

MONO COUNTY PLANNING COMMISSION

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Bridgeport, CA 93517
760.932.5420, fax 932.5431
www.monocounty.ca.gov

AGENDA

February 16, 2017 – 10 a.m.

Supervisors Chambers, County Courthouse, Bridgeport

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

Full agenda packets, plus associated materials distributed less than 72 hours prior to the meeting, will be available for public review at the Community Development offices in Bridgeport (Annex 1, 74 N. School St.) or Mammoth Lakes (Minaret Village Mall, above Giovanni's restaurant). Agenda packets are also posted online at [www.monocounty.ca.gov / boards & commissions / planning commission](http://www.monocounty.ca.gov/boards%20&%20commissions/planning%20commission). 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 December 15, 2016 (*no January meeting*) -- **p. 1**

4. PUBLIC HEARING

10:10 A.M.

A. CONDITIONAL USE PERMIT 16-00023/Carmichael: Conversion of first floor of existing June Lake Chevron building at 2587 Hwy 158 (APN 015-086-001, zoned Commercial) to support 50-seat coffee shop/restaurant (aka "The Lift Café") serving coffee, food, beer and wine. Proposed operating hours: 5:30am to 2:00am with occasional live music Thursday to Sunday. Interior footprint of 1,400 sq. ft. would be remodeled to include indoor seating, kitchen, work area and two bathrooms. Approximately half of proposed seating would be outdoors depending on available parking. Upstairs floor of building would remain a single-family dwelling unit. Two new signs are proposed: one on building and one (3.5'x4.5') on existing metal pole at northern corner of property. Project is located within June Lake Central Business Parking District. Proponents have submitted Parking Management Plan accounting for 10 on-site spaces, a bike rack for four bikes, and possible off-site spaces. A CEQA exemption is proposed. *Staff: Principal Planner Gerry Le Francois -- p. 6*

5. ACTION ITEM

A. FINAL ONE-YEAR EXTENSION OF TENTATIVE PARCEL MAP (TPM) 31-86/Graves. One-year map extension for property located along US 395 and Burcham Flat Road, approximately a half-mile south of the community of Walker. The parcel (APN 002-490-012) is approximately 111 acres and has a land use designation of Rural Residential 10-acre minimum parcel size. The TPM would divide the property into four parcels. *Staff: Principal Planner Gerry Le Francois -- p. 25*

6. WORKSHOP:

A. Initiation of County activities on medical marijuana. *Staff: Analyst Wendy Sugimura*

More on back...

DISTRICT #1
COMMISSIONER
Mary Pipersky

DISTRICT #2
COMMISSIONER
Roberta Lagomarsini

DISTRICT #3
COMMISSIONER
Daniel Roberts

DISTRICT #4
COMMISSIONER
Scott Bush

DISTRICT #5
COMMISSIONER
Chris I. Lizza

7. REPORTS

A. DIRECTOR

B. COMMISSIONERS

8. INFORMATIONAL: No items

9. UPCOMING AGENDA ITEM: Election of Chair & Vice-Chair (March 16)

10. ADJOURN to March 16, 2017

***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

December 15, 2016

COMMISSIONERS: Scott Bush, Roberta Lagomarsini, Chris I. Lizza, Mary Pipersky, Dan Roberts.

STAFF: Scott Burns, director; Paul McFarland, assistant planner; Nick Criss, compliance officer; Wendy Sugimura, associate analyst; Christy Milovich, assistant county counsel; CD Ritter, commission secretary

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE: Chair Chris Lizza called the meeting to order at 10:08 a.m. in the board chambers at the county courthouse in Bridgeport, and attendees recited the pledge of allegiance to the flag.

2. PUBLIC COMMENT: No items

3. MEETING MINUTES

MOTION: Adopt minutes of Nov. 17, 2016, as amended

4. ACTION ITEM: Adopt changes to Planning Commission Rules & Regulations recommended Nov. 17, 2016. Codes reflect quorum issue: applicant can request full commission.

5. PUBLIC HEARING

10:10 A.M.

A. GENERAL PLAN AMENDMENT 16-02: Revise General Plan Land Use Element Chapter 25 concerning transient rentals. Highlights of the recommended changes include: establish a process to permit transient rentals in residential areas if specific proposals are compatible with applicable area plans, extend noticing requirements for public hearings to 30 days, define Type I rentals as owner-occupied properties and set Use Permit Process for approval, define Type II rentals as vacant properties with off-site management and set a General Plan Amendment process for approval, require Vacation Home Rental Permits (Ch. 26) for both Type I and Type II rentals, eliminate solicitation of multi-parcel applications or setup of districts, focus on standard for approval as lack of reasonable opposition by neighbors directly affected rather than neighborhood support, and clarify "neighbor." In accordance with the California Environmental Quality Act, an addendum to the existing General Plan EIR is being utilized.

Nick Criss recalled contentious applications in Clark Tract, BOS stated Ch. 25 not working well, held joint workshop Feb. 11, 2016. Set up moratorium and recommended staff and Planning Commission work out details. Three separate workshops were held. Ch. 25 separated Type I (owner-occupied with Use Permit) from Type II (vacant, file GPA), required vacation home rental permits for both, discouraged multi-parcel applications. Focus is now on opposition rather than support. Presented to BOS July 12, recommended 30-day notice, waived appeal fees for Type I, directed to RPACs. CDD staff presented revised Ch. 25 to RPACs, recommended move ahead.

June Lake CAC wanted local area plan to determine where rentals would/would not be allowed. At Oct. 4 BOS Supervisor Larry Johnston suggested proposal for June Lake, mapping neighborhoods, eliminating some due to access or geographic limitations. Remaining neighborhoods could take vote with 80% approval to allow rentals. BOS recommended combining Johnston's proposal with staff ideas, and CAC was OK with it. Letters, emails from June Lake, some in support, some in opposition. Today recommending moving ahead with no short-term rentals in June Lake till area plan is revised. Rest of Mono could move forward. Ch. 25 refers to "short-term rentals" instead of TRODs (Transient Rental Overlay Districts).

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How would 80% be ascertained? Sugimura stated decision has been deferred. Once degree of common ground/conflict is known, it would help inform good decision-making. Have conversation/analysis first. Bush suggested when get there, send out to be returned by property owners. Lizza reminded that specifics are subject to area plan revisions. Pipersky considered approving I & II except for June Lake. Criss cited ordinance that says no June Lake till area plan is done. Pipersky stated Supervisor Johnston may be brought in later on separate track. Bush wanted to move rest of county along, let June Lake be separate.

OPEN PUBLIC COMMENT: Pat Hoefer, Clark Tract, objected to I and II nomenclature. Sees no difference. Could have III with arbitrary delineation. Certain assumptions ignored entirety of difference. Gets down to renters, where no difference exists. Instructions to renters would still violate local SFR (Single-Family Residential) [standards]. Same safety issues, still could violate parking, trespass, party, etc. Violations upset owners, but renters would be gone. Matters to neighbors impacted. Why I and II?

Bush contrasted owner on site vs. management company, LA owner. Be careful. Why not ban in-laws? Have some faith they'll control.

Hoefer described problematic incident. Type I owner can't control long-term. Bush noted some people violate rules; that's why there's jail. Hoefer did not want to distinguish between I and II. Long-term OK for Clark Tract. Bush asked how it would be different if family drove stuck car? Have somebody to talk to. Lagomarsini thought it sounded like a bad owner.

Ann Tozier confirmed CAC is actively working on area plan update, wanted moratorium to continue till done. Get word out to all owners in June Lake. Wants way for neighborhoods to eliminate possibility of renters so not have to continue to come to meetings, keep going through this over and over. If neighborhoods exclude new applications, what about existing rentals. What if countywide wants I and II?

Lizza: Support current proposal where area plans can prohibit or allow?

Sugimura explained Tozier is on subcommittee for work plan on June Lake policy development. Need for certainty was expressed. No answer yet, but was clearly emphasized.

Ross Biederman reported enthusiastic support for Supervisor Johnston's proposal. Exclude June Lake. [Issue] is different, distinct at June Lake. Rescind I/II, no functional difference. Ability to vet on parking, road conditions. Difference in awareness, education. Unlike guests, short-term renter has no clue. Consider very few June Lake homes qualify as owner-occupied. Make so much profit, fine is not an issue. Should not reward for such behavior. Definition of neighbor has nothing to do with geography or proximity. Should be person who knows/cares about people in area. Example of two seats away with no say. Only immediate neighbor has any say. Sometimes one or two access routes are directly affected. Easy to form theoretical idea of what's appropriate, but more difficult to live with practicality of issues. Stick with definition of neighbor. Keep wording as support, not opposition – undue burden. If owner feels threatened, should count heavily. Appreciated moratorium for more thoughtful consideration and analysis of data and outcomes. Literature from other communities shows net outcome. ADA is not incorporated into thinking. Carpinteria residents have sued city for unlevel playing field. Hotels are at disadvantage.

Ralph Lockhart, Double Eagle owner, disagreed with friends in room. In workshops, summary materials showed concerns about rentals, but support also was expressed. Verified existing districts have not had a single complaint in six areas established. Problem is illegal rentals, not existing districts. Mono gets no TOT revenue. Create legal way, produce revenue for county. Having rental districts is disadvantage to hotel owner. If done properly, rentals can increase property value. Bears enter vacant places. What legislation ever passes with 80% threshold? Essentially says nobody can do short-term rentals. Presented support letters to continue short-term rentals. Do not eliminate existing districts. Significant expense to create, no complaints. Rusty Gregory said hot beds are essential to June Lake economy. County services were in jeopardy (paramedics) unless capture revenue. Gale & Fettes disapproved. Defer to overall definition of neighbor. Concern about area plan in small rural county, June Lake is diverse. To have one size fits all doesn't recognize differences in area. Yes, ballot measure in Mammoth Lakes was difficult and contentious. June Lake hovers around a tiny ski area and lakes. Use good judgment, respect concerns of neighbors. Focus on illegals.

Criss noted that building official researched ADA. More than 10 people/dwelling go to commercial standards. ADA was considered.

Tozier claimed decision for area plan is not one size fits all. Get whole community involved, let areas decide. **CLOSE PUBLIC COMMENT.**

DISCUSSION: Questions of staff:

Will TRODs be brought into compliance? Burns stated new proposal still uses Ch. 26. No conversion problem.

Remove word "district" or keep? Burns cited same boundaries. Changing name but Ch. 26 continues to apply.

Lagomarsini asked about I and II. Pipersky thought if owner was on site, it would be managed differently, efficiently, fewer problems. Bush compared teacher in classroom vs. down hallway.

Lagomarsini noted owner is there all time, but a problem house. How would that make a difference?

Pipersky: Ugly, why pay money?

Bush saw discussion as re-litigating stuff spent time on. Johnston wanted to treat all as Use Permit, not GPA. I/II is compromise. Nobody on site to regulate. If good families have bad actor, don't just eliminate families. Set up so not punish 80% of people for what 20% want. Let June Lake figure it out. Rest of county is not complaining, so why delay?

REOPEN HEARING: Definition of on site: Same driveway? Across street? Management five minutes down road?

Lizza thought owner living there would be more responsive.

Pipersky noted European model of owner on site, more effort to have quiet, rural renter, as property is at stake. Consider how housing market changes.

Bush thought enforcement would be the same.

Roberts: Other jurisdictions found ministerial process if owner.

Criss: Whole point of Ch. 26: parking, etc. address. Enforcement can assess fines, revoke eventually.

Bush noted car in driveway could be towed.

Tozier cited workforce housing issue.

Bush indicated foreclosed home affects property values, can't be made illegal. Could prevent.

Biederman read formal research on Sedona, Atlanta, Santa Barbara, and Carpinteria. Home prices went up, then stabilized. Unaffordable to lower-income individuals, so in essence would eliminate work force. If no employees, no town. **CLOSE PUBLIC HEARING.**

DISCUSSION: Roberts saw it as a question of balance. Reasonable decisions are needed despite less-than-reasonable opinions on both sides of issue. June Lake has neighborhoods not conducive to a lot of traffic. Johnston came to CAC for years as planner, has background with June Lake community. Shared concern with steep requirement of 80% approval. Thought process was on right track. Let CAC determine its outcome.

Pipersky opined that when zoning, promises are made by government so people can make plans, know what neighborhoods will be like. Important to make possible for neighborhoods to see if suitable for STR. Should be high bar, but lots of opportunities to have a say. Can 12 people say what 1,200 people can do? Should have owners on property, too many potential starter homes taken out with rentals, so eliminate II, all be the same. If live in LA and want to rent, buy a condo. Eliminate June Lake for now, rest of county in residential area owner has to be present on property.

Lagomarsini was intrigued by eliminating II. Ch. 25 reflects what most communities in county are doing. Concerned about notice requirement, definition of neighbor.

Bush appreciated staff/communities working so hard. Guaranteed to have what you purchased only when you purchase. Need a process not governed by three or four people, certain types only. Thinking about rest of county, where no problems exist. June Lake should not say what rest of Mono can do, and vice versa. Antelope Valley is only part of county that opted out of dark skies. June Lake will fix, and he would support it when it's fixed.

Lizza asked how to take advantage of excess capacity without negative effect on workforce housing. Take each application on case-by-case basis. Best solution is for each community to come up with guidelines. Types I/II very important. I: owner is host. II: owner more of hotelier. Potential for abuse in II. Limit number of days property can be rented for II. Reduces potential for property to be purchased by investors who never live there, commercial opportunity – purchased by investor not young local family. Eliminate area plan condition to I, let it be anywhere without community chiming in.

If Type II limits days, why have it? Bush indicated BOS looked at plight of homeowner with two households. If could rent, would not foreclose. Limiting number of days eliminates investors. Let area limit total numbers allowed to avoid sprawl. Limit number, see how it works. Allow for areas to evolve or have dirt roads, adobe houses. Definition of neighbors: In proximity, but still not be neighbors.

Pipersky saw no evidence June Lake needs more beds, as Gregory stated. If could show going into foreclosure, OK to rent.

Bush originally opposed whole idea "sold" to Planning Commission. Property rights to look at, if it helps them, do it.

Pipersky saw it as either a home owner or a business. Time limit is not necessary. Not help people fill up excess capacity. No proof need more beds in June Lake or Mammoth Lakes. Illegal usage is issue.

Bush thought if it's done anyway, might as well collect tax.

Roberts noted in some neighborhoods, it's not an issue. Could buy solely to rent out.

Criss contended time limit is impossible, but make legal ones without problems into problems. If want to limit something, maybe number of houses rather than time frames. Illegal rentals are lucrative. People can claim renters are just "friends."

Lizza saw it as a risk property owner takes, could lose the right.

Roberts noted Ch. 26 requirement to report, pay tax.

Bush noted if limit number, code could enforce. Do not take away from people who have it. Need some rules that make sense.

Criss noted ski town study showed money's there, people try to do it. Puts enforcement back to square one. Could book place solid in some areas.

Lizza noted people don't rent every day of year. Deterrent to commercial property if limit is 120 days.

MOTION: PC approve R16-02, eliminating distinction of I vs II. Motion failed.

MOTION: PC approve R16-02, make sure BOS understands having only one type of rental. Motion failed.

Lizza found the draft too messy, old wording, typos. He did not want dissuasion of property investors for rentals. Sugimura explained outreach was under that language, so retain till adoption and change to short-term rentals. Burns explained staff recommendation that the term TROD has a negative cloud, hence new label STR. Make conforming changes for BOS. Roberts supported time limits.

MOTION: Recommend that BOS adopt General Plan Amendment 16-02 that revises General Plan Land Use Element Ch. 25 concerning transient rentals, rename Ch. 25 as "Short-Term Rentals," accept addendum to General Plan EIR, find that proposed amendment is consistent with the county General Plan and applicable area plans, and exclude June Lake till its area plan revision is concluded. (Bush/Lagomarsini. Ayes: 3. Noes: 2.)

6. WORKSHOP

A. JAIL NEEDS ASSESSMENT: Garrett Higerd noted various contributing factors. The 2009-10 assessment thought running out of 48-bed capacity, projected significant increase. Since then, significant changes in whole corrections system in California. AB 109, realignment: State prisoners were put in county jails. Length of stay longer now, creating other needs of healthcare, dental care, etc. Sentencing on drug crimes not as severe or as long. Capacity now seems adequate, but programming needs exist. Availability of bond revenue program approve by CA Legislature tailored for small-, medium-, large-scale jails. Mono is small, so proposal for project due by end February. Will BOS be ready to submit. Consultant suggested feasible alternatives.

Bush, who works at the jail, stated everyone expected to outgrow Mono's jail. Actually, State outgrew its prisons, gave prisoners to county jails. Could serve long-term stays, most about four years. Legalized weed will change jail to mini-prison, not as many, but there longer.

Higerd stated Mono is trying to comply with requirements. Most obvious way would be renovation, but revenue bonds require upgrading all that doesn't meet current code. Off the table, not cost effective. New seismic calculations. Constructed in mid-1980s, but jails get lots of use 365 days/year.

Bush noted automatic functions wear out, can't find parts. What to do with prisoners when renovating?

Higerd stated Annex building to provide services makeshift now. Family visitation. Respiratory isolation room with special ventilation system so rest of population does not get sick. Mental health, telepsychiatry, released probationers. Mono does not own land, owned by Frontier utility. Other areas on same property not as preferable. Already disturbed, same land use designation (PF), has garage on it. Alt 2: New jail facility at site of Bridgeport hospital (not since 1980s). Now used as cold storage. Demolish, larger square footage but not beds. Holistic design not add-on. Also PF. Both locations are already impacted with buildings; consistent with PF designation.

Input on alternatives...

Bush thought money from State. Higerd cited revenue bonds, \$150 million for small counties, maximum \$25 million per. Do budget analysis on issues. Operational costs: 911 dispatch in same area, with staffing efficiency. Jails are not "essential facilities." Construct as such to keep 911 dispatch.

Mono and Inyo not house juvies; they go north somewhere.

Grand Jury involved? Bush recalled two needs assessments done. Grand Jury understands needs for future.

Higerd stated proposals are due by end of February, with package of material to be included. Need BOS resolution of support on other resources, complete CEQA process (PF is good fit, already disturbed) with addendum to General Plan EIR.

Bush stated all Mammoth Lakes offenders go to Bridgeport.

Higerd noted needs assessment looked at smaller jail at Mammoth, but two separate facilities are cost-prohibitive for staffing. Make sure new facility is near existing facility. Use old jail for storage of stuff from hospital.

Bush indicated could have medical staff for community as well as jail. Higerd suggested hiring outside providers instead of transporting out.

Bush stated law requires female corrections officers for female inmates. Every corrections officer is cross trained in dispatch, so have two skills. Personnel is most expensive, especially 24/7, so dual purpose works well.

7. REPORTS

A. DIRECTOR: 1) **Jail:** PF (Public Facility) designation usually requires conditional use permit, but BOS can go forward without Planning Commission input. 2) **Building codes:** January meeting BOS. 3) **January meeting:** Will have items. 4) **Tioga Inn:** Staff & consultant have met with proponent. 5) **Weed moratorium:** Task force will be comprised of all departments involved. 45-day. 6) **Sage grouse:** Wendy and Jake are developing new webpage; 7) **Compliance Appeal:** Lizza presided as hearing officer. 8) **Staff:** Planning Analyst Michael Draper came from Inyo County; 9) **Info item:** Mono intervening in action against Center for Biological Diversity. Sugimura noted lawsuit not to list grouse. Intervention brief on behalf of USFWS; if settlement agreement is reached, need Mono at table. Local jurisdiction is involved in regulating private property, Nevada is doing scientific. 10) **GPA:** Under 90-day tribal consultation.

B. COMMISSIONERS: **Bush:** Met with Supervisor-elect John Peters, who does not intend to reinvent wheel, will reappoint Bush. **Lizza:** Is County clerk an appointed position? Burns indicated looking at interim.

8. INFORMATIONAL

A. REQUEST FOR NOTICE REGARDING CONWAY RANCH ACTIONS. *Center for Biological Diversity*

9. ADJOURN to January 19, 2017. Lagomarsini and Lizza will miss meeting.

Prepared by CD Ritter, commission secretary

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February 16, 2017

To: Mono County Planning Commission

From: Gerry Le Francois, Principal Planner

Re: Use Permit 16-00023 / Carmichael

RECOMMENDATION

It is recommended the Planning Commission take the following actions:

1. Find that the project qualifies as a Categorical Exemption under CEQA guideline 15303 and file a Notice of Exemption;
2. Make the required findings as contained in the project staff report; and
3. Approve Use Permit 16-00023 subject to Conditions of Approval.

PROJECT

The project is at 2587 Highway 158 in June Lake, site of the former Chevron gas station. The proposal would remodel the former gas station portion of the building (APN 015-086-001) for a coffee shop and restaurant (The Lift) with seating proposed for up to 50 patrons. The existing residential unit above the prior gas station will remain. An interior footprint of 1,400 sq. ft. would be remodeled to include indoor seating, kitchen, work area, and two bathrooms; approximately half of the proposed seating could be outdoors.

The proposed operating hours extend from 5:30am to 2:00am with occasional live music Thursday to Sunday. Two new signs are proposed – one on the building and one (3.5'x4.5') on an existing metal pole at the northern corner of the property. The project is located within the June Lake Central Business Parking District, and proponents have submitted a Parking Management Plan accounting for 10 on-site spaces, a bike rack for four bikes, and two potential off-site spaces to be developed.

Figure 1 is a site plan of the project, Figure 2 is a floor plan, and Figure 3 is the elevation of the building.



FIGURE 2: Floor Plan

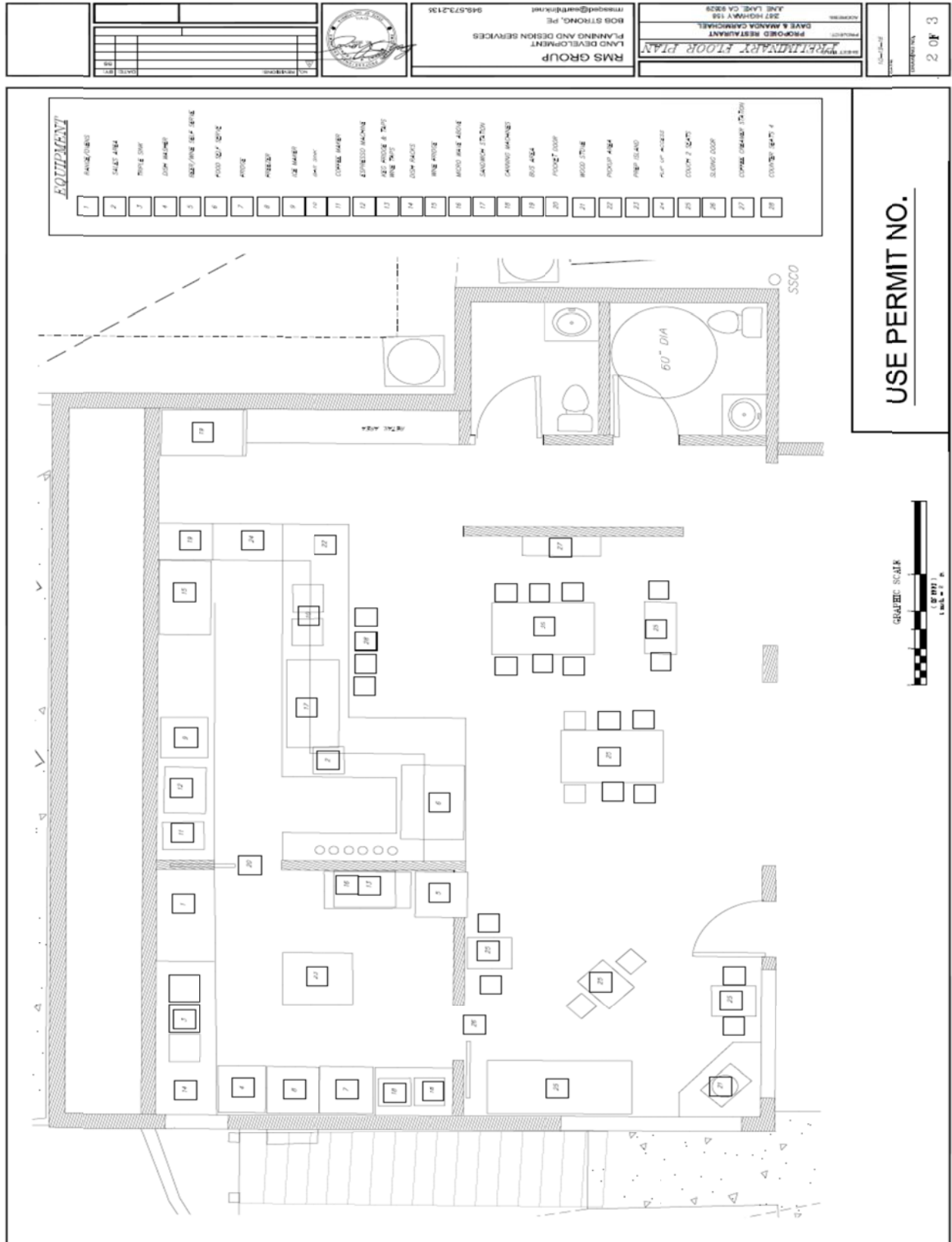


FIGURE 3: Elevation



PROJECT SETTING

The existing building is located at 2587 Highway 158 and Lakeview Drive in June Lake with a Commercial (C) land use designation. The prior use was the Chevron gas station and residential unit above. The project area is part of the commercial core for June Lake. The area has a mix of developed commercial uses along State Route 158. Adjacent to the proposed project is Rainbow Ridge Realty and across Lakeview Drive is Dream Mountain Studio.

Photo 1: Across the street from project

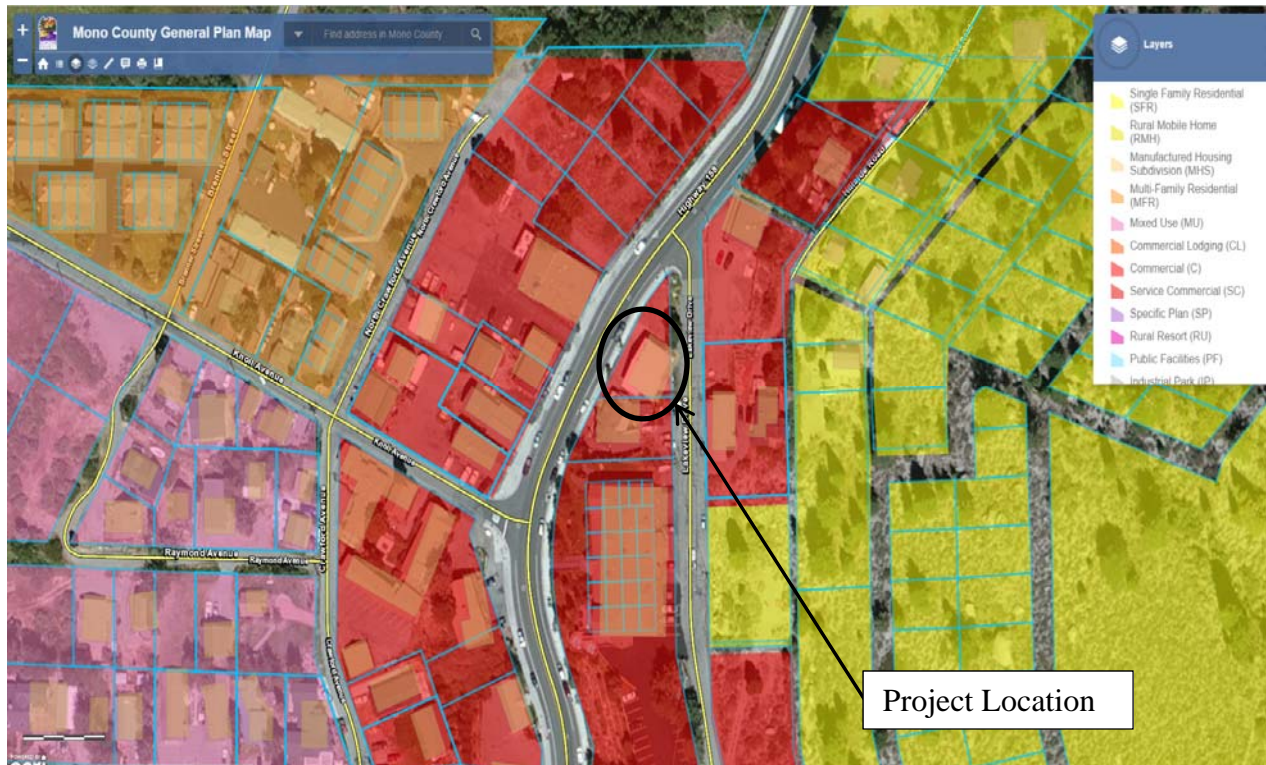


Photo 2: Front of building



Photos 3 & 4: Along and across Lakeview Drive



FIGURE 4: LAND USE DESIGNATION MAP**SIGNAGE**

Chapter 7 of the Mono County General Plan (MCGP) regulates current and proposed signs. Two signs are proposed for the project. The freestanding sign is located on Hwy 158 and one sign is attached to the front of the building.

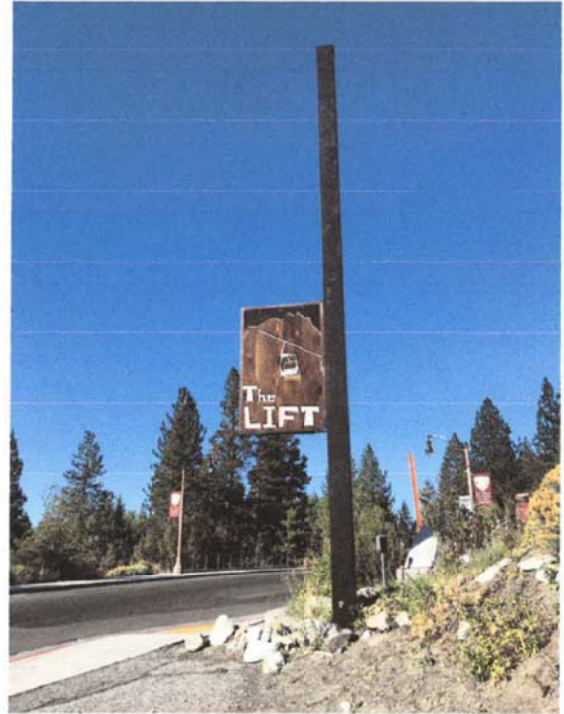
MCGP section 07.030 Signs, allows attached and freestanding signs subject to Director Review. The sign approvals are a part of this Use Permit.

- Attached signs are mounted flush and affixed securely to a building wall that projects no more than six inches from the face of a building wall, and does not extend vertically or horizontally beyond the building.
- One freestanding or monument sign permitted for parcels with a minimum of 100 feet of street frontage and anchored directly to the ground or primarily supported from the ground rather than a building.

MCGP section 07.030 A1 provides the following square footage for both attached and freestanding signs: Attached and freestanding signs may occupy one sq. ft. for each three lineal feet of business frontage upon which the sign is located. In intensive commercial and industrial areas (e.g., C, IP and I), the maximum area of any attached sign shall not exceed 100 sq. ft., but need not be less than 25 sq. ft. Freestanding signs shall be set back a minimum of five feet from the property line. Additional square footage may be awarded as specified in Section 7.050, Design Excellence.

Table 1: Chapter 7 sign compliance table for The Lift

Allowed in Ch. 7 – section 07.030 A & C	Proposed	Notes	Complies
Attached Sign - 1 sq. ft. of sign area for every three linear feet of street frontage (280 linear feet of frontage) subject to Director Review	2 ft. x 3 ft. = 6 sq. ft.	same as above	yes
Freestanding - 1 sq. ft. of sign area for every three linear feet of street frontage (280 linear feet of frontage) subject to Director Review	3.5 ft. x 4.5 ft. = 15.75 sq. ft.	cannot exceed 20 ft. in height	yes
Total sq. ft. proposed	21.75		



Both signs use materials of reclaimed wood and metal.



PARKING REQUIREMENTS

Chapter 6 of the MCGP provides the parking requirements for various projects. June Lake village has been designated as Central Business Parking District. The purpose of these districts is to balance off-street parking requirements with existing community context and character, and provide flexibility in allowing alternative means of addressing parking demand to encourage more economically productive land uses.

- Within the June Lake central business parking district, 60% of minimum off-street parking requirements for non-overnight commercial uses shall be required.

The Planning Commission may approve a parking management plan when the plan incorporates any one or more of the following alternative parking measures:

- Off-site parking in compliance with section 060.060 exceeding 300 feet from project location but no farther than 1,320 feet;
- Alternative parking space dimensions (not less than 8' x 16' or angled equivalent) allowed for up to 40% of required spaces;
- Tandem parking utilized for employee or longer-term parking requirements;
- Off-site joint use (shared) parking with any other parcel within 300 feet of the central business parking district when in conformance to sections 06.060 and 06.070; and
- A maximum of one required off-street parking space may be substituted for four bicycle parking spaces, employee shower facilities, or other equivalent alternative transportation measure or other measure that reduces district-wide parking demand as approved by the Director or Commission.

Table 2: Required parking spaces per # of seats in June Lake Central Business District

Use	Chapter 6	required	Central Business District / Parking Management Plan reductions
Restaurants, Bars & Food Carts	<ul style="list-style-type: none"> • One space for each three seats plus one space for each employee on largest shift. • Central Business Districts 	20 seats and 2 employees or 3.9 spaces 2 spaces for employees	<ul style="list-style-type: none"> • 60% of required # of spaces for central business districts (20 seats/3 seats for each parking space = 6.66 spaces x .6 of required = 3.9 parking spaces). Three spaces are provided. • The bike rack provision allows for a reduction in one additional space
Other			other measure that reduces district-wide parking demand as approved by the Director or Commission
Single-Family Home	<ul style="list-style-type: none"> • 2 spaces per unit 	2	2 spaces
		Total spaces needed	8 spaces for all uses and a 20-seat cafe

Parking Limitation

Based on the limited number of on-site parking spaces for required for the employees (2), the residential unit (2), and a 20-seat café (4), the seating capacity of The Lift is limited to 20 seats versus the proposed 50 seats the applicant has requested.

In addition, California Building Code may also restrict the number of seats in a restaurant due to lack of restroom facilities for each sex.

SNOW STORAGE

Snow-storage areas shall be provided for all new commercial, industrial and multifamily (three or more units) developments, including condominiums. Snow-storage area(s) shall be equal to a required

percentage of the area from which the snow is to be removed (i.e., parking and access/roads areas). Snow storage shall be provided on site, but may be allowed off site through the use permit process.

Table 3 shows the required snow storage as required by Chapter 4 of the MCGP. Project does provide snow storage but is short of required on-site storage requirements. As allowed by Chapter 4 of the MCGP, a condition has been added to provide for off-site snow storage.

Table 3: Chapter 04.300 snow storage requirements for The Lift

Chapter requires snow storage at 65% of plowed areas	Area to be plowed	At 65%	Area provided	complies
95+ psf (June Lake is 119 psf) = 65%	Approximately 2,700 sq. ft.	1,755 sq. ft.	620 sq. ft.	no

GENERAL PLAN CONSISTENCY

As noted above, the General Plan Land Use Designation for this property is Commercial (C). According to the Mono County General Plan, “the ‘C’ designation is intended to provide for a wide range of uses and service for the resident and visitor including retail, business and professional uses and services in community areas....” Permitted uses subject to a use permit under the Commercial land use designation include retail trade, services, and business services.

In addition, the project is consistent with Countywide and June Lake Area Plan policies as listed below.

MONO COUNTY LAND USE ELEMENT, Countywide Land Use Policies

Objective 1.E. Provide for commercial development to serve both residents and visitors.

Policy 1.E.1. Concentrate commercial development within existing communities.

Action 1.E.1.a. Designate a sufficient amount of commercial land within communities to serve the needs of residents and visitors.

Policy 1.E.2. Commercial uses should be developed in a compact manner; commercial core areas should be established/retained in each community area, and revitalized where applicable.

Action 1.E.2.a. Orient new commercial development in a manner that promotes pedestrian use. Avoid strip commercial development.

MONO COUNTY LAND USE ELEMENT, June Lake Area Plan

Objective 13.E. Utilize land use designations to stimulate revitalization in depressed areas, to limit and phase out incompatible uses, and to guide June Lake’s future.

Policy 13.E.1. Encourage infilling and/or revitalization in areas designated for development in the Area Plan.

Objective 13.I. Maintain the June Lake Village as the Loop’s commercial core by providing a wide range of commercial and residential uses in a pedestrian-oriented atmosphere.

MONO COUNTY CODE – Chapter 10.16 Noise Regulations, 10.16.060 - Noise level limitations.

Exterior Noise Levels are limited to a maximum allowable exterior noise level in residential / lodging areas of 65 dBA for daytime residential uses or 55 dBA for night time residential uses. In addition, project is subject to MCC 10.16.060B:

No person shall cause, operate, allow, or permit the operation of any sound source on a particular category of property or any public space or right-of-way in such a manner as to create a sound level that exceeds the background sound level by at least ten dBA during daytime (seven a.m. to ten p.m.) hours and by at least 5 dBA during nighttime (ten p.m. to seven a.m.) hours when measured at or within the real property line of the receiving property. Such a sound source would constitute a noise disturbance.

Table 10.16.060 of MCC

Land Use	Noise Level (CNEL)
Residential: Low Density Single-Family, Duplex, Transient Lodging	Daytime (7 a.m. to 10 p.m.) >55 dBA Nighttime (10 p.m. to 7 a.m.) >50 dBA
Commercial Uses, Offices, Retail	All Times — 65 dBA

LAND DEVELOPMENT TECHNICAL ADVISORY COMMITTEE

The LDTAC considered the project on Oct. 17, 2016, and Feb. 6, 2017, and accepted the application for processing.

ENVIRONMENTAL REVIEW

The project qualifies for a categorical exemption from the provisions of CEQA as the project is considered a Class 3 (CEQA Guidelines, 15303). CEQA identifies this as a Class 3 – Conversion of Small Structure exemption. A Class 3 exemption consists of construction and location of limited number of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.

USE PERMIT FINDINGS

In accordance with Mono County General Plan, Chapter 32, Processing-Use Permits, the Planning Commission may issue a Use Permit after making certain findings.

Section 32.010, Required Findings:

1. *All applicable provisions of the Mono County General Plan are complied with, and the site of the proposed use is adequate in size and shape to accommodate the use and to accommodate all yards, walls and fences, parking, loading, landscaping and other required features because:*
 - a) Retail trade and services are listed as a Permitted Use, subject to Use Permit within the Commercial designation.
 - b) Adequate site area exists for the proposed uses and remodeling of former gas station building.
 - c) Parking is sufficient for the 20-seat coffee/restaurant and residential unit
 - d) The location of the proposed project is consistent with the June Lake Area Plan's intent for concentrating resident- and visitor-oriented services in commercial core.
 - e) With conditions, the parking plan, snow storage, and sign plan conform to all requirements of the General Plan.
 - f) Additional signage and/or lighting is required to comply with Chapter 7 (see Table 1).
 - g) A basic landscaping plan is provided on sheet 1 of 2 (Figure 1).
2. *The site for the proposed use related to streets and highways is adequate in width and type to carry the quantity and kind of traffic generated by the proposed use because:*
 - a) The parcel is accessed by Hwy. 158 and Lakeview Drive. Parking is sufficient for employees, customers, and deliveries (see Table 2).

- b) The proposed uses are not expected to generate significant amounts of traffic to alter existing circulation patterns, and the location of the project along 158 and Lakeview Drive. The project location in the commercial core, and a bicycle rack should encourage pedestrian/bicycle use for visitors already in town.
3. *The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located because:*
- a) The proposed uses are not expected to cause significant environmental impacts. The modifications are to existing building and developed site. The property has a commercial designation appropriate for these uses.
 - b) The applicant shall comply with all June Lake PUD requirements. Support (will-serve) from the PUD is pending.
 - c) The proposed project is a conforming use according to the Mono County General Plan's Land Use Element. The use permit process provides the public opportunity to comment on the proposal and the project has been modified to conform limited on-site parking.
 - d) Project is subject to Mono County Code 10.16 Noise Regulations.
4. *The proposed use is consistent with the map and text of the Mono County General Plan because:*
- a) The commercial land use designation provides for commercial uses such as retail trade, services, and business services.
 - b) The project is located within the June Lake commercial area. The June Lake Area Plan encourages providing a wide range of commercial uses and services for residents and tourists. The project provides for additional food services and encourages well-rounded economy by providing additional commercial options within June Lake.

MONO COUNTY Planning Division

DRAFT NOTICE OF DECISION & USE PERMIT

USE PERMIT: UP 16-00023 **APPLICANT:** David Carmichael

ASSESSOR PARCEL NUMBERS: 015-102-001

PROJECT TITLE: The Lift - a 20-seat cafe with a residential unit above the café.

PROJECT LOCATION: The project is located at 2587 Highway 158, June Lake, CA

On February 16, 2017, a duly advertised and noticed public hearing was held and the necessary findings, pursuant to Chapter 32.010, Land Development Regulations, of the Mono County General Plan Land Use Element, were made by the Mono County Planning Commission. In accordance with those findings, a Notice of Decision is hereby rendered for Use Permit 16-00023, Carmichael, subject to the following conditions, at the conclusion of the appeal period.

CONDITIONS OF APPROVAL

See attached Conditions of Approval

ANY AFFECTED PERSON, INCLUDING THE APPLICANT, NOT SATISFIED WITH THE DECISION OF THE COMMISSION, MAY WITHIN TEN (10) DAYS OF THE EFFECTIVE DATE OF THE DECISION, SUBMIT AN APPEAL IN WRITING TO THE MONO COUNTY BOARD OF SUPERVISORS.

THE APPEAL SHALL INCLUDE THE APPELLANT'S INTEREST IN THE SUBJECT PROPERTY, THE DECISION OR ACTION APPEALED, SPECIFIC REASONS WHY THE APPELLANT BELIEVES THE DECISION APPEALED SHOULD NOT BE UPHeld AND SHALL BE ACCOMPANIED BY THE APPROPRIATE FILING FEE.

DATE OF DECISION/USE PERMIT APPROVAL: February 16, 2017
EFFECTIVE DATE USE PERMIT February 27, 2017

This Use Permit shall become null and void in the event of failure to exercise the rights of the permit within one (1) year from the date of approval unless an extension is applied for at least 60 days prior to the expiration date.

Ongoing compliance with the above conditions is mandatory. Failure to comply constitutes grounds for revocation and the institution of proceedings to enjoin the subject use.

MONO COUNTY PLANNING COMMISSION

DATED: _____

cc: Applicant
 Public Works
 Building
 Compliance

Conditions of Approval: Use Permit 16-00023/Carmichael

- 1) Future development shall meet requirements of the Mono County General Plan, Mono County Code, and project conditions.
- 2) The project shall be in substantial compliance with the site plan as shown on Figure 1 (sheet 1 of 3 dated 10-19-16) as modified by staff and presented to the Planning Commission on 02-16-17.
- 3) Project shall include eight parking spaces (Chapter 6, Parking Standards or amended by the Planning Commission) as discussed in this staff report that would allow for seating up to 20 patrons. If additional parking can be provided according to Chapter 6, the applicant may increase seating (seasonally) not to exceed 50 seats.
- 4) The applicant is required to provide on-site snow storage. Off-site snow storage is permitted provided applicant contracts with a snow removal provider for off-site storage.
- 5) The applicant shall obtain and/or update encroachment permit as may be required from Caltrans and or from Mono County for access.
- 6) All signs shall be in conformance with the Chapter 07 Signs of the Mono County General Plan.
- 7) Landscaping Plan, Figure 1, will include future annuals and/or perennials and maintain the existing trees along Lakeview Drive.
- 8) All exterior lighting shall be shielded and directed downward to comply with Chapter 23, Dark Sky Regulations
- 9) Project is required to comply with any requirements of the June Lake Fire Protection District (FPD). The applicant shall provide a “will-serve” letter from the indicating the FPD will provide service to the project.
- 10) Project is required to comply with any requirements of the June Lake Public Utility District (PUD). The applicant shall provide a “will-serve” letter from the PUD.
- 11) Project shall comply with all Mono County Building Division requirements.
- 12) Project shall comply with all Environmental Health requirements.
- 13) Applicant shall obtain necessary business licenses.
- 14) Any music and/or special events shall comply with, Mono County Code (MCC), Chapter 10.16 Noise Regulations, Chapter 5.41 Amplified Public Entertainment, and/or Chapter 5.50 Special Events.
- 15) If any of these conditions are violated, this permit and all rights hereunder may be revoked in accordance with Section 32.080 of the Mono County General Plan, Land Development Regulations.

1/17/2017

Mono County Planning Commission
 Board of Supervisors
 Mono County Planning
 Gerry Le Francois, Project Planner

Re: 16-00023/Carmichael
 Conversion of June Lake Chevron Building @ 2587 Hwy 158 (APN 015-086-001)

I object to the proposed restaurant at this location for the following:

- 1) Parking is not sufficient to meet the necessary requirements. Proposed restaurant must provide a minimum of 21 spaces
 - a) California law requires, for a 50 seat restaurant,
 - i) 1 parking space per every 3 seats
 - ii) 1 parking space for each employee working. (a minimum of 3 parking places must be provided as you cannot operate a 50 seat restaurant with less than 3 employees. I have worked 50 years in the restaurant business (as owner and manager), and know you cannot operate a restaurant business with less than three workers.
 - b) The apartment above the proposed restaurant requires a minimum of 2 parking spaces. There is no existing room for their tenants to park.
 - c) Mono County has parking restrictions on using street parking. Street parking may not be factored in as part of proposed restaurants parking requirements.
- 2) I own the property across the street on Lakeview Blvd. and am concerned there will be an ongoing problem of restaurant patrons parking on my property. My property is for the sole use of my tenants at 45 Lakeview. I will tow unauthorized vehicles which will lead to unhappy people. The business may not use other people's property.
 - i) A couple years back, the county denied the June Burg for lack of required parking. So they purchased the property across the street and the county still would not grant approval for "across the street" parking.
 - ii) For the Tiger Bar to have enough parking, it was necessary for the Tiger to purchase the property behind the Tiger to meet parking requirements, including ADA Van parking. It was approved only because it was adjacent.
- 3) Noise.
 - a) With residential housing behind the proposed restaurant, as well as a hotel, all within 200 feet, noise is a very big problem.
 - b) I own the units located at 45 Lakeview. My tenants need quiet in order to be able to get up in the morning to go to work.
 - c) Mono Co. has a noise ordinance which requires all outside music must END before 10:00 p.m. I petition that you do not breach or amend this ordinance to appease the new proposed business.

Tenants have a right to quiet. A 2:00 a.m. close time, with music/noise on the streets, or even inside, is a flagrant violation of the tenants rights.

- 4) A restaurant serving beer and wine is required by the ABC to have 2 bathrooms. The bathrooms must be ADA compliant.
- 5) Where is the grease trap located? It should be outdoors. Where is the trash and grease receptor located? Cars cannot block access to these removal sites.
- 6) I believe Mono County only allows so many square feet for signs.
- 7) The Fire Dept. has several requirements for restaurants with housing located above
 - a) Suppression system
 - b) Two layers of 5/8 sheet rock on ceilings. I believe it's a two hour firewall.
 - c) Several other requirements

Thank you for your consideration,

Rodger Guffey
Owner, 45 Lakeview
760-709-1403

Good afternoon Gerry,

I have other problems with the Lift Café:

- The only access to the 2 employee parking spaces is through Rainbow Realty's property. They cannot use other people's property for access.
- There is no snow storage. Go take a look at the lot with snow on it.
- The handicap parking space must be a Van handicap space. That space must be a min. of 8 feet wide with an additional 8 foot wide striped access area to the right the length of the space.
- Street parking is not allowed for the required parking for a business.
- They have only 5 parking spaces and 2 are for employees. This means the restaurant can only have 15 seats.

They do have 2 extra parking spaces for the apartment upstairs.

Thank you for your consideration,
Rodger Guffey (owner of the apartments across the street on Lakeview)
760-709-1403

RECEIVED

FEB 06 2017

MONO COUNTY
Community Development**Mike & Elayne Logue**386 Sussex Place
Carson City, NV 89703
Phone: 775-575-4534

► **Gerry Le Francois, Project
Planner
Planning Commission**

PO Box 347
Mammoth Lakes, CA 93546
Phone 760-924-1810

Re: Old Lake Chevron building/ June Lake
APN 015-086-001

Dear Gerry Le Francois

We are the property owners of 2604 Highway 158 that is occupied by Ernie's Tackle and Ski Shop.

Our main concerns with your issuing a conversion and use permit to this project are the issues of parking space, and adequate snow removal in the winter months. There are already two restaurants located in this small section of the Village that compete for limited parking especially in the winter. Adding 50 more seats for dining will greatly increase the congestion on the street. Where are the proposed on-site parking spaces to be located, especially if they plan to use lot space for outdoor dining. We are familiar with this property and it does not contain that amount of space. Parking problems and congestion will be greatly increased during winter months.

We have a history in June Lake dating to 1975; please call if you wish to discuss these issues.

We urge you to reconsider issuing permits for this project.

Sincerely,

Mike & Elayne Logue

Cc: John and Candy Logue, Ernie's Tackle and Ski Shop, Box 36 June Lake, CA 93529

Secretary to the Planning Commission

January 15, 2017

PO Box 347

Mammoth Lakes, CA 93546

RECEIVED
JAN 30 2017
MONO COUNTY
Community Development

Dear Madame or Sir:

We have been informed of a Public Hearing for conversion of an existing building in June Lake CA at 2587 Hwy 158. This conversion would create a 50-seat coffee shop/restaurant (aka The Lift Café) serving food, wine and beer, with occasional live music Thursday to Sunday and approximately half the seating outdoors. Operating hours for this business are proposed 5:30 am to 2:00 am.

My husband and I live on Hillside Road, Southeast of this location. We do not object to the conversion of this building into a "Coffee Shop/Restaurant" however we do have some concerns regarding the time of operation, parking, and noise.

We question the need for a Coffee Shop without a liquor license, whose major seating is outside needing to stay open until 2:00 a.m. For those of us who live on Hillside the noise from restaurants and groups of people congregating in front of establishments can be loud and disturbing. We would not object to a 10:00 p.m. closing on weeknights and a 12:00 a.m. closing on weekends.

Parking also seems an issue for this Coffee Shop with only 10 parking places this would suggest that patrons would be required to park on the streets around the establishment. Currently the Sierra Inn Restaurant directly across the street from this proposed "Coffee Shop" uses the highway for much of its parking, as well as Ernie's Tackle and Ski Shop, Sierra Wave T shirt Company, and the Tiger Bar. Without additional parking on the site of the "Coffee Shop" we are concerned with additional street congestion.

My husband and I are full time residents of June Lake and wish to express our support of new business in our Village, but also want you to consider our concerns, so both residents of June Lake and business can coexist harmoniously.

Sincerely,



Robert and Pamela Murphy

183 Hillside Road

June Lake, CA 93529

(760) 648-1046

**Mono County
Community Development Department**

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

Planning Division

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

STAFF REPORT

Date: February 16, 2017

To: Mono County Planning Commission

From: Gerry Le Francois, Principal Planner

Re: Third and final one year extension of Tentative Parcel Map (TPM) 31-86 / Graves

RECOMMENDATION

It is recommended that the Mono County Planning Commission take the following actions:

- A. Find that the project was processed in accordance with Section 15183 of the CEQA Guidelines for a project consistent with the General Plan. No substantial changes have been proposed in the project or the circumstances under which the project will be undertaken, and no new information of substantial importance has been received to warrant further environmental analysis.
- B. Approve the final one-year extension of Tentative Parcel Map 31-86/Graves to November 11, 2017, subject to the prior Conditions of Approval and Mitigation Monitoring Program as contained herein.

BACKGROUND

The proposed project is located along US 395 at the southern end of Antelope Valley (east of the Mountain Gate Parkway). The project calls for the subdivision of a 111-acre parcel into four lots and a remainder (APN 002-490-012 was formally 02-140-38). The subject property has a General Plan Land Use designation of Rural Residential with a 10-acre minimum lot size (RR 10).

Telephone and electrical services do not extend to the project. The surrounding lands are a combination of private and public lands. The lands to the east and south are Humboldt-Toiyabe National Forest lands, with those to the west owned by Mono County and Bureau of Land Management (BLM).

The Planning Commission approved the tentative parcel map on November 10, 2005. The Planning Commission approved a one year extension in November of 2008 and numerous extensions by the State Legislature extended this parcel map to November 10, 2015. The second one-year extension continued TPM approval until November 10, 2016. This is the final one-year extension if approved by your commission.

LDTAC Review

The Land Development Technical Advisory Committee has reviewed this map extension and recommended the approval of a one-year map extension.

Attachments:

Map Extension Application

CEQA 15183 Analysis

Planning Commission Minutes for Public Hearing, November 10, 2005

Planning Commission Staff Report and Conditions of Approval &

Mitigation Monitoring Program, November 10, 2005

Notice of Tentative Parcel Map 35-03 Approval, November 10, 2005

Submit by Email

Print Form

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Mono County Community Development Department

Graves

Map
Extension

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

Planning Division

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

MAP EXTENSION APPLICATION

APPLICATION # _____	FEE PAID \$ <u>495</u>
DATE RECEIVED <u>10/28/16</u>	RECEIVED BY <u>[Signature]</u>
RECEIPT # _____	CHECK # _____ (NO CASH)

APPLICANT/AGENT Gaye L. Graves

ADDRESS 2727 Midtown Court #29 CITY/STATE/ZIP Palo Alto, CA 94303

TELEPHONE (650) 321-5046 E-MAIL gaye.graves@rocketmail.com

OWNER, if other than applicant _____

ADDRESS _____ CITY/STATE/ZIP _____

TELEPHONE (_____) _____ E-MAIL _____

Date of Planning Commission approval _____ APN APN-140-038

Date of Board of Supervisors approval _____ Minute Order # _____

Map expiration date _____

PREVIOUS EXTENSIONS: Extension approved _____ Expires _____

Second extension approved _____ Expires 11/10/16

REASON FOR REQUEST: Applicant(s) should describe the progress to date and the reasons why an extension is necessary, using additional sheets if necessary.

Additional time is needed to have parcel map modified after sale of parcels to Mono County

and other parcel map related work completed.

APPLICATION SHALL INCLUDE:

- A. Completed application form.
- B. Project processing deposit: See Development Fee Schedule for Map Extension.
- C. If the environmental document is still valid and does not need modification by staff, no deposit. Otherwise, see Development Fee Schedule for the following Environmental Review deposits (CEQA) that may be required: Categorical Exemption, Negative Declaration, Environmental Impact Review (deposit for initial study only).

More on back...

I CERTIFY UNDER PENALTY OF PERJURY THAT I am: legal owner(s) of the subject property (all individual owners must sign as their names appear on the deed to the land), corporate officer(s) empowered to sign for the corporation, or owner's legal agent having Power of Attorney for this action (a notarized "Power of Attorney" document must accompany the application form), AND THAT THE FOREGOING IS TRUE AND CORRECT.

Gayle L. Graves
Signature

Signature

10/29/16
Date

ENVIRONMENTAL ANALYSIS

for

**Tentative Parcel Map 31-86
GRAVES**

Antelope Valley

PREPARED BY:

**Mono County Community Development Department
Planning Division
P.O. Box 8
Bridgeport, CA 93517**

**TENTATIVE PARCEL MAP 31-86/Graves
ENVIRONMENTAL ANALYSIS**

LIST OF PREPARERS

MONO COUNTY PLANNING STAFF

Contact Person

Keith Hartstrom, Principal Planner

Gwen Plummer, Associate Planner

Mono County Community Development

Planning Division

P.O. Box 8

Bridgeport, CA 93517

(760) 932-5425

PROJECT ENGINEER

Bruce Woodworth

824 Burcham Flat Road

Coleville, CA 96107

PROJECT SPONSOR

Olive Graves

1650 Burcham Flat Road

Coleville, CA 96107-9578

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PART I: ENVIRONMENTAL ANALYSIS

CEQA Section 15183

I. INTRODUCTION

The California Environmental Quality Act (CEQA) requires public agencies to consider the effects that development projects will have on the environment. California Public Resources Section 21083.3 and Section 15183 of the CEQA Guidelines mandate that projects that are consistent with the development density of existing zoning, community plan or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects that are peculiar to the project or site.

Mono County has existing zoning, community plan and general plan policies for which an EIR was certified; i.e.,

Mono County General Plan, EIR certified in 1993 (SCH # 91032012) – general plan policies for all required general plan elements.

Mono County Land Use Element Update, EIR certified in 2000 (SCH # 98122016) – zoning, land use policies, community plan policies.

The Mono County Planning Division has prepared an Initial Study checklist to determine whether there are project-specific significant effects that are peculiar to the project or to the site. As mandated by the CEQA Guidelines Section 15183, this checklist identifies whether environmental effects of the project:

1. Are peculiar to the project or the parcel on which the project would be located;
2. Were not analyzed as significant effects in a prior EIR on the zoning action, general plan, or community plan, with which the project is consistent;
3. If environmental effects are identified as peculiar to the project and were not analyzed in a prior EIR, are there uniformly applied development policies or standards that would mitigate the environmental effects;
4. Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the General Plan, community plan, or zoning action; or
5. Are previously that identified significant effects which, as a result of substantial new information that was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.

Further examination of environmental effects related to the project is limited to those items identified in the checklist as meeting one of the above criteria.

II. PROJECT INFORMATION

1. **Project Title:** Tentative Parcel Map 31-86
2. **Lead Agency Name and Address:**
Mono County Community Development Department
Planning Division
P.O. Box 8
Bridgeport, CA 93517

- 3. Contact Persons and Phone Numbers:** Keith Hartstrom at (760) 932-5425, or Gwen Plummer at (760) 924-1802.
- 4. Project Location:** The property is located along U.S. Highway 395 and the West Walker River, southeast of the community of Walker, Antelope Valley.
- 5. Project Sponsor's Name and Address:**
Olive Graves
1650 Burcham Flat Road
Coleville, CA 96107
- 6. General Plan Land Use Designation/ Zoning:** Rural Residential 10-acre minimum (RR 10)
- 7. Description of Project:** The proposed project is located along U.S. Highway 395 and the West Walker River just southeast of the community of Walker. The project calls for the subdivision of a 136-acre parcel into 4 lots and a remainder (APN 02-140-38) see Tentative Parcel Map and Exhibit 1). The subject property would permit a maximum project density of 13 units. The project will use individual water and sewer.
- 8. Surrounding Land Uses**
The property is located just southeast of the community of Walker. The adjacent development along U.S. 395 was destroyed by the 1997 Walker flood. The surrounding lands are a combination of private and public lands:
- West: Bureau of Land Management, designated Resource Management.
South: Humboldt-Toiyabe National Forest, designated Resource Management
East: Humboldt-Toiyabe National Forest, designated Resource Management
North: Largely undeveloped private property and designated Rural Residential with a 5-acre minimum (RR 5).

Physical Characteristics of the Property

The site is impacted by topographic features rising up from both sides of the Walker River to the east and west. The site is a combination of tree cover and open area with minimal vegetation on most of the site with nearly all of the site burned in the 2002 Cannon fires. Aspen and willows exist along the along the West Walker River. Parcel 3 contains a residence, an accessory structure and well. A number of drainage ways exist on each proposed parcel. The entire site enjoys vast vistas of the Antelope Valley and the Sierra Nevada range to the west.

Access

Although the parcels front onto U.S. Highway 395, all the parcels would gain access from Burcham Flat Road. Parcels 2 and 3 are accessed from a USFS access road from Burcham Flat Road (see Figure 2, Tentative Parcel Map 31-86).

Utilities

Because telephone and electric services do not extend to the property, future homeowners will provide necessary services and facilities such as alternative energy sources as a condition of approval for proposed projects (Land Use Element Countywide Land Use Policies Objective A, Action 2.1). Any new utilities extensions will be installed underground. In compliance with the requirement of the Mono Count General Plan, Conservation/Open Space Element, page V-57 Action 3.2 and Section 04.070 and Chapter 11 Utility Development Standards for the Land Use Element requires the applicants to place all new

utilities underground. Adequate public services (e.g., fire protection) and infrastructure (e.g., water supply, sewage treatment, utilities) are available for the area. Utilities will be provided as follows:

Water Supply:	Individual Well
Sewage Disposal:	Individual Septic Systems
Electricity:	None
Telephone:	None
Fire Protection:	Antelope Valley Fire Protection District

III. PROJECT COMPLIANCE WITH SECTION 15183

Compliance with General Plan, Area Plan, and Land Use Designation (Zoning)

The project site is designated Rural Residential 10 acres minimum (RR-10) in the 2000 Mono County General Plan Land Use Update. The project calls for the subdivision of a 136-acre parcel into four lots of 11.4, 10.4 51.9 and 20.3 acres and a remainder of 42 acres. Tentative Parcel Map 31-86 would allow a maximum project density of one single-family residence and one secondary housing unit per parcel.

The proposed development is also consistent with Antelope Valley Area Plan policies contained in the Mono County General Plan Land Use Element; i.e.,

Mono County Land Use Element Antelope-Valley Area Plan Policies **ANTELOPE VALLEY**

Provide for orderly growth in the Antelope Valley in a manner that retains the rural environment, and protects the area's scenic, recreational, agricultural, and natural resources.

Action 1.2: Maintain large minimum parcel sizes outside of community areas and the Highway 395 corridor.

Action 1.3: Limit the type and intensity of development in flood plain areas.

Action 3.3: Maintain the large lot residential nature of the Hwy. 395 corridor.

Action 4.1: Support a policy of no net loss of private land in the Antelope Valley.

OBJECTIVE B

Action 1.4: Conserve scenic highway corridors by maintaining and expanding large lot land use designations in areas within view of scenic highways.

Action 2.4: Inform owners of critical wildlife habitat areas of the potential for open space easements to protect such areas and of the potential for property tax adjustments.

Action 3.2: Work with the Lahontan RWQCB and other appropriate agencies to require appropriate actions to ensure that future development does not degrade water quality in the area.

Action 4.1: As a condition of approval, require development projects to demonstrate that sufficient water exists to serve both domestic and fireflow needs of the development and that use of the water will not deplete or degrade water supplies in the surrounding area.

COUNTYWIDE LAND USE POLICIES

OBJECTIVE A

Accommodate future growth in a manner that preserves and protects the area's scenic, agricultural, natural, cultural and recreational resources and that is consistent with the capacities of public facilities and services.

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

Action 2.1: Require that necessary services and facilities, including utility lines, are available or will be provided as a condition of approval for proposed projects.

Action 2.2 Require that new development projects adjacent to existing communities be annexed into existing service districts, where feasible.

Action 2.3: Through permit conditions and mitigation measures, require development projects to fund the public services and infrastructure costs of the development. In accordance with state law (Government Code § 53077), such exactions shall not exceed the benefits derived from the project.

Policy 5: Regulate future development in a manner that minimizes visual impacts to the natural environment, to community areas, and to cultural resources and recreational areas.

Action 5.1: Implement the Visual Resource policies in the Conservation/Open Space Element.

Determination

The project is consistent with the General Plan land use designation for the parcel; EIRs were certified by Mono County for the adoption of the Mono County General Plan in 1993 and the General Plan Update in 2000. The project meets the conditions set forth in Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183. The proposed project is a residential development project that is consistent with a community plan and zoning; the use of an environmental analysis in conformance with CEQA Guidelines Section 15183 is appropriate.

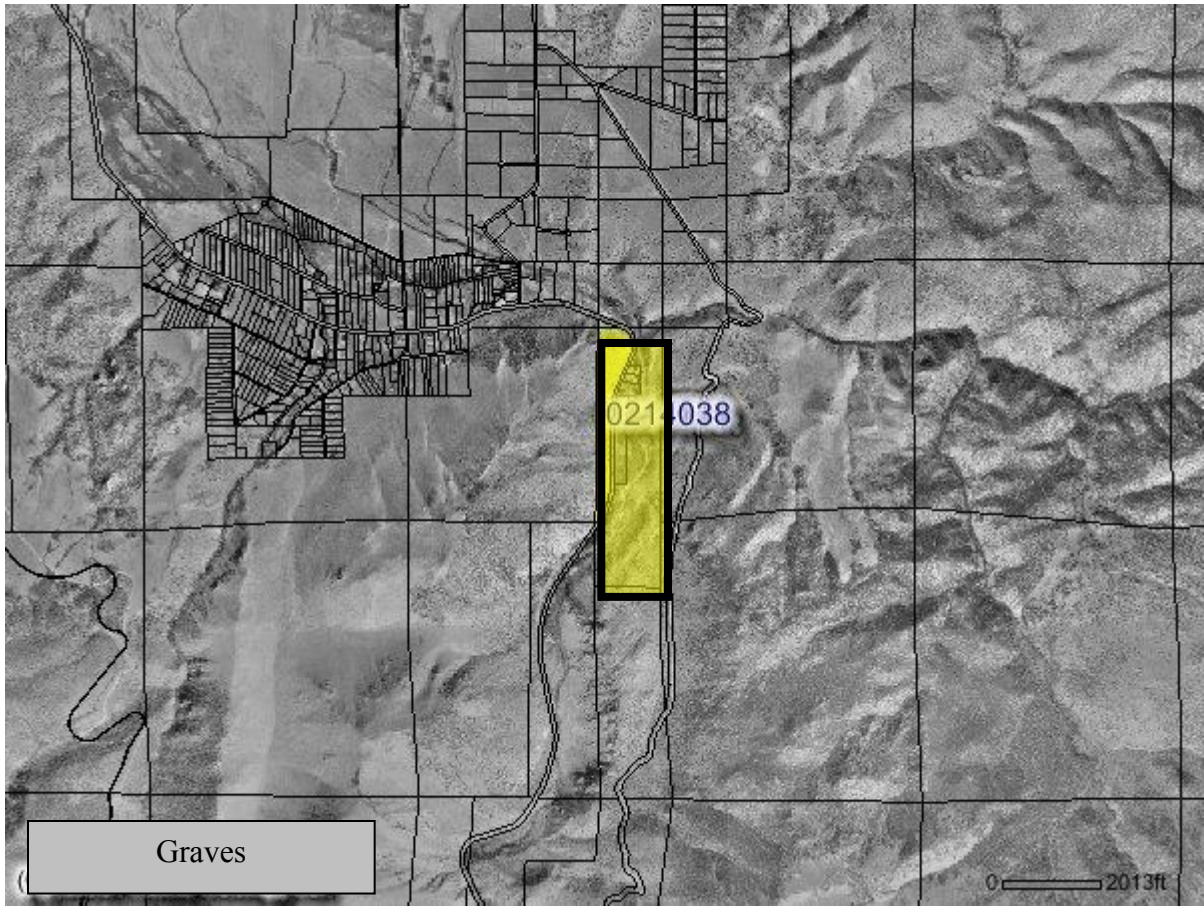
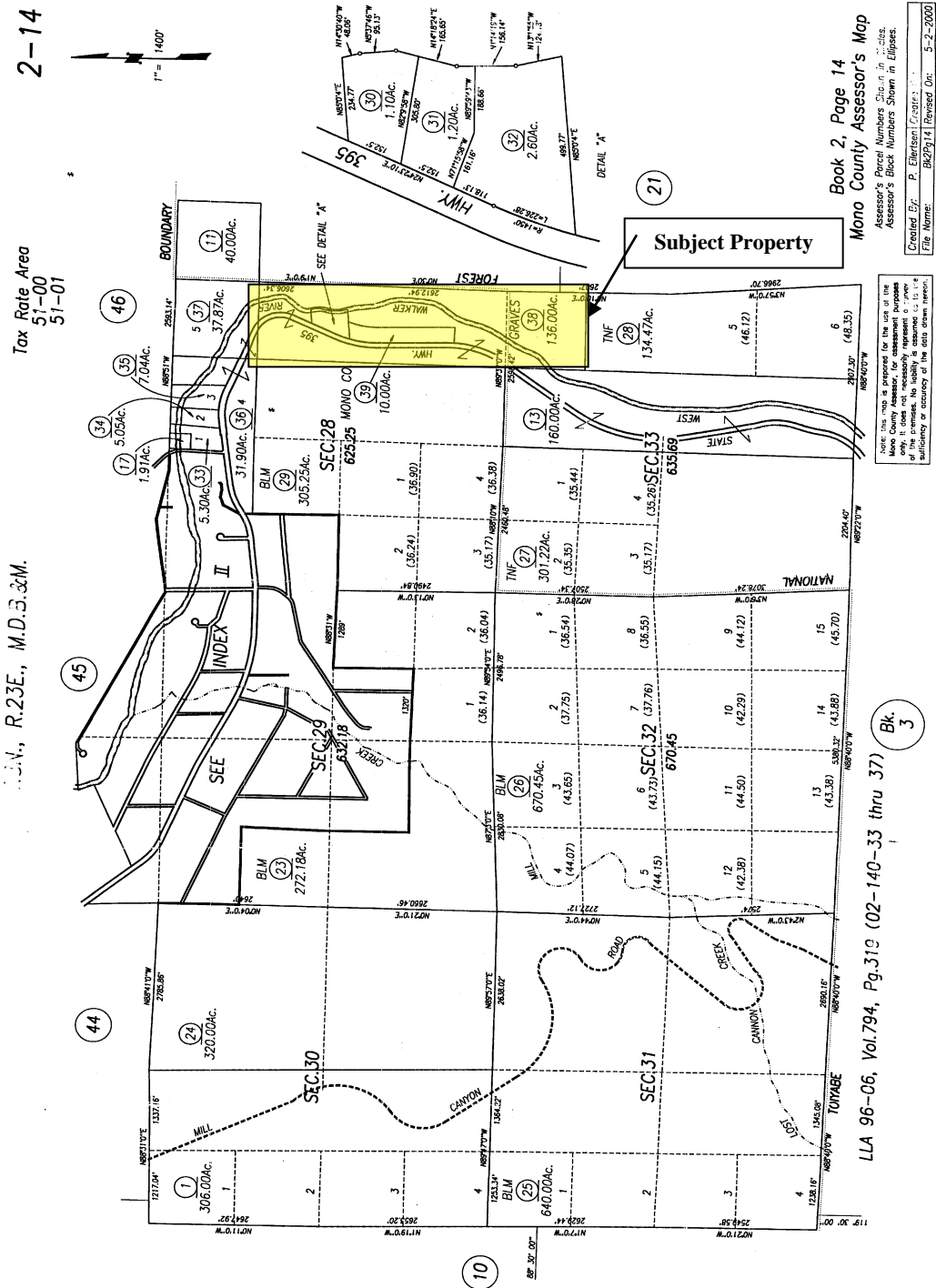


Figure 1: Location Map

Figure 2: Site Map



2-14

Tax Rate Area
51-00
51-01

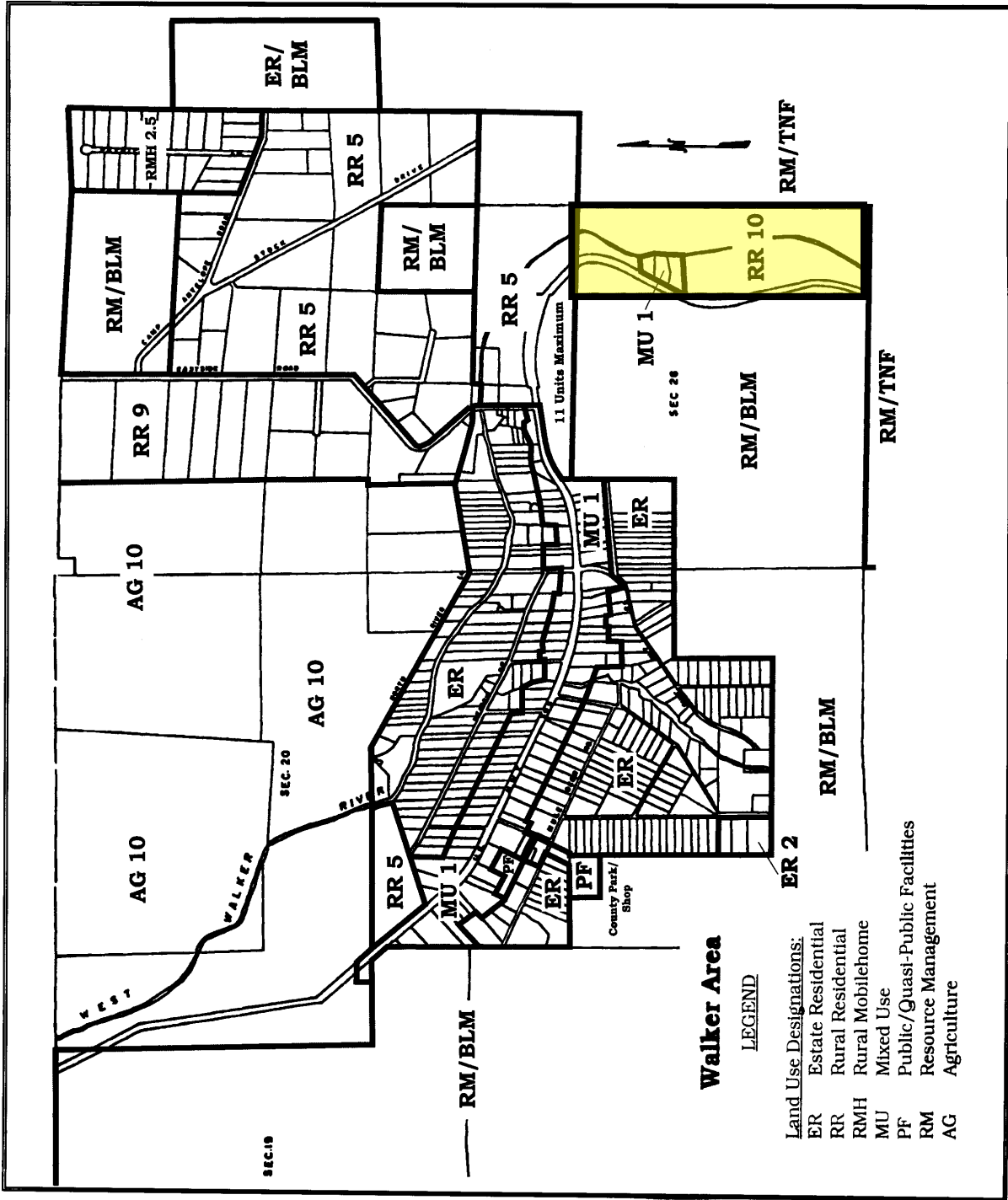
29N, R.23E., M.D.33M.

Book 2, Page 14
 Mono County Assessor's Map
 Assessor's Parcel Numbers Shown in Circles
 Assessor's Block Numbers Shown in Ellipses
 Created By: P. Eberhart / C. Gates
 File Name: Bk2Pg14 Revised On: 5-2-2000

Note: This map is prepared for the use of the Mono County Assessor for assessment purposes only. It does not necessarily represent a survey and should not be used as a basis for any claim of title or interest in land. The accuracy and reliability of the data shown herein is not guaranteed.

Blk. 3

LLA 96-06, Vol.794, Pg.319 (02-140-33 thru 37)



November 2000

FIGURE 14

Figure 3: Tentative Parcel Map 31-86

IV. IMPACT ANALYSIS

The following environmental analysis is based on Public Resources Code Section 21083.3 and Section 15183 of the CEQA Guidelines. The checklist assesses potential environmental impacts to determine whether they meet requirements for assessment under Section 15183; i.e.,

1. Are potential impacts peculiar to the project or parcel?
2. Were the impacts addressed in a previously certified EIR?
3. If an impact is peculiar to the project and was not addressed in a prior EIR, are there uniformly applied development policies or standards that would mitigate the impact?
4. Are there potentially significant cumulative or offsite impacts that were not discussed in the prior EIR?
5. Is there substantial new information to show that a potential impact would be more significant than previously described?

Issues & Supporting Information Sources		Impact potentially peculiar to the project or parcel?	Was the impact addressed in the prior EIR?	If peculiar and not addressed, are there uniformly applied development policies or standard that would mitigate?	Potentially significant cumulative or off-site impacts not discussed in the prior EIR?	Substantial new information showing impact more significant than previously described?
I. LAND USE AND PLANNING.						
a)	Conflict with general plan designation or zoning?	No	Yes	N/A	No	No
b)	Conflict with applicable environmental plans or policies adopted by agencies with jurisdiction over the project?	No	Yes	N/A	No	No
c)	Be incompatible with existing land use in the vicinity?	No	Yes	N/A	No	No
d)	Affect agricultural resources or operations (e.g., impacts to soils or farmlands, or impacts from incompatible land uses)?	No	Yes	N/A	No	No
e)	Disrupt or divide the physical arrangement of an established community (including a low-income or minority community)?	No	Yes	N/A	No	No
II. POPULATION AND HOUSING.						
a)	Cumulatively exceed official regional or local population projections?	No	Yes	N/A	No	No
b)	Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?	No	Yes	N/A	No	No
c)	Displace existing housing, especially affordable housing?	No	Yes	N/A	No	No

Issues & Supporting Information Sources		Impact potentially peculiar to the project or parcel?	Was the impact addressed in the EIR?	If peculiar and not addressed, are there uniformly applied development policies or standard that would mitigate?	Potentially significant cumulative or off-site impacts not discussed in the prior EIR?	Substantial new information shows impact more significant than previously described?
III. GEOLOGY AND SOILS.						
a)	Fault rupture?	No	Yes	N/A	No	No
b)	Seismic ground shaking?	No	Yes	N/A	No	No
c)	Seismic ground failure, including liquefaction?	No	Yes	N/A	No	No
d)	Seiche, tsunami, or volcanic hazard?	No	Yes	N/A	No	No
e)	Landslides or mudflows?	No	Yes	N/A	No	No
f)	Erosion, changes in topography or unstable soil conditions from excavation, grading, or fill?	No	Yes	N/A	No	No
g)	Subsidence of the land?	No	Yes	N/A	No	No
h)	Expansive soils?	No	Yes	N/A	No	No
i)	Unique geologic or physical features?	No	Yes	N/A	No	No
IV. WATER RESOURCES.						
a)	Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff?	No	Yes	N/A	No	No
b)	Exposure of people or property to water related hazards such as flooding?	No	Yes	N/A	No	No
c)	Discharge into surface waters or other alteration of surface water quality (e.g., temperature, dissolved oxygen or turbidity)?	No	Yes	N/A	No	No
d)	Changes in the amount of surface water in any water body?	No	Yes	N/A	No	No
e)	Changes in currents, or the course or direction of water movements?	No	Yes	N/A	No	No
f)	Change in the quantity of groundwater, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations or through substantial loss of groundwater recharge capability?	No	Yes	N/A	No	No
g)	Altered direction or rate of flow of groundwater?	No	Yes	N/A	No	No
h)	Impacts to groundwater quality?	No	Yes	N/A	No	No
i)	Substantial reduction in the amount of groundwater otherwise available for public water supplies?	No	Yes	N/A	No	No

Issues & Supporting Information Sources		Impact potentially peculiar to the project or parcel?	Was the impact addressed in the EIR?	If peculiar and not addressed, are there uniformly applied development policies or standard that would mitigate?	Potentially significant cumulative or off-site impacts not discussed in the prior EIR?	Substantial new information shows impact more significant than previously described?
V. AIR QUALITY.						
a)	Violate any air quality standard or contribute to an existing or projected air quality violation?	No	Yes	N/A	No	No
b)	Expose sensitive receptors to pollutants?	No	Yes	N/A	No	No
c)	Alter air movement, moisture, or temperature, or cause any change in climate?	No	Yes	N/A	No	No
d)	Create objectionable odors?	No	Yes	N/A	No	No
VI. TRANSPORTATION/CIRCULATION.						
a)	Increased vehicle trips or traffic congestion?	No	Yes	N/A	No	No
b)	Hazards to safety from design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	No	Yes	N/A	No	No
c)	Inadequate emergency access or access to nearby uses?	No	Yes	N/A	No	No
d)	Insufficient parking capacity on site or off site?	No	Yes	N/A	No	No
e)	Hazards or barriers for pedestrians or bicyclists?	No	Yes	N/A	No	No
f)	Conflicts with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	No	Yes	N/A	No	No
g)	Rail, waterborne or air traffic impacts?	No	Yes	N/A	No	No
VII. BIOLOGICAL RESOURCES.						
a)	Endangered, threatened or rare species or their habitats (including but not limited to plants, fish, insects, animals, and birds)?	No	Yes	N/A	No	No
b)	Locally designated species (e.g., heritage trees)?	No	Yes	N/A	No	No
c)	Locally designated natural communities (e.g., oak forest, coastal habitat, etc.)?	No	Yes	N/A	No	No
d)	Wetland habitat (e.g., marsh, riparian and vernal pool)?	No	Yes	N/A	No	No
e)	Wildlife dispersal or migration corridors?	No	Yes	N/A	No	No

Issues & Supporting Information Sources		Impact potentially peculiar to the project or parcel?	Was the impact addressed in the EIR?	If peculiar and not addressed, are there uniformly applied development policies or standard that would mitigate?	Potentially significant cumulative or off-site impacts not discussed in the prior EIR?	Substantial new information shows impact more significant than previously described?
VIII. ENERGY AND MINERAL RESOURCES.						
a)	Conflict with adopted energy conservation plans?	No	Yes	N/A	No	No
b)	Use non-renewable resources in a wasteful and inefficient manner?	No	Yes	N/A	No	No
c)	Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the state?	No	Yes	N/A	No	No
IX. HAZARDS.						
a)	A risk or accidental explosion or release of hazardous substances (including, but not limited to: oil, pesticides, chemicals or radiation)?	No	Yes	N/A	No	No
b)	Possible interference with an emergency response plan or emergency evacuation plan?	No	Yes	N/A	No	No
c)	The creation of any health hazard or potential health hazard?	No	Yes	N/A	No	No
d)	Exposure of people to existing sources for potential health hazards?	No	Yes	N/A	No	No
e)	Increased fire hazard in areas with flammable brush, grass or trees?	No	Yes	N/A	No	No
X. NOISE.						
a)	Increases in existing noise levels?	No	Yes	N/A	No	No
b)	Exposure of people to severe noise levels?	No	Yes	N/A	No	No
XI. PUBLIC SERVICES.						
a)	Fire protection?	No	Yes	N/A	No	No
b)	Police protection?	No	Yes	N/A	No	No
c)	Schools?	No	Yes	N/A	No	No
d)	Parks or recreational facilities?	No	Yes	N/A	No	No
e)	Maintenance of public facilities, including roads?	No	Yes	N/A	No	No
f)	Other governmental services?	No	Yes	N/A	No	No

Issues & Supporting Information Sources		Impact potentially peculiar to the project or parcel?	Was the impact addressed in the EIR?	If peculiar and not addressed, are there uniformly applied development policies or standard that would mitigate?	Potentially significant cumulative or off-site impacts not discussed in the prior EIR?	Substantial new information shows impact more significant than previously described?
XII. UTILITIES AND SERVICE SYSTEMS.						
a)	Power or natural gas?	No	Yes	N/A	No	No
b)	Communications systems?	No	Yes	N/A	No	No
c)	Local or regional water treatment or distribution facilities?	No	Yes	N/A	No	No
d)	Sewer or septic tanks?	No	Yes	N/A	No	No
e)	Storm water drainage?	No	Yes	N/A	No	No
f)	Solid waste disposal?	No	Yes	N/A	No	No
g)	Local or regional water supplies?	No	Yes	N/A	No	No
XIII. AESTHETICS.						
a)	Affect a scenic vista or scenic highway?	No	Yes	N/A	No	No
b)	Substantially degrade the existing visual character or quality of the site and its surroundings	No	Yes	N/A	No	No
c)	Create light or glare?	No	Yes	N/A	No	No
XIV. CULTURAL RESOURCES.						
a)	Disturb paleontological, archaeological or historical resources?	No	Yes	Yes	No	No
b)	Restrict existing religious or sacred uses within the potential impact area?	No	Yes	N/A	No	No
XV. RECREATION.						
a)	Increase the demand for neighborhood or regional parks or other recreational facilities?	No	Yes	N/A	No	No
b)	Affect existing recreational opportunities?	No	Yes	N/A	No	No

V. DISCUSSION OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

INTRODUCTION

Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183 mandate that when a parcel has been zoned to accommodate a particular density of development and an environmental impact report was certified for that zoning or planning action, subsequent environmental review of a project consistent with that prior action shall be limited to those effects from the project that are peculiar to the parcel or the site unless substantial new information indicates that the effect will be more significant than previously described or there are potentially significant off-site or cumulative impacts not discussed in the prior EIR.

In determining whether an effect is peculiar to the project or the parcel, Public Resources Code Section 21083.3 and the CEQA Guidelines Section 15183 state that an effect shall not be considered peculiar to the project if it can be substantially mitigated by uniformly applied development policies or standards that have previously been adopted by the County with a finding that the policies or standards will substantially mitigate that environmental effect when applied to future projects (unless substantial new information shows that the policies or standards will not substantially mitigate the environmental effect).

Most (if not all) of the effects of the project were identified in the EIRs certified by the County in conjunction with the adoption and update of the Mono County General Plan and are not unique or peculiar to the proposed project.

The area is suitable for development, but because electrical and telephone services do not extend to the proposed parcels, future property owners will be responsible for providing their own telephone systems and alternative energy sources. The potential environmental effects of the project are in conformance with the requirements of the CEQA Guidelines Section 15183.

1) LAND USE AND PLANNING

The project site is designated Rural Residential 10-acre minimum (RR 10) in the 2000 Mono County General Plan Land Use Update, and the project is consistent with surrounding land uses. The RR-10 designation in Antelope Valley has a minimum parcel size of 10 acres for rural residential uses. The RR designation is intended to permit larger-lot single-family dwelling units with ancillary rural uses in areas away from developed communities. Small-scale agriculture, including limited commercial agricultural activities, is permitted.

Tentative Parcel Map 31-86 would subdivide the project site into four parcels and a remainder. The parcels would be four lots of 11.4, 10.4, 51.9 and 20.3 acres and a remainder of 42 acres. (see Figure 3, Tentative Parcel Map 31-86), and would allow a maximum project density of one single-family residence and one secondary housing unit per parcel.

DETERMINATION

- The land use and planning impacts of the proposed density of development were analyzed in the prior EIRs certified in conjunction with the adoption and amendment of the Mono County General Plan.
- This parcel is no different than other parcels in the surrounding area; there is nothing unusual about the proposed project that would change or in any way affect the severity of these impacts. The impacts are not peculiar to the parcel or the project.
- There is no new substantial information indicating that the land use and planning impacts of the project will be more severe than described in the prior EIRs.
- There are no cumulative or off-site land use and planning impacts from the proposed project that were not addressed in the prior EIRs.

2) POPULATION AND HOUSING

The General Plan Land Use Element density for parcel AP 26-040-09, located in Antelope Valley is one dwelling unit per lot and a secondary unit (2001 Mono County General Plan, Page II-111). The proposed project is adjacent to a developed community area with existing infrastructure, and will not induce substantial growth.

DETERMINATION

- The population and housing impacts of the proposed density of development were analyzed in the prior EIRs certified in conjunction with the adoption and amendment of the Mono County General Plan.
- This parcel is no different than other parcels in the surrounding area; there is nothing unusual about the proposed project that would change or in any way affect the severity of these impacts. The impacts are not peculiar to the parcel or the project.
- There is no new substantial information indicating that the population and housing impacts of the project will be more severe than described in the prior EIRs.
- There are no cumulative or off-site population and housing impacts from the proposed project that were not addressed in the prior EIRs.

3) GEOLOGY

The Mono County Master Environmental Assessment (MEA) shows that the project site is not in an Alquist-Priolo Fault Hazard Zone and there are no faults in the project vicinity (MEA Figure 34 A, Seismic Hazards). The project site is also neither in a High Risk Ground Failure Area (MEA Figure 34 A, Seismic Hazards). There are no unique geologic features on site. The project site is not at risk of volcanic hazards from the Long Valley Caldera (MEA Figure 22, Volcanic Hazards).

The applicant will be required to submit a soils report or process a soils report waiver for expansive soils. Any such report or waiver will be reviewed and approved by the Director of Public Works, according to the provisions of Mono County Code (MCC) Section 17.36.090. Single-family-residential development is not expected to cause erosion and sedimentation impacts.

MEA Figure 18 F, Soil Erosion, shows the project site not within an area subject to sheet or stream rill erosion, wind or urban road construction erosion. The Mono County General Plan and the Mono County Grading Ordinance (Mono County Code, Chapter 13.08) contain uniformly applied erosion control policies and standards designed to prevent erosion and sedimentation impacts from construction activities. The Conditions of Approval for Tentative

Parcel Map 31-86 incorporate measures to avoid potential erosion and sedimentation impacts, as required by Mono County General Plan policies; i.e.,

"Preserve, maintain, and enhance surface and groundwater resources to protect Mono County's water quality and water-dependent resources from the adverse effects of development or degradation of water-dependent resources."

(Mono County General Plan, Conservation/Open Space Element, Goal II, Objective A)

"Control erosion at construction projects."

(Mono County General Plan, Conservation/Open Space Element, Goal II, Objective A, Policy 2)

"Ensure that Lahontan Regional Water Quality Control Board (RWCQB) regulations for erosion control are met as a condition for County permit approvals."

(Mono County General Plan, Conservation/Open Space Element, Goal II, Objective A) Policy 2, Action 2.1)

DETERMINATION

- The geologic impacts of the proposed density of development were analyzed in the prior EIRs certified in conjunction with the adoption and amendment of the Mono County General Plan.
- This parcel is no different than other parcels in the surrounding area; there is nothing unusual about the proposed project that would change or in any way affect the severity of these impacts. The impacts are not peculiar to the parcel or the project.
- There is no new substantial information indicating that geologic impacts of the project will be more severe than described in the prior EIRs.
- There are no cumulative or off-site geologic impacts from the proposed project that were not addressed in the prior EIRs.

4) WATER RESOURCES

The project site is within a 100-year flood zone (MEA Figure 38K, Flood Hazards). Water for the project's domestic and fire-flow needs will be supplied by individual wells on each lot. The project is not anticipated to create a substantial reduction in the amount of groundwater available for public water supplies or to affect groundwater quality or the direction or rate of flow of groundwater.

Conditions of Approval for Tentative Parcel Map 31-86 require the following:

- Adherence to the Mono County General Plan Floodplain Combining , which contain methods of reducing flood losses (Chapter 19.25). A development permit shall be obtained from the floodplain administrator before construction or development begins within any are of special flood hazard. The director of Public Works is the appointed floodplain administrator and is authorized to administer and implant this chapter.
- Well construction must conform to California state requirements and water well permit requirements; the applicant must obtain well permits from Mono County Environmental Health prior to any on-site water development; water supply and distribution systems must be designed by a California Registered Civil Engineer and approved by Public Works; the location of the wells must comply with minimum distances established by the Regional Water Quality Control Board; and the applicant must provide assurance at the time of Final Map recording that the well water is adequate for domestic use in both quality and amount.

- As discussed in the previous section on geology, the Mono County General Plan and Grading Ordinance contain erosion control measures to sufficiently mitigate impacts.

DETERMINATION

- The water resources and floodplain impacts of the proposed density of development were analyzed in the prior EIRs certified in conjunction with the adoption and amendment of the Mono County General Plan.
- This parcel is no different than other parcels in the surrounding area; there is nothing unusual about the proposed project that would change or in any way affect the severity of these impacts. The impacts are not peculiar to the parcel or the project.
- There is no new substantial information indicating that the impacts of the project on water resources will be more severe than described in the prior EIRs.
- There are no cumulative or off-site water resources impacts from the proposed project that were not addressed in the prior EIRs.

5) AIR QUALITY

Mono County is a state designated non-attainment area for ozone and PM10 (State Air Resources Control Board, www.arb.ca.gov). The proposed project will incrementally increase traffic in the area, increasing air quality impacts resulting from auto emissions. That impact was previously addressed in the EIRs certified in conjunction with the adoption and amendment of the Mono County General Plan. In addition, the amount of traffic generated by the project will not be significant; therefore, potential emissions impacts from that traffic will not be significant.

The proposed residential uses are not expected to expose sensitive receptors to pollutants or to create any objectionable odors other than wood smoke. Conditions of Approval for Tentative Parcel Map 31-86 require all new wood-burning devices to be Phase II EPA certified in compliance with policies in the Mono County General Plan that address the use of wood-burning devices in new construction; These policies have been applied to the project; i.e.,

"Maintain a high level of air quality that protects human health and wildlife, and prevents the degradation of scenic views." (Mono County General Plan, Open Space and Conservation Element, Objective A)

"Maintain air quality by complying with standards and regulations established by the Great Basin Unified Air Pollution Control District (GBUAPCD)."
(Mono County General Plan, Open Space and Conservation Element, Objective A, Policy 1)

"Reduce emissions from wood-burning appliances."
(Mono County General Plan, Open Space and Conservation Element, Objective A, Policy 6)

"Require that all new wood-burning appliances be Phase II EPA certified."
(Mono County General Plan, Open Space and Conservation Element, Objective A, Action 6.1)

DETERMINATION

- The air quality impacts of the proposed density of development were analyzed in the prior EIRs certified in conjunction with the adoption and amendment of the Mono County General Plan.

- This parcel is no different than other parcels in the surrounding area; there is nothing unusual about the proposed project that would change or in any way affect the severity of these impacts. The impacts are not peculiar to the parcel or the project.
- There is no new substantial information indicating that the impacts of the project on air quality will be more severe than described in the prior EIRs.
- There are no cumulative or off-site impacts on air quality from the proposed project that were not addressed in the prior EIRs.

6) TRANSPORTATION AND CIRCULATION

Trips generated by the proposed four lots will not substantially increase vehicle trips or cause traffic congestion. Table 1 shows the projected average daily additional vehicle trips for four additional single-family units. The proposed project could generate approximately 38.2 daily vehicle trips. This assumes that trip generation figures accurately reflect trip generation rates in the Eastern Sierra. Most likely, the trip generation figure used exceeds the actual trip generation rates in the area and probably overestimates the number of vehicle trips potentially generated. The number of trips generated will not significantly impact the capacity of U.S. 6, pursuant to the guidance provided in the manual Trip Generation, 5th Edition, Institute of Transportation Engineers, 1991.

The parcels will be accessed from Bircham Flat Road and the applicant will waive access rights to the proposed parcels from U.S. Highway 395. An encroachment permit shall be obtained from Mono County Department of Public Works for new access road(s) onto Burcham Flat Road. The applicant shall identify the provisional road easement alignments(s) for access to Parcels 1, 4 and the remainder and shall provide evidence of approved access through USFS lands for proposed Parcels 2 and 3 pursuant to Alaska National Interest Land Conservation Act and implementing regulations (Code of Federal regulations, 36 CFR 251.110-114 or other applicable provision for road development). Cost associated with acquiring USFS approval and road development is the responsibility of the applicant and/or future homeowners.

The lots are of adequate size to accommodate all required parking on each parcel. The project will neither create barriers for pedestrians or bicyclists nor will it conflict with policies supporting alternative transportation. The project will also not have any rail, waterborne, or air traffic impacts.

TABLE 1: Projected Additional Vehicle Trips for the Graves Property

Proposed Uses	No. of Units	Trip Rate Per Use¹	Total Trips Projected
Single Family	4 units	9.55/unit	38.2

Notes: Trip rates are from: **Trip Generation**, 5th Edition, Institute of Transportation Engineers, 1991. Pursuant to that manual, that level of additional traffic projected is not considered to be significant.

The Mono County General Plan and Land Development Regulations and the Mono County Regional Transportation Plan contain policies and standards concerning transportation and circulation that have been applied to this project; i.e.,

"Require new development to comply with the County Road Improvement Standards as a condition of project approval." (Mono County General Plan, Circulation Element, Objective B, Policy 1)

Single-family dwellings are required to provide two on-site parking spaces per residence. (Mono County General Plan, Land Development Regulations, Chapter 06, Development Standards--Parking)

DETERMINATION

- The traffic and circulation impacts of the proposed density of development were analyzed in the prior EIRs certified in conjunction with the adoption and amendment of the Mono County General Plan.
- This parcel is no different than other parcels in the surrounding area; there is nothing unusual about the proposed project that would change or in any way affect the severity of these impacts. The impacts are not peculiar to the parcel or the project.
- There is no new substantial information indicating that the traffic and circulation impacts of the project will be more severe than described in the prior EIRs.
- There are no cumulative or off-site traffic and circulation impacts from the proposed project that were not addressed in the prior EIRs.

7) BIOLOGICAL RESOURCES

There are no endangered, threatened or rare wildlife species known or expected to occur in the project area (Mono County MEA, Figure 28, Special Status Species, indicates there is no occurrence). There are no locally designated species or natural communities in Mono County. The project site is in an area identified as a Dispersed Use Area for mule deer (Mono County MEA, Figure 20, Deer Herd Use Areas).

The Mono County General Plan and Land Development Regulations and the Mono County Regional Transportation Plan contain policies and standards concerning biological resources that have been applied to this project; i.e.,

(Mono County General Plan, Conservation/Open Space Element, Biological Resource policies, Objective A. Policy 2)

DETERMINATION

- The biological resources impacts of the proposed density of development were analyzed in the prior EIRs certified in conjunction with the adoption and amendment of the Mono County General Plan.
- This parcel is no different than other parcels in the surrounding area; there is nothing unusual about the proposed project that would change or in any way affect the severity of these impacts. The impacts are not peculiar to the parcel or the project.
- There is no new substantial information indicating that the biological impacts of the project will be more severe than described in the prior EIRs.
- There are no cumulative or off-site biological impacts from the proposed project that were not addressed in the prior EIRs.

8) ENERGY AND MINERAL RESOURCES

All future construction will be required to meet the requirements of Title 24, Part 2, Chapter 2-53 Energy Efficiency Standards according to Mono County Code 15.04.111. While an incremental demand upon existing energy service or resources is expected, it is not expected to be significant. No electrical service is available.

MEA Figure 17 A, Mineral Resources, indicates that the site is in an area containing mineral deposits whose significance cannot be evaluated from available data. The project area is listed as MRA 3.

DETERMINATION

- The energy and mineral resource impacts of the proposed density of development were analyzed in the prior EIRs certified in conjunction with the adoption and amendment of the Mono County General Plan.
- This parcel is no different than other parcels in the surrounding area; there is nothing unusual about the proposed project that would change or in any way affect the severity of these impacts. The impacts are not peculiar to the parcel or the project.
- There is no new substantial information indicating that the energy and mineral resource impacts of the project will be more severe than described in the prior EIRs.
- There are no cumulative or off-site energy and mineral resource impacts from the proposed project that were not addressed in the prior EIRs.

9) HAZARDS

The project will utilize individual propane tanks that must be installed according to all applicable codes and Mono County Code 15.04.056. All future residential development will be required to comply with the Mono County Fire Safe Regulations (Mono County Land Development Regulations, Chapter 22). The development of single-family residences on the property will not interfere with Mono County's Standardized Emergency Management System (SEMS) Plan (1997). The proposed project will provide adequate access for emergency vehicles. The development of single-family residences is not expected to create health hazards. There are no known health hazards in the project area to which homeowners could be exposed.

DETERMINATION

- The hazards impacts of the proposed density of development were analyzed in the prior EIRs certified in conjunction with the adoption and amendment of the Mono County General Plan.
- This parcel is no different than other parcels in the surrounding area; there is nothing unusual about the proposed project that would change or in any way affect the severity of these impacts. The impacts are not peculiar to the parcel or the project.
- There is no new substantial information indicating that the hazards impacts of the project will be more severe than described in the prior EIRs.
- There are no cumulative or off-site hazards impacts from the proposed project that were not addressed in the prior EIRs.

10) NOISE

Construction-related noise impacts may cause some temporary disturbance. While future residential development will increase use of the project area and ambient noise levels, single-family residential uses are not typically high noise-generating sources. No significant long-term noise impacts are anticipated from the single-family residential uses. Project conditions direct that noise levels during construction be kept to a minimum by equipping all on-site equipment with noise attenuation devices and by compliance with all requirements of the County's Noise Ordinance (Mono County Code, Chapter 10.16).

DETERMINATION

- The noise impacts of the proposed density of development were analyzed in the prior EIRs certified in conjunction with the adoption and amendment of the Mono County General Plan.
- This parcel is no different than other parcels in the surrounding area; there is nothing unusual about the proposed project that would change or in any way affect the severity of these impacts. The impacts are not peculiar to the parcel or the project.
- There is no new substantial information indicating that noise impacts of the project will be more severe than described in the prior EIRs.
- There are no cumulative or off-site noise impacts from the proposed project that were not addressed in the prior EIRs.

11) PUBLIC SERVICES

The project is located within the Antelope Valley Fire Protection District and will be required to comply with FPD regulations and the County's Fire Safe Regulations (Mono County Land Development Regulations, Chapter 22).

Police protection is provided by the Mono County Sheriff's Department. Existing personnel should be able to serve the minimal requirements of this parcel map

The Eastern Sierra Unified School District collects impact fees at the time of building permit issuance to mitigate future impacts.

The proposed development will be accessed by Bircham Flat Road, and future homeowners will be required to either improve the provisional access or obtain access from the USFS through implementing regulations.

DETERMINATION

- The public service impacts of the proposed density of development were analyzed in the prior EIRs certified in conjunction with the adoption and amendment of the Mono County General Plan.
- This parcel is no different than other parcels in the surrounding area; there is nothing unusual about the proposed project that would change or in any way affect the severity of these impacts. The impacts are not peculiar to the parcel or the project.
- There is no new substantial information indicating that the public service impacts of the project will be more severe than described in the prior EIRs.
- There are no cumulative or off-site public service impacts from the proposed project that were not addressed in the prior EIRs.

12) UTILITIES AND SERVICE SYSTEMS

The project will utilize individual propane tanks that must be installed according to all applicable codes and Mono County Code 15.04.056. Future service extensions must be installed underground in compliance with Mono County General Plan policies. Water will be provided by individual wells and sewage disposal will be provided by individual septic systems on each property. There are no storm drainage systems in the area. Future residents will be responsible for their own solid waste disposal. Mono County landfill facilities are not expected to be impacted by the proposed project. Telephone and electrical service are not available on the property; costs associated with acquiring telephone and alternative energy sources is the responsibility of future homeowners. Future service extensions must be installed underground in compliance with Mono County General Plan policies. The Mono County General Plan includes policies regarding the use of alternative energy sources.

Open Space Element/Energy Resources, Goal VIII Objective B; Allow the use of alternative energy sources, such as waste-to-energy or solar in the new construction of residential and commercial buildings.

Policy 1: Encourage the implementation of solar water and space heating systems.

Action 1.1: Provide for density bonuses for residential and commercial projects using passive or active solar heating. A 10 percent density bonus may be allowed for each 25 percent reduction in space and water heating demand.

DETERMINATION

- The utilities and service systems impacts of the proposed density of development were analyzed in the prior EIRs certified in conjunction with the adoption and amendment of the Mono County General Plan.
- This parcel is no different than other parcels in the surrounding area; there is nothing unusual about the proposed project that would change or in any way affect the severity of these impacts. The impacts are not peculiar to the parcel or the project.
- There is no new substantial information indicating that the utilities and service systems impacts of the project will be more severe than described in the prior EIRs.
- There are no cumulative or off-site utilities and service systems impacts from the proposed project that were not addressed in the prior EIRs.

13) AESTHETICS

The project site is located adjacent to a state scenic highway. It is in an undeveloped area. This parcel contributes to the area's scenic appeal. The development of additional single-family residential housing will not substantially degrade the visual quality of the surrounding area. Utility line extensions will be installed underground in compliance with Mono County General Plan policies and the Land Development Regulations. The project will not create light and glare. Conditions of Approval for Tentative Parcel Map 31-86 limit outside lighting to that necessary for health and safety reasons and require it to be designed and maintained to minimize its effects on surrounding uses.

The Mono County General Plan and Land Development Regulations contain policies and standards concerning visual resources/aesthetics that have been applied to this project; i.e.,

General Plan Policy/Standards

“Retain the rural character of areas outside existing communities by restricting development to low intensity uses...” (Mono County General Plan, Conservation/Open Space Element, Visual Resource Policies, Objective A, Action 3.2)

“Continue to use zoning and subdivision regulations to preserve open space for scenic purposes.” Conservation/Open Space Element, Visual Resource Policies, Objective A, Action 4.4)

“Require the restoration of disturbed sites following construction, but prior to issuance of a Certificate of Occupancy.” Conservation/Open Space Element, Visual Resource Policies, Objective A, Action 5.5)

“Future development shall be sited and designed to be in scale and compatible with the surrounding community and/or natural environment.” (Mono County General Plan, Conservation/Open Space Element, Visual Resource Policies, Objective C, Policy 2, Action 2.1 – 2.9)

“Extension of power and telephone services shall be placed underground.”
(Undergrounding of utilities complies with the requirements of the Mono County General Plan, Land Development Regulations, Chapter 04.070 and the Mono County General Plan, Conservation/Open Space Element, Visual Resource Policies, Objective C, Action 3.2)

DETERMINATION

- The aesthetic impacts of the proposed density of development were analyzed in the prior EIRs certified in conjunction with the adoption and amendment of the Mono County General Plan.
- This parcel is no different than other parcels in the surrounding area; there is nothing unusual about the proposed project that would change or in any way affect the severity of these impacts. The impacts are not peculiar to the parcel or the project.
- There is no new substantial information indicating that the aesthetic impacts of the project will be more severe than described in the prior EIRs.
- There are no cumulative or off-site aesthetic impacts from the proposed project that were not addressed in the prior EIRs.

14) CULTURAL RESOURCES

No known paleontological, archaeological or historical resources exist on the project site. There are no existing religious or sacred uses within the project vicinity. Conditions of Approval for Tentative Parcel Map 31-86 require developers to stop work and notify appropriate agencies if archaeological evidence is encountered during earthwork activities. No disturbance of an archaeological site is permitted until the applicant hires a qualified consultant and an appropriate report which identifies acceptable site mitigation measures is filed with the County Planning Division.

DETERMINATION

- The cultural resource impacts of the proposed density of development were analyzed in the prior EIRs certified in conjunction with the adoption and amendment of the Mono County General Plan.
- This parcel is no different than other parcels in the surrounding area; there is nothing unusual about the proposed project that would change or in any way affect the severity of these impacts. The impacts are not peculiar to the parcel or the project.

- There is no new substantial information indicating that the impacts of the project on cultural resources will be more severe than described in the prior EIRs.
- There are no cumulative or off-site impacts from the proposed project on cultural resources that were not addressed in the prior EIRs.

15) RECREATION

The addition of four single-family residences will only minimally increase the demand for local and regional park facilities. The project will not affect existing recreational opportunities because most of the recreational opportunities in Mono County occur on public lands.

DETERMINATION

- The recreation impacts of the proposed density of development were analyzed in the prior EIRs certified in conjunction with the adoption and amendment of the Mono County General Plan.
- This parcel is no different than other parcels in the surrounding area; there is nothing unusual about the proposed project that would change or in any way affect the severity of these impacts. The impacts are not peculiar to the parcel or the project.
- There is no new substantial information indicating that the impacts of the project on recreation will be more severe than described in the prior EIRs.
- There are no cumulative or off-site impacts from the proposed project on recreation that were not addressed in the prior EIRs.



View of current single-family residence from the access road.



View from Burcham Flat Road looking west toward U.S. 395 and Walker River



View from Burcham Flat Road looking northwest over the Antelope Valley.



View from Burcham Flat Road looking southwest toward U.S. 395

VI. DETERMINATION

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project and/or revisions in the project have been made by or agreed to by the project proponent.
A NEGATIVE DECLARATION WILL BE PREPARED.

I find the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposed project MAY have a significant effect(s) on the environmental, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a "potentially significant impact" or "potentially significant unless mitigated." An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Keith Hartstrom
Printed Name

Date: November 10, 2005

Signature

PART II: REFERENCES**REFERENCES CONSULTED**

California Air Resources Control Board

www.arb.ca.gov -- non-attainment area information

Institute of Transportation Engineers

Trip Generation, 5th Edition. 1991.

Mono County

Mono County Code. Chapter 13.03. Land Clearing, Earthwork and Drainage Facilities.

Mono County Local Transportation Commission

Mono County Regional Transportation Plan. 2002.

Mono County Planning Division.

Mono County General Plan, including the Land Development Regulations. 2000.

Mono County General Plan Environmental Impact Report. 1993.

Mono County General Plan Environmental Impact Report. 2000.

Mono County Master Environmental Assessment. 2000.

SPECIAL MEETING MINUTES
THURSDAY, NOVEMBER 10, 2005
 (Adopted December 8, 2005)

D. PARCEL MAP 31-86/Graves. The proposed project would divide APN 02-140-38, totaling 136 acres, into four lots and a remainder. The property is located along U.S. 395 and the West Walker River, just south of the community of Walker. The General Plan designation is Rural Residential (RR 10) with a 10-acre minimum lot size. *Staff: Gwen Plummer*

Gwen Plummer presented an overview of the project, and Evan Nikirk noted a pending grant for river access. The Walker River is designated a Wild and Scenic River.

OPEN PUBLIC HEARING: Surveyor Bruce Woodworth indicated that Graves has agreed to sell the northerly section of river land at fair market value for access. A single easement should suffice.

Evan Nikirk indicated the portion between U.S. 395 and the river is in a flood awareness area, which would prevent development. Public Works prefers no access off U.S. 395, but could allow access without development. Woodworth indicated the County would have approval authority on any construction. Nikirk requested the FEMA boundary be shown. **CLOSE PUBLIC HEARING.**

COMMISSION DISCUSSION: Are there any other users whose wells could be drawn down? Graves is the only private landowner south of Walker for many miles. Keith Hartstrom indicated it's not likely a well would be drilled for each parcel, maybe just one or two.

MOTION: Approve Parcel Map 31-86, changing the following Conditions of Approval to read (Bush/Black. Ayes: 4. Absent: Shipley.):

Throughout: "Must be satisfied prior to recording **approval** of the final map."

#23: "The applicant ~~will be required to~~ **shall** submit..."

#30a: ~~Must be satisfied prior to recording of final map, but is generally~~ "Associated with future residential development. Requires monitoring over a period of time."

#33: "Access rights to Lots **Parcels** 1, 4 and the remainder parcel shall be ~~provided by~~ **obtained from** the USFS..."

#36: "The applicant shall waive access rights to the ~~proposed~~ Parcel 3 on the west side of U.S. Highway 395." ~~Development on the east side of U.S. 395 is waived within the flood plain unless a waiver is obtained from the Department of Public Works.~~

#43: "Provided the County's proposed Mountain Gate River Access Project is funded, applicant shall negotiate in good faith with the County for the sale at fair market value of a portion of Parcel 1 necessary to complete the project. In the event applicant sells Parcel 1 prior to any such sale to the County occurring, applicant shall cause this Condition of Approval to be reflected as a restriction in the deed to the buyer so that the buyer acquires the property subject to, and must abide by, this condition." ~~A deed restriction for Parcel 1, running for one year after the recording of the final map, shall be provided in favor of Mono County for the sale of approximately two acres between U.S. 395 and Walker River for the California River Parkways grant.~~

#44a: "Must be satisfied prior to future development."

#46: "A significant portion of the property has been identified by the Federal Emergency Management Agency as being in a 100-year flood ~~hazard area~~ **zone**. The final map shall display **the boundaries of** that area **zone** identified by FEMA as being subject to the 100-year event. **Development within the floodplain is prohibited on any parcel unless approval is obtained from the Mono County Floodplain Administrator.**"

#46b: ~~Community Development Department/Planning Division, Department of Public Works~~

#47: ~~Because electrical and telephone services do not extend to the proposed parcels, the applicant has proposed alternative energy systems.~~ **"Future property owners shall be made aware by notation on the Parcel Map that utilities and snow removal services do not extend to the proposed parcels.** Future property owners will be responsible for providing their own telephone systems and alternative energy sources of energy, and snow removal. Costs associated with acquiring telephone ~~and alternative energy sources~~ **and/or providing said services** are the responsibility of future homeowners."

Mono County
Community Development Department

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

Planning Division

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

Date: November 10, 2005

To: Mono County Planning Commission

From: Keith R. Hartstrom, Principal Planner
Gwen Plummer, Associate Planner

Re: Tentative Parcel Map 31-86/Graves

RECOMMENDATION

It is recommended that the Planning Commission take the following actions:

A. In adopting the CEQA document:

1. Find that the proposed project is consistent with the Mono County General Plan;
2. Find that the Mono County General Plan EIR and the General Plan Land Use Element Update Environmental Impact Report analyzed the potential impacts of development provided for in the Antelope Valley Area Plan, including the development proposed for the subject parcel;
3. Find that the Environmental Analysis for Tentative Parcel Map 31-86 need examine only those environmental effects that are peculiar to the project and which were not addressed as significant effects in the Mono County General Plan EIRs, unless substantial new information shows that those effects will be more significant than described in the prior Environmental Impact Reports (Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183);
4. Find that uniformly applied development policies or standards (i.e., General Plan/Area Plan policies or other development standards) have been applied to the project and that the policies or standards will substantially mitigate potential environmental effects that were not addressed as significant effects in the prior Environmental Impact Reports to a less-than-significant level;
5. Adopt the Environmental Analysis for the Tentative Parcel Map 31-86, which was prepared in accordance with Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183; and
6. Find that the feasible mitigation measures identified in the Mono County General Plan will be applied to this project.

- B. Adopt the Findings for the Tentative Parcel Map 31-86 as contained in the project staff report; and
- C. Approve Tentative Parcel Map 31-86 subject to the Conditions of Approval and Mitigation Monitoring Program as contained in the project staff report.

PROJECT DESCRIPTION

Project Setting

The proposed project is located along U.S. Highway 395 at the southern mouth of Antelope Valley (near the site of the old Mountain Gate Lodge – see location map, Figure 1). The project calls for the subdivision of a 136-acre parcel into four lots and a remainder (APN 02-140-38) – see Tentative Parcel Map 31-86, Figure 2). The subject property would permit a maximum project density of 13 units, as the General Plan designation is Rural Residential (RR 10) with a 10-acre minimum lot size. The project will use individual water and sewer. Telephone and electrical services do not extend to the project. The surrounding lands are a combination of private and public lands. The lands to the east and south are Humboldt-Toiyabe National Forest lands, with those to the west owned by Bureau of Land Management (BLM). The lands to the north are private and largely undeveloped. The adjacent development along U.S. 395 was destroyed by the 1997 Walker Flood.

Physical Characteristics of the Property

The property is impacted by topographic features rising up from both sides of the Walker River to the east and west. The site is a combination of tree cover and open area; minimal vegetation exists on most of the site as nearly all of the site was burned in the 2002 Cannon fires. Aspen and willows exist along the along the West Walker River. Parcel 3 contains a residence, an accessory structure and well. A number of drainage ways exist on each proposed parcel. The entire site enjoys vast vistas of the Antelope Valley and the Sierra Nevada range to the west.

Access

Although the parcels front onto U.S. Highway 395, all the parcels would gain access from Burcham Flat Road. Parcels 2 and 3 are accessed from a USFS access road from Burcham Flat Road (see Figure 2, Tentative Parcel Map 31-86).

Utilities

No utility extensions are available to the parcel. The applicant will obtain a "will serve" letter from the Antelope Valley Fire Protection District.

Utilities will be provided as follows:

Water Supply:	Individual well
Sewage Disposal:	Individual septic systems
Electricity:	No service available
Fire Protection:	Antelope Valley Fire Protection District
LPG:	Individual storage tank

GENERAL PLAN / ZONING CODE CONSISTENCY

Compliance with Area Plan

The project site is designated Rural Residential (RR 10) with a minimum 10-acre parcel size in the 2000 Mono County General Plan. The project calls for the subdivision of a 136-acre parcel into four lots and a remainder. The Antelope Valley goal is to “provide for orderly growth in the Antelope Valley in a manner that retains the rural environment, and protects the area’s scenic, recreational, agricultural, and natural resources.”

Compliance with Land Use Designation

The RR designation is intended to permit larger lot single-family dwelling units with ancillary rural uses in areas away from developed communities. Small scale agriculture, including limited commercial agricultural activities, is permitted, as well as, single-family dwellings, small scale agriculture for personal activities, accessory buildings and uses, animals and pets, home occupations, and mobile home used as a single-family dwelling. The subject property would permit a maximum project density of one single-family residence and one secondary housing unit per parcel. The project will use individual water and sewer. The proposed subdivision meets the 10-acre Land Use Designation minimum for these parcels.

In addition, the proposed project is consistent with a number of Antelope Valley policies that encourage the maintenance of scenic, agricultural and natural resources values in the valley, including the following excerpts from the area plan:

PLANNING AREA LAND USE POLICIES

ANTELOPE VALLEY

Provide for orderly growth in the Antelope Valley in a manner that retains the rural environment, and protects the area's scenic, recreational, agricultural and natural resources.

OBJECTIVE A

Guide future development to occur in and adjacent to Walker, Coleville and Topaz.

Action 1.2: Maintain large minimum parcel sizes outside of community areas and the Highway 395 corridor.

Policy 2: Provide for a mix of residential, commercial, recreational, institutional, and light industrial land uses within defined community areas, in a manner consistent with

Action 3.3: Maintain the large lot residential nature of the Hwy. 395 corridor.

ENVIRONMENTAL REVIEW

An Environmental Analysis (EA) based upon the certified Mono County General Plan EIR has been prepared for the project. Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183 prohibit repetitive environmental analysis in cases where a development project is consistent with a Community Plan or land use designation, and an EIR analyzing those effects was certified for that zoning or planning action, unless there are effects that are peculiar to the

parcel or there is substantial new information showing that the effects will be more significant than described in the prior EIR. Effects of a project on the environment are not considered to be peculiar if they are mitigated through the application of uniformly applied development policies or standards. The proposed project is consistent with the Mono County General Plan/Antelope Valley Area Plan, and, as discussed in detail in the environmental document, there are no effects that are peculiar to the project and which were not addressed in the EIRs certified in conjunction with the adoption of the Mono County General Plan (1993) and the General Plan Land Use Element Update (2000).

Pursuant to Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183, the project's environmental analysis is limited to those significant environmental effects that are:

- 1) Potentially peculiar to the project or the parcel on which the project would be located, and
- 2) Were not analyzed as significant effects in the prior General Plan EIR with which the development project is consistent.

The attached Environmental Analysis for Tentative Parcel Map 31-86 has determined that the impacts of the proposed density of development were analyzed in the prior EIRs certified in conjunction with the adoption and amendment of the Mono County General Plan. This parcel is no different than other parcels in the surrounding area, and there is nothing unusual about the proposed project itself that would change or in any way affect the severity of the impacts. In other words, the impacts are not peculiar to the parcel or the project. There is no substantial new information indicating that the land use and development impacts of the project will be more severe than described in the prior EIRs, and there are no cumulative or off-site land use and planning impacts from the proposed project that were not addressed in the prior EIRs.

LDTAC REVIEW

The Land Development Technical Advisory Committee met June 20, 2005, to consider the project application. The LDTAC recommendations have been incorporated into the Conditions of Approval.

FINDINGS

Tentative Map Findings

If it is determined that Tentative Parcel Map 31-86 should be approved, then the Planning Commission should make the following findings:

- 1) The proposed tentative parcel map is consistent with the county General Plan because:
 - (a) The division is consistent with the county General Plan Land Use Designation of Rural Residential (RR 10) with a 10-acre minimum lot size.
- 2) The design or improvements of the proposed tentative parcel map is consistent with the existing General Plan because:

- (a) The Rural Residential (RR 10) land use designation allows lots with a minimum of 10 acres. The division proposes four lots meeting the minimum 10 acres established by the Antelope Valley Area Plan.
- 3) The site is physically suitable for the type of development because:
 - (a) Each lot contains an area suitable for residential development.
 - (b) The lots are of sufficient size to allow development (minimum 10 acres).
- 4) The site is physically suitable for the proposed density of development because:
 - (a) The proposed lots have a suitable building site for the development of a single-family residence.
- 5) The design of the tentative parcel map or the proposed improvements is not likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat because:
 - (a) The division is adjacent to an area presently developed with residential structures, and the 10-acre minimum lot size still provides for wildlife movement through the area.
- 6) The design of the proposed tentative parcel map or type of improvements is unlikely to cause serious public health problems:
 - (a) Potential impacts related to public health have been analyzed, and mitigation measures have been proposed to reduce potential impacts to a level of insignificance and are required as conditions of project approval.
 - (b) The parcel has an existing a single-family resident on site.
- 7) The design of the proposed tentative parcel map or type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision because:
 - (a) There was no evidence presented at the public hearing for this project indicating that the design of the division or any improvements proposed in conjunction with the approval of the division will have a substantial impact or conflict with easements acquired by the public, for access through or use of the property, within the proposed subdivision.
 - (b) An existing road (Burcham Flat Road) runs through USFS land, and required easements on the project site provide access to the proposed lots.

- 8) Determine that the division and development of the property in the manner set forth on the approved or conditionally approved tentative map will not unreasonably interfere with the free and complete exercise of the public entity or public utility right of way or easement.

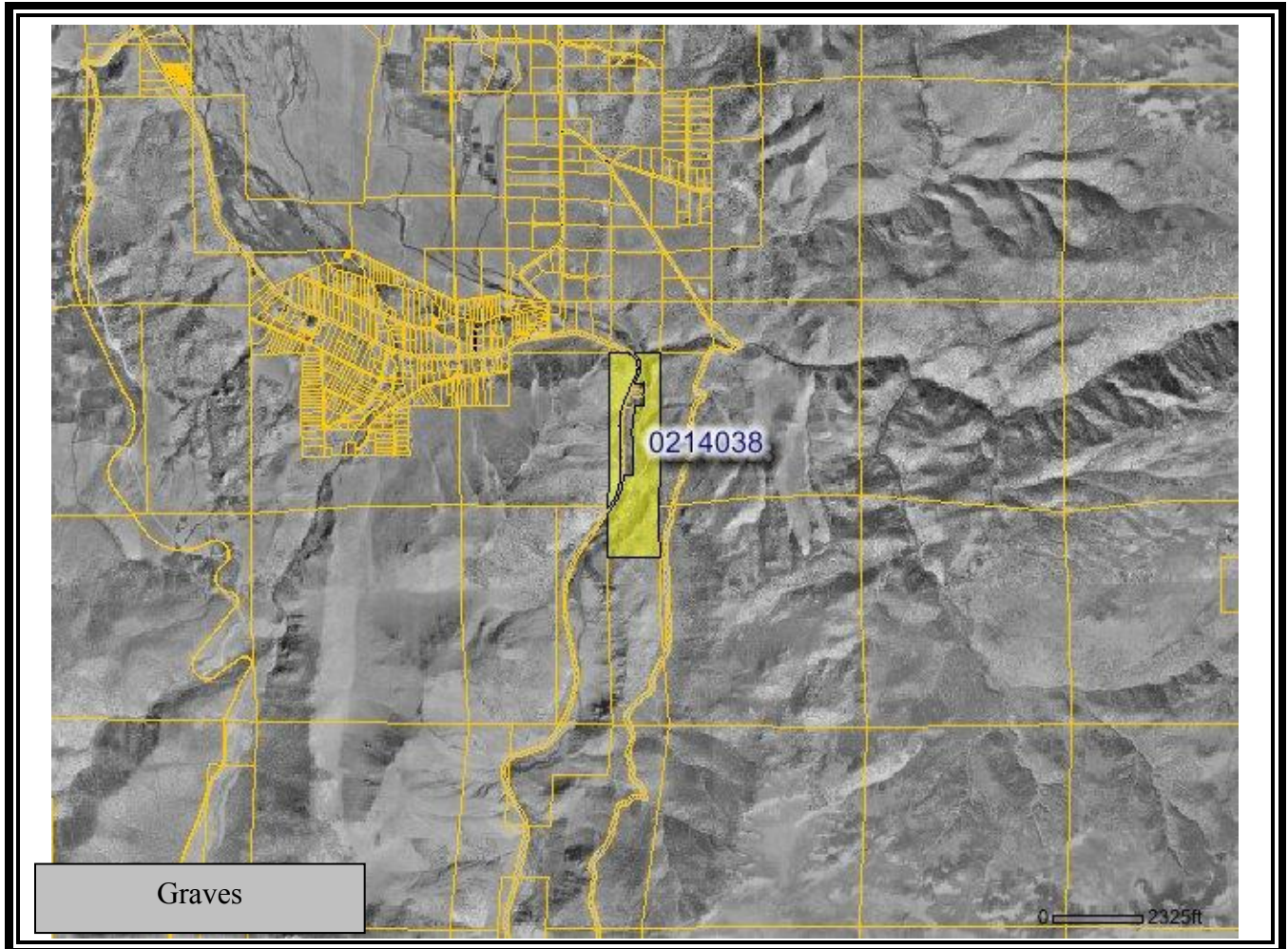


Figure 1: Location Map

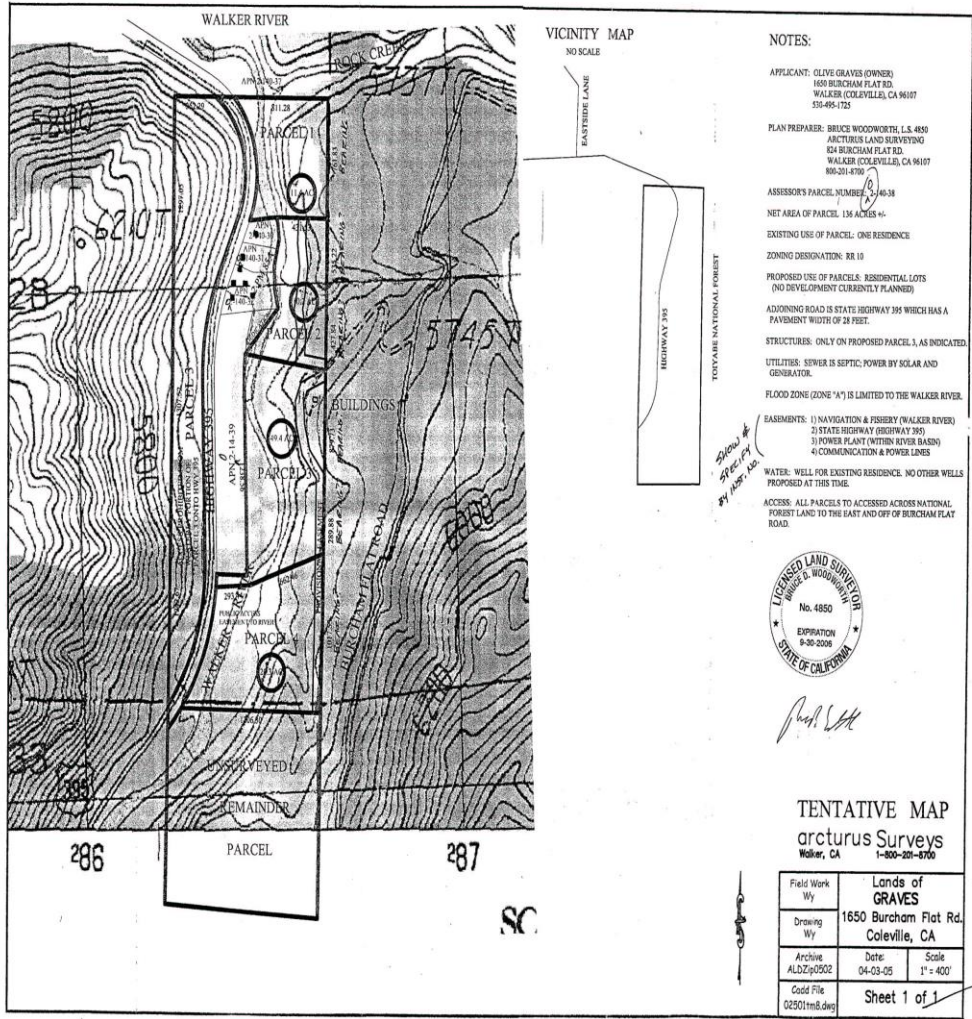


Figure 2: Tentative Parcel Map 31-86

ATTACHMENTS

ANTELOPE VALLEY FIRE DISTRICT
P.O. BOX 30, COLEVILLE, CA 96107
TELEPHONE & FAX 530/495-2300

PLOT PLAN REVIEW & SIGN-OFF

PERMIT # _____

PARCEL # _____

Owner OLIVE GRAVES

Telephone # 495-1725

Physical Location of Structure 1650 BIRCHAM FLAT RD

Building type (circle)	Residential	Commercial / Industrial	Agricultural
Covered Floor Area (up to two story)	_____ sq. ft.	Fee	_____
Covered Floor Area (up to two story)	_____ sq. ft.	Fee	_____
Total Fee			_____

Provide Sketch of Property

REVIEW GOOD FOR ONLY
SUB-DIVIDE CLEARANCE
PLANNING FOR HOMES BUILT
WILL NEED LINE ADDITIONAL
REVIEW.
OWNER PLAN TO HAVE ACCESS
ROADS CUT IN.
SUB-DIVIDE AREA

INSPECTED THIS LOCATION WITH THE OWNER AND FOUND IT TO HAVE ADEQUATE ROOM TO ACCOMMODATE FIRE APPARATUS. WE WILL SERVICE THIS PARCEL.
Show accessibility for fire protection

FIRE CHIEF-MICKEY CONNELLY

APPROVED M. Connelly
Fire Chief or Designee

DATE 11-9-04

RICHARD BOARDMAN
Director of Public Works

EVAN NIKIRK
Assistant Director of Public Works

STEVE ANDERSON
SW / Road Operations Manager

SUSAN ARELLANO
Administrative Assistant

County of Mono

Department of Public Works

Post Office Box 457 • 74 North School Street • Bridgeport, California 93517

TELEPHONE
(760) 932-5440

FACSIMILE
(760) 932-5441

E-MAIL
monopw@qnet.com

August 1, 2003

Keith Hartstrom
Community Development Department

RE: Parcel Map 31-86—LandTAC Comments

Public Works staff has reviewed the application for the above referenced parcel map and has the following comments:

1. Prior to tentative map approval, the applicant shall identify the proposed road alignment for access to each parcel. The alignment shall include road lengths, radius of horizontal curves, elevations, sustained and maximum grades, approximate daylight lines of required cut and fill, locations of potential drainage facilities and fire-safe features as required by the Mono County General Plan, Chapter 22. The tentative map shall also present a typical cross section for the proposed road. The cross section shall address traveled way and shoulder widths, typical cut and fill slopes, typical roadside swale design, and roadway surface treatment and compaction specifications.
2. Road improvements shall include improvements as required to meet minimum fire safe standards for the existing road which serves the proposed Parcel 3. The applicant shall also provide evidence of approved right-of-way easement through national forest service or other lands as necessary.
3. The applicant shall construct improved access roads to meet the minimum fire-safe standards. Engineered plans for road improvements shall be submitted to the Department of Public Works for review and approval. All costs for road improvements, testing, inspections, and any related reports, plans, and specifications shall be the responsibility of the applicant.
4. The applicant shall dedicate to the public for right-of-way and utility purposes a strip of land no less than 40-feet wide, 20 feet each side of the proposed road centerline. The applicant shall dedicate additional slope easements as required.
5. The applicant shall dedicate drainage easements to the public as necessary.
6. Roads constructed in the subdivision may be privately owned and maintained. The subdivider shall establish a maintenance entity pursuant to California Civil Code Section 845, which shall subsequently enter into agreements with individual lot owners for the routine repair, upkeep, and maintenance of subdivision roads and drainage facilities.
7. Public access to Walker River shall be provided on the final map.
8. The applicant shall comply with the flood plain/floodway requirements of Land Use Element 21-180, Standards for Subdivisions in Flood Plain, including:
 - a. Identify elevation of base flood
 - b. Provide elevations of proposed structures and pads. Final fill pad elevation to be certified by professional engineer or surveyor and provided to Flood Plain Administrator.
 - c. Provide method to minimize damage to septics, wells and utilities.

Please contact me if you have questions regarding these comments.



United States
Department of
Agriculture

Forest
Service

Humboldt-Toiyabe
National Forest

Bridgeport Ranger District
HCR 1 Box 1000
Bridgeport, CA 93517
(760) 932-7070 Fax (760) 932-5899

File Code: 2700-1

Date:

JAN 24 2005

Keith Hartstrom
Mono County Planning Department
Mono County Courthouse
Bridgeport, CA 93517

Dear Mr. Hartstrom,

Over the past several years, the Forest Service staff on the Bridgeport Ranger District has had several discussions and correspondence with Olive Graves regarding her attempt to sell portions of her private land in West Walker River Canyon. She is concerned about securing access to those portions of her property over National Forest lands.

Access through National Forest System lands to isolated private parcels is guaranteed by the Alaska National Interest Lands Conservation Act and implementing regulations (Code of Federal Regulations, 36 CFR 251.110-114). I have attached a copy of the Act and CFRs to help perspective buyers understand private access rights and responsibilities. Criteria, terms, and conditions of access are described in the CFRs.

Authorization to build new access routes or substantially modify existing routes across National Forest is granted when 1) alternative, off-Forest routes are not available; and 2) development by the owner is imminent.

An application and description of road design will need to be submitted by the new owners to the Forest Service. Technical parts of the application will likely require the applicants to consult a professional engineer. The new owners should recognize that they will likely bear the cost of acquiring mandatory environmental information for proposed road areas, including 1) Heritage Resource inventories and concurrence from the California State Office of Historic Preservation; 2) Threatened, Endangered, and Sensitive Species assessments. The Forest is generally able to schedule environmental documentation for non-complex projects. However, this may require up to a year or more to allow time for on the ground surveys that are time sensitive.

I would encourage any perspective buyers to consider access routes that would maximize use of existing roads and minimal additional routes across National Forest lands.

If you have additional questions, please contact Lynne Ingram, Special Uses Coordinator, at the Bridgeport Ranger Station or call (760) 932-7070 during regular business hours.

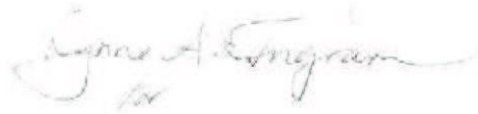
Sincerely,



Caring for the Land and Serving People

Printed on Recycled Paper



A handwritten signature in cursive script, appearing to read "Kathleen Lucich".

KATHLEEN LUCICH
District Ranger

cc: Olive Graves

tary shall submit to the President and the Congress a report regarding—

(A) any copyright provisions or other types of barriers which tend to restrict or limit the transfer of federally funded computer software to the private sector and to State and local governments, and agencies of such State and local governments; and

(B) the feasibility and cost of compiling and maintaining a current and comprehensive inventory of all federally funded training software.

(h) Repealed. P.L. 100-519, Title II, Sec. 212(a)(4), Oct. 24, 1988, 102 Stat. 2595

(i) Research equipment.—The Director of a laboratory, or the head of any Federal agency or department, may give research equipment that is excess to the needs of the laboratory, agency, or department to an educational institution or non-profit organization for the conduct of technical and scientific education and research activities. Title of ownership shall transfer with a gift under the section.

* * * *

Personnel Exchanges

Sec. 13. The Secretary and the National Science Foundation, jointly, shall establish a program to foster the exchange of scientific and technical personnel among academia, industry, and federal laboratories. Such program shall include both (1) federally supported exchanges and (2) efforts to stimulate exchanges without federal funding. (15 U.S.C. 3712)

Alaska National Interest Lands Conservation Act

• Act of December 2, 1980 (P.L. 96-487, Title XIII; 94 Stat. 2457; 16 U.S.C. 3210)

Note—This section is not limited to the State of Alaska but has nationwide application to National Forest System lands.

Access

Sec. 1323. (a) Notwithstanding any other provision of law, and subject to such terms and conditions as the Secretary of Agriculture may prescribe, the Secretary shall provide such access to nonfederally owned land within the boundaries of the National Forest System as the Secretary deems adequate to secure to the owner the reasonable use and enjoyment thereof. *Provided*, That such owner comply with rules and

regulations applicable to ingress and egress to or from the National Forest System.

(b) Notwithstanding any other provision of law, and subject to such terms and conditions as the Secretary of the Interior may prescribe, the Secretary shall provide such access to nonfederally owned land surrounded by public lands managed by the Secretary under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701-82) as the Secretary deems adequate to secure to the owner the reasonable use and enjoyment thereof. *Provided*, That such owner comply with rules and regulations applicable to access across public lands. (16 U.S.C. 3210)

rendered by a Forest Supervisor, certain dismissal decisions rendered by Forest Service line officers, and first-level appeal decisions rendered by Regional Foresters and the Chief (R25.80). Regional Foresters and the Chief (R25.80) are subject to discretionary review at the next highest administrative level. Within one day following the date of a decision subject to such discretionary review, the Reviewing Officer shall forward a copy of the decision and the final decision upon which the appeal is predicated to the next higher officer.

(5) The next higher level officer shall have 15 calendar days from date of receipt to decide whether or not to review an appeal decision and may call for or use the appeal record in deciding whether or not to review the appeal decision. If the record is requested, the 15-day period is suspended at that time. The lower level Reviewing Officer shall forward it within 5 days of the request. Upon receipt, the higher level officer shall have 15 days to decide whether or not to review the lower level decision. If that officer takes no action by the expiration of the discretionary review period, appellants shall be notified by the discretionary level officer that the appeal decision of the Reviewing Officer stands as the final administrative review decision of the Department of Agriculture.

(6) When an official exercises the discretion in §251.87(d) or §251.87(e) of this subpart to review a dismissal or appeal decision, the discretionary review shall be made on the existing appeal record and the lower level Reviewing Officer's appeal decision. The record shall not be reopened to accept additional submissions from any source, including the Reviewing Officer whose appeal decision is being reviewed.

(7) When an official exercises discretion to review an appeal decision, a Reviewing Officer may extend a stay, in whole or in part, during pendency of the discretionary review.

(8) This second level Reviewing Officer shall conclude the review within 30 days of the date of notice issued to an appellant that the lower level decision will be reviewed.

(9) If a discretionary review decision is not issued by the end of the 30-day review period, appellants and intervenors shall be deemed to have exhausted their administrative remedies for purposes of judicial review. In such cases, appellants, intervenors, and the lower level Reviewing Officer shall be notified by the discretionary level officer.

(10) The Reviewing Officer shall provide a copy of the decision to all appellants, intervenors, the Deciding Officer, and the lower level Reviewing Officer.

194 FR 3282 Jan. 23, 1959, as amended at 84 FR 3260, Aug. 21, 1969, 54 FR 758, Mar. 5, 1989.

§251.101 Policy in event of judicial proceedings.

It is the position of the Department of Agriculture that any filing for Federal judicial review of and relief from a decision appealable under this subpart is premature and inappropriate, unless the appellant has first sought to resolve the dispute by invoking and exhausting the procedures of this subpart. This position may be waived only upon a written finding by the Chief.

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§251.102 Applicability and effective date.

(a) Except where applicants or holders elect the decision review procedures of part 217 of this chapter, appealable decisions arising from the issuance, approval, and administration of written instruments authorizing occupancy and use of National Forest System lands made on or after February 25, 1989, shall be subject to the procedures of this part.

(b) Decisions made before February 25, 1989, resulting from the issuance, approval, and administration of written instruments authorizing occupancy and use of National Forest System lands shall be subject to appeal under the provisions of 59 CFR 211.8.

[54 FR 6892, Feb. 15, 1989]

Subpart D—Access to Non-Federal Lands

§251.110 Scope and application.

(a) The regulations in this subpart set forth the procedures by which landowners may apply for access across National Forest System lands and the terms and conditions that govern any special use or other authorization that is issued by the Forest Service to permit such access.

(b) These regulations apply to access across all National Forest System lands, including Concessionally designated areas and supplement the regulations in subpart B of this part, and in parts 212 and 208 of this chapter. The regulations of this subpart do not affect rights-of-way established under authority of P.S. 247 (38 U.S.C. 689); rights-of-way transferred to States under 28 U.S.C. 517; access rights outstanding in third parties at the time the United States acquired the land or the rights reserved in conveyances to the United States and in other assessments granted by an authorized officer of the Forest Service. Except for the aforementioned rights-of-way, currently valid special-use authorizations will become subject to the rules of this subpart upon expiration, termination, revision, modification, or reauthorization.

(c) Subject to the terms and conditions contained in this part and in parts 212 and 231 of this chapter, as appropriate, landowners shall be authorized such access as the authorized officer deems to be adequate to secure them the reasonable use and enjoyment of their land.

(d) In those cases where a landowner's ingress or egress across National Forest System lands would require the use of Government-owned roads, trails, or transportation facilities not authorized for general public use, the landowner must apply for and receive a special-use or road-use authorization documenting the cooperation and use authorized on National Forest System lands or facilities and identifying the landowner's rights, privileges, responsibilities, and obligations.

(e) Where ingress and egress will require the use of existing Government-owned roads, trails, or other transportation facilities which are open and

§251.111 Definitions.

In addition to the definitions in subpart B of this part, the following terms apply to this subpart:

Access means the ability of landowners to have ingress and egress to their lands. It does not include rights-of-way for power lines or other utilities.

Adequate access means a route and method of access to non-Federal land that provides for reasonable use and enjoyment of the non-Federal land consistent with similarly situated non-Federal land and that minimizes damage or disturbance to National Forest System lands and resources.

Concessionally designated area means lands which are within the boundaries of a component of the National Wildland and Scenic River System, National Wild and Scenic River System, National Trails System, and also National Monuments, Recreation, and Scenic Areas within the National Forest System, and similar areas designated by Federal statute.

Landowner(s) means the owner(s) of non-Federal land or interests in land within the boundaries of the National Forest System.

§251.112 Application requirements.

(a) A landowner shall apply for access across National Forest System lands in accordance with the application requirements of §251.54 of this part. Such application shall specifically include a

§251.113 Application requirements.

(a) A landowner shall apply for access across National Forest System lands in accordance with the application requirements of §251.54 of this part. Such application shall specifically include a

§251.114 Application requirements.

(a) A landowner shall apply for access across National Forest System lands in accordance with the application requirements of §251.54 of this part. Such application shall specifically include a

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... may be authorized to, and uses of the non-Federal land for which the special-use authorization is requested.

(b) The application shall disclose the historic access to the landowner's property and any rights of access which may exist over non-federally owned land and shall provide reasons why these means of access do not provide adequate access to the landowner's property.

(c) The information required to apply for access across National Forest lands under this subpart is approved for use under subpart B of this part and assigned OMB control number 0689-0062.

§251.113 Instrument of authorization.
To grant authority to construct and/or use facilities and structures on National Forest System lands for access to non-Federal lands, the authorized officer shall issue a special-use authorization in conformance with the provisions of subpart B of this part or a right-of-way permit. In cases where Road Agreements are in effect, the authorized officer may grant an easement in accordance with the provisions of part 212 of this chapter.

§251.114 Criteria, terms and conditions.
(a) In issuing a special-use authorization for access to non-Federal lands, the authorized officer shall authorize only those access facilities or modes of access that are needed for the reasonable use and enjoyment of the land and that minimize the impacts on the Federal resources. The authorizing officer shall determine what considerations reasonable use and enjoyment of the lands based on contemporaneous uses, modes of similarly situated lands in the area and any other relevant criteria.

(b) Landowners must pay an appropriate fee for the authorized use of National Forest System lands in accordance with §251.57 of this part.
(c) A landowner may be required to provide a reciprocal grant of access to the United States against the landowner's property where such reciprocal right is deemed by the authorized officer to be necessary for the management of adjacent Federal land. In such

cases, the landowner shall receive the fair market value of the rights-of-way granted to the United States. If the value of the rights-of-way obtained by the Government exceeds the value of the rights-of-way granted, the difference in value will be paid to the landowner. If the value of the rights-of-way across Government land exceeds the value of the rights-of-way across the private land, an appropriate adjustment will be made in the fee charged for the special-use authorization as provided in §251.57(D)(5) of this part.

(d) For access across National Forest System lands that will have significant non-forest user traffic, a landowner may be required to construct new roads or reconstruct existing roads to bring the roads to a safe and adequate standard. A landowner also may be required to provide for the operation and maintenance of the road. This may be done by arranging for such road to be done as part of a local public road system, or formation of a local improvement district to assume the responsibilities for the operation and maintenance of the road as either a private road or as a public road, as determined to be appropriate by the authorizing officer.

(e) When access is honorary to or dependent on forest development roads, road traffic over these roads arising from the use of landowner's lands exceeds their safe capacity or will cause damage to the roadway, the landowner(s) may be required to obtain a reconstruction as necessary to bring the road to a safe and adequate standard and to accommodate such traffic in addition to the Government's traffic. In such case, the landowner(s) also shall enter into a cooperative maintenance arrangement with the Forest Service to ensure that the landowner's commensurate maintenance responsibilities are met or shall make arrangements to have the jurisdiction and maintenance responsibility for the road assumed by the appropriate public road authority.
(f) In addition to ensuring that applicable terms and conditions of paragraphs (a) through (e) of this section are met, the authorizing officer, prior to issuing any access authorization, must also ensure that:

(1) The landowner has demonstrated a lack of any existing rights or routes of access available by deed or under State or common law;
(2) The route is so located and constructed as to minimize adverse impacts on soils, fish and wildlife, scenic, cultural, threatened and endangered species, and other values of the Federal land.

(3) The location and method of access is as consistent as reasonably possible with the management of any congressionally designated area and is consistent with Forest Land and Resource Management Plans or the plans are amended to accommodate the access grant and.

(4) When access routes exist across the adjacent non-Federal lands or the best route as determined by the authorizing officer is across non-Federal lands, the applicant landowner has demonstrated that all legal recourse to obtain reasonable access across adjacent non-Federal lands has been exhausted or has little chance of success.
(5) In addition to the other requirements of this section, the following factors shall be considered in authorizing access to non-federally owned lands over National Forest System lands which are components of the National Wilderness Preservation System:

- (1) The use of means of ingress and egress which have been or are being customarily used with respect to similar situated non-Federal land used for similar purposes;
- (2) The combination of routes and modes of travel, including non-motorized modes, which will cause the least lasting impact on the wilderness but at the same time, will permit the reasonable use of the non-federally owned land;
- (3) The examination of a voluntary acquisition of land or interests in land by exchange, purchase, or donation to modify or eliminate the need to use wilderness areas for access purposes.

PART 254—LANDOWNERSHIP ADJUSTMENTS

Subpart A—Land Exchanges

Sec. 254.1 Scope and applicability.
254.2 Definitions.

- 254.3 Requirements.
- 254.4 Agreement to initiate an exchange.
- 254.5 Assumed land and exchanges.
- 254.6 Estoppel effect.
- 254.7 Assumption of costs.
- 254.8 Notice of exchange proposal.
- 254.9 Approval.
- 254.10 Bargaining agreement.
- 254.11 Exchange at approximately equal value.
- 254.12 Value equalization: cash equalization value.
- 254.13 Approval of exchanges: notice of decision.
- 254.14 Exchange agreement.
- 254.15 Title standards.
- 254.16 Case closing.
- 254.17 Information requirements.

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- 254.20 Purpose and scope.
- 254.21 Applications.
- 254.22 Description and public notice.
- 254.23 Studies, assessments, and approval.
- 254.24 Conveyance.
- 254.25 Survey.
- 254.26 Approval.

Subpart C—Conveyance of Small Tracts

- 254.30 Purpose.
- 254.31 Definitions.
- 254.32 Authorizations.
- 254.33 Road rights-of-way.
- 254.34 Mineral survey fractions.
- 254.35 Limitations.
- 254.36 Determining public interest.
- 254.37—254.39 (Reserved).
- 254.40 Applications.
- 254.41 Public sale or exchange in absence of application.
- 254.42 Voluntary transfer.
- 254.43 Surveys.
- 254.44 Documents of conveyance.

Subpart A—Land Exchanges

§254.1 Scope and applicability.
AGREEMENT: 1 U.S.O. 428(a) and 1011. 16 U.S.C. 494a, 485, 486, 516, 531, and 555a. 36 U.S.C. 1701, 1715, 1716, and 1739 and other applicable laws.
Source: 29 FR 1687, Mar. 8, 1964, unless otherwise noted.
(a) These rules set forth the procedures for conducting exchanges of National Forest System lands. The procedures in these rules may be supplemented by instructions issued to Forest Service officers in Chapter 5400 of the Forest Service Manual and Forest Service Handbook 5400.12 and 5406.13.

DEPARTMENT OF FORESTRY AND FIRE PROTECTION

San Bernardino Unit
 Owens Valley Division
 2781 S. Round Valley Road
 Bishop, CA 93514
 Website: www.fire.ca.gov
 (760) 387-2565
 (760) 387-2295 Facsimile



November 16, 2004

COPY

Mr. Marshal Rudolph
 Mono County Counsel
 P.O. Box 3329
 Mammoth Lakes, CA 93546

**RE: Burcham Flat Rd. &
 Ms. Olive Graves' Proposed Subdivision**

I met with Mr. Bruce D. Woodworth, L.S. on September 22, 2004 to inspect the Burcham Flat Road from the intersection of Camp Antelope Road to the frontage along Ms. Olive Graves' property.

In my opinion this portion of Burcham Flat Road generally meets the minimum requirements of the SRA Fire Safe Regulations, Public Resources Code 4290 and Mono County Ordinance No. 91-06. However, this road should be evaluated by a civil engineer to determine the actual percent grade, road width, horizontal and vertical curve radius. Keep in mind that the Fire Safe Regulations are intended to provide minimum fire safety standards for wildland fire protection issues. The Fire Safe road standards are not necessarily intended to meet minimum safety standards necessary for an all weather year around emergency access road.

During our meeting Mr. Woodworth inquired about whether Burcham Flat Road was exempt, pursuant to CCR Title 14 Section 1270.01, from the Fire Safe Regulations because it is an existing road. In subsequent conversations you and I also discussed this issue. The attached opinion from the California Attorney General, *Opinion No. 92-807—March 17, 1993*, seems to address this issue.

Please call me at (760) 387-2565 if you need additional information. Thank you.

RECEIVED

NOV 19 2004

MONO COUNTY
 DEPT OF PUBLIC WORKS

Sincerely,

Robert F. Green
 Unit Chief

By

Kenneth P. Toy
 Kenneth P. Toy
 Battalion Chief

cc: Mr. Bruce Woodworth, L.S., 824 Burcham Flat Rd. Coleville, CA 96107
 Mr. Rich Boardman, Director Mono County Public Works

ATTACHMENT

CONSERVATION IS WISE—KEEP CALIFORNIA GREEN AND GOLDEN

PLEASE REMEMBER TO CONSERVE ENERGY. FOR TIPS AND INFORMATION, VISIT "FLEX YOUR POWER" AT WWW.CA.GOV.

Appendix E

OPINION NO. 92-807—MARCH 17, 1993

Requested by: COUNTY COUNSEL, COUNTY OF AMADOR
 Opinion by: DANIEL E. LUNGREN, Attorney General
 Gregory L. Gonot, Deputy

THE HONORABLE JOHN F. HAHN, COUNTY COUNSEL, COUNTY OF AMADOR, has requested an opinion on the following question:

Do the fire safety standards adopted by the Board of Forestry for development on state responsibility area lands apply to the perimeters and access to buildings constructed after January 1, 1991, on parcels created by parcel or tentative maps approved prior to January 1, 1991?

CONCLUSION

The fire safety standards adopted by the Board of Forestry for development on state responsibility area lands apply to the perimeters and access to buildings constructed after January 1, 1991, on parcels created by parcel or tentative maps approved prior to January 1, 1991, to the extent that conditions relating to the perimeters and access to the buildings were not imposed as part of the approval of the parcel or tentative maps.

ANALYSIS

By legislation enacted in 1987 (Stats. 1987, ch. 955, § 2), the State Board of Forestry ("Board") was directed to adopt minimum fire safety standards for state responsibility area lands¹ under the authority of the Department of Forestry and Fire Protection. Public Resources Code section 4290² states:

The board shall adopt regulations implementing minimum fire safety standards related to defensible space which are applicable to state responsibility area lands under the authority of the department. These regulations apply to the perimeters and access to all residential, commercial, and industrial building construction within state responsibility areas approved after January 1, 1991.

The board may not adopt building standards, as defined in Section 18909 of the Health and Safety Code, under the authority of this section. As an integral part of fire safety standards, the State Fire Marshal has the authority to adopt regulations for roof coverings and openings into the attic areas of buildings specified in Section 13108.5 of the Health and Safety Code. The regulations apply to the placement of mobile homes as defined by National Fire Protection Association standards. *These regulations do not apply where an application for a building permit was filed prior to January 1, 1991, or to parcel or tentative maps or other developments approved prior to January 1, 1991, if the final map*

¹On state responsibility area lands (see Pub. Resources Code, §§ 4126-4127; Cal. Code Regs. tit. 14, §§ 1220-1220.5), the financial responsibility of preventing and suppressing fires is primarily the responsibility of the state, as opposed to local or federal agencies. (Pub. Resources Code, § 4125.)

²All references hereafter to the Public Resources Code prior to footnote 8 are by section number only.

for the tentative map is approved within the time prescribed by the local ordinance. The regulations shall include all of the following:

- "(1) Road standards for fire equipment access.
- "(2) Standards for signs identifying streets, roads, and buildings.
- "(3) Minimum private water supply reserves for emergency fire use.
- "(4) Fuel breaks and greenbelts.
- "(b) These regulations do not supersede local regulations which equal or exceed minimum regulations adopted by the state."
(Emphasis added.)

As indicated in the statute, the Board's regulations are to help create "defensible space"³ for the protection of state responsibility areas against wildfires.

Originally the regulations were to be applicable with respect to all building construction approved after July 1, 1989, but by subsequent legislation (Stats. 1989, ch. 60, § 1), the threshold date was changed to January 1, 1991. The regulations (Cal. Code Regs., tit. 14, §§ 127-1276.03)⁴ in fact became operative on May 30, 1991.

A "grandfather clause" in the underlying statute provides that "[t]hese regulations do not apply where an application for a building permit was filed prior to January 1, 1991, or to parcel or tentative maps or other developments approved prior to January 1, 1991, if the final map for the tentative map is approved within the time prescribed by the local ordinance." (§ 4290.) We are asked to determine whether the regulations apply to an application for a building permit filed *after* January 1, 1991, for a dwelling to be built on a parcel lawfully created by a parcel map or tentative map approved *prior* to January 1, 1991.

We begin by noting that the grandfather clause contains two ostensibly independent exceptions to the application of the regulations. One is directed at building permits and the other at subdivision maps.⁵ These exceptions were apparently designed by the Legislature to exempt construction and development activity already in the "pipeline" as of January 1, 1991. According to Regulation 1270.01, it is the "*future design and construction of structures, subdivisions and development*" (emphasis added) which is to trigger application of the regulations.

Thus, although an application for a building permit is not made until after January 1, 1991, the proposed construction may garner an exemption if the parcel is covered by a parcel or tentative map approved prior to January 1, 1991 (provided that the final map for the tentative map is approved within the time prescribed

³ Defensible space is defined as: "The area within the perimeter of a parcel, development, neighborhood or community where basic wild land fire protection practices and measures are implemented, providing the key point of defense from an approaching wildfire or defense against encroaching wild fires or escaping structure fires. The perimeter as used in this regulation is the area encompassing the parcel or parcels proposed for construction and/or development, excluding the physical structure itself. The area is characterized by the establishment and maintenance of emergency vehicle access, emergency water reserves, street names and building identification, and fuel modification measures." (Cal. Code Regs., tit. 14, § 1271.00.)

⁴ All references hereafter to title 14 of the California Code of Regulations are by regulation number only.

⁵ A parcel map is filed when creating subdivisions of four or fewer parcels, while a tentative map and final map are filed when creating subdivisions of five or more parcels. (Gov. Code. §§ 66426, 66428.)

by the local ordinance).⁶ However, this raises the question of the purpose of the building permit exception since virtually any application for a building permit will be preceded by a parcel or tentative map approval for the parcel upon which the construction is proposed, even one which may have been obtained in the distant past.⁷ A well-established rule of statutory construction holds that "[w]henver possible, effect should be given to the statute as a whole, and to its every word and clause, so that no part or provision will be useless or meaningless...." (*Colombo Construction Co. v. Panama Union School Dist.* (1982) 136 Cal.App.3d 868, 876; see *Harris v. Capital Growth Investors XIV* (1991) 52 Cal.3d 1149, 1159 [In analyzing statutory language, we seek to give meaning to every word and phrase in the statute to accomplish a result consistent with the legislative purpose, i.e., the object to be achieved and the evil to be prevented by the legislation".])

Our task then is to search for an interpretation of section 4290 which is not only consistent with the legislative purpose but also furnishes independent significance to each of the two exceptions. We believe that the answer lies in the different manner in which each exception is phrased. The first is "where an application for a building permit was filed prior to January 1, 1991," and the second is "to parcel or tentative maps or other developments approved prior to January 1, 1991" The "where" of the first exception implies a broad exemption encompassing all activity related to the building permit, whereas the "to" of the second exception implies an exemption which is limited to matters contained in the parcel or tentative map approval.

Under this reading of section 4290, only those perimeter and access conditions which were imposed during the parcel or tentative map approval process would be immune from the effect of the regulations. Typically, parcel and tentative map approvals include requirements for the improvement of the parcels within the subdivision. The Subdivision Map Act (Gov. Code, §§ 66410-66499.37; "Act")⁸ establishes general criteria for land development planning in the creation of subdivisions throughout the state. Cities and counties are given authority under the legislation to regulate the design and improvement of divisions of land in their areas through a process of approving subdivision maps required to be filed by each subdivider. (§ 66411; *Santa Monica Pines, Ltd. v. Rent Control Board, supra*, 35 Cal.3d 858, 869; *South Central Coast Regional Com. v. Charles A. Pratt Construction Co.* (1982) 128 Cal.App.3d 830, 844 845.) A subdivider must obtain approval of the appropriate map before the subdivided parcels are offered for sale, or lease, or are financed. (§§ 66499.30, 66499.31; *Bright v. Board of Supervisors* (1977) 66 Cal.App.3d 191, 193-194.)

The Act sets forth procedures by which cities and counties may impose a variety of specific conditions when approving the subdivision maps. Such conditions typically cover streets, public access rights, drainage, public utility easements, and parks, among other improvements. (§§ 66475-66489; see *Associated Home Builders etc., Inc. v. City of Walnut Creek* (1971) 4 Cal.3d 633, 639-647; *Ayers v. City Council of Los Angeles* (1949) 34 Cal.2d 31, 37-43.)

⁶ The approval of a final map is a ministerial function once the tentative map has been approved and the conditions that were attached to the tentative map have been fulfilled. (Gov. Code, §§ 66458, 66473, 66474. 1; *Santa Monica Pines, Ltd. v. Rent Control Board* (1984) 35 Cal.3d 858, 865; *Youngblood v. Board of Supervisors* (1978) 22 Cal.3d 644, 653.)

⁷ Statutory provisions for tentative maps and final maps first appeared in 1929 (Stats. 1929. ch. 838), while parcel maps were first required in 1971 (Stats. 1971. ch. 1446). (See Cal. Subdivision Map Act Practice (Cont.Ed.Bar 1987) §§ 1.2-1.3, pp. 3-5.)

⁸ All references hereafter to the Business and Professions Code are by section number only.

The Act vests cities and counties with the power to regulate and control the "design and improvement of subdivisions" (§ 66411) independent of the power to impose the specified conditions enumerated above.

"Design" is defined as:

"... (1) street alignments, grades and widths; (2) drainage and sanitary facilities and utilities, including alignments and grades thereof; (3) location and size of all required easements and rights-of-way; (4) fire roads and firebreaks; (5) lot size and configuration; (6) traffic access; (7) grading; (8) land to be dedicated for park or recreational purposes; and (9) such other specific physical requirements in the plan and configuration of the entire subdivision as may be necessary to ensure consistency with, or implementation of, the general plan or any applicable specific plan." (§66418.)

"Improvement" is defined as:

"... any street work and utilities to be installed, or agreed to be installed, by the subdivider on the land to be used for public or private streets, highways, ways, and easements, as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs as a condition precedent to the approval and acceptance of the final map thereof.

"... also ... any other specific improvements or types of improvements, the installation of which, either by the subdivider, by public agencies, by private utilities, by any other entity approved by the local agency, or by a combination thereof, is necessary to ensure consistency with, or implementation of, the general plan or any applicable specific plan." (§ 66419.)

Accordingly, we believe that when a person applies for a building permit after January 1, 1991, the Board's fire safety regulations would be inapplicable as to any matters approved prior to January 1, 1991, as part of the parcel or tentative map process.⁹ By contrast, a person who applied for a building permit prior to January 1, 1991, would not be subject to any of the access or perimeter requirements set forth in the regulations.

In addition to preserving independent significance for the building permit exception, the aforementioned reading of Public Resources Code section 4290 comports with another principle of statutory construction, namely that "[e]xceptions to the general rule of a statute are to be strictly construed." (*Da Vinci Group v. San Francisco Residential Rent etc. Bd.* (1992) 5 Cal.App.4th 24, 28; see *Goins v. Board of Pension Commissioners* (1979) 96 Cal.App.3d 1005, 1009; see also *Board of Medical Quality Assurance v. Andrews* (1989) 211 Cal.App.3d 1346, 1355 [statutes conferring exemptions from regulatory schemes are narrowly construed].) More specifically, we have cited "the general rule that a grandfather clause, being contrary to the general rule expressed in a statute, must be narrowly construed. [Citations.]" (57 Ops.Cal.Atty.Gen. 284, 286 (1974).) A blanket exemption for all construction and development activity related to a parcel covered by an approved tentative or parcel map (provided the final map for the tentative map is approved within the time prescribed by the local ordinance) would violate these principles of statutory construction.

⁹ Regulation 1270.02. for example, exempts "[r]oads required as a condition of tentative [or] parcel maps prior to the effective date of these regulations...."

On the other hand, we decline to construe the grandfather clause here so narrowly that *all* of the Board's fire safety regulations become applicable when the owner of a parcel covered by a parcel or tentative map approved prior to January 1, 1991, applies for a permit to build on that parcel after January 1, 1991. To do so would mean that the exception for approved tentative or parcel maps would afford the landowner nothing at the construction and development stage. Again, we are guided by the principle that a statute should be interpreted in such a way that no part or provision will be rendered useless or meaningless. (*Colombo Construction Co. v. Panama Union School District, supra*, 136 Cal.App. 868, 876.)

Finally, we observe the rule that if more than one construction of a statute appears possible, we must adopt the one that leads to the most reasonable result. (*Industrial Indemnity Co. v. City and County of San Francisco* (1990) 218 Cal.App.3d 999, 1008.) An exemption from the regulations for those access and perimeter conditions which are included in the approval of a parcel or tentative map prior to January 1, 1991, serves to lock in reasonable entitlements while ensuring that other fire safety standards may be applied at the time a building permit is sought subsequent to January 1, 1991.

On the basis of the foregoing analysis and principles of statutory construction, we conclude that the fire safety standards adopted by the Board for development on state responsibility area lands apply to the perimeters and access to buildings constructed after January 1, 1991, on parcels created by parcel or tentative maps approved prior to January 1, 1991, to the extent that conditions relating to the perimeters and access to the buildings were not imposed as part of the approval of the parcel or tentative maps.

**MONO COUNTY COMMUNITY DEVELOPMENT
Planning Division**

**NOTICE OF TENTATIVE
PARCEL MAP APPROVAL**

TENTATIVE PARCEL MAP # 31-86

APPLICANT: Graves

ASSESSOR'S PARCEL NUMBER: 02-140-38

PROJECT LOCATION: The proposed project is located along U.S. Highway 395 approximately one-half mile west of Burcham Flat Road at the south end of Antelope Valley.

You are hereby notified that the Mono County Planning Commission did on November 10, 2005, hold a public hearing to hear any and all testimony relative to the approval of Tentative Parcel Map 31-86 and did approve the map for a period of twenty-four (24) months, subject to the following conditions.

**Please refer to the attached
Conditions of Approval # 1 through 47**

If the applicant/agent is not satisfied with the decision of the Planning Commission, he may, within fifteen (15) days of effective date of the decision, submit in writing an appeal to: Secretary of the Planning Commission, P.O. Box 347, Mammoth Lakes, CA 93546; or to the Clerk of the Board, P.O. Box 715, Bridgeport, CA 93517.

The appeal shall include: 1) appellant's interest in the subject property; 2) the conditions appealed; and 3) specific reasons why the appellant believes the conditions appealed should be amended or upheld.

DATE OF EXPIRATION: 11.10.2007

DATED: November 10, 2005

cc: Applicant
 Engineer
 Assessor's Office
 Public Works
 Environmental Health

**PM 31-86/GRAVES
CONDITIONS OF APPROVAL &
MITIGATION MONITORING PROGRAM**

FORMAT:

CONDITION OF APPROVAL.....

- a. SCHEDULE OF COMPLIANCE.....
 - b. RESPONSIBLE MONITORING AGENCY or DEPARTMENT.....
 - c. IMPLEMENTING PARTY
 - d. TYPE OF MEASURE: DESIGN, ONGOING, CUMULATIVE
-

Uniformly Applied Development Standards and Policies

1. Future residential development shall be required to 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, Planning and Building divisions
 - c. Applicant/Property Owner
 - d. Design

2. The project, as well as future development, shall comply with the 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.
 - 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/Building Division
 - c. Applicant/Property Owner
 - d. Design

3. All wood-burning devices 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/Building Division and Environmental Health
 - c. Applicant/Property Owner
 - d. Design

4. 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 is filed with the Mono County Community Development Department, Planning Division, which identifies acceptable site mitigation measures.
 - a. Generally associated with future development but may occur anytime construction is in progress. Requires monitoring over a period of time.
 - b. Community Development Department/Planning Division
 - c. Applicant/Property Owner
 - d. Design/Ongoing

5. Construction shall be limited to daylight hours (or per 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.
 - a. Requires monitoring over a period of time, usually linked to future development associated with approval of residential construction.
 - b. Community Development Department/Building and Planning divisions
 - c. Applicant/Property Owner
 - d. Design/Ongoing

6. Dogs belonging to individuals involved in construction activities shall be prohibited in the project area during construction phases or under the owner's complete control at all times.
 - a. Requires monitoring over a period of time, usually linked to future development associated with approved residential construction.
 - b. Community Development Department/Building and Planning divisions
 - c. Applicant
 - d. Design/Ongoing

7. Noise levels during construction shall be kept to a minimum by equipping all onsite 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/Building and Planning divisions
 - c. Applicant/Property Owner
 - d. Design/Ongoing

8. Erosion control measures on disturbed areas shall include the use of Best Management Practices such as placement of fiber blankets and rolls, filter fencing or similar erosion control materials. Removed topsoil shall be stockpiled and replaced over disturbed areas. Disturbed areas shall be revegetated with a native seed mix and/or native plants. For all phases of subdivision and future parcel development, exposed soil surfaces shall be stabilized and or revegetated as soon as possible to reduce impacts related to erosion.
 - a. Requires monitoring over a period of time, usually linked to future development associated with approval of residential construction.
 - b. Community Development Department/Building and Planning divisions

- c. Applicant/Property Owner
 - d. Design/Ongoing
9. Revegetation of disturbed areas shall occur as soon as possible following construction and shall require the use of stabilization material or landscaping. Use of native seeds, native plants grown from seeds or seedlings obtained from local native stock is encouraged. Revegetated areas shall be irrigated as necessary to establish the plants.
- a. Requires monitoring over a period of time, usually linked to future development associated with approval of residential construction.
 - b. Community Development Department/Building and Planning divisions
 - c. Applicant/Property Owner
 - d. Design/Ongoing
10. To prevent wind erosion and public nuisance created by dust, the property owners shall refrain from clearing native vegetation except as necessary for impending same year construction.
- a. Requires monitoring over a period of time, usually linked to future development associated with approval of residential construction.
 - b. Community Development Department/Building and Planning divisions
 - c. Applicant/Property Owner
 - d. Design/Ongoing
11. For all phases of subdivision and parcel development, controls shall be instituted to reduce the impact of dust. Such controls are to include watering and mulching of disturbed areas or by other approved methods. Initiation of revegetation efforts should commence as soon as practical after construction.
- a. Requires monitoring over a period of time, usually linked to future development associated with approval of residential construction.
 - b. Community Development Department/Building and Planning divisions
 - c. Applicant/Property Owner
 - d. Design/Ongoing
12. 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 which will clear more than 10,000 square feet or requires 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.
- 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
13. 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 on any one parcel which cumulatively exceeds 20,000 square feet. If plans are required, plans will be developed with the individual project applicant, Mono County Planning Division, and Mono County Department of Public Works.

- a. Requires monitoring over a period of time, usually linked to future development.
 - b. Community Development Department, Planning Division and applicable federal and or state agency
 - c. Applicant/Property Owner
 - d. Design/Ongoing
14. Liquefied Petroleum Gas (LPG) when used shall be installed according to all applicable codes and Mono County Code 15.04.056.
- 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/Building Division
 - c. Applicant/Property Owner
 - d. Design

Development Mitigation Measures

15. The project applicant will inform future owners and developers of project mitigation measures as a means of reducing or eliminating development impacts to less than significant levels. These minimum development standards shall be set forth in a note within, or on a supplemental map sheet of, the Parcel Map and in project CC&Rs:
- A. Homeowner's dogs shall be contained within fenced areas or yards.
 - B. Dogs belonging to construction workers shall be prohibited in the project area during construction or be under the owner's complete control at all times.
 - C. Future homeowners shall aim, shield, and direct lighting downward to reduce glare.
 - D. Vegetation removal should be limited to disturbance necessary for future home construction, accessory buildings, driveways, walkways, corrals and landscaping.
 - E. Noise levels shall be in conformity with Mono County Noise Standards. Construction equipment shall be adequately muffled.
 - F. Control of dust during any construction and or land clearing activities will require watering as necessary.
 - G. Developer and future homeowners will be required to provide erosion control techniques/measures for disturbed areas not slated for development. In addition, topsoil shall be stockpiled at construction site and redistributed after disturbance.
 - H. Construction activities will take place only during daylight hours or per Mono County Code 13.08.290, whichever is more restrictive.
 - I. Future development projects shall comply with the Visual Resources requirements of the Mono County General Plan, Conservation and Open Space Element.
- a. Must be satisfied prior to recording of final map. Requires monitoring over a period of time, usually linked to future development.
 - b. Department of Public Works, Community Development Department/Planning Division
 - c. Applicant
 - d. Design/Ongoing
16. Livestock facilities (corrals, etc.) shall provide a minimum 100 feet horizontal separation setback from any animal or fowl enclosure to and from the proposed wells.

- a. Requires monitoring over a period of time, usually linked to future development associated with approval of residential construction.
 - b. Community Development/Building and Planning divisions
 - c. Applicant
 - d. Design/Ongoing
17. Domestic animals shall be restrained at all times, either through the use of leashes or private fenced areas. No animals shall be allowed to be free roaming. Horses and other grazing animals shall be penned or tethered.
- a. Requires monitoring over a period of time, usually linked to future development associated with approval of residential construction.
 - b. Community Development/Building and Planning Divisions
 - c. Applicant
 - d. Design/Ongoing
18. Future residential development should not dominate the natural environment, and should compliment existing rural character. The sighting of a project, scale, design, color and building materials for structures and fences shall harmonize with existing development in the area, the surrounding natural environment, and on-site topography. The following design guidelines are encouraged for all development:
- A. Building areas for each lot will be selected to reflect sensitivity to onsite topography and potential visual obstructions.
 - B. Roofing materials shall be non-reflective and shall be in a natural color and/or muted tones (e.g. tan, brown, dark green, or similar colors).
 - C. Bright colors or reflective materials shall not be used for any component of any structure.
 - D. Siding materials shall have a natural appearance compatible with the surrounding environment. The use of indigenous rock shall be encouraged.
 - E. Siding materials shall be stained, painted or otherwise finished in muted earth tones in order to blend into the surrounding environment.
 - F. Colors and materials for fences shall be muted and shall blend with the surrounding natural environment.
- a. Generally associated with future residential. Requires monitoring over a period of time.
 - b. Community Development Department/Planning Division
 - c. Applicant
 - d. Design
19. Exterior/outdoor lighting on individual lots shall be designed and maintained to minimize the effects of lighting on the surrounding environment. Exterior lighting shall be limited to that necessary for health and safety purposes; high intensity outdoor lighting shall be avoided or adequately shielded. All lighting must be designed to confine light rays to the premises of each individual lot. In no event shall a lighting device be placed or directed so as to permit light to fall upon a public street, adjacent lot, or adjacent land area.
- a. Generally associated with future development but may occur anytime construction and or road grading is in progress. Requires monitoring over a period of time.
 - b. Community Development Department/Planning Division
 - c. Applicant
 - d. Design

20. Landscaping shall be used to minimize potential visual impacts resulting from development. The following landscaping guidelines shall apply to all development:
- A. Landscaping shall be used to minimize or reduce potential visual impacts resulting from development.
 - B. The following elements shall be shielded using landscaping: well facilities, trash receptacles, propane tanks, and out-building structures. Trash receptacles and propane tanks may also be shielded with fencing and/or berms.
 - C. Drought-resistant landscaping (planting, soil preparation and low water use irrigation systems, etc.) shall be required. Drip irrigation systems shall be encouraged.
 - D. Use of native, indigenous species shall be encouraged.
 - E. The use of larger planting stock is encouraged to accelerate the process of visual screening.
 - F. Young plants shall be protected from deer and rodents until they are established; e.g., a 5 foot wire fence or vexar tubing have been found to work well to protect seedlings from deer.
- a. Requires monitoring over a period of time, usually linked to future development associated with approval of residential construction.
 - b. Community Development Department/Building and Planning divisions
 - c. Applicant
 - d. Design/Ongoing
21. All new utilities (water, electricity, telephone, cable TV, etc.) shall be installed underground.
- a. Requires monitoring over a period of time, usually linked to future development associated with approval of residential construction.
 - b. Community Development Department/Planning Division
 - c. Applicant
 - d. Design

Final Map Conditions

22. The project applicant shall inform future owners and developers of the project mitigation measures, as a means of reducing or eliminating impacts to less-than-significant levels. Project Mitigation Measures and Map Conditions of Approval 1 – 21 shall be reiterated on a supplemental map sheet of the Parcel Map. The Map Conditions and Mitigation Monitoring Program shall also be included in recorded project CC&Rs or by other approved method(s).
- a. Must be satisfied prior to approval of the final map. This information must be made part of the information given to buyers.
 - b. Department of Public Works and Community Development Department/Planning Division
 - c. Applicant
 - d. Design
23. The applicant shall submit a soils report or process a soils report waiver. Any such report or waiver shall be reviewed and approved by the Director of Public Works, according to the provisions of Mono County Code (MCC) Section 17.36.090.
- a. Must be satisfied prior to approval of the final map.
 - b. Department of Public Works
 - c. Applicant

- d. Design
24. Public access easements to the Walker River shall be provided.
 - a. Must be satisfied prior to approval of the final map.
 - b. Building Department
 - c. Applicant
 - d. Design

 25. The project proponents shall provide the Mono County Department of Public Works with a "will serve" letter from the Antelope Valley Fire Protection District ("FPD") indicating approval of the project and that the district will provide service to the proposed parcels. Further, the applicant shall furnish documentation from the FPD that the project is compliant with the FPD's requirements.
 - a. Must be satisfied prior to approval of the 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 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 alternate testing as approved by Mono County Environmental Health Department. The report shall document, to the satisfaction of Environmental Health that the soil structure meets or exceeds applicable state and county standards for siting and installation of individual sewage disposal systems. The report shall provide documentation that the direct, indirect and cumulative effects of the proposed individual sewage disposal systems will not significantly impact the water quality of surface waters which are listed under Section 303(b) of the Federal Clean Water Act as impaired due to accelerated eutrophication.
 - a. Must be satisfied prior to approval of the final map.
 - b. Environmental Health
 - c. Applicant
 - d. Design

 27. Mono County Environmental Health requires that the bottom of subsurface leach fields and rock-filled infiltration trenches be a minimum of five feet above the level of seasonal high groundwater to provide adequate treatment. Soil profiles and percolation testing shall be conducted during a period of highest groundwater, preferably during the months of April or May for evidence of ground water modeling. Environmental Health shall be notified a reasonable period in advance of the conducting the required soil profiles and percolation tests so staff may make inspections. Individual sewage disposal system permits shall be obtained from Environmental Health prior to installation of septic tanks or construction of sewage disposal systems.
 - a. Must be satisfied prior to approval of the final map.
 - b. Environmental Health
 - c. Applicant
 - d. Design

 28. The siting of individual sewage disposal systems shall comply with the California Regional Water Quality Control Board's 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/flood course. Alternative systems, if necessary, shall be reviewed and approved in conformance with Regional Water Quality Control Board's requirements.
- a. Must be satisfied prior to approval of the final map.
 - b. Environmental Health
 - c. Applicant
 - d. Design
29. The proposed location of individual sewage disposal systems and their replacement areas shall be shown on a map of the property and submitted to the Mono County Environmental Health for its review and approval. An area for future sewage disposal, described as a replacement area, equal to 100 percent of the primary sewage disposal area, shall be set aside for future sewage disposal should the primary disposal system fail.
- a. Must be satisfied prior to approval of the final map.
 - b. Environmental Health
 - c. Applicant
 - d. Design
30. Water shall be provided by individual wells drilled on each parcel. Water well construction shall conform to California Well Standards Bulletin 74-90 and water well permit requirements, as established in conformance with applicable provisions of the Mono County Code. Well permits shall be obtained from the Mono County Environmental Health prior to any on-site water development.
- a. Associated with future residential development. Requires monitoring over a period of time.
 - b. Environmental Health and Department of Public Works
 - c. Applicant
 - d. Design
31. The location of wells and individual sewage disposal systems shall comply with the minimum distances as stated in the amendments and guidelines adopted by the Lahontan RWQCB. 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 fifty (50) feet from any property line or drainage course. Alternative systems, if necessary, shall be reviewed and approved in conformance with RWQCB requirements.
- a. Generally associated with future development. Requires monitoring over a period of time. Must be satisfied prior to issuance of a building permit.
 - b. Environmental Health
 - c. Applicant
 - d. Design
32. Assurance shall be provided at the time of the final map approval that well water is adequate for domestic use in both quality and amount.
- a. Must be satisfied prior to approval of the final map.
 - b. Environmental Health
 - c. Applicant
 - d. Design
33. Access rights to parcels 1, 4 and the remainder parcel shall be obtained from the USFS pursuant to the Alaska National Interest Land Conservation Act and implementing regulations (Code of Federal regulations, 36 CFR 251.110-114) or other applicable

provision for road development. Costs associated with the acquiring USFS approval and road development is the responsibility of future property owners.

A 70'-wide easement(s) shall be provided on the Parcel Map for access, utility service, snow removal/storage, and slope maintenance (with the understanding that additional slope easements may be established if required by topography, road gradient, and as may be determined by engineering principles at the time of application for construction) as shown on the tentative map shall provided. Said easement(s) or portions thereof may be revoked upon access being approved and developed through USFS land from Burcham Flat Road. Future homeowners will be required to either improve the provisional access or obtain access from the USFS through implementing regulations. Said access shall meet County Road Standards for driveways and shall meet minimum Fire-Safe Standards.

- a. The road easement must be satisfied prior to approval of the final map.
 - b. Department of Public Works
 - c. Applicant
 - d. Design
34. The applicant shall provide evidence of approved access through USFS lands for proposed Parcels 2 and 3.
- a. Must be satisfied prior to recording of final map.
 - b. Department of Public Works
 - c. Applicant
 - d. Design
35. The applicant shall improve the USFS approved access road to proposed Parcels 2 and 3 to meet minimum fire-safe standards, Chapter 22, Land Development Regulations, Land Use Element of the General Plan. All costs for road improvements, testing, inspections, and any related reports, plans, and specifications shall be the responsibility of the applicant.
- a. Must be satisfied prior to recording of final map.
 - b. Department of Public Works
 - c. Applicant
 - d. Design
36. The applicant shall waive access rights to Parcel 3 on the west side of U.S. Highway 395.
- a. Must be satisfied prior to recording of final map.
 - b. Department of Public Works
 - c. Applicant
 - d. Design
37. The applicant shall dedicate drainage easements to the public as necessary.
- a. Must be satisfied prior to recording of final map.
 - b. Department of Public Works
 - c. Applicant
 - d. Design
38. Future roads constructed within the subdivision may be privately owned and maintained. The owners shall establish a maintenance entity pursuant to California Civil Code Section 845, which shall subsequently enter into agreements with individual lot owners for the routine repair, upkeep, and maintenance of subdivision roads and drainage facilities.

- a. Generally associated with future road development. Requires monitoring over a period of time. Must be satisfied prior to issuance of a grading permit for road construction or final approved road construction plan(s).
 - b. Department of Public Works
 - c. Applicant
 - d. Design
39. All future road grading and earthwork activities must be conducted in accordance with an approved road construction plan(s) and/or grading plan, and a Storm Water Pollution Prevention Plan, if required.
- a. Generally associated with future road development. Requires monitoring over a period of time. Must be satisfied prior to issuance of a grading permit for road construction or final approved road construction plan(s).
 - b. Department of Public Works
 - c. Applicant
 - d. Design
40. All exposed soil surfaces along all roads or driveways constructed in the development shall be stabilized and revegetated immediately following completion of the roads. All exposed surfaces shall be stabilized prior to the onset of winter weather if such work is to be completed the following year.
- a. Generally associated with future development. Requires monitoring over a period of time. Must be satisfied prior to issuance of a grading permit for road construction or final approved road construction plan(s).
 - b. Department of Public Works
 - c. Applicant
 - d. Design
41. Construction material (rock, debris, etc.) that is not utilized for road fill material shall be removed to a permitted disposal site or other approved site.
- a. Generally associated with future road development. Requires monitoring over a period of time. Must be satisfied prior to issuance of a grading permit for road construction or final approved road construction plan(s).
 - b. Department of Public Works
 - c. Applicant
 - d. Design
42. Erosion control devices shall be utilized as necessary to preclude offsite migration of sediment and dust during the road construction processes. Such erosion control measures may include but are not limited to filter fabric fencing, straw bales or similar filter barriers, water bars, ditching and/or other acceptable measures sufficient to control erosion and run-off.
- a. Generally associated with future road development. Requires monitoring over a period of time. Must be satisfied prior to issuance of a grading permit for road construction or final approved road construction plan(s).
 - b. Public Works and Community Development Department, Planning and Building Division
 - c. Applicant
 - d. Design/Ongoing
43. Provided that the County's proposed Mountain Gate River Access Project is funded, applicant shall negotiate in good faith with the County for the sale at fair market value of

a portion of Parcel 1 necessary to complete the project. In the event applicant sells Parcel 1 prior to any such sale to the County occurring, applicant shall cause this Condition of Approval to be reflected as a restriction in the deed to the buyer so that the buyer acquires the property subject to, and must abide by, this condition.

- a. Must be satisfied prior to approval of the final map.
 - b. Department of Public Works
 - c. Applicant
 - d. Design
44. An encroachment permit shall be obtained from the Mono County Department of Public Works for the new access road(s) onto Burcham Flat Road.
- a. Must be satisfied prior to future development.
 - b. Department of Public Works
 - c. Applicant
 - d. Design
45. The applicant shall comply with the floodplain/floodway requirements of Land Use Element 21.180, Standards for subdivisions in Flood Plain, including:
- A. An additional sheet to the final map shall identify limits of the 100-year flood plain and allowable building pad locations and elevations.
 - B. Final fill pad elevation to be certified by professional engineer or surveyor and provided to Flood Plain Administrator.
 - C. Provide method to minimize damage to septics, wells and utilities
- a. Must be satisfied prior to approval of the final map.
 - b. Planning Division
 - c. Applicant
 - d. Design
46. A significant portion of the property has been identified by the Federal Emergency Management Agency as being in a 100-year flood zone. The final map shall display the boundaries of that zone identified by FEMA as being subject to the 100-year event. Development within the floodplain is prohibited on any parcel unless approval is obtained from the Mono County Floodplain Administrator.
- a. Must be satisfied prior to approval of the final map.
 - b. Department of Public Works
 - c. Applicant
 - d. Design
47. Future property owners shall be made aware by notation on the Parcel Map that utilities and snow removal services do not extend to the proposed parcels. Future property owners will be responsible for providing their own telephone systems, sources of energy, and snow removal. Costs associated with acquiring and/or providing said services are the responsibility of future homeowners.
- a. Notation must be satisfied prior to approval of the final map. Generally associated with future development. Requires monitoring over a period of time. Must be satisfied prior to issuance of a building permit.
 - b. Department of Public Works/Community Development Department/Building Division
 - c. Applicant
 - d. Design

**MONO COUNTY COMMUNITY DEVELOPMENT
Planning Division**

NOTICE OF DETERMINATION

To: Office of Planning and Research
1400 Tenth St., Room 121
Sacramento, CA 95814

County Clerk
Mono County
P.O. Box 237
Bridgeport, CA 93517

FOR RECORDER'S USE ONLY

From: CDD/Planning Division
Mono County
P.O. Box 8
Bridgeport, CA 93517

SUBJECT:

Project Title: Tentative Parcel Map 31-86 / Graves

State Clearinghouse #: N/A

Contact Person: Keith Hartstrom Phone: (760) 932-5425

Project Location - Community: Antelope Valley

Project Location - County: Mono County

Description of Project: Subdivision of a 136-acre parcel (APN 02-140-38) into four lots and a remainder.

This is to advise that the Mono County Planning Commission (lead agency) has approved the above-described project on November 10, 2005, and has made the following determination regarding the above-described project (selected determination is shown in bold type):

- 1) The project will not have a significant effect on the environment.
- 2) An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
- 3) Mitigation measures were made a condition of the approval of the project.
- 4) A statement of Overriding Considerations was not adopted for this project.
- 5) Findings were not made pursuant to the provisions of CEQA.
- 6) **All of the effects of the project are exempt from further review under Public Resources Code section 21083.3 and all feasible mitigation measures specified in the EIR certified in conjunction with the Mono County General Plan relevant to those effects have been applied to the project. (Fish and Game were paid as part of the 2000 General Plan Update.)**

This is to certify that the Environmental Analysis, comments and record of project approval are available to the general public at:

Mono County Offices, 74 School Street, Bridgeport, CA 93517

Signature: _____ Date: November 10, 2005
Title: Keith R. Hartstrom, Principal Planner

Date received for filing at OPR: _____