

MONO COUNTY PLANNING COMMISSION

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SPECIAL MEETING AGENDA

THURSDAY, SEPTEMBER 11, 2014 – 10 a.m.

Town/County Conference Room, Minaret Village Mall, Mammoth Lakes

*Videoconference: CAO Conference Room, Bridgeport

Full agenda packets, plus associated materials distributed less than 72 hours prior to the meeting, will be available for public review at the Community Development offices in Bridgeport (Annex 1, 74 N. School St.) or Mammoth Lakes (Minaret Village Mall, above Giovanni's restaurant). Agenda packets are also posted online at www.monocounty.ca.gov / boards & commissions / planning commission. For inclusion on the e-mail distribution list, interested persons can subscribe on the website.

**Agenda sequence (see note following agenda).*

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE

2. PUBLIC COMMENT: Opportunity to address the Planning Commission on items not on the agenda

3. MEETING MINUTES: Review and adopt minutes of August 14, 2014

4. PUBLIC HEARING:

10:10 A.M.

A. SPECIFIC PLAN AMENDMENT & TENTATIVE TRACT MAP MODIFICATION/Rock Creek Ranch. The proposal is to reduce the number of parcels from 55 to 10, including elimination of the package sewage-treatment facilities, evaporation pond, pool clubhouse and other common elements. In accordance with the California Environmental Quality Act, an addendum to the existing Specific Plan EIR is being utilized. *Staff: Courtney Weiche, associate planner*

5. WORKSHOP:

A. GENERAL PLAN DEFINITIONS. *Brent Calloway, associate analyst*

6. COMMISSION PROTOCOL:

A. RULES FOR TRANSACTION OF BUSINESS: Consider amending Section 10 to clarify continuances when less than a full membership is present, and provide any desired direction to staff. *Staff: Stacey Simon, assistant county counsel*

7. REPORTS:

A. DIRECTOR

B. COMMISSIONERS

8. INFORMATIONAL: No items.

9. ADJOURN to October 9, 2014

More on back...

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

***NOTE:** Although the Planning Commission generally strives to follow the agenda sequence, it reserves the right to take any agenda item – other than a noticed public hearing – in any order, and at any time after its meeting starts. The Planning Commission encourages public attendance and participation.

In compliance with the Americans with Disabilities Act, anyone who needs special assistance to attend this meeting can contact the commission secretary at 760-924-1804 within 48 hours prior to the meeting in order to ensure accessibility (see 42 USCS 12132, 28CFR 35.130).

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

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

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DRAFT MINUTES

AUGUST 14, 2014

COMMISSIONERS: Scott Bush, Chris Lizza, Mary Pipersky, Dan Roberts, Rodger B. Thompson

STAFF: Scott Burns, CDD director; Gerry Le Francois, principal planner; Courtney Weiche, associate planner; Garrett Higerd & Walt Lehmann, public works; C.D. Ritter, commission secretary

1. **CALL TO ORDER & PLEDGE OF ALLEGIANCE:** Chair Mary Pipersky called the meeting to order at 10:02 a.m. in the board chambers at the county courthouse in Bridgeport, and attendees recited the pledge of allegiance.

2. **PUBLIC COMMENT: Howard Johnson** of Bridgeport thanked commissioners for their service. Originally he planned to speak on an agenda item, but instead on measuring CO₂. Horrendous 34% excess in atmosphere today, short-term result of drought and lack of snowfall. Plan about this now. Distributed copy on climate change compiled by International Panel on Climate Change, 600 world climate scientists. Very serious. Wood-cutting is a non-issue now. Instead, talk about energy efficiency, reducing CO₂.

Garrett Higerd reported on road rehab projects throughout the county.

3. **MEETING MINUTES:**

MOTION: Adopt minutes of July 10, 2014, as amended: Item 5B, food vendors: Alpine Deli acts as commissary for Tavish, and Mono Market for Ohanas. Stacey Simon suggested Roberts **and Lizza** should recuse ~~himself~~ **themselves** from discussion if it's a **potential** source of income. (Bush/Thompson. Ayes: 5-0.)

4. **CONSENT ITEM:**

FINAL APPROVAL OF PARCEL MAP 13-001/ Hildenbrand-Booth. Approval of Parcel Map 13-001 will divide APN 026-220-009, totaling 6.30 acres, into four lots of 2.39, 1.19, 1.19, and 1.43 acres, along with an offer of dedication of 0.10 acres along Valley Road. The project is located in the community of Chalfant. Access is via Valley Road, with a proposed private road, Owens Ranch Road. Individual wells and septic systems are proposed. The land use designation is Rural Mobile Home (RMH). The Tentative Parcel Map was approved at a public hearing conducted by the Planning Commission on October 10, 2013. *Staff: Garrett Higerd and Walt Lehmann*

Garrett Higerd indicated the developer has chosen not to construct improvements, but to provide engineered plans and a bond. Map is in good shape, but bond is not yet prepared. Project goes to BOS, as subdivision improvement agreement needs its approval. Mono will not take to BOS, however, until bond is provided. If not received within two weeks, delay taking map to BOS. Needs final approval to move forward, but can't record without bond.

MOTION: Approve Final Parcel Map 13-001/Hildenbrand-Booth. (Roberts/Lizza. Ayes: 5-0.)

5. **PUBLIC HEARING:**

A. EXPANDED HOME OCCUPATION 14-001/Draper (continued from May 8 at applicant's request). Consider proposal to cut, split and deliver firewood as needed from owner's residence to buyers as an expanded home occupation. Owner is the sole employee, and on-site storage would be limited to a single cord of firewood. Business would be conducted as needed, but may operate daily. The property is approximately 1.3 acres

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Chris Lizza

(APN 011-040-029) located at 110 Mt. Patterson Dr., Bridgeport, and has a land use designation of Estate Residential (ER). A CEQA exemption is proposed. *Staff: Gerry Le Francois, principal planner*

Gerry Le Francois stated no cutting and splitting on property. Owner will store and deliver firewood when ordered. He will cut and split in forest, load and store in back of pickup truck for potential buyer. Expanded Home Occupation category is new. Outdoor storage makes it "expanded" home occ. Staff did General Plan consistency review/findings and set conditions.

How to separate personal from for-sale? *Honor system. If back of truck is full, cutting/splitting would be for personal use.* How much for personal use? *Inyo allows 6-8 cords, not clear about Humboldt-Toiyabe.* How to know personal is not spilling over into truck? Commissioner Lizza suggested another condition for no loading on property.

OPEN PUBLIC COMMENT: Lafe Draper, applicant, appreciated waiving fees for disabled veteran to help family survive and stay in Mono County. Could earn up to \$1,200/year. He has access to almond and oak already cut and split, and loads empty truck. Advertise with flyers and newspaper. His firewood is all pinyon, with [USFS] permits. Allowed eight cords/year. Uses three to four cords in bad winter, so would not have > four cords for personal use. Neighbor quality of life is not affected by this business.

Karl Moldenhauer attended May hearing when he brought up issues. He is concerned about separating personal use from for-sale. Condition to keep personal wood from ending up for sale? Only hardwood stored in truck? Not want wood being cut and split on regular basis. Moved here in March for peace and tranquility. Hasn't met Draper, so no personality issues.

Steve Makowski has shared property line since July. Proposal sounds fine after issues were resolved. Maybe more limitations to protect neighbors if business grows. Keep off site. Le Francois noted some permits require annual compliance review; e.g., Long Valley Dog Retreat.

Scott Burns suggested delineating personal from saleable. There is never a need to load wood on property, so consider restriction for protection. Draper indicated he travels with trailer and transfers wood to truck. Burns suggested allowing transfer from trailer to pickup, but not loading stored wood. Permit from USFS for personal woodcutting? *Yes.* Commissioner Roberts warned it is illegal to sell. **CLOSE PUBLIC COMMENT.**

DISCUSSION: Commissioner Bush asked when Draper cuts personal firewood. *Based on work hours for Caltrans, sometimes four 10-hr days when he could cut pinyon. Can't specify exact time.*

Commissioner Thompson suggested checking with Cal Fire on off-site hardwood gathering, as the agency prevents a lot of wood moving. When sell, barter or trade forest products, need limited permit (OK if source is licensed timber operator). Concern about transport of pathogens. Check with Glen Barley. On-street parking allowed? *Yes. CHP does not care if commercial or personal use. Checked with CHP, park on street if allowed. Parking on parcel kicks into County jurisdiction.*

Commissioner Lizza wanted no transfer from trailer to truck on property. Burns suggested no on-site loading. Bush asked how proposal became so volatile. Le Francois noted initial application indicated cut/split/store on site. Draper stated he always intended to get wood elsewhere.

Burns noted original application was more involved. It's not uncommon to propose, then revise. Two issues: 1) Comply with applicable Cal Fire requirements; and 2) With exception of transferring hardwood to pickup, no on-site loading of wood onto pickup truck is permitted.

Bush wanted to state only firewood for sale is hardwood not obtained from national forest with permit. Lizza asked how pine is different from hardwood.

Bush wanted Draper to do what he said he's going to do, not change midstream. Fraud is presenting one thing, coming up with another. Take him at his word

MOTION: Approve Expanded Home Occupation based on staff report, with: wood for sale is only hardwood obtained off site, already cut and split; other wood is for personal use only; comply with Cal Fire requirements; no on-site loading except trailer to pickup. (Bush/Thompson. Ayes: 5-0.)

6. WORKSHOPS:

A. GENERAL PLAN DEVELOPMENT STANDARDS: Gerry Le Francois made changes to wording on graph 3; strikethroughs stay same; p. 35 setbacks from property lines/lease boundaries; p. 37, added

language about infrastructure removal as part of reclamation plan. Rest was housekeeping, and chapter is now complete. Tower size? *Mono regulates personal wind generation by Mono County Code. New owner inherits responsibility.* Commissioner Lizza noted it applies only to commercial, not residential. How to draw line between personal and commercial?

Brent Calloway noted three issues: depth-to-width ratio, minimum lot size for public water and sewer; and lot size for on-site sewage treatment.

1) Depth-to-width ratio: If want big house, merge several lots. No push for smaller lots. Medium size: On-site waste treatment. 71' x 211' = smallest size. State law requires no septic within 100' of well. Environmental Health Director Louis Molina wants septic and leach fields close to center of parcel. If ratio is exceeded, need a Variance. Propose to get rid of strict ratios. Long, narrow, irregular lots potentially create conflict with neighbors. Inside communities: 3:1. Outside: 4:1. How does ratio apply to irregular parcel, such as cul-de-sac? *Lot width is measured from setback of building line.*

2) Mixed designation clarification: Exists elsewhere, so must be allowed. Stacey will follow up. Add new graph on parcels with multiple designations.

Use prior to main: Such as garage before house.

Fence height: CBC has raised height from 6' to 7'. Use Permit is needed.

Animal standards: Horse must be separated from house by 50', with 20' setback from your house to your horse.

Regulations: Move regulations into Ch. 04. Guesthouse is inconsistent with accessory units, so in excess of 650 sf requires DR, 1,600 sf needs Use Permit. Guesthouse has no kitchen, for guests only.

Aquaculture: Include aquaculture in definition of agriculture.

Transient Rental Overlay (TRO): Could be spot zoning, so make clear use is permitted within SFR, ER, RR, etc. TRO = GPA, but could build hotel with use permit in commercial area. Rent SFR with DR permit.

Why are manufactured homes excluded from June Lake community? *Old-style trailers, not newer units.*

--- Commissioner Lizza departed at noon ---

Food vendors: Courtney Weiche noted food vendors who get community support can apply for a Director Review (DR). A Use Permit can be downgraded to a DR. Environmental Health has requirements. Ohanas 395, Sierra Smoke Shack (Trout Town Joe as commissary), Texas Chile. Amended Tavish permit to operate this season after no complaints. All three operated with 180-day maximum (i.e., seasonal), which gets around requirements such as paved parking. Food trucks are much less costly to start, some have high-end chefs. Went through all proposed standards and guidelines, made few tweaks. Focus on how to process permits. Want lower level at first, DR, < 180 days, non-controversial. Use Permit if long term, or keep at DR unless controversy or code issues.

Scott Burns noted people want food trucks in current economic situation, but maybe not next to them. DR is straightforward, does not include lots of public input. Discussed in communities with RPACs or businesses? *Yes, at June Lake. People feared "roach coach" at first. Lee Vining business owners expressed concern over not providing bathrooms, etc.. Some jurisdictions limit when and where vendors operate.*

Commissioner Bush asked if had mobile gas stations with tanker truck, not worry about other restrictions? *Environmental Health regulates truck facilities, whereas Planning cares about location.* Where's the limit before we start destroying what we have. Brick/mortar businesses are gone due to Amazon, etc.

Weiche noted Lee Vining liked additional opportunity for people to stop in town and viewed vendors as an attractive feature. All three have offered foods not found in established restaurants. Could be a guideline.

Burns received a call from Tiger Bar after July 4 regarding a successful food truck. Bush suggested communities are defined by hotels, food. Is this a future trend? *Reno has Food Truck Friday. Vegas lets people follow trucks at new sites. Data now shows effect on restaurants. Surveys show providing competition, but not hurting restaurants.* How regulate? *Supportive or more onerous.* How far can go? If preempted from ROW... If Mono requirements are met, could pull up in ROW? *Yes, Ohanas started that way.* Bush predicted if regulated on private property, they'd just go onto the street.

How process and permit food trucks? *Maybe higher level if longer term, but if not known, could keep coming in under DR every year.*

Commissioner Thompson saw a definite trend. Getting ahead of power curve is ideal. A DR is an effective tool, but he wanted applicants doing some ground work, checking neighborhood, etc. In a transient economy, any business helps. If vendor does not fit with land use designation, kick up to Use Permit? Bush thought vendor could live in camper on street, move next day.

Burns suggested a more-formal proposal, discuss right-of-way issues with Stacey Simon.

Bush suggested making it onerous as possible to keep getting permits. Serve alcohol in food trucks? *Need license, which is costly.* Weiche thought maybe year-round is trigger for higher level.

Role of commissary? *Established kitchen to do food prep, sanitizing, cleaning, and restrooms.* Restrooms within 200' for food trucks. Better understanding on writing permit processing criteria. Language on right of way. Restricting from commercial districts. When not in operation, no condition says move vehicle elsewhere after season. Thompson cited a temp setup, so move. Bush asked about limitations on where to park stuff? Opens up lots of issues. Weiche was unsure about moving truck. Burns noted in midst of EIR, so maybe come back once more.

B. REGIONAL TRANSPORTATION PLAN/CIRCULATION ELEMENT: Gerry Le Francois noted RTP is State requirement. Mono also uses the RTP as its Circulation Element, mandate of General Plan law, so document serves dual purpose. Financial element was redone due to longer range for funding. Appendix C: Need to identify project in order to tie into funding source. Caltrans lists short-range projects for future. Various MOUs with other agencies pooled resources for improvements since 1996. Next big project is Olancho-Cartago. Mono has more fix-it type policy for projects. Project ideas come from community members, Caltrans, etc. Bring back regional policy element and community policies. Discussed in Antelope Valley at 14 RPAC meetings. RTP includes Mammoth Lakes section that will be deleted in Circulation Element.

Commissioner Roberts noted some issues: 1) Ch. 2: No "Main Street" in June Lake. Make it lower case. 2) Ch. 3: Accident reports? Dated info. 3) Ch. 4 J: "shuttle" appears six times, seems overused or misused. Shuttle does not refer to size of vehicle, but type of service. Maybe drop word shuttle. Le Francois noted June Lake policies has been around a long time. Changes were made in 2005-06. Hard for CAC to delete things. 4) No mention of YARTS in June Lake policies. YARTS is the only public transportation there.

8. RULES: An applicant faced with only three votes can request continuance at no charge (BOS call). No new application is required, just a continuance. BOS is concerned about the applicant. Commissioner Bush: At a rehearing, how do new commissioners get on board? How replicate public comment? Decide before meeting ever starts, not redo whole hearing. If applicant decides to go, it goes. "Alternatively" sentence is problematic, so delete it.

Burns thought once under way with less than full Commission, say "may" (not shall) be granted upon vote of Commission. Burns recalled Code wording could be read different ways, so Stacey Simon provided legal clarification. Bush cited analogy of asking for a new judge when 90% through trial. Applicant can always appeal decision. Bring back with revised wording.

9. REPORTS:

A. DIRECTOR: No items.

B. COMMISSIONERS: No items.

10. INFORMATIONAL: No items.

11. ADJOURN at 1:27 p.m. to September 11, 2014

Prepared by C.D. Ritter, commission secretary

Mono County Community Development Department

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September 11, 2014

To: Mono County Planning Commission

From: Courtney Weiche, Associate Planner

Re: Rock Creek Ranch Specific Plan Amendment 13-002 and Tentative Tract Map 37-56 Amendment

I. RECOMMENDATION

Staff recommends that the Planning Commission consider adoption of Resolution R14-06 taking the following actions and recommending that the Board of Supervisors:

Approve Specific Plan Amendment 13-002 and Tentative Tract Map 37-56 Amendment subject to the findings contained in Planning Commission Resolution R14-06.

II. PROJECT BACKGROUND

The Rock Creek Ranch Specific Plan, Tentative Tract Map (TTM) 37-56, and Final Environmental Impact Report (FEIR) were adopted by the Mono County Board of Supervisors on May 12, 2009. This approval established a land use plan and development standards for the Rock Creek Ranch site.

The Rock Creek Ranch site is a 55.4-acre parcel in the unincorporated community of Paradise in southern Mono County. The site is about 20 miles southeast of the town of Mammoth Lakes, 15 miles northwest of the city of Bishop, one mile west of US Highway 395, and one mile north of the Inyo/Mono county boundary. No commercial enterprises exist in the community of Paradise.

Since the tentative tract map was approved, the County suspended the housing mitigation requirements of Mono County Code Chapter 15.40, including any requirements imposed as conditions of approval for the Tentative Map. The suspension arose in response to changed market conditions that have increased the stock of affordable housing within the county and reduced the need for housing mitigation. The applicant has since modified the conditions of approval to reflect the existing housing mitigation ordinance requirements. The County and subdivider entered into a Housing Mitigation Agreement in August 2012 (see Attachment A).

The approved Housing Mitigation Agreement stipulated the Board of Supervisors must approve an amendment to the Tentative Map and Specific Plan, requiring the elimination of the five “density bonus” lots to be dedicated for affordable housing purposes, with the gross area of those lots divided amongst the remaining lots. A separate environmental review/analysis was required to amend the Tentative Tract Map and the Specific Plan to reflect the direction and approval of the Housing Mitigation Agreement.

In May 2013, the Board of Supervisors approved Specific Plan Amendment 13-001 and Tentative Tract Map 37-56 modification that eliminated the five “density bonus” lots to be dedicated for affordable housing and the 11 lots deed-restricted to include accessory dwelling units. Instead, accessory units are

permitted on all lots subject to compliance with the Mono County General Plan Chapter 16, Accessory Units.

During 2013, the applicant submitted an application for a second Specific Plan Amendment that would reduce the allowed lot number from 55 to 23, largely in response to recessionary economic conditions locally and across the country. The applicant had determined that larger lots would be more responsive to residential market demands than the approved Specific Plan. Processing of the 23-lot Specific Plan Amendment #2 had been substantially completed, including a recommendation of approval by the Planning Commission, when it became apparent that Cal Fire had changed its position that the project complied with fire codes. Upon learning of Cal Fire's revised position, the applicant initiated extensive adjustments that further reduced site development to a total of 10 lots. Accordingly, the applicant is now seeking approval of a revised second amendment to the Rock Creek Ranch Specific Plan.

III. SUMMARY OF PROPOSED PROJECT MODIFICATIONS

The proposed map and specific plan amendment incorporate a number of modifications designed to reduce overall land use intensity. The number of lots would be reduced from 55 to 10, the area designated as open space would increase from 20.05 to 37.93 acres¹, the 3.05-acre common-area recreation lot would be eliminated and sanitation would be provided by individual septic tanks rather than a package treatment plant, and the water system would be managed by the newly established Rock Creek Ranch HOA.

IV. COMMUNITY INPUT

Communication with both the local Paradise Fire Protection District as well as Cal Fire has been integral in developing the current proposed project. On August 25, 2014, an informal informational meeting was held to update the surrounding Paradise community on the project changes and status. After the meeting, the Paradise FPD chief informed staff that the FPD would be issuing a letter indicating it would serve the project. Cal Fire has submitted correspondence indicating that the 10-lot layout conforms to current state fire protection standards.

V. ENVIRONMENTAL REVIEW

The Rock Creek Ranch Specific Plan Final Environmental Impact Report (FEIR) was approved May 12, 2009. CEQA Guidelines Section 15164 (a) provides that "the lead agency or 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."

An Addendum to the Final Environmental Impact Report has been prepared by the County's environmental consultant, Bauer Planning and Environmental Services. The Addendum concludes that under CEQA guidelines section 15162, the proposed project amendments do not substantially change the project impacts or require major revisions to the FEIR.

The changes proposed with the layout of Amendment #2 were reviewed by Dr. James Paulus to assess the possible effects on the significant environmental impacts identified in 2008. Dr. Paulus noted that the proposed shift from a larger number of smaller lots to fewer relatively large lots would be a net benefit for wildlife and habitat.

No new impacts have been identified, nor are there substantial changes in the circumstances within which the project will be undertaken. In summary, the proposed Specific Plan Amendment #2 would reduce the

¹ Includes common open space (incl. open space in easements) & private open space (i.e the acreage outside of the allowed disturbance area on each lot).

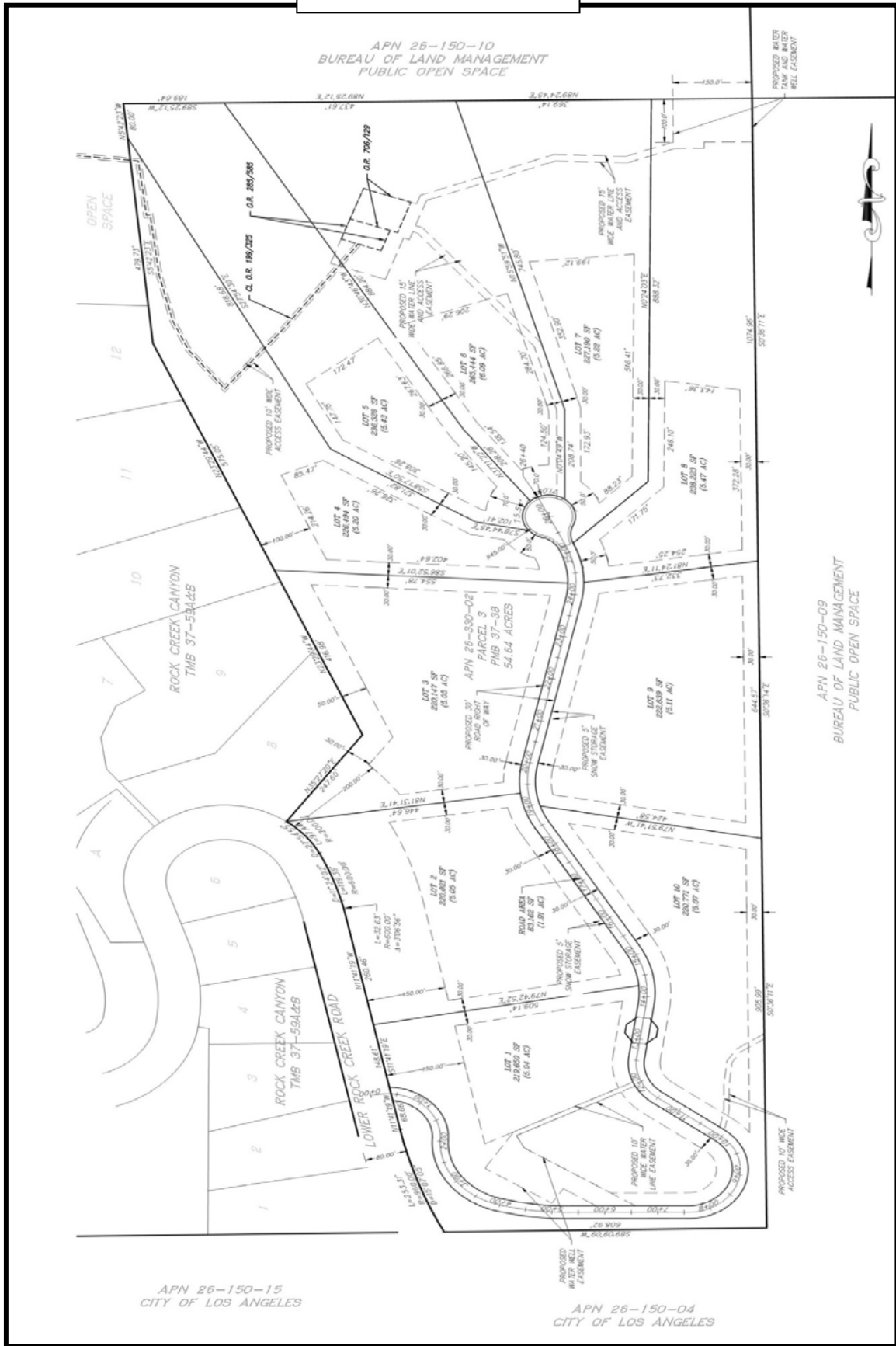
scope and severity of the significant and unavoidable adverse impacts identified in the 2008 EIR for the Rock Creek Ranch development.

VI. ENCLOSURES

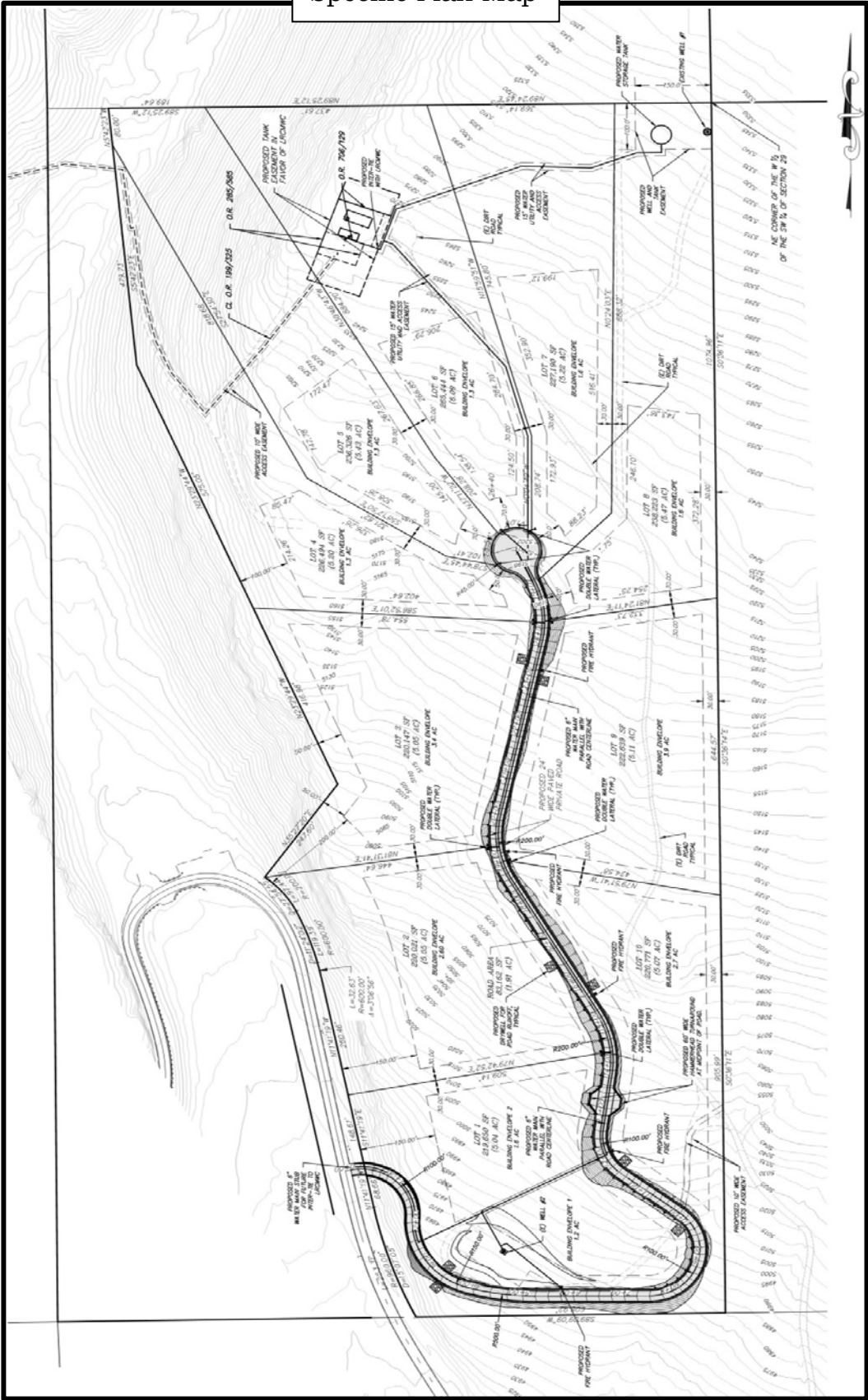
- 1) Revised Specific Plan Amendment 13-002
- 2) Draft Conditions of Approval
- 3) Addendum to the Rock Creek Ranch FEIR
- 4) Resolution R14-06

For the Rock Creek Ranch Specific Plan and Environmental Impact Report visit:
<http://monocounty.ca.gov/planning/page/specific-plans>

Tentative Tract Map



Specific Plan Map



ROCK CREEK RANCH DRAFT SPECIFIC PLAN REVISED AMENDMENT #2



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PROJECT APPLICANT/OWNER:

C & L Development
Paradise, California
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SEPTEMBER 2014

I. BACKGROUND

The Rock Creek Ranch Specific Plan and Tentative Tract Map 37-56 were approved by the Mono County Board of Supervisors on May 12, 2009. The approved project allowed for the 54.64-acre property to be subdivided into 60 lots, which included five lots that were deed-restricted for affordable housing, and eleven lots that were deed-restricted for accessory dwelling units. All sixteen of the deed-restricted lots were provided in compliance with requirements of a Housing Mitigation Ordinance in effect at that time of project approval. During July of 2011 the Housing Mitigation Ordinance was suspended by the Mono County Board of Supervisors. The applicant entered into a Housing Mitigation Agreement with the Board of Supervisors on August 7, 2012 that removed the requirement to provide the five deed-restricted affordable housing lots as well as the requirement for eleven lots to be deed-restricted for accessory dwelling units. A condition of the agreement required the applicant to amend the Tentative Tract Map and the Specific Plan to reflect the reduction of lots from 60 to 55. Specific Plan Amendment #1 was approved by the Board of Supervisors on May 7, 2013. In accordance with the California Environmental Quality Act, an addendum was prepared to address the project changes associated with Amendment #1.

During 2013, the applicant submitted an application for a second Specific Plan Amendment that would reduce the allowed lot number from 55 to 23, largely in response to recessionary economic conditions locally and across the country. The applicant had determined that larger lots would be more responsive to residential market demands than the approved Specific Plan. Processing of the 23-lot Specific Plan Amendment #2 had been substantially completed, including a recommendation of approval by the Planning Commission, when it became apparent that Cal Fire had changed its position that the project complied with fire codes. Upon learning of Cal Fire's revised position, the applicant initiated extensive adjustments that further reduced site development to a total of 10 lots. Accordingly, the applicant is now seeking approval of a second amendment to the Rock Creek Ranch Specific Plan. This Specific Plan sets forth and governs all zoning regulations, land uses, public works and development activity on the project site for the revised 10-lot Tentative Map layout.

II. SUMMARY OF PLAN AMENDMENTS

Table 1 below summarizes changes to the Specific Plan associated with revised Amendment #2.

Table 1
Revisions to the Rock Creek Ranch Proposed in Amendment #2 (Revised)

<i>SPECIFIC PLAN FEATURE</i>	<i>ORIGINAL SPECIFIC PLAN (2009)</i>	<i>SPECIFIC PLAN AMENDMENT #1 (2012)</i>	<i>PROPOSED SPECIFIC PLAN AMENDMENT #2 (Revised, 2014)</i>
Total Number of Lots	60	55	10
Total Number of Affordable Lots	5	0	0
Number of Required Secondary Units	11	0	0
Total Open Space Acreage^[1]	20.05	20.05	37.93
Common Area Recreation Lot Acreage	3.05	3.05	0
Primary Access Road ROW Acreage (not including cut & fill slopes)	4.98	4.98	1.91
Common Utility Acreage (Water, Sewer)	1.94	1.94	1.72
Total Disturbed Acreage maximum	16.01	16.01	13.18
Type of Sanitation System	Package Treatment Plant	Package Treatment Plant	Individual Septic System
Water System Management	Maintenance District	Maintenance District	HOA water service

^[1]Includes common open space (incl. open space in easements) & private open space (i.e the acreage outside of the allowed disturbance area on each lot).

The common open space acreage (previously set at 20.05 acres) has been eliminated in favor of the shared open space easement surrounding the water tanks on the northern property boundary, as well as the substantial acreage of private open space on each of the 10 lots now proposed. The reduced total disturbance area is due primarily to elimination of the common wastewater treatment facilities, as well as a reduction in the length of the primary access road.

III. PROJECT LOCATION

The Rock Creek Ranch project is located on a 54.64-acre parcel in the community of Paradise in southern Mono County. As a whole, Mono County is dominated by lands that are owned by the public and managed by various federal, state and local entities: the *General Plan* estimates that approximately 94% of the county land area is publicly owned, including 88% that is managed by federal agencies. Mono County is surrounded by 5 counties including Inyo County to the south (the Inyo County line is about 1 mile south of the Rock Creek Ranch Specific Plan area), as well as Fresno, Madera, and Alpine Counties on the west. The entire eastern Mono County boundary adjoins the State of Nevada.

The project site, known to many as “East Ridge,” is privately owned property located on unincorporated land. The site adjoins the old Paradise Resort & Restaurant, which is no longer in operation and for which development approvals were granted in 2010 allowing a total of thirteen residential lots and two lots dedicated for public use (one for trailhead parking and one for permanent open space). Farther to the west and northwest are approximately 132 privately owned residential parcels that comprise the unincorporated community of Paradise; the Paradise Fire Station is located about one-third mile to the northwest. There are no commercial enterprises in the community of Paradise. The project site fronts onto Lower Rock Creek Road, and is about 20 miles southeast of the Town of Mammoth Lakes, 15 miles northwest of the City of Bishop, 1 mile west of Highway 395, and 1 mile north of the Inyo/Mono County boundary.

The project site is currently undeveloped except for several graded (but not paved) access roads, test wells that were constructed to evaluate water supply and water quality, the Lower Rock Creek Mutual Water Company (LRCMWC) easement at the northwest corner, and several groundwater drilling sites and structures that were used to determine adequacy of onsite wells to meet project water demands. The LRCMWC easement is occupied by a subsurface 110,000-gallon potable water storage tank, and distribution lines leading westward to existing homes in the community of Paradise. The regional location and local area are depicted in Exhibits 3-1 (Regional Location Map), 3- 2 (Local Vicinity Map), and 3-3 (Project Environs).

IV ROCK CREEK RANCH SPECIFIC PLAN

IV.A PURPOSE, STATEMENT AND ISSUES ADDRESSED

The purpose of the Rock Creek Ranch Specific Plan is to establish a formal link between implementing policies of the Mono County General Plan and the Rock Creek Ranch development proposal. This amended Specific Plan: (1) establishes all zoning regulations, (2) governs all subdivision, public works project and development activity on the site, (3) sets forth the distribution, location and extent of land uses and essential facilities and utilities to serve the site, (4) defines the standards and criteria by which development will proceed, and (5) identifies specific measures and enforcement responsibilities for implementing all applicable regulations, programs, public works projects and financing activities. The project applicant and developer is C & L Development, LLC. The Specific Plan text was prepared by Bauer Planning and Environmental Services Inc., working with and under contract to the Mono County Community Development Department.

IV.B DETAILED STATEMENT OF THE PURPOSE OF THE SPECIFIC PLAN¹

A Specific Plan is a tool referenced in the California Government Code (CGC) for the systematic implementation of the general plan. Adoption of a Specific Plan is a legislative act, similar to adoption of a General Plan or zoning ordinance. Once adopted, the Specific Plan establishes a formal link between implementing policies of the general plan and the specific

¹ The basic contents, organization and structure of this Specific Plan, as well as much of the information provided regarding Specific Plans, have been drawn from the following source: *The Planner's Guide to Specific Plans*, prepared by the California Governor's Office of Planning and Research, 1400 Tenth Street, Sacramento, CA 95814.

development proposal for a given area. CGC §65450-565457 requires that a Specific Plan must be consistent with the adopted General Plan as well as any applicable Airport Land Use Plan. In turn, all subsequent site subdivision, development, public works projects and zoning regulations must be consistent with provisions of the Specific Plan.

Within the context outlined above, the regulations contained in this Rock Creek Ranch Specific Plan provide for development of the Rock Creek Ranch in a manner that reflects the spirit and intent of the development regulations of the Mono County General Plan, which also represents zoning within Mono County. These regulations set forth in text and diagrams: (1) the distribution, location and extent of land uses including Open Space, (2) the distribution, location and extent of essential facilities and utilities to serve the site, including transportation and access roads, (3) the standards and criteria by which development will proceed including standards for the conservation, development and use of natural resources, (4) implementation measures including regulations, programs, public works project and financing measures to carry out Specific Plan elements, and (5) a clear statement of the relationship of this Specific Plan to the Mono County General Plan.

IV. PLANNING AREA INFORMATION AND ENVIRONMENTAL CHARACTERISTICS

The site is currently characterized by undeveloped open space in the Rock Creek area of southern Mono County. Vegetation includes a riparian corridor along Lower Rock Creek that occupies about one-half acre of land in the northwestern-most property boundary. The majority of the site is xeric, with desert scrub vegetation. The site also contains an unpaved access road and gate, plus numerous informal trails, granitic rocks and small boulders, and a number of rock mounds and soil pits created during prior soil and percolation testing activities. No prior formal uses of the site have been recorded, nor have any formal development applications been filed with the county prior to the initial application submitted by C&L Development in 2003.

Offsite drainage enters the site from upgradient areas on the north and east. Drainage then crosses the site as sheet flow, exiting to the south and west. There are no distinct drainage swales or ditches on the site. The tributary area is estimated to be about 18-acres, and the total historic contribution to runoff from the site during a 25-year storm is calculated to be 25.76 cubic feet per second (cfs). The site is located outside of any designated flood zone and there are no defined natural drainage courses on the buildable portion of the site; Rock Creek flows through the northwestern-most portion of the site, and is designated in the Specific Plan as an open space area.

Most of the project site supports a contiguous stand of open scrub vegetation that is classified as High Desert Blackbush Scrub. Big Sagebrush Scrub can be found on thin strips of terrain west of the Lower Rock Creek riparian zone and between the base of the steep slope and Lower Rock Creek Road. The relatively small portion of the study area that is immediately adjacent to Lower Rock Creek is classified as Water Birch Riparian Scrub. The natural communities form the basis of wildlife habitats on the site, which include mourning dove, Steller's jay, white-crowned sparrow, common raven, northern flicker, and black-tailed jackrabbit. Evidence of coyote and mule deer was found throughout the site, and several bat species are known to occur in the immediate vicinity including fringed myotis, long-legged myotis, Yuma myotis, little brown bat, and spotted bat. The archaeological report concludes that there are no significant cultural resources on the site. A detailed discussion of the project planning area and environmental characteristics is provided in other sections of this document.

IV.D OBJECTIVES, POLICIES AND REGULATORY CONSIDERATIONS

The primary objective of the Rock Creek Ranch Specific Plan is to fulfill the *General Plan* vision for ultimate development of the Paradise community through a plan that protects the scenic, recreational and natural resources of the area while sustaining the small-town atmosphere and rural-residential character and quality of life that characterizes Mono County. An important secondary objective is to allow for enhanced reliability and fire safety to the Rock Creek Ranch project and the community of Paradise through a new interconnection between project water supplies (which will be privately owned and managed by a mutual water company) and water supplies serving the community at large (which are provided by LRCMWC). The Paradise Fire Protection District has indicated to the County that it will provide fire protection services to the 10-lot Rock Creek Ranch project.

CGC §65507 authorizes a legislative body to adopt an ordinance or resolution requiring that a Specific Plan be prepared when it is in the public interest to do so. The original Rock Creek Ranch Specific Plan proposed a development of 60 units in a semi-clustered configuration to conserve open space. In conjunction with Specific Plan Amendment #1, the plan was reduced to 55 units but remained otherwise substantially the same as the original plan layout. The current Specific Plan Amendment #2, which further reduces the plan to 10 lots, is subject to the provisions of the approved Specific Plan as modified herein. As noted in the General Plan Land Use Element, a Specific Plan is intended to function as an implementation mechanism for the General Plan and, once adopted, becomes a part of the General Plan. Where adopted, Specific Plans precede all other land use actions including subdivisions, tentative maps, land use changes, and other related actions.

The CGC (Title 7, Division 1, Chapter 3, Article 8) describes requirements for preparation and content of Specific Plans. These requirements mandate that a Specific Plan shall include a statement of the relationship of the Specific Plan to the General Plan, as well as text and diagram(s) that specify all of the following in detail: (1) the distribution, location, and extent of the uses of land, including open space, within the area covered by the plan; (2) the distribution, location, extent and intensity of major components of public & private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan; (3) standards and criteria by which development will proceed, & standards for the conservation, development, and use of natural resources, where applicable; and (4) a program of implementation measures including regulations, programs, public works projects, & financing measures needed to carry out items (1), (2), and (3).

CGC §65457 further provides that any residential development project that implements and is consistent with a Specific Plan for which an EIR has been certified after January 1980 is exempt from further CEQA requirements unless disqualifying events are found to apply. Disqualifying events include: (a) substantial changes that require major revisions of the EIR; (b) substantial changes with respect to circumstances under which the project will be undertaken that require major revisions in the EIR; and/or (c) new information becomes available that was not known and could not have been known when the EIR was certified. Approval of this Specific Plan Amendment #2 does not involve any disqualifying event and an Addendum to the Final EIR has therefore been prepared.

Specific Plan adoption generally occurs by Ordinance, but can also occur through a resolution. Adoption establishes the role of the Specific Plan as a set of zoning regulations intended to provide direction as to the type and intensity of uses permitted and associated design criteria.

IV.E RELATIONSHIP OF THE SPECIFIC PLAN TO THE GENERAL PLAN

Like zoning, a Specific Plan must be consistent with the General Plan Land Use Element and, once adopted, becomes a part of the General Plan. The Specific Plan implements the General Plan Land Use Element by setting specific standards and regulations to govern permitted land uses, future subdivision, lot dimensions, parking, open space and all other uses proposed for the site. The Mono County General Plan Land Use Element provisions for Estate Residential development have served as a model for Rock Creek Ranch, although the Specific Plan also incorporates some changes from these source materials.

Consistency with provisions of the General Plan is ensured through subsequent Site Plan Review procedures established herein. The review process provides for county review of detailed plans for each lot in Rock Creek Ranch, and provides assurance that each lot will be planned, constructed and maintained in a manner that conforms to this Specific Plan and is compatible with the surrounding environs. In keeping with General Plan Land Use Element §02.1060, site plan review will occur as part of the building permit review process.

IV.F RELEVANT PLANNING ISSUES, OPPORTUNITIES AND CONSTRAINTS

To set the framework for development of appropriate objectives, policies and actions, the Mono County General Plan identifies and evaluates issues, opportunities and constraints that shape development potential within the unincorporated area. The analyses include identification of issues that affect the county as a whole, as well as issues that are specific to land

uses in the special planning areas and those applicable to the county's Airport Land Use Plans for the airport facilities in Bridgeport, Lee Vining and Mammoth Lakes. Rock Creek Ranch is not in the vicinity of any of the airport planning areas, nor does it fall within any of the special planning areas for which Area Plans have been completed, although land use policies are currently being prepared for the community of Paradise and will be used in the ongoing General Plan update.

IV.G PROJECT CONSISTENCY WITH THE SPECIFIC PLAN

All planning and development actions in Rock Creek Ranch are required to be consistent with the conditions outlined in this Specific Plan. This requirement applies to initial site preparation as well as subsequent development and redevelopment of individual residential lots, roads, open space lands, utilities, and infrastructure improvements including the LRCMWC facilities located on this site but serving areas outside of Rock Creek Ranch.

The Mono County *General Plan* requires, in §36.050, that land development projects close to one another must be considered jointly under a single plan so that cumulative effects can be assessed. During 2010, the Mono County Board of Supervisors approved the Rock Creek Canyon project, located on the site of the old Paradise Lodge and adjoining the western boundary of Rock Creek Ranch. The approved Tentative Tract Map and Specific Plan for Rock Creek Canyon contains a total of 14 parcels including twelve residential lots and two lots that will be available for public use (one for trailhead parking and one for permanent open space). As in previous similar situations (where one adjacent submittal occurred much earlier than a later submittal), the county has conducted the joint review required by §36.050 as part of the Rock Creek Canyon EIR process for cumulative impacts.

IV.H PROJECT PHASING

The applicant proposes to complete all site improvements in a single phase. Improvements would include grading of roads and infrastructure improvements to develop on-site water and drainage systems, and installation of other utility systems (power, communication, etc.). The applicant has prepared a timeline in which grading would be initiated approximately six months following approval of Specific Plan Amendment #2 by the Mono County Board of Supervisors, and construction of individual residential lot improvements would be undertaken upon completion of grading. The schedule for build-out of the 10 single-family lots would depend on the rate at which the individual parcels are sold. Permitted land uses on all of the parcels would be governed by the Specific Plan provisions herein. Any proposed change to the approved site uses would require County approval of an amendment to the Specific Plan, including additional environmental documentation if and as required to comply with the California Environmental Quality Act (CEQA).

V. ROCK CREEK RANCH SPECIFIC PLAN LAND USE PLAN CONCEPT²

V.A DESCRIPTION OF ROCK CREEK RANCH LAND USE PLAN

The Tentative Tract Map (Exhibit 3-4) and the Specific Plan Improvements Map (Exhibit 3-5) depict the location and layout of the 10 residential lots and ancillary uses within the project site, as well as the defined building envelopes for each lot. Exhibit 3-6 profiles road gradients for the full length of the private road serving the project site. The project is served by a single access road from Lower Rock Creek Road that will provide direct access to each residential lot as well as easements and infrastructure improvements. An existing informal trail will allow residents to access Lower Rock Creek and the public hiking and biking trails along the Lower Rock Creek corridor.

Table 2 below summarizes the total area, building envelope and allowed disturbance area relative to total lot size for each of the ten single family lots proposed within Rock Creek Ranch. As shown, the ten Rock Creek Ranch residential lots will range in area from 219,650 sf (Lot 1) to 265,444 sf (Lot 6); the average lot size is 229,690 sf. The allowed distance areas vary based largely on the configuration of the lot relative to topographic limitations, the road alignment and the placement of utility

² The content and organization of this Specific Plan have been drawn from *The Planner's Guide to Specific Plans*, prepared by the California Office of Planning & Research, 1400 Tenth St., Sacramento.

easements. Although the size of building envelopes varies substantially between the 10 lots (ranging from 57,464 sf on lot 4 to 168,237 sf on lot 9); all lots share similar allowed disturbance areas (ranging from 54,913 sf on lot 1 to 66,361 sf on lot 6), based on a uniform maximum allowed disturbance area of 25% of total lot area. Prior to the 2009 approval of the Rock Creek Ranch Specific Plan, the property was shown for Estate Residential use, which allows for lot coverage up to 40% of total area.

Table 2
ROCK CREEK RANCH RESIDENTIAL LOT SIZES & DISTURBANCE AREAS (sf/ac)
 [[TABLE BELOW REPLACED BY TABLE AT BOTTOM]]

LOT #	TOTAL LOT SIZE (sf)	BUILDING ENVELOPE (sf/ac)	ALLOWED DISTURBANCE AREA RELATIVE TO TOTAL LOT SIZE (%/sf/ac)
1	219,650	123,200 / 2.83	25% / 54,913 / 1.26
2	220,021	113,139 / 2.60	25% / 55,005 / 1.26
3	220,147	143,604 / 3.30	25% / 55,037 / 1.26
4	226,494	57,464 / 1.32	25% / 56,624 / 1.30
5	236,326	59,328 / 1.36	25% / 59,082 / 1.36
6	265,444	66,828 / 1.53	25% / 66,361 / 1.52
7	227,190	70,804 / 1.63	25% / 56,798 / 1.30
8	238,223	70,595 / 1.62	25% / 59,556 / 1.37
9	222,639	168,237 / 3.86	25% / 55,660 / 1.28
10	220,771	118,742 / 2.73	25% / 55,193 / 1.27
TOTAL	2,296,905	991,941 / 22.77	25% / 574,226 / 13.18

Table 3 provides a summary profile of the allowed disturbance areas within Rock Creek Ranch, including land to be set aside for easements and infrastructure improvements; note that all acreages herein are estimates, and may be slightly modified as the detailed utility specifications and design plans are finalized during plan check reviews. As shown, an estimated 3.10 acres will be used for road improvements (including cut and fill slopes), 1.72 acres will be set aside for water improvements, and the allowed residential disturbance areas will total approximately 13.15 acres of land. Private open space (defined as the acreage outside of the allowed disturbance area on each lot) will represent a total of 37.93 acres, compared with 20.05 acres in the approved 60-lot Specific Plan. Exhibit 5, the Specific Plan Map, provides detailed diagrams of access and water system improvements.

Table 3
PROFILE OF DISTURBANCE AREAS

PROJECT LOT/ELEMENT	AREA (acres)
Maximum Lot Disturbance Area	13.18
Road Disturbance Area	3.10
Water Facilities Disturbance Area	1.72
Private Open Space	37.93

V.B IMPLEMENTING REGULATIONS AND ORDINANCES

The following uses are permitted in Rock Creek Ranch subject to site plan review and approval of a Building Permit:

- a. **Residences:** Single-family dwellings.
- b. **Gardens:** Small scale food production for personal use.
- c. **Accessory Structures:** Accessory buildings and uses, provided that such uses are customarily incidental to any of the permitted uses, located on the same lot, and constructed simultaneously with or subsequent to the main building. All other accessory uses shall be subject to director review.
- d. **Pets:** Animals and pets, subject to standards in the adopted General Plan for Estate Residential uses, except that domestic animals shall be restrained at all times consistent with the requirements of Specific Plan §V.D.h(i—vii). As

noted, the maximum fenced area shall not exceed 20% of the area inside the building setback on each lot, and shall be constructed with materials allowed in this section. Such fencing shall incorporate a wire mesh into the 3 wood rails, and at no time shall pets be allowed to roam freely.

- e. **Home Occupations:** Home occupations, subject to standards in the adopted General Plan.
- f. **Open Space:** Open space uses, including trails and paths for use by HOA members, subject to Regulations in §V.H.
- g. **Water Facilities:** Water facilities, subject to the Regulations of §V.H.2.
- h. **Solar:** Private solar energy systems, subject to the Regulations of §V.D.k.

V.C USES PERMITTED SUBJECT TO DIRECTOR REVIEW

The following uses shall be permitted subject to review by the Mono County Planning Director:

- a. **Accessory Structures:** Construction of an accessory structure prior to construction of the main building.
- b. **Other:** Any other use that is found by the Planning Commission to be compatible with the purpose and objectives of this Specific Plan.

V.D RESIDENTIAL DEVELOPMENT STANDARDS

The following residential site development standards shall apply:

- a. **Minimum Lot Area:** 200,000 square feet net.
- b. **Maximum Number of Residential Lots:** 10 lots.
- c. **Building Lot Dimensions:** As shown on Specific Plan Map.
- d. **Building Height Limit:** 28 feet above the preconstruction existing grade at any given point of the site, inclusive of all utilities and ornamentation.
- e. **Maximum Lot Coverage:** Maximum lot coverage shall not exceed 25%% of the total area on any lot.
- f. **Maximum Landscape Coverage:** 15% of lot acreage, landscape area may not exceed or extend outside of the allowed disturbance area on any lot.
- g. **Setbacks:** Structural improvements on each residential lot shall be confined to the allowed disturbance area designated in Exhibit 3-6.
- h. **Fencing:**
 - i. All fencing on residential lots shall be constructed of wood materials.
 - ii. Fencing shall be permitted only inside the allowed disturbance area designated for each lot.
 - iii. The maximum fenced area shall not exceed 20% of the land inside the allowed disturbance area on each lot.
 - iv. All residential fencing shall be a maximum of 5 feet high and constructed of three wood rails. Rock may be used only on the fencing posts. 'Trex'-type lumber may be used, but all-plastic lumber shall not be permitted. Pet fencing shall be within the confines of the maximum fenced area allowed herein, and shall consist of a wire mesh incorporated into the 3 wood rails allowed herein.
 - v. Fencing for water systems shall be adequately screened and constructed of materials and dimensions as required for safety and security.
 - vi. Fencing shall not be placed so as to restrict access to public lands, and fencing shall not block any extensions of right-of-way easements or non-motorized bike or pedestrian paths that extend through to public lands.
 - vii. **Pet Restraints:** The project is subject to leash requirements intended to minimize impacts on important deer habitat. The leash requirements obligate owners to ensure that pets are leashed or restrained with fencing at all times when out of doors. Dog enclosures must be designed so as to prevent the dog(s) from straying onto public land or adjacent properties. Pet fencing shall be within the confines of the fenced area allowed in this section (i.e., the maximum fenced area, and any associated pet fencing, shall not exceed 20% of the land inside the allowed disturbance area on each lot), and constructed with materials allowed in this section. Such fencing shall incorporate a wire mesh into the 3 wood rails allowed in §V.D.h (iv) above.
- j. **Energy & Water Conservation:** Energy conservation features shall conform to current building code standards.
- k. **Solar systems:** Solar systems are strongly encouraged and shall comply with the following standards and/or current building code requirements:
 - i. Solar PVC systems are encouraged to be fully integrated into the roof system
 - ii. Solar panels shall not extend more than 5" above the roof line.

- iii. Conduit and wiring shall be screened from view or painted to blend with the roofing material.
- iv. Any inverter boxes shall be screened from view or painted to blend with roofing materials.
- i. **Deer Protection:** Parcel grading operations, structural foundation work, framing work and similar heavy construction activities shall be restricted to the period between May 15 and October 1 to minimize disturbance to migrating and wintering deer.
- m. **Biological Resource Protection:** Domestic animals shall at all times when outdoors be restrained with fencing or leashes and kept under owner control. Under no circumstances shall domestic animals be allowed to roam freely.
- n. **Waste Management:** The Covenants, Conditions and Restrictions (CC&Rs) shall provide information about waste management and disposal.
- o. **Best Management Practices (BMPs):** BMPs shall be utilized in the construction of each individual home site to minimize or prevent erosion, sedimentation, and contamination. BMPs shall comply with the special conditions outlined in §5.3 of the Rock Creek Ranch Draft EIR³ and shall also include: (1) short-term storage of all construction wastes areas outside the path of storm flows and disposal at a permitted transfer station or landfill; (2) minimizing the footprint of construction zones and prompt installation of erosion controls; (3) stabilizing disturbed soils with landscaping, paving or reseeding to reduce or eliminate the risk of further erosion; (4) perimeter drainage controls to direct runoff around disturbed construction areas; (5) internal erosion controls to allow direct percolation of sediment-laden waters on the construction site; and (6) regular inspection and maintenance of all equipment used during construction.

V.E LANDSCAPING AND SCREENING

It is intended that all landscaping within Rock Creek Ranch will maintain a sense of visual continuity with surrounding lands and properties. The following standards and requirements shall apply:

- a. **Plant Materials:** Landscaping within Rock Creek Ranch shall consist solely of plant materials that are native to the Mono County region and have value to native wildlife, and non-native species that are compatible with native plant materials, have low propagation characteristics, are drought tolerant, and are not invasive.
- b. **Landscape Irrigation:** Permanent irrigation on residential lots shall be limited to a maximum 15% of lot area, except that the irrigated landscape area may not exceed or extend outside of the allowed disturbance area on any lot. Water conserving irrigation systems are required on all residential lots to minimize irrigation water demand.
- c. **Landscape Maintenance:** All landscaping shall be maintained in a neat, clean, and healthy condition.
- d. **Landscape Plan:** As part of building permit review, each individual residential lot application shall be accompanied by a landscaping plan that demonstrates compliance with regulations in this Specific Plan. Invasive species shall be prohibited within any portion of Rock Creek Ranch.
- f. **Protections for Native Vegetation:** Property owners shall be prohibited from clearing native vegetation except as shown on the approved landscape plan submitted for each lot, subject to current laws and regulations concerning fire safety and habitat protection.

V.F BUILDING MATERIALS AND COLORS

The following standards for building materials and colors within Rock Creek Ranch are intended to ensure a community that maintains an overall desirable appeal and visual continuity with surrounding lands and properties. The guidelines set forth below are not intended to discourage creativity or personal taste, but rather to protect the overall integrity of the community and individual owner's investments. Deviations from the standards contained herein must be approved by the local Home Owners' Association.

- a. **Roofs:** Roofs must meet county fire codes and must be made of non-reflective material except where using fully integrated solar roofing. Acceptable roofing types include Comp Shingle, corrugated metal (dark or rust), Dark Tile, slate and shake if fireproof. Other types of roof must be approved by the Rock Creek Ranch Homeowners Association (HOA). Sky lighting is acceptable if integrated into the roof. Solar panels that rise more than 5 inches above the roof

³ Measures in §5.3 require (a) that construction activities be restricted to the period between May 15 and October 1 (to minimize disturbance to deer); (b) areas disturbed during construction shall be revegetated with native species in order to establish deer habitat as soon as possible following construction, and revegetation of disturbed areas shall require the use of native seeds, native plants grown from seeds or seedlings obtained from local native stock. Revegetated areas shall be monitored for a period of five years to ensure the success of the planting and shall be replanted if necessary; and (c) dogs belonging to individuals involved in construction activities shall be prohibited in the project area during construction phases.

plane are not acceptable.

- b. **Driveways:** All driveways shall be paved with materials that are typical to the area, such as concrete, pavers, asphalt, brick and stone. Use of 'turf stone' and/or other runoff-reducing materials is encouraged.
- c. **Siding:** All siding materials shall meet current fire and building codes. Wood, engineered composite wood (i.e. Hardi), shake, shingle, log, timber, stone, brick, and steel (i.e. rusted corrugated metal) are all examples of allowable type siding. Vinyl, lapboard, and other siding with seams are not acceptable. Stucco should be limited to 25% of the total siding.
- d. **Home styles:** Homes must be built of conventional wood and/or steel methods including log or timber. Mountain, ranch and craftsman style architecture is encouraged as well as use of environmentally "green" materials and concepts (i.e., passive solar and water conservation techniques). This section outlines the basic architectural guidelines to be enforced by the HOA. Colors or color patterns not found appropriate by a majority of the home owners is subject to change at the cost of the owner. The CC&Rs will provide a more complete set of guidelines.
- e. **Color Themes:** CC&Rs for this project will limit the color palette of future homes to natural tones that will be compatible with native soil and plant materials on the site. The primary colors should include earth tones such as Greens, Browns, Tans, Brownish Reds, Dark Grays, natural woods, natural stains and other colors that are compatible and blend with the natural surroundings. Natural and wood-colored stains are acceptable. Deviations from these guidelines shall be submitted to HOA for approval. Similarly, bright colors and reflective materials are not acceptable without HOA approval.

V.G LIGHTING STANDARDS

All outdoor lighting within the Rock Creek Ranch project shall comply with requirements set forth in Chapter 23 of the Mono County Code, the Dark Sky Ordinance.

V.H OPEN SPACE DEVELOPMENT STANDARDS

- a. **Open Space Acreage:** Open space requirements shall be met through the open space on each private lot, and common access to the Lower Rock Creek area as provided through trail easements.
- b. **Fencing:** Fencing shall be prohibited in any open space area (but not including the water facilities, which may be fenced subject to provisions of Specific Plan §V.I.2.c(iii)).
- c. **Landscaping:** Plant materials in the open space areas shall be limited to existing native plants. Where replanting is necessary due to disturbance during construction, the landscaping shall be limited to plant materials that are native to the Mono County region and have value to native wildlife.
- d. **Lighting:** Lighting shall be prohibited in the open space areas (but not including the water facilities, which may have lighting as allowed in Specific Plan §V.I.2.c(ii)).
- e. **Off-Highway Vehicle (OHV) Use:** OHVs shall be permitted subject to the CC&Rs, areas except that OHVs used for maintenance, emergency or public safety purposes shall be permitted.
- f. **Habitat Protection Guidelines:** The CC&Rs shall contain information on project habitat values and habitat protection as a means to educate homeowners and safeguard native resources.
- g. **Open Space:** The CC&Rs shall contain information to inform residents of the nature and extent of natural hazards in the project area, and ways to minimize the associated public health risks.

V.I INFRASTRUCTURE DEVELOPMENT STANDARDS

V.I.1 Access and Transportation

- a. **Street Standards**
 - i. All interior roads in Rock Creek Ranch shall be offered for dedicated to the county, paved, privately maintained and improved to standards adequate for public safety and access; the streets shall be maintained as private streets if the county does not accept the offer of road dedication.
 - ii. Appropriate dedications for rights-of-way and/or easements shall be required on the Subdivision Map for project streets, utilities, drainage, snow storage, etc., in conjunction with the project phases.
 - iii. Private roads shall meet or exceed minimum Fire Safe Standards and shall provide for an appropriate maintenance entity, such as the HOA or a community services district, prior to recordation of a Subdivision Map.
 - iv. The interior street serving Rock Creek Ranch shall have a minimum overall right-of-way of 30 feet.

- v. Two travel lanes shall be provided, with one lane for each travel direction. Each of the two lanes shall have a minimum paved width of 12 feet.
- vi. Access points, street crossings, stop signs, barrier posts, and other signs, markings, and measures shall be installed as appropriate to enhance safety.
- vii. A five-foot wide easement for snow storage shall be provided alongside each lane of the primary internal roadway.
- viii. The primary interior street serving Rock Creek Ranch shall have one public access onto Lower Rock Creek Road.
- ix. A secondary emergency access may be provided across public lands upon approval by the appropriate agency.
- x. Interior slopes on the primary access road shall not exceed a maximum grade of 15.0%.

b. Parking Standards

- i. All parking shall be provided in accordance with Mono County General Plan requirements.
- ii. On-street parking shall be prohibited.
- ii. Driveways shall be paved and designed to minimize grades so that year-round access is assured and on-street parking avoided.
- iii. Each lot owners shall be encouraged to store any and all RV units, boats, trailers, ATVs, snowmobiles and similar items in a fully-enclosed structure that is integrated with the residential structure, or in an attached parking structure that conforms to the design of the primary residence.

c. Signage Standards: Sign standards for the internal road serving Rock Creek Ranch shall be the same as required for rural residential roads, except that the following additional provisions shall also apply:

- i. To minimize direct mortality impacts to deer from vehicle collisions, signs shall be posted along roads within the project area warning drivers of the presence of deer.
- ii. A 25-mile per hour speed limit shall be established on residential streets in the proposed project.
- iii. To warn motorists of potential traffic exiting out of the project access road, a 'W2-2' side street warning sign shall be installed approximately 180 feet in advance of the access road for each traffic direction of Lower Rock Ck. Rd.

V.I.2 Rock Creek Ranch Water Facilities

The following water facility development, management and operation standards shall apply:

a. HOA Water Service

- i. An independent community water service shall be created by the owners of lots within Rock Creek Ranch. The water service so provided shall be responsible for compliance with all applicable requirements of the County and State agencies, including any requirements pertaining to inspection and testing of the water treatment and delivery system, filing of reports with the Mono County Health Dept. and/or any other pertinent approvals granted by County or State agencies, and compliance with all updated conditions of approval for the Rock Creek Ranch Amendment #2 project. Rock Creek Ranch lot owners shall be solely responsible for payment of all maintenance, operating, inspection and reporting costs. In brief, the project water system is a 'State Small system' and as such is required to (a) submit to the local health officer a technical report that fully describes the water system and management program;⁴ (b) sample once for fluoride, iron, manganese, chlorides, total dissolved solids and inorganics; annually for nitrates; and quarterly for bacteriological analysis and (c) provide a notice to customers informing them of 'small water system' requirements and all contact information.⁵ Because the system is not a

⁴ Calif. Code of Regulations (CCR) Article 3, §64211(b) A state small water system shall submit a technical report to the local health officer as part of the permit application. The report shall describe the proposed or existing system as follows: service area, distribution system including storage and pumping facilities, the water source including source capacity, water quality, and any water treatment facilities. The report shall identify the owner of the system and the party responsible for day to day operation of the system. The report shall include a plan for notification of those served by the system under emergency conditions. The report shall describe the operating plan for the system and shall specify how the responsible party will respond to failure of major system components.

⁵ CCR code Article 3, §64211 (d) A state small water system shall provide the following notice to the consumers served by the state small water system: "The domestic water supply for this area is provided by a state small water system. State regulatory requirements for operation of a state small water system are less extensive than requirements for larger public water systems. If you have questions concerning your water supply, you should contact [insert (1) name of water system, (2) name of responsible person, & (3) telephone #] or your local health department." This notice shall be by direct delivery on an annual basis or by continuous posting at a central location within the area served by the state small water system.

'Public Water System' it will not be required to provide treatment for arsenic; however, any MCL exceedance will require public notification.⁶

- ii. The independent community water service shall be the responsible entity in the event remedial actions are required for any aspect of the water production, storage, treatment, or distribution facilities. All remedial activities shall be undertaken in a timely manner as determined by the Mono County Health Department. Rock Creek Ranch lot owners shall be solely responsible for the payment of all remedial actions.
- iii. Toxic materials used in water treatment, storage or delivery (if any) shall comply with all relevant laws and regulations governing use, storage and disposal.
- iv. Individual water production wells shall be prohibited in Rock Creek Ranch.

c. Design Standards:

- i. Water production, storage and delivery facilities shall be concealed from view through underground construction, berms and use of materials that conform to the architectural standards and colors outlined in this Specific Plan. The colors used shall be taken from the darkest colors of the surrounding landscape.
- ii. Lighting at the water production and storage facilities shall be limited to motion sensor lighting as required for security.
- iii. Fencing at the water production and storage facilities shall conform to the development standards in Specific Plan §V.D.h and shall be architecturally compatible with the residential area, consistent with requirements for public safety and security.
- iv. The project shall have an intertie point with Lower Rock Creek Mutual Water Company, located in the vicinity of the existing LRCMWC storage tank, if and as determined in consultation with the Paradise Fire Protection District.

V.I.3 Drainage Facility Development Standards

- a. **Standards:** All interior streets shall be constructed with a minimum three-foot wide rock-lined roadside and shall include culverts fitted with flared end sections, drop inlets, and other drainage structures as necessary to collect and convey storm waters generated by the 20-year event.
- b. **Discharges:** Storm water quantities exceeding predevelopment levels shall be retained on-site. The off-site discharge of any pre-development flow quantities shall be routed through a sediment basin prior to discharge.
- c. **Management:** All drainage facilities shall be managed and maintained by a private maintenance entity such as the HOA.

V.I.4 Solid Waste Disposal Development Standards

- a. **Standards:** The project CC&Rs shall include a provision that any commercial waste disposal receptacles provided for long-term residential use (i.e., rather than one-time construction use) shall be stored in bear-proof bins enclosed within a three-sided enclosure equipped with a gate (to provide visual screening). Structure design and construction materials shall conform to standards established by this Specific Plan and shall be approved by the HOA.

⁶ CCR, Title 17 & Title 22, Ch. 14, Water Permits, Article 3(a), State Small Water Systems: "No person shall operate a State Small Water System unless a permit to operate the system has been issued by the local health officer. Within 30 calendar days of receipt of an application for a permit, the local health officer shall inform the applicant in writing that the application is either complete & accepted for filing or that it is deficient and what specific information or documentation is required to complete the application." §64212, Bacteriological Quality Monitoring (a): "Each water supplier operating a small state water system shall collect a minimum of one routine sample from the distribution system at least once every three months." Per §64252, Primacy Delegation Application subsection (a)(2), "surveys shall be repeated every 5 years." Article 4, Primary Standards-Inorganic Chemicals §64431 – Maximum Contaminant Levels (MCLs)-Inorganic Chemicals sets forth standards for applicable chemicals which on Rock Creek Ranch include Arsenic (MCL of 0.011 milligrams per liter [mg/l]), Nitrate as NO₃ (MCL of 45 mg/l), and perchlorate (MCL of 0.006 mg/l). §64432-Monitoring and Compliance-Inorganic Chemicals subsection (a) requires: "All public water systems shall monitor to determine compliance with the nitrate and nitrite MCLs...All community and nontransient-noncommunity water systems shall also monitor to determine compliance with the other MCLs...Monitoring shall be conducted in the year designated by the Department of each compliance period beginning with the compliance period starting January 1, 1993." Subsection (c)(1) requires: "All systems monitoring at distribution entry points which have combined surface and groundwater sources shall monitor annually." Subsection (c)(2) requires, "Quarterly samples shall be collected and analyzed for any chemical if analysis of such samples indicates a continuous or persistent trend toward higher levels of that chemical based on an evaluation of previous data."

V.I.5 Additional Provisions

- a. **Best Management Practices (BMPs):** BMPs shall be utilized throughout the construction of project infrastructure to minimize or prevent erosion, sedimentation, and contamination. BMPs shall comply with the special conditions outlined in Draft EIR §5.3,⁷ and shall also include: (1) short-term storage of all construction wastes areas outside the path of storm flows and disposal at a permitted transfer station or landfill; (2) minimizing the footprint of construction zones and prompt installation of erosion controls; (3) stabilizing disturbed soils with landscaping, paving or reseeding to reduce or eliminate the risk of further erosion; (4) perimeter drainage controls to direct runoff around disturbed construction areas; (5) internal erosion controls to allow direct percolation of sediment-laden waters on the construction site; and (6) bid specifications that require regular inspection and maintenance of all equipment used during construction.
- b. **CC&R Notification of Homeowner Responsibilities:** The project CC&Rs shall notify Rock Creek Ranch residents and potential buyers of all Homeowners' Association responsibilities pertaining to funding, operation, maintenance and reporting of shared project facilities. Such obligations shall include, at a minimum, sole long-term responsibility for all funding, operation, maintenance and reporting obligations associated with the water service system, drainage improvements, snow clearing and storage, the private interior road, any trails and paths, the septic system, onsite fire prevention activities including maintenance of a fuel break and fuel loading reduction program, and all similar and related project improvements and facilities.

VI. ROCK CREEK RANCH EASEMENTS

The following easements have been recorded on the project site prior to development of Rock Creek Ranch and may affect all or part of the property:

VI.A SOUTHERN CALIFORNIA EDISON COMPANY (SCE)

- An easement for existing underground or aerial electric and communication lines to SCE per 101/172 O.R.

VI.B LOWER ROCK CREEK MUTUAL WATER COMPANY

- An easement for water pipelines and incidental purposes, reservoir, and pumping plant system to Lower Rock Creek Mutual Water Company per 107/16 O.R.
- An easement for water pipelines, reservoir, and pumping plant system to LRCMWC per 199/325 O.R.
- An easement for water tank to Lower Rock Creek Mutual Water Company per 285/585 O.R.
- An easement for construction, operation and maintenance of a waterline, well and equipment, and access thereto, to Lower Rock Creek Mutual Water Company per 706/127 O.R.
- An easement for construction, operation and maintenance of a waterline, well and equipment, and access thereto, to Lower Rock Creek Mutual Water Company per 706/129 O.R.
- An easement for construction, operation and maintenance of a waterline, well and equipment, and access thereto, to Lower Rock Creek Mutual Water Company per Inst. #2003004318.

VII. OTHER PROVISIONS

VII.A ELECTRICITY

SCE provides electricity to the project region. Onsite power lines will be placed below-grade.

VII.B PROPANE TANKS

Gas service to Rock Creek Ranch lots shall be served through individual propane tanks.

⁷ Measures in §5.3 require (a) that construction activities be restricted to the period between May 15 and October 1 (to minimize disturbance to deer); (b) areas disturbed during construction shall be revegetated with native species in order to establish deer habitat as soon as possible following construction, and revegetation of disturbed areas shall require the use of native seeds, native plants grown from seeds or seedlings obtained from local native stock. Revegetated areas shall be monitored for a period of five years to ensure the success of the project and shall be replanted if necessary; and (c) dogs belonging to individuals involved in construction activities shall be prohibited in the project area during construction phases.

- a. **Location:** Each propane tank shall be located in accordance with county regulations and screened from off-site view by approved vegetation or fencing. Fuel distribution lines shall be constructed underground.
- b. **Maintenance:** Propane tanks shall be maintained by the propane provider; no easement will be required.
- c. **Screening:** The project CC&Rs shall include a provision that any individual propane tank shall be screened from view from any abutting lot, street or highway.
- d. **Design and Construction:** The design and construction materials of such screening shall conform to Fire Department standards for public safety as well as the standards established by this Specific Plan, and shall be approved by the HOA.

VII.C SCREENING OF MECHANICAL AND ELECTRICAL EQUIPMENT

Excepting solar panels, exterior components of plumbing, processing, heating, cooling and ventilation systems, and transformers shall not be visible from any abutting lot, street or highway.

VII.D ANTENNAS

With the exception of individual TV satellite antennas (which are exempt), dishes, transmitters and antennas shall be allowed subject to approval of the Rock Creek Ranch HOA. Where permitted, such features shall be placed within the height limits described above, and shall be wholly screened from view by architecturally compatible landscaped berms, plantings, walls, solid fencing, or a combination of these materials.

VII.E TOXIC MATERIALS

Except as otherwise provided in this Specific Plan, no toxic materials handling shall be permitted within Rock Creek Ranch except for small quantities of domestic products that are available in retail outlets. Such permitted uses shall comply with all relevant laws and regulations governing use, storage and disposal.

VII.F WOOD-BURNING APPLIANCES

Residents, tenants and owners shall be prohibited through deeds of sale and/or lease agreements from installing wood-burning appliances (including fireplaces) that do not comply with current standards for control of particulate emissions.

VII.G STRUCTURAL FIRE PROTECTION

All structures in Rock Creek Ranch shall comply with current requirements of the Paradise Fire Protection District for structural fire protection.

VII.H SIGN STANDARDS

Unless otherwise noted herein, all sign provisions in Rock Creek Ranch, including permitted and prohibited signage, shall be governed by provisions in General Plan Land Use Element Chapter 7 (page II-327).

VIII. IMPLEMENTING REGULATIONS AND ORDINANCES

VIII.A CAPITAL IMPROVEMENT PLAN

Project improvement costs, exclusive of land acquisition, are estimated by the project applicant to be \$1,729,623 (in 2014 dollars). Cost components include \$205,000 for earthwork and erosion control, \$270,720 for paving, \$155,000 for drainage improvements, \$573,300 for water improvements, \$300,000 for underground utilities, and a 15% contingency reserve of \$225,603. Private financing will cover the cost of most project improvements.

VIII.B FEES AND FINANCING MEASURES

CGC §65456 allows a legislative body to impose a charge on persons seeking approvals required to be consistent with an adopted specific plan. Consistent with this provision, Mono County has adopted a fee schedule for processing and review of Specific Plan documents. All required fees have been paid. All capital improvements and project elements will be privately financed. No public funds will be used in planning, construction, operation or maintenance of any Rock Creek Ranch improvements or facilities.

VIII.C PHASING PLAN

All road and infrastructure improvements for Rock Creek Ranch are to be constructed in a single phase; these shall include grading and paving of roads and water improvements including associated open space improvements. Residential lot grading and building improvements will be the responsibility of future lot owners and phased in accordance with lot sales and the plans of individual buyers.

IX. SPECIFIC PLAN AMENDMENT PROCEDURES

IX.A MAJOR AMENDMENTS

The process of amending a specific plan is generally the same as that for amending a General Plan. Accordingly, the county or the owner or owners of any single lot or lots within Rock Creek Ranch may initiate an amendment to this Specific Plan. Major Amendments must be approved by the Planning Commission and the Board of Supervisors, and must follow the procedures outlined below.

- a. The amendment shall be in accordance with CGC §65500-65507, and Mono County Code §19.46.
- b. The amendment shall be in compliance with CEQA requirements.
- c. Modifications to the subdivision plan after approval of Tentative Tract Map #37-56 shall be in accordance with the California Subdivision Map Act and Mono County procedures for implementation of the Map Act.

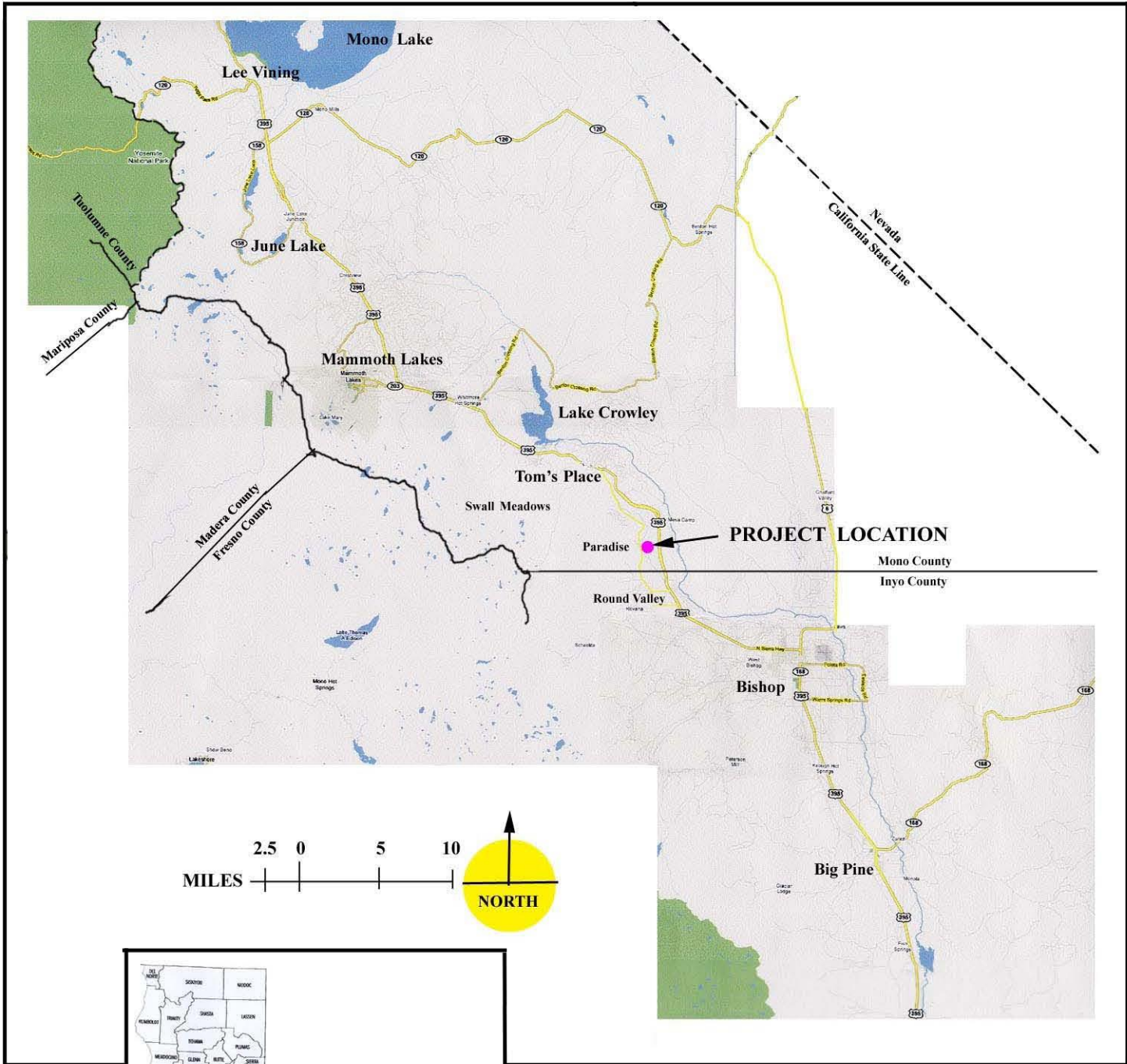
IX.B MINOR MODIFICATIONS

Minor modifications to the Specific Plan may be approved by the Community Development Director. Minor modifications may include changes in architectural colors or details, minor modifications to the street layout or public facility improvements, minor changes to utility placement or layout, minor changes to trail placement, as well as minor modifications to the subdivision plan (such as lot line adjustments and divisions) and other similar changes. Minor modifications to the subdivision plan, such as lot line adjustments and divisions, shall not require an amendment to this Specific Plan provided the Mono County Planning Director finds the modification is consistent with the general nature and intent of this Plan.

X. SPECIFIC PLAN ENFORCEMENT

X.A SUBDIVISION REQUIRED

No development of the property shall occur, nor shall any permit related to such development (e.g., building permit, grading permit) be issued unless and until the property is subdivided in accordance with this Specific Plan.



Regional Location Map

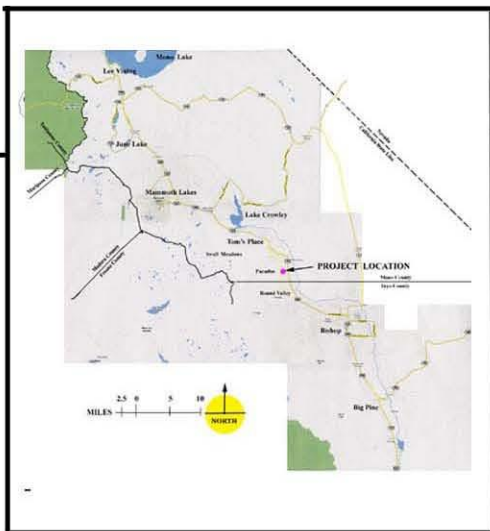
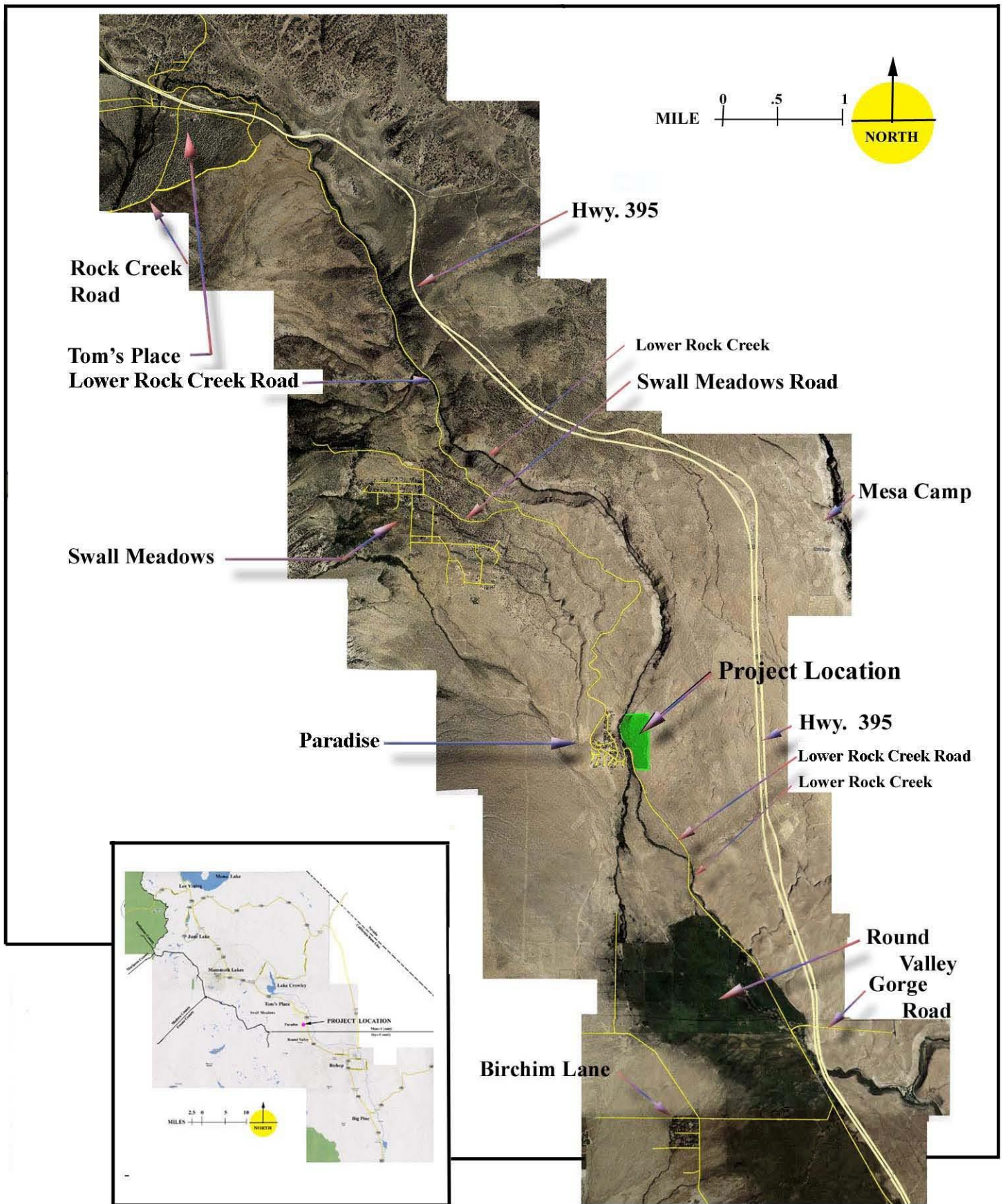


California Map

ROCK CREEK RANCH EIR
EXHIBIT 3-1



BAUER PLANNING & ENVIRONMENTAL SERVICES, INC.



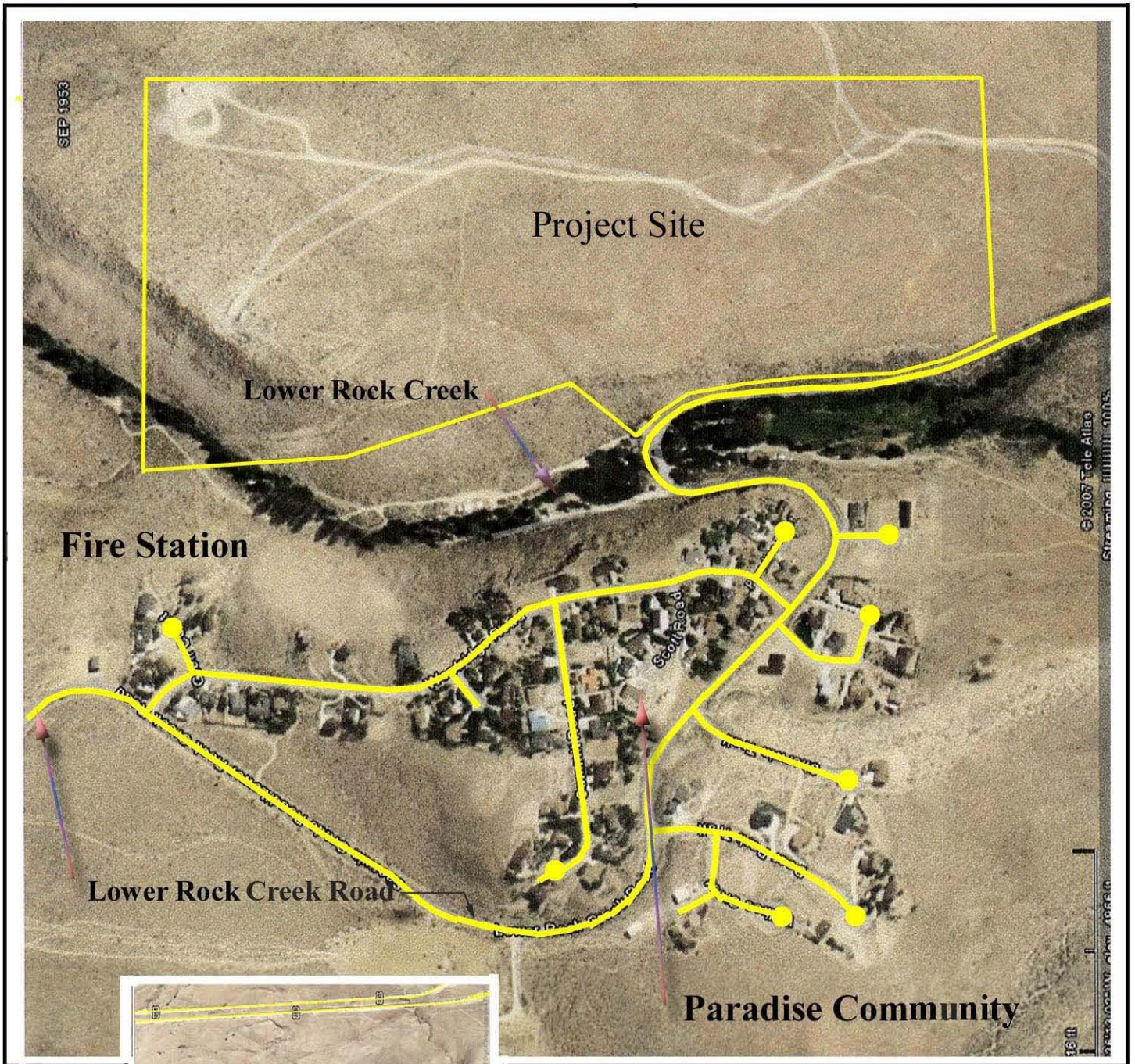
Local Vicinity Map

ROCK CREEK RANCH EIR

EXHIBIT 3-2



BAUER PLANNING & ENVIRONMENTAL SERVICES, INC.



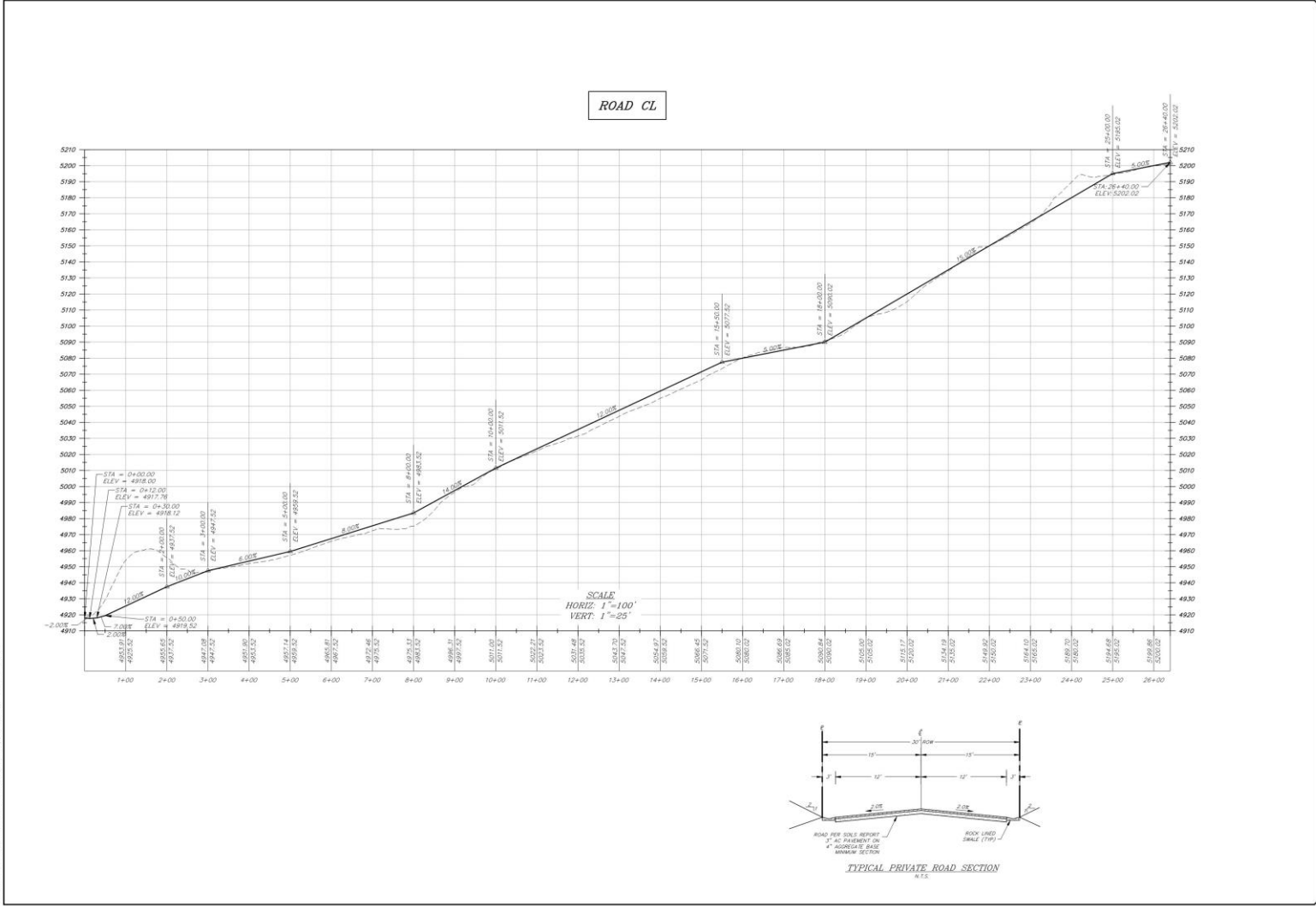
Project Location and Environs Map



BAUER PLANNING & ENVIRONMENTAL SERVICES, INC.

ROCK CREEK RANCH EIR

EXHIBIT 3-3



ROAD PROFILE
ROCK CREEK RANCH
PREPARED FOR: MATTHEW LEMMAN

t h d
trud/holmes assoc.
INCORPORATED

221 EAST 100TH ST., SUITE 100
MIDLAND, TEXAS 79701
PHONE: 409.833.8888
FAX: 409.833.8889
WWW.THDASSOC.COM

DATE	8/29/14
SCALE	1"=100'
DRAWN	MJS
CHECKED	JTJ
DATE	2/2/15
BY	JTJ
DATE	2/2/15
BY	JTJ
DATE	2/2/15
BY	JTJ



EXHIBIT 3-6: INTERNAL ACCESS ROAD PROFILE

TTM 37-56 / Rock Creek Ranch
REVISED CONDITIONS OF APPROVAL

Uniformly Applied Development Standards and Policies

1. Future residential development shall meet the requirements of the Mono County General Plan.
 - a. Generally associated with future development. Requires monitoring over a period of time. Must be satisfied prior to issuance of a building permit and/or certificate of occupancy.
 - b. Community Development Department
 - c. Applicant/Property Owner
 - d. Design

2. All wood-burning appliances installed in the project shall be Phase II EPA certified, in conformance with the Mono County General Plan (Conservation/Open Space Element, Public Health and Safety policies, Objective A, Action 6.1).
 - a. Generally associated with future development. Requires monitoring over a period of time.
 - b. Community Development Department/Environmental Health
 - c. Applicant/Property Owner
 - d. Design

3. The project proponent shall stop work and notify appropriate agencies and officials if archaeological evidence is encountered during earthwork activities. Additionally, future residential construction/development shall require the contractor/owner to stop work and notify appropriate agencies and officials if archaeological evidence is encountered during earthwork activities. No disturbance of an archaeological site shall be permitted until such time as the applicant hires a qualified consultant, and an appropriate report filed with the County Planning Division identifies acceptable site mitigation measures.
 - a. Generally associated with future development but may occur anytime while construction is in progress. Requires monitoring over a period of time.
 - b. Community Development Department
 - c. Applicant/Property Owner
 - d. Design/Ongoing

4. Construction shall be limited to daylight hours (or the hours allowed by Mono County Code 13.08.290, whichever is more restrictive) in accordance with Mono County Code Chapter 10.16 (Noise Regulation) in order to minimize impacts to nocturnal resident wildlife species, such as mule deer. ~~Also refer to Conditions of Approval #32, #37, #38, #55, #59, #60, #61, and #62.~~
 - a. Requires monitoring over a period of time, usually linked to future development associated with approval of residential construction.
 - b. Community Development Department
 - c. Applicant/Property Owner
 - d. Design/Ongoing

5. Noise levels during construction shall be kept to a minimum by equipping all on-site equipment with noise-attenuation devices and by compliance with all requirements of Mono County Code Chapter 10.16 (Noise Regulation).
 - a. Requires monitoring over a period of time, usually linked to future development associated with approval of residential construction.
 - b. Community Development Department
 - c. Applicant/Property Owner
 - d. Design/Ongoing

6. During all phases of construction, erosion-control measures shall be applied to disturbed areas and shall include the use of Best Management Practices such as placement of fiber blankets, fiber rolls, filter fencing, or similar materials. Removed topsoil shall be stockpiled and replaced over disturbed areas at, or prior to, the completion of construction. Redistribution of topsoil and revegetation of disturbed areas shall occur as soon as practical following construction and the use of stabilization material or landscaping shall be required to reduce impacts related to erosion. Use of native seed and/or native plants grown from seeds or seedlings obtained from local native stock (or native-compatible seed and/or plants) is required. Revegetated areas shall be irrigated as necessary to establish the plants. ~~[Also refer to Conditions of Approval #8, #49, #63 and #68].~~
 - a. Requires monitoring over time; usually linked to future development associated with approved residential construction.
 - b. Department of Public Works
 - c. Applicant
 - d. Design / Ongoing

7. Construction material (rock, debris, etc.) that is not utilized as fill material in the construction of improvements shall be removed to a permitted disposal site or other site approved by the Department of Public Works. All material proposed for fill shall be approved by a geotechnical engineer prior to placement in the project.
 - a. Must be made part of the subdivision improvement plans approved for the project.
 - b. Department of Public Works
 - c. Applicant
 - d. Design

8. The applicant shall prepare a Storm Water Pollution Prevention Plan (SWPPP) with BMPs and submit a Notice of Intent (NOI) to the Lahontan Regional Water Quality Control Board in compliance with provisions of the State Water Resources Control Board's Storm Water NPDES Permit for Construction Activities. The project shall comply with the Lahontan Basin Project Guidelines for Erosion Control. The developer shall furnish approved copies of the SWPPP and NOI to the Department of Public Works and shall consult with all responsible State and federal agencies prior to its issuance of a grading permit for construction of subdivision improvements. ~~[Also refer to Conditions of Approval #6, #49 and #68].~~
 - a. Must be satisfied prior to approval of the final map or as otherwise noted above.
 - b. Department of Public Works
 - c. Applicant
 - d. Design

9. For all phases of the subdivision and parcel development, controls shall be instituted to reduce the impact of dust. Such controls shall include watering and mulching of disturbed areas, or any other approved methods. Initiation of revegetation efforts should commence as soon as practical after construction. ~~[Also refer to Condition of Approval #71].~~
 - a. Requires monitoring over a period of time, usually linked to future development associated with approval of residential construction.
 - b. Community Development Department/ Department of Public Works
 - c. Applicant/Property Owner
 - d. Design/Ongoing

10. Grading permits shall be required as specified in Mono County Code Section 13.08.030 et seq. Activities requiring a grading permit include, but are not limited to, land-clearing/grading activities that will clear more than 10,000 square feet or require any cuts greater than 4 feet or fill greater than 3 feet. Construction requiring more than 200 cubic yards of cut or fill will also require a grading permit. [Also refer to Condition of Approval #11].
 - a. Requires monitoring over a period of time, usually linked to future development associated with approval of grading, driveway and/or road improvements, and residential construction.
 - b. Department of Public Works
 - c. Applicant/Property Owner

d. Design/Ongoing

11. Drainage and erosion-control plans shall be required of future residential construction involving more than 5,000 square feet of pad area disturbed, including secondary or accessory structures on any one parcel, at any one time. Drainage and erosion-control plans shall also be required for future residential construction that cumulatively exceeds 10,000 square feet. If plans are required, they will be developed with the individual project applicant with review concurrence by the Mono County Public Works and Planning Department. ~~[Also refer to Conditions of Approval #6, #8, #11, #12 and #49].~~
 - a. Requires monitoring over a period of time, usually linked to future development.
 - b. Community Development Department/and applicable federal and/or state agency
 - c. Applicant/Property Owner
 - d. Design/Ongoing

12. A drainage plan for the project shall be submitted prior to the approval of the Tract Map. The drainage plan shall include drainage easements, retention basins, as necessary, designed in conformance with the requirements of the Lahontan Regional Water Quality Control Board. ~~[Also refer to Conditions of Approval #6, #8, #11, #49 and #68].~~
 - a. Must be satisfied prior to approval of final map.
 - b. Department of Public Works
 - c. Applicant
 - d. Design

13. The project proponents shall provide the Mono County Department of Public Works with a "will serve" letter from the Liquefied Petroleum Gas service provider indicating that the project complies with their requirements and that they will provide service to the proposed parcels. When and if used, Liquefied Petroleum Gas shall be installed according to all applicable codes and Mono County Code. There shall be a standardized shutoff location for emergency use established for each parcel.
 - a. Must be satisfied prior to issuance of a building permit and/or certificate of occupancy. [Note: Requires monitoring over a period of time, and is generally associated with future development.
 - b. Department of Public Works
 - c. Applicant/Property Owner
 - d. Design

14. All outdoor lighting shall comply with all applicable provisions of the Mono County General Plan Chapter 23 Dark Sky Regulations. ~~[Also refer to Conditions of Approval #59 and #79].~~
 - a. Generally associated with future development. [Note: Requires monitoring over a period of time. Must be satisfied prior to issuance of a building permit and/or certificate of occupancy.]
 - b. Community Development Department
 - c. Applicant/Property Owner
 - d. Design

15. All utilities (e.g. electricity, telephone, communications conduit, etc.) shall be extended to each parcel. With the exception of telecommunication towers, all new on-site utility extensions shall be installed underground and shall be constructed in a manner so as to allow the installation of additional communications infrastructure through existing conduits. All service connections shall be placed such that the proposed roadway will not have to be cut up for service connections to future residences. SCE shall provide a tentative plan of service as to electrical and telephone service being provided and there shall be a standardized electrical shutoff location for emergency use established for each parcel.
 - a. Must be satisfied prior to approval of final map or bonded for.
 - b. Department of Public Works
 - c. Applicant
 - d. Design

16. The developer shall provide necessary easements for existing and proposed utility service within the subdivision. All existing easements shall be shown on the final map. ~~[Also refer to Conditions of Approval #12, #17, #20, #23, #28, #30, #31, #36, #40, #41, and #54].~~
 - a. Must be satisfied prior to approval of final map.
 - b. Department of Public Works / Environmental Health
 - c. Applicant
 - d. Design
17. The project proponent shall confer with local postal authorities to determine requirements for locations of cluster mailboxes. The applicant shall provide a letter from the postal authorities stating their satisfaction with road names and box locations in the development, or a release from the necessity of providing cluster mailboxes. If clustering or special locations are specified, easements, concrete bases or other mapped provisions shall be included in the development area.
 - a. Must be satisfied prior to approval of final map.
 - b. Department of Public Works
 - c. Applicant
 - d. Design
18. An air quality permit shall be obtained from the Great Basin Unified Air Pollution Control District for subdivision improvements. The developer shall provide a copy of the permit to the Department of Public Works prior to its issuance of a grading permit for construction of subdivision improvements. ~~[Also refer to Conditions of Approval #71 through #74].~~
 - a. Must be satisfied prior to approval of final map or as otherwise noted above.
 - b. Community Development Department
 - c. Applicant
 - d. Design
19. The project, as well as future development, shall comply with California State Fire Codes as well as with the Mono County Fire-Safe Regulations (Mono County General Plan, Land Use Element, Section VI, Land Development Regulations, Chapter 22) pertaining to emergency access, signing and building numbering, emergency water supplies and vegetation modification. ~~[Also refer to Conditions of Approval #24, #35, #57, #62, #65, #66, #67 and #69].~~
 - a. Requires monitoring over time; usually linked to future development associated with approved residential construction. Must be satisfied prior to issuance of a building permit and/or certificate of occupancy.
 - b. Community Development Department
 - c. Applicant / Property Owner
 - d. Design / Ongoing
20. All dedications, easements and improvements proposed to be furnished by this Tentative Tract Map including road, drainage, utility and offsite easements and improvements must be in place, or a subdivision agreement and security guarantee fully executed, prior to recordation of the Final Map. ~~[Also refer to Conditions of Approval #12, #16, #17, #22, #23, #28, #30, #31, #36, #40, #41, and #54].~~
 - a. Must be satisfied prior to approval of final map.
 - b. Public Works
 - c. Applicant
 - d. Design
21. The subdivider shall construct improved roads within the subdivision in accordance with the County Road Improvement Standards for a Typical Section for a Rural Subdivision (Plate No. 8 Typical Section Rural Subdivision--Mono County Road Improvement Standards, 1981). All road improvement costs, including design, plans and specifications, permitting, testing, inspections, and any related reports shall be the

responsibility of the subdivider. Engineered plans, specifications and cost estimates shall be submitted to the Department of Public Works for review and approval. A subdivision agreement shall be executed with the County to guarantee construction. ~~[Also refer to Conditions of Approval #10, #15, #17, #20, #22, #24, #30, #32, #33, #36, #38, #39, #40, #41, #45, #60, #67, #69, and #70].~~

- a. Must be satisfied prior to approval of final map.
- b. Department of Public Works/Paradise Fire Protection District
- c. Applicant
- d. Design

22. Condition intentionally left blank.

Project Specific Conditions

23. The Rock Creek Ranch water system shall have an on-site intertie at least two points, located in the vicinity of the LRCMWC storage tank, if and as determined in consultation with the Paradise Fire Protection District, at which an intertie can be accomplished with the existing LRCMWC system for fire flow purposes. One intertie point shall be placed in the vicinity of the existing LRCMWC water storage tank, and a second intertie point shall be extended to the western property boundary where the private project road intersects Lower Rock Creek Road. ~~[Also see Conditions of Approval #36, #64 and #67]~~

- a. Must be satisfied prior to approval of final map.
- b. Department of Public Works/Paradise Fire Protection District
- c. Applicant
- d. Design

25. Well improvements shall be undertaken in accordance with recommendations outlined in the Summary of Well Operations Domestic-Supply Water Well No. 2 prepared by Richard C. Slade, May 2007. Assurance shall be provided at the time of the final map recording that well water is adequate for domestic use in both quality and amount. ~~[Also see Conditions of Approval #46 and #51].~~

- a. Must be satisfied prior to approval of final map.
- b. Department of Public Works
- c. Applicant
- d. Design

26. The proposed project will require the installation of individual sewage disposal systems on each parcel. The applicant shall submit a soils suitability report, prepared by a registered civil engineer licensed in the state of California, supporting the suitability of soils for the installation of individual sewage disposal systems. The report shall contain, at a minimum, two percolation test results and two soil profile results for each new parcel to be created, or alternative testing that has been approved by the Mono County Environmental Health. The report shall document, to the satisfaction of the Environmental Health Department that the soil structure meets or exceeds applicable state and county standards for siting and installation of individual sewage disposal systems.

- a. Must be satisfied prior to approval of final map.
- b. Department of Public Works/Environmental Health
- c. Applicant
- d. Design

27. The siting of individual waste disposal systems shall comply with the Lahontan Regional Water Quality Control Board's (RWQCB) criteria contained in the Water Quality Control Plan for the Lahontan Region. Leach fields and septic tanks shall be sited a minimum of one hundred (100) feet from any domestic well. Leach fields shall be located a minimum of fifty (50) feet from any drainage course. Alternative systems, if necessary, shall be reviewed and approved in conformance with RWQCB's requirements.

- a. Must be satisfied prior to approval of final map.
- b. Department of Public Works/Environmental Health

- c. Applicant
 - d. Design
28. Recognizing efforts to consolidate with the LRCMWC have been unsuccessful, water service to Rock Creek Ranch shall be created by the owners of lots within Rock Creek Ranch, provided an independent mutual water company or a similar type of water provider. The water provider shall be responsible for with all applicable requirements of the County and State agencies, including any requirements pertaining to inspection and testing of the water treatment and delivery system, filing of reports with the Mono County Health Dept. and/or any other pertinent approvals granted by County or State agencies, and compliance with all updated conditions of approval for the Rock Creek Ranch Amendment #2 project. Rock Creek Ranch lot owners shall be solely responsible for payment of all maintenance, operating, inspection and reporting costs. In brief, the project water system is a 'State Small system' and as such is required to (a) submit to the local health officer a technical report that fully describes the water system and management program; (b) sample once for fluoride, iron, manganese, chlorides, total dissolved solids and inorganics; annually for nitrates; and quarterly for bacteriological analysis and (c) provide a notice to customers informing them of 'small water system' requirements and all contact information. Because the system is not a 'Public Water System' it will not be required to provide treatment for arsenic; however, any MCL exceedance will require public notification.
- ii. The independent community water service shall be the responsible entity in the event remedial actions are required for any aspect of the water production, storage, treatment, or distribution facilities. All remedial activities shall be undertaken in a timely manner as determined by the Mono County Health Department. Rock Creek Ranch lot owners shall be solely responsible for the payment of all remedial actions.
 - iii. Toxic materials used in water treatment, storage or delivery (if any) shall comply with all relevant laws and regulations governing use, storage and disposal.
 - iv. Individual water production wells shall be prohibited in Rock Creek Ranch.
 - a. Must be satisfied prior to recording of final map.
 - b. Department of Public Works/Environmental Health
 - c. Applicant
 - d. Design
29. Rock breaking and rock crushing activities, if required, shall be restricted to the portion of the site defined by lots ~~1-4, 3, 7, and 13-23~~; crushed rock piles shall be placed west of crushing operations to reduce noise propagation toward existing homes. Note: Rock work activities are subject to OSHA (Occupational Safety Hazard Association) requirements. ~~[Also refer to Condition of Approval #75].~~
- a. Requires monitoring over a period of time.
 - b. Department of Public Works
 - c. Applicant
 - d. Design/Ongoing
30. The subdivider shall convey an easement or license to the county, approved as to form by the county counsel, for access to the on-site wells for ground water monitoring purposes. All proposed easements shall be shown on the tract map. ~~[Also refer to Conditions of Approval #10, #15, #17, #20, #21, #24, #31, #32, #33, #36, #38, #39, #40, #41, #45, #60, #67, #69, and #70].~~
- a. Must be satisfied prior to approval of final map.
 - b. Department of Public Works
 - c. Applicant
 - d. Design
31. Open space easements for any open space areas shall be recorded on the final maps for the project. The final map shall note that permitted land uses within the open space easements shall be limited to undisturbed natural uses and trails (for non-motorized access only, except for emergency purposes). ~~[Also refer to Conditions of Approval #10, #15, #17, #20, #24, #30, #32, #33, #36, #38, #39, #40, #41, #45, #60, #67, #69, and #70].~~
- a. Must be satisfied prior to approval of final map.
 - b. Department of Public Works
 - c. Applicant

- d. Design
32. To minimize direct mortality impacts to deer from vehicle collisions, signs shall be posted along roads within the project area warning drivers of the presence of deer. A 25-mile per hour speed limit shall be enforced on residential streets in the proposed project. ~~[Also refer to Conditions of Approval #4, #37, #38, #55, #56, #58, #59, #60, #61 and #62].~~
 - a. Requires monitoring over time.
 - b. Community Development Department/Department of Public Works
 - c. Applicant
 - d. Design/Ongoing
 33. Building envelopes shall be established and dimensioned on a supplemental sheet of the Final Tract Maps for all lots. ~~[Also refer to Conditions of Approval #38, #40 and #44]~~
 - a. Requires monitoring over time; usually linked to future development associated with approval of grading, driveway and/or road improvements, and residential construction.
 - b. Department of Public Works/Community Development Department
 - c. Applicant / Property Owner
 - d. Design / Ongoing
 34. A housing mitigation agreement shall be recorded with the county recorder and said agreement shall become a part of the recorded covenants, conditions, and restrictions (CCRs) that govern the use of the property.
 - a. Must be satisfied prior to approval of final map.
 - b. Community Development Department
 - c. Applicant
 - d. Design
 35. The project proponents shall provide the Mono County Department of Public Works with a "will serve" letter from the Paradise Fire Protection District indicating approval of the project, e.g. fire hydrants, that the project complies with the FPD's requirements and that the FPD will provide service to the proposed parcels. The developer shall also furnish documentation from the district indicating that subdivision improvements satisfactorily meet district requirements. ~~[Also refer to Conditions of Approval #19, #24, #57, #62, #65, #66, #67 and #69].~~
 - a. Must be satisfied prior to approval of final map.
 - b. Department of Public Works
 - c. Applicant
 - d. Design
 36. Any improvements to access easements are to be constructed simultaneously with all other infrastructure improvements; this includes roadside paths, access pathways between lots, and paths connecting to Lower Rock Creek. Any improvements to the path that connects the LRCMWC water tanks to Rock Creek and the Rock Creek Canyon project shall be designed to avoid damage to the subsurface LRCMWC water lines in this area. ~~[Also refer to Conditions of Approval #24, #35, #57, #62, #65, #66, #67 and #69].~~
 - a. Must be satisfied prior to approval of final map.
 - b. Department of Public Works
 - c. Applicant
 - d. Design
 37. Parcel grading operations, structural foundation work, framing work and similar heavy construction activities shall be restricted to the period between May 15 and October 1 to minimize disturbance to migrating and wintering deer. ~~[Also refer to Conditions of Approval #4, #32, #38, #55, #56, #59, #60, #61 and #62].~~
 - a. Must be satisfied prior to approval of final map.
 - b. Department of Public Works
 - c. Applicant
 - d. Design

38. Within the CC&Rs, it shall be clearly noted that: dimensioned building site envelopes and setbacks have been delineated on each lot; new trails, roads, or other encroachments shall not be made onto surrounding public lands except with the concurrence of BLM; absent such concurrence, access shall be on existing, established routes only; and information/educational materials such as maps and signs regarding this condition and a notice informing residents of the presence of the deer migration corridor, including prohibitions on feeding wildlife or allowing pets to roam off individual lots shall be provided to lot owners at time of sale. ~~[Also refer to Conditions of Approval #33, #40 and #44].~~
- a. Must be satisfied prior to approval of final map. This information must be made part of the information given to buyers.
 - b. Department of Public Works/Community Development Department
 - c. Applicant
 - d. Design
39. All utility elements, road improvements, structures, parking, fencing, landscaping, irrigation systems, colors, materials, and other features shall be in full compliance with all applicable provisions of the Rock Creek Ranch Specific Plan 03-02, as amended. ~~[Also refer to Conditions of Approval #33, #40 and #44].~~
- a. Requires monitoring overtime.
 - b. Community Development Department
 - c. Applicant
 - d. Design/Ongoing
40. The developer shall make an offer of dedication for a 30-foot wide right of way for road, drainage and utility purposes for the access roads shown on the Tentative Tract Map. Slope Maintenance Easements dedicated to Mono County shall be noted and dimensioned on the Final map for cut and fills. ~~[Also refer to Condition of Approval #41].~~
- a. Must be satisfied prior to approval of the final map.
 - b. Department of Public Works
 - c. Applicant
 - d. Design/Ongoing
41. A 5-foot easement shall be created on each side of the primary access road for the purpose of snow storage. ~~[Also refer to Condition of Approval #40].~~
- a. Must be satisfied prior to approval of the final map.
 - b. Public Works Department
 - c. Applicant
 - d. Design/Ongoing
42. Consistent with objectives identified in the Mono County General Plan, the developer shall contribute in-lieu fees for the Paradise Transfer Station that are approximately proportional to subdivision impacts on disposal and recycling capacity at the facility. The “fair share” cost for in-lieu fees shall be \$7,100. Improvements partially funded by the developer for the Paradise Transfer Station shall be initiated by the County within five years from the date of final map recordation. Should the County fail to encumber in-lieu fees posted by the developer within that period, or should the proportional share of the actual improvements be less than \$7,100, the County shall refund the remaining amount to the developer.
- a. Must be satisfied prior to final approval of final map.
 - b. Department of Public Works
 - c. Applicant
 - d. Design
43. The CC&Rs for the project shall include reasonable restrictions on the installation and orientation of solar energy systems so as to minimize reflection and glare visible from the communities of Swall Meadows and Paradise. Such restrictions shall not significantly increase the cost of the system(s) or significantly decrease their efficiency or specified performance, unless an alternative system of comparable cost, efficiency, and energy conservation benefits is allowed, in accordance with California Civil Code section 714.
- a. Must be satisfied prior to final approval of final map.
 - b. Community Development Department

- c. Applicant
- d. Design/Ongoing

44. The CC&Rs for the project shall require that domestic animals be restrained at all times through the use of leashes or within private fenced areas. Project CC&Rs shall require that pets be under owner control at all times. No domestic animals shall be allowed to roam freely. All pet enclosures shall comply with requirements of the Specific Plan including §V.B.e¹, V.D.i(iv)² and V.D.i(vii).³ ~~[Also see Conditions of Approval #58 and #62].~~

- a. Must be satisfied prior to approval of final map.
- b. Community Development Department
- c. Applicant
- d. Design/ongoing

~~45. One access point shall be created between the emergency access loop road and the offsite BLM access road. [Also refer to Condition of Approval #38].~~

- ~~a. Must be satisfied prior to approval of final map.~~
- ~~b. Community Development Department~~
- ~~c. Applicant~~
- ~~d. Design~~

456. The property owner or the Rock Creek Ranch Homeowners Association may be permitted to install a telecommunications tower/facility in the vicinity of the LRCMWC water tanks via use permit to facilitate telecommunication service capability. ~~[Also refer to Condition of Approval #15].~~

- a. Must be satisfied prior to approval of final map.
- b. Community Development Department
- c. Applicant
- d. Design/ongoing

Project Specific Conditions Incorporated from Final EIR Mitigation Program

#	CONDITION INCORPORATED FROM FINAL EIR MITIGATION PROGRAM
46	WQ 5.1-1a (WELL IMPROVEMENTS): Rock Creek Ranch well improvements shall be undertaken in accordance with recommendations outlined in the <i>Summary of Well Construction Operations Domestic-Supply Water Well No. 2</i> prepared by Richard C. Slade, May 2007. [Also refer to Condition of Approval #23].
47	WQ 5.1-1b (WATER METERS): Individual water meters shall be installed at each residential connection in order to provide for long-term accurate water usage data. [Also refer to Condition of Approval #24].
	WQ 5.1-3 (WATER QUALITY): If additional sampling is mandated by DHS, the project engineers recommend that further pumping development be performed prior to that sampling. Further testing for aluminum and iron is also recommended at that time also to determine whether remnant drilling muds were the cause of the slightly excessive detections of these metals.
48	WQ 5.1-3b (ODORS): Treatment shall be provided to eliminate the light hydrogen sulfide odors that were noted in the pumped discharge during testing of the new well.
49	WQ 5.1-4a (BMP PROGRAMS): A Best Management Practices Program (BMPP) shall be implemented during all construction stages. The BMPP shall include pre-construction and post-construction practices for stormwater management and for the prevention of erosion, sedimentation, and contamination resulting implementation of all project elements. BMPP measures shall at a minimum include: (1) disposal of all construction wastes in designated areas outside the path of storm water flows; (2) minimizing the footprint of construction zones and prompt installation of erosion controls; (3) stabilizing disturbed soils with landscaping, paving or reseeded to reduce or eliminate the risk

¹Animals and pets, subject to standards in the adopted General Plan, except that domestic animals shall be restrained at all times consistent with the requirements of Specific Plan §V.D.i.i-vii (i.e., the maximum fenced area shall not exceed 20% of the area inside the building setback on each lot), and constructed with materials allowed in this section. Such fencing shall incorporate a wire mesh into the 3 wood rails allowed in §3.6.5.i(i) above. At no time shall pets be allowed to roam freely.

2. All residential fencing shall be a maximum of 5 feet high and constructed of three wood rails. Rock may be used only on the fencing posts. 'Trex'-type lumber may be used, but all-plastic lumber shall not be permitted. Pet fencing shall be within the confines of the fenced area allowed in Section V.D.i(iii) directly above, and shall consist of a wire mesh incorporated into the 3 wood rails allowed herein.

³ The project is subject to leash laws intended to minimize impacts on important deer habitat. The leash laws require that pets be leashed or restrained with fencing at all times when out of doors. Dog enclosures must be capable of preventing the dog(s) from straying onto public land or adjacent properties. Pet fencing shall be within the confines of the fenced area allowed in this section (i.e., the maximum fenced area shall not exceed 20% of the area inside the building setback on each lot), and constructed with materials allowed in this section. Such fencing shall incorporate a wire mesh into the 3 wood rails allowed in §3.6.5.i(i) above.

	of further erosion; (4) perimeter drainage controls to direct runoff around disturbed construction areas; (5) internal erosion controls to allow direct percolation of sediment-laden waters on the construction site; and (6) bid specifications that require regular inspection and maintenance of all equipment used during construction. The project shall comply with state requirements by preparing a Stormwater Pollution Prevention Plan and obtaining a NPDES General Construction Stormwater Permit for the project construction areas. [Also see Conditions of Approval #6, #8, #50, #63 and #68].
50	WQ 5.1-4b (SOIL CONSERVATION): The CC&Rs shall require a soil conservation plan for each individual lot at the time of the grading permit application to provide for the conservation of soil resources and the control and prevention of soil erosion associated with landscaping activities and the use of trails and open space areas within and adjacent to the project site. [Also see Conditions of Approval #6, #8,#49, #63 and #68].
51	WQ 5.1-5 (GEOTECHNICAL REVIEW): A qualified engineer shall be retained to ensure compliance with all specifications set forth in the <i>Preliminary Geotechnical Investigation prepared for Rock Creek Ranch by Sierra Geotechnical Services, Inc. (October 10, 2007).</i> ” [Also see Condition of Approval #25].
52	WQ 5.1-6 (OVERLAND FLOWS): The drainage system for Rock Creek Ranch shall be designed to provide an overland flow path for runoff volumes and flushing flow discharges that exceed the 20-year storm design capacity of the dry wells. The overland flow path will intercept and direct flows to locations where runoff collects under current conditions. [Also see Condition of Approval #12].
BOTANY	
53	BOT 5.2-2a (LANDSCAPE CONTROLS): Landscaping in Rock Creek Ranch shall comply with the following: a. Landscaping shall consist of plant materials that are native to the Mono County region and have value to native wildlife, and nonnative species that are compatible with native plant materials, have low propagation characteristics and are not invasive; b. All landscaping shall be maintained in a neat, clean, and healthy condition, and c. During building permit review, each residential lot application shall be accompanied by a landscaping plan that identifies plant materials to be used for the residential building pad as well as any cut and fill slopes for the residential street; vegetation retention shall be designated on each individual lot landscape plan consistent with Mitigation measure WILD 5.3-1b.. [Also see Condition of Approval #6].
WILDLIFE	
54	WILD 5.3-1a (OPEN SPACE EASEMENTS): Open space easements for all open space areas shall be recorded on the final maps for the project. The final maps shall note that permitted land uses within the open space easements shall be limited to undisturbed natural uses and trails for non-motorized access only (except for emergency purposes). [Also see Conditions of Approval #31, #50 and #62].
55	WILD 5.3-1b (RETENTION OF NATIVE VEGETATION): (a) Natural vegetation shall be designated and retained except where it must be removed for project development; (b) Project CC&Rs shall incorporate the following requirement which mandates that homeowners landscape with native vegetation and prohibits use of invasive plant species for landscaping in order to minimize the degradation of deer habitat: <i>“Areas disturbed during construction shall be revegetated with native species in order to establish deer habitat as soon as possible following construction. Revegetation of disturbed areas shall require the use of native seeds, native plants grown from seeds or seedlings obtained from local native stock. Revegetated areas shall be monitored for a period of five years to ensure the success of the project and shall be replanted if necessary;”</i> (c) vegetation retention shall be designated on each individual lot landscape plan. [Also see Conditions of Approval #6, #53, #54, #57 and #63].
56	WILD 5.3-1c (NO DOGS DURING CONSTRUCTION): Dogs belonging to construction workers shall be prohibited in the project area during construction. [Also see Conditions of Approval #44 and #58].
57	WILD 5.3-1d (LIMITATIONS ON VEGETATION CLEARING): Property owners shall refrain from clearing native vegetation except as necessary for construction or fire safety. [Also see Conditions of Approval #6, #10, #53, #54, #55 and #63].
58	WILD 5.3-1e (PET RESTRAINTS): Domestic animals shall be restrained at all times through the use of leashes or within private fenced areas. Project CC&Rs shall require that pets be under owner control at all times. No domestic animals shall be allowed to roam freely. [Also see Conditions of Approval #44 and #56].
59	WILD 5.3-1f (LIMITS ON EXTERIOR NOISE & LIGHTING): To minimize impacts on deer and other wildlife, all exterior lighting and noise in Rock Creek Ranch shall comply with Mono County code requirements. [Also see Condition of Approval #14 and #79].
60	WILD 5.3-4a (DEER SIGNAGE): To minimize direct mortality impacts to deer from vehicle collisions, signs shall be posted along roads within the project area warning drivers of the presence of deer. A 25-mile per hour speed limit shall be enforced on residential streets in the proposed project.
61	WILD 5.3-4b (LIMITS ON CONSTRUCTION TIMING): Parcel grading operations, structural foundation work, framing work and similar heavy construction activities shall be restricted to the period between May 15 and October 1 to minimize disturbance to migrating and wintering deer. [Also see Condition of Approval #37].

LAND USE, RELEVANT PLANNING & RECREATION	
62	LU 5.5-1a (DEER HABITAT PROTECTION): The Rock Creek Ranch Specific Plan and CC&Rs shall include the following provisions to minimize impacts on important deer habitat: a. Leash laws requiring that pets be leashed or fenced in at all times when out of doors; b. Prohibition against removal of blackbrush scrub in open space areas except where required for fire safety; c. Informational handouts concerning habitat protection to be provided to homeowners along with CC&Rs; d. Prohibition against recreational off-highway vehicle use in open space areas unless for emergency purposes. [Also see Conditions of Approval #4, #32, #37, #38, #55, #59, #60 and #61].
63	LU 5.5-1b (CONSERVE NATIVE SOILS): As part of the Grading Permit application, the applicant shall prepare a Soil Conservation Plan to protect native soils for use as a plant growth medium. The plan shall require that (a) native soils be stockpiled during construction and used for subsequent revegetation, and (b) stockpiled soils be protected from degradation during the construction and maintained in a condition suitable for reuse. [Also see Conditions of Approval #6, #8, #49, #50 and #68].
64	LU 5.5-1c (WATER SERVICE PROVIDER): The project applicant is encouraged to annex into Lower Rock Creek Mutual Water Company or, if infeasible, water system elements of Rock Creek Ranch shall be integrated with those of LRCMWC to accomplish equivalent public health and safety objectives as outlined in Mitigation Measure UTIL 5.8-3a (requiring two intertie points). [Also see Condition of Approval #24, #27, #36 and #67].
PUBLIC SERVICES AND UTILITIES	
65	UTIL 5.8-1a (FIRE DEPARTMENT TT MAP REVIEW): A copy of the amended Tentative Map shall be provided to Paradise FPD for review and comment prior to final approval. [Also refer to Conditions of Approval #19, #24, #35, #57, #62, #66, #67 and #69].
66	UTIL 5.8-1b (FIRE DEPARTMENT CC&R REVIEW): A copy of the CC&Rs shall be provided to Paradise FPD for review and comment prior to final approval. [Also refer to Conditions of Approval #24, #35, #57, #62, #65, #67 and #69].
67	UTIL 5.8-3a (WATER SYSTEM INTERTIE): The Rock Creek Ranch water system shall have <u>an on-site intertie at least two points, located in the vicinity of the LRCMWC storage tank, if and as determined in consultation with the Paradise Fire Protection District, at which an intertie can be accomplished with the existing LRCMWC system for fire flow purposes. One intertie point shall be placed in the vicinity of the existing LRCMWC water storage tank, and a second intertie point shall be extended to the western property boundary where the private project road intersects Lower Rock Creek Road.</u> [Also see Condition of Approval #24, #27, #36 and #64].
68	UTIL 5.8-11 (BMP PROGRAMS): A BMP Program shall be implemented during all construction stages with pre-construction and post-construction practices for stormwater management and for the prevention of erosion, sedimentation, and contamination resulting implementation of all project elements. BMPP measures shall at a minimum include: (1) disposal of all construction wastes in designated areas outside the path of storm water flows; (2) minimizing the footprint of construction zones and prompt installation of erosion controls; (3) stabilizing disturbed soils with landscaping, paving or reseeding to reduce or eliminate the risk of further erosion; (4) perimeter drainage controls to direct runoff around disturbed construction areas; (5) internal erosion controls to allow direct percolation of sediment-laden waters on the construction site; and (6) bid specifications that require regular inspection and maintenance of all equipment used during construction. The project developer shall comply with state requirements by preparing a Stormwater Pollution Prevention Plan and obtaining a NPDES General Construction Stormwater Permit for the project construction areas. [Also refer to Conditions of Approval #6, #8, #49, and #63].
TRAFFIC AND CIRCULATION	
69	TFFC 5.9-1a (ROAD CLOSURE RESTRICTIONS): Roadway closures shall not be permitted on any street or highway unless written approval is first obtained from the Public Works Department, Police Department and Fire Department. Where such approvals are granted, all details governing the closures shall be recorded in a manner acceptable to the Mono County Public Works Department. [Also refer to Conditions of Approval #19, #31, #54 and #70].
70	TFFC 5.9-1b (MAINTAIN ROAD CLEARANCE): At all times, adequate clearance shall be maintained within the Lower Rock Creek right-of-way to permit the safe passage of emergency vehicles and evacuating vehicles. Measures to ensure emergency access shall be recorded in a manner acceptable to the Mono County Public Works Department. [Also refer to Conditions of Approval #19, #31, #45, #54 and #69].
AIR QUALITY	
71	AQ 5.10-1 (DUST CONTROL MEASURES): The project applicant shall comply with best-available dust control

	measures (BACM) that call for watering of all active construction areas at least twice daily throughout project construction phases, plus at least two of the following additional BACM: (a) require that all haul trucks be covered, or that a minimum freeboard of 2 feet be maintained at all times; and/or (b) Pave all parking and staging areas, or water such areas at least four times daily; and/or (c) Sweep or wash public access points within 30 minutes of dirt deposition; and/or (d) Cover all on-site dirt/debris stockpiles, or water the stockpiles a minimum of twice daily; and/or (e) Suspend all construction operations on any unpaved surface when winds exceed 25 mph; and/or (f) Hydroseed or otherwise stabilize all cleared areas that would remain inactive for more than 96 hours after clearing is completed; and/or (g) Use of low-VOC ⁴ paints (not to exceed 100 grams of VOC per liter). [Also refer to Condition of Approval #9].												
72	AQ 5.10-2 (ENERGY CONSERVATION & LANDSCAPING): The project will contribute incrementally to global GHG emissions implicated in global warming. Use of energy conserving construction practice beyond the minimum requirements of the California Building Code is encouraged through participation in one of several existing certification programs. Use of enhanced landscaping for carbon dioxide uptake is also encouraged, provided such landscaping is consistent with Specific Plan standards and mitigation measures contained in Sections 5.2 (Botany) and 5.3 (Wildlife) of this EIR. [Also refer to Conditions of Approval #6, #39, #49, #50, #53, #55, #68 and #73].												
73	AQ 5.10-3a (GREENHOUSE GAS EMISSIONS): The Specific Plan will incorporate voluntary energy conserving practices and enhanced landscaping. (Advisory measure). [Also refer to Conditions of Approval #6, #39, #49, #50, #53, #55, #68 and #72].												
74	AQ 5.10-3b (REGULATORY COMPLIANCE): The project shall comply with any applicable greenhouse gas emission reduction strategies adopted by the California Air Resources Board or other responsible agencies.												
NOISE													
75	N 5.11-1a (LIMITS ON ROCK CRUSHING): Rock breaking and rock crushing activities, if required, shall be restricted to the portion of the site defined by lots 1-3, 7, and 13-23; crushed rock piles shall be placed west of crushing operations to reduce noise propagation toward existing homes. [Also refer to Condition of Approval #29].												
76	N 5.11-1b (NO BLASTING DURING INVERSIONS): Blasting activities shall not be conducted during thermal inversions or periods when wind speeds exceed 25 mph.												
77	N 5.11-1c (BLASTING PROCEDURES): During blasting, the following procedures shall be followed: (a) Use of surface detonating cords shall be kept to a minimum, (b) all blasts shall be initiated from deep within the blast hole; (c) adequate burden, spacing and stemming shall be maintained on all explosive charges; (d) face heights kept to the minimum practical level; and (e) a delay of 9 ms or greater shall be provided in the timing of blasts from adjacent holes.												
78	N 5.11-1d (SOUND LIMITS): To avoid structure damage on adjoining properties, the following sound limits recommended by U.S. Bureau of Mines shall be observed: <i>SOUND LEVEL METER SCALE</i> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th>LEVEL</th> <th>LINEAR PEAK</th> <th>C-PEAK</th> <th>A-PEAK</th> </tr> </thead> <tbody> <tr> <td>Safe Level</td> <td>128 Db (.007 psi)</td> <td>120 Db</td> <td>95 Db</td> </tr> <tr> <td>Maximum</td> <td>136 Db (.018 psi)</td> <td>130 Db</td> <td>115 Db</td> </tr> </tbody> </table>	LEVEL	LINEAR PEAK	C-PEAK	A-PEAK	Safe Level	128 Db (.007 psi)	120 Db	95 Db	Maximum	136 Db (.018 psi)	130 Db	115 Db
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Safe Level	128 Db (.007 psi)	120 Db	95 Db										
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AESTHETIC RESOURCES													
79	AES 5.12-2 (AESTHETIC DESIGN): The Rock Creek Ranch Specific Plan incorporates numerous provisions that are specifically intended to minimize impacts on Scenic Highway 395. Additionally, the project design has been substantially altered to minimize intrusiveness on views from Scenic Highway 395. These provisions will reduce visual impacts but not to a level that is less than significant.												
80	AES 5.12-3 (AESTHETIC DESIGN): The Rock Creek Ranch Specific Plan incorporates numerous provisions that are specifically intended to minimize visual impacts on the existing Paradise community. Additionally, the project design has been substantially altered to minimize intrusiveness on views from developed homesites and vantage points within Paradise. These provisions and modifications would reduce visual impacts on the existing community, but not to a level that is less than significant.												
81	AES 5.12-4 (OUTDOOR LIGHTING): The Rock Creek Ranch Specific Plan and CC&Rs shall incorporate all applicable provisions of the Mono County Outdoor Lighting Ordinance. [Also refer to Conditions of Approval #4, #14, and #59].												
82	AES 5.12-5 (GLARE): The Rock Creek Ranch Specific Plan requires use of materials, colors and design elements for all structures (including solar panels) that will minimize the potential for glare. These requirements would reduce potential light and glare impacts to less than significant levels, and no supplemental mitigation is required. [Also refer to Condition of Approval #43].												

⁴ VOC=volatile organic compounds.

DRAFT ADDENDUM TO THE FINAL EIR



FOR THE ROCK CREEK RANCH PROJECT

STATE CLEARINGHOUSE #2004012014

LEAD AGENCY:

Mono County Planning Department
Post Office Box 347
Mammoth Lakes, CA 93546

SEPTEMBER 2014

INTRODUCTION AND BACKGROUND

On 12 May 2009, the Mono County Board of Supervisors certified the Final EIR for the Rock Creek Ranch project located in the community of Paradise. The Board also on that date approved the Rock Creek Ranch Specific Plan and Tentative Tract Map 37-56. The approved project allowed for the 54.64-acre property to be subdivided into 60 lots, which included deed-restricting five lots for affordable housing and deed-restricting 11 lots for accessory dwelling units consistent with the Housing Mitigation Ordinance in effect at that time. Subsequent to project final map approval, the Housing Mitigation Ordinance was suspended by the Mono County Board of Supervisors. The applicant entered into a Housing Mitigation Agreement with the Board of Supervisors on August 7, 2012 that removed the requirement to provide the five affordable housing lots. A condition of the Housing Mitigation Agreement required the applicant to amend the Tentative Tract Map and Specific Plan to reflect the reduction of lots to 55. In accordance with the California Environmental Quality Act (CEQA), an addendum was prepared to address the project changes associated with Amendment #1. The Board of Supervisors approved Amendment #1 to the Rock Creek Ranch Specific Plan and Tentative Track Map on May 7, 2013.

During 2013, the applicant submitted an application for a second Specific Plan Amendment that would reduce the allowed lot number from 55 to 23, largely in response to recessionary economic conditions locally and across the country. The applicant had determined that larger lots would be more responsive to residential market demands than the approved Specific Plan. Processing of the 23-lot Specific Plan Amendment #2 had been substantially completed, including a recommendation of approval by the Planning Commission, when it became apparent that Cal Fire had changed its position that the project complied with fire codes. Upon learning of Cal Fire's revised position, the applicant initiated extensive adjustments that further reduced site development to a total of 10 lots. Accordingly, the applicant is now seeking approval of a second amendment to the Rock Creek Ranch Specific Plan. This Specific Plan sets forth and governs all zoning regulations, land uses, public works and development activity on the project site for the revised 10-lot Tentative Map layout.

II. SUMMARY OF PLAN AMENDMENTS

Table 1 below summarizes changes to the Specific Plan associated with revised Amendment #2.

Table 1
Revisions to the Rock Creek Ranch Proposed in Amendment #2 (Revised)

SPECIFIC PLAN FEATURE	ORIGINAL SPECIFIC PLAN (2009)	SPECIFIC PLAN AMENDMENT #1 (2012)	PROPOSED SPECIFIC PLAN AMENDMENT #2 (2014)
Total Number of Lots	60	55	10
Total Number of Affordable Lots	5	0	0

Number of Required Secondary Units	11	0	0
Total Open Space Acreage	20.05	20.05	37.93
Common Area Recreation Lot Acreage	3.05	3.05	0
Primary Access Road ROW Acreage (not including cut & fill slopes)	4.98	4.98	1.91
Common Utility Acreage (Water, Sewer)	1.94	1.94	1.72
Total Disturbed Acreage maximum	16.01	16.01	13.18
Type of Sanitation System	Package Treatment Plant	Package Treatment Plant	Individual Septic System
Water System Management	Maintenance District	Maintenance District	HOA water service

The common open space acreage (previously set at 20.05 acres) has been eliminated in favor of the shared open space easement surrounding the water tanks on the northern property boundary, as well as the substantial acreage of private open space on each of the 10 lots now proposed. The reduced total disturbance area is due primarily to elimination of the common wastewater treatment facilities, as well as a reduction in the length of the primary access road.

CEQA PROVISIONS FOR PREPARING AN ADDENDUM TO A FINAL EIR

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."*

Provided in the sections that follow is an assessment of whether any of the above CEQA requirements would necessitate preparation of a subsequent EIR to address changes proposed with Rock Creek Ranch Specific Plan Amendment #2.

SIGNIFICANT UNAVOIDABLE IMPACTS IDENTIFIED IN ROCK CREEK RANCH FINAL EIR

Results of the analyses contained in the 2008 Final EIR for the Rock Creek Ranch project indicated that project implementation would have potentially significant and unavoidable adverse direct and cumulative environmental impacts on the following resources:

- Critical mule deer habitat
- Mule deer movement along a regional migration corridor of which the project is a part, and
- Visual quality and visual unity of views from Lower Rock Creek Road, some points along the Highway 395 scenic corridor, and portions of the community of Paradise

The changes proposed with the initial 23-lot layout of Amendment #2 were reviewed by Dr. James Paulus to assess the effect of Amendment #2 on the significant environmental impacts identified in 2008. Dr. Paulus noted that the proposed shift from a larger number of smaller lots to fewer relatively large lots would be a net benefit for wildlife and habitat. This benefit would result from a more widely intact High Desert Blackbush Scrub community and from an anticipated reduction in the incidence of harassment and other disturbances to the use of this habitat.

Further, Dr. Paulus noted that the reduced number of lots and greater distance between houses would attenuate disturbance to wildlife resulting from activity, noise and lighting, and would also be expected to substantially reduce collision frequency (compared to the approved 55 lot plan), as well as the interactions between deer and domestic pets, thereby increasing the ability of overwintering deer to utilize browse habitat. Finally, Dr. Paulus indicated that there are no changes in the overall status of the relevant species or environmental factors that would necessitate reevaluation of the potential changes to biological resources. A copy of the Dr. Paulus' 2013 biological resources analysis is provided as Attachment 1 to this Addendum. Upon subsequent review of the most recent changes as depicted in maps and written descriptions dated August 12, 2014, Dr. Paulus indicated in a supplemental written statement (see Attachment 2) that the findings stated in his review of the 23-lot layout would apply to the 10-lot layout and that the above conclusions as stated in his November 7, 2014 memorandum are suitable for use as part of the revised application.

The 10-lot layout would result in similar changes to the significant and unavoidable adverse effects on visual quality and unity that were identified in the 2008 Final EIR. Specifically, the impacts to views from Lower Rock Creek Road, points along the Highway 395 scenic corridor, and portions of the community of Paradise would all be reduced as a result of the substantial reduction in overall density, number of units, and infrastructure improvements. No new impacts have been identified, nor are there substantial changes in the circumstances within which the project will be undertaken. In summary, the proposed Specific Plan Amendment #2 would reduce the scope and severity of the significant and unavoidable adverse impacts identified in the 2008 EIR for the Rock Creek Ranch development.

POTENTIALLY SIGNIFICANT IMPACTS IDENTIFIED IN ROCK CREEK RANCH SPECIFIC PLAN FINAL EIR

In addition to significant and unavoidable adverse impacts described above, the 2009 Final EIR also identified potentially significant impacts that would be reduced to less-than-significant levels through adopted mitigation measures. Exhibit 1 compares the disturbance areas associated with the adopted 60-lot 2009 Specific Plan to the disturbance areas associated with the 10-lot Specific Plan now under review, and Table 2 below analyzes how environmental effects associated with the proposed 10-lot plan would compare with the potentially significant impacts identified in 2009. Results of this analysis indicate that all of the potentially significant impacts identified in the 2009 Final EIR would be unchanged, reduced or eliminated if the proposed 10-lot Amendment #2 layout is approved and implemented as proposed. No new impacts have been identified, and no impacts would be increased in severity as a result of the approval and implementation of the revised Amendment #2.

**Table 2
COMPARISON OF POTENTIALLY SIGNIFICANT IMPACTS FOR ADOPTED
SPECIFIC PLAN & PROPOSED SPECIFIC PLAN AMENDMENT #2**

IMPACT OF CURRENT PROJECT	IMPACT OF PROPOSED AMENDMENT #2
SOILS AND HYDROLOGY	
IMPACT WQ 5.1-1: The Project will place increased demands on groundwater resources.	Reduced Impact: The reduction in number of units from 55 to 10 will place fewer demands on groundwater resources than the approved plan.
IMPACT WQ 5.1-3: The Quality of the Groundwater Supply Meets Applicable Standards but may require further testing.	No change. The project will fulfill all requirements for a state small water system including filing of an initial comprehensive technical report describing all aspects of system operation, including water quality monitoring.
IMPACT GEO 5.1-4: Earthwork activities and long-term use of the site would pose a risk of erosion & sedimentation and a loss of permeable soils due to grading and construction activities.	Reduced Impact: Approval of proposed Amendment #2 would substantially reduce earthwork requirements: the 2008 EIR anticipated 31,800 cubic yards (cy) of cut and 22,500 cy of fill for the 60-lot layout. Earthwork estimates for the 10-lot layout include 8,500 cy of cut and 8,100 cy of fill.
IMPACT GEO 5.1-5: Project would be exposed to seismic & volcanic hazards; the risk of tsunamis, seiche, liquefaction, land- slide & avalanche would be less than significant.	No change. The risk of seismic and volcanic hazards would be unchanged with Amendment #2; the project population exposed to such risks would, however, be reduced.
BOTANICAL RESOURCES	

IMPACT BOT 5.2-2a: Invasive species may be introduced as a result of project implementation.	Reduced Impact: The current 10-lot layout reduces the allowed total disturbance area from 16.01 to 13.18 acres, which will reduce by equivalent acreage the potential for impacts associated with invasive species.
IMPACT BOT 5.2-2b: Invasive species may replace native habitat as a result of spray irrigation of open space with tertiary treated effluent from the package treatment plant.	Eliminated Impact: This impact will be avoided altogether due to elimination of the package treatment plant.

WILDLIFE RESOURCES

IMPACT WILD 5.3-1: Project implementation would result in the loss of native communities and wildlife.	Reduced Impact: The decrease in the allowed total disturbance area (from 16.01 to 13.18 acres) will reduce by equivalent acreage the potential for loss of native communities & wildlife.
IMPACT WILD 5.3-4: Project implementation would interfere with migration patterns of the Round Valley Deer Herd.	Reduced Impact: Based on Specific Plan provisions for fencing, it is estimated that the maximum length of fencing would be reduced from about 7,800 (60 lots) to 4,100 lineal feet (10 lots). ¹

LAND USES, RECREATION & RELEVANT PLANNING

IMPACT LU 5.5-1a: Project conflicts with Land Use Element Policy to conserve critical habitat.	Reduced Impact: The decrease in the allowed total disturbance area (from 16.01 to 13.18 acres) will reduce by equivalent acreage the potential for conflicts with Land Use Element policy to conserve critical habitat.
IMPACT LU 5.5-1b: Project may conflict with Land Use Element Policy to annex into existing service districts.	No change. There is no change in the determination that it is infeasible for Rock Creek Ranch to annex into this existing water service district.

PUBLIC SERVICES AND UTILITIES

IMPACT UTIL 5.8-1: Increased demand on fire protection services	Reduced Impact: The decreased number of units (reduced from 55 to 10) will reduce demands on fire protection services compared with the approved 55-lot plan. Paradise Fire Protection District has issued correspondence indicating they will serve the project, and CalFire has submitted correspondence indicating that the 10-lot layout conforms to current state fire protection standards.
IMPACT UTIL 5.8-2: Propane Tank Farm poses Public Safety Risks	Eliminated Impact: This impact will be avoided altogether due to elimination of the propane tank farm.
IMPACT UTIL 5.8-3: increase in Fire Flow Water Service Demands	Reduced Impact: The reduced number of units (reduced from 55 to 10) will have fire flow demands lower than the approved plan.
IMPACT UTIL 5.8-11: Hazardous materials used during construction	Reduced Impact: Construction-related use of hazardous materials will be lower with the proposed 10-lot plan than with the approved 55-lot plan.

TRAFFIC AND CIRCULATION

IMPACT TFCC 5.9-1: Construction traffic may cause short-term congestion & roadway hazards.	Reduced Impact: Construction traffic impacts will be lower with the proposed 10-lot plan than with the approved 55-lot plan.
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AIR QUALITY

IMPACT AQ 5.10-1: Short-term increase in construction emissions	Reduced Impact: Construction-related emissions will be lower with the proposed 10-lot plan than with the approved 55-lot plan.
IMPACT AQ 5.10-3: Greenhouse gas emissions.	Reduced impact: Greenhouse gas emissions will be lower with the proposed 10-lot plan than with the approved 55-lot plan.
IMPACT AQ 5.10-4a: Odor impacts from the sanitation treatment process.	Eliminated Impact: This impact will be avoided altogether by elimination of the package treatment plant.
IMPACT AQ 5.10-4b: Odor impacts from the tertiary water	Eliminated Impact: This impact will be avoided altogether by

¹ Calculation provided by Matt Schober, Triad Engineering, (7 August 2014) based upon Specific Plan fencing standards and assuming that the fenced are square in shape at maximum allowed coverage.

staging pond & recreational pond.

elimination of the package treatment plant.

AESTHETIC RESOURCES

IMPACT AES 5.12-2: Project would have a significant adverse visual impact on Lower Rock Creek Road and segments of the Highway 395 Scenic Corridor.

Reduced impact: Project impacts on scenic views from Lower Rock Creek Road and Highway 395 will be lower with the proposed 10-lot plan than with the approved 55-lot plan.

IMPACT AES 5.12-3: The project would have a significant adverse impact on aesthetic values in the existing Paradise community.

Reduced impact: Project impacts on aesthetic values in the existing Paradise community will be lower with the proposed 10-lot plan than with the approved 55-lot plan.

IMPACT AES 5.12-4: The project would have an adverse impact on dark sky visibility.

Reduced impact: Project impacts on dark sky visibility will be lower with the proposed 10-lot plan than with the approved 55-lot plan.

IMPACT AES 5.12-5: The project would generate glare from windows and solar panels.

Reduced impact: The amount of glare from windows and solar panels will be lower with the proposed 10-lot plan than with the approved 55-lot plan.

MODIFIED MITIGATION MEASURE

In addition to the impacts above, the Final EIR identified one mitigation measure that has been modified in response to a recommendation offered by the Planning Commission at their meeting on January 9, 2014. Measure UTIL 5.8-3a (Water System Intertie) has been modified as shown below to reflect the reduced fire flow demands associated with 10 versus 55 lots:

UTIL 5.8-3a (WATER SYSTEM INTERTIE): The water system shall have an onsite intertie point, located in the vicinity of the LRCMWC storage tank, if and as determined in consultation with the Paradise Fire Protection District..

CONCLUSION

Based on the considerations and analyses presented above, and based on the provisions contained in CEQA §15164[a]) as presented in its entirety in this Addendum, it is concluded that none of the conditions calling for preparation of a subsequent EIR have occurred. The County of Mono, acting as Lead Agency, has therefore determined that an Addendum to the certified 2008 Final EIR for Rock Creek Ranch is the appropriate CEQA document for the proposed second amendment to the Rock Creek Ranch Specific Plan.

CEQA §15164(c-e) states that "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."

All of the mitigation measures adopted by the Mono County Board of Supervisors as part of the May 2009 Final EIR certification remain in full force and effect, with the exception of (a) Mitigation Measure UTIL 5/8-3a (Water System Intertie) which has been modified as shown above, and (b) the four adopted mitigation measures (listed below in Table 3) that are rendered inapplicable to the Rock Creek Ranch project with approval of the second amendment.

Table 3
Mitigation Measures Rendered Inapplicable with approval of
Rock Creek Ranch Specific Plan Amendment #2

ADOPTED MITIGATION MEASURE	BASIS FOR ELIMINATION OF MITIGATION MEASURE
<p>MITIGATION UTIL 5.8-2 (Propane Tank Farm Siting): The propane tank farm shall be situated down-gradient of all home sites on or near the project site.</p> <p>MITIGATION AQ 5.10-4a (Odors from Treatment Plant): A secondary carbon filtration system shall be incorporated into the tertiary package sanitation system, and maintained over time, to remove and treat odors resulting from the treatment process and ensure that objectionable odors are not released into the atmosphere.</p> <p>MITIGATION AQ 5.10-4b (Odors from Treatment Plant): A standby aeration system shall be kept in the maintenance building for use in the event that stagnant conditions develop in the tertiary water staging pond and/or recreational area ponds.</p> <p>MITIGATION BOT 5.2-2b (Weed Abatement): Open space areas used for spray irrigation with surplus recycled water supply shall be subject to an ongoing landscape control program designed to prevent the establishment of non-native species that could spread to the surrounding environments. Species that will be eradicated upon discovery include any non-native species not established in the open space area prior to project implementation. Weed control will be accomplished to the maximum extent feasible by rotating water spreading applications within the open space area designated as suitable for spray irrigation. Ponding and long-term surface saturation will be avoided to the maximum extent feasible. If populations of new non-native species nevertheless appear, they shall be controlled through mechanical or accepted herbicidal practices.'</p>	<p>Amendment #2 eliminates the propane tank farm from the project design.</p> <p>Amendment #2 eliminates the package treatment plan from the project design.</p> <p>Amendment #2 eliminates the package treatment plan from the project design.</p> <p>Amendment #2 eliminates the package treatment plant from the project design.</p>

**ADDENDUM TO THE FINAL EIR
FOR THE ROCK CREEK RANCH PROJECT**

**ATTACHMENT 1
2013 BIOLOGICAL RESOURCE ANALYSIS**

November 7, 2013

To: Sandra Bauer
Bauer Planning and Environmental Services
1271 Tropicana Lane
Santa Ana, CA 92705

From: Jim Paulus
PO Box 2657
Oakhurst, CA 93644

RE: Rock Creek Ranch Specific Plan Update – Biological Resources Analysis

Ms. Bauer,

I have reviewed a recently proposed update to the Rock Creek Ranch TTM (specifically, DWG 2215_TTM, page 2 of 3, dated Oct. 28, 2013, and associated materials), which I received from your office via email. Upon completing this review, and comparison with the July 18, 2008 document "Rock Creek Ranch Specific Plan and Draft EIR", and with information I gained from our telephone conversation this morning, I believe I have sufficient basis for giving an opinion regarding whether impacts to biological resources at the project site will be substantially changed should the proposed project be implemented as revised.

One potential cause of impact identified in the 2008 document, irrigation of otherwise undisturbed Open Space, has been rendered irrelevant by removal of this element from the project description. As the associated potential impact of causing proliferation and spread of non-native plant species through applied irrigation has now been eliminated, the mitigation measure BOT 5-2-2b can be entirely deleted. Similarly, removal of the Common Area element from the project removes any need for Condition b (irrigation and monitoring) of the mitigation measure BOT 5-2.2a, and the wording for that Condition (only) should be deleted.

The proposed shift from a larger number of smaller lots to fewer relatively large lots will be a net benefit for wildlife. In terms of vegetation displacement by impervious surfaces, total loss of habitat (consisting of 100% High Desert Blackbush Scrub) would decrease from (worst-case) 30 acres to (worst-case) 9.3 ac. The area potentially fenced off from wildlife use would decrease from 8 acres to 3.6 ac, and the spacing between these enclosures would be more diffuse. If all of the previously formulated Conditions stated in the 2008 document of BOT 5-2.2a (except b, see above) are included unchanged in the updated SP, and if the wording/intent of the mitigation measure WILD 5.3-1(a-f) is not altered substantially to reduce the provision of habitat for wildlife, then a more widely intact High Desert Blackbush Scrub will result, and the incidence of harassment and other disturbance that may periodically inhibit use of this habitat will very likely be decreased.

The 2008 DEIR analysis concluded that impacts to the Round Valley deer herd would be significant and unavoidable, due specifically to loss of foraging and migration route habitat, an increased possibility of direct mortality due to collisions, and habitat degradation caused by increases in human activity, noise, night lighting, and harassment by domestic pets. Conversion of scrub vegetation to houses, roads and fenced yards will be substantially reduced under the proposed project revision. Greater distances that will be available between houses under the revised project will attenuate ongoing disturbance due to activity, noise, and lighting. As the number of lots will be reduced by about 2/3, interactions between deer and domestic pets likely will be substantially reduced in frequency, allowing a better chance that overwintering deer can become accustomed to the altered landscape and thereby utilize browse plants between houses and within the Open Space easement area if mitigation measure WILD 5.3.4(a-b) is left unchanged. Collision frequency likewise should be substantially reduced. The 2008 DEIR prediction that migrating deer will change their route upon their encountering the project remains viable; however the reduction in maximum allowable fenced area from 8.0 to 3.6 acres and greater spacing between houses may help alleviate the potential for this impact. While it is not possible to revisit the DEIR conclusion that impacts to the Round Valley herd could be significant, it would be logical to conclude here that no addition or increase to these types of impacts should be expected if the revised project were instead implemented.

If there are additional changes to the project, such as addition of a new element that would increase any of the potential project impacts discussed above, please bring them to my attention and I will revise this analysis accordingly. For now, I see only net benefit due to substantive reductions in all of the elements that were causing the potential impacts as identified in the 2008 analysis. Furthermore, I am not aware of any recent changes in the overall status of the relevant species or environmental factors that would in themselves necessitate reevaluation of the potential impacts to biological resources. Thank you for asking my opinion on this development. I would be happy to assist further as I can, should you find need for refinement to the project in order to bring about the best possible minimization of impacts to the area's plants and animals.

Sincerely, Jim Paulus, Ph.D.

**ADDENDUM TO THE FINAL EIR
FOR THE ROCK CREEK RANCH PROJECT**

**ATTACHMENT 2
SUPPLEMENTAL 2014 BIOLOGICAL RESOURCE ANALYSIS**

August 13, 2014

To: Sandra Bauer
Bauer Planning and Environmental Services
1271 Tropicana Lane
Santa Ana, CA 92705

From: Jim Paulus
PO Box 2657
Oakhurst, CA 93644

RE: Rock Creek Ranch Specific Plan 2nd Addendum – Biological Resources Analysis

Ms. Bauer,

I have reviewed the recently drafted update to the Rock Creek Ranch TTM (specifically, DWG 2215_TTM, dated Aug. 8, 2014, and associated materials), which I received from your office via email. Upon completing this review, I have concluded that my opinion regarding whether impacts to biological resources at the project site will be substantially changed should the project be implemented as revised, as memorialized in my November 7, 2013 letter to your office, remains entirely valid. Specifically, my stated opinions regarding irrigation and non-native plant proliferation, increased habitat availability for migrating and foraging mule deer, decreased interactions between humans or their pets and deer, and decreased potential for collisions all appear to remain valid. Furthermore, the underlying reasoning that reducing and further separating the areas of building and disturbance reasonably leads to conclusions of lowered potential impacts to deer can be applied to the current project configuration.

Please feel free to contact me should you find need for further changes to the project. I would appreciate the opportunity to review any changes that may affect the biological resources at the Rock Creek Ranch site.

Sincerely, Jim Paulus, Ph.D.



RESOLUTION R14-06

**A RESOLUTION OF THE MONO COUNTY PLANNING COMMISSION RECOMMENDING
APPROVAL OF ROCK CREEK RANCH SPECIFIC PLAN AMENDMENT 13-002
AND TENTATIVE TRACT MAP 37-56 MODIFICATION**

WHEREAS, on May 12, 2009, the Mono County Board of Supervisors approved the Rock Creek Ranch Specific Plan and Tentative Tract Map 37-56 for the Rock Creek Ranch subdivision; and

WHEREAS, on May 9, 2013, the Board of Supervisors approved Amendment 13-001 to the Rock Creek Ranch Specific Plan and also approved an amendment to Tentative Tract Map 37-56, which eliminated five bonus deed-restricted lots for affordable housing, thereby reducing the total number of lots from 60 to 55 ("Amended Tentative Map"); and

WHEREAS, the subdivider has proposed a second map amendment that would further reduce the number of lots on Tentative Map 37-56 from 55 to 10, and would eliminate the package-sewage treatment facilities, evaporation pond, pool, clubhouse and other common elements shown on the Amended Tentative Map ("Second Amended Tentative Map"); and

WHEREAS, the Planning Commission previously reviewed and recommended approval of an earlier 23-lot proposal. Due to changes subsequently requested by Cal Fire and the Paradise Fire Protection District, the project was revised to address fire code requirements and was further reduced to 10 lots; and

WHEREAS, proposed Specific Plan Amendment 13-002 would make changes to conform the Rock Creek Ranch Specific Plan with the Second Amended Map and would make other minor technical changes and clarifications to the Rock Creek Ranch Specific Plan; and

WHEREAS, Section 15164 (a) of the California Environmental Quality Act (CEQA) Guidelines provides that "the lead agency or 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"; and

WHEREAS, Mono County has determined that an addendum to the Final Environmental Impact Report (FEIR) is the appropriate level of environmental review under CEQA guidelines sections 15162 and 15164 because none of the conditions described in Section 15162 have occurred; and

WHEREAS, the Mono County Planning Commission did, on September 11, 2014, hold a noticed and advertised public hearing to hear all testimony relevant to Rock Creek Ranch Specific Plan Amendment 13-002 and Second Tentative Tract Map Amendment.

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

Having taken into consideration staff recommendations, public comment, and all other evidence and testimony before it, the Mono County Planning Commission recommends approval of Specific Plan Amendment 13-002 and Second Amended Tentative Tract Map 37-56, reducing the density from 55 to 10 lots, eliminating the package-sewage treatment facilities, evaporation pond, pool, clubhouse and other

Resolution R14-06/Rock Creek Ranch
Mono County Planning Commission
September 11, 2014

1 common elements, and making conforming modifications to the Specific Plan to reflect the elimination of
2 those lots and facilities, finding that:

- 3 A. *The change in the Specific Plan and Tentative Tract map, including the design and improvements*
4 *and reducing the density from 55 to 10 lots, including elimination of other common elements, is*
5 *consistent with the text and maps of the General Plan because:*

6 The changes to the Specific Plan are consistent with General Plan policies of the Land Use
7 Element to contain growth in and adjacent to existing community areas (LU Element Objective A,
8 Policies 1, 2).

9 The adopted Specific Plan and Tentative Tract Map were found to be consistent with the General
10 Plan when adopted in 2009. The proposed changes are reasonable and compatible with
11 surrounding and proposed development and do not alter the adopted Specific Plan or Map in a
12 manner that makes it inconsistent with the text or maps of the General Plan.

- 13 B. *The site of the proposed changes is physically suitable for the type and density of land uses*
14 *permitted within the Specific Plan and map because:*

15 The site is adjacent to existing residential development, and will be required as a condition of final
16 map approval to develop adequate infrastructure (utilities, roads) and is suitable for the proposed
17 residential uses (LU Element, Objective A, Policy 1, Actions 1.2). The design meets standards for
18 both the physical layout and density and no easements are impacted. This amendment reduces the
19 density and eliminates other development components, thus improving the suitability of the project
20 for the site.

- 21 C. *The change to the Specific Plan is reasonable and beneficial at this time and not likely to cause*
22 *serious public health problems because:*

23 The property land use designation is Specific Plan (SP). The adopted SP was found to be
24 consistent with the General Plan when adopted in 2009. The proposed changes reduce the initial
25 density and associated impact; and thus are reasonable and compatible with the surrounding and
26 proposed development and will help to clarify the regulations governing future development of the
27 property.

- 28 D. *The change to the Specific Plan and map will not have a substantial adverse effect on surrounding*
29 *properties or result in substantial environmental damage or injure fish and wildlife or their*
30 *habitat because:*

An FEIR for the project was approved in 2009. None of the conditions described in CEQA
Guidelines Section 15162 calling for preparation of a subsequent EIR have occurred. The changes
of this amendment reduce environmental impacts and will not adversely affect surrounding
properties.

PASSED AND ADOPTED this 11th day of September 2014, by the following vote of the Planning
Commission, County of Mono:

AYES :

NOES :

Resolution R14-06/Rock Creek Ranch
Mono County Planning Commission
September 11, 2014

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ABSENT :

ABSTAIN :

Mary Pipersky, Chair
Mono County Planning Commission

ATTEST:

APPROVED AS TO FORM:

C.D. Ritter, Commission Secretary

Stacey Simon, Assistant County Counsel

Mono County Community Development Department

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

P.O. Box 8
Bridgeport, CA 93517
(760) 932-5420, fax 932-5431
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September 11, 2014

TO: Mono County Planning Commission

FROM: Stacey Simon, Assistant County Counsel
Scott Burns, Director

RE: COMMISSION RULES FOR TRANSACTION OF BUSINESS

RECOMMENDATION

Consider amending Section 10 to clarify hearing continuances when less than a full membership is present, and provide any desired direction to staff.

BACKGROUND

Last meeting your Commission considered the Board of Supervisors recent request to address potential cost and inconvenience that may be incurred by applicants when less than a full Commission membership is present. Following review of proposed changes to Commission Rules, staff has drafted revisions to address Commission concerns, as follows:

SECTION 10. HEARING CONTINUANCES AND REHEARINGS

Upon receipt of a request by the applicant or representative for good cause shown in writing, and prior to the mailing of the official public notices announcing the time and place of the meeting, the Director shall reschedule a hearing date. The Director **or the Commission** may, at his **(or its)** discretion, **continue or** reschedule a hearing date for the convenience of the Commission for the orderly conduct of business of the Department or the County.

In the event that less than the full Commission (~~i.e., less than five members~~) is present to hear a matter regarding which the Commission is the final decision maker, and upon the request of the project applicant or representative, made prior to the commencement of the hearing, the hearing shall be continued until such time as the full Commission can be present. Alternatively, at any time after commencement and prior to the close of the hearing at which less than a full Commission is present, the project proponent or representative may request, and may be granted, a rehearing before the full Commission. Such rehearing shall be considered a "continued hearing" for the purposes of the applicability of any fees or costs to the project applicant. For purposes of this paragraph, a full Commission means the presence of all five Commission members at the meeting, regardless of whether any individual member recuses himself or herself or abstains from participation in the particular matter.