.** Specific economic, legal, social, technological, or other considerations, including the provision of employment opportunities to highly trained workers, make infeasible the implementation of additional mitigation measures or project alternatives identified in the final EIR that would reduce impacts to a less-than-significant level.
- iii. **Facts and Reasoning that Support Finding.** While the 2015 General Plan policies and actions would ensure that impacts are reduced, and although the level of development allowed under the 2015 General Plan is less than currently allowed, the only method to eliminate the potentially significant impacts associated with potential violation of water quality standards would be to more severely restrict development potential within Mono County. Such a restriction would not meet the project objectives as described on Draft EIR pages 3-2 and 3-3 and listed under Impact A1 (Biology) above. Adverse environmental impacts associated with recreation thus represent a significant and unavoidable project impact.

The Mono County economy is supported largely by tourism and outdoor recreation, with agriculture also a significant source of revenue and employment. The *2015 Updates and Repeal of the Conway Ranch Specific Plan* provide for a level of development that would allow additional community development and services and facilities for visitors and residents. The project also allows for recreational development throughout the county, which would contribute to the county's economic growth and stability. Development opportunities in Mono County are highly constrained by the extremely limited private land base (6% of all lands within the County are private). Much of the recreation and tourism occurs on public lands, with support facilities on private lands. It is anticipated that the county's economy will remain dependent on tourism and outdoor recreation due to the limited private land base, extensive environmental constraints on development, and distance from urbanized areas. The proposed level of development would support a balanced mix of land uses. Additional recreational development would in turn create job opportunities for area residents, and would benefit Mono County through increased revenues to the County, particularly in the form of additional transient occupancy taxes, sales taxes, and property taxes.

In addition to the economic benefits outlined above, adoption and implementation of the *2015 Updates and Repeal of the Conway Ranch Specific Plan* project would implement all of the basic project objectives listed under Impact A1 (Biology) above and provide economic, social, legal, and other considerable benefits as described in Section VII below.

## ***G. AESTHETICS, LIGHT & GLARE, SCENIC RESOURCES***

1. ***General Plan implementation may have a substantial adverse effect on a scenic vista or scenic resources including trees, rock outcropping and historic building in a state scenic highway.***
  - a. **POTENTIAL IMPACT:** Draft EIR pages 4.10-12 through 4.10-14 discuss the potential for the project to adversely impact a scenic vista or scenic resources in a state scenic highway.
  - b. **MITIGATION MEASURES:** No feasible mitigation is available that would reduce to less than significant levels the potentially significant adverse project impacts on a scenic vista or scenic resources in a state scenic highway.
  - c. **FINDINGS:** Based upon the administrative record the Mono County Board of Supervisors finds:
    - i. **Effects of Mitigation and Remaining Impacts.** The Project, as originally designed, includes numerous components as described in Draft EIR Appendix D, Table 4.4-10, that minimize the severity of this impact. In addition, further policies and actions were developed in response to impacts identified

during environmental review and incorporated directly into the project. These policies and actions have been included in the MMRP, are fully enforceable, and are listed below. However, even with the implementation of policies and actions that would reduce potential adverse environmental impacts on a scenic vista or scenic resources in a state scenic highway, the potential remains for significant adverse impacts.

#### MITIGATING POLICIES

**C/OS Action 3.E.1.c.** In issuing a water transfer permit, the Planning Commission shall make the following findings: that the proposed project meets all reasonable beneficial water needs, including uses in-stream and for agricultural operations and recreational purposes, within the basin of origin; and that the proposed project adequately protects water quality, in-stream flows, lake levels, riparian areas, vegetation types, sensitive/rare wildlife and habitat, and related resources such as the visual quality and character of the landscape; and is not likely to increase indirect effects such as flooding, wildfire, and/or sedimentation, or reduce groundwater recharge capacity. Projects that do not adequately protect these resources shall be denied.

**LU Policy 7.B.3.** Ensure that any transfer (by sale or lease) of surface water rights will not impact the natural resource values of the Bridgeport Valley.

**RTP Policy 18.A.3.** Support preservation of the existing heritage trees along US 395 in a manner that ensures roadway safety.

- ii. **Finding.** Specific economic, legal, social, technological, or other considerations, including the provision of employment opportunities to highly trained workers, make infeasible the implementation of additional mitigation measures or project alternatives identified in the final EIR that would reduce impacts to a less-than-significant level.
- iii. **Facts and Reasoning that Support Finding.** While the 2015 General Plan policies and actions would ensure that impacts are reduced, and although the level of development allowed under the 2015 General Plan is less than currently allowed, the only method to eliminate the potentially significant impacts on candidate and sensitive species would be to more severely restrict development potential within Mono County. Such a restriction would not meet the project objectives as described on Draft EIR pages 3-2 and 3-3 and listed under Impact A1 (Biology) above. Adverse impacts to scenic vistas or scenic resources in a state scenic highway thus represent a significant and unavoidable project impact.

The Mono County economy is supported largely by tourism and outdoor recreation, with agriculture also a significant source of revenue and employment. The *2015 Updates and Repeal of the Conway Ranch Specific Plan* provide for a level of development that would allow additional community development and services and facilities for visitors and residents. The project also allows for recreational development throughout the county, which would contribute to the county's economic growth and stability. Development opportunities in Mono County are highly constrained by the extremely limited private land base (6% of all lands within the County are private). Much of the recreation and tourism occurs on public lands, with support facilities on private lands. It is anticipated that the county's economy will remain dependent on tourism and outdoor recreation due to the limited private land base, extensive environmental constraints on development, and distance from urbanized areas. The proposed level of development would support a balanced mix of land uses. Additional recreational development would in turn create job opportunities for area residents, and would benefit Mono County through increased revenues to the County, particularly in the form of additional transient occupancy taxes, sales taxes, and property taxes.

In addition to the economic benefits outlined above, adoption and implementation of the *2015 Updates and Repeal of the Conway Ranch Specific Plan* project would implement all of the basic project



objectives listed under Impact A1 (Biology) above and provide economic, social, legal, and other considerable benefits as described in Section VII below.

2. **General Plan implementation may substantially degrade the existing visual character or quality of a site in the County and surrounding areas.**

- a. **POTENTIAL IMPACT:** Draft EIR pages 4.10-14 through 4.10-15 discuss the potential for the project to degrade the visual character or quality of County sites and surrounding areas.
- b. **MITIGATION MEASURES:** No feasible mitigation is available that would reduce to less than significant levels the potentially significant degradation of the visual character or quality of County lands.
- c. **FINDINGS:** Based upon the administrative record the Mono County Board of Supervisors finds:
  - i. **Effects of Mitigation and Remaining Impacts.** The Project, as originally designed, includes numerous components as described in Draft EIR Appendix D, Table 4.4-10, that minimize the severity of this impact. In addition, further policies and actions were developed in response to impacts identified during environmental review and incorporated directly into the project. These policies and actions have been included in the MMRP, are fully enforceable, and are listed below. However, even with the implementation of policies and actions that would reduce the potentially significant degradation of the visual character or quality of County lands, the potential remains for significant adverse impacts.

**MITIGATING POLICIES**

**C/OS Action 2.A.3.c.** When applicable, revegetation and landscape plans should include provisions to retain and re-establish upland vegetation, especially bitterbrush and sagebrush, as important mule deer and sage grouse habitat.

**C/OS Action 13.C.4.d.** Seek ways to form partnerships that will facilitate mitigative control or eradication of invasive non-native plants in and around town areas. Identify and explore methods of forming collaborations, funding, and facilitating such programs.

**C/OS Policy 4.A.5.** Projects within 30 feet of or that may otherwise impact wetland or riparian vegetation shall implement best management practices as recommended by the State Water Quality Control Board.

**C/OS Policy 4.A.7.** Continue to support “no net loss” of wetlands at a regional scale.

**RTP Policy 18.A.3.** Support preservation of the existing heritage trees along US 395 in a manner that ensures roadway safety.

**C/OS Action 3.E.1.b.** Applications for out-of-basin water transfers shall be submitted to the county Planning Division and shall include the following information: point of extraction; amount of extraction; nature and location of conveyance facilities; and identification of potential impacts to the environment such as wildlife and riparian habitat, wetlands, in-stream habitat, other water users (e.g., agricultural operators), and also including indirect effects such as the potential for increased flood risk due to reduced wetlands, and increased fire hazard risk that could result in increased sedimentation and reduced groundwater recharge capacity.

**C/OS Action 3.E.1.c.** In issuing a water transfer permit, the Planning Commission shall make the following findings: that the proposed project meets all reasonable beneficial water needs, including uses in-stream and for agricultural operations and recreational purposes, within the basin of origin; and that the proposed project adequately protects water quality, in-stream flows, lake levels, riparian areas, vegetation types, sensitive/rare wildlife and habitat, and related resources such as the visual quality and character of the landscape; and is not likely to increase indirect effects such as flooding, wildfire, and/or sedimentation, or

reduce groundwater recharge capacity. Projects that do not adequately protect these resources shall be denied.

**C/OS Policy 3.E.2.b.** Applications for groundwater export projects shall obtain a Groundwater Transfer permit (Mono County Code section 20.01), which requires the assessment of the potential impacts of the project prior to project approval in accordance with CEQA, and requires findings to be made. In addition, indirect impacts of increased wildfire risk and sedimentation resulting from fire, and increased flood risk and reduced recharge rates due to reduced or degraded wetlands and riparian areas, should be considered.

**LU Policy 7.B.3.** Ensure that any transfer (by sale or lease) of surface water rights will not impact the natural resource values of the Bridgeport Valley.

**C/OS Action 5.C.2.i.** Proactively collaborate with stakeholders to avoid and minimize impacts to water quality from livestock and grazing activities, and recognize and support the Regional Water Quality Control Board, Sierra Business Council and UC Davis incentives for ranchers to install and monitor the efficacy of grazing management practices in an effort to protect and improve water quality.

**C/OS Policy 4.A.6.** Discourage development within 30 feet of recharge, riparian, and wetland areas to minimize trampling, erosion and siltation impacts, and consider amending the General Plan to specify use and setback requirements. Continue to enforce setback requirements from surface waters.

- ii. **Finding.** Specific economic, legal, social, technological, or other considerations, including the provision of employment opportunities to highly trained workers, make infeasible the implementation of additional mitigation measures or project alternatives identified in the final EIR that would reduce to less than significant levels the potential impacts on the visual character or quality of Mono County lands
- iii. **Facts and Reasoning that Support Finding.** The 2015 General Plan policies and actions would ensure that impacts are reduced, and the level of development allowed under the 2015 General Plan is less than currently allowed; however, the only method to eliminate the potentially significant degradation of the visual character or quality of County lands would be to more severely restrict development potential within Mono County. Such a restriction would not meet the project objectives as described on Draft EIR pages 3-2 and 3-3 and listed under Impact A1 (Biology) above. Degradation of the visual character or quality of Mono County lands is therefore a significant and unavoidable impact of the project.

The Mono County economy is supported largely by tourism and outdoor recreation, with agriculture also a significant source of revenue and employment. The *2015 Updates and Repeal of the Conway Ranch Specific Plan* provide for a level of development that would allow additional community development and services and facilities for visitors and residents. The project also allows for recreational development throughout the county, which would contribute to the county's economic growth and stability. Development opportunities in Mono County are highly constrained by the extremely limited private land base (6% of all lands within the County are private). Much of the recreation and tourism occurs on public lands, with support facilities on private lands. It is anticipated that the county's economy will remain dependent on tourism and outdoor recreation due to the limited private land base, extensive environmental constraints on development, and distance from urbanized areas. The proposed level of development would support a balanced mix of land uses. Additional recreational development would in turn create job opportunities for area residents, and would benefit Mono County through increased revenues to the County, particularly in the form of additional transient occupancy taxes, sales taxes, and property taxes.

In addition to the economic benefits outlined above, adoption and implementation of the *2015 Updates and Repeal of the Conway Ranch Specific Plan* project would implement all of the basic

project objectives listed under Impact A1 (Biology) above and provide economic, social, legal, and other considerable benefits as described in Section VII below.

3. **General Plan implementation may create new sources of substantial light or glare that would adversely affect day or nighttime views.**
  - a. **POTENTIAL IMPACT:** Draft EIR page 4.10-16 discusses the potential for the project to create new sources of substantial light or glare that would adversely affect day or nighttime views.
  - b. **MITIGATION MEASURES:** No feasible mitigation is available that would reduce to less than significant levels the potential for the project to create new sources of substantial light or glare that would adversely affect day or nighttime views.
  - c. **FINDINGS:** Based upon the administrative record the Mono County Board of Supervisors finds:
    - i. **Effects of Mitigation and Remaining Impacts.** The Project, as originally designed, includes numerous components as described in Draft EIR Appendix D, Table 4.4-10, that minimize the severity of this impact. No further feasible mitigating policies and actions were identified in response to impacts determined during environmental review. Even with the implementation of the original project components that would reduce the potential for the project to create new sources of substantial light or glare that would adversely affect day or nighttime views, the potential remains for significant adverse impacts.
    - ii. **Finding.** Specific economic, legal, social, technological, or other considerations, including the provision of employment opportunities to highly trained workers, make infeasible the implementation of additional mitigation measures or project alternatives identified in the final EIR that would reduce to less than significant levels the potential for new sources of substantial light and glare.
    - iii. **Facts and Reasoning that Support Finding.** The 2015 General Plan policies and actions would ensure that impacts are reduced, and the level of development allowed under the 2015 General Plan is less than currently allowed; however, the only method to eliminate the potential for the project to create new sources of substantial light or glare would be to more severely restrict development potential within Mono County. Such a restriction would not meet the project objectives as described on Draft EIR pages 3-2 and 3-3 and listed under Impact A1 (Biology) above. Creation of new sources of light and glare is thus a significant and unavoidable impact of the project.

The Mono County economy is supported largely by tourism and outdoor recreation, with agriculture also a significant source of revenue and employment. The *2015 Updates and Repeal of the Conway Ranch Specific Plan* provide for a level of development that would allow additional community development and services and facilities for visitors and residents. The project also allows for recreational development throughout the county, which would contribute to the county's economic growth and stability. Development opportunities in Mono County are highly constrained by the extremely limited private land base (6% of all lands within the County are private). Much of the recreation and tourism occurs on public lands, with support facilities on private lands. It is anticipated that the county's economy will remain dependent on tourism and outdoor recreation due to the limited private land base, extensive environmental constraints on development, and distance from urbanized areas. The proposed level of development would support a balanced mix of land uses. Additional recreational development would in turn create job opportunities for area residents, and would benefit Mono County through increased revenues to the County, particularly in the form of additional transient occupancy taxes, sales taxes, and property taxes.

In addition to the economic benefits outlined above, adoption and implementation of the *2015 Updates and Repeal of the Conway Ranch Specific Plan* project would implement all of the basic project objectives listed under Impact A1 (Biology) above and provide economic, social, legal, and other considerable benefits as described in Section VII below.

## H. AGRICULTURE

No significant adverse impacts on agricultural resources are foreseen, and no Findings or Statement of Overriding Effects are required.

## I. POPULATION AND HOUSING

No significant adverse impacts on population or housing are foreseen and no Findings or Statement of Overriding Effects are required.

## J. PUBLIC SERVICES AND UTILITIES

1. **General Plan implementation may create a need for new or modified governmental facilities in order to maintain acceptable service ratios, response times or other performance objectives for police protection, school services, or other public services and utilities.**
  - a. **POTENTIAL IMPACT:** Draft EIR pages 4.13-15 through 4.13-21 discuss the potential for the project to create a need for new or modified governmental facilities in order to maintain acceptable service ratios, response times or other performance objectives for police protection, school services or other public services and utilities.
  - b. **MITIGATION MEASURES:** No feasible mitigation is available that would reduce to less than significant levels the potentially significant adverse project impacts on governmental services to ensure adequate levels of public services and utilities.
  - c. **FINDINGS:** Based upon the administrative record the Mono County Board of Supervisors finds:
    - i. **Effects of Mitigation and Remaining Impacts.** The Project, as originally designed, includes numerous components as described in Draft EIR Appendix D, Table 4.4-10, that minimize the severity of this impact. In addition, further policies and actions were developed in response to impacts identified during environmental review and incorporated directly into the project. These policies and actions have been included in the MMRP, are fully enforceable, and are listed below. However, even with the implementation of policies and actions that would reduce potential adverse environmental impacts associated with public services and utilities, the potential remains for significant adverse impacts.

### MITIGATING POLICIES

**C Policy 4.B.5.** Work with special districts and other appropriate entities to meet community infrastructure needs such as water, sewer, fire protection, etc.

- ii. **Finding.** Specific economic, legal, social, technological, or other considerations, including the provision of employment opportunities to highly trained workers, make infeasible the implementation of additional mitigation measures or project alternatives identified in the final EIR that would reduce impacts to a less-than-significant level.

- iii. **Facts and Reasoning that Support Finding.** While the 2015 General Plan policies and actions would ensure that impacts are reduced, and although the level of development allowed under the 2015 General Plan is less than currently allowed, the only method to ensure adequate utility service levels would be to more severely restrict development potential within Mono County. Such a restriction would not meet the project objectives as described on Draft EIR pages 3-2 and 3-3 and listed under Impact A1 (Biology) above. Adverse impacts to public services and utilities therefore represent a significant and unavoidable project impact.

The Mono County economy is supported largely by tourism and outdoor recreation, with agriculture also a significant source of revenue and employment. The *2015 Updates and Repeal of the Conway Ranch Specific Plan* provide for a level of development that would allow additional community development and services and facilities for visitors and residents. The project also allows for recreational development throughout the county, which would contribute to the county's economic growth and stability. Development opportunities in Mono County are highly constrained by the extremely limited private land base (6% of all lands within the County are private). Much of the recreation and tourism occurs on public lands, with support facilities on private lands. It is anticipated that the county's economy will remain dependent on tourism and outdoor recreation due to the limited private land base, extensive environmental constraints on development, and distance from urbanized areas. The proposed level of development would support a balanced mix of land uses. Additional recreational development would in turn create job opportunities for area residents, and would benefit Mono County through increased revenues to the County, particularly in the form of additional transient occupancy taxes, sales taxes, and property taxes.

In addition to the economic benefits outlined above, adoption and implementation of the *2015 Updates and Repeal of the Conway Ranch Specific Plan* project would implement all of the basic project objectives listed under Impact A1 (Biology) above and provide economic, social, legal, and other considerable benefits as described in Section VII below.

- 2. **General Plan implementation would not result in a wasteful or inefficient consumption of energy:** No significant adverse impacts are foreseen and no Findings or Statement of Overriding Effects are required.
- 3. **General Plan implementation would not result in land uses that are served by a landfill with insufficient permitted capacity:** No significant adverse impacts are foreseen and no Findings or Statement of Overriding Effects are required.

## **K. NOISE**

No significant adverse noise impacts noise are foreseen, and no Findings or Statement of Overriding Effects are required.

## VII. STATEMENTS OF OVERRIDING CONSIDERATIONS

As required by Public Resources Code §21081(b) and CEQA Guidelines §15093, the County of Mono has balanced the benefits associated with the proposed *2015 Updates and Repeal of the Conway Ranch Specific Plan* against the unavoidable adverse impacts that would result. The County has included all feasible mitigation measures as policies and action items within the *2015 Updates and Repeal of the Conway Ranch Specific Plan*. The County has also examined alternatives to the proposed project, and has determined that adoption and implementation of the *2015 Updates and Repeal of the Conway Ranch Specific Plan* as proposed is the most desirable, feasible, and appropriate action at this time. The other alternatives, while meritorious, are rejected as infeasible based on consideration of the relevant factors discussed in EIR Chapter 6.

### A. Significant Unavoidable Impacts

Based on the information and analysis set forth in the EIR and summarized in Section III of these Findings, implementation of the proposed *2015 Updates and Repeal of the Conway Ranch Specific Plan* would result in project-specific significant and unavoidable adverse impacts related to:

- **Biological Resources**, including candidate/sensitive/special status species, riparian habitat, wetlands, migration, and local biological resource protection ordinances
- **Soils and Geologic Hazards**, including exposure to seismic effects and unstable geologic structures, soil erosion, and loss of mineral resources
- **Health and Safety Hazards**, including potential release of hazardous substances, inadequate emergency response, and exposure to wildland fire risks
- **Cultural Resources**, including impacts to prehistoric or historic structures, paleontological resources, and sacred lands
- **Hydrology, Water Quality and Water Supplies**, including violation of water quality objectives, violation of waste discharge requirements, lack of adequate water supplies, and erosion and siltation from altered drainages
- **Recreation**, including impacts on recreational facilities and resources
- **Aesthetic and Visual Resources, Light and Glare**, including impacts to scenic resources in a state scenic highway, degraded visual character or quality, and new sources of light and glare
- **Public Services and Utilities**, including impacts on fire and utility services

### BIOLOGICAL RESOURCES

Recreational activities, development, and population growth associated with the *2015 Updates and Repeal of the Conway Ranch Specific Plan* land uses and project activities would result in a wide range of impacts to biological resources including (a) permanent loss of habitat for special status species, (b) fragmentation of wildlife movement corridors and nursery sites, (c) direct and indirect impacts to special status species, (d) impacts to and loss of wetlands, (e) impacts to locally important floral and faunal resources, and (f) reduction and degradation of sensitive habitats. Biological resources are an important and limited resource and the direct and indirect impacts of implementation on these resources are considered to be significant, unavoidable and adverse.

Land uses and activities that are implemented under the proposed *2015 Updates and Repeal of the Conway Ranch Specific Plan*, if approved, would be subject to a wide range of goals, objectives, policies and actions that are intended to protect and enhance the biological resources of Mono County, including many policies and actions that were developed in the course of the environmental review process. However, even with implementation of these policies and actions, the land uses and activities associated with the proposed *2015 Updates and Repeal of the Conway Ranch Specific Plan* have the potential to considerably contribute to a net reduction in valuable habitats, an increased human presence in the vicinity of special status species, and the loss of candidate/sensitive/special status species. No feasible mitigation is available to fully avoid the direct and cumulative effects on these resources, or to mitigate the contribution to a less-than-significant level. The proposed *2015 Updates and Repeal of the Conway Ranch Specific Plan* contribution to this cumulative impact is therefore considerable, and the impact is significant and unavoidable.

## **SOILS AND GEOLOGIC HAZARDS**

Mono County lies at the boundary of the Sierra Nevada (one of the most geologically young and seismically active regions in North America) and the Basin and Range Province, and is subject to a wide range of geological forces that have produced significant tectonic, volcanic and glacial activity. A wide range of land uses and projects may be undertaken in future years if the *2015 Updates and Repeal of the Conway Ranch Specific Plan* are approved and implemented; these developments and activities, as well as the people who use them, will be subject to the potentially substantial hazards and risks arising from these forces. Mono County is also home to significant mineral resources, the recovery of which may be rendered infeasible if the proposed uses are implemented. The direct and indirect soil and geologic hazards that may be associated with implementation are therefore considered to be significant, unavoidable and adverse.

Land uses and activities that are implemented under the proposed *2015 Updates and Repeal of the Conway Ranch Specific Plan*, if approved, would be subject to a wide range of state regulations (including seismic standards that are among the most stringent in the world), as well as a wide range of goals, objectives, policies and actions that are intended to minimize geologic risks and hazards, and optimize the responsible recovery of mineral resources. However, the land uses and activities associated with the proposed *2015 Updates and Repeal of the Conway Ranch Specific Plan* implementation will inevitably increase the exposure of people and structures to the considerable seismic, geologic and erosional hazards of this region, and also reduce the feasibility of mineral resource recovery. The enforcement of state regulations and implementation of the *2015 Updates and Repeal of the Conway Ranch Specific Plan* policies and actions will reduce these direct and cumulative risks and hazards. However, no feasible mitigation is available to avoid the wide range of soils and geologic hazards, or to mitigate the risks of exposure to less-than-significant levels. The project contribution to this direct and cumulative impact is therefore considerable, and the potential impacts are significant, adverse and unavoidable.

## **HEALTH AND SAFETY HAZARDS**

Mono County highways (particularly US 395 and US 6) are frequently used for the transport of hazardous substances, and there are a number of waste generation facilities located throughout the county. The county is home to three airports and numerous helipads, and is characterized by terrain that makes access difficult and weather conditions and other factors that are conducive to potentially destructive wildfire hazards. As a result of the geologic conditions noted above, many regions throughout Mono County are subject to avalanche, landslides, rockfall, volcanic activity and/or destructive winds. The expanded range and extent of land uses and activities that would result, if the *2015 Updates and Repeal of the Conway Ranch Specific Plan* are approved and implemented, will substantially increase the number of people and structures that are exposed to these wide ranging health and safety hazards. The direct and indirect health and safety hazards that may be associated with implementation are therefore considered to be significant, unavoidable and adverse.

All of the uses and activities implemented under the proposed *2015 Updates and Repeal of the Conway Ranch Specific Plan* would be subject to wide-ranging regulations (at the federal, state and local/regional levels), and numerous Mono County goals, objectives, policies and actions that are intended to minimize health and safety risks and hazards. However, the land uses and activities associated with the proposed *2015 Updates and Repeal of the Conway Ranch Specific Plan* implementation will inevitably increase the exposure of people and structures to the considerable health and safety hazards of this region. The enforcement of state regulations and implementation of the *2015 Updates and Repeal of the Conway Ranch Specific Plan* policies and actions will reduce these direct and cumulative risks and hazards. However, no feasible mitigation is available to avoid the wide range of health and safety hazards, or to mitigate the risks of exposure to less-than-significant levels. The project contribution to this direct and cumulative impact is therefore considerable, and the potential impacts are significant, adverse and unavoidable.

## **CULTURAL RESOURCES**

Mono County cultural resources have been shaped by numerous historical and cultural influences that include Native Americans, miners, ranchers, trappers, the military, forestry, and federal and local land managers and governmental.

Though little is known of the paleontology of the region, there is evidence that a marine environment existing prior to the onset of volcanic activity. The significant history of Native American tribes in the region indicates a wide presence of Sacred Lands, many of which are unrecorded. Despite the significant cultural heritage, however, only a limited area has been properly surveyed for historic and paleontological resources, and the Native American tribes are generally reluctant or unwilling to share information about sacred sites. Lacking baseline data, Mono County is not equipped to develop informed policies and actions that would prohibit or restrict access to vulnerable areas. As a result, there is a significant potential that historic, paleontological and sacred lands may be disturbed, vandalized or destroyed as a direct or indirect consequence of the *2015 Updates and Repeal of the Conway Ranch Specific Plan* implementation. Such impacts are potentially significant, unavoidable and adverse

Land uses and activities that are implemented under the proposed *2015 Updates and Repeal of the Conway Ranch Specific Plan* would be subject to a wide range of regulations (state, federal and local) and to a wide range of Mono County goals, objectives, policies and actions that are intended to minimize the potential for loss or damage to cultural resources. However, the lack of baseline information, coupled with the increased range and number of land uses, activities and people associated with the project, will inevitably increase the potential that the cultural resources of Mono County will be damaged and, in some instances, lost to future generations. The enforcement of regulations and implementation of the *2015 Updates and Repeal of the Conway Ranch Specific Plan* policies and actions will reduce these direct and cumulative risks. However, no feasible mitigation is available to avoid the potential damage to or loss of cultural sites and artifacts, or to mitigate the risks of such impacts to less-than-significant levels. The project contribution to this direct and cumulative impact is therefore considerable, and the potential impacts are significant, adverse and unavoidable.

## **HYDROLOGY, WATER QUALITY, WATER SUPPLY**

Recreational activities, development, and population growth associated with the *2015 Updates and Repeal of the Conway Ranch Specific Plan* land uses and project activities would result in a wide range of impacts to hydrologic resources including (a) violations of water quality objectives established by the Lahontan Regional Water Quality Control Board (LRWQCB) to protect the beneficial uses of waters in the county; (b) violation of waste discharge requirements established by LRWQCB to protect waters from the potentially significant adverse effects of point-source and non-point source discharges; (c) lack of water supplies adequate to serve planned future uses; and (d) degradation of ground and surface water supplies resulting from erosion and siltation due to altered drainages. Many of the county's hydrologic resources are classified as 'high quality waters,' indicating that their value contributes not only to Mono County but also to the welfare of the people of California as a whole. The direct and indirect adverse effects on these resources that may result from implementation are therefore considered to be significant, unavoidable and adverse.

Land uses and activities that are implemented under the proposed *2015 Updates and Repeal of the Conway Ranch Specific Plan* would be subject to a very wide range of regulations (federal, state and local) as well as the *2015 Updates and Repeal of the Conway Ranch Specific Plan* goals, objectives, policies and actions that have been proposed to protect and enhance the hydrologic resources of Mono County (many of which were developed in the course of the environmental review process). However, even with implementation of these policies and actions, the land uses and activities associated with the proposed *2015 Updates and Repeal of the Conway Ranch Specific Plan* have the potential to increase the number and range and distribution of violations to water quality objective and waste discharge requirements, to exacerbate potential limitations on water supply, and to increase the impacts to ground and surface waters resulting from siltation and erosion. No feasible mitigation is available to fully avoid the direct and cumulative effects on these resources, or to mitigate the contribution to a less-than-significant level. The proposed *2015 Updates and Repeal of the Conway Ranch Specific Plan* contribution to this cumulative impact is therefore considerable, and the impact is significant and unavoidable.

## **RECREATION**

Recreation is associated with a wide range of significant and adverse environmental effects. The adverse effects include damage to plants, displaced soil organisms, compaction of mineral soils, nutrient loading, introduction of non-native invasive species, habitat fragmentation, microclimatic changes, and disturbance to the movement, nesting and



behavior of wildlife. The direct and indirect impacts of implementation on these recreational resources are considered to be significant, unavoidable and adverse.

Recreation is also associated with numerous benefits (strengthened communities and social bonds, improved health and longevity, diminished risk of disease and enhanced immune systems, safer and cleaner neighborhoods, increased volunteerism and stewardship), the goal of enhanced recreational opportunities is central to the Mono County *2015 Updates and Repeal of the Conway Ranch Specific Plan*. Recreational uses and activities that are implemented under the proposed *2015 Updates and Repeal of the Conway Ranch Specific Plan* would be subject to a wide range of regulations (federal, state and local) as well as the extensive list of *2015 Updates and Repeal of the Conway Ranch Specific Plan* goals, objectives, policies and actions that are intended to protect and enhance the recreational resources of Mono County. However, the implementation of these policies and actions will not reduce to less than significant levels the potential adverse effects described in Draft EIR §4.9 and briefly summarized above. No feasible mitigation is available to fully avoid or substantially reduce the direct and cumulative effects on these resources. The proposed *2015 Updates and Repeal of the Conway Ranch Specific Plan* contribution to this direct and cumulative impact is thus considerable, and the impact is significant, adverse and unavoidable.

## **AESTHETICS AND VISUAL RESOURCES**

Land uses associated with the proposed *2015 Updates and Repeal of the Conway Ranch Specific Plan* would allow for a wide range of development to occur in areas that are now undeveloped, or have historically been used for agricultural operations. The introduction of new development into previously undisturbed areas or areas that have been historically used for agricultural operations may result in potentially significant impacts to scenic resources, including scenic resources in state scenic highways, may degrade the visual character of Mono County, and may introduce new sources of light and glare that could impact daytime and nighttime views. The direct and indirect impacts of the *2015 Updates and Repeal of the Conway Ranch Specific Plan* implementation on these visual and aesthetic resources are considered to be significant, unavoidable and adverse.

Land uses and activities that are implemented under the proposed *2015 Updates and Repeal of the Conway Ranch Specific Plan* would be subject to numerous Mono County goals, objectives, policies and actions that are intended to protect and enhance the substantial visual and aesthetic resources of this region, as well as the formidable regulations created by the National Forest Service, BLM and Caltrans to protect the aesthetic resources of lands under their jurisdiction. The regulations and policies will minimize the direct and cumulative adverse effects of development on aesthetic and visual resources. However, no feasible mitigation is available to avoid the impacts to these resources or to mitigate the risks of such impacts to less-than-significant levels. The project contribution to direct and cumulative impacts on aesthetic and visual resources is therefore considerable, and the potential impacts are significant, adverse and unavoidable.

## **PUBLIC SERVICES AND UTILITIES**

Several of the special districts throughout Mono County are struggling to meet existing demands, and may be unprepared to meet the added demands associated with future growth that would result if the proposed *2015 Updates and Repeal of the Conway Ranch Specific Plan* are approved and implemented. Issues of particular concern include fire districts with uncertain availability of reliable future water supplies, fire districts with low ISO ratings, fire districts with an insufficient pool of volunteers, areas with access inadequate to assure emergency services, and a general absence of long-term planning documents. These shortcomings have potentially significant ramifications for public health and welfare. The potential for adverse consequences would be amplified by the added service demands associated with project implementation. The direct and indirect impacts of the *2015 Updates and Repeal of the Conway Ranch Specific Plan* implementation on these public services and utilities are considered to be significant, unavoidable and adverse.

The land uses and activities that would be implemented under the proposed *2015 Updates and Repeal of the Conway Ranch Specific Plan* would be subject to Mono County goals, objectives, policies and actions that are intended to strengthen the provision and delivery of public services and thereby protect the public welfare. The proposed policies and actions will somewhat attenuate the direct and cumulative adverse effects of development on public services and

utilities. However, no feasible mitigation is available to avoid the added burden on these services, or to mitigate the risks of such impacts to less-than-significant levels. The project contribution to direct and cumulative impacts on public services and utilities is therefore considerable, and the potential impacts are significant, adverse and unavoidable.

## **B. Benefits of the Proposed General Plan and Overriding Considerations**

The County of Mono has independently reviewed the information in the EIR and the record of proceedings for the proposed *2015 Updates and Repeal of the Conway Ranch Specific Plan* project. The County has also made a reasonable and good faith effort to eliminate or substantially lessen the impacts that would result from the proposed *2015 Updates and Repeal of the Conway Ranch Specific Plan* project by including policies and actions that effectively mitigate potential environmental impacts to the greatest extent feasible, and has balanced the project's benefits against the project's significant unavoidable impacts.

Mono County's economy is primarily supported by tourism and outdoor recreation, with agriculture also a significant source of revenue and employment. The project provides for a level of development that would allow additional community development as well as additional services and facilities for visitors and residents. The *2015 Updates and Repeal of the Conway Ranch Specific Plan* update also allows for recreational development throughout the county, which would contribute to the county's economic growth and stability.

Development opportunities in Mono County are highly constrained by the extremely limited private land base (6% of all lands within the County are private). Much of the recreation and tourism in the county occurs on publicly owned lands, with support facilities on private lands. It is anticipated that the county's economy will remain primarily dependent on tourism and outdoor recreation, largely due to the limited private land base, extensive environmental constraints on development, and distance from urbanized areas. The local economy has experienced annual fluctuations (at times extreme) due to the seasonal nature of many recreational experiences available in the county. In order to stabilize the economy, it is necessary to expand the range of year-round recreational/tourist opportunities throughout the county.

The *2015 Updates and Repeal of the Conway Ranch Specific Plan* project provides for a level of development that allows community areas to develop additional services and facilities that would support a balanced mix of land uses. Additional recreational development would in turn create job opportunities for area residents, and would benefit Mono County through increased revenues to the County, particularly in the form of additional transient occupancy taxes, sales taxes, and property taxes.

In addition to the economic benefits outlined above, adoption and implementation of the *2015 Updates and Repeal of the Conway Ranch Specific Plan* project would implement all of the basic project objectives and provide the following economic, social, legal, and other considerable benefits as described below:

1. *Respect Community Preferences:* The *2015 Updates and Repeal of the Conway Ranch Specific Plan* have been through a community-based process anchored by extensive meetings with the Regional Planning and Advisory Committees, the Planning Commission, the Board of Supervisors and a host of federal, state and local planning partners. These collaborations have been designed to ensure that the *2015 Updates and Repeal of the Conway Ranch Specific Plan* programs respect community preferences and private property rights, and represent a considered balance of the goals, aspirations and capabilities of residents and special interest groups in each community and planning area.
2. *Protect the Outstanding Scenic, Recreational and Environmental Resources of Mono County:* The *2015 Updates and Repeal of the Conway Ranch Specific Plan* place a primary emphasis on preservation and responsible environmental stewardship of the abundant and outstanding visual, biological, geologic, natural, cultural, agricultural, and historic resources that uniquely define the character and ecological importance of Mono County. The *2015 Updates and Repeal of the Conway Ranch Specific Plan* provide a series of land use maps and a wide range of GIS maps and tools that depict existing development, physical constraints, agricultural preservation, recreational and economic development, geologic and public safety hazards, and incompatible uses. The land use maps assigns densities and

use types to all county lands with the specific intent to enhance safety, livability, and economic vitality in accordance with the needs and wishes of individual Mono County communities and planning areas.

3. *Facilitate Streamlining and Tiering of Future CEQA Documents and Provide Incentives for General Plan Compliance:* The *2015 Updates and Repeal of the Conway Ranch Specific Plan* set forth CEQA procedures designed to minimize redundant cost and effort, and promote community-based and environmentally-sustainable land uses that can be implemented with minimal regulation if consistent with the adopted plans.
4. *Strengthen County Infrastructure:* The *2015 Updates and Repeal of the Conway Ranch Specific Plan* programs focus on activities that will balance the need for adequate infrastructure, housing, and economic vitality with the need for resource management, agricultural preservation, environmental protection, and preservation of a high quality of life for Mono County residents and visitors.
5. *Promote Resource Efficiency:* The *2015 Updates and Repeal of the Conway Ranch Specific Plan* improve mobility options through the development of a multi-modal transportation network that enhances connectivity, supports community and recreational development patterns and goals, minimizes traffic congestion, improves emergency access, promotes public and alternative transportation, strengthens communities through improved Main Street design elements, and increases inter- and intraregional circulation networks. The *2015 Updates and Repeal of the Conway Ranch Specific Plan* also incorporate robust programs to minimize the adverse environmental effects associated with global climate change by implementing practices and policies that limit emissions, promote the efficient use of resources, and support regulations and developments and land use patterns that reduce greenhouse gas emissions.
6. *Strengthen the Mono County Economy and Support Vibrant Rural Communities:* The *2015 Updates and Repeal of the Conway Ranch Specific Plan* include initiatives to enhance the economic vitality of Mono County communities through an expanded range of opportunities for recreational and business development, with supportive service and infrastructure improvement plans. The *2015 Updates and Repeal of the Conway Ranch Specific Plan* programs implement core Mono County principles of sustainable growth by concentrating new development in and directly adjacent to existing communities, thereby minimizing land consumption while maintaining the open space, visual, habitat, recreational, and agricultural uses that support vibrant rural communities throughout the Planning Area.

## VIII. CONCLUSION

After balancing the specific economic, legal, social, technological, and other benefits of the proposed project, the Mono County Board of Supervisors finds that the unavoidable adverse environmental impacts associated with the *2015 Updates and Repeal of the Conway Ranch Specific Plan* project may be considered "acceptable" due to the specific considerations listed above, which outweigh the unavoidable, adverse environmental impacts of the proposed project. The Mono County Board of Supervisors has considered information contained in the EIR prepared for the proposed *2015 Updates and Repeal of the Conway Ranch Specific Plan* project, as well as the public testimony and record of proceedings in which the project was considered. Recognizing that significant unavoidable impacts may result from implementation of the proposed *2015 Updates and Repeal of the Conway Ranch Specific Plan*, the Board of Supervisors finds that the benefits of the General Plan and overriding considerations outweigh the adverse effects of the Project. Having included all feasible mitigation measures as policies and actions in the project, and having recognized and acknowledged all unavoidable significant impacts, the Board of Supervisors hereby finds that each of the separate benefits of the proposed *2015 Updates and Repeal of the Conway Ranch Specific Plan* project, as stated herein, represents an overriding consideration that warrants adoption of the proposed *2015 Updates and Repeal of the Conway Ranch Specific Plan* and outweighs and overrides its unavoidable significant effects, and thereby justifies the adoption and implementation of the proposed *2015 Updates and Repeal of the Conway Ranch Specific Plan*.

Based on the foregoing findings and the information contained in the record, the Board of Supervisors hereby determines that:

1. All significant effects on the environment due to implementation of the proposed *2015 County of Mono Regional Transportation Plan, General Plan, Countywide Integrated Waste Management Plan, and Noise Ordinance Updates; and Repeal of the Conway Ranch Specific Plan* project have been eliminated or substantially lessened where feasible;
2. There are at the present time no feasible alternatives to the proposed *2015 County of Mono Regional Transportation Plan, General Plan, Countywide Integrated Waste Management Plan, and Noise Ordinance Updates; and Repeal of the Conway Ranch Specific Plan* project that would mitigate or substantially lessen the impacts; and
3. The remaining significant effects on the environment found to be adverse and unavoidable are acceptable due to the factors described in the Statement of Overriding Considerations above.



ORDINANCE NO. ORD 15-\_\_

**AN ORDINANCE OF THE MONO COUNTY BOARD OF SUPERVISORS  
AMENDING CHAPTER 10.16 OF THE MONO COUNTY CODE  
PERTAINING TO NOISE REGULATION**

**WHEREAS**, Title 10 of the Mono County Code contains Public Peace, Safety and Morals ordinances and Chapter 10.16 contains the Mono County Noise Regulations; and

**WHEREAS**, excessive sound is a serious hazard to the public health, welfare, safety, and quality of life; and

**WHEREAS**, a substantial body of science and technology exists by which excessive sound may be substantially abated; and

**WHEREAS**, the people have a right to, and should be ensured an environment free from excessive sound, and it is the policy of Mono County to prevent unnecessary, excessive and annoying sound that may jeopardize the health, welfare, or safety of the citizens or degrade the quality of life; and

**WHEREAS**, this update to the Noise Ordinance makes changes for clarity and consistency with the 2015 General Plan Update.

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

**SECTION ONE:** That Title 10 of the Mono County Code is amended by adding an entirely revised Chapter 10.16 entitled Noise Regulation that will be read as set forth in Exhibit A which is attached hereto and incorporated herein by this reference.

**SECTION TWO:** The previous ordinances set forth in Chapter 10.16 of the Mono County Code are hereby repealed.

**SECTION THREE:** The Mono County Board of Supervisors hereby finds that the updated Noise Ordinance will substantially mitigate noise impacts when applied to future projects.

**SECTION FOUR:** If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Mono County Board of Supervisors hereby declares that it would have passed this ordinance, and each section, subsection, clause or

1 phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences,  
2 clauses, and phrases be declared unconstitutional.

3 **SECTION FIVE:** This ordinance shall become effective 30 days from the date of is  
4 adoption and final passage following a public hearing to be held pursuant to Government Code  
5 Sections 50022.2 et seq. The Clerk of the Board of Supervisors shall post this ordinance and also  
6 publish the ordinance or a summary thereof in the manner prescribed b Government Code  
7 Section 25124 no later than 15 days after the date of this ordinance’s adoption and final passage  
8 If the Clerk fails to so publish this ordinance or a summary thereof within said 15-day period,  
9 then the ordinance shall not take effect until 30 days after the date of publication.

8 **PASSED AND ADOPTED THIS 8<sup>TH</sup> DAY OF DECEMBER 2015, BY THE FOLLOWING**  
9 **VOTE:**

10 AYES:

11 NOES:

12 ABSENT:

13 ABSTAIN:

14  
15 \_\_\_\_\_  
16 Timothy E. Fesko, Chairman

17  
18 Attest:

Approved as to form:

19 \_\_\_\_\_  
20 Clerk of the Board

\_\_\_\_\_ County Counsel

## “Exhibit A”

### Mono County Code Chapter 10.16 -- NOISE REGULATION

10.16.010	Declaration of Policy.
10.16.020	Definitions.
10.16.030	Noise Control Office—Powers and Duties.
10.16.040	Duties and Responsibilities of Other Departments.
10.16.050	Noise Measurement Procedures.
10.16.060	Noise Level Limitations.
10.16.070	Prohibited Acts.
10.16.080	Exemptions.
10.16.090	Enforcement.
10.16.100	Variances.
10.16.110	Appeals.
10.16.120	Severability.

#### **10.16.010 Declaration of Policy.**

WHEREAS excessive sound is a serious hazard to the public health, welfare, safety, and quality of life; and, WHEREAS a substantial body of science and technology exists by which excessive sound may be substantially abated; and, WHEREAS the people have a right to, and should be ensured an environment free from excessive sound, it is the policy of Mono County to prevent unnecessary, excessive and annoying sound that may jeopardize the health, welfare, or safety of the citizens or degrade the quality of life.

#### **10.16.020 Definitions.**

The following words and terms, when used in this ordinance, shall have the following meanings unless the context clearly indicates otherwise.

- A. “Ambient Sound Level” is the total sound level at a given location, including the noise source of interest; the normal or existing level of environmental noise at a given location.
- B. “A-Weighting” is the electronic filtering in sound level meters that models human hearing frequency sensitivity.
- C. “Background Sound Level” is the total sound level at a given location, excluding the noise source of interest.
- D. “Commercial Area” is a group of commercial facilities and the abutting public right-of-way and public spaces.
- E. “Commercial Facility” is any premises, property, or facility involving traffic in goods or furnishing of services for sale or profit, including but not limited to:
  - 1. Banking and other financial institutions;
  - 2. Dining establishments;
  - 3. Establishments for providing retail or wholesale services;
  - 4. Establishments for recreation and entertainment;
  - 5. Office buildings;
  - 6. Transportation; and
  - 7. Warehouses.
- F. “Construction” is any site preparation, assembly, erection, repair, alteration or similar action, or demolition for or of public or private rights-of-way, structures, utilities, or similar property.
- G. “C-Weighting” is the electronic filtering in sound level meters that models a flat response (output equals input) over the range of maximum human hearing frequency sensitivity.
- H. “Cumulative Period” means an additive period of time composed of individual time segments, which may be

continuous or interrupted.

- I. "dBA" is the A-weighted unit of sound pressure level.
- J. "dBC" is the C-weighted unit of sound pressure level.
- K. "Decibel (dB)" is the unit of measurement for sound pressure level at a specified location.
- L. "Emergency Work" means any work performed for the purpose of preventing or alleviating property damage, disruption of essential services or similar situations, including, but not limited to, repairing water, gas, electric, telephone, sewer facilities, or public transportation facilities, removing fallen trees on public rights-of-way, or abating life-threatening conditions.
- M. "Fixed Noise Source" means a stationary device that creates sound while fixed or motionless, including but not limited to, residential, agricultural, industrial and commercial machinery and equipment such as pumps, fans, compressors, generators, air conditioners, and refrigeration equipment.
- N. "Impulsive Sound" is a sound having a duration of less than one second with an abrupt onset and rapid decay. Examples of impulsive sound include explosions and the discharge of firearms.
- O. "Industrial Facility" is any activity and its related premises, property, facilities, or equipment involving the fabrication, manufacture, or production of durable or nondurable goods.
- P. "Intrusive Noise" means noise that intrudes over and above the existing ambient noise at a given location. The relative intrusiveness of a sound depends on its amplitude, duration, frequency and time of occurrence, and tonal or informational content as well as the prevailing ambient noise level.
- Q. "Mobile Noise Source" means any noise source other than a fixed noise source.
- R. "Motor Vehicle" is any self-propelled vehicle, including on- and off-highway vehicles.
- S. "Muffler" is a sound-dissipative device or system for attenuating the sound of escaping gases of an internal combustion engine.
- T. "Noise" is any sound of such level and duration as to be or tend to be injurious to human health or welfare, or which would unreasonably interfere with the enjoyment of life or property throughout the County or in any portions thereof, but excludes all aspects of the employer-employee relationship concerning health and safety hazards within the confines of a place of employment.
- U. "Noise Control Office (NCO)" means the County agency or department responsible for implementing this ordinance.
- V. "Noise Disturbance" is any sound that (a) endangers or injures the safety or health of human beings or animals, (b) annoys or disturbs a reasonable person of normal sensitivities, or (c) endangers or injures personal or real property, or (d) violates the standards in this ordinance. Compliance with the quantitative standards in this ordinance shall constitute elimination of a noise disturbance.
- W. "Person" is any individual, corporation, company, association, society, firm partnership, joint stock company, the County or any political subdivision, agency or instrumentality of the County.
- X. "Powered Model Vehicle" means any self-propelled, airborne, waterborne, or landborne vehicle not designated to carry persons, including but not limited to, any model airplane, boat, car, or rocket.
- Y. "Public right-of-way" is any street, avenue, boulevard, road, highway, sidewalk, or alley that is leased, owned, or controlled by a governmental entity.
- Z. "Public Space" is any real property or structures thereon that is owned, leased, or controlled by a governmental entity.



- AA. "Pure Tone" is any sound that can be judged as a single pitch or set of single pitches by the NCO. For the purposes of this ordinance, a pure tone shall exist if the one-third octave band sound pressure level in the band with tone exceeds the arithmetic average of the sound pressure levels of the two contiguous one-third octave bands by five dB for center frequencies of 500 Hz and above and by eight dB for center frequencies between 160 and 400 Hz and by fifteen dB for center frequencies less than or equal to 125 Hz.
- BB. "Real Property Line" is either (a) the imaginary line, including its vertical extension, that separates one parcel of real property from another, or (b) the vertical and horizontal boundaries of a dwelling unit that is one in a multi-dwelling unit building.
- CC. "Residential Area" is a group of residential properties and the abutting public rights-of-way and public spaces.
- DD. "Residential Property" is property used for human habitation, including but not limited to:
  1. Private property used for human habitation;
  2. Commercial living accommodations and commercial property used for human habitation;
  3. Recreational and entertainment property used for human habitation; and
  4. Community service property used for human habitation.
- EE. "Sound Amplifying Equipment" means any device for the amplification of the human voice, music, or any other sound, excluding standard automobile radios when used and heard only by the occupants of the vehicle in which the radio is installed, and, as used in this ordinance, warning devices on authorized emergency vehicles or horns or other warning devices on any vehicle used only for traffic safety purposes.
- FF. "Sound Level Meter" means an instrument, including a microphone, or amplifier, an output meter, and frequency weighting networks for the measurement of sound levels, which meets or exceeds the requirements pertinent for type S2A meters in American National Standards Institute specifications for sound level meters.
- GG. "Sound Truck" means any motor vehicle, or any other vehicle, regardless of motive power, whether in motion or stationary, having mounted thereon, or attached thereto, any sound amplifying equipment.
- HH. "Vibration Perception Threshold" means the minimum ground-borne or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects. The perception threshold shall be presumed to be a motion velocity of 0.01 inches/second over the range of one to one hundred Hz.

**10.16.030 Noise Control Office—Powers and Duties.**

- A. The noise control program established by this ordinance shall be administered by the Community Development Department, as the Noise Control Office (NCO). The NCO shall have the power to:
  1. Conduct, or cause to be conducted, studies, research, and monitoring related to noise, including joint cooperative investigations with public or private agencies, and the application for, and acceptance of, grants.
  2. Conduct programs of public education regarding the cause, effects of noise and general methods of abatement and control of noise, and the actions prohibited by this ordinance and the procedures for reporting violations.
  3. Encourage the participation of public interest groups in related public information efforts.
  4. Provide for training of field inspectors and other technical personnel concerned with noise abatement in conformance with standards for technical qualifications as established by the state office of noise control.
  5. Coordinate the noise control activities of all county departments, cooperate where practicable with all appropriate state and federal agencies, advise on the availability of low noise emission products for replacement or retrofit of existing or planned county-owned or operated equipment, and transmit recommended contracts for the approval of the board of supervisors for the provision of technical and enforcement services.

6. Request any other department or agency responsible for a proposed or final standard, regulation or similar action to consult on the advisability of revising the action, if there is reason to believe that the action is not consistent with this ordinance.
7. On all public and private projects which are likely to cause noise in violation of this ordinance and which are subject to mandatory review or approval by other departments, review for compliance with the intent and provisions of this ordinance, require sound analyses which identify existing and projected noise sources and associated noise levels, and require usage of adequate measures to avoid violation of any provision of this ordinance.
8. Upon presentation of proper credentials, enter and/or inspect any private property, place, report or records at any time when granted permission by the owner, or by some other person with apparent authority to act for the owner. When permission is refused or cannot be obtained, a search warrant may be obtained from a court of competent jurisdiction upon showing of probable cause to believe that a violation of this ordinance may exist. Such inspection may include administration of any necessary tests.
9. Develop and recommend to the board of supervisors provisions regulating the use and operation of any product, including the description of maximum sound emission levels of such product, but not in such a manner as to conflict with federal or state new product regulations.
10. Prior to the approval of any land use designation change, review the noise impact of the proposed land use designation change by identifying existing and projected noise sources and the associated sound levels, and require usage of adequate control measures on noise sources identified above which will be in violation of any provision of this ordinance.

B. In order to effectively implement and enforce this ordinance, the NCO shall:

1. Develop measurement standards and procedures.
2. Develop administrative procedures to enforce this ordinance.
3. Investigate and pursue possible violations of this ordinance.
4. Prepare, publish, and update a list of products required to meet specified noise emission limits under federal, state, or local law.
5. Administer noise program grants, funds, and gifts from all sources.

**10.16.040 Duties and Responsibilities of Other Departments.**

- A. All departments and agencies of the County shall carry out their programs according to law and shall cooperate with the NCO in the implementation and enforcement of this ordinance.
- B. All departments charged with new projects or changes to existing projects that may result in the production of noise shall consult with the NCO prior to the approval of such projects to ensure that such activities comply with the provisions of this ordinance.

**10.16.050 Noise Measurement Procedures.**

- A. Insofar as practicable, sound will be measured while the source under investigation is operating at normal, routine conditions and, as necessary, at other conditions, including but not limited to, design, maximum, and fluctuating rates.
- B. All tests shall be conducted in accordance with the following procedures:
  1. The NCO shall, to the extent practicable, identify all sources contributing sound to the point of measurement.
  2. Then noise level shall be measured at a position or positions at any point on the receiver's property.
  3. The measuring instrument must be calibrated using a calibrator recommended by the measuring instrument manufacturer before and after each series of readings.
  4. The measuring instrument must be recertified and the calibrator must be recalibrated at least once each year by the manufacturer or by a person that has been approved by the manufacturer. A copy of written documentation of such recertification and recalibration shall be kept with the equipment to which it refers.
  5. No outdoor measurements shall be taken:
    - a. During periods when wind speeds (including gusts) exceed 15 mph;
    - b. Without a windscreen, recommended by the measuring instrument manufacturer, properly attached to the measuring instrument;

- c. Under any condition that allows the measuring instrument to become wet (e.g., rain, snow, or condensation);  
or
  - d. When the ambient temperature is out of the range of the tolerance of the measuring instrument.
- C. The report for each measurement session shall include:
1. The date, day of the week, and times at which measurements are taken;
  2. The times of calibration;
  3. The weather conditions during measurement sessions;
  4. The identification of all monitoring equipment by manufacturer, model number, and serial number;
  5. The normal operating cycle of the sources in question with a description of the sources, i.e. type of noise source, location of noise source relative to complainant's property, time period during which noise source is considered to be intrusive, total duration of noise produced by noise source;
  6. The ambient sound level, in dBA, with the sources in question operating;
  7. The background sound level, in dBA, without the sources in question operating; and
  8. A sketch of the measurement site, including measurement locations and relevant distances, containing sufficient information for another investigator to repeat the measurements under similar conditions.
- D. Prior to taking noise measurements the investigator shall explore the vicinity of the source in question to identify any other sound sources that could affect measurements, to establish the approximate location and character of the principal sound source, and to select suitable locations from which to measure the sound from the source in question.
- E. Appropriate settings shall be used on the measuring instrument for taking readings of different sound types, e.g. continuous sound or impulsive sound, and shall be set to that range in which the meter reads closest to the middle of the scale. The minimum and maximum readings shall be recorded to indicate the range of monitored values along with the central tendency average most often displayed.
- F. The measuring instrument shall be placed at a minimum height of 3 ft above the ground or from any reflective surface. When handheld, the microphone shall be held at arm's length and pointed at the source at the angle recommended by the measuring instruments manufacturer.
- G. If extraneous sound sources, such as aircraft flyovers or barking dogs, that are unrelated to the measurements, increase the monitored sound levels, the measurements should be postponed until these extraneous sounds have become of such a level as not to increase the monitored sound levels of interest.
- H. The monitoring session should last for a period of time sufficient to ensure that the sound levels measured are typical of the source in question.
- I. The background sound levels shall be subtracted from the measured sound levels of the source of interest by using Table 10.16.050 (I) to determine the sound levels from the source of interest alone. If the ambient sound level is less than 3 dBA higher than the background sound level, the source level cannot be derived and a violation of the ordinance cannot be substantiated.

**Table 10.16.050 (I) -- Correction for Background Levels, in dBA**

Difference Between Ambient and Background Sound Levels	Correction Factor to be Subtracted from Ambient Level for Source Level
3	3
4, 5	2
6-9	1
10 or more	0

- J. If a noise complaint is related to interior noise levels, interior noise measurements shall be made within the affected residential unit.
- K. For noise sources located on private land outside of community areas, the following additional noise measurement procedures shall be followed, in addition to those stated above.
1. The NCO shall identify any topographic features that may either accentuate or minimize noise impacts from the source. If such topographic features exist, noise should be measured on both sides of the topographic feature, if possible, to help determine the effect of those topographic features on the noise environment.
  2. The NCO shall identify any weather conditions (prevailing winds, average snow coverage, etc.) that may either accentuate or minimize noise impacts from the source. If a weather condition may consistently affect the noise environment, noise should be measure during that weather condition, if possible, to help determine the effect of that weather condition on the noise environment.
  3. The NCO shall identify surrounding sensitive land uses (e.g. wildlife habitat, wilderness areas, passive

- recreational areas, cultural sites) and measure noise levels between the subject parcel and the sensitive land use.
4. The NCO shall identify surrounding landowners and work with land management agencies for a consistent approach to noise measurement and abatement.

**10.16.060 Noise Level Limitations.**

**Exterior Noise Levels (Excluding Construction Noise)**

- A. The maximum allowable exterior noise levels for various categories of land use are shown in Table 10.16.060 (A).
- B. No person shall cause, operate, allow, or permit the operation of any sound source on a particular category of property or any public space or right-of-way in such a manner as to create a sound level that exceeds the background sound level by at least 10 dBA during daytime (7:00 a.m. to 10:00 p.m.) hours and by at least 5 dBA during nighttime (10:00 p.m. to 7:00 a.m.) hours when measured at or within the real property line of the receiving property. Such a sound source would constitute a noise disturbance.
  1. If the background sound level cannot be determined, the absolute sound level limits set forth in Table 10.16.060(A) shall be used.
  2. If the sound source in question is a pure tone, the limits of Table 10.16.060(A) shall be reduced by 5 dBA.
  3. Nonrepetitive impulsive sound sources shall not exceed 90 dBA or 120 dBA at or within a residential real property line.
  4. In multi-dwelling unit buildings, if the background sound level cannot be determined, the daytime limit is 45 dBA and the nighttime limit is 35 dBA for sounds originating in another dwelling within the same building.

**Table 10.16.060(A) -- Maximum Allowable Exterior Noise Levels**

Land Use	Noise Level (CNEL)
Residential—Low Density Single Family, Duplex	Daytime (7:00 a.m.-- 9:59 p.m.) ▶55 dBA Nighttime (10:00 p.m.-- 6:59 a.m.) ▶ 50 dBA
Residential—Multiple Family, Mixed Use	Daytime (7:00 a.m.-- 9:59 p.m.) ▶55 dBA Nighttime (10:00 p.m.-- 6:59 a.m.) ▶ 50 dBA
Transient Lodging	Daytime (7:00 a.m.-- 9:59 p.m.) ▶55 dBA Nighttime (10:00 p.m.-- 6:59 a.m.) ▶ 50 dBA
Public Uses—Schools, Libraries, Hospitals, Community Centers, Senior Centers	Daytime (7:00 a.m.-- 9:59 p.m.) ▶55 dBA Nighttime (10:00 p.m.-- 6:59 a.m.) ▶ 50 dBA
Passive Recreational Areas, Cultural Resource Areas, Natural Habitat Areas	Daytime (7:00 a.m.-- 9:59 p.m.) ▶55 dBA Nighttime (10:00 p.m.-- 6:59 a.m.) ▶ 50 dBA
Community Parks and Athletic Fields	All Times -- 60 dBA
Commercial Uses, Offices, Retail	All Times -- 65 dBA
Light Industrial Uses	All Times -- 65 dBA
Industrial Uses, Utilities, Mining, Ranching, Agriculture	All Times -- 65 dBA

**Construction Noise Limits**

- C. Where technically and economically feasible, as determined by the Community Development Director, construction activities shall be conducted in such a manner that the maximum noise levels at affected properties will not exceed those listed in the following schedule:
  1. At residential properties:

- a. **Mobile equipment.** Maximum noise levels for nonscheduled, intermittent, short-term operation (less than ten days) of mobile equipment shall comply with the noise limits in Table 10.16.060 (B).
  - b. **Stationary equipment.** Maximum noise levels for repetitively scheduled and relatively long-term operation (ten days or more) of stationary equipment shall comply with the noise limits in Table 10.16.060 (C).
2. At business properties:
- a. **Mobile equipment.** Maximum noise levels for nonscheduled, intermittent, short-term operation (less than ten days) of mobile equipment, daily including Sunday and legal holidays, at all hours, shall be 85 dBA.
  - b. **Stationary equipment.** Maximum noise levels for repetitively scheduled and relatively long-term operation (ten days or more) of stationary equipment, daily including Sunday and legal holidays, at all hours, shall be 75 dBA.
3. All mobile or stationary internal combustion engine-powered equipment or machinery shall be equipped with suitable exhaust and air intake silencers in proper working order.

**Table 10.16.060 (B) – Noise Limits for Mobile Construction Equipment  
Non-Scheduled, Intermittent, Short-Term Operation**

Time Period	Single Family Residential Land Use	Multi-Family Residential Land Use	Mixed Use Residential Commercial
Mon-Sat, 7:00 a.m. – 6:59 p.m.	75 dBA	80 dBA	85 dBA
Mon-Sat, 7:00 p.m. – 6:59 a.m. All Day, Sundays & Legal Holidays	60 dBA	65 dBA	70 dBA

**Table 10.16.060 (C) – Noise Limits for Stationary Construction Equipment  
Repetitively Schedules, Relatively Long-Term Operation**

Time Period	Single Family Residential Land Use	Multi-Family Residential Land Use	Mixed Use Residential Commercial
Mon-Sat, 7:00 a.m. – 6:59 p.m.	60 dBA	65 dBA	70 dBA
Mon-Sat, 7:00 p.m. – 6:59 a.m. All Day, Sundays & Legal Holidays	50 dBA	55 dBA	60 dBA

**10.16.070 Prohibited acts.**

- A. No person shall cause, suffer, allow, or permit to be made verbally or mechanically any noise disturbance, as defined in this ordinance.
- B. No person shall cause, suffer, allow, or permit the following acts:
  - 1. **Music/Television.** Operating, playing, or permitting the operation or playing of any radio, television, musical instrument, or similar device that reproduces or amplifies sound between 10 p.m. and 7 a.m. in such a manner as to create a noise disturbance (as defined in this ordinance) across a residential or commercial real property line, except for activities for which a variance has been issued by the County, or in such a manner as to exceed the levels set forth for public space in this ordinance, measured at a distance of at least fifty feet from such operating on a public right-of-way or public space.
  - 2. **Loudspeakers/Public Address Systems.** Using or operating any loudspeaker, public address system, or similar device between 10:00 p.m. and 7:00 a.m., such that the sound therefrom creates a noise disturbance (as defined in this ordinance) across a residential real property line, except for any public speaking or assembly for which a variance or use permit has been issued by the County.
  - 3. **Sales/Advertising.** Offering for sale, selling anything, or advertising by shouting or outcry within any residential or commercial area except by variance issued by the County. The provisions of this section shall not apply to the selling by outcry of merchandise, food, or beverages at licensed sporting events, parades, fairs, circuses, or similar licensed public entertainment.
  - 4. **Animals.** Owning, possessing, or harboring any animal or bird that, frequently or for continued duration, generates sounds that create a noise disturbance (as defined in this ordinance) across a residential or commercial real property line;
  - 5. **Deliveries/Trash Collection.** Loading, unloading, opening, closing, or other handling of boxes, crates,

containers, building materials, garbage cans, refuse, or similar objects, or the pneumatic or pumped loading or unloading of bulk materials in liquid, gaseous, powder, or pellet form, or the compacting of refuse by persons engaged in the business of scavenging or garbage collection, whether private or municipal, between 10:00 p.m. and 7:00 a.m. in such a manner as to cause a noise disturbance across a residential property line;

6. **Construction/Demolition.** Operating or permitting the operation of any tools or equipment used in construction, drilling, repair, alteration, earthmoving, excavating, or demolition work between 7:00 p.m. and 7:00 a.m. on weekdays or at any time on weekends or legal holidays, except for emergency work by public service utilities or road crews or by variance issued by the County.
7. **Vibration.** Operating or permitting the operation of any device that creates a vibration that is above the vibration perception threshold of an individual at or beyond the property boundary of the source if on private property or at one hundred fifty feet from the source if on a public space or public right-of-way.
8. **Powered Model Vehicles.** Operating or permitting the operation of powered model vehicles:
  - a. Between the hours of 8 p.m. and 7 a.m., so as to create noise disturbance across a residential or commercial real property line or at any time to violate the provisions of this ordinance.
  - b. In such a manner as to exceed the levels set forth for public space land use in Table , measured at a distance not less than 100 feet from any point on the path of a vehicle operating on public space or public right-of-way.
9. **Bells/Chimes.** Sounding or permitting the sounding of any electronically-amplified signal from any stationary bell, chime, siren, whistle, or similar device, intended primarily for nonemergency purposes, from any place, for more than ten seconds in any hourly period. Houses of religious worship and all public entities including Mono County, shall be exempt from this provision. Sound sources covered by this provision and not exempted under subsection 10(b) may be exempted by a variance issued by the County.
10. **Sirens/Alarms.** The intentional sounding or permitting the sounding of any fire, burglar, or civil defense alarm, siren, whistle, or similar stationary emergency signaling device, except for emergency purposes or for testing as provided elsewhere in this ordinance.
  - a. Testing of a stationary emergency signaling device shall not occur before 7 a.m. or after 7 p.m. Any such testing shall use only the minimum cycle test time. In no case, shall such test time exceed sixty seconds.
  - b. Testing of the complete emergency signaling system, including the functioning of the signaling device, shall not occur more than once in each calendar month. Such testing shall not occur before 7 a.m. or after 10 p.m. The time limit specified in this section shall not apply to such complete system testing.
  - c. Sounding or permitting the sounding of any exterior burglar or fire alarm or any motor vehicle burglar alarm unless such alarm is terminated within five minutes of activation.
11. **Power Tools.** Operating or permitting the operation of any mechanically-powered tools or lawn and garden equipment between 8 p.m. and 7 a.m. (8 a.m. on weekends) so as to create a noise disturbance across a residential or commercial real property line.
12. **Motors/Machinery.** Any motor, machinery, pump, such as swimming pool equipment or generators, shall be sufficiently enclosed or muffled and maintained so as not to create a noise disturbance in accordance with this ordinance.
13. **Sound Exceeding 95 dBA.** Operating or permitting the operation or playing of any loudspeaker, musical instrument, motorized racing vehicle, or other source of sound in any place of public entertainment that exceeds 95 dBA on a sound level meter at any point normally occupied by a customer, without a conspicuous and legible sign stating "WARNING! SOUND LEVELS WITHIN MAY CAUSE HEARING IMPAIRMENT."
14. **Noise Control Devices.** The removal or rendering inoperative, other than for purposes of maintenance, repair, or replacement, of any noise control device or element thereof, of any product identified under Section 10.16.030 (B).
15. **Noise Labels.** The removal of any noise label from any product identified under Section 10.16.030 (B)(4).
16. **Use of Products Without Suitable Noise Control Devices.** The use of a product identified under Section 10.16.030 (B) which has had a noise control device or element thereof or noise label removed or rendered inoperative.

#### **10.16.080 Exemptions.**

- A. The provisions of this ordinance shall not apply to:
  1. The generation of sound for the purpose of alerting persons to the existence of an emergency.
  2. The generation of sound in the performance of emergency work, including the use of generators, both fixed and mobile, during power outages.
  3. The generation of sound in the performance of snow removal work, including the noise of snow blowers, snow

throwers and snow plows when operated with a muffler for the purpose of snow removal.

4. The generation of sound from warning devices necessary for the protection of public safety, such as police, fire, or ambulance sirens.
5. The generation of sound from an exterior burglar alarm of any building provided such burglar alarm shall terminate its operation within 5 minutes of its activation.
6. The generation of sound from church bells and chimes when part of a religious observance or service.
7. The generation of sound in situations within the jurisdiction of the Federal Occupational Safety and Health Administration.
8. The generation of sound from domestic power tools, lawn mowers, and similar equipment when operated between 7:00 a.m. and 8:00 p.m. on weekdays and 8:00 a.m. and 8:00 p.m. on weekends and legal holidays, provided they generate less than 85 dBA at or within any residential real property line.
9. The generation of sound from occasional outdoor gatherings, public dances, shows, sporting and entertainment events, or similar events, provided the events are conducted pursuant to a permit or license issued by the county relative to the staging of such events, and fees are paid as established by Resolution of the Board of Supervisors.

#### **10.16.090 Enforcement.**

- A. Any noise exceeding the noise level limits for a designated noise zone as specified in this ordinance or the prohibited actions as specified in this ordinance shall be deemed to be a violation of the provisions of this ordinance.
- B. In lieu of issuing a fine as provided in subsection C below, the NCO may issue an order requiring abatement of any sound source alleged to be in violation of this ordinance, within a reasonable time period and according to guidelines that the NCO may prescribe. No complaint or further action shall be taken in the event that the cause of the violation has been removed, the condition abated or fully corrected within the time period specified in the written notice.
- C. Any person who violates any provision of this ordinance shall be 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 each offense shall be \$250. If the violation is of a continuing nature, each day during which it occurs shall constitute an additional, separate, and distinct offense.
- D. As an additional remedy, the operation or maintenance of any device, instrument, vehicle or machinery in violation of any provision of this ordinance which operation or maintenance causes or creates sound levels or vibration exceeding the allowable limits as specified in this ordinance shall be deemed and is hereby declared to be a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction. Additionally, no provision of this ordinance shall be construed to impair any common law or statutory cause of action, or legal remedy therefrom, of any person for injury or damage arising from any violation of this ordinance or from other law.

#### **10.16.100 Variances.**

Variances for exceptions from any provision of this ordinance, subject to limitations and restrictions as to area, noise levels, time limits and other terms and conditions, may be sought in the same manner and on the same basis as set forth in Chapter 33, Variances, of the Mono County Land Development Regulations.

#### **10.16.110 Appeals.**

Appeals of an adverse decision or action by the NCO shall be made directly to the Mono County Planning Commission by filing a written appeal with the executive secretary to the planning commission within ten days of the action of the NCO which is subject to the appeal. The appeal procedure shall be as set forth in Chapter 47, Appeals, of the Mono County Land Development Regulations.

#### **10.16.120 Severability.**

If any provision of this ordinance is held to be unconstitutional, preempted by federal law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.



OFFICE OF THE CLERK  
OF THE BOARD OF SUPERVISORS

## REGULAR AGENDA REQUEST

Print

**MEETING DATE** December 8, 2015

**Departments: Board of Supervisors, County Counsel**

**TIME REQUIRED** 20 minutes (5 minute presentation;  
15 minute discussion)

**PERSONS APPEARING BEFORE THE BOARD** Marshall Rudolph

**SUBJECT** ESTA Board Member Vacancy

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### AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Discussion and possible action regarding filling of current vacancy on the governing board of Eastern Sierra Transit Authority (ESTA), to which the Mono County Board of Supervisors may appoint any member of the public at large. Note that the ability to appoint a member of the public to the ESTA board is the result of a recent amendment to the ESTA joint powers agreement.

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### RECOMMENDED ACTION:

Take such action to fill current vacancy as the Board deems appropriate or provide direction to staff regarding any process the Board may wish to use to solicit interested parties who may wish to be considered for appointment to the vacancy.

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### FISCAL IMPACT:

None.

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**CONTACT NAME:** Marshall Rudolph

**PHONE/EMAIL:** (760) 924-1707 / mrudolph@mono.ca.gov

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SUBMIT THE ORIGINAL DOCUMENT WITH  
ATTACHMENTS TO THE OFFICE OF  
THE COUNTY ADMINISTRATOR  
**PRIOR TO 5:00 P.M. ON THE FRIDAY**  
**32 DAYS PRECEDING THE BOARD MEETING**

### SEND COPIES TO:

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### MINUTE ORDER REQUESTED:

YES  NO

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### ATTACHMENTS:

Click to download

[ESTA staff report](#)



**History**

<b>Time</b>	<b>Who</b>	<b>Approval</b>
12/2/2015 5:26 PM	County Administrative Office	Yes
12/2/2015 12:32 PM	County Counsel	Yes
12/2/2015 12:52 PM	Finance	Yes

**County Counsel**  
Marshall Rudolph

**Assistant County Counsel**  
Stacey Simon

**Deputy County Counsels**  
John-Carl Vallejo  
Christian Milovich

**OFFICE OF THE  
COUNTY COUNSEL**

*Mono County*  
South County Offices  
P.O. BOX 2415

MAMMOTH LAKES, CALIFORNIA 93546

**Telephone**  
760-924-1700  
**Facsimile**  
760-924-1701

**Legal Assistant**  
Jennifer Senior

TO: Board of Supervisors  
FROM: Marshall Rudolph  
DATE: December 8, 2015  
RE: ESTA Board Member vacancy

**Recommendation:**

Take such action to fill current vacancy as the Board deems appropriate or provide direction to staff regarding any process the Board may wish to use to solicit interested parties who may wish to be considered for appointment to the vacancy.

**Discussion:**

Mono County is a member entity of the Eastern Sierra Transit Authority (ESTA), which was created by a joint powers agreement (JPA). Under the current terms of the ESTA JPA, as recently amended, each member entity can appoint two members of the ESTA governing board, one of which shall be a member of the member entity's governing body; the other one of which may be any member of the public at large. The recent JPA amendment was made in response to a request by Mono County, which was otherwise unable to appoint two members of the Board of Supervisors to the ESTA governing board without creating a conflict-of-interest or incompatible offices scenario. Now that the JPA amendment has been duly approved, the Board may proceed with appointing a member of the public to serve on the ESTA governing board or giving direction to staff regarding any process the Board may wish to use to solicit interested parties who may wish to be considered for appointment to the vacancy.

If you have any questions regarding this item, please call me at 924-1707.

Encl.