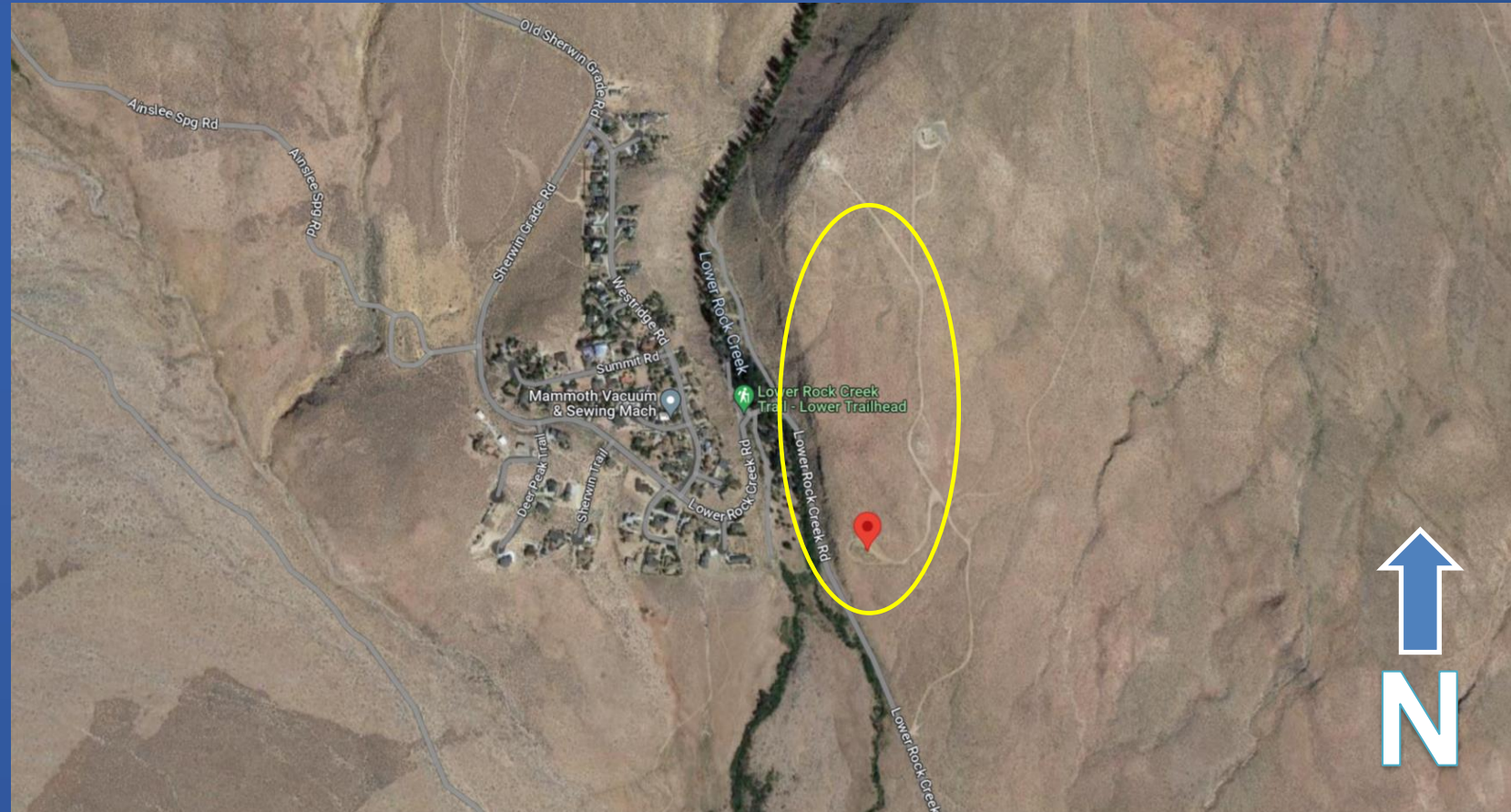


# Rock Creek Ranch Subdivision: Appeal of Incomplete Tentative Tract Map Application Determination

October 19, 2023  
Mono County  
Planning Commission

9125 Lower Rock Creek Road

- Rock Creek area of southern Mono County
- 54.64 acres



# Appeal Process

## MCGP Chapter 47, Appeals

### *§47.010, General Provisions*

*Appeals of any **action of the Planning Division** or Planning Commission may be made by a party adversely affected by the action. Appeals shall be made in accordance with this chapter. The taking of any appeal stays proceedings in the matter appealed until a decision is rendered on the appeal. For purposes of this section, a party adversely affected by the action shall mean any party who, upon exhaustion of administrative remedies, would have standing to challenge the action in court.*

### *§47.020 Procedures & fees.*

*A. **Planning Division Determinations.** Appeals of a **Planning Division determination** or interpretation of the provisions of this General Plan, including consistency with the Land Use Element, shall be made by filing a written notice of appeal on a form provided by the division with the secretary of the Planning Commission within 10 calendar days following the division's action.*

# Appeal Process

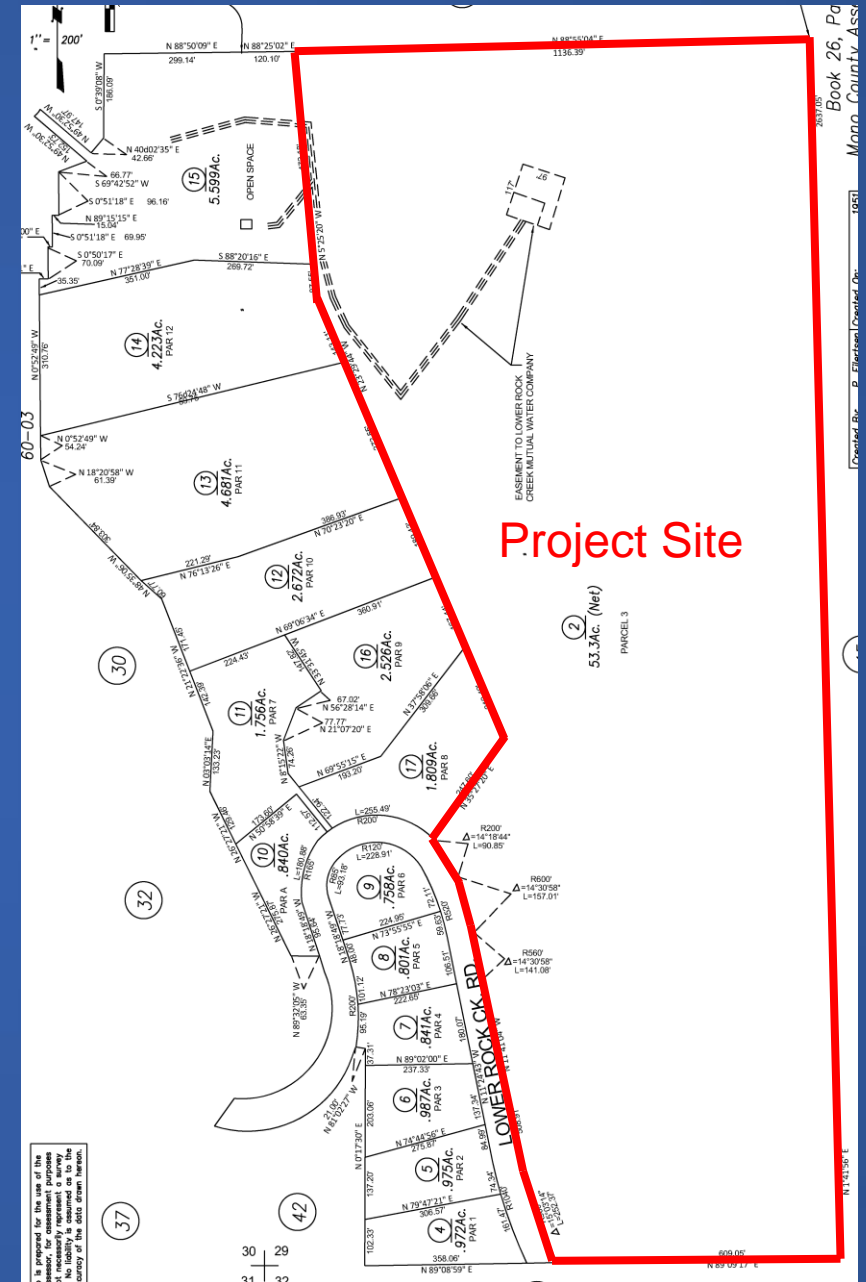
California Government Code §65943(c),

*(c) There shall be a final written determination by the agency on the appeal not later than **60 calendar days after receipt of the applicant's written appeal**. The fact that an appeal is permitted to both the planning commission and to the governing body does not extend the 60-day period. Notwithstanding a decision pursuant to subdivision (b) that the application and submitted materials are not complete, if the final written determination on the appeal is not made within that 60-day period, the application with the submitted materials shall be deemed complete for the purposes of this chapter.*

**Note:** The applicant signed a tolling agreement to extend the 60-day deadline in order to accommodate her request to continue the public hearing from September to October.

# Application Timeline

- ❑ **March 31, 2023:** Two (2) applications submitted for completeness review;
- ❑ Vesting Tentative Tract Map (TTM) for Rock Creek Ranch;
- ❑ Under the Rock Creek Ranch Specific Plan (RCRSP), adopted in 2014, Resolution 14-65;
- ❑ **April 21, 2023:** TTM Application deemed incomplete and did not comply with the RCRSP;
- ❑ **August 7, 2023:** Resubmittal;
- ❑ **August 31, 2023:** TTM Application deemed incomplete;
- ❑ **September 5, 2023:** Appeal submitted.
- ❑ **PC Continued to October 19, 2023,** at applicant's request.



APN 026-330-002



# 2014 RCRSP Background

- 10-Lot Subdivision
- Links all development w/GP
- Establishes zoning regulations
- Establishes land uses
- Establishes facilities/utilities
- Establishes development standards and enforcement
- Establishes a financing plan and governing structures
- TTM had been approved but is now expired.

# Project Description

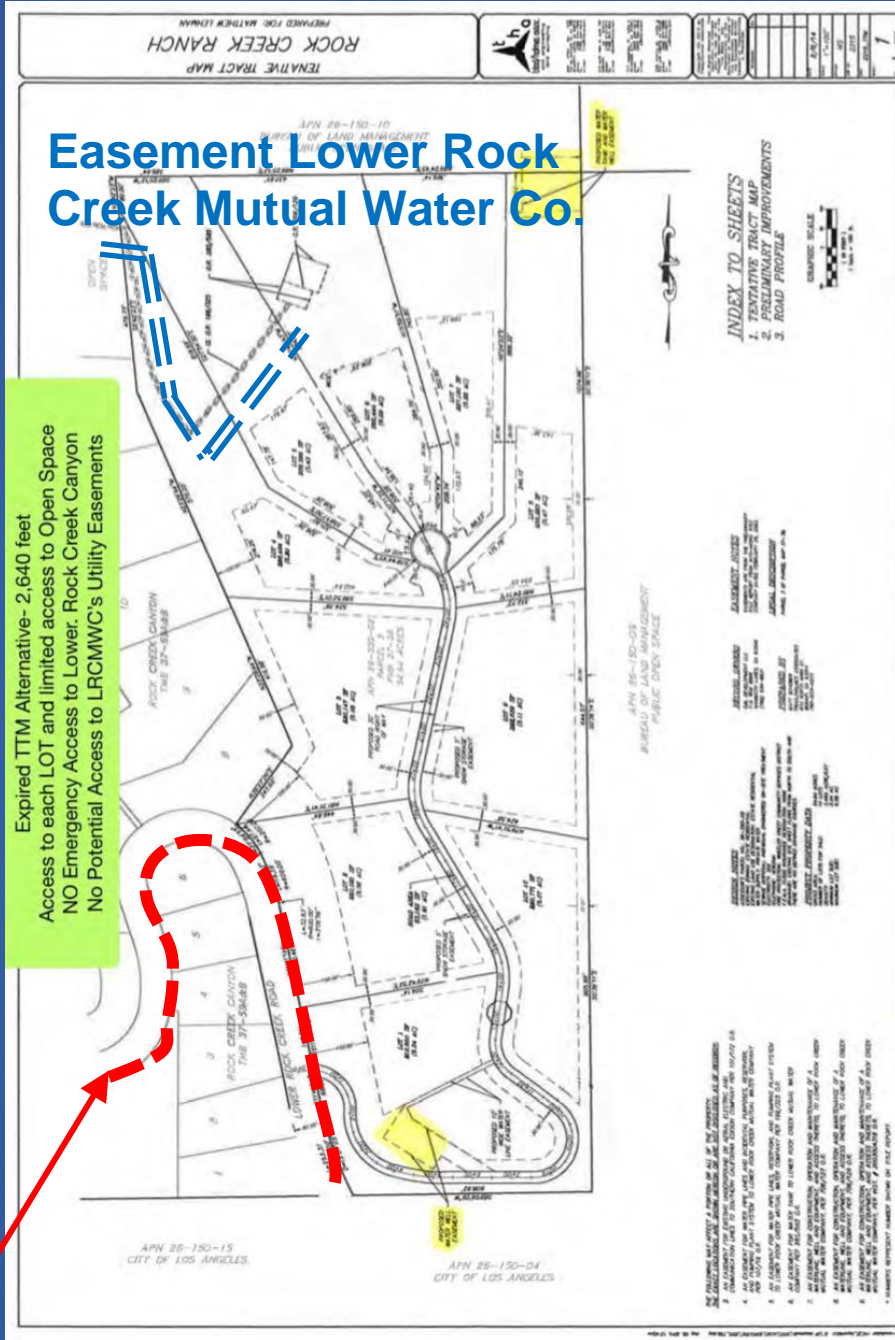
- 10 Lots To Be Reconfigured
- Roadway To Be Reconfigured
- Roadway Exceeds Length
- Increased Trails
- New Emergency Access to Rock Creek Canyon
- Relocation of Utility Infrastructure
- Relocation of Easements
- Reconfiguring of governing structures
- Revised cost estimates,
- Increased housing density,
- Reconfigured landscaping
- Reconfigured drainage

# Map Comparison

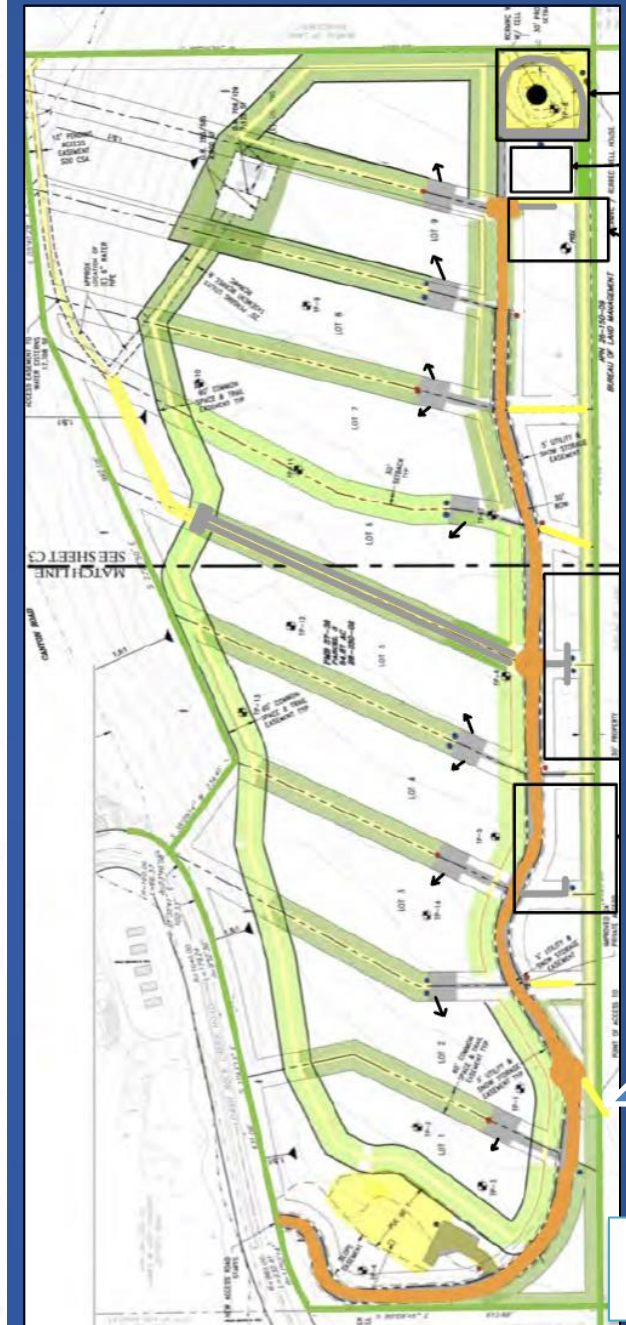
## Easement Lower Rock Creek Mutual Water Co.

Expired TTM Alternative- 2,640 feet  
Access to each LOT and limited access to Open Space  
NO Emergency Access to Lower Rock Creek Canyon  
No Potential Access to LRCMWC's Utility Easements

Lower Rock Creek Rd



RCRSP Map



Proposed Map

# RCRSP Background

Table 1

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

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

Table 2

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

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

Table 3

PROFILE OF DISTURBANCE AREAS

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

# TTM Application Requirements & Deficiencies

Pending Items:

- A preliminary soils report prepared by a civil engineer/engineering geologist, licensed to practice in the state of California;
- A vegetation preservation and protection plan; and
- An existing and proposed drainage facilities.

**Mono County  
Community Development Department**

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PO Box 347  
Mammoth Lakes, CA 93546  
760-924-1800, fax 924-1801  
commdev@mono.ca.gov

**Planning Division**

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

**VESTING  
TENTATIVE TRACT MAP  
CHECKLIST**

**APPLICATION PACKET SHALL INCLUDE:**

- A. Completed application form.
- B. Completed Project Information form.
- C. Copy of preliminary title report. APPENDIX 6
- D. Environmental Processing & Review agreement. APPENDIX 2
- E. Assessor's map with property of the proposed subdivision delineated. APPENDIX 2
- F. Proposed means that will be used to assure the proper administration and maintenance of common areas and open space, including a statement of intent regarding proposed deed restrictions. APPENDIX 5
- G. Preliminary soils report prepared by a civil engineer/engineering geologist, licensed to practice in the state of California, for the proposed subdivision addressing the unified soil classification of the soils, the depth of the water table, the degree of soil moisture from surface to a minimum depth of eight feet, the compaction of the soil at a minimum depth of two feet, and the expansive characteristics of the soil for the proposed project site. If this preliminary report indicates the presence of critically expansive soil or other soils or geological problems that could lead to structural defects or any other hazards, a soils report for each parcel, together with the proposed mitigation measures to alleviate identified problems, shall be required. PENDING

Requirements of a preliminary soils report may be waived by the county engineer, if the project civil engineer/engineering geologist certifies that no soils problems exist on the site, and that such certification is based on sufficient soils reports prepared for the subdivision under consideration to demonstrate soil stability and the lack of soils problems on the proposed project site. The project proponent shall have the burden of demonstrating the required information. The decision to waive such requirements, based upon the certification of the project proponent's civil engineer/engineering geologist of the absence of any soils related problems, shall be solely within the discretion of the county engineer. The fee for review of soils reports or consideration of soils report waiver shall be set by resolution of the Board of Supervisors. PENDING

- H. Survey prepared by a registered professional land surveyor showing the coverage within the proposed subdivision in terms of type, weakness, maturity, potential hazard, inclinations, vigor, density and spacing.
- I. **Vegetation preservation and protection plan showing which trees are to be removed, and the location and type of vegetation to be planted.** PENDING-APPENDIX 13
- J. Information concerning the ability of the existing and proposed drainage facilities to handle the natural flows and the additional runoff that will be generated by the subdivision at ultimate development. Methods to convey surface waters to the natural drainage courses or drainage system. PENDING-APPENDIX 13
- K. Plot plans and locations of proposed buildings in ultimate developments. PENDING-APPENDIX 13

NOTE: Other information deemed necessary by the Land Development Technical Advisory Committee, including maps of adjoining land that may have been previously divided, may be requested and required. More on back...

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Planning / Building / Code Compliance / Environmental / Collaborative Planning Team (CPT)  
Local Agency Formation Commission (LAFCO) / Local Transportation Commission (LTC) / Regional Planning Advisory Committees (RPACs)  
Revised March 2012



# Other Issues & Communications from the Applicant

- ❑ September 12, 2023: First email received noting affordable housing and citing SB 35, SB 330, and a density bonus.

**CDD Response:** Affordable housing units are not proposed in the originally submitted Director Review or TTM applications. These applications may be withdrawn, revised, and resubmitted under the SB 35 and SB 330 requests.

- ❑ September 29, 2023: Preliminary application submitted pursuant to Government Code Section 65941.1 (SB 330) and serves as a Notice of Intent under SB 35.

**CDD Response:** The preliminary application did not contain all the information required under Section 65941.1, and was inconsistent with the original applications. The missing information was submitted on October 5, 2023.

SB 35, requires compliance with several procedures, including completion of tribal consultation prior to submitting a formal application, as set forth in Government Code Section 65913.4(b).

**The SB 330 preapplication and SB 35 Notice of Intent do not apply to the originally submitted Director Review and TTM applications due to project inconsistencies and the need to complete SB 35 procedures.**

# Other Issues & Communications from the Applicant

- ❑ October 2, 2023: The originally submitted Director Review application (which does not reflect the SB 330 and SB 35 project description) was accepted as complete for processing by LDTAC.

**CDD Response:** The Director Review permit findings could not be made and the permit was denied on October 16, 2023. The Applicant has 10 days to submit an appeal of the determination.

**The Director Review permit is a separate matter from the TTM application.**

**Any appeal of the Director Review permit decision will be heard by the Planning Commission pursuant to Mono County General Plan Chapter 47.**

# Public Noticing Government Code §65091(a)(5)(B)

- Notice Posted in 3 Locations in Mono County;
- Mailers were sent to property owners with 300' of the project site.
- Mailers were sent to Agencies that may provide essential facilities or services to the project, or whose essential facilities or services may be affected.

## Comments

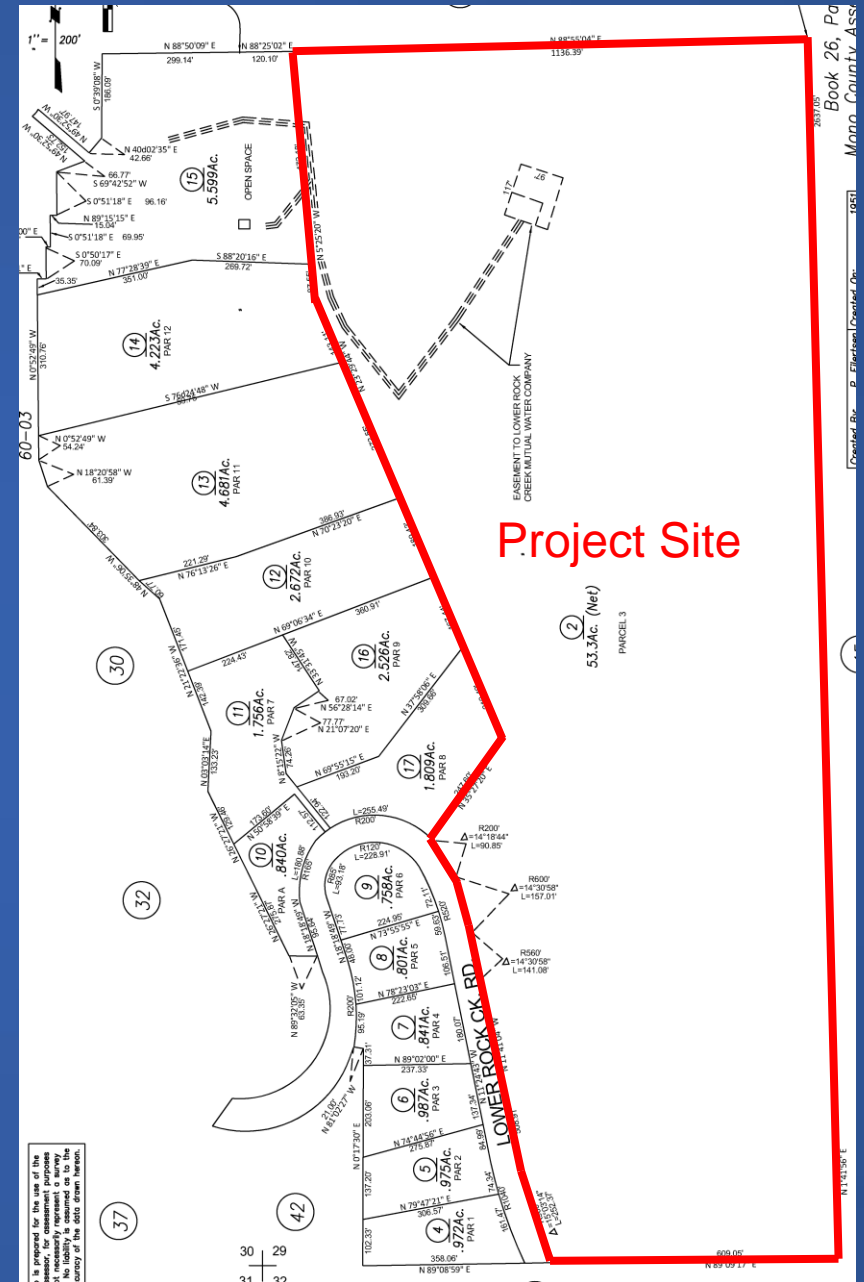
- Three (3) Comments Received from the public and one in support from the applicant.

## Appeal Decision

**The appeal body may render its decision at the conclusion of the hearing or, due to the Tolling Agreement at any time prior or up to October 27, 2023 to allow an appeal to the Board of Supervisors.**

# Recommendation:

- Deny the Appeal and
- Confirm Application Incompleteness Status



APN 026-330-002





Thank You