

White Mountain Estates Specific Plan and Environmental Impact Report

Part IV: Final EIR

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**Prepared By:
Mono County Community Development Department
P.O. Box 347
Mammoth Lakes, CA 93546
(760) 924-1800 fax (760) 924-1801
commdev@mono.ca.gov**

**WHITE MOUNTAIN ESTATES SPECIFIC PLAN
AND
ENVIRONMENTAL IMPACT REPORT**

LIST OF PREPARERS

MONO COUNTY PLANNING STAFF

Gerry LeFrancois, Project Coordinator

Larry Johnston, Principal Planner

Haven Kiers, Assistant Planner

Greg Newbry, Senior Planner

Scott Burns, Community Development Director

EIR CONSULTANT

Laurie Mitchel, Principal

PROJECT PROPONENTS

APPLICANT

White Mountain Estates LLC

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I. INTRODUCTION

INTRODUCTION

The Final EIR contains the response to comments received on the Draft Environmental Impact Report (DEIR) for the White Mountain Estates Specific Plan. The DEIR is incorporated herein by reference. The Mitigation Monitoring Plan for the White Mountain Estates Specific Plan is included in the Final EIR as Appendix A.

The Final EIR documents are available for the cost of reproduction from the Mono County Community Development Department offices in Bridgeport, (760) 932-5420, or Mammoth Lakes, (760) 924-1800.

CONTENTS OF THE FINAL EIR

In compliance with CEQA requirements, the Final EIR for White Mountain Estates Specific Plan includes the following:

- (a) The Draft EIR or a revision of the Draft.
- (b) Comments and recommendations received on the Draft EIR, either verbatim or in summary.
- (c) A list of persons, organizations, and public agencies commenting on the Draft EIR.
- (d) The responses of the Lead Agency to significant environmental points raised in the review and consultation process.
- (e) Any other information added by the Lead Agency.
(CEQA Guidelines Section 15132)

FINAL EIR PROCESS

The Draft EIR for the White Mountain Estates Specific Plan was circulated locally for public comment from May 31 through July 17, 2007. The State Clearinghouse comment period ran from June 6 through July 20, 2007. Eleven comments were received.

The Final EIR must be certified before Mono County (as Lead Agency taking action on the project) can approve the White Mountain Estates Specific Plan. In order to certify the Final EIR, the Lead Agency must conclude that:

- (1) The Final EIR has been completed in compliance with CEQA;
- (2) The Final EIR was presented to the decision-making body of the lead agency, and that the decision-making body reviewed and considered the information contained in the Final EIR prior to approving the project; and,
- (3) The Final EIR reflects the lead agency's independent judgment and analysis.
(CEQA Guidelines Section 15090)

After the Final EIR is certified, the Lead Agency files a Notice of Completion, starting a 30-day statute of limitations period under CEQA for challenging the approval of the Final EIR.

Where environmental effects have been identified as significant in an EIR and the Lead Agency intends to approve the project, the Lead Agency must prepare written findings on each environmental impact identified as significant. Findings must include a brief explanation of the rationale for each finding. The possible findings are:

- (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.
(CEQA Guidelines Section 15091)

When making findings to support (1) above, a mitigation monitoring program must be included in the Final EIR to ensure CEQA compliance during project implementation. A proposed mitigation monitoring program for the White Mountain Estates Specific Plan is included in Appendix A.

II. COMMENTS & RESPONSES

PERSONS & ORGANIZATIONS COMMENTING ON THE DRAFT EIR

Comments on the DEIR were received from the following entities:

1. Bureau of Land Management (Bishop);
2. California Department of Fish and Game (Bishop)
3. California Department of Transportation, District 9 (Bishop);
4. Lahontan Regional Water Quality Control Board (Victorville);
5. Los Angeles Department of Water and Power (Bishop);
6. Native American Heritage Commission (Sacramento);
7. Lemieux and O'Neill for White Mountain Mutual Water Company (Westlake Village, CA);
8. White Mountain Estates Homeowners Association Board of Directors (Chalfant);
9. Mike McWilliams (Chalfant);
10. Peter Pumphery (Chalfant); and
11. Andy Zdon (Chalfant);

The comment letters are reprinted in their entirety in Appendix B.

KEY POINTS RAISED IN COMMENTS

Comments on the DEIR addressed the following key points:

1. Bureau of Land Management (Bishop)

- The letter requests the county to consider wildlife friendly perimeter fencing or natural barriers to delineate the public land/private land boundary in order to reduce trespass onto public lands.
- The BLM offers to suggest wildlife friendly fence designs for perimeter fencing or fencing for individual yards.
- The spring on the parcel is one of very few water sources in the area. It is important that the area around it remain undeveloped and unfenced with unimpeded wildlife access.

2. California Department of Fish and Game (Bishop)

- The letter addresses potential future development on the remainder parcel and associated monitoring of the spring as presented in Mitigation Measure VW-2. The DFG recommends that development limits be addressed now in order to avoid impacts to sensitive resources. If the remainder parcel is available for future development outside of areas analyzed in the

DEIR, the FEIR should address and provide mitigation for “reasonably foreseeable impacts to rare plants and sensitive habitat supported on the parcel.”

- The DEIR states that one of the springs was “recently disturbed (filled) to construct a crude dam. Currently, flowing water from the southern spring is partially impounded by the dam and a portion of the flow is conveyed through a pipe to an off-site location.” The DFG recommends that the County improve or correct this situation with an additional mitigation measure to address long-term indirect impacts associated with the project.

3. California Department of Transportation (Bishop)

- The letter contains some minor corrections concerning references to the Chalfant Safety Improvements.
- White Mountain Estates Road needs to be realigned so it joins US 6 at 90-degrees (see March 8, 2005 letter).
- Caltrans concurs with the requirement for the construction of a US 6 northbound right-turn lane onto White Mountain Estates Road and provides specifications for those improvements.
- An encroachment permit will be required for work in the state right-of-way.
- The current White Mountain Estates cattle guard is in close proximity to US 6 and can complicate turning maneuvers. The cattle guard could be moved 100 feet east and the two abutting fence segments could be reconstructing.
- The construction of the turn lane would normally be a Condition of Approval for the project to be completed before the map can be filed and the sole responsibility of the developer. It has been brought to the attention of Caltrans that the County may wish to expedite the construction of the turn lane. The letter suggests methods of doing so.

4. Lahontan Regional Water Quality Control Board (Victorville)

- The site plan does not specifically identify features for the post-construction period that will control stormwater on-site or prevent pollutants from non-point sources from entering and degrading surface or ground waters.
- The project requires a Stormwater Pollution Prevention Plan and a NPDES General Construction Stormwater Permit.
- The project may require a Federal Clean Water Act Section 401 Water Quality Certification from the Regional Board.
- The project does not provide specific information on how impacts to surface waters of the State and/or waters of the US will be mitigated.
- Please include pre-construction and post construction stormwater management and best management practices as part of the planning process as well as designs that minimize impervious surfaces, directing runoff onto vegetated areas, and infiltrating runoff as close to the source as possible to avoid forming erosion channels

5. Los Angeles Department of Water and Power (Bishop)

- The LADWP has concerns regarding increased impacts to rare plant populations on adjoining City of Los Angeles property. LADWP is concerned about potential project-related impacts to spring habitat due to increased water uses associated with new homes, as well as potential impacts on plant populations on City property from increased recreational use of the area.
- LADWP has concerns about the additional groundwater demand for domestic uses and believes monitoring wells should be installed to measure changes in the water table.
- LADWP is also concerned about drainage onto City property.

6. Native American Heritage Commission (Sacramento)

- The letter recommends actions to adequately assess project-related impacts on historical resources.

7. Lemieux and O'Neill for White Mountain Mutual Water Company (Westlake Village, CA)

- The EIR and Specific Plan do not adequately address water issues.
- The specific plan must be consistent with the general plan. A specific plan which contemplates a separate water system for the project violates the general plan.

8. White Mountain Estates Homeowners Association Board of Directors (Chalfant)

- The White Mountain Estates HOA wants to ensure access to their existing common area and to resolve the issue of the amount of acreage in their common area.

9. Mike McWilliams (Chalfant)

- There should be a single water system for the existing subdivision and the proposed subdivision.
- Lots 40-45 and the remainder parcel should not be developed in any manner due to a variety of factors, but primarily the Alquist-Priolo fault hazards on those lots.
- The letter questions how the White Mountain Estates Homeowners Association can secure their existing common area, now shown as Lot A in the new development.
- The letter contains page-by-page commentary for both the Specific Plan and the DEIR on a variety of topics. The response to comments section addresses each individual comment.

10. Peter Pumphery (Chalfant)

- The adequacy of the water supply and the need to connect to the existing White Mountain Estates water system are discussed.
- Public safety issues related to the impact on the Chalfant Valley Fire Department are not adequately addressed.
- The intersection of Highway 6 and White Mountain Estates Road requires significant upgrades, which should take place at the time construction begins.
- A meaningful mechanism for enforcement of air quality (dust) mitigation measures should be included.

11. Andy Zdon (Chalfant)

- The project objective sounds as if the project is a public project.
- The affordability of the housing is questionable.
- There are errors in the groundwater analysis.
- The wildlife study missed several migratory bird species that nest on-site and the database search is 3 years old.
- A cumulative analysis of the effects of additional groundwater development should include potential impacts to Fish Slough.
- There should not be two water systems.
- Circulation improvements are required to increase safety along US 6. The Circulation Analysis prepared for the project is 3 years old and should be updated.

RESPONSE TO COMMENTS

Responses to the comments are presented in this section. Each comment is followed by its response. Deletions to existing text are indicated by ~~strike through~~ print; additions are indicated by ***bold and italic*** print.

1. Bureau of Land Management (Bishop)

Comment 1a: The letter requests the county to consider "...wildlife friendly perimeter fencing or some form of natural appearing barriers such as boulders, wood rail fences, etc. to delineate the public land/private subdivision boundary and reduce trespass onto public lands from storage use, etc. We invite the county and the developer to work with us to explore this opportunity further."

Response 1a: The existing conservation standard/mitigation measure in the SP and DEIR that addresses access to adjacent BLM and LADWP lands from the project site has been amended as follows:

CS-30 The project proponent shall work with LADWP and BLM to identify authorized trail/route access from the community across adjacent LADWP and BLM lands. ***Where feasible, existing roads/trails shall be used.*** The route(s) shall be identified prior to approval of the final tract map and shall be marked with signs at the property boundary. ***The signs shall be installed prior to the development of any housing and shall inform recreational users of LADWP and BLM lands of prohibited uses on those lands. The Homeowner's Association shall be responsible for maintaining the signs.*** The CC&Rs for the project shall inform all residents of BLM policies that prohibit cross-country vehicle use on adjacent public lands and limit that vehicle use to designated roads and trails.

In addition, a conservation standard/mitigation measure has been added to the Specific Plan and EIR to address the issue of trespass onto public lands from private subdivision lands at points other than identified access points:

CS-31 The project proponent shall work with LADWP and BLM to place signs along the public land/private subdivision boundary along the north and south sides of the project site in order to reduce trespass on public lands. The Homeowner's Association shall be responsible for maintaining the signs. The signs shall be installed prior to the development of any housing.

Comment 1b: It is not clear whether a perimeter fence is planned for the project or whether referenced fencing standards for individual yards include wildlife friendly fencing. The BLM could suggest fence designs that would be least likely to injure wildlife.

Response 1b: Perimeter fencing is not planned for the project. The Open Space (OS) land use designation permits wildlife-friendly fencing on lots designated Open Space. Two design and conservation standards/mitigation measures in the Specific Plan and DEIR that address fencing have been amended as follows:

DS-11 The scale and design of structures, fences and signs shall harmonize with existing development in the area and with the surrounding natural environment.
Fencing shall be wildlife-friendly.

CS-20 Domestic animals shall be restrained at all times, either through the use of leashes or private fenced yards. No animals shall be allowed to be free roaming.
Fencing shall be wildlife-friendly. This requirement shall be reiterated in the project CC&Rs.

Comment 1c: The spring on the parcel is one of very few water sources in the area. It is important that Lot D have "...as wide as possible an undeveloped corridor, with undeveloped surrounding open space," and that that space is maintained for spring access by wildlife and that the access area remain unfenced.

Response 1c: The spring and a portion of the associated riparian areas are now located on the remainder parcel. The remaining downstream portion of the riparian area is located on Lot D. Lot D is designated Open Space (OS) in the Specific Plan, which permits only passive, non-motorized recreational activities, wildlife-friendly fencing, and informational signs on open space parcels. The Specific Plan also requires lots designated Open Space to be deed-restricted to prohibit any uses other than open space uses.

A policy has been added to the Specific Plan and DEIR to protect the spring and riparian areas now that they are located on the remainder parcel. JBR Environmental Consultants, Inc., who prepared the Wildlife Survey for the project, recommended a conservation easement around the spring and riparian habitat.

Policy 3-B Maintain wildlife access to the spring.

Program 3-B Designate a conservation easement on the remainder parcel and Lot D to protect wildlife access to the spring and the riparian areas. The conservation easement shall include a minimum setback of 100 feet on all sides from the spring and the riparian areas. No disturbance of any kind, including fencing, shall be allowed within the conservation easement. No uses other than passive non-motorized recreational activities shall be allowed within the conservation easements. No large domestic animals, i.e. horses, cattle, llamas, etc., shall be allowed within the conservation easement. The conservation easement shall be established prior to recording the Final Tract Map. The remainder parcel and Lot D shall be deed restricted to maintain the conservation easement in perpetuity and restrict uses within the area covered by the conservation easement.

2. California Department of Fish and Game (Bishop)

Comment 2a: The letter addresses potential future development on the remainder parcel and associated monitoring of the spring as presented in Mitigation Measure VW-2:

If development occurs on the remainder parcel beyond one residential unit with one mutual water company connection, the Planning Commission may determine that the spring should be monitored on an annual basis, for a period of 10 years, to determine if development is affecting the spring. Monitoring of the spring shall be performed by a qualified biologist during the spring and paid for by the property owner. Should it be determined that development is affecting the spring, appropriate mitigation shall be imposed by Mono County, in coordination with CDFG (White Mountain Estates Specific Plan Conservation Standard CS-24).

The DFG recommends that development limits be addressed now and that “in order to ensure that sensitive resources are avoided, we recommend that the County specifies building envelope(s), with development limited to less sensitive portions of the parcel.” The DFG further recommends that if the remainder parcel is available for future development outside of areas analyzed in the DEIR, the FEIR should address and provide mitigation for “reasonably foreseeable impacts to rare plants and sensitive habitat supported on the parcel.”

Response 2a: Specific Plan Program 1-C, which limits development on the remainder parcel to one single-family residence and specifies that “any additional density shall require additional environmental review and regulatory approval through the Specific Plan process” has been modified to clarify that requirement. Conservation Standard CS-24, which provides for monitoring of the spring if additional development occurs on the remainder parcel, has also been modified to clarify that requirement.

Policy 1-C Limit future development on the remainder parcel.
Program 1-C Allow one single-family residence on the remainder parcel, **with one connection to the community water supply system**. Any additional density shall require ~~additional environmental review and~~ regulatory approval through the Specific Plan process **with associated CEQA documents. Any potential impacts to the spring or the surrounding riparian habitat areas associated with additional density on the remainder parcel shall be avoided or fully mitigated**. Designate the remainder parcel Specific Plan/Single-Family Residential (SP/SFR).

CS-24 ~~If development occurs~~ **Any additional density** on the remainder parcel beyond one **single-family** residential unit with one ~~mutual water company~~ connection **to the community water supply system, shall require regulatory approval through the Specific Plan process with associated CEQA documents. Any potential impacts to the spring or surrounding riparian habitat areas identified in the CEQA documents shall be avoided or fully mitigated.**

The Specific Plan also requires building envelopes to be established on the Final Tract Map for lots affected by Alquist-Priolo fault hazards, which would include the remainder parcel (Specific Plan Conservation Standard CS-9). Building envelopes have already been delineated for lots affected by Alquist-Priolo fault hazards in the geotechnical studies prepared for the project.

Comment 2b: The DEIR states that one of the springs was “recently disturbed (filled) to construct a crude dam. Currently, flowing water from the southern spring is partially impounded by

the dam and a portion of the flow is conveyed through a pipe to an off-site location.” The DFG recommends that the County improve or correct this situation with an additional mitigation measure to address long-term indirect impacts associated with the project. Unless the dam and diversion have been previously authorized, the springs should be restored to a more natural and functional condition.

Response 2b: The statement quoted in Comment 2b is from the vegetation study prepared for the project by James Paulus and refers to the Transmontane Freshwater Marsh on the site:

Transmontane Freshwater Marsh occupies a small area (about 245 ft x 15 ft) at the perennial spring flow source. Surface water is ponded throughout the extent of the marsh, but open water is completely obscured by accumulated vegetation litter. The total cover in Transmontane Freshwater Marsh is 100 %, and average height is 4 ft. The only species occurring within this community are emergent cattail (*Typha* sp.) and goldenrod (*Solidago* sp.). Modoc-Great Basin Riparian Scrub very narrowly surrounds the ponded water on all sides, except where the former channel bottom at the tail of the marsh was recently disturbed (filled) to construct a crude dam. Currently, flowing water from the southern spring is partially impounded by the dam and a portion of the flow is conveyed through a pipe to an off-site location.”

The dam is an existing condition on-site and it is unknown who constructed it. The dam and diversion were completed without the permission of the existing owner. The Specific Plan does not allow any uses in the spring and marsh area other than non-motorized recreational activities.

3. California Department of Transportation (Bishop)

Comment 3a: The “Caltrans Improvement Plans in the Chalfant Area” (EIR page II-57) should be re-titled “Chalfant Safety Improvements”. The first two sentences should be revised to read: “Caltrans and Mono County continue to address community concerns about traffic speeds and turn movements through mitigation of impacts caused by new development.”

Response 3a: The EIR has been revised as suggested.

Comment 3b: The “Corridor Study” in the paragraph cited in Item a and on page I-9 of the Specific Plan should be revised to read as: “Mono County, assisted by staff and resources from Caltrans, is conducting outreach to the community of Chalfant and creating a Community Plan. Along with general community issues, US 6 (including access) is being addressed.”

Response 3b: The Specific Plan has been revised as suggested.

Comment 3c: White Mountain Estates Road needs to be realigned so it joins US 6 at 90-degrees (see March 8, 2005 letter).

Response 3c: The Mono County Department of Public Works has reviewed the alignment of White Mountain Estates Road with US 6 and it is the opinion of the Department that any variance of the current alignment from 90 degrees is not substantial enough to impede traffic flow or affect traffic safety, particularly given the long sight lines in the area.

Comment 3d: Caltrans concurs with the requirement for the construction of a US 6 northbound right-turn lane onto White Mountain Estates Road. The length of the right-turn deceleration lane needs to be approximately 480-feet, which includes the bay taper, assuming a design speed of 65 mph and 10 mph of deceleration within the through lane.

Response 3d: Policy 5-B in the Specific Plan discusses the requirement for off-site access improvements to Highway 6. Program 5-B in the Specific Plan requires approval of the proposed right-turn lane from Caltrans prior to approval of the Final Tract Map. Prior to approval of the Final Tract Map, the applicant and the County will work with Caltrans to finalize the requirements for the turn-lane improvements.

Comment 3e: An encroachment permit will be required for work in the state right-of-way.

Response 3e: Comment noted.

Comment 3f: The current White Mountain Estates cattle guard is in close proximity to US 6 and can complicate turning maneuvers. The cattle guard could be moved 100 feet east and the two abutting fence segments could be reconstructing. This would require consultation with the Los Angeles Department of Water and Power, which owns the abutting land.

Response 3f: A policy has been added to the Specific Plan to address safety issues arising from the location of the cattle guard, i.e.:

Policy 5-D Provide additional off-site access improvements to White Mountain Estates Road in order to improve traffic safety at the intersection of White Mountain Estates Road and US 6, i.e. move the existing cattle guard on White Mountain Estates Road and realign the existing fence segments in order to improve turn safety from US 6 to White Mountain Estates Road.

Program 5-D Prior to approval of the final tract map, the applicant shall work with Caltrans, Mono County, and LADWP to finalize plans for moving the cattle guard and associated fencing.

Comment 3g: The construction of the turn lane in Item d would normally be a Condition of Approval for the project to be completed before the map can be filed and the sole responsibility of the developer. It has been brought to the attention of Caltrans that the County may wish to expedite the construction of the turn lane. The letter suggests methods of doing so.

Response 3g: Comment noted.

4. Lahontan Regional Water Quality Control Board (Victorville)

Comment 4a: The site plan does not specifically identify features for the post-construction period that will control stormwater on-site or prevent pollutants from non-point sources from entering and degrading surface or ground waters.

Response 4a: The Specific Plan and DEIR contain proposed storm drainage improvements for the project on the Preliminary Grading and Drainage Plan included in the Map Set in Appendix A. As noted in the DEIR:

The natural drainage flow across the property is from east to west, from higher ground to lower ground, in the existing swales on-site. Proposed drainage

improvements include a drainage easement across several of the lots that will connect with a drainage easement on the existing White Mountain subdivision. The proposed drainage easements flow in the same direction and area as the natural drainage on-site.

The Drainage Study prepared for the White Mountain Estates Specific Plan calculated the natural runoff on-site from a 100-year storm event and the additional runoff generated by the proposed development during a 100-year storm event. The proposed drainage easements have been designed to contain the amount of runoff generated by the proposed development during a 100-year storm event. The project will not create additional runoff impacts in the area and will not result in significant impacts to storm drainage in the area.

The majority of the proposed drainage easement is a ditch, following the existing swales on-site. However, the drainage easement also includes a wide area at the base of the higher eastern parcel that would allow for dispersal of runoff and on-site infiltration of that runoff. In addition, as shown in the Preliminary Grading and Drainage Plan, water would not be discharged onto DWP property at the White Mountain Estates Road/Tuolumne Road intersection. LADWP and Eastern Sierra Engineering, on behalf of the project applicant, agreed to:

“...direct drainage across the north leg on the Tungsten Road (*White Mountain Estates Road*)/Tuolumne Road intersection through a culvert continuing in the roadside ditch and crossing the north leg of the Tungsten Road (*White Mountain Estates Road*)/Redwood Road intersection through a culvert and allowing the discharge to follow the natural drainage course off-site. This change would eliminate the need for oil water separators on this project.”

(Memo From Shawn Jenkins, Eastern Sierra Engineering, to Charlotte Rodriques, LADWP, dated 5/31/06)

In response to the above, “LADWP no longer requires an oil/water separator within the proposed development because the tract drainage has been revised to drain along the north side of Tungsten Road (*White Mountain Estates Road*), away from LADWP property.”

(Letter from Gene L. Coufal, LADWP, to Shawn Jenkins, Eastern Sierra Engineering, dated 8/7/06)

Comment 4b: The project requires a Stormwater Pollution Prevention Plan and a NPDES General Construction Stormwater Permit.

Response 4b: The Specific Plan requires the applicant to comply with SWPPP and NPDES requirements, i.e.:

CS-15 The project proponent shall prepare a Stormwater Pollution Prevention Plan (SWPPP) and submit a Notice of Intent to comply with provisions of the State Water Resources Control Board's Stormwater NPDES Permit for Construction Activities.

Comment 4c: The project may require a Federal Clean Water Act Section 401 Water Quality Certification from the Regional Board.

Response 4c: Comment noted.

Comment 4d: The project does not provide specific information on how impacts to surface waters of the State and/or waters of the US will be mitigated.

Comment 4d: The only surface waters located on-site are the pond and riparian areas, located on the remainder parcel and Lot D. The project has been designed to avoid development in those areas. The only development that could currently be located upgradient from those areas is the one single-family residence allowed on the remainder parcel. That residence must be connected to the community water system.

Additional development could occur on the remainder parcel subject to the Specific Plan process and further environmental review. Should that occur, the Specific Plan allows the Planning Commission to require monitoring of the spring, i.e.:

CS-24 ~~If development occurs~~ **Any additional density** on the remainder parcel beyond one **single-family** residential unit with one ~~mutual water company~~ connection **to the community water supply system, shall require regulatory approval through the Specific Plan process with associated CEQA documents. Any potential impacts to the spring or surrounding riparian habitat areas identified in the CEQA documents shall be avoided or fully mitigated.**

The Specific Plan also restricts land use on Lot D in order to limit impacts to the spring and riparian areas, i.e.:

CS-23 Land uses on Lot D shall be limited to non-motorized passive recreational activities (e.g. hiking, birdwatching, wildlife viewing, horseback riding) and signs shall be posted at the entrances to the parcel reiterating the prohibition on motorized vehicles.

As discussed previously in Response 1c, a policy has been added to the Specific Plan and DEIR to protect the spring and riparian areas now that they are located on the remainder parcel. JBR Environmental Consultants, Inc., who prepared the Wildlife Survey for the project, recommended a conservation easement around the spring and riparian habitat.

Policy 3-B *Maintain wildlife access to the spring.*

Program 3-B *Designate a conservation easement on the remainder parcel and Lot D to protect wildlife access to the spring and the riparian areas. The conservation easement shall include a minimum setback of 100 feet on all sides from the spring and the riparian areas. No disturbance of any kind, including fencing, shall be allowed within the conservation easement. No uses other than passive non-motorized recreational activities shall be allowed within the conservation easements. No large domestic animals, i.e. horses, cattle, llamas, etc., shall be allowed within the conservation easement. The conservation easement shall be established prior to recording the Final Tract Map. The remainder parcel and Lot D shall be deed restricted to maintain the conservation easement in perpetuity and restrict uses within the area covered by the conservation easement.*

Comment 4e: Please include pre-construction and post construction stormwater management and best management practices as part of the planning process.

Response 4e: The Specific Plan includes a Drainage Report for the project prepared by Eastern Sierra Engineering. The Drainage Report includes pre-construction and post-construction stormwater management practices. In addition, the Specific Plan requires a final grading plan, based on the preliminary grading and drainage plan in the Specific Plan and DEIR, to be approved by the Mono County Department of Public Works prior to recording the Final Tract Map. The Grading Plan must include erosion control and stormwater management BMPs. The applicable conservation standard in the Specific Plan has been amended to clarify the requirement for BMPs, i.e.:

CS-8 A final Grading Plan, based on the preliminary grading and drainage plan in this document, must be approved by the Mono County Department of Public Works prior to recording the Final Tract Map. The Grading Plan must include a ~~comprehensive erosion and sediment transport control plan~~ **erosion control and stormwater management BMPs**. Grading shall be minimized; structures shall be designed to fit the site.

Comment 4f: Please consider designs that minimize impervious surfaces, directing runoff onto vegetated areas, and infiltrating runoff as close to the source as possible to avoid forming erosion channels. Design features should ensure runoff is not concentrated by the proposed project. Stormwater generated by the project must be managed on-site both pre- and post construction.

Response 4f: See Response 4a concerning stormwater management both pre- and post-construction, including on-site infiltration of runoff and the use of existing on-site drainage swales.

5. Los Angeles Department of Water and Power (Bishop)

Comment 5a: The LADWP has concerns regarding increased impacts to rare plant populations on adjoining City of Los Angeles property. LADWP is concerned about potential project-related impacts to spring habitat due to increased water uses associated with new homes, as well as potential impacts on plant populations on City property from increased recreational use of the area.

Response 5a: As discussed previously in Response 1a, the Specific Plan and DEIR contain an existing conservation standard/mitigation measure that addresses access to adjacent BLM and LADWP lands from the project site. That standard/mitigation measure has been modified to further address concerns about recreational uses of adjacent public lands:

CS-30 The project proponent shall work with LADWP and BLM to identify authorized trail/route access from the community across adjacent LADWP and BLM lands. ***Where feasible, existing roads/trails shall be used.*** The route(s) shall be identified prior to approval of the final tract map and shall be marked with signs at the property boundary. ***The signs shall be installed prior to the development of any housing and shall inform recreational users of LADWP and BLM lands of prohibited uses on those lands. The Homeowner's Association shall be responsible for maintaining the***

signs. The CC&Rs for the project shall inform all residents of BLM policies that prohibit cross-country vehicle use on adjacent public lands and limit that vehicle use to designated roads and trails.

In addition, a conservation standard/mitigation measure has been added to the Specific Plan to address the issue of trespass onto public lands from private subdivision lands at points other than identified access points:

CS-31 The project proponent shall work with LADWP and BLM to place signs along the public land/private subdivision boundary along the north side of the project site in order to reduce trespass on public lands. The Homeowner's Association shall be responsible for maintaining the signs. The signs shall be installed prior to the development of any housing.

The following response concerning potential impacts due to increased water use was provided by Golden State Environmental, Inc. Information and data provided to GSE since preparation of the Specific Plan and DEIR were included in the preparation of this response.

The results of GSE's analysis of impact to the springs to the east of the WME Phase 2 development from the pumping of either WME Phase 2 wells is "not expected to produce a significant impact" (Plan/EIR, II-71). In addition, for springs located further to the south of the development, the impact, if any, would be less.

Comment 5b: LADWP has concerns about the additional groundwater demand for domestic uses and believes monitoring wells should be installed to measure changes in the water table.

Response 5b: The Specific Plan for the project requires water conserving fixtures to be installed in all the development on-site, including all residential structures and irrigation systems (Conservation Standard CS-39). In addition, the Specific Plan requires landscaping on individual residential lots to be predominantly xeriscape (i.e. 65 percent of the landscaped area on an individual lot shall be xeriscape, either a dry landscape or a landscape requiring low irrigation and low maintenance)(Design Standard 21).

Additional responses provided by Golden State Environmental, Inc., relating to groundwater demand are provided in Response 7a. Those responses show that there is sufficient recharge to provide for the anticipated annual water demand created by the project.

Golden State Environmental, Inc., provided an additional response relating directly to the issue of well monitoring. Information and data provided to GSE since preparation of the Specific Plan and DEIR were included in the preparation of this response.

Two wells, WME Phase 2 Well No. 1 and No. 2 have been installed to provide water to the Phase 2 development. As part of a well maintenance program, the water company will perform periodic monitoring, to include measuring changes in the water table. Also, hydrogeologic studies have been performed and copies are available.

Conservation Standard 42 in the Specific Plan has been modified to clarify how the monitoring will occur and to provide mitigation should the required monitoring show changes in the water table, i.e.:

CS-43 ~~The developer~~ *If the water system is not the White Mountain Mutual Water Company or a CSA serving the existing and proposed development, the water system operator* shall ensure that the new wells constructed for the project are not impacting the existing well operated by the White Mountain Estates Mutual Water Company. ~~The developer may satisfy this requirement by implementing a monitoring plan to substantiate that there is no significant impact to the existing well. The monitoring plan must be approved by the Mono County Environmental Health prior to recording the final tract map.~~

The well maintenance program for the onsite water system shall include annual monitoring as required by the State. As part of that monitoring process, the level of the water table shall be measured in all of the wells utilized by the system, as well as in the wells owned and operated by the White Mountain Mutual Water Company.

If the static water level in any of the wells decreases by 20 feet or more in one year, then landscape watering in the proposed development shall be restricted during the summer months (June 1-September 30).

If the static water level rebounds fully by the following annual monitoring, landscape watering shall not be restricted.

If the static water level remains at a decreased level for a second year, any second units allowed by the Specific Plan that have not been built at that point in time shall not be allowed until the static water level has rebounded and remained at a higher level for five consecutive years.

A water conservation schedule, identifying trigger points in well water levels and corresponding restrictions in landscape watering, shall be developed and approved by the Mono County Department of Environmental Health prior to approval of the Final Tract Map.

Comment 5c: LADWP is also concerned about drainage onto City property. The project proponent will need to request and receive permission from LADWP to drain onto its property. Installation of an oil/water separator will be required on private property immediately prior to the discharge onto City property.

Response 5c: As shown in the revised drainage plan prepared by Eastern Sierra Engineering (included in the appendices of the DEIR), water would not be discharged onto DWP property at the White Mountain Estates Road/Tuolumne Road intersection. LADWP and Eastern Sierra Engineering, on behalf of the project applicant, agreed to:

"...direct drainage across the north leg on the Tungsten Road (White Mountain Estates Road)/Tuolumne Road intersection through a culvert continuing in the roadside ditch and crossing the north leg of the Tungsten Road (White Mountain Estates Road)/Redwood Road intersection through a culvert and allowing the discharge to follow the natural

drainage course off-site. This change would eliminate the need for oil water separators on this project."

(Memo From Shawn Jenkins, Eastern Sierra Engineering, to Charlotte Rodriques, LADWP, dated 5/31/06)

In response to the above, "LADWP no longer requires an oil/water separator within the proposed development because the tract drainage has been revised to drain along the north side of Tungsten Road (*White Mountain Estates Road*), away from LADWP property."

(Letter from Gene L. Coufal, LADWP, to Shawn Jenkins, Eastern Sierra Engineering, dated 8/7/06)

6. Native American Heritage Commission (Sacramento)

Comment 6a: The letter recommends actions to take to adequately assess project-related impacts on historical resources, i.e.:

1. Contact the appropriate California Historic Resources Information Center (CHRIS).
2. If an archaeological inventory survey is required, the report containing site forms, site significance, and mitigation measures shall be submitted to the planning department and to the appropriate regional archaeological Information Center.
3. Contact the Native American Heritage Commission (NAHC) for a Sacred Lands File search of the area and information on tribal contacts in the project vicinity that may have additional cultural resource information.
4. Native American Monitors should be used to ensure proper identification and care of cultural resources that may be discovered.
5. The mitigation plan should include provisions for the identification and evaluation of accidentally discovered archaeological resources, in compliance with CEQA §15064.5 (f).
6. The mitigation plan should include provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
7. The mitigation plan should include provisions for the discovery of Native American human remains or unmarked cemeteries.
8. Lead agencies should consider avoidance, as defined in CEQA Guidelines §15370, when significant cultural resources are discovered during the course of project planning.

Response 6a: An archaeological inventory of the project site was prepared by Jeffrey E. Burton (*An Archaeological Survey of the Proposed White Mountain Estates Subdivision II*).

1. The archaeological survey of the site included background research through the Eastern Information Center of CHRIS.
2. The archaeological survey for the site is summarized in the DEIR for the project and reproduced in its entirety in the Appendices and has been submitted to the regional archaeological Information Center.
3. The Native American Heritage Commission included a list of tribal contacts in their comment letter.

4. The White Mountain Estates DEIR contains a mitigation measure for cultural resources. This mitigation measure has been amended as follows in response to Items 4, 5, 6, and 7 in this comment:

CR-1 The project proponent shall stop work and notify ~~appropriate agencies and officials~~ **the County and local Native American tribal contacts** if archaeological evidence **and/or human remains or unmarked cemeteries** is **are** encountered during ~~earthwork~~ **ground-disturbing** activities. No disturbance of an archaeological **such a** site shall be permitted until such time as the applicant hires a ~~qualified consultant~~ **certified archaeologist** and an ~~appropriate report~~ **archaeological survey** that identifies acceptable site mitigation measures is filed with the County Planning Department.

Native American monitors shall be onsite during the archaeological survey to ensure the proper identification and care of cultural resources. The disposition of any recovered artifacts shall be made in consultation with local tribal contacts. In the event of the accidental discovery of human remains, Health and Safety Code §7050.5, Public Resources Code §5097.98, and CEQA Guidelines §15064.5 (d) shall be consulted for the proper procedure to follow.

Road construction/grading plans shall include ~~such notice~~ **a copy of this mitigation measure.**

5. See Item 4 above.
6. See amendments to the cultural resource mitigation in Item 4 above.
7. See amendments to the cultural resource mitigation in Item 4 above.
8. The project has been designed to avoid the one identified important archaeological resource on the site.

7. Lemieux and O'Neill for White Mountain Mutual Water Company (Westlake Village, CA)

Comment 7a: The EIR and Specific Plan do not adequately address water issues.

Response 7a: The following response was provided by Golden State Environmental, Inc.. Information and data provided to GSE since preparation of the Specific Plan and DEIR were included in the preparation of this response.

Recharge / Reasonable life expectancy

Recharge to the groundwater beneath WME originates from the White Mountains and southward groundwater flow through the Chalfant valley. Sources of recharge to the WME wells from the White Mountains include Piute Canyon to the north and east, and a smaller drainage identified as "North Coldwater Canyon" located immediately adjacent to and north and east of the proposed project. A portion of the recharge from Coldwater Canyon may also be available to the WME wells. This is because westerly groundwater flow from Coldwater Canyon becomes backed up (e.g. retarded) behind Fault #4. This retarded water from all the canyons causes the springs to the east of the project site (and east of WME wells #1 and #2). Therefore, water entering the alluvium to the east of Fault #4 contributes to recharge to the WME wells. Without the semi-permeable nature of Fault

#4, the springs would not daylight since the water would move entirely through the permeable alluvium.

Recharge from the White Mountains was calculated using the Maxey-Eakin Method (Plan/IER, II-70), with rainfall input to the calculations derived from the USGS (Danskin, 1998) for a 22 year period. This dataset was used to reduce the possibility that abnormally high or low precipitation was used in the calculation.

Groundwater recharge, combined from precipitation and runoff, for the Chalfant Valley area was estimated to be 3,737 af/y based on a numerical groundwater flow model (TEAM, 2006, pg 13). Of this estimated recharge, upon development of WME, site-specific recharge will occur through return flow from residential on-site systems. This return flow will be approximately 50 gallons per day (gpd) per capita per lot (Ramlit Associates, 1982). Assuming an average of three (3) persons per lot, the resulting return flow from WME Phase 2 will be approximately 150 gpd per lot or 6,150 gpd for Phase 2 (6.9 af/y). The total estimated water use by the WME Phase 2 is 66.7 af/y. This is based on 1.45 af/y/lot and 46 "water users" (45 lots plus the remainder parcel). Therefore, the net water use by WME Phase 2 is estimated to be 59.8 af/y.

In addition, "The average gauged streamflow from Coldwater and Piute Canyons is 2,129 af/y" (TEAM, 2006, pg 5). Albeit all water from Coldwater Canyon is not available to WME Phase 2, the estimated water use by WME Phase 2 is 2.8% of this average streamflow. Also, groundwater outflow from the Chalfant Valley to the Laws area of Inyo County was estimated using a preliminary groundwater flow model (TEAM, 2006). This model estimated this outflow to be approximately 12,500 af/y. The estimated water use by the WME Phase 2 is 0.5% of this estimated outflow.

The long term availability of groundwater via recharge to both the alluvial deposits along the eastern flank of the White Mountains and Chalfant Valley is provided by precipitation, runoff and return flow from the proposed development. These sources of recharge combined are significantly greater than the estimated net project water demand of 59.8 af/y. Therefore, based on the available data, the quantity of recharge to the Phase 2 wells is sufficient when consideration is given that the water demands for the proposed development represent only a minor fraction of the available water.

Annual demand

The annual water demand for WME was calculated using one (1) acre-foot per year per lot (af/y/lot). However, as indicated, for the last five years, the "average annual demand is 1.45 af/y/lot" (Lemieux, pg 4). Therefore, the total estimated water use by the WME Phase 2 is 66.7 af/y (based on 1.45 af/y/lot and 46 "water users"). The resulting return flow from WME Phase 2 will be approximately 6.9 af/y. Therefore, the net water use by WME Phase 2 is estimated to be 59.8 af/y.

Spring flow

Recharge to the springs located to the east of WME originates in the White Mountains, and arrives at these springs via subsurface groundwater flow. The presence of these springs correlates with the alignment of Fault #4 (Plan/EIR, II-71). This correlation indicates the presence of a damming or semi-permeable fault with "spreading of groundwater behind Fault #4 and its associated minor faults" (Plan/EIR, II-71). This fault and minor "faults act as barriers" to standard subsurface groundwater flow, this being manifest by "spring discharge with water spilling over low spots in the surface expression

of the fault" (Plan/EIR, II-71)¹. Since the springs are to the east of the WME wells², spring recharge is to the east of the springs, the groundwater surface elevation difference between the springs and WME wells is approximately 300 feet (the springs are 300 feet higher in elevation than the WME wells), and the radius of influence of the WME wells is approximately 1000 feet, "impact to the springs from the pumping of either well is not expected to produce a significant impact" (Plan/EIR, II-71).

Valley aquifer system / key data

The direction of groundwater flow in the vicinity of the White Mountain Estates generally follows surface topography, this having a flow component to the west (from the White Mountains) and regionally to the south (through Chalfant Valley) (GSE, 2006; TEAM, 2006, pg 10-12). As stated in the Plan/EIR the direction of groundwater flow reported (page II-70) was an editorial oversight.

Groundwater beneath WME is derived from a combination of water from the White Mountains and Chalfant Valley. This dual source of groundwater flow combines beneath WME, and therefore is part of the alluvial valley groundwater system. This groundwater system includes alluvial sands and gravels, and basalt flow deposits³. The alluvial sands and gravels consist "of volcanic metasedimentary lithic fragments with varying amounts of silt and fine to coarse-grained sand" (Plan/EIR, II-29). The basalt flow deposits are present in the Water Company's well. The presence of alluvium and basalt flows is common in the area as described by the USGS (1998).

Review of additional data provided by the White Mountain Mutual Water Company (Water Company) indicates that the static groundwater elevation between the Water Company's well and the two WME Phase 2 wells (Wells WME Well #1 and WME Well #2) are similar. This is based on static depth-to-groundwater measurements in the three wells and estimated ground surface elevations.

Additionally, water quality analysis for the two WME wells and data provided for the WMMWC well indicates that the waters from the wells are similar in chemistry (Plan/EIR, pg 19) indicating they are derived from the same alluvial valley groundwater system.

Bacterial contamination / nitrates

The "Groundwater quality in the Tri-Valley area is likely to be generally good" (TEAM, 2006, pg 19). "The most significant potential cause of impacts to groundwater quality in Tri-Valley are existing and increasing numbers of septic waste-disposal systems" (TEAM, 2006, pg 20). In WME Phase 1, "Nitrate concentrations were slightly elevated in the White Mountain Estates Phase 1 well (2 mg/L downgradient of the development) as compared to the Phase 2 wells located upgradient of current development (0.1 to 0.23 mg/L) indicating some modest impact due to septic systems" (TEAM, 2006, pg 19). Therefore, it is probable that nitrate impacts to groundwater quality may occur and may have a modest impact as occurring in Phase 1.

Possible Interception of Well and Fault Trace

¹ "It is important to note that where faulted, zones of clayey fault gouge may be present along the fault trace, which will intend to inhibit groundwater flow across a fault" (TEAM, 2006, pg 9).

² The distance between WME Phase 2 Well #1 and the spring is 1600 feet and the distance between MWE Phase 2 Well #2 and the spring is 2400 feet.

³ TEAM (2006, pg 8) reports that "In the Tri-Valley area, groundwater occurs in three different principal earth materials: bedrock of the White Mountains and Benton Range; Bishop Tuff; and alluvium"

Intersection of the well by the fault is based on a presumed extrapolation of a surface fault trace and may not intersect WME Phase 2 Well #1. Nevertheless, since there are two wells on the WME Phase 2 development, Well #2 would be available to act as a backup and therefore redundancy is already present.

References:

Danskin, Wesley R. 1998. Evaluation of the Hydrogeologic System and Selected Water-Management Alternatives in the Owens Valley, California. Found in U.S. Geological Survey Water-Supply Paper 2370, Hydrology and Soil-Water-Plant Relations in Owens Valley, California, Chapter H.

Golden State Environmental, Inc., 2006. Preliminary Hydrogeologic Investigation, 72-Hour Pumping and Recovery Test, White Mountain Estates – Phase 2, Chalfant Valley, Mono County, California. 6 February.

Mono County Community Development Department, 2007. White Mountain Estates Specific Plan and Environmental Impact Statement – Part II: Environmental Impact Report. May.

Ramlit Associates & ANATEC Laboratories, Inc., 1982. Final Report – Assessment of Cumulative Impacts of Individual Waste Treatment and Disposal Systems. Prepared for North Coast Regional Water Quality Control Board. February.

TEAM Engineering & Management, Inc., 2006. Surface Water and Groundwater Availability Assessment – Tri-Valley Area. Report prepared for Mono County Planning Department, Mammoth Lakes, California, 9 August.

Totheroh, Dan, 2007. Facsimile transmittal of data on White Mountain Mutual Water Company groundwater supply well, 13 July.

Comment 7b: The specific plan must be consistent with the general plan. A specific plan which contemplates a separate water system for the project violates the general plan.

Response 7b: In response to several comments, as well as a recommendation from Richard Blood, Mono County Department of Environmental Health Small Water Systems Specialist, the Specific Plan policies and standards concerning the water system for White Mountain Estates have been clarified to indicate that the project's compliance with the General Plan policy requiring new development to be served by existing water systems, where feasible, shall occur prior to approval of the Final Tract Map, i.e.:

Water System

Objective 8 Provide an on-site water system that meet the needs of the proposed development, that minimizes impacts to existing service providers and wells, and that minimizes impacts to the surrounding environment.

~~Policy 8-D~~ 8-A In compliance with Mono County General Plan policies⁴ and state policies concerning the efficient provision of public services, ~~the water~~

⁴ Mono County General Plan, Conservation/Open Space Element, Water Resource Policies, Objective B, Policy 4 and Action 4.1:

system for the proposed development should be consolidated with the water provider for the existing White Mountain Estates subdivision in order to increase operational and service efficiency, to maximize health and safety. Consolidation should occur at some point in the future when it becomes feasible.

the project shall be served by the existing water provider in the area, which is White Mountain Mutual Water Company (the "Water Company"), except that if a zone of benefit for water service is established within the existing County Service Area which will serve both the project and the properties currently served by the Water Company, then the project shall be served by the CSA.

Alternatively, the project applicant may request the Board of Supervisors to review the feasibility of the new development being served by the existing water provider (the Water Company), utilizing the criteria set forth below. The project applicant shall pay for any required inspections or analyses required to assess the project's and the Water Company's compliance with each of the criteria, as well as for the services of an impartial third-party engineer to conduct the required review.

If the Board of Supervisors determines that expansion of the Water Company's service area to include the proposed development is infeasible, based on the criteria set forth below, then the project may be served by a different service entity which may be a CSA or other public entity, as determined by the Board of Supervisors.

Mono County

Feasibility Criteria for Expansion of Small Water Systems

If the following criteria are met, then expansion of the White Mountain Estates Mutual Water Company to serve the proposed development shall be considered feasible:

- 1) The existing water service provider is physically close enough to the proposed development for expansion of the existing system to occur, as determined by a qualified third-party engineer.*
- 2) There is no physical, topographical, or geological reason why expansion of the existing system is not feasible, as determined by a qualified third-party engineer.*
- 3) There is no hydrologic reason why expansion of the existing system is not feasible, as determined by a qualified third-party engineer.*

Policy 4: Encourage the consolidation of small water providers to increase operational and service efficiency.

Action 4.1: Require new developments to be served by existing water providers, where feasible, rather than creating new service entities.

- 4) *The design of the existing system does not preclude expansion of that system, as determined by a qualified third-party engineer.*
- 5) *The costs associated with expanding the existing system, including fees charged to the developer, are determined to be reasonable by the Mono County Board of Supervisors.*

The water service provider for the project shall be determined prior to approval of the Final Tract Map.

Program 8-D ~~8-A~~ *The water system for the proposed development shall be constructed so that it may be consolidated with the water system for the existing White Mountain Estates subdivision when consolidation becomes feasible.*

The project applicant shall work with the Mutual Water Company or the CSA to establish the administrative and managerial framework for the expanded system. That framework shall be in place prior to approval of the Final Tract Map. The process for establishing that system shall include the following steps, at a minimum:

- 1) *The existing system shall be physically inspected by a registered engineer, in order to determine its condition and to establish a remaining life schedule and replacement values for equipment and system components.*
- 2) *The financial status of the existing system shall be reviewed by a qualified third-party, in order to determine its condition and to establish adequate reserves.*
- 3) *Reasonable costs associated with expanding the existing system, including fees charged to the developer, shall be determined.*
- 4) *Reasonable and equitable water rates shall be established for the existing development and the proposed development based on the operating costs to provide water to the respective units of the water system.*
- 5) *Separate capital improvement accounts shall be established for the maintenance, repair, and replacement of the existing infrastructure for the existing development and the infrastructure of the water system for the proposed development. Provisions shall be made and accounting practices instituted to assure that expenditures from these accounts for maintenance, repair, and replacement of the water system infrastructure are assigned to the appropriate account.*
- 6) *Provisions shall be instituted for equal representation from the existing and proposed development on the governing body of the water service provider.*
- 7) *Failure to accomplish these steps, caused by the unreasonable acts of the Water Company, may be used as grounds for the Board of Supervisors to determine that an expanded system is not feasible.*

Alternatively, as allowed in Policy 8a, if the Board of Supervisors has determined that expansion of the existing water system is not feasible, for any of the reasons stated herein, and has established another service provider for the project, the project applicant shall work with that service provider to establish the managerial and administrative framework for the system as outlined above. That framework shall be in place prior to approval of the Final Tract Map.

Policy 8-B Provide a water system that meets estimated water needs for the project, including fire flow requirements.
Program 8-B ~~Install the water storage and water distribution system in compliance with the conceptual design shown on Figure 6, Water, Propane and Sewage Plan (see Appendix A, Map Set).~~

The project applicant shall work with the White Mountain Mutual Water Company or the CSA to design an expanded water storage and distribution system that will serve both projects. The design for the expanded system shall be completed and approved by the Mono County Department of Environmental Health prior to approval of the Final Tract Map.

If the Board of Supervisors establishes a service entity other than the White Mountain Mutual Water Company or the CSA, the project applicant shall work with that entity to design a water storage and distribution system that is configured so that it may be connected to the existing system at some time in the future. The design for that system shall be completed and approved by the Mono County Department of Environmental Health prior to approval of the Final Tract Map.

The developer shall provide the necessary utility easements and/or deed the parcels containing the wells to the community water system prior to recording the final map. Well # 2 shall be designated as a utility lot on the final map.

Policy 8-C Ensure that the proposed water system meets all state and local requirements for small water systems.
Program 8-C Domestic water wells shall be developed for the project in compliance with all State and County regulations for domestic water wells. ~~Prior to the final map, the developer shall submit a complete permit application for a domestic water supply and receive a domestic water permit for the proposed project from the Mono County Department of Environmental Health. The water system shall be installed, passed final inspection, and fully operational prior to recording the final map.~~

Prior to approval of the Final Tract Map, the White Mountain Mutual Water Company, or the CSA, shall submit a complete permit application for an expanded integrated water system to serve the existing and proposed development and shall receive a domestic water permit for such a system from the Mono County Department of Environmental Health. The expanded

water system may be developed in phases as outlined in Land Use Program 1-D. In any case, the components of the expanded water system necessary to serve Phase I of the development shall be installed, passed final inspection, and fully operational prior to recording the Final Tract Map.

If the Board of Supervisors establishes a service entity other than the White Mountain Mutual Water Company or the CSA, the project applicant, along with that provider, shall submit a complete permit application for a water system to serve the proposed development and shall receive a domestic water permit for such a system from the Mono County Department of Environmental Health. The water system may be developed in phases as outlined in Land Use Program 1-D. In any case, the components of the water system necessary to serve Phase I of the development shall be installed, passed final inspection, and fully operational prior to recording the Final Tract Map.

- Policy 8-D** Ensure that the proposed water system avoids impacts to surrounding wells and to the surrounding environment.
- Program 8-D All parcels in this project shall be connected to the community water supply permitted for the project. The water system shall be designed, constructed, and tested as specified in the Water Resource Conservation Standards in this plan (See also, Land Use Program 1-D).
- ~~Policy 8-E Provide a funding mechanism to address ongoing maintenance of the water storage and distribution system.~~
- ~~Program 8-E A CSA Zone of Benefit, Mutual Water Company, or other mechanism satisfactory to Mono County, shall be created by the developer to provide a long-term funding source for water system maintenance. The maintenance mechanism shall be formed prior to approval of the Final Tract Map.~~

Note: Policy and Program 8-E are now addressed in Policy and Program 8-A.

Land Use Policies

- Policy 1-D** Develop the project in phases to ensure that adequate services and infrastructure are available to serve the proposed development.
- Program 1-D The project shall be developed in the following phases:
- Phase I: Infrastructure installation (including installation of ~~the water tanks~~, the water system **components** for lots 1-39 and propane tanks on the lot designated for utility uses) required for the construction of residential lots 1-39 and the construction of homes on residential lots 1-39.
 - Phase II: Infrastructure installation required for the construction of residential lots 40-45 (including water system **components** for lots 40-45) and the remainder parcel and the construction of homes on residential lots 40-45 and the remainder parcel. If the remainder parcel is sold to a private party for residential construction purposes or the developer constructs or places a residential home on the property, all utilities shall be installed.

Conservation Standards--Water Resources

- CS-39 All landscaping on-site shall be predominantly xeriscape and fire safe in compliance with Design Standard DS-21.
- CS-40 Water conserving fixtures shall be installed in all development on-site, including all residential structures and irrigation systems. This requirement shall be reiterated in the CC&Rs for the project.
- CS-41 ~~Prior to the final map, the developer shall submit a complete permit application for a domestic water supply and receive a domestic water permit for the proposed project from the Mono County Environmental Health. The water system shall be installed, passed final inspection, and fully operational prior to recording the final map or may be phased as permitted under Land Use Program 1-D.~~
Prior to approval of the Final Tract Map, the White Mountain Mutual Water Company, or the CSA, shall submit a complete permit application for an expanded integrated water system to serve the existing and proposed development and shall receive a domestic water permit for such a system from the Mono County Department of Environmental Health. The expanded water system may be developed in phases as outlined in Land Use Program 1-D. In any case, the components of the expanded water system necessary to serve Phase I of the development shall be installed, passed final inspection, and fully operational prior to recording the Final Tract Map.

If the Board of Supervisors establishes a service entity other than the White Mountain Mutual Water Company or the CSA, the project applicant, along with that provider, shall submit a complete permit application for a water system to serve the proposed development and shall receive a domestic water permit for such a system from the Mono County Department of Environmental Health. The water system may be developed in phases as outlined in Land Use Program 1-D. In any case, the components of the water system necessary to serve Phase I of the development shall be installed, passed final inspection, and fully operational prior to recording the Final Tract Map.

- CS-42 The Technical, Managerial and Financial Capacity report required with the permit application for ***an expanded*** water system shall determine the source capacity of the two wells for the proposed project, or the developer's qualified hydrologist may propose an alternative measure for determining the apparent long term yield for review by the Environmental Health Department. The Technical Report must take into consideration the water demand attributable to secondary residences that may be constructed on the proposed project and on the existing White Mountain Estates subdivision ~~if consolidation were to occur~~. If the data and conclusions in the report do not meet regulatory requirements, the Mono County Environmental Health cannot issue a permit for ***an expanded*** water system. In that case, the applicant may choose to redesign the project and complete additional CEQA analysis on the redesigned project.
- CS-43 ~~The developer~~ ***If the water system is not the White Mountain Mutual Water Company or a CSA serving the existing and proposed development, the water system operator*** shall ensure that the new wells constructed for the project are not impacting the existing well operated by the White Mountain Estates Mutual Water Company. ~~The developer may satisfy this requirement by implementing a monitoring plan to substantiate that there is no~~

~~significant impact to the existing well. The monitoring plan must be approved by the Mono County Environmental Health prior to recording the final tract map.~~

The well maintenance program for the onsite water system shall include annual monitoring as required by the State. As part of that monitoring process, the level of the water table shall be measured in all of the wells utilized by the system, as well as in the wells owned and operated by the White Mountain Mutual Water Company.

If the static water level in any of the wells decreases by 20 feet or more in one year, then landscape watering in the proposed development shall be restricted during the summer months (June 1-September 30).

If the static water level rebounds fully by the following annual monitoring, landscape watering shall not be restricted.

If the static water level remains at a decreased level for a second year, any second units allowed by the Specific Plan that have not been built at that point in time shall not be allowed until the static water level has rebounded and remained at a higher level for five consecutive years.

A water conservation schedule, identifying trigger points in well water levels and corresponding restrictions in landscape watering, shall be developed and approved by the Mono County Department of Environmental Health prior to approval of the Final Tract Map.

- CS-44 Future development 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 percolation test results and soil profile results as required by the Environmental Health Department. The report shall document, to the satisfaction of the Environmental Health Department, that the soil structure meets or exceeds applicable State and County standards for the siting and installation of individual sewage disposal systems.
- CS-45 The Environmental Health Department 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 April or May. The Environmental Health Department shall be notified a reasonable period in advance of conducting the required soil profiles and percolation tests so staff may make inspections. Individual sewage disposal system permits shall be obtained from the MCEHD prior to installation of septic tanks.
- CS-46 All lots adjacent to the drainage course shall have a 50-foot setback from the drainage course.
- CS-47 The tract map shall indicate 100-foot sanitary setbacks from all community wells.

8. White Mountain Estates Homeowners Association Board of Directors (Chalfant)

Comment 8a: The White Mountain Estates HOA wants to ensure access to their existing common area and to resolve the issue of the amount of acreage in their common area.

Response 8a: A portion of the common area for the White Mountain Estates HOA is located on Lot A, which currently includes storage buildings, corrals, outdoor storage and access roads. Lot A is designated Open Space (OS) in the Specific Plan but the Specific Plan land use designation allows other uses on Lot A in addition to passive non-motorized recreational activities, i.e.:

Open Space Land Use Designation

ADDITIONAL USES PERMITTED FOR LOT A

The following uses are permitted on Lot A in addition to those (non-motorized recreational activities, wildlife-friendly fencing, informational signs) listed above:

- Accessory buildings and uses, including storage structures, corrals, barns, stables and farm buildings (subject to use permit)
- Crop and tree farming
- Non-paved access roads

The project proponent intends to give/deed Lot A to the White Mountain Estates HOA once the Specific Plan is approved.

The amount of acreage in the common area for the existing White Mountain Estates HOA is an issue outside of the scope of the Specific Plan. Lot A provides an additional 1.46 acres for the common area for the existing White Mountain Estates HOA.

9. Mike McWilliams (Chalfant)

Comment 9a: There should be a single water system for the existing subdivision and the proposed subdivision.

Response 9a: Specific Plan policies and standards concerning the water system for White Mountain Estates have been clarified to indicate that the project's compliance with the General Plan policy requiring new development to be served by existing water systems, where feasible, shall occur prior to approval of the Final Tract Map.

Comment 9b: Lots 40-45 and the remainder parcel should not be developed in any manner due to a variety of factors, but primarily the Alquist-Priolo fault hazards on those lots.

Response 9b: AMEC Earth and Environmental Inc. has provided a geotechnical review of the revised Site Geologic Map with revised lot boundaries and building setbacks provided for the project by Sierra Geotechnical Services Inc. (AMEC letter to Mono County dated April 2, 2007). The purpose of the review was to evaluate the maps and geotechnical reports prepared for the project with respect to the requirements of the Alquist-Priolo Act. AMEC concluded that:

Based upon review of the fault investigation reports and subsequent responses to review letters it is AMEC's opinion that the project geotechnical consultant has fulfilled the requirements of the Alquist-Priolo Earthquake Fault Zoning Act of 1972 and the guidelines for evaluating the hazard of fault rupture as adopted by the California State Mining and Geology Board. As such, AMEC recommends approval of Tentative Tract 37-46 from an active faulting perspective.

AMEC's specifically addressed Lots 40-45 and the remainder parcel as follows:

The habitable areas within Lots 40, 41, 43, 44, 45 and the Specific Plan/Single Family remainder parcel in Phase 2 of Tentative Tract 37-46 are based on 50-foot setbacks from mapped active faults. The additional Fault Trenches, T-11 and T-12, have provided more accurate locations for the mapped active fault traces within Lots 43 and 44. As such, the proposed habitable areas and possible minimal building areas within these lots appear to meet the requirements of the Alquist-Priolo Earthquake Fault Zoning Act of 1972 and the guidelines for evaluating the hazard of fault rupture as adopted by the California State Mining and Geology Board.

The proposed habitable area within Lot 42 is based on a setback from mapped active faults that varies from 45 to 50 feet. The 45-foot setback is considered appropriate along the easterly side of Lot 42 where the location of active fault traces appears to be relatively well constrained by accurately mapped faults in Fault Trenches T-7, T-8 and T-11. Along the westerly side of Lot 42 the proposed setback is based upon the projection of two active-fault traces mapped in Fault Trench T-8, near the southerly margin of the property, with two similar active fault traces mapped in Fault Trench T-12 located in Lot 31 more than 900 feet to the north. The proposed 50-foot setback along the westerly side of Lot 42 is consistent with the setbacks established in the adjacent Lots 31 through 36 which are also impacted by the same fault. The variable setbacks proposed for Lot 42 appear to meet the requirements of the Alquist-Priolo Earthquake Fault Zoning Act of 1972 and the guidelines for evaluating the hazard of fault rupture as adopted by the California State Mining and Geology Board.

Comment 9c: How can the White Mountain Estates Homeowners Association secure their existing common area, now shown as Lot A in the new development?

Response 9c: As noted above in Response 8a, a portion of the common area for the White Mountain Estates HOA is located on Lot A, which currently includes storage buildings, corrals, outdoor storage and access roads. Lot A is designated Open Space (OS) in the Specific Plan. The project proponent intends to give/deed Lot A to the White Mountain Estates HOA once the Specific Plan is approved. Use permits for existing uses on Lot A can be processed once the parcel is transferred to the White Mountain Estates HOA.

The following comments are page-by-page commentary from Mr. McWilliams on the Specific Plan.

Comment 9d: Project Components (p. I-1). Subdivision total acreage 70.35. As shown if all lots in the upper section were developed there would only be 14.35 acres of open

space. That is equivalent to 20% open space in the tract. Phase I open space ratio is 15 acres out of 44 for 34%. I don't believe large private lots contribute to open space. They are often fenced and invite agricultural uses instead of contributing to habitat or dispersed recreation. As a minimum the "Remainder" Lot should not be zoned SFR or developed. This would raise the open space ratio for the development to 48%.

Response 9d: Policies in the Tri-Valley Area Plan (Mono County General Plan Land Use Element) require gross densities for residential development in Chalfant not to exceed one dwelling unit per acre (Tri-Valley Area Plan, Objective C, Action 1.1). There is no requirement for a certain percentage of open space. When the gross density requirement is calculated, the remaining acreage is available for an open space designation. Prior to approval of the Final Tract Map, the gross density will be recalculated to ensure that that requirement is met. At that time, the open space acreage may change slightly.

Comment 9e: Identified Issues (p. I-1). I believe the Specific Plan should Identify Annexation of the proposed new water system to the existing system as an issue. Identifying impacts on the environment and on springs and wells is important. However the greatest impact on the People in the existing community will be how their water company performs. That performance can be adversely impacted by a competing service dividing the community rather than a single system designed comprehensively.

Response 9e: The Specific Plan has been modified to clarify that the project's connection to the existing water system should occur at this point in the development. See Response 7b.

Comment 9f: Housing Needs (p. I-4). The information in the paragraphs give the impression that working class families with above moderate incomes will qualify for mortgages in the new development. The lowest figure given for price is \$325000. If Osage Circle is any indication the sales price by the time properties are sold will be on the order of \$400000. If incomes increase by 2% per year for say 5 years from the 2003 data given we have an upper "above Moderate" income of \$72,200. \$400000 sale may include a \$40000 down payment and a 30 yr mortgage at 6% with a monthly payment of \$2160. At a recommended limit 30% of monthly income for mortgage the qualifying annual income becomes \$86400. So any contention these units are intended for anyone other than retirees selling million dollar homes in Southern California is mildly disingenuous.

Response 9f: The Specific Plan and the DEIR note that the housing will be affordable to those with above moderate incomes. "Above moderate" is a term used by the California State Department of Housing and Community Development when defining the regional housing need for a county. Above moderate income households are those with 100 to 120 percent *or more* of the median income for the area. The median income for the unincorporated area of Mono County was \$64,000 in 2007.

The anticipated cost of housing in the proposed project is \$325,000 to \$350,000,

comparable to the current average cost of a single-family residence in the area. The Specific Plan allows the project proponent to sell undeveloped lots as well as developed units; it is possible that the total cost of a lot and house could be lower than the anticipated selling cost for a residential unit. Data from the Mono County Assessor show that the average sale price for a single family residence in Chalfant has risen from 2002 through 2007:

TABLE 1
Single-Family Residential Sales—Average Sales Price, 2002-2007

	<u>Year 2002</u>	<u>Year 2003</u>	<u>Year 2004</u>	<u>Year 2005</u>	<u>Year 2006</u>	<u>Year 2007</u>
Chalfant Average	\$189,688	\$206,568	\$244,750	\$270,265	\$348,620	\$382,500*
Tri-Valley Average			\$250,981	\$278,763	\$366,870	\$373,167

Source: Mono County Assessor.

* The 2007 sales figures for Chalfant include only two (2) units. The 2007 sales figures for Tri-Valley include only six (6) units.

The DEIR states that the planned housing in the area will be affordable to households in the above moderate income category. The Specific Plan and DEIR also require the development to provide 2 affordable housing units (in compliance with Mono County General Plan policies and Housing Ordinance policies) and allow the development of 8 secondary housing units in the development. The policies pertaining to affordable housing units have been modified to set a limit on when the affordable units must be developed and sold, in order to ensure that those units are developed sooner rather than later, i.e.:

Specific Plan Housing Policies

Policy 2-B Ensure an adequate supply of locally available affordable housing.

Program 2-B The project shall provide two affordable housing units that meet the following criteria:

- 1) The project shall provide one affordable housing unit that meets the following criteria:
 - a) At a minimum, the first unit shall be a two (2) bedroom, 1,200 square foot single-family unit with a two-car garage;
 - b) The first sale of this affordable unit shall be made to buyer(s) qualifying for financing under the Federal Housing Authority (FHA) lending criteria for those having an income no greater than 120 percent of adjusted median income (AMI);
 - c) Any resale of this unit (the second owner, third owner, etc.) shall be made to buyer(s) qualifying for financing under the Federal Housing Authority (FHA) lending criteria for those having an income no greater than 120 percent of adjusted median income (AMI), based on the AMI and FHA criteria at time of resale;
 - d) The restrictions on sales prices listed in subsections b and c shall be listed in the deed for this unit; and
 - e) Additional resale incentives may be offered to the seller of the unit, consistent with resale incentives provided to other like properties within the County, at the discretion of the County.
- 2) The project shall provide a second affordable housing unit that meets the following criteria:

- a) At a minimum, the second unit shall be a three (3) bedroom, 1,200 square foot single-family unit with a two-car garage;
- b) The first sale of this affordable unit shall be made to buyer(s) qualifying for financing under the Federal Housing Authority (FHA) lending criteria for those having an income no greater than 100 percent of adjusted median income (AMI);
- c) Any resale of this unit (the second owner, third owner, etc.) shall be made to buyer(s) qualifying for financing under the Federal Housing Authority (FHA) lending criteria for those having an income no greater than 100 percent of adjusted median income (AMI), based on the AMI and FHA criteria at time of resale;
- d) The restrictions on sales prices listed in subsections b and c shall be listed in the deed for this unit; and
- e) Additional resale incentives may be offered to the seller of the unit, consistent with resale incentives provided to other like properties within the County, at the discretion of the County.

3) *The affordable housing units must be developed and sold during Phase I of the development. Until the affordable housing units are sold, no more than fifty (50) percent of the market value units or lots may be sold.*

Policy 2-C Allow a maximum of eight (8) secondary housing units within the development.

Program 2-C Secondary units may be allowed when they meet the following criteria:

- a) They meet the requirements of Chapter 16, Development Standards—Secondary Units, of the Mono County Land Development Regulations.
- b) They meet the requirements of the Mono County Environmental Health and the Lahontan Regional Water Quality Control Board.

Comment 9g: Transportation/Circulation (p. I-9). Caltrans and Mono County LTC are completing a study of SH 6. When will the results of that study be available and should we expect any changes in the Specific Plan as a result?

Response 9g: The Mono County LTC, with assistance and resources from Caltrans, is in the process of developing a Community Plan for Chalfant, which includes issues related to Highway 6, along with general community issues. That planning process is ongoing at this time. The Specific Plan and DEIR for White Mountain Estates have analyzed traffic and circulation impacts of the proposed project and provided mitigation measures for identified impacts.

Comment 9h: Relationship of the Specific Plan to Neighboring Plans (p. I-12). "There are no neighboring plans affected by the proposed White Mountain Estates Specific Plan." I presume that the consultant who prepared the specific plan was simply not aware that we had presented a draft general plan amendment for the common area.

Response 9h: The issue of the common area for the existing White Mountain Estates subdivision is addressed in Responses 8a and 9c. A draft general plan amendment to change the land use designation on a parcel is not the type of plan this section is required to address.

Comment 9i Policy 1-8 (I-13). Change to read "Allow 39 single-family lots on APN 26-240-09."

- Allow one utility lot on APN 26-240-10 with the remainder of that parcel zoned open space. Make corresponding changes in Program 1-8.
- Policy 1-C: Eliminate Policy 1-C entirely. The entire parcel 26-240-10 should be zoned OS with the exception of Lot 8 (Utility Lot).
- Policy 1-D: Eliminate this policy as unnecessary. The entire project should be implemented in one phase for the lower 39 lots.
- Response 9i: Alternative 2 in the DEIR provides for 39 single-family residences. These comments will be considered during the decisionmaking process for the project.
- Comment 9j: 1-14 Housing Objective 2 (p. I-14). Provide single-family housing in the Tri-Valley to meet needs of local residents. The only local residents whose needs will be met by this project are the ones whose income is greater than \$86400.
Policy 2A. Allow the development of 46 SFR: change to read "Allow 39 SFR."
- Response 9j: Alternative 2 in the DEIR provides for 39 single-family residences. These comments will be considered during the decisionmaking process for the project.
- Comment 9k: 1-18 Additional Uses Permitted for Lot A (p. I-18). Lot A in the upper portion of the proposed development should be preserved. The Land Use Designation and permitted uses should also be applied to the remainder of Phase I Common Area (37-15 Lot 45).
- Response 9k: The comment about Lot A being preserved is noted. The land use designation and permitted uses cannot be applied to the remainder of the Phase I Common Area (Tract Map 37-15, Lot 45) at this time, as that parcel is not a part of the proposed development. The issue of the common area for the existing White Mountain Estates subdivision is addressed in Responses 8a and 9c.
- Comment 9l: CS-23 (p. I-26). Change to Read: land uses on 26-240-10 should be limited to non-motorized passive recreational activities with exception of Lot A which permits animal husbandry with storage or Lot 8 which allow utility activities. Travel through the parcel should be permitted only on existing graded roads.
CS-24. Eliminate this standard because "remainder parcel" should be included in larger OS parcel comprising 37-46 Phase II
- Response 9l: These comments will be considered during the decisionmaking process for the project.
- Comment 9m: CS-27 (p. I-27). Re-vegetation: Areas affected by earthquake fault trenching should be added to those areas to be re-vegetated.
- Response 9m: Conservation Standard 27 (and the corresponding mitigation measure in the DEIR) has been amended as follows:
- CS-27 The project proponent shall revegetate disturbed areas resulting from roadway construction, ~~and~~ infrastructure installation, **and earthquake fault trenching**. Revegetation shall utilize local seed mixes and/or native plants and shall be conducted immediately following construction. Revegetated areas shall be irrigated as needed and maintained until the plants are established.
- Comment 9n: CS-40 (p. I-28). The proponent's application for a permit to operate a water

system should be denied. Under the Mono County General Plan and State Law He should be required to connect to an adjacent system. If this is not done properly at the beginning there will be no opportunity to join these systems down the road. The proponent would instead seek a "Will Serve" letter from the existing company.

CS-41. The TMF should be performed on combined system using the existing system and company as the basis with added elements provided by the proponent. The existing company will apply to Mono County Environmental Health for a modification to its existing permit to include new customers.

Response 9n: Specific Plan policies and standards concerning the water system for White Mountain Estates have been clarified to indicate that the project's compliance with the General Plan policy requiring new development to be served by existing water systems, where feasible, shall occur prior to approval of the Final Tract Map. See Response 7b.

Comment 9o: Policy 5-B (p. I-30). The right turn lane and turn pocket is an excellent policy for this development. I would add or suggest that the county undertake prior to the turn lane construction on SH6 to improve the entrance and cattle guard. The entrance is too narrow and the cattle guard too close to the highway.

Response 9o: See Response 3f.

Comment 9p: Water System Policies (p. I-32).

Objective 8: The proponent can best minimize the impact on existing service providers by adding elements appropriate to the existing system and seeking a "Will Serve" letter from the existing company.

Program 8-A: Change to read: Install Water storage and distribution system in compliance with design principles provided by White Mountain Mutual Water Company.

Program 8-B: ... Prior to the final map the developer shall seek a "Will Serve" letter from White Mountain Mutual Water Company.

Policy 8-D Change last sentence to read: Consolidation should occur before approval of final map

Program 8-D Change to Read: The water system for the proposed development shall represent a comprehensive extension or the existing White Mountain Mutual Water Company for the purpose of serving the new residents of White Mountain Estates.

Response 9p: Specific Plan policies and standards concerning the water system for White Mountain Estates have been clarified to indicate that the project's compliance with the General Plan policy requiring new development to be served by existing water systems, where feasible, shall occur prior to approval of the Final Tract Map. The above policies have been amended. See Response 7b.

The following comments are page-by-page commentary from Mr. McWilliams on the DEIR.

Comment 9q: Purpose Statement (p. II-1). Remove reference to 6 lots on upper steeper portion and Remainder portion. Project should refer only to 39 lots plus utility Lot 8 on western portion of parcel.

Project Components (p. II-1): Change to read 39 lots SFR-1/2 plus one Lot zoned U with remainder of 26-240-10 zoned as open space.

Response 9q: The project proposes forty-six single-family residential lots. Alternative 2 proposes 39 single-family residential lots with no development on the steeper eastern portion of the project site.

Comment 9r: Project Objectives (p. II-11). Change total number of lots from 46 to 39 single family residences on the western portion with the entire steeper, eastern section reserved for open space.

Project Description (p. II-11): Change description in accordance with the development of 39 one half acre parcels on 24-240-09 and the remaining 44.52 acres zoned as open space.

Response 9r: The project proposes forty-six single-family residential lots. Alternative 2 proposes 39 single-family residential lots with no development on the steeper eastern portion of the project site.

Comment 9s: Housing (p. II-16)

- Tri-Valley had one of the lowest percentages of households paying more than 30% of household income on housing. This percentage is guaranteed to increase as the sales price will be well beyond the means of "above moderate" income families. Local residents will have no choice but over-extend themselves in order to make a purchase. Retirees out of professional careers and out of the Southern California real estate market will have no trouble with a straight cash purchase
- Percentage of seasonal or recreational use in White Mountain Estates is 20%.
- Home values in the existing community have more than doubled since 2001.
- Considering the percentage of retirees in the community I find it impossible to believe that incomes have increased anything near 71 %. My feeling is quite the opposite from the rosy picture portrayed by the EIR that home prices have far outstripped income. Every family I have spoken to in the community would not be able to purchase their existing home now...including myself, just 5 years later.

Response 9s: The entire Tri-Valley area, not just the project area, had one of the lowest percentages of households in the unincorporated area of the county paying more than 30% of household income on housing, as shown in the 2000 US Census. "Above moderate" is a term used by the California State Department of Housing and Community Development when defining the regional housing need for a county. Above moderate income households are those with 100 to 120 percent *or more* of the median income for the area. The median income for the unincorporated area of Mono County was \$64,000 in 2007.

The Specific Plan and the DEIR note that the housing will be affordable to those with above moderate incomes. The anticipated cost of housing in the proposed project is \$325,000 to \$350,000, comparable to the current average cost of a single-family residence in the area. The Specific Plan allows the project proponent to

sell undeveloped lots as well as developed units; it is possible that the total cost of a lot and house could be lower than the anticipated selling cost for a residential unit.

- The comment about seasonal or recreational use is noted.
- The comment about rising home values is noted. Data from the Mono County Assessor show that the average sale price for a single family residence in Chalfant has risen from 2002 through 2007:

TABLE 1
Single-Family Residential Sales—Average Sales Price, 2002-2007

	<u>Year 2002</u>	<u>Year 2003</u>	<u>Year 2004</u>	<u>Year 2005</u>	<u>Year 2006</u>	<u>Year 2007</u>
Chalfant Average	\$189,688	\$206,568	\$244,750	\$270,265	\$348,620	\$382,500*
Tri-Valley Average			\$250,981	\$278,763	\$366,870	\$373,167

Source: Mono County Assessor.

* The 2007 sales figures for Chalfant include only two (2) units. The 2007 sales figures for Tri-Valley include only six (6) units.

- The reference to incomes increasing 71 percent pertains to the entire Tri-Valley area for the period from 1990-2000 and is from The Eastern Sierra Housing Needs Assessment, which utilized 2000 Census data and a household survey.
- The DEIR states that the planned housing in the area will be affordable to households in the above moderate income category. The Specific Plan and DEIR also require the development to provide 2 affordable housing units (in compliance with Mono County General Plan policies and Housing Ordinance policies) and allow the development of 8 secondary housing units in the development. The policies pertaining to affordable housing units have been modified to set a limit on when the affordable units must be developed and sold, in order to ensure that those units are developed sooner rather than later, i.e.:

Specific Plan Housing Policies

Policy 2-B Ensure an adequate supply of locally available affordable housing.

Program 2-B The project shall provide two affordable housing units that meet the following criteria:

- 1) The project shall provide one affordable housing unit that meets the following criteria:
 - a) At a minimum, the first unit shall be a two (2) bedroom, 1,200 square foot single-family unit with a two-car garage;

- b) The first sale of this affordable unit shall be made to buyer(s) qualifying for financing under the Federal Housing Authority (FHA) lending criteria for those having an income no greater than 120 percent of adjusted median income (AMI);
 - c) Any resale of this unit (the second owner, third owner, etc.) shall be made to buyer(s) qualifying for financing under the Federal Housing Authority (FHA) lending criteria for those having an income no greater than 120 percent of adjusted median income (AMI), based on the AMI and FHA criteria at time of resale;
 - d) The restrictions on sales prices listed in subsections b and c shall be listed in the deed for this unit; and
 - e) Additional resale incentives may be offered to the seller of the unit, consistent with resale incentives provided to other like properties within the County, at the discretion of the County.
- 2) The project shall provide a second affordable housing unit that meets the following criteria:
- a) At a minimum, the second unit shall be a three (3) bedroom, 1,200 square foot single-family unit with a two-car garage;
 - b) The first sale of this affordable unit shall be made to buyer(s) qualifying for financing under the Federal Housing Authority (FHA) lending criteria for those having an income no greater than 100 percent of adjusted median income (AMI);
 - c) Any resale of this unit (the second owner, third owner, etc.) shall be made to buyer(s) qualifying for financing under the Federal Housing Authority (FHA) lending criteria for those having an income no greater than 100 percent of adjusted median income (AMI), based on the AMI and FHA criteria at time of resale;
 - d) The restrictions on sales prices listed in subsections b and c shall be listed in the deed for this unit; and
 - e) Additional resale incentives may be offered to the seller of the unit, consistent with resale incentives provided to other like properties within the County, at the discretion of the County.
- 3) *The affordable housing units must be developed and sold during Phase I of the development. Until the affordable housing units are sold, no more than fifty (50) percent of the market value units or lots may be sold.***

Policy 2-C Allow a maximum of eight (8) secondary housing units within the development.

Program 2-C Secondary units may be allowed when they meet the following criteria:

- a) They meet the requirements of Chapter 16, Development Standards—Secondary Units, of the Mono County Land Development Regulations.
- b) They meet the requirements of the Mono County Environmental Health and the Lahontan Regional Water Quality Control Board.

Comment 9t: Housing (p. II-17)
38% of owners in White Mountain Estates are retired.

Response 9t: Comment noted.

Comment 9u: Water and Sewer Impacts (p. II-21)
Water and Sewer Impacts: A comprehensive design of an integrated water

system encompassing both the existing community and the proposed development must be completed now. Allowing for consolidation in the future will result in construction of a new system that is essentially incompatible with the existing system. The proposed system elements including hydro-pneumatic pressurization with no backup power generation to provide fire flow in the case of utility power outage would make consolidation extremely expensive.

Response 9u: Specific Plan policies and standards concerning the water system for White Mountain Estates have been clarified to indicate that the project's compliance with the General Plan policy requiring consolidation of small water systems shall occur prior to approval of the Final Tract Map.. The above policies have been amended. See Response 7b.

Comment 9v: Development of the eastern portion of the project site (p. II-33)
Building Setbacks of 25 feet. The recommendation of the Alquist-Priolo statute is 50 Feet. But that would render building profiles less usable. If the parcel cannot be used within the limits posed by Alquist-Priolo then I recommend the lot be abandoned for development.

Response 9v: See Response 9b.

Comment 9w: Mitigation Measure GS-3 (p. II-37)
The maps showing fault locations also show the topography. The sites usable from faulting standpoint are on steeper sections of each parcel... requiring deeper cuts for a suitable pad.

Response 9w: Conservation Standards in the Specific Plan require the Final Tract Map to include building envelopes for all lots affected by Alquist-Priolo fault hazards and require those building envelopes to be located to minimize cut and fill:

CS-9 Building envelopes and driveways shall be established on the Final Tract Map for all lots adjacent to drainage channels, all lots affected by Alquist-Priolo fault hazards, and lots on which Secondary Units may be allowed. The land use plan shall also indicate lots where Secondary Units may be allowed. On lots larger than one acre in size, where large animals such as horses are allowed, animal confinement areas shall also be established on the Final Tract Map in order to reduce site disturbance, protect vegetation, and to ensure that there is sufficient area for the leach field, replacement field, and animal areas.

CS-10 Building envelopes for each residential parcel shall be located to avoid development on ridgelines or ridgetops, when feasible, and to minimize cut and fill.

CS-11 In order to minimize the potential for dust erosion and visual impacts, land disturbance (grading, cut and fill) for road construction, infrastructure installation, and building construction shall be limited to the areas identified on the Final Tract Map for roads, utilities, buildings, and driveways.

Comment 9x: Circulation Mitigation C-3 (p. II-64)
Turn lane idea is great. Need to add improvement to White Mountain Road entrance and cattle guard. Entrance is too narrow and cattle guard is too close to SH6.

Response 9x: See Response 3f.

Comment 9y: Water Resources Mitigation (p. II-74)

WR-3 Permit application by proponent: Permit application should be denied. Proponent must seek a will serve letter from White Mountain Mutual Water Company. This process involves construction of required system elements fitted to a compatible design integrated with the existing system. System elements currently proposed by proponent are incompatible with existing system design. Wells drilled in project property can be used in an expanded system. They can be used with de-rated pumping to avoid questions of aquifer depletion and draw-down as shown in the 72 hour test (101 feet of draw-down).

WR-4 TMF report should be completed on a combined system. It is performed by the existing company with the help of California Rural Water Association as a part of the company's application for extension of its current permit.

Response 9y: See Response 7b.

Comment 9z: In conclusion I strongly recommend the commission and the board adopt the reduced development comprising 39 lots as depicted on 11-79. Development of 26-240-10 carries too great a risk to the environment but more importantly too great a risk to potential homeowners.

Response 9z: This comment will be considered during the decisionmaking process for the project.

10. Peter Pumphery (Chalfant)

Comment 10a: The adequacy of the water supply and the need to connect to the existing White Mountain Estates water system are discussed. The comment references a study of the Tri-Valley groundwater resources and system that has recently been commissioned by Mono County and comments that "Notwithstanding the fact that the results of that study have not been received, it is proposed that this development proceed without benefit of the result of the county expenditure."

Response 10a: The following response was provided by Golden State Environmental, Inc.. Information and data provided to GSE since preparation of the Specific Plan and DEIR were included in the preparation of this response.

The report entitled "Surface Water and Groundwater Availability Assessment, Tri-Valley Area, Mono County, California" (TEAM, 2006) has been reviewed and incorporated into this response to comments.

The comment also addresses issues of recharge and reasonable life expectancy. A response to those issues is included in Response 7a.

Specific Plan policies and standards concerning the water system for White Mountain Estates have been clarified to indicate that the project's compliance with the General Plan policy requiring new development to be served by existing water systems, where feasible, shall occur prior to approval of the Final Tract Map. See Response 7b.

Comment 10b: Public safety issues related to the impact on the Chalfant Valley Fire Department are not adequately addressed, i.e.:

The EIR acknowledges that the proposed project increases the population served by the Chalfant Fire District by as much as 25%. The EIR further acknowledges that fire mitigation fees may not be sufficient to off-set the additional resource requirement of the district in terms of physical infrastructure, apparatus, and personnel needs. These issues are not adequately addressed in the document.

Response 10b: The DEIR notes that “Fire mitigation fees will be collected at the time of development to offset the cost of providing service to the development but **the department is concerned that those fees may not sufficiently mitigate the impact to the department** (emphasis added).” The DEIR also notes that the Chalfant Fire Department has concerns about future development in Chalfant in general:

- The department does not have sufficient equipment or personnel to serve additional development.
- The department does not have a large enough station to store all its equipment inside now. If it acquires more equipment it will need additional storage facilities.
- The department does not have qualified personnel to comment on required fire flows; it relies on the State standards for minimum fire flow requirements and the placement of hydrants. The district is concerned that large-scale projects be made to adhere to these minimum standards.
- The department recently raised its fire mitigation impact fee but is concerned that it is still too low to adequately address the impacts of new development.
- The department is currently in the process of trying to plan for new development in Chalfant and to assess what it needs in terms of equipment, facilities, and personnel to serve the projected development for Chalfant.
- There is a perception that truck traffic on Highway 6 has increased in recent years, particularly after the Walker flood in 1997, and that accidents have increased as a result.
- Chalfant has experienced a number of car crash fatalities in the past year, some of them due to collisions with large trucks. There is a strong concern that traffic through Chalfant, and along Highway 6 throughout the Tri-Valley, needs to be slowed down to increase safety, particularly in community areas or anywhere residents may be entering or exiting the highway. There is a perception that turn lanes are needed along Highway 6 at certain access points to ensure safe access for local residents.
- The Tri-Valley area would like to have a paramedic station somewhere in the Tri-Valley.

The Chalfant Valley Fire Department is a small all-volunteer force with limited equipment. The Fire Department provides Basic Life Support (BLS) services for the area but the nearest Advanced Life Support (ALS) services are provided by paramedics from Bishop. The Department currently has no long range planning documents.

In order to meet the needs of approved and planned development in Chalfant, the Department needs to:

1. Develop a long-range plan that outlines the projected growth in the area, identifies fire department needs necessary to serve that projected growth along with their associated costs, and prioritizes specific projects.
2. Require all new development to be planned and developed in as fire safe a manner as possible.
3. Review funding sources to ensure that the Department is fully utilizing all available sources.

1. Long Range Plan

Chalfant Fire Department needs to develop a long-range service plan or master fire protection plan for its service area.

2. Fire Safe Development

The Specific Plan and mitigation measures in the DEIR regulate development at White Mountain Estates in order to create a fire safe development, i.e.:

PUBLIC SERVICES MITIGATION

PS-1 The development shall comply with California State Fire Codes as well as with the Mono County Fire Safe Requirements (Mono County Land Development Regulations, Chapter 22), pertaining to emergency access, signing and building numbering, emergency water supplies, and vegetation modification (White Mountain Estates Specific Plan Program 13-A)

PS-2 The project shall comply with the following minimum requirements in order to increase fire safety:

- The minimum space between buildings shall be 30 feet.
- Each house/parcel shall have a standardized propane shutoff box.
- The propane tanks for the project shall be located on the lot designated for utility uses.
- The facilities for the propane tanks shall include a containment facility and automatic shutoff valves.
- The project shall have illuminated house numbers on each residence.
- The Fire District shall review the hydrant plan prior to approval of the Final Tract Map.
- A hydrant shall be installed by the water tanks.

Prior to approval of the Final Tract Map, the project proponent shall provide the County with a "will serve" letter from the Chalfant Valley FPD, indicating its capability to serve the proposed development and its approval of fire protection and suppression components of the proposed project design. Fire mitigation fees shall be collected as part of the building permit application process (White Mountain Estates Specific Plan Program 13-B).

PS-3 As part of the building permit application process, the applicant shall pay the fees established by the Mono County Development Impact Fee Ordinance to offset potential impacts to law enforcement and emergency medical services (White Mountain Estates Specific Plan Programs 14-A and 15-A).

HAZARDS MITIGATION

H-3 Landscaping shall be utilized to minimize potential visual impacts resulting from development and to minimize erosion. Landscaping on individual residential lots shall be predominantly xeriscape (i.e. 65 percent of landscaping on an individual lot shall be xeriscape) and fire safe. The requirement for xeriscapic and fire safe landscaping shall be reiterated in the CC&Rs for the project. See DS-21 for specific provisions regarding xeriscape and fire safe landscaping (White Mountain Estates Specific Plan Conservation Standard CS-29).

3. Funding Sources

Funding for fire department services is available from a variety of sources. Property tax revenues are the primary source for the ongoing operations of the department. Fire mitigation fees are the primary source for expansion necessary to meet the demands of additional development in the area. The district's fire mitigation fee is currently \$0.75 per square foot of new development, which is higher than the countywide average of \$0.63 per square foot but not as high as some other areas in the county.

The County currently collects Development Impact Fees (DIFs) from new development in the Tri-Valley. Those fees go in to a large pool of funds designated for public infrastructure projects. The Chalfant Valley Fire Department could benefit from those funds, particularly if they developed a long-range plan for the department and identified projects necessary to meet development in the area.

Several other fire districts in the County effectively apply for and obtain grant funding to fund special projects, either to expand or improve their physical plant or to obtain needed apparatus. The Chalfant Valley Fire Department could seek opportunities to obtain grant funding.

As noted in the DEIR, it is the intent of the policies and mitigation in the Specific Plan and DEIR that:

In order to mitigate potentially significant impacts to fire and emergency medical services in Chalfant, proposed mitigation measures require the development to contribute its fair share of the cost of additional fire equipment and facilities to serve Chalfant.

The DEIR also notes that:

Specific Plan policies and plans also require the installation of fire hydrants, the provision of sufficient water storage to meet the required fire flows, and compliance with the county's Fire Safe Standards (roofing materials, house numbering, fire flows, defensible space, road grades). Proposed roads within the subdivision have been designed to County Road Standards to provide sufficient access for emergency vehicles. In addition, Specific Plan policies specify that landscaping on individual lots must comply with Fire Safe Standards and provides a list of suitable fire safe plants.

Policies and mitigation in the Specific Plan and DEIR have been modified to clarify the intent that the project pays for its fair share of the equipment and facilities needed to serve the development:

Policy 13-C *The development shall contribute its fair share of the cost of additional fire equipment and facilities needed to serve Chalfant.*

Program 13-C *The developer shall work with the Chalfant Valley Fire Department to determine its fair share of costs and and the means of contributing to those costs. An agreement shall be reached concerning this prior to approval of the Final Tract Map.*

The DEIR concludes that “with the proposed mitigation, the project will not create significant impacts to fire and emergency medical services in Chalfant.”

Comment 10c: The intersection of Highway 6 and White Mountain Estates Road requires significant upgrades, which should take place at the time construction begins.

Response 10c: The Specific Plan requires the developer to provide a turn lane as specified in the Traffic/Circulation Analysis prepared for the project, i.e.:

Policy 5-B Provide off-site access improvements as specified in the Traffic/Circulation Analysis prepared for the project, i.e. install a northbound right-turn lane on Highway 6 according to design requirements of Caltrans and the County. The right-turn lane may include a 250-foot turn pocket and a 120-bay taper.

Program 5-B Approval of the proposed right-turn lane shall be obtained from Caltrans prior to approval of the Final Tract Map.

Caltrans, in its comments on the DEIR, concurred with the requirement for the construction of a US 6 northbound right-turn lane onto White Mountain Estates Road and noted that the “length of the right-turn deceleration lane needs to be approximately 480-feet, which includes the bay taper, assuming a design speed of 65 mph and 10 mph of deceleration within the through lane.” As noted in the response to Caltrans’ comment (see Response 3d), Policy 5-B in the Specific Plan discusses the requirement for off-site access improvements to Highway 6. Program 5-B in the Specific Plan requires approval of the proposed right-turn lane from Caltrans prior to approval of the Final Tract Map. Prior to approval of the Final Tract Map, the applicant and the County will work with Caltrans to finalize the requirements for the turn-lane improvements.

Caltrans also noted that White Mountain Estates Road needs to be realigned to join Highway 6 at a 90 degree angle (Comment 3c) and that currently the cattle guard on White Mountain Estates Road is close to Highway 6 and can complicate turning maneuvers (Comment 3f). The Mono County Department of Public Works reviewed the alignment of White Mountain Estates Road with US 6 and it is the opinion of the Department that any variance of the current alignment from 90 degrees is not substantial enough to impede traffic flow or affect traffic safety, particularly given the long sight lines in the area.

The issue of the cattle guard is addressed in Response 3f.

Comment 10d: A meaningful mechanism for enforcement of air quality (dust) mitigation measures should be included.

Response 10d: A mitigation monitoring plan is included in the FEIR, which contains enforcement mechanisms for design standards and conservation standards in the Specific Plan and the mitigation measures in the DEIR.

11. Andy Zdon (Chalfant)

The following comments pertain to the Specific Plan.

Comment 11a: First throughout the Specific Plan, the project objective as stated sounds as if the White Mountain Estates Phase 2 project were a public project. It should be noted that the primary objective of the project is to profitably develop the parcel of land described. The objectives described are effects of the project.

Response 11a: Comment noted. The project objective referred to here is the objective of the Specific Plan, not the commercial objective of the proposed development. A Specific Plan is a component of a local agency's overall planning documents for a jurisdiction. The White Mountain Estates Specific Plan contains detailed direction for implementation of Mono County General Plan policies on a specific parcel in the Chalfant Valley. As a public planning document, it is appropriate that the Specific Plan have a publicly oriented objective.

Comment 11b: Page I-4: With respect to the costs of housing for the project, recent area home sales indicate significantly greater home values than those listed. Given current mortgage rates, property tax rates, fuel costs for commuting to and from work, etc., it is unclear to me how affordable the costs of housing would be to moderate- income families. I was lucky enough to buy into White Mountain Estates at a time when property/home costs were less than half of what they are now . . . that is how home-ownership is comfortably affordable to me despite an income above the median for the county. Please provide an analysis backing up the affordability statement.

Response 11b: See Response 9f.

Comment 11c: Water Resources Section (p. I-7)
2nd Paragraph - groundwater flows generally to the west as opposed to the east as stated. Further, as will be discussed later in this letter, it is highly unlikely that the project area receives any significant amount of groundwater from the main area of groundwater underflow beneath Chalfant Valley. This apparent error in the groundwater analysis was due to the lack of key data (current groundwater level data in the existing White Mountain Estates Phase I well) having been used in the groundwater analysis as the groundwater consultant was not made aware of the existence of those data.

Response 11c: The following response was provided by Golden State Environmental, Inc.. Information and data provided to GSE since preparation of the Specific Plan and DEIR were included in the preparation of this response.

Valley Aquifer System/Key Data

The direction of groundwater flow in the vicinity of the White Mountain Estates generally follows surface topography, this having a flow component to the west (from the White Mountains) and regionally to the south (through Chalfant Valley) (GSE, 2006; TEAM, 2006, pg 10-12). As stated in the Plan/EIR the direction of groundwater flow reported (page II-70) was an editorial oversight.

Groundwater beneath WME is derived from a combination of water from the White Mountains and Chalfant Valley. This dual source of groundwater flow combines beneath WME, and therefore is part of the alluvial valley groundwater system. This groundwater system includes alluvial sands and gravels, and basalt flow deposits⁵. The alluvial sands and gravels consist "of volcanic metasedimentary lithic fragments with varying amounts of silt and fine to coarse-grained sand" (Plan/EIR, II-29). The basalt flow deposits are present in the Water Company's well. The presence of alluvium and basalt flows is common in the area as described by the USGS (1998).

Review of additional data provided by the White Mountain Mutual Water Company (Water Company) indicates that the static groundwater elevation between the Water Company's well and the two WME Phase 2 wells (Wells WME Well #1 and WME Well #2) are similar. This is based on static depth-to-groundwater measurements in the three wells and estimated ground surface elevations.

Additionally, water quality analysis for the two WME wells and data provided for the WMMWC well indicates that the waters from the wells are similar in chemistry (Plan/EIR, pg 19) indicating they are derived from the same alluvial valley groundwater system.

References

Golden State Environmental, Inc., 2006. Preliminary Hydrogeologic Investigation, 72-Hour Pumping and Recovery Test, White Mountain Estates – Phase 2, Chalfant Valley, Mono County, California. 6 February.

TEAM Engineering & Management, Inc., 2006. Surface Water and Groundwater Availability Assessment – Tri-Valley Area. Report prepared for Mono County Planning Department, Mammoth Lakes, California, 9 August.

Comment 11d: Wildlife Section (p. I-8)

With respect to the Wildlife Section, an expanded bird list is provided as an attachment to this letter. The consultant apparently missed several migratory bird species that annually nest in the project area during their field survey. Further, the database search conducted is more than three years old. The database search should be rechecked for updated information as it is unclear if these database search results are still valid.

Response 11d: The expanded bird list has been incorporated by reference into the EIR. The CNDDDB was searched on September 4, 2007, and no additional sensitive species were identified. The project has been designed to avoid impacts to sensitive species and potential habitat areas, particularly to the spring and riparian areas, which provide habitat for a variety of species in the area. The project also

⁵ TEAM (2006, pg 8) reports that "In the Tri-Valley area, groundwater occurs in three different principal earth materials: bedrock of the White Mountains and Benton Range; Bishop Tuff; and alluvium"

includes a number of standards and mitigation measures intended to reduce potential impacts to wildlife, including birds, to less than significant levels. Existing wildlife mitigation includes limiting land uses on Lot D to non-motorized passive recreational activities, monitoring of the spring if additional development occurs on the remainder parcel, surveying the site if vegetation clearing occurs during the avian breeding season and providing a protective buffer around active nests, establishing building envelopes and driveways on the Final Tract Map to protect vegetation and wildlife, requiring domestic animals to be restrained at all times, limiting construction to daylight hours to minimize impacts to nocturnal species, and delineating the project boundaries during construction to avoid disturbances to surrounding off-site vegetation and soils. With the existing mitigation and project design, there will be no significant impacts to birds, including the additional species presented in the expanded bird list.

Comment 11e: Page 1-10: With respect to the Environmental Conditions section, a cumulative analysis of the effects of additional groundwater development in the Tri- Valley area such as the proposed project should include the potential cumulative impacts of development on the Fish Slough spring area, as well as on-site impacts.

Response 11e: The following response was provided by Golden State Environmental, Inc.. Information and data provided to GSE since preparation of the Specific Plan and DEIR were included in the preparation of this response.

A "preliminary numerical model developed by TEAM indicated that the origin of the water that discharges from Fish Slough appears to be largely from the Casa Diablo area" (TEAM, 2006). Fish Slough is located approximately 20,000 feet (four [4] miles) to the west of WME. Since the primary water recharge to Fish Slough is probably from the Casa Diablo area, the distance between WME Phase 2 development and Fish Slough is four miles, and the calculated radius of influence from WME Well #1 and Well #2 to be approximately 1,000 feet, the impact, if any, from pumping of these wells would be de minimis.

An analysis of the cumulative impact of additional groundwater development in the Tri-Valley area was not performed. However, multiple sources of data were used in the water flow analysis and water impact analysis beneath and in the vicinity of the WME Phase 2 development, including the "Surface Water and Groundwater Availability Assessment – Tri-Valley Area" (TEAM, 2006). The WME development is at the southern boundary of the Tri-Valley Area, with groundwater flow in the Tri-Valley area flowing generally to the south. Therefore, the WME development will not impact groundwater to the north. Also, the water use impact from WME Phase 2 is estimated to be 0.5% of the "cumulative" outflow from the Tri-Valley area.

References

TEAM Engineering & Management, Inc., 2006. Surface Water and Groundwater Availability Assessment – Tri-Valley Area. Report prepared for Mono County Planning Department, Mammoth Lakes, California, 9 August.

Comment 11f: With respect to open-space prohibitions, a means of enforcement is necessary to assure that proper use of open spaces are conducted. Currently, there appears to

be little enforcement of the open space requirements for the existing White Mountain Estates Phase I development. Given the typical atmosphere of a residential neighborhood, and the reluctance of neighbors to conduct enforcement on fellow neighbors, friends and relatives, more of a County role appears to be necessary for open space requirements to be followed.

Response 11f: The Mitigation Monitoring Plan included in the Final EIR contains enforcement measures for uses on the open space parcels.

Comment 11g: Page 1-28: With respect to water resource development, it is essential that incorporation of the water system for the Phase 2 development be a requirement for that development, and that design of that water system be in conformance with the existing White Mountain Estates Mutual Water Company (WMMWC) water system. It is my understanding that the only reason that the developer has planned for a separate system is due to a personality conflict with an existing WMMWC board member. Groundwater management in the Tri- Valley area is a much-too important issue for White Mountain Estates, the Tri- Valley area, and Mono County as a whole, than to be relegated to being controlled by the personality conflicts of a couple of individuals. Allowing personality issues to serve as a precedent for future development would be destructive water policy. Further, with the extensive number of developments proposed for the Tri- Valley area, consolidation of water systems should be a goal - not the proliferation of numerous, possibly conflicting separate water systems.

Additionally, should it be determined after full development is complete that insufficient water is available for the Phase 2 development, the existence of an infrastructure that does not conform to the existing WMMWC system could result in later incorporation into the WMMWC being cost prohibitive or even not possible without completely removing and replacing the infrastructure for the Phase 2 development. Based on the performance of the existing WMMWC well, WMMWC could produce sufficient water quantity for both developments.

Response 11g: Specific Plan policies and standards concerning the water system for White Mountain Estates have been clarified to indicate that the project's compliance with the General Plan policy requiring new development to be served by existing water systems, where feasible, shall occur prior to approval of the Final Tract Map. See Response 7b.

The following comments pertain to the DEIR.

Comment 11h: Land Use. The EIR should indicate that the existing area is an open-range area and that damage to the future development and associated infrastructure due to cattle entering the development, similar to that which has occurred previously in the White Mountain Estates Phase 1 development may occur. The implications of open-range on the existing development should be described.

Response 11h: Comment noted. Mono County is an open-range area except for small areas that have been excluded by the Board of Supervisors. The County has recently adopted a Right to Farm Ordinance, based on the State Right to Farm ordinance.

Residents of the area and prospective buyers should be made aware of these conditions.

Comment 11i: Public Services. As described previously in this letter, incorporation of the Phase 2 water system into the existing WMMWC system as a requirement for development is essential. Allowing the water systems for the two phases of White Mountain Estates to coexist as separate entities would be:

- Poor water policy as described previously in this letter.
- An invitation to future litigation should issues develop between the two water systems.

Further the technical basis for the development of a separate water system was based on a faulty study that did not have a full data set to evaluate. Based on the performance of the existing water supply for the WMMWC, sufficient water is present to supply both phases of development.

Response 11i: Specific Plan policies and standards concerning the water system for White Mountain Estates have been clarified to indicate that the project's compliance with the General Plan policy requiring new development to be served by existing water systems, where feasible, shall occur prior to approval of the Final Tract Map. See Response 7b.

Comment 11j: Vegetation and Wildlife. No comments are provided concerning the botanical study or its conclusions and recommendations. With respect to the wildlife study, it should be noted that the survey is approximately three years old. Therefore it is unclear if the information concerning sensitive, proposed or candidate species is still valid. These database searches should be updated. A list of birds observed by me at White Mountain Estates (including the common area and spring) during the period from May, 2004, to present is attached and includes birds endemic to the area as well as rare-bird species sighted. Selected sightings with rare bird documentation (for example Lawrence's Goldfinch and White-winged Dove) have been submitted for inclusion to the journal North American Birds published by the American Birding Association.

Further, house finches are not migratory birds as listed. However, the scrub covering the development area and surrounding lands is nesting habitat for migratory Black-throated Sparrows which nest in the area (April through September) and others. Other birds noted to have nested at White Mountain Estates and immediate areas include Burrowing Owl, Long-eared Owl, Costa's Hummingbird, Black-chinned Hummingbird, Western Kingbird, and Bullock's Oriole among others. The riparian area below the spring has been observed to be a very active migratory bird location during spring and fall. With respect to raptors, the following raptor species have been observed at White Mountain Estates;

- Swainson's Hawk

- Red-tailed Hawk
- Golden Eagle
- Cooper's Hawk
- Sharp-shinned Hawk
- Northern Harrier
- Prairie Falcon
- American Kestrel

It should be noted that Appendix A of the wildlife report was omitted from the copy of that report. Additionally stating that the Swainson's Hawk could potentially be present when the bird was actually sighted by the report preparer is problematic. . . clearly the bird is present during the proper season.

Response 11j: See Response 11d. Appendix A of the Wildlife Survey includes correspondence between the wildlife consultant and the California Department of Fish and Game requesting a data search of DFG's files for information pertaining to wildlife use on the site, including records of listed and sensitive species, that may occur on or near the survey area, and a similar letter addressed to the US Fish and Wildlife Service. It also contains 2 maps showing the survey area as well as a number of records from the California Natural Diversity Database (CNDDDB) pertaining to sensitive species within a large area surrounding the project site. Information from the CNDDDB records in Appendix A was summarized in the body of the report.

The DEIR states that "CNDDDB records indicate that several sensitive species may occur in the project area, including the Owens valley springsnail, Swainson's hawk, western sage grouse, and fringed myotis bat." This sentence is merely indicating that an initial search of CNDDDB records revealed that Swainson's Hawk, identified as a state threatened species, could occur in the project area. During the subsequent survey of the site, a Swainson's Hawk was observed flying over the site. The DEIR has been modified to clarify the apparent discrepancy.

An initial search of CNDDDB records indicated that several sensitive species may occur in the project area, including the Owens valley springsnail, Swainson's hawk, western sage grouse, and fringed myotis bat. The subsequent on-site survey observed one Swainson's hawk flying over the site. During an overnight survey of bat calls, one out of 52 calls recorded at the spring was a fringed myotis bat. No springsnails or sage grouse were observed on-site.

Comment 11k: Circulation. The traffic report that was provided as an appendix is also three years old and was apparently prepared prior to numerous proposed developments including a potential development at the southern end of Chalfant Valley, and numerous developments in Hammil and Benton Valleys. It is likely that all of this additional development that has been proposed recently will have effects on U.S. Highway 6 traffic patterns. Given the age of the study, and the safety issues involved an updated study appears to be needed.

From a personal note, I have had two close calls during storm conditions while trying to make right turns onto White Mountain Estates Road after traveling northbound on U.S. Highway 6. In both cases, semi-trucks had to veer (at high speed) into oncoming lanes to avoid rear-ending my vehicle due to poor visibility (snow) and due to the high-speed the trucks were traveling at despite the poor conditions. Widening U.S. Highway 6 throughout Chalfant Valley is essential to avoid future fatalities on U.S. Highway 6 as more traffic uses this key route to Bishop and other areas south. Additionally, a recent report on National Public Radio noted that truck use from the Reno area is anticipated to increase significantly in coming years and that will very likely result in additional truck traffic on U.S. Highway 6 given this highway's status as a key route between Reno and the Los Angeles area.

Response 11k: The Mono County Local Transportation Commission (LTC), along with staff from Caltrans, is conducting outreach in the community of Chalfant to create a Community Plan that addresses US 6 access and safety issues, along with general community issues. Caltrans and Mono County continue to address community concerns in the Tri-Valley about traffic speeds and turn movements through mitigation of impacts caused by new development.

The Traffic/Circulation Analysis prepared for the project by LSA Associates addressed the two developments in the Chalfant area that are in the planning and development stages—White Mountain Estates and Mountain Vistas. A review of Caltrans traffic counts for 2004, 2005, and 2006 show only slight increases in northbound traffic on US 6 over that time period and no increase in southbound traffic:

US 6 Northbound Traffic—measured at Silver Canyon Road:

	Peak Hour	Peak Month	Average Annual Daily Traffic (AADT)
2004	350	2050	2000
2005	360	2100	2050
2006	360	2100	2050

US 6 Southbound Traffic—measured at Benton Station, Junction with SR 120:

	Peak Hour	Peak Month	Average Annual Daily Traffic (AADT)
2004	140	1150	1100
2005	140	1150	1100
2006	140	1150	1100

Source: <http://www.dot.ca.gov/hq/traffops/saferesr/trafdata>

A review of Caltrans truck traffic counts for 2003 and 2005 shows a slight increase in northbound truck traffic on US 6 over that time period and a decrease in southbound traffic. The percentage of the total traffic that was trucks remained the same over that time period:

US 6 Northbound Traffic—measured at Benton Station, Junction with SR 120:

	<u>Truck AADT</u>	<u>Trucks as % of Total Vehicles</u>
2003	223	24
2005	230	24

US 6 Southbound Traffic—measured at Benton Station, Junction with SR 120:

	<u>Truck AADT</u>	<u>Trucks as % of Total Vehicles</u>
2003	288	23
2005	253	23

Source: <http://www.dot.ca.gov/hq/traffops/saferesr/trafdata>

The Specific Plan for the project requires improvements to US 6 to address safety issues related to turning. See Response 10c concerning proposed US 6 safety improvements for the project including a turn lane and improvements to the US 6/White Mountain Estates Road intersection.

Comment 11l: Water Resources. As a general matter, the conceptual model for the groundwater system as presented is incorrect. It is clear that the saturated earth materials in which the White Mountain Estates Phase 2 development is completed are separated from the main, southward moving groundwater system by the extensive fault system that extends beneath the Phase 2 development. There are also indications that the extensive faulting is also present beneath the Phase I development. The groundwater elevation in the existing WMMWC well appears to be significantly higher than the groundwater elevations in the Phase 2 wells drilled for the proposed project. Both of these groundwater elevations are above the groundwater elevations that would be expected along the axis of the valley. This anomaly in the groundwater surface indicates a significant degree of separation between these saturated zones, and is indicative of a faultblock controlled aquifer. Further, it is my understanding that the drillers' log for the WMMWC well along with more recent water level measurements, may never have been provided to Golden State Environmental during their investigation. That well log indicates the presence of a significant zone of volcanic rock being encountered in the well. The exceedingly high specific capacity of the WMMWC well along with the well log information suggests the presence of a basalt flow of very high transmissivity. This also is not incorporated into the conceptual model of the system. Therefore, the conceptual model is clearly incomplete and poorly understood.

It should be noted that since the WMMWC well was drilled, the water level in that well has remained stable despite full build-out of the White Mountain Estates Phase I development and the declining groundwater levels beneath the main portion of Chalfant (to the north). It is highly likely given the performance of the well over the period that the existing development has been in existence

that there is sufficient water for the WMMWC to provide both phases of development with a reliable, good quality water supply.

Another note is with respect to the potential impact to the spring flow resulting from the 6 gallons per minute for the upper lots. Golden State Environmental discusses that a reduction of 6 gallons per minute from the spring would result in no net loss of flow to the riparian area downstream of the spring. However, it is clear that a reduction in spring flow of 6 gallons per minute would either result in cutting nearly in half the existing use of that spring flow for the White Mountain Estates Phase I common area or a complete cessation of flow to the riparian area which is nesting habitat for migratory birds. The reduction in spring flow must be made by one means (use) or another (flow to riparian area).

With respect to recharge, if one were to assume that the newly-drilled White Mountain Estates Phase 2 wells were in the main valley aquifer (with a southward gradient) recharge from drainages to the south (e.g., Coldwater Canyon) would not be a likely source of recharge to an upgradient location. In that case, a portion of the flow from Piute Canyon could recharge the project area. Given the hydrogeologic complexity of the area, without extensive work (for example geophysical surveys) ascertaining the recharge area for the project is problematic. While uncertainties also exist for the existing WMMWC well, the long-term performance and yield of the well indicate a more reliable source. This all points to the clearly superior alternative of having both Phases of White Mountain Estates as one single water entity.

With respect to the mechanics of hooking up to the existing system, I will leave those issues to the comments that will likely be provided by the WMMWC Board.

Response 11l: See Response 7a concerning water related impacts.

Comment 11m: Alternatives. The only case in which I feel the no-project alternative would be warranted is in the case that either the Phase 2 development does not incorporate into the existing water system, the mitigation measures detailed in the EIR are not adhered to, and/or the other issues detailed in this letter are not addressed. With inclusion into the existing water system (a key issue), and as a 10-year resident/homeowner, I have enough confidence in our existing water system to provide an adequate supply to both developments. Given the fault-block aquifer that is present beneath Phase 2, I am suspect of the long-term supply and availability to the Phase 2 development, and am very concerned that major technical and legal issues could result between two adjoining water companies. Further, that the approach of two separate water companies is driven not technically, or even legally, but primarily due to personal differences, the concept of two separate water companies should never have been considered a defensible alternative to start with.

Response 11m: Specific Plan policies and standards concerning the water system for White Mountain Estates have been clarified to indicate that the project's compliance with the General Plan policy requiring new development to be served by existing

water systems, where feasible, shall occur prior to approval of the Final Tract Map. See Response 7b.

Comment 11n: Impact Overview. Given the issues concerning the conceptual groundwater model for the area, the statement that the project would not result in any significant unavoidable environmental effects is not accurate. Given that merely one piece of data previously unknown to the groundwater consultant would result in negation of the proposed conceptual groundwater model for the area indicates the degree of uncertainty in site conditions. Therefore, it is clear that there is insufficient data to make such a strong statement. It is true however that by incorporating into the existing WMMWC water system, and utilizing the existing WMMWC source as a primary source, many potential environmental impacts resulting from the Phase 2 development go away.

As stated previously in this letter, cumulative impacts to Fish Slough resulting from the cumulative effect of the many proposed developments in the Tri- Valley area should be considered.

Response 11n: See Response 11e.

Comment 11o: Mitigation Monitoring. A hydrologic mitigation monitoring plan is needed to protect spring flow and the existing water supply system. This is completely lacking in the EIR.

Response 11o: The project has been designed to avoid impacts to the spring by locating wells downslope from the spring. The Specific Plan and DEIR also contain policies, standards, and mitigation measures to ensure that the proposed development does not impact the spring. Specific Plan Program 1-C, which limits development on the remainder parcel to one single-family residence and specifies that "any additional density shall require additional environmental review and regulatory approval through the Specific Plan process" has been modified to clarify that requirement. Conservation Standard CS-24, which provides for monitoring of the spring if additional development occurs on the remainder parcel, has also been modified to clarify that requirement.

Policy 1-C Limit future development on the remainder parcel.
Program 1-C Allow one single-family residence on the remainder parcel, **with one connection to the community water supply system**. Any additional density shall require ~~additional environmental review and~~ regulatory approval through the Specific Plan process **with associated CEQA documents. Any potential impacts to the spring or the surrounding riparian habitat areas associated with additional density on the remainder parcel shall be avoided or fully mitigated**. Designate the remainder parcel Specific Plan/Single-Family Residential (SP/SFR).

CS-24 ~~If development occurs~~ **Any additional density** on the remainder parcel beyond one **single-family** residential unit with one ~~mutual water company~~ connection **to the community water supply system, shall require regulatory approval through the Specific Plan process with associated CEQA documents. Any potential impacts to the spring or surrounding**

riparian habitat areas identified in the CEQA documents shall be avoided or fully mitigated.

In addition, a policy has been added to the Specific Plan and DEIR to protect the spring and riparian areas now that they are located on the remainder parcel. JBR Environmental Consultants, Inc., who prepared the Wildlife Survey for the project, recommended a conservation easement around the spring and riparian habitat.

Policy 3-B *Maintain wildlife access to the spring.*

Program 3-B *Designate a conservation easement on the remainder parcel and Lot D to protect wildlife access to the spring and the riparian areas. The conservation easement shall include a minimum setback of 100 feet on all sides from the spring and the riparian areas. No disturbance of any kind, including fencing, shall be allowed within the conservation easement. No uses other than passive non-motorized recreational activities shall be allowed within the conservation easements. No large domestic animals, i.e. horses, cattle, llamas, etc., shall be allowed within the conservation easement. The conservation easement shall be established prior to recording the Final Tract Map. The remainder parcel and Lot D shall be deed restricted to maintain the conservation easement in perpetuity and restrict uses within the area covered by the conservation easement.*

Specific Plan policies and standards concerning the water system for White Mountain Estates have been clarified to indicate that the project's compliance with the General Plan policy requiring new development to be served by existing water systems, where feasible, shall occur prior to approval of the Final Tract Map. See Response 7b. Expansion of the existing water system will provide its own means of monitoring any potential impacts of the proposed development on the existing water supply. In addition, as noted in Comment 11l, "it is highly likely given the performance of the well over the period that the existing development has been in existence that there is sufficient water for the WMMWC to provide both phases of development with a reliable, good quality water supply".

Comment 11p: Recommendation. As stated above, assuming that the concerns raised by the public (including those raised in this letter) are addressed; the mitigation measures provided in the EIR are adopted, and with the incorporation of the Phase 2 water system into the existing WMMWC system (including working with the existing WMMWC Board to design the water system to conform with the existing WMMWC system) I believe that development should be able to proceed as planned.

However, either lacking the incorporation of the water systems, not adequately addressing the concerns of the public or failure to adopt the mitigation described, and given the potential resulting environmental, legal and economic

liabilities to the existing community and to myself as a landowner, I must support the no-project alternative.

Response 11p: These comments will be considered during the decisionmaking process for the project.

APPENDIX A

TTM 37-46 / White Mountain Estates White Mountain Estates Specific Plan Mitigation Monitoring Program

FORMAT:

Mitigation Measure.....

- a. Schedule of Compliance.....
 - b. Responsible Monitoring Agency or Department.....
Public Works, CDD—Building Division, CDD—Planning Division, Environmental Health
 - c. Implementing Party
 - d. Type of Mitigation: Design, Ongoing, Cumulative
-

Public Services:

1. The developer shall provide the Department of Public Works with a “will serve” letter from the Chalfant Valley Fire Protection Department indicating approval of fire protection and suppression components of the proposed project design and that the department will provide service to the proposed parcels. The project shall comply with the following minimum requirements in order to increase fire safety:

- All buildings on adjoining lots shall be a minimum of 30 feet apart. For lots 1-8, the rear yard setback shall be 30’. For lot 25, the western side yard setback shall be 30’. For all other lots less than one acre in size the side and rear yard setbacks shall be 15’.

Note: The rear yard setbacks may be reduced for lots 1-8 and the western side yard setback may be reduced for lot 25, if existing buildings on the adjoining lots within the existing subdivision have at least a 15’ setback from the applicable rear or side property lines. If a property within the existing subdivision that adjoins lots 1-8 or 25 is vacant, the applicable rear or side yard setback shall be 30.

- Each house/parcel shall have a standardized propane shutoff box.
- The propane tanks for the project shall be located on the lot designated for utility uses.
- The facilities for the propane tanks shall include a containment facility and automatic shutoff valves.
- The project shall have illuminated house numbers on each residence.
- The Fire District shall review the hydrant plan prior to approval of the Final Tract Map.
- A hydrant shall be installed by the water tanks.

Fire mitigation fees shall be collected as part of the building permit application process. Prior to acceptance of subdivision improvements by the Department of Public Works, the developer shall furnish documentation from the district indicating that improvements satisfactorily meet district requirements. (EIR Mitigation Measure PS-2, H-2 and Specific Plan Program 13-B)

- a. The “will serve” requirement must be satisfied prior to final approval of the tract map. The latter requirement shall be furnished prior to release of surety posted for subdivision improvements.
 - b. Department of Public Works
 - c. Applicant
 - d. Design
2. Consistent with recreation objectives identified for the Tri-Valley area in the Land Use Element, the developer shall contribute improvements and/or in-lieu fees for the Chalfant community park or an alternate location agreed upon by the developer and Department of Public Works. The cost for recreation improvements and/or

in-lieu fees shall not be less than \$40,000. Any improvements to the Chalfant community park shall be approved by the Department of Public Works and shall be completed concurrent with subdivision improvements.

(EIR Mitigation Measure PS5 and Specific Plan Program 17-A)

- a. Must be satisfied prior to final approval of the tract map.
 - b. Department of Public Works
 - c. Applicant
 - d. Design
3. The developer shall contribute mitigation fees to the County for project impacts to emergency medical facilities, school facilities, and law enforcement services in Chalfant.
- (EIR Mitigation Measures PS-3 and PS-4 and Specific Programs 14-A, 15-A, and 16-A)
- a. Must be satisfied prior to final approval of the tract map.
 - b. Department of Public Works
 - c. Applicant
 - d. Design

Geology and Soils:

4. 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 and grading activities that clear more than 10,000 square feet, result in cuts greater than 4 feet or fill greater than 3 feet, or involve more than 200 cubic yards of cut or fill. Construction resulting in the alteration of a drainage course also requires a grading permit.

(EIR Mitigation Measures GS-1, AQ-4 and Specific Plan Conservation Standard CS-8)

- a. Requires monitoring over time; usually linked to future development associated with approval of grading, driveway and/or road improvements, and residential construction.
 - b. Department of Public Works
 - c. Applicant / Property Owner
 - d. Design / Ongoing
5. Drainage and erosion-control plans shall be required of 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 construction on any one parcel that cumulatively exceeds 10,000 square feet. If plans are required, plans will be developed by the individual project applicant with review and concurrence by the Mono County Department of Public Works, Community Development Department / Building Division, and applicable federal and/or state agencies.

(EIR Mitigation Measure GS-1, AQ-4 and Specific Plan Conservation Standard CS-8)

- a. Requires monitoring over time; usually linked to future development associated with approval of grading, driveway and/or road improvements, and residential construction.
 - b. Department of Public Works, Community Development Department / Building Division, and applicable federal and/or state agencies
 - c. Applicant / Property Owner
 - d. Design / Ongoing
6. Building envelopes and driveways shall be established on the Final Phased Tract Maps for all lots adjacent to drainage channels, all lots affected by Alquist Priolo fault hazards, and lots on which Secondary Units may be allowed (for each particular phase). The land use plan shall also indicate lots where Secondary Units may be allowed. On lots larger than one acre in size, where large animals such as horses are allowed, animal confinement areas shall also be established on the Final Tract Map in order to reduce site disturbance, protect vegetation, and to ensure that there is sufficient area for the leach field, replacement field, and animal areas.

Building envelopes for each residential parcel shall be located to avoid development on ridgelines or ridgetops, when feasible, and to minimize cut and fill.

(EIR Mitigation Measures GS-2, GS-3, AQ-5, AQ-6, VW-4, VR-10 and Specific Plan Conservation Standards CS-9 and CS-10).

- a. Requires monitoring over time; usually linked to future development associated with approval of grading, driveway and/or road improvements, and residential construction.
 - b. Department of Public Works and Community Development Department / Planning Division
 - c. Applicant / Property Owner
 - d. Design / Ongoing
7. During all phases of construction, erosion-control measures shall be applied to disturbed areas and shall include the use of Best Management Practices such as placement of fiber blankets, fiber rolls, filter fencing, or similar materials. Removed topsoil shall be stockpiled and replaced over disturbed areas at, or prior to, the completion of construction. Redistribution of topsoil and revegetation of disturbed areas shall occur as soon as practical following construction and the use of stabilization material or landscaping shall be required to reduce impacts related to erosion. Use of native seed and/or native plants grown from seeds or seedlings obtained from local native stock is encouraged. Revegetated areas shall be irrigated as necessary to establish the plants.
(EIR Mitigation Measures VW-9, VW-10 and Specific Plan Conservation Standards CS-27, CS-28)
- a. Requires monitoring over time; usually linked to future development associated with approved residential construction.
 - b. Community Development Department / Building and Planning divisions
 - c. Applicant / Property Owner
 - d. Design / Ongoing
8. To prevent wind erosion and public nuisance created by dust, property owners shall refrain from clearing native vegetation except as necessary for impending or same-year construction. In addition, land disturbance (grading, cut and fill) for road construction, infrastructure installation, and building construction shall be limited to the areas identified on the final tract map for roads, utilities, building envelopes, and driveways.
(EIR Mitigation Measure GS-4, AQ-7, VR-11 and Specific Plan Conservation Standard CS-11)
- a. Requires monitoring over time; usually linked to future development associated with approved residential construction.
 - b. Community Development Department / Building and Planning divisions
 - c. Applicant / Property Owner
 - d. Design / Ongoing
9. All disturbed soil surfaces resulting from construction of improvements shall be stabilized within one year of completion of subdivision improvements. All exposed surfaces shall be stabilized prior to the onset of winter weather if such work is to be completed the following year.
- a. Must be made part of the subdivision improvement plans approved for the project.
 - b. Department of Public Works
 - c. Applicant
 - d. Design
10. 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, e.g.:
- All material excavated or graded shall be sufficiently watered to prevent excessive amounts of dust. Watering shall occur at least twice daily with complete coverage
 - Speed limits on the construction site shall be reduced to minimize dust and windborne erosion.
 - Initiation of revegetation efforts should commence as soon as practical after construction.

- All clearing, grading, earth moving, or excavation activities shall cease during periods of high winds (i.e. greater than 25 miles per hour averaged over one hour).
- Adjoining streets shall be washed or swept clean of tracked-out vehicle.
- All material transported on-site or off-site shall be sufficiently watered or securely covered to prevent excessive amounts of dust.
- All trucks hauling excavated or graded material off-site shall comply with State Vehicle Code Section 23114, which contains requirements for covering loads so materials do not blow or fall from a truck.

(EIR Mitigation Measures GS-5, GS-6, GS9-12, AQ8-9, AQ 12-15 and Specific Plan Conservation Standard CS-12, CS-13, CS16-19)

- a. Requires monitoring over time; usually linked to future development associated with approved residential construction.
 - b. Community Development Department / Building and Planning divisions
 - c. Applicant / Property Owner
 - d. Design / Ongoing
11. Construction material (rock, debris, etc.) that is not utilized as fill material in the construction of improvements shall be removed to a permitted disposal site or other site approved by the Department of Public Works. All material proposed for fill shall be approved by a geotechnical engineer prior to placement in the project.
(EIR Mitigation Measure GS-7, AQ-10 and Specific Plan Conservation Standard CS-14)
- a. Must be made part of the subdivision improvement plans approved for the project.
 - b. Department of Public Works
 - c. Applicant
 - d. Design
12. The applicant shall prepare a Storm Water Pollution Prevention Plan (SWPPP) and submit a Notice of Intent (NOI) to the Lahontan Regional Water Quality Control Board in compliance with provisions of the State Water Resources Control Board's Storm Water NPDES Permit for Construction Activities. The project shall comply with the Lahontan Basin Project Guidelines for Erosion Control. The developer shall furnish approved copies of the SWPPP and NOI to the Department of Public Works prior to its issuance of a grading permit for construction of subdivision improvements.
(EIR Mitigation Measure GS-8, AQ-11 and Specific Plan Conservation Standard CS-15)
- a. Must be satisfied prior to final approval of the tract map.
 - b. Department of Public Works
 - c. Applicant
 - d. Design
13. The developer shall provide a soils report to, or request a soils report waiver from, the Department of Public Works. Any such report or request for waiver, acceptable to the Director of Public Works, shall comply with the provisions of Mono County Code Section 17.36.090.
(EIR Mitigation Measure GS-13 and Specific Plan Conservation Standard CS-33)
- a. Must be satisfied prior to final approval of the tract map.
 - b. Department of Public Works
 - c. Applicant
 - d. Design

Vegetation and Wildlife:

14. Land uses on Lot D shall be limited to non-motorized passive recreational activities (e.g. hiking, birdwatching, wildlife viewing, horseback riding) and signs shall be posted at the entrances to the parcel reiterating the prohibition on motorized vehicles.
(EIR Mitigation Measure VW-1 and Specific Plan Conservation Standard CS-23)

- a. Requires monitoring over time; usually linked to future development associated with approved residential construction.
 - b. Community Development Department / Planning Division
 - c. Applicant / Homeowner's Association
 - d. Design / Ongoing

15. Any additional density on the remainder parcel beyond one single-family residential unit with one connection to the community water supply system shall require regulatory approval through the Specific Plan process with associated CEQA documents. Any potential impacts to the spring or surrounding riparian habitat areas identified in the CEQA documents shall be avoided or fully mitigated.
(EIR Mitigation Measure VW-2 and Specific Plan Conservation Standard CS-24)
 - a. Requires monitoring over time; usually linked to future development associated with approved residential construction.
 - b. Community Development Department / Planning Division
 - c. Applicant / Property Owner
 - d. Design / Ongoing

16. If vegetation clearing is required during the avian breeding season, a qualified biologist, paid for by the developer, shall survey the area affected and if active nests are located, a protective buffer of 100 feet shall be established around the nests to be avoided until the young have fledged.
(EIR Mitigation Measure VW-3 and Specific Plan Conservation Standard CS-25)
 - a. Requires monitoring over time; usually linked to future development associated with approved residential construction.
 - b. Community Development Department / Building Division
 - c. Applicant / Homeowner's Association
 - d. Design / Ongoing

17. 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.
(EIR Mitigation Measure VW-6 and Conservation Standard CS-21)
 - a. Requires monitoring over time; usually linked to future development associated with approved residential construction.
 - b. Community Development Department / Building and Planning divisions
 - c. Applicant / Property Owner
 - d. Design / Ongoing

18. 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. This requirement shall be reiterated in the project CC & Rs.
(EIR Mitigation Measure VW-5 and Specific Plan Conservation Standard CS-20)
 - a. Requires monitoring over time; usually linked to future development.
 - b. Community Development Department / Planning Division
 - c. Applicant / Property Owner
 - d. Ongoing

19. During construction, project boundaries shall be clearly delineated in order to avoid disturbances to surrounding off-site vegetation and soils
(EIR Mitigation Measure VW-8 and Specific Plan Conservation Standard CS-26)
 - a. Requires monitoring over time; usually linked to future development associated with approved residential construction.

- b. Community Development Department / Building Division
 - c. Applicant / Property Owner
 - d. Design / Ongoing
20. The project proponent shall work with LADWP and BLM to identify authorized trail/route access from the community across adjacent LADWP and BLM lands. Where feasible, existing roads/trails shall be used. The route(s) shall be identified prior to approval of the final tract map and shall be marked with signs at the property boundary. The signs shall be installed prior to the development of any housing and shall inform recreational users of LADWP and BLM lands of prohibited uses on those lands. The Homeowner's Association shall be responsible for maintaining the signs. The CC & Rs for the project shall inform all residents of BLM policies that prohibit cross-country vehicle use on adjacent public lands and limit that vehicle use to designated roads and trails. The project proponent shall also work with LADWP and BLM to place signs along the public land/private subdivision boundary along the north and south sides of the project site in order to reduce trespass on public lands. The Homeowner's Association shall be responsible for maintaining the signs. The signs shall be installed prior to the development of any housing. Access points shall be finalized and shown on the map prior to recording the final tract map.
(EIR Mitigation Measure VW-11 and Specific Plan Conservation Standards CS-30, CS-31)
- a. Requires monitoring over time; usually linked to future development.
 - b. Community Development Department / Planning Division
 - c. Applicant / Homeowner's Association
 - d. Design / Ongoing

Visual Resources:

21. The project shall not have streetlights unless required for safety at intersections. Streetlights shall be shielded and directed so that no light emanates beyond the street. Exterior lighting at individual residences shall be limited to that necessary for safety reasons. Exterior lighting shall be concealed, high intensity lighting shall be avoided, and lighting shall be shielded and directed so that it does not emanate beyond the boundaries of each individual lot. This requirement shall be reiterated in the CC & Rs for the project.
(EIR Mitigation Measures VR-1, VR-2 and Specific Plan Design Standard DS-7, DS-8)
- a. Requires monitoring over time; usually linked to future development.
 - b. Community Development Department / Building and Planning Divisions
 - c. Applicant / Property Owner
 - d. Design / Ongoing
22. The project shall comply with the provisions of the Mono County Sign Ordinance, Chapter 7 of the Land Development Regulations, specifically with Section 07.020 (D), Real Estate Signs.
(EIR Mitigation Measures VR-6 and Specific Plan Design Standard DS-14)
- a. Requires monitoring over time; usually linked to future development.
 - b. Community Development Department / Planning Divisions
 - c. Applicant
 - d. Design / Ongoing
23. The developer shall extend all applicable utilities (electricity, telephone, propane, cable TV, etc.) to the property line of each parcel. The location and design of utilities shall be included on improvement plans submitted to the Department of Public Works for review and approval. All new on-site utility extensions shall be installed underground.
(EIR Mitigation Measures VR-7 and Specific Plan Design Standard DS-16)
- a. Utility extension to lot lines must be satisfied prior to approval of the tract map. Future extension requires monitoring over time, usually associated with approved residential construction.
 - b. Department of Public Works and Community Development Department / Building division
 - c. Applicant / Property Owner

d. Design / Ongoing

24. The developer shall provide a “will serve” letter from the local postal authority indicating its intent to serve the subdivision and stating its approval of subdivision street names and the location and design of cluster mailboxes for the development. The location and design of cluster mailboxes shall be included on improvement plans submitted to the Department of Public Works for review and approval. The mailboxes shall be painted a muted dark earth tone (i.e. tan, green, brown, gray) that blends in with the surrounding environment and is non-reflective

(EIR Mitigation Measures VR-8 and Specific Plan Design Standard DS-18)

- a. Utility extension to lot lines must be satisfied prior to approval of the tract map. Future extension requires monitoring over time, usually associated with approved residential construction.
- b. Department of Public Works and Community Development Department / Building division
- c. Applicant / Property Owner
- d. Design / Ongoing

25. Future residential development should not dominate the natural environment and should complement existing rural character. The siting of a project and the 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 shall be selected to reflect sensitivity to on-site topography and potential visual obstructions.
- B. Roofing materials shall be non-reflective and shall be in a natural dark earth tones (i.e., 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 (i.e. dark tans, browns, grays, or green)s 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.
- G. Building heights for residential development shall be limited to a maximum of 35 feet from any given point above grade. All heights shall be calculated from the natural grade or finished grade, whichever is more restrictive.

(EIR Mitigation Measures VR-3-5 and Specific Plan Design Standards DS-11-13)

- a. Requires monitoring over time. Associated with approved residential construction.
- b. Community Development Department / Building and Planning divisions
- c. Applicant / Property Owner
- d. Design / Ongoing

26. Visually offensive land uses such as well and water storage facilities, trash receptacles, propane tanks, and out-building structures shall be adequately screened through the use of landscaping, fencing, contour grading, or other appropriate measures, including the use of an appropriate paint color and finish that blends into the surrounding visual environment. Paint color and finish shall be approved by the Planning Director. Landscaping shall occur as shown on the Master Landscape Plan in the White Mountain Estates Specific Plan. The use of larger planting stock is encouraged to accelerate the process of visual screening. Young plants shall be protected from deer and rodents until they are established (e.g., a 5-foot wire fence or vexar tubing has been found to work well to protect seedlings from deer).

(EIR Mitigation Measures VR-9 and Specific Plan Design Standards DS-19)

- a. Requires monitoring over time. Associated with approved residential construction.
- b. Community Development Department / Planning division
- c. Applicant / Property Owner
- d. Design / Ongoing

27. Landscaping on individual residential lots shall be predominantly xeriscape (i.e. 65 percent of landscaping on an individual lot shall be xeriscape) and fire safe. The requirement for xeriscapic and fire safe landscaping shall be reiterated in the CC & Rs for the project. See Design Standard DS-21 in the White Mountain Estates Specific Plan for specific provisions regarding xeriscape and fire safe landscaping.
(EIR Mitigation Measures VR-9, WR-1, H-3 and Specific Plan Design Standards DS-19, DS-21)
- a. Requires monitoring over time. Associated with approved residential construction.
 - b. Community Development Department / Planning division
 - c. Applicant / Property Owner
 - d. Design / Ongoing

Cultural Resources:

28. The project proponent shall stop work and notify the County and local Native American tribal contacts if archaeological evidence and/or human remains or unmarked cemeteries ~~is~~ are encountered during ground-disturbing activities. No disturbance of such a site shall be permitted until such time as the applicant hires a certified archaeologist and an archaeological survey that identifies acceptable site mitigation measures is filed with the County Planning Department.

Native American monitors shall be onsite during the archaeological survey to ensure the proper identification and care of cultural resources. The disposition of any recovered artifacts shall be made in consultation with local tribal contacts. In the event of the accidental discovery of human remains, Health and Safety Code §7050.5, Public Resources Code §5097.98, and CEQA Guidelines §15064.5 (d) shall be consulted for the proper procedure to follow. Road construction/grading plans shall include a copy of this mitigation measure.
(EIR Mitigation Measure CR-1, Specific Plan Conservation Standard CS-32)

- a. Generally associated with future development, but may occur any time construction is in progress.
Requires monitoring over time.
- b. Community Development Department / Planning Division
- c. Applicant / Property Owner
- d. Design / Ongoing

Circulation:

29. The developer shall install an enclosed, shaded bus stop to serve the subdivision. The design shall be equivalent to existing covered bus stops in the county (e.g., YARTS) and its location shall be agreed upon by the Mono County Department of Public Works, the developer, the Eastern Sierra Unified School District, and Inyo-Mono Transit. The location and design of the shelter shall be included on improvement plans submitted to the Department of Public Works for review and approval.

(EIR Mitigation Measure C-6 and Specific Plan Circulation Program 7-A)

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

30. The developer shall construct improvements to the intersection of U.S. Highway 6 and White Mountain Estates Road pursuant to requirements specified by Caltrans and the County. A copy of the encroachment permit issued by Caltrans shall be furnished by the developer to the Department of Public Works.

(EIR Mitigation Measure C-3 and Specific Plan Policy 5-B and Program 5-B)

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

31. The developer shall make improvements to White Mountain Estates Road, including relocation of the existing cattleguard to a straight section of road, installation of traffic-calming measures, and completion of a grind-and-overlay project. Traffic calming shall consist of a median “island” with lane narrowing and road realignment around the island. This measure shall be installed between 0.1 to 0.2 miles west of the existing subdivision. In addition, the developer shall improve the easterly 900-foot portion of the road by grinding and recompacting existing pavement followed by a 0.25-foot overlay with PG64-28 PM hot mix asphalt. Location and design of the improvements shall be included on improvement plans submitted to the Department of Public Works for review and approval..

(Specific Plan Policy 5-D and Program 5-D)

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

32. The developer shall construct paved subdivision streets in accordance with County Road Improvement Standards for County-maintained residential streets (ref. plate 8 or 9). An alternate street design consisting of narrower travel lanes in exchange for expanded bike and pedestrian access improvements will be considered by the Department of Public Works. Earthwork activities and construction of all subdivision improvements, including, but not limited to, streets, upgrades to White Mountain Estates Road and U.S. Highway 6, drainage facilities, utilities, bike and pedestrian improvements (if any), mailbox cluster(s), and a bus stop, shall be conducted in accordance with improvement plans prepared by a civil engineer licensed in the State of California and approved by the Department of Public Works. An estimate of construction costs for subdivision improvements shall be prepared by a licensed civil engineer for review and approval by the Department of Public Works. Construction of subdivision improvements shall be conducted under authority of a grading permit issued by the Department of Public Works and encroachment permits issued by the Department of Public Works and Caltrans. All costs for improvement installation, testing, inspections, and any related reports, plans and specifications shall be the responsibility of the developer.

(EIR Mitigation Measure C-1, C-2, and C-5 and Specific Plan Policy 5-A, Program 5-A, and Program 6-A)

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

33. The developer shall establish a zone of benefit within the Countywide County Service Area for the extension of County services to the subdivision, including snow removal and the ongoing maintenance, repair, and ultimate replacement of subdivision streets, drainage facilities, and other improvements to be accepted by the County. The annual costs shall be extended to all lots within the subdivision and shall be adjusted annually for inflation. The initial annual costs shall be determined by an engineer’s report prepared by a civil engineer licensed in the state of California, which shall be submitted for review and approval by the Department of Public Works.

(EIR Mitigation Measures C-4, H-6 and Specific Plan Program 5-C)

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

Noise:

34. 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 and adjacent sensitive noise receptors.

(EIR Mitigation Measures VW-7 and N-1, Specific Plan Conservation Standards CS-1 and CS-22)

- a. Requires monitoring over time; usually linked to future development associated with approved residential construction.
 - b. Community Development Department / Building and Planning divisions
 - c. Applicant / Property Owner
 - d. Design / Ongoing
35. Noise levels during construction shall be kept to a minimum by equipping all on-site equipment with noise-attenuation devices and by compliance with all requirements of Mono County Code Chapter 10.16 (Noise Regulation).
(EIR Mitigation Measure N-2, Specific Plan Conservation Standard CS-2)
- a. Requires monitoring over time; usually linked to future development associated with approved residential construction.
 - b. Community Development Department / Building and Planning divisions
 - c. Applicant / Property Owner
 - d. Design / Ongoing
36. During all construction activities, all stationary construction equipment shall be placed so that emitted noise is directed away from sensitive receptors nearest the project site, i.e. existing residential development at White Mountain Estates subdivision.
(EIR Mitigation Measure N-3, Specific Plan Conservation Standard CS-3)
- a. Requires monitoring over time; usually linked to future development associated with approved residential construction.
 - b. Community Development Department / Building and Planning divisions
 - c. Applicant / Property Owner
 - d. Design / Ongoing
37. During all construction activities, equipment staging areas shall be located the greatest distance possible from the nearest sensitive noise receptors, i.e. residential uses in the existing White Mountain Estates subdivision.
(EIR Mitigation Measure N-4, Specific Plan Conservation Standard CS-4)
- a. Requires monitoring over time; usually linked to future development associated with approved residential construction.
 - b. Community Development Department / Building and Planning divisions
 - c. Applicant / Property Owner
 - d. Design / Ongoing

Air Quality:

38. Only energy star rated heating systems and appliances shall be installed in the residences. No units shall have wood-burning appliances as the primary heating source.
(EIR Mitigation Measure AQ-1 ,Specific Plan Conservation Standard CS-5)
- a. Requires monitoring over time; usually linked to future development associated with approved residential construction. Must be satisfied prior to issuance of a building permit and/or certificate of occupancy.
 - b. Community Development Department / Building Division
 - c. Applicant / Property Owner
 - d. Design / Ongoing
39. 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). This requirement shall be reiterated in the
(EIR Mitigation Measure AQ-2, Specific Plan Conservation Standard CS-6)

- a. Requires monitoring over time; usually linked to future development associated with approved residential construction. Must be satisfied prior to issuance of a building permit and/or certificate of occupancy.
 - b. Community Development Department / Building Division
 - c. Applicant / Property Owner
 - d. Design / Ongoing
40. An air quality permit shall be obtained from the Great Basin Unified Air Pollution Control District for subdivision improvements. The developer shall provide a copy of the permit to the Department of Public Works prior to its issuance of a grading permit for construction of subdivision improvements.
(EIR Mitigation Measure AQ-3, Specific Plan Conservation Standard CS-7)
- a. Must be satisfied prior to final approval of the tract map.
 - b. Department of Public Works
 - c. Applicant
 - d. Design

Water Resources:

41. Water conserving fixtures shall be installed in all development on-site, including all residential structures and irrigation systems. This requirement shall be reiterated in the CC & Rs for the project.
(EIR Mitigation Measure WR-2, Specific Plan Conservation Standard CS-40)
- a. Requires monitoring over time; usually linked to future development associated with approved residential construction. Must be satisfied prior to issuance of a building permit and/or certificate of occupancy.
 - b. Community Development Department / Building Division
 - c. Applicant / Property Owner
 - d. Design / Ongoing
42. Prior to approval of the Final Tract Map, the White Mountain Mutual Water Company, or the CSA, shall submit a complete permit application for an expanded integrated water system to serve the existing and proposed development and shall receive a domestic water permit for such a system from the Mono County Department of Environmental Health. The expanded water system may be developed in phases as outlined in Land Use Program 1-D. In any case, the components of the expanded water system necessary to serve Phase I of the development shall be installed, passed final inspection, and fully operational prior to recording the Final Tract Map.

If the Board of Supervisors establishes a service entity other than the White Mountain Mutual Water Company or the CSA, the project applicant, along with that provider shall submit complete permit application for an expanded integrated water system to serve the existing and proposed development and shall receive a domestic water permit for such a system from the Mono County Department of Environmental Health. The water system may be developed in phases as outlined in Land Use Program 1-D. In any case, the components of the expanded water system necessary to serve Phase I of the development shall be installed, passed final inspection, and fully operational prior to recording the Final Tract Map.

(EIR Mitigation Measure WR-3, Specific Plan Conservation Standard CS-41)

- a. Must be satisfied prior to approval of the final tract map.
 - b. Environmental Health
 - c. Applicant
 - d. Design
43. The Technical, Managerial and Financial Capacity report required with the permit application for an expanded water system shall determine the source capacity of the two wells for the proposed project, or the developer's qualified hydrologist may propose an alternative measure for determining the apparent long term yield for

review by the Environmental Health Department. The Technical Report must take into consideration the water demand attributable to secondary residences that may be constructed on the proposed project and on the existing White Mountain Estates subdivision. If the data and conclusions in the report do not meet regulatory requirements, the Mono County Environmental Health cannot issue a permit for an expanded water system. In that case, the applicant may choose to redesign the project and complete additional CEQA analysis on the redesigned project.

(EIR Mitigation Measure WR-4, Specific Plan Conservation Standard CS-42)

- a. Must be satisfied prior to approval of the final tract map.
- b. Environmental Health
- c. Applicant
- d. Design

44. If the water system is not the White Mountain Mutual Water Company or a CSA serving the existing and proposed development, the water system operator shall ensure that the new wells constructed for the project are not impacting the existing well operated by the White Mountain Estates Mutual Water Company.

The well maintenance program for the onsite water system shall include annual monitoring as required by the State. As part of that monitoring process, the level of the water table shall be measured in all of the wells utilized by the system, as well as in the wells owned and operated by the White Mountain Mutual Water Company.

If the static water level in any of the wells decreases by 20 feet or more in one year, then landscape watering in the proposed development shall be restricted during the summer months (June 1-September 30).

If the static water level rebounds fully by the following annual monitoring, landscape watering shall not be restricted.

If the static water level remains at a decreased level for a second year, any second units allowed by the Specific Plan that have not been built at that point in time shall not be allowed until the static water level has rebounded and remained at a higher level for five consecutive years.

A water conservation schedule, identifying trigger points in well water levels and corresponding restrictions in landscape watering, shall be developed and approved by the Mono County Department of Environmental Health prior to approval of the Final Tract Map

(EIR Mitigation Measure WR-5, Specific Plan Conservation Standard CS-43)

- a. Must be satisfied prior to approval of the final tract map.
- b. Environmental Health
- c. Applicant / Water System Operator
- d. Design / Ongoing

45. Installation of individual sewage disposal systems will be required on each parcel at the time of future residential development. Prior to final map approval, however, the developer shall submit a soils suitability report, prepared by a civil engineer licensed in the state of California, supporting the suitability of soils for installation of individual sewage disposal systems. At a minimum, the report shall contain two percolation test results and one soil profile results for each new parcel to be created or alternate testing as approved by Mono County Environmental Health. The report shall document, to the satisfaction of Mono County Environmental Health, that the soil structure meets or exceeds applicable state and county standards for siting and installation of individual sewage disposal systems.

(EIR Mitigation Measure WR-6, Specific Plan Conservation Standard CS-44)

- a. Must be satisfied prior to approval of the final tract map.
- b. Environmental Health
- c. Applicant / Water System Operator

d. Design / Ongoing

46. The developer shall submit a plot plan, acceptable to Mono County Environmental Health, identifying designated areas for individual sewage disposal systems on each parcel. The plot plan shall be prepared by a civil engineer licensed in the state of California. The plot plan shall identify both the primary sewage disposal area and an area for future sewage disposal, described as a replacement area, equal to 100% of the primary sewage disposal area, should the primary system fail. The siting of individual sewage disposal systems shall comply with the Lahontan Regional Water Quality Control Board's (RWQCB) criteria contained in the Water Quality Control Plan for the Lahontan region. Leach fields and septic tanks shall be sited a minimum of 100 feet from any domestic well and a minimum of 50 feet from any drainage course. Alternative systems, if proposed, shall be reviewed and approved by Mono County Environmental Health and shall conform to RWQCB requirements.
- a. Must be satisfied prior to final approval of the tract map.
 - b. Environmental Health
 - c. Applicant
 - d. Design
47. A minimum 100-foot horizontal setback shall be provided from any livestock facility (corrals, etc.) and animal or fowl enclosure to any well.
- a. Requires monitoring over time; usually linked to future development.
 - b. Community Development Department / Building and Planning divisions
 - c. Applicant / Property Owner
 - d. Design / Ongoing

Hazards:

48. The project, as well as future development, shall comply with California State Fire Codes as well as with the Mono County Fire-Safe Regulations (Mono County General Plan, Land Use Element, Section VI, Land Development Regulations, Chapter 22) pertaining to emergency access, signing and building numbering, emergency water supplies and vegetation modification.
(EIR Mitigation Measure H-1, Specific Plan Program 13-A)
- a. Requires monitoring over time; usually linked to future development associated with approved residential construction. Must be satisfied prior to issuance of a building permit and/or certificate of occupancy.
 - b. Community Development Department / Building Division
 - c. Applicant / Property Owner
 - d. Design / Ongoing
49. The developer shall furnish a drainage report, prepared by a civil engineer licensed in the state of California and approved by the Department of Public Works, addressing the hydrologic analysis and hydraulic design of all drainage facilities to be constructed to route on-site and off-site storm flows through the subdivision. Analysis of any improvements necessary to handle storm flows upstream of and downstream from the subdivision shall be addressed. The developer shall furnish documentation to the Department of Public Works verifying authorization to discharge storm flows downstream of the subdivision and providing access rights to construct off-site improvements, if necessary.
(EIR Mitigation Measure H-4, H-5 and Specific Plan Policy 10-A and Program 10-A)
- a. Must be satisfied prior to final approval of the tract map.
 - b. Department of Public Works
 - c. Applicant
 - d. Design

APPENDIX B

Comment Letters from:

- 1. Bureau of Land Management (Bishop);**
- 2. California Department of Fish and Game (Bishop);**
- 3. California Department of Transportation (Bishop);**
- 4. Lahontan Regional Water Quality Control Board (Victorville);**
- 5. Los Angeles Department of Water and Power (Bishop);**
- 6. Native American Heritage Commission (Sacramento);**
- 7. Lemieux and O'Neill for White Mountain Mutual Water Company (Westlake Village, CA);**
- 8. White Mountain Estates Homeowners Association Board of Directors (Chalfant);**
- 9. Mike McWilliams (Chalfant);**
- 10. Peter Pumphrey (Chalfant); and**
- 11. Andy Zdon (Chalfant).**

APPENDIX C

- 1. Memo from Shawn Jenkins, Eastern Sierra Environmental, to Charlotte Rodrigues, LADWP, dated 5/31/06.**
- 2. Letter from Golden State Environmental, Inc., to Mono County Planning Department, dated August 9, 2007.**
- 3. Email correspondence from Robert Traylor, Golden State Environmental, Inc., to Laurie Mitchel, dated August 17, 2007.**
- 4. Letter from AMEC Earth and Environmental Inc., to Mono County, dated April 2, 2007.**