

November 7, 2023

Regular

Meeting

Item #1. -

Public

Comment -

Email, Paula

Richards

From: [Paula Richards](#)
To: [Danielle Espinosa](#); [Cecilia Jaroslowsky](#); [Brent Calloway](#)
Cc: [Wendy Sugimura](#); [Stacey Simon](#)
Subject: Re: SB 330, Vesting TTM application, Density Bonus Law and SB 35
Date: Friday, October 27, 2023 12:02:11 PM

[EXTERNAL EMAIL]

Hello-

I am checking in about the status of the SB 35 application and the Density Bonus requirement list. What is the County's timeframe for when I can expect the application?

If you are unable to generate a SB 35 application and Density Bonus packet by November 2nd- what multi family application can be used from county website?

Also, please have a list of concessions, incentives and waivers or reductions in development standards available to be used for the application submittal on the 17th. Per the law, the project is granted 4 concessions/incentives and an unlimited number of waivers or reductions in development standards.

In regards to the Housing Crisis Act, HCD asked that we publicly acknowledge the filing of the potential violation(s) with the Board of Supervisors (which will be done November 7) and with the Planning Commissioners during the public comment periods to allow the CDD to begin a correction of their position and possibly begin a constructive relationship that would be mutually beneficial.

A letter will be read to the BOS and the Planning Commissioners that will reference the following Government Codes:

1. *Government Code section 65589.5*

The HAA limits local government's ability to deny, reduce the density of, or make infeasible housing development projects, emergency shelters, or farmworker housing that are consistent with objective local development standards and contribute to meeting housing need.

2. *Government Code sections 65580-65589.11*

HCD has authority to review any action or failure to act by a local government that it determines is inconsistent with an adopted housing element or Housing Element Law. This includes **failure to implement program actions included in the housing element.**

3. *Government Code section 65863*

No Net Loss Law imposes requirements on local jurisdictions to ensure development opportunities remain available throughout the planning period to accommodate their regional housing needs allocations (RHNA), especially for lower- and moderate-income households.

Mono County has repeatedly been unable to acknowledge SB 35 Determination Summary of RHNA. And has displayed an utter lack of Density

Bonus, SB 226, SB 330 and SB 35.

4. *Government Code sections 65915-65918*

Density Bonus Law incentivizes the construction of affordable housing by allowing a developer to add additional housing units to a project beyond the zoned capacity and secure other “incentives” in exchange for a commitment from the developer to include deed-restricted affordable units in the project. When a developer meets the requirements of the Density Bonus Law, a local government is obligated to permit increased building density, grant incentives, and waive any conflicting local development standards (e.g., height, parking requirements) unless certain limited exceptions apply.

Jurisdictions must adopt an ordinance that specifies how the Density Bonus Law will be implemented locally. **This ordinance may comprehensively address all parts of the law (e.g., eligibility, bonus percentages, etc.) or simply indicate that the Density Bonus Law will be implemented directly from State statute.**

5. *Government Code section 65943*

Local jurisdictions must determine in writing whether an application is complete no later than 30 calendar days after the application is received. If the application is incomplete, the local jurisdiction must provide the applicant with a list of items that were not included in the application. That list must be limited to only those items contained within the local jurisdiction’s application submittal checklist. When an application is resubmitted, a new 30 calendar day period begins. Additionally, with a resubmitted review, the local jurisdiction cannot request that the applicant provide any new information that was not stated in the initial list of items that were not complete. If the determination is not made within 30 calendar days after the receipt of an initial application or resubmitted application, the application is deemed complete automatically.

6. *Government Code section 65941.1*

To accelerate housing production, the PSA also provides a developer with the option of submitting a “preliminary application” for any housing development project, allowing a developer to “freeze” the applicable fees and development standards that apply to the project while the developer assembles the full application. Learn more on HCD’s [Preliminary Application for Development](#) webpage and in Appendix C of HCD’s [Housing Accountability Act Technical Assistance Advisory \(PDF\)](#).

Mono County CDD, does not seem to understand the SB 330 PA process and the vesting rights associated.

7. *Government Code section 66300*

The HCA limits the ability of cities and counties to, among other things: change the general plan land use designation, specific plan land use designation, or zoning to a less intensive use or **reduce the intensity of land use within an existing general plan land use designation, specific plan land use designation, or zoning district below that was in effect on January 1, 2018;** impose a moratorium or similar restriction or limitation on housing development; or **cap the number of housing units that can be approved or constructed.**

Rock Creek Ranch Specific Plan is SFR land use ordinance.

8. *Government Code section 65913.4*

SB 35 requires a streamlined ministerial approval process for development in localities that have not yet made sufficient progress towards their allocation of the regional housing need. Eligible developments must include a specified level of affordability, be on an infill site, comply with existing residential and mixed-use general plan or zoning provisions, and comply with other requirements such as locational and demolition restrictions.

9. *Government Code section 65852.2*

Accessory dwelling units (ADUs) and junior ADUs (JADUs) are a flexible form of housing that is “affordable by design” and that can provide additional income to homeowners. **ADU law addresses barriers, streamlines approval, and expands potential capacity for ADUs, recognizing their unique importance in addressing California’s housing needs.** While not required, jurisdictions may adopt an ordinance to outline standards for permitting ADUs and JADUs. HCD must review ADU ordinances for compliance with state law.

HCD may initiate review of an issue based on information contained within a housing element, annual progress report, stakeholder comment letter, phone call, email, news article, or additional source. During its review, HCD may consult with any local government, agency, group, or person.

HCD evaluates each issue on a case-by-case basis. Generally, the first step involves conversations with the local government to define the circumstances surrounding the issue and gain understanding of the local government’s perspective. Based upon information received, HCD may choose to monitor a situation prior to taking additional action.

If the circumstances warrant additional action, HCD may issue a letter of inquiry, a letter of technical assistance, or a letter requesting corrective action. Local governments are generally provided 30 days to respond before HCD takes further action. However, this timeframe may be adjusted on a case-by-case basis.

Based upon the response received, HCD may issue a letter acknowledging the local government’s response or corrective action taken. HCD may also issue a notice of decertification of housing element compliance and/or provide notice to the local government that the California Office of the Attorney General has been

notified of a violation.

Each issue is unique; therefore, the process is not necessarily linear and may include multiple instances of correspondence between HCD and local governments. Local governments have the opportunity to respond to HCD each time a letter of inquiry, technical assistance, or correction is issued.

The letter will be emailed to the County November 3.

Again, I was asked by HCD to allow Mono County every opportunity to meet with us and discuss the project and correct their positions accordingly. Every attempt to begin a dialogue and discuss the parameters of the all of the applications and the process for the project have been declined.

Violations have been filed with HCD that pertain to the mentioned Government Codes.

Thank you,

Paula Richards
Sierra del Oro Trading Company LLC Chief Officer
Rock Creek Ranch Mutual Water Co. President
Rock Creek Ranch Rural Electric Co. President
DeCasa Catering
Paularichards@sierradeloro.biz
(310)869-8159

On Oct 20, 2023, at 10:23 AM, Paula Richards <paularichards@sierradeloro.biz> wrote:

Hello-

I feel the need to also remind Mono County and bring to their attention that the Housing Crisis Act allows the history to include the 2009 Approved Specific Plan and the 2008 FEIR, especially because this is an infill project that requires CEQA streamlining.

The Land designation Use SP is being used for the development with the Residential Development Standards and IMPLEMENTING REGULATIONS AND STANDARDS in the Specific Plan:

Residence- SINGLE FAMILY DWELLINGS. (Per Mono County Housing Element, SFR is 2.58 DU's per acre)

Garden: Small scale food production for personal use (10 Homestead Farms which the California Homestead Declaration will be filed)

Accessory Structures: Accessory buildings and uses, provided that such uses are

customarily incidental to any of the permitted uses, located on the same lot, and constructed simultaneously with or subsequent to the main building. All other accessory uses shall be subject to Director Review.

Pets: Animals and pets subject to standards in the adopted General Plan for ER

HCD encouraged us to create more housing in the project and to include benefits for the entire community.

This is what is in the developmental stage which will be built in the RCRMWC, RCRREC and SdO CSA easements to support the Paradise Community:

- Childcare facility, for all of Paradise Community. Residents of the 10-lot subdivision pay a lower amount due to their Association Fees.
- Emergency Shelter for all of Paradise Community, per Mono County General Plan
- E-Vehicle Ride Share program (5 passenger vans 10ppl each), to reduce traffic
- Food Bank and Co-op
- Recreation Facility that connects to the trails, it will be offered to Paradise at a cost. Residents of the 10-lot subdivision pay a lower amount due to their Association Fees.
- Trail system that would join Lower Rock Creek Canyon Trail to BLM Access Road, this is being engineered only for pedestrians.
- Native Pollinator Public Gardens that can be accessed by the trail system

We had tried working with the Community's agencies but they have declined all efforts in the preliminary phase. We are now in the final design phase which will be submitted in parts November 17 and by April 2.

Thank you,

Paula Richards

Sierra del Oro Trading Company LLC
Rock Creek Ranch Mutual Water Corp
Rock Creek Ranch Rural Electric Corp

paularichards@sierradeloro.biz
(310)869-8159

On Oct 20, 2023, at 9:53 AM, Cecilia Jaroslowsky
<cjaroslowsky@migcom.com> wrote:

Understood Wendy.

Thanks.

On Fri, Oct 20, 2023 at 9:25 AM Wendy Sugimura
<wsugimura@mono.ca.gov> wrote:

Cecilia,

No, SB330/SB35 applications can be processed concurrently with applications not filed under these government code sections. However, the withdrawal of the DR means any TTM application submittal must now be consistent with the existing approved 2014 Specific Plan.

Paula,

Thank you for your emails. Mono County will continue to process your application requests in compliance with state law and the mandated timeframes.

Wendy Sugimura

Community Development Director

(760) 924-1814

From: Cecilia Jaroslowsky <cjaroslowsky@migcom.com>
Sent: Friday, October 20, 2023 9:11 AM
To: Paula Richards <paularichards@sierradeloro.biz>
Cc: Brent Calloway <bcalloway@mono.ca.gov>; Wendy Sugimura <wsugimura@mono.ca.gov>; Stacey Simon <ssimon@mono.ca.gov>
Subject: Re: SB 330, Vesting TTM application, Density Bonus Law and SB 35

[EXTERNAL EMAIL]

Good Morning Paula:

We have received your request to withdraw the DR Notice of Decision denial. I believe you will need to withdraw all your previously submitted applications.

Wendy/Brent: would the withdrawal of all previously submitted applications be required to move forward with the new SB330/SB35 applications?

Thanks.

On Fri, Oct 20, 2023 at 8:45 AM Paula Richards
<paularichards@sierradeloro.biz> wrote:

Hello-

I have included a link to the information on the HCD website which was suggested by HCD for Mono County to review.

[Accountability and Enforcement | California Department of Housing and Community Development](#)

hcd.ca.gov

As I have already indicated, I have been working with HCD on how to resolve the SB 330 Preliminary Application, SB 35 Application and the Density Bonus SB 35 Supplemental.

Thank you,

Paula Richards

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Rock Creek Ranch Mutual Water Co. President

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On Oct 19, 2023, at 3:43 PM, Paula Richards
<paularichards@sierradeloro.biz> wrote:

Hello-

I am withdrawing the request for an appeal for the Minor Modification and will be re-submitting it under the SB 330 180 day timeframe, along with the Tentative Tract Map Application, Density Bonus Application, and SB 35 Application. This triggers a different set of parameters for the review for completeness of the applications.

The slides submitted may help in understanding the difference.

I have included the SB 330 for your review.

<legiscan_opengraph_200x200.png>

[California SB330 | 2019-2020 |
Regular Session](#)

legiscan.com

This will be Phase 1 which is dependent on Mono County providing us with information and applications by November 2.

NOVEMBER 17- PHASE 1 APPLICATIONS TO BE SUBMITTED FOR 10-LOT SUBDIVISION PROJECT (100% LOW INCOME HOUSING INFILL PROJECT OF APPROVED SPECIFIC PLAN WITH AMENDED 2014 EIR AND FINAL EIR OF 2009 ROCK CREEK RANCH SPECIFIC PLAN)

**DESCRIPTION IN SB 330 PRELIMINARY APPLICATION,
ESTABLISHING VESTED RIGHTS ONCE DEEMED COMPLETE:**

1. VESTING TTM APPLICATION WITH PRELIMINARY DRAINAGE PLAN AND PRELIMINARY VEGETATION PRESERVATION PLAN

2. MINOR MODIFICATION TO SPECIFIC PLAN DIRECTOR REVIEW

3. DENSITY BONUS APPLICATION (MONO COUNTY REQUIRED TO NOTIFY WHAT INFORMATION IS NEEDED FOR COMPLETE APPLICATION)

4. SB 35 APPLICATION

All objective standards will be listed alongside the explanations to the changes with Concessions, Incentives, Waivers or Reductions in Development Standards.

Also, we would like to submit with the applications-

5. REQUEST FOR CONCESSIONS, INCENTIVES AND WAIVERS OR REDUCTION IN DEVELOPMENT STANDARDS (PLEASE HAVE A LIST OF READILY AVAILABLE OF CONCESSIONS AND INCENTIVES with the Density Bonus Application information).

Please provide the information required for a complete Density Bonus application, ASAP, NO LATER THAN NOVEMBER 2. WE WOULD LIKE TO SUBMIT THE APPLICATIONS BY NOVEMBER 17,

WITHIN THE 180 DAY TIME FRAME THAT THE COUNTY WAS NOTIFIED OF INTENT FOR SB 35 AND SB 330 PRELIMINARY APPLICATION DEEMED COMPLETE.

The timeliness of our submission is dependent on Mono County providing the necessary application and information. Again, please have all information available by November 2.

Once deemed complete, the County has 180 days to approve the applications and a maximum of 5 meetings for review.

This will be a ministerial review process only.

DENSITY BONUS LAW:

LOCAL GOVERNMENT PROCESSING OF DENSITY BONUS APPLICATIONS

Under new legislation effective in 2019, local governments are now required to notify developers what information must be submitted for a complete density bonus application. Once a development application is determined to be complete, the local government must notify the developer the level of density bonus and parking ratio the development is eligible to receive. If the developer requests incentives, concessions, waivers or reductions of development standards, the local jurisdiction is required to notify the developer if it has submitted sufficient information necessary for the local government to make a determination on those issues.

HOW THE DENSITY BONUS WORKS FOR 100% AFFORDABLE PROJECTS

2019 legislation requires local governments to grant an 80% density bonus to housing projects in which all of the units (other than manager's units) are restricted to very low, low and moderate income residents, with a maximum of 20% restricted to moderate income units. If a 100% affordable project is located within a half mile of a major transit stop, the local government may not impose any maximum density limits at all, and the project is further entitled to receive a maximum height increase of up to three additional stories or 33 feet. However, if the project receives a waiver from maximum

controls on density, it is not eligible for the waiver or reduction of any development standards which would otherwise be available. 100% affordable projects are also entitled to a fourth incentive or concession.

Mono county is listed on the HCD SB 35 Summary Determination 2023. **SB-35 applies in cities that are not meeting their Regional Housing Need Allocation (RHNA) goal for construction of above-moderate income housing and/or housing for households below 80% area median income (AMI). SB-35 amends Government Code Section 65913.4 to require local entities to streamline the approval of certain housing projects by providing a ministerial approval process.**

Again the project is 100% Low Income development, infill project with an approved specific plan and amended EIR for 10 lots and a FEIR for 55 lots.

The County is not listed as exempt from the streamlining process, please review.

<sb35_statewidedeterminationsummary.pdf>

The County has the obligation to have available the SB 35 application and begin Tribal Consultations.

A local government that has been designated as subject to the Streamlined Ministerial Approval Process by the Department shall provide information, in a manner readily accessible to the general public, about the locality's process for applying and receiving ministerial approval, materials required for an application as defined in Section 102(b), and relevant objective standards to be used to evaluate the application. In no case shall a local government impose application requirements that are more stringent than required for a final multifamily entitlement or standard design review in its jurisdiction. The information provided may include reference documents and lists of other information needed to enable the local government to determine if the application is consistent with objective standards as defined by Section 102(q). A local government may only require information that is relevant to and required to determine compliance with objective standards and criteria outlined in Article IV of these Guidelines. This may be achieved through the use of checklists, maps, diagrams, flow charts, or other formats. The

locality's process and application requirements shall not in any way inhibit, chill, or preclude the Streamlined Ministerial Approval Process, which must be strictly focused on assessing compliance with the criteria required for streamlined projects in Article IV of these Guidelines.

(1) Where a local government has failed to provide information pursuant to subsection (a) about the locality's process for applying and receiving ministerial approval, the local government shall accept any application that meets the requirements for a standard multifamily entitlement submittal and that contains information showing how the development complies with the requirements of Article IV. The application may include use of a list of the standards, maps, diagrams, flow charts, or other formats to meet these requirements.

Please have the SB 35 available within the next 30 days or we will have no choice to submit an application that meets the requirements for a standard multifamily entitlement submittal for ministerial review.

Please review SB 35 Guidelines.

<sb-35-guidelines-update-final.pdf>

Please see a common SB 35 Fact Sheet for Eligibility which should have been provided by Mono County when submitting SB 35 Notice of Intent:

<SB35 Fact Sheet.pdf>

Updated Streamlined Ministerial Approval Process

Government Code Section 65913.4

To determine if a locality is subject to the Streamlined Ministerial Approval Process for developments with 50% of units affordable to lower-income households, the Department shall compare the permit data received through the APR to the pro-rata share of their independent very low- and low-income regional housing need for the current housing element planning period. If a local government has permitted the pro-rata share of their above-moderate income regional housing need, and submitted their latest required APR, but has permitted less than the pro-rata share of their very low- and lower- income regional housing need, they will be subject to the Streamlined Ministerial Approval Process for developments with 50

percent affordability. For purposes of these Guidelines, as the definition of lower-income is inclusive of very low-income units, very low-income units permitted in excess of the very low-income need may be applied to demonstrate progress towards the lower-income need. However, as the definition of very low-income units does not include low-income units, low-income units permitted in excess of the low-income need shall not be applied to demonstrate progress towards the very low-income need.

APRIL 2, 2024 PHASE 2 APPLICATIONS TO BE SUBMITTED FOR 10-LOT SUBDIVISION PROJECT (100% LOW INCOME HOUSING INFILL PROJECT OF APPROVED SPECIFIC PLAN WITH AMENDED 2014 EIR AND FINAL EIR OF 2009 ROCK CREEK RANCH SPECIFIC PLAN)

DESCRIPTION IN SB 330 PRELIMINARY APPLICATION

ONLY AFTER THE APPROVAL OF PHASE 1 VESTING TENTATIVE TRACT MAP

ESTABLISHING VESTED RIGHTS ONCE DEEMED COMPLETE:

1. SUBDIVISION OF 40 LOW INCOME DWELLING UNITS- 4 UPSLOPE AND 6 DOWNSLOPE BUILDING PLANS

2. SB 35 APPLICATION SPECIFICS

3. LANDSCAPING PLANS PER LOT

4. DRAINAGE PLANS PER LOT

Again, please have the information available with the applications no later than November 2. There are consequences if the County does not comply. We have already notified the HCD of Mono County's non-compliance with SB 330 and SB 35 as a potential violation for the proposed development project and the proposed timeline was at their suggestion before they would step in to review any action of failure by Mono County in the process with this development.

California's Housing and Community Development (HCD) department in April 2021 issued guidance to cities and counties about the consequences of falling short in adopting or otherwise complying with previously adopted housing elements. **HCD noted that, under legislation enacted in recent years, it is authorized "to review any action or failure to act by a local government (that it finds) inconsistent with an adopted housing element or housing element law. This includes failure to implement program actions included in the housing element.**

HCD may revoke housing element compliance if the local government's actions do not comply with state law." And because housing elements are a mandatory part of a city or county's General Plan, a noncompliant housing element could also impact its General Plan, potentially invalidating it as well. Localities in this situation are subject to a range of penalties or consequences, including:

1. Legal Suits and Attorney Fees: Local governments with noncompliant housing elements are vulnerable to litigation from housing rights' organization, developers, and HCD. If a jurisdiction faces a court action stemming from its lack of compliance and either loses or settles the case, it often must pay substantial attorney fees to the plaintiff's attorneys in addition to the fees paid to its own attorneys.

Potential consequences of lawsuits include: mandatory compliance within 120 days, suspension of local control on building matters, and court approval of housing developments.

2. Loss of Permitting Authority: Courts have authority to take local government residential and nonresidential permit authority to bring the jurisdiction's General Plan and housing element into substantial compliance with State law. The court may suspend the locality's authority to issue building permits or grant zoning changes, variances, or subdivision map approvals – giving local governments a strong incentive to bring their housing element into compliance.

3. Financial Penalties: Local governments are subject to court-issued judgements directing jurisdictions to bring a housing element into substantial compliance with state housing element law. If a jurisdiction's housing element continues to be found out of compliance, courts can fine jurisdictions up to \$100,000 per month, and if they are not paid, multiply that by a factor of six.

4. Court Receivership: Courts may appoint an agent with all powers necessary to remedy identified housing element deficiencies and bring the jurisdiction's housing element into substantial compliance with housing element law.

Streamlined Ministerial Approval Process: Proposed developments in localities that have not yet made sufficient progress towards their allocation of the regional housing need are now subject to less rigorous "ministerial" approvals in order to hasten the production of housing and bring a jurisdiction into compliance with its state-determined housing need allocation.

<Consequences of Non-Compliance with Housing Laws.pdf>

Thank you,

Paula Richards

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Cecilia Jaroslowsky

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Mono County Housing Element Goal 1: Increase Overall Housing Supply, Consistent with County's Rural Character Programs targeted at producing more units, irrespective of income level. Mono County has a lack of overall supply and supports the creation of all residential projects that provide housing within the context of community plans. Programs are primarily targeted at identifying appropriate sites and removing constraints that slow or limit development.

Mono County Housing Element GOAL 1.1 Update opportunity site database and identify sites within or adjacent to existing communities suitable for development targeted at addressing housing needs in the County.

Related Programs from 2014 Housing Element Update: 1:2, 1:4

Objective: Identify adequate sites for a range of housing opportunities.

Resources Needed: Accomplished through current staffing

Responsible Agencies: CDD

Timeframe: Update database at least once per housing cycle. **Opportunity sites are most recently identified through this Housing Element Update.**

***Board priority.**



Quick Facts ⁶	Wheeler Crest Buildout Potential		
Communities: Swall Meadows (pop: 220) Paradise (pop: 155) Housing Units: 216 Lowest average household size (2.13) and highest median age in County (53.4) Highest percentage of owner-occupied units in County (93.8%)	Land Use Designation	Acres	Unit Potential
	ER	719	232
	RM	3	2
	SFR	130	154
	Total	852	389
Buildout Potential Remaining: 45.5%			

Background

The Wheeler Crest planning area consists of the communities of Swall Meadows and Paradise. Residential designations are exclusively Estate Residential (ER) and Single-Family Residential (SFR), which provides for single-family residences (and possible accessory units) on larger lots. The planning area is notable for its low average household size (correlated with its high median age) and a high percentage of owner-occupied units (93.8%).

Recent development has largely been reconstruction following the 2015 Round Fire – six homes have been rebuilt since the fire, with more underway. **The Rock Creek Ranch Specific Plan, located east of Paradise, provides an opportunity for a single-family residential subdivision. However, water service and access remain barriers for the potential project.**



Wheeler Crest Planning Area boundaries

Key Sites

Rock Creek Ranch Specific Plan

APN: 026-330-002

Acres: 55.3

Unit Potential: 23

LUD: Estate Residential, Specific Plan

Income Level: Moderate

Specific Plan for single-family development. Specific Plan was amended in 2014 to reduce unit potential from 59 to 23 due to CalFire requirement for secondary emergency access. Constraints include water service and access from Lower Rock Creek Road due to challenging grades.



Mono County Housing Element 2014:

Program 1:2 Inventory existing and/or potential agency housing areas (Mono County, Town of Mammoth Lakes, Southern Mono Hospital District, Mammoth Unified School District, USFS, BLM, Caltrans, LADWP, etc.) and work with agencies to assess where additional housing might be made available.

Responsible Agencies: Community Development Department.

Timeframe: 2010.

Progress: This task was left out of the land tenure project and will be addressed by the land tenure committee. Effectiveness: Incomplete.

Adjustments to Program: The program will be addressed by the land tenure subcommittee

Program 1:4 Examine the inventory of County-owned land for potential housing sites (e.g., roadshop sites, Conway Ranch, Sheriff Substation, etc.).

Responsible Agencies: Community Development Department.

Timeframe: 2010.

Progress: The future use and potential exchange of county owned facilities within and near community areas has been incorporated into local area plans. The Sheriff Substation was analyzed by contractors and architects for the potential conversion into a habitable unit, however, costs has not been allocated for the project.

Effectiveness: Successful, Ongoing.

Adjustments to Program: The use of county owned land will continue to be incorporated into local area plans.

IV ROCK CREEK RANCH SPECIFIC PLAN

IV.A PURPOSE, STATEMENT AND ISSUES ADDRESSED

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

IV.D OBJECTIVES, POLICIES AND REGULATORY CONSIDERATIONS

The primary objective of the Rock Creek Ranch Specific Plan is to fulfill the General Plan vision for ultimate development of the Paradise community through a plan that protects the scenic, recreational and natural resources of the area while sustaining the small-town atmosphere and rural-residential character and quality of life that characterizes Mono County. An important secondary objective is to allow for enhanced reliability and fire safety to the Rock Creek Ranch project and the community of Paradise. The Paradise Fire Protection District has indicated to the County that it will provide fire protection services to the 10-lot Rock Creek Ranch project.

INFILL PROJECT

100% LOW INCOME HOUSING, ELIGIBLE FOR BONUS DENSITY

EIR CERTIFIED

APPROVED SPECIFIC PLAN FOR 10-LOT SUBDIVISION

CAL FIRE ROAD LENGTH EXEMPTION GRANTED

SB 330 Limits Local Laws Over Housing Developments

New California Housing Laws

As part of Gov. Gavin Newsom's pledge to create 3.5 million new housing units by 2025, he signed Senate Bill 330 on Oct. 9. The new law makes numerous changes to the Permit Streamlining Act and the Housing Accountability Act, many of which are in effect only until Jan. 1, 2025, and establishes the Housing Crisis Act.

Under the new rules, cities and counties will be limited in the ordinances and policies that can be applied to housing developments. "Housing development" is now defined to include residential projects, mixed-use projects with 2/3 of the square footage dedicated to residential units and transitional or supportive housing projects.

New Preliminary Application Process

The legislation creates a preliminary application process. A housing development will be deemed to have completed the preliminary application process by providing specified information regarding:

- site characteristics,
- the planned project,
- certain environmental concerns,
- facts related to any potential density bonus,
- certain coastal zone-specific concerns,
- the number of units to be demolished and
- the location of recorded public easements.

With limited exceptions, housing developments will only be subject to those ordinances and policies in effect when the completed preliminary application is submitted. The public agency must make any historic site determination at the time the developer has complied with the preliminary application checklist. That determination can only be changed if archaeological, paleontological or tribal cultural resources are found during development.

To facilitate the preliminary application process, all public agencies must compile a checklist that specifies what is required to complete a development application. The application checklist must now be made available in writing and on the public agency's website.

The developer has 180 days from the submittal of the preliminary application to submit a development application. Under SB 330, the local agency now has additional disclosure obligations when rejecting an application as incomplete and cannot request anything that is not identified on the application checklist.

Streamlining Provisions

The Housing Accountability Act was amended to prohibit more than 5 hearings when reviewing a project that complied with the general plan and zoning code objective standards when the application was deemed complete. "Hearing" is broadly defined to include any workshop or meeting of a board, commission, council, department or subcommittee.

Additionally, a housing development cannot be required to rezone the property if it is consistent with the objective general plan standards for the property. The public agency may require the housing development to comply with the objective zoning code standards applicable to the property, but only to the extent they facilitate the development at the density allowed by the general plan.

SB 330 also shortens the timeframes for housing development approval under the Permit Streamlining Act. Local agencies now have 90 days, instead of 120 days, following certification of the environmental impact report, to approve the project. For low-income projects seeking tax credits or other public funding, that time frame is 60 days.

Housing Crisis Act of 2019

The HCA freezes many development standards in affected cities and counties starting Jan. 1. Generally, an affected city or county will be a U.S. Census Bureau-designated urbanized area. Under the HCA, the Department of Housing and Community Development will determine the affected cities and counties by June 30. HCD may revise this list after Jan. 1, 2021 to address changes in urbanized areas based upon the new census data.

Among other changes, the HCA provides that, where housing is an allowable use, an affected public agency, including its voters by referendum or initiative, may not change a land use designation (general plan or zoning) to remove housing as a permitted use or reduce the intensity of residential uses permitted under the general plan and zoning codes that were in place as of Jan. 1, 2018. The exception is if the city concurrently changes the standards applicable to other parcels to ensure there is no net loss in residential capacity.

Affected public agencies are also prohibited from imposing a moratorium or similar restriction on a housing development, including mixed-use developments, except to specifically protect against imminent threats to public health and safety. Additionally, affected public agencies cannot enforce a moratorium or other similar restriction on a housing development until the ordinance has been approved by HCD. As of Jan. 1, affected cities or counties are prohibited from imposing or enforcing subjective design standards on housing developments where housing is an allowable use. Objective standards are limited to design standards that involve no personal or subjective judgment by a public official. They must be verifiable by reference to an external and uniform benchmark available to both the applicant and the public official prior to application submittal

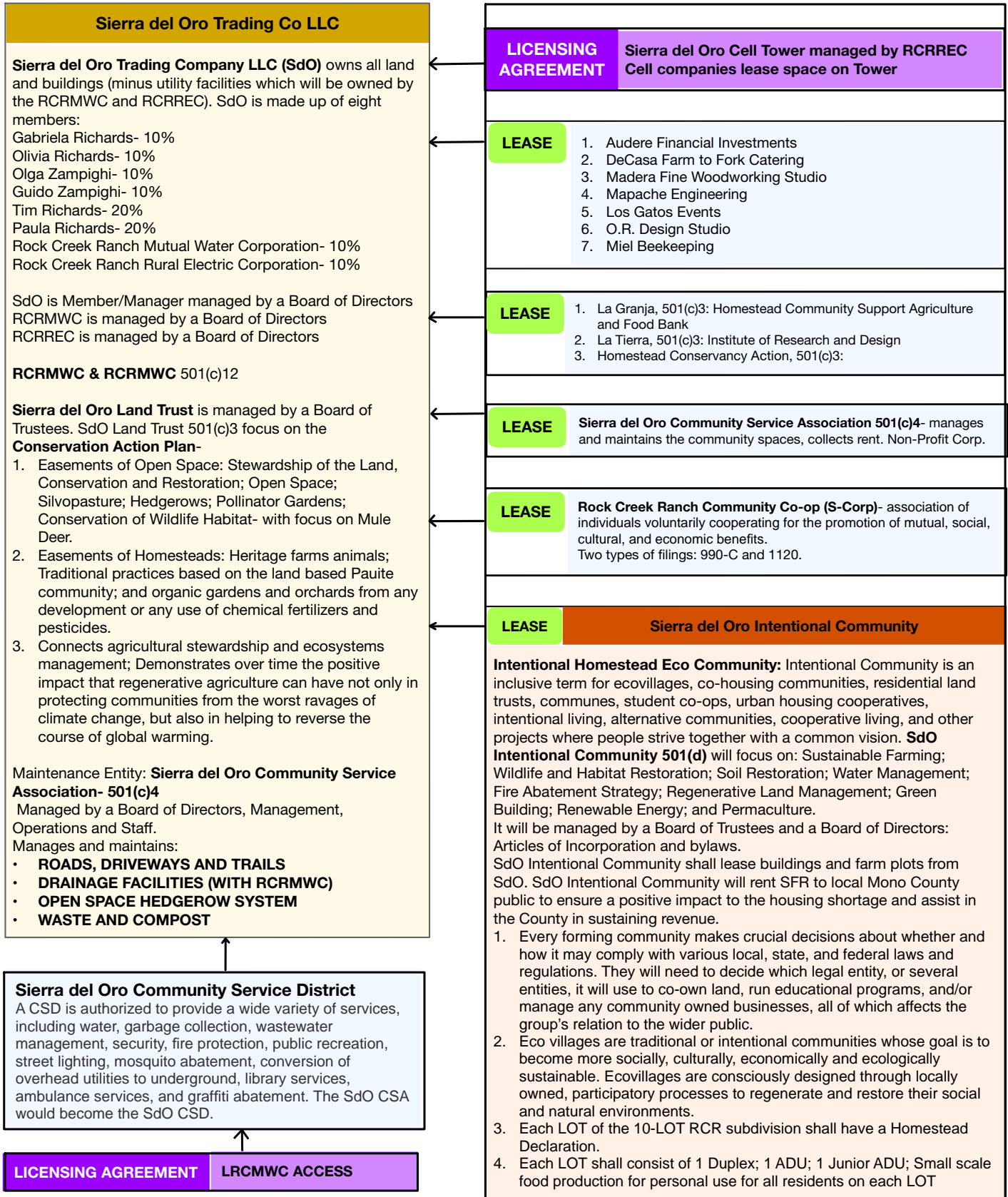
An affected city or county is also prohibited from establishing or implementing any growth-control measure adopted by the voters after 2005 that:

- limits the number of land use approvals for housing annually,
- acts as a cap on the number of housing units that can be constructed or
- limits the population of the city or county.

The HCA also prohibits development approvals that require residential unit demolition. Unless the project will replace all existing or previously demolished affordable restricted units, it will include at least as many units as existed on the site within the previous 5 years. Existing residents are allowed to remain until 6 months before construction begins, and displaced residents are provided relocation benefits and a right of first refusal for a comparable unit in the new project at an affordable rent.

With California's housing shortage reaching crisis levels, the state Legislature and Gov. Gavin Newsom approved a slew of new bills this session aimed at helping the situation. Using a mix of carrots and sticks, these laws will change how cities and counties address housing shortages in their own communities. Watch for more Legal Alerts analyzing the new laws and how they impact your agency.

ADD UPDATE GOVERNING BODIES AND STRUCTURE ENTITIES FOR MANAGEMENT AND MAINTENANCE OF EASEMENTS, UTILITIES, INFRASTRUCTURE AND BUILDOUT TABLE 1



**ADD UPDATE GOVERNING BODIES AND STRUCTURE ENTITIES FOR
MANAGEMENT AND MAINTENANCE OF EASEMENTS, UTILITIES,
INFRASTRUCTURE AND BUILDOUT
UPDATE TO EASEMENTS IN RELATION TO ENTITIES TABLE 2**

Rock Creek Ranch Updated Existing Easements

- 8/4/22 Doc #2022003106 Easement Agreement, by and between SIERRA DEL ORO TRADING COMPANY LLC TO ROCK CREEK RANCH MUTUAL WATER CORPORATION and ROCK CREEK RANCH RURAL ELECTRIC CORPORATION for a right of access, ingress and egress, upon and across the Parcel.

Rock Creek Ranch Pending/Proposed Easements

- Drainage Easement RCRMWC, will be done on separate application PROPOSED
- Solar Easements RCRREC, will be done on separate application PROPOSED
- Utility Easement for Water Facilities LOT 1 RCRMWC PENDING
- Utility Easement for Water Facilities LOT 1 RCRREC PENDING
- Utility Easement for electric micro-grid substation LOT 1 RCRREC PENDING
- Waste management facilities easement LOT 1 Sierra del Oro Community Service Association (SdO CSA) PENDING
- Access trails with Hedgerow system in Open Space SdO CSA PENDING
- Conservation Easements Sierra Land Trust PENDING
- Maintenance Entity Easements for New Access Road SdO CSA PENDING
- Maintenance Entity Easements for Driveways SdO CSA PENDING
- Maintenance Entity Easements for Trails SdO CSA PENDING
- Utility Easement 20' RCRMWC and RCRREC PROPOSED
- Access Easement to LOT LINE trails, must specify non motorized use only except for emergency vehicles, side by sides (ORV SxS) per RCR SP PROPOSED

Rock Creek Ranch Mutual Water Corporation	COMPLETE
Rock Creek Ranch Rural Electric Corporation	COMPLETE
Sierra del Oro Community Service Association (SdO CSA)	PENDING
Sierra del Oro Land Trust	PENDING
Sierra del Oro Intentional Community	PENDING
Sierra del Oro Community Service District	PROPOSED

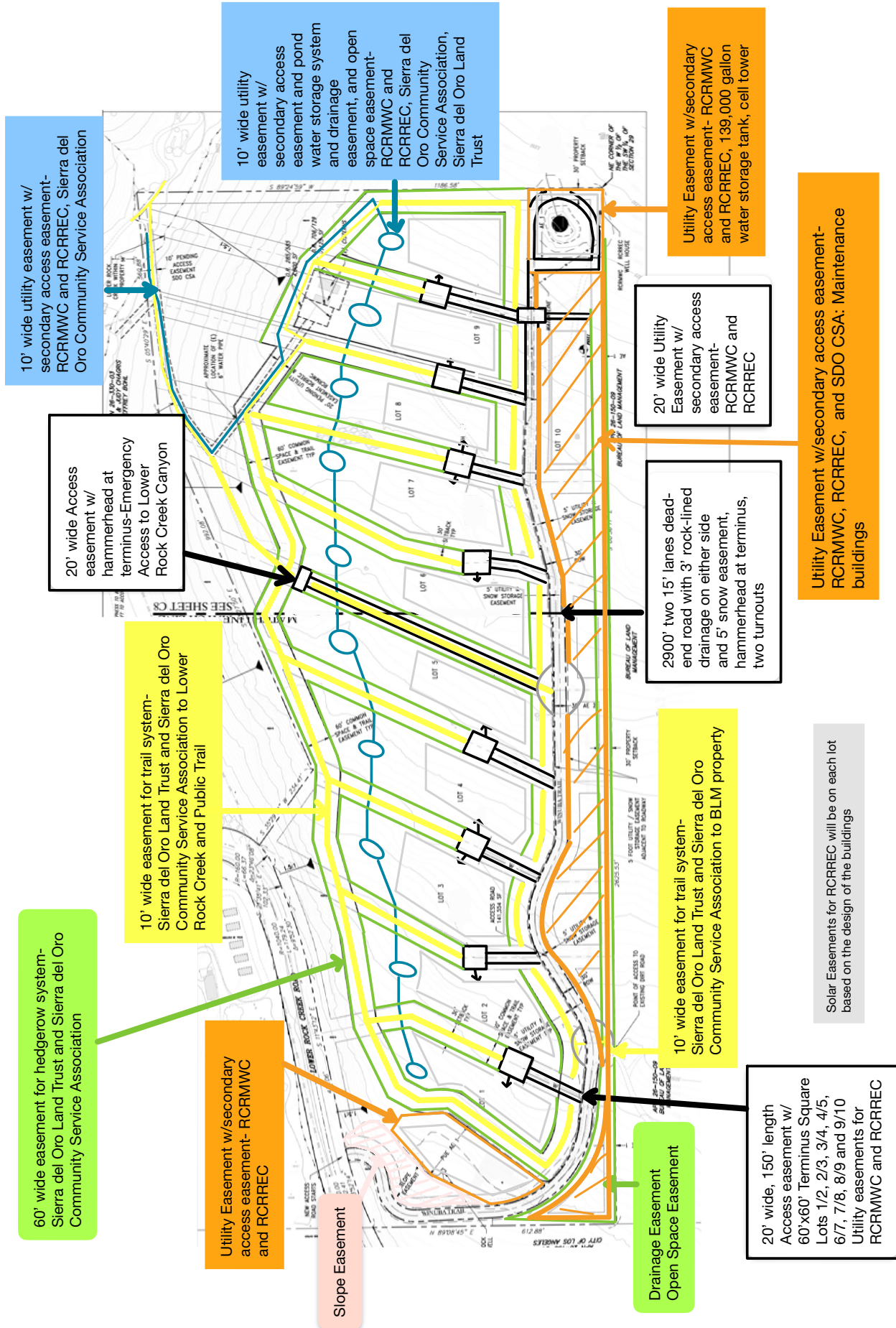
Capital Improvement Costs Updated 2023

Estimates:

Earthwork and erosion control, excluding New Access Point	\$3.50 million
Engineering, design and construction of New Access Point	\$1.20 million
Rock Crushing and engineering for fill	\$0.55 million
Paving of New Access Road, Eco-pavers	\$1.00 million
Trail design, engineering and construction	\$2.50 million
Drainage system design, engineering and construction	\$1.20 million
Water facilities engineering, design, permits and construction	\$3.50 million
Underground utilities	\$1.80 million
Micro-grid substation and solar system	\$3.75 million
Cell tower	\$1.00 million

Sub Total		\$20.00 million
Contingency Reserve	15.00%	\$3.00 million
Total		\$23.00 million

ADD UPDATE AND NEW EASEMENT AREAS IN THE FINAL RECORDING FOR INFRASTRUCTURE BUILDINGS DEPICTION MAP 1



**ADD UPDATE GOVERNING BODIES AND STRUCTURE ENTITIES FOR
MANAGEMENT AND MAINTENANCE OF EASEMENTS, UTILITIES,
INFRASTRUCTURE AND BUILDOUT
LOT LAND DIVISION TABLE 3**

LOT NO.	TOTAL LOT SIZE		BUILDING ENVELOPE		PROPOSED NET DISTURBED AREA		
	(SF)	(AC)	(SF)	(AC)	(SF)	(AC)	(%)
1	268,105	6.15	154,646	3.55	48,660	1.12	25%
2	216,275	4.96	102,843	2.36	54,069	1.24	25%
3	201,538	4.63	91,695	2.11	50,385	1.16	25%
4	200,514	4.60	100,558	2.31	50,129	1.15	25%
5	211,613	4.86	88,948	2.04	52,903	1.21	25%
6	228,836	5.25	146,557	3.36	57,209	1.31	25%
7	225,862	5.19	130,378	2.99	56,466	1.30	25%
8	207,512	4.76	97,037	2.23	51,878	1.19	25%
9	202,862	4.66	83,725	1.92	50,716	1.16	25%
10	320,793	7.36	168,605	3.87	70,780	1.62	25%
ROW	104,559	2.4					
TOTAL	2,388,469	54.82	1,164,992	26.74	543,195	12.46	

TABLE 2 UPDATED: Estimated values of total area, building envelopes and allowed disturbance area to total lot size for each of the ten single family lots proposed within the Rock Creek Ranch subdivision. As shown, the ten Rock Creek Ranch residential lots will range in area from **200,514 sf (LOT 4) to 320,793 sf (LOT 10)**; the average lot size is **238,847 sf**.

The allowed disturbance areas vary based largely on the configuration of the lot relative to topographic limitations, the road alignment, LRCMWC's water cisterns/exclusive easements, and the placement of the project's utility easements. Although the size of the building envelopes varies substantially between the ten lots (**ranging from 83,725 sf on LOT 9 to 168,605 on LOT 10**); all lots share similar allowed disturbance areas (**ranging from 50,716 sf on LOT 9 to 70,780 on LOT 10**), based on a uniform maximum allowed disturbance area of 25% of total area. Prior to the 2009 approval of the Rock Creek Ranch Specific Plan, the property was designated Estate Residential (ER) use, which allows for lot coverage of 40% of total area.

LOT NO.	UTILITY EASEMENT		SLOPE EASEMENT		UNBUILDABLE AREA		
	(SF)	(AC)	(SF)	(AC)	(SF)	(AC)	(%)
1	73,466	1.69	26,250	0.60	54,930	1.26	75%
10	37,673	0.86			138,226	3.17	75%

PROPOSED OUTLINE FOR VESTING TTM WORK PHASES

EXHIBIT 3



VESTED RIGHTS AFTER ACCEPTANCE OF VESTING TTM APPLICATION IS COMPLETE:

FEMA CAT A, CAT B, CAT C, CAT D WORK:

- REPAIRS TO EXISTING DIRT ROAD,
- REMOVAL OF SEDIMENT, SILT AND ROCKS FROM ACCESS TO LOWER ROCK CREEK TRAILHEAD,
- SEDIMENT REMOVAL FROM UPPER WELL AREA
- ACCESS TO LOWER WELL AREA.
- STORAGE OF DEBRIS ON LOTS 5 & 6

PRE-DEVELOPMENT TO PHASE 1:

- 3 ADDITIONAL TRAILERS FOR STORAGE OF EQUIPMENT AND MATERIALS
- TEMPORARY NURSERY ON LOT 10
- 2 CARGO SHIPPING CONTAINERS W/ ROOF- LOTS 10, 9, 8, 7, 6, 5, AND 4
- TEMPORARY NURSERY ON LOT 10
- GREENHOUSE
- MAINTENANCE BUILDING (2X CARGO CONTAINERS W/ROOF) LOT 10
- MAINTENANCE BUILDING (2X CARGO CONTAINERS 2/ROOF) LOT 7

PHASE 1 STAGE 1:

- NEW ACCESS ROAD AND HAMMERHEAD
- EMERGENCY ACCESS ROAD TO LOWER ROCK CREEK CANYON W/HAMMERHEAD
- ACCESS ROAD/LOT 10 DRIVEWAY
- UPPER WELL AREA SET UP
- LOWER WELL AREA SET UP
- LOT 4 ROCK CRUSHING
- LOT 5 & 6 STORAGE OF DEBRIS

PHASE 1 STAGE 2:

- TRAILS
- HEDGEROWS
- DRIVEWAYS AND TERMINUS SQUARES
- LOWER WELL AREA BLDG
- LOT 1, 2 X CARGO CONTAINERS
- UPPER WELL WATER TANK

PHASE 1 STAGE 3:

- MICRO-GRID, ELECTRICAL & COMMUNICATIONS
- PUMP ROOM
- UPPER WELL AREA FENCING
- WATER TANK AND BUILDING
- PUMP HOUSE
- ENGINEERED WATER SYSTEM

ROCK CREEK RANCH 10-LOT SUBDIVISION, INTENTIONAL COMMUNITY

Describe the existing uses on the project site and identify the major physical alterations to the property on which the project is to be located:	VACANT The disturbance area is 225700 sf 5.18 acres 19100 CY cut 12122 CY fill 6900 Net CY cut
Total number of existing residential units on the project site that will be demolished:	0
Occupied Units:	0
Unoccupied Units:	0
Total number of new residential units:	40
Density Bonus units:	10
Extremely Low Income units:	0
Very Low Income units:	10
Low Income units:	20
Moderate Income units:	10
Total gross floor area:	310250 sq ft
Residential floor area:	119000 sq ft
JDU 10X 500 sq ft	5000 sq ft
ADU 10X 1400 sq ft	14000 sq ft
DU 10X 5000 sq ft	50000 sq ft
Bonus Dens DU 10X 5000 sq ft	50000 sq ft
Parking Garage and Covered Spaces	91000 sq ft
6-car covered 10X 1500 sq ft	15000 sq ft
10-car covered 2X 2000 sq ft	4000 sq ft
12- car garage 10X 7200 sq ft	72000 sq ft
Non-Residential floor area:	72000 sq ft
Greenhouse/Barn 10X 7200 sq ft	72000 sq ft
Community floor area:	28250 sq ft
Maintenance Bldg 20000 sq ft	20000 sq ft
Lower Well House 8250 sq ft	8250 sq ft
Total number of Parking Spaces	200
Resident parking spaces:	120
Dedicated guest parking spaces:	60
Dedicated non-residential parking spaces:	10
Shared guest/non-residential parking spaces:	10
Describe any incentives, waivers, concessions, and parking reductions being requested pursuant to	The applicant will be providing for more parking spaces than required.

ROCK CREEK RANCH 10-LOT SUBDIVISION, INTENTIONAL COMMUNITY

Government Code Section 65915, or indicate if none:	
Describe any proposed point sources of air or water pollutants, or indicate non:	None
Describe any species of special concern known to occur on the property, or indicate if none:	None
Is any portion of the property located within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Government Code Section 51178. If yes, describe:	No Reference Paradise Fire Protection Service Area.
Is any portion of the property located within a wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993) If yes, describe:	No
Is any portion of the property located within a hazardous waste site that is listed pursuant to Government Code Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Health and Safety Code Section 25356? If yes, describe:	No
Is any portion of the property located within a special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by official maps published by the Federal Emergency Management Agency	No No FEMA Special Flood Hazard Areas are located on the Project site
Is any portion of the property located within a delineated earthquake fault zone as determined by official maps published by the State Geologist?	No
If the previous answer is yes, will the development comply with seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 of Division 1 of Title 2	N/A
Does the property contain a stream or other resource that may be subject to a stream bed alteration agreement pursuant to Chapter 6 (commencing with Section 1600) of Division 2 of the Fish and Game Code?	No
If yes, describe here and attach to this form a site map and an aerial site photograph showing existing environmental resources on the site that would be subject to regulations by a public agency, including creeks and wetlands:	
Lower Rock Creek crosses northern corner. See aerial photo and Site Plan	

ROCK CREEK RANCH 10-LOT SUBDIVISION, INTENTIONAL COMMUNITY

Please reference APPROVED 2014 ROCK CREEK RANCH AMENDED SPECIFIC PLAN				
Describe any historic or cultural resources known to exist on the property, or indicate if none:				None
Describe any approvals that will be requested under the Subdivision Map Act, including but not limited to a parcel map, tentative map, or condominium map, or indicate if none:				
VESTING TENTATIVE TRACT MAP				
CONTACT INFORMATION:				
APPLICANT: Sierra del Oro Trading Company LLC				
REPRESENTATIVE: Paula Richards Title: President/Chief Officer				
Address: 1532 S. Bentley Ave. Los Angeles CA 90025 Phone: (310) 869-8159 Email: paularichards@sierradeloro.biz				
Is the applicant also the owner?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Is the property currently in escrow?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Property Ownership	LLC			
The Property Owner Affidavit on the following page must be completed and submitted with the Preliminary Application Form and Checklist. If the property is owned by more than one individual or entity or if multiple signatures are required, a separate Property Owner Affidavit must be submitted for each signature.				
Check this box to indicate that one or more Property Owner Affidavit forms are attached				<input checked="" type="checkbox"/>
Check this box to indicate that Insurance forms for Vacant Land are attached				<input checked="" type="checkbox"/>
Please note that Insurance forms for Development are PENDING Vesting TTM application acceptance as COMPLETE				
Check this box to indicate FEIR IS CERTIFIED				<input checked="" type="checkbox"/>
Check this box to indicate application for Tax Credits and Public Funding with HCD				<input checked="" type="checkbox"/>

Mono County Housing Element GOAL 1.2 Adopt at least one regulatory change that improves housing production potential. Potential development standards that could be revised to provide for greater regulatory flexibility that promotes housing development opportunities include:

- **Minimum lot sizes;**
- **Snow storage; and**
- **Establishing performance criteria that can be used in place of inflexible standards.**

Related Programs from 2014 Housing Element Update: 3:1

Objective: Address constraints to meeting the County's housing needs.

Resources Needed: Accomplished through current staffing, identification of viable regulatory changes, development application (for implementation).

Responsible Agencies: CDD

Timeframe: Adopt by 2023; implement changes (if adopted) through at least one project during cycle

***Board priority**

SB 35 Application

Mono County Housing Element 2014:

Program 3:1 Review and consider revising development standards to provide for greater regulatory flexibility that promotes resident housing development opportunities. Issues and standards to review include, but are not limited to:

1. parking requirements, particularly in June Lake and older central business districts;
2. snow storage requirements;
3. allowing smaller minimum lot sizes where appropriate for affordability;
4. broader application of the County's Manufactured Housing Subdivision provisions, which allows for lots as small as 4,000 square feet; and
5. establishing performance criteria as a substitute for some existing inflexible regulations for residential development.

Responsible Agencies: Community Development Department, Regional Planning Advisory Committees, Planning Commission.

Timeframe: Review development standards biannually, starting in 2011.

Progress: Parking regulations have been reduced in central business districts, additional regulations have been consolidated and are periodically reviewed for consistency and relevance. The ability to provide a minor variance from development regulations with a Directors Review has been implemented.

Effectiveness: Successful, Ongoing.

Adjustments to Program: Program will continue.

1.4 Identify future opportunities for CEQA streamlining, including using exemptions when possible.

Related Programs from 2014 Housing Element Update: None.

Objective: Address constraints to meeting the County's housing needs.

Resources Needed: Accomplished through current staffing.

Responsible Agencies: CDD

Timeframe: Ongoing

***Board priority.**

SB 226, CEQA streamlining for Infill Projects



Senator Scott Wiener, 11th Senate District

Senate Bill 35 – *Housing For A Growing California:* Housing Accountability & Affordability Act

SUMMARY

Senate Bill 35 ensures that all communities in California create the housing we desperately need to address our statewide housing shortage, and spur the creation of affordable housing in California by streamlining the approval process.

BACKGROUND/EXISTING LAW

California is in the depths of a housing shortage. Our State's housing production has not kept pace with population growth, particularly for low and middle income residents. California households in the bottom quarter of the income distribution—the poorest 25 percent of households—report spending four times more of their income (67 percent, on average) than households in the top quarter of the income distribution (16 percent, on average).

Every 8 years, each California city receives a Regional Housing Needs Assessment (RHNA) goal from the Department of Housing and Community Development (HCD) for how many future units of housing the city must include in its zoning plan. However, HCD cannot require cities to follow through with producing the housing in their own zoning plan, and too many communities either ignore RHNA or make inadequate efforts to comply with it. HCD does not comprehensively track housing production data.

PROBLEM

The negative impacts of California's housing shortage threaten our state's economic growth, environmental well-being, and diversity. It is far too expensive to rent or buy a home in California, which results in displacement, evictions, and families being pushed out as they grow. Teachers, retail workers, first responders, and other middle-income professionals often have crushing commutes as they increasingly cannot afford to live near their jobs.

California has a long tradition of broad local control, and in many areas, local communities are in the best position to judge what makes sense for their residents. However, when local communities refuse to create enough housing—instead punting housing creation to other communities—then the State needs to

ensure that all communities are equitably contributing to regional housing needs. Local control must be about how a community meets its housing goals, not whether it meets those goals. Too many communities either ignore their housing goals or set up processes designed to impede housing creation.

Allowing local communities to ignore their responsibility to create housing has led to a housing disaster—triggering huge economic, environmental, and social problems.

SOLUTION

Under SB 35, as amended, cities that are on track to meet their RHNA housing production goals at all income levels will retain full local control over how they approve housing. When cities do not meet their housing obligations, approval of qualified housing projects will be streamlined until cities do meet their goals.

For streamlining to apply, a project must include housing for certain income levels where there is a shortage of production, pay a prevailing wage for construction labor, and meet all objective affordability, density, zoning, historic, and environmental standards outlined in the bill.

The new, streamlined approval process will require localities to approve projects only on the basis of whether the project complies with the objective SB 35 qualifying criteria and pass design review. The streamlined process applies only when unmet income-based categories are addressed. For example, if a city is meeting its market rate housing RHNA goals but not its low income housing goals, streamlining will apply only to those projects that add low income units.

This bill also requires all charter cities to report their annual housing production to HCD, and will require HCD to ensure housing production data is detailed, up-to-date, and publicly accessible on the internet. Currently, general law cities must report their housing production, but charter cities and city/counties are not required by law to do so.

FOR MORE INFORMATION

Ann Fryman, *Legislative Aide*
ann.fryman@sen.ca.gov; (916) 651-4011

SB 35 Statewide Determination Summary
Cities and Counties Subject to SB 35 Streamlining Provisions
When Proposed Developments Include ≥ 50% Affordability

These 238 jurisdictions have insufficient progress toward their Lower income RHNA (Very Low and Low income) and are therefore subject to the streamlined ministerial approval process (SB 35 (Chapter 366, Statutes of 2017) streamlining) for proposed developments with at least 50% affordability. If the jurisdiction also has insufficient progress toward their Above Moderate income RHNA, then they are subject to the more inclusive streamlining for developments with at least 50% affordability.

	JURISDICTION		JURISDICTION		JURISDICTION
106	LAKE FOREST	139	MOUNTAIN VIEW	172	RANCHO PALOS VERDES
107	LARKSPUR	140	MURRIETA	173	RANCHO SANTA MARGARITA
108	LATHROP	141	NAPA	174	REDDING
109	LIVE OAK	142	NAPA COUNTY	175	REDWOOD CITY
110	LIVERMORE	143	NEWARK	176	RIO VISTA
111	LODI	144	OAKDALE	177	ROCKLIN
112	LOMITA	145	OAKLAND	178	ROSEMEAD
113	LONG BEACH	146	OAKLEY	179	ROSEVILLE
114	LOS ALAMITOS	147	ONTARIO	180	SAN ANSELMO
115	LOS ALTOS	148	ORANGE	181	SAN BENITO COUNTY
116	LOS ALTOS HILLS	149	ORANGE COUNTY	182	SAN CARLOS
117	LOS ANGELES	150	ORINDA	183	SAN CLEMENTE
118	LOS BANOS	151	PACIFIC GROVE	184	SAN DIEGO
119	LOYALTON	152	PALM DESERT	185	SAN FRANCISCO
120	MALIBU	153	PALM SPRINGS	186	SAN JOSE
121	MAMMOTH LAKES	154	PALO ALTO	187	SAN JUAN CAPISTRANO
122	MANHATTAN BEACH	155	PALOS VERDES ESTATES	188	SAN LUIS OBISPO
123	MANTECA	156	PARADISE	189	SAN LUIS OBISPO COUNTY
124	MARIN COUNTY	157	PARAMOUNT	190	SAN MARCOS
125	MARINA	158	PASADENA	191	SAN MATEO
126	MARIPOSA COUNTY	159	PETALUMA	192	SAN RAMON
127	MENIFEE	160	PIEDMONT	193	SANTA BARBARA
128	MERCED	161	PISMO BEACH	194	SANTA BARBARA COUNTY
129	MILPITAS	162	PITTSBURG	195	SANTA CLARA
130	MISSION VIEJO	163	PLACENTIA	196	SANTA CRUZ
131	MODOC COUNTY	164	PLACER COUNTY	197	SANTA FE SPRINGS
132	MONO COUNTY	165	PLEASANTON	198	SCOTTS VALLEY
133	MONROVIA	166	PLYMOUTH	199	SEAL BEACH
134	MONTCLAIR	167	POINT ARENA	200	SIERRA MADRE
135	MONTEREY COUNTY	168	PORT HUENEME	201	SIMI VALLEY
136	MOORPARK	169	PORTOLA VALLEY	202	SOLANO COUNTY
137	MORAGA	170	RANCHO CUCAMONGA	203	SOLEDAD
138	MORGAN HILL	171	RANCHO MIRAGE	204	SONOMA

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California State Senate



SENATOR
S. JOSEPH SIMITIAN
ELEVENTH SENATE DISTRICT

Fact Sheet Senate Bill 226 (Simitian) California Environmental Quality Act

DISTRICT OFFICE
160 Town & Country Village
Palo Alto, CA 94301
(650) 688-6384
Fax (650) 688-6370

SATELLITE OFFICE
701 Ocean Street, Room 318A
Santa Cruz, CA 95060
(831) 425-0401
Fax (831) 425-5124

Summary:

SB 226 revises the California Environmental Quality Act (CEQA) by:

Allowing public agencies to comment on planning and zoning matters, as required under Planning and Zoning Law, concurrently with project scoping meetings under CEQA. (Public Resources Code §21083.9).

Prohibiting a project's greenhouse gas emissions from causing a categorical exemption to be inapplicable if the project complies with regulations adopted to implement related statewide, regional, or local plans as provided in the CEQA guidelines. (§21084).

Exempting the installation of solar photovoltaic panels on the roof of a building or at an existing parking lot, if certain conditions are met. (§21080.35).

Adding streamlined CEQA procedure for certain infill and walkable communities. (§21094.5 and 21094.5 and 21094.5.5).

Authorizing the owner of a proposed solar thermal powerplant certified by the California Energy Commission to petition the Commission to review an amendment to the facility's certificate to convert the facility from solar thermal technology to photovoltaic technology without the need to file an entirely new application. Certain related time limits must be met, and the Commission must prepare a supplemental environmental review document. (§25500.1).

Need for the bill:

SB 226 responds to concerns relating to scoping meetings for certain projects, use of categorical exemptions for projects resulting in greenhouse gas emissions, and environmental review procedures for infill and solar projects.

Staff Contact: Randy Pestor (916) 651-4108

Date: 9/12/11

Mono County 2019 Housing Element GOAL 1.5 Identify sites within or adjacent to existing communities where infrastructure limits development potential. Participate in the preparation of at least two grant applications by invitation of the infrastructure entities and assist those entities with understanding environmental regulations.

Related Programs from 2014 Housing Element Update: 1:5, 1:6, 1:7, 1:18

Objective: Address constraints to meeting the County's housing needs.

Resources Needed: Viable grant opportunities, partnership with infrastructure entity

Responsible Agencies: CDD (grant application by invitation only), Public Utility Districts, Mutual Water Companies, SCE, BLM, USFS, LADWP, Housing Authority

Timeframe: Ongoing

Mono County 2014 Housing Element Update Related Programs to 2019 GOAL 1.5:

Program 1:5 Study the possibility of acquiring/exchanging public lands surrounding existing community areas for community expansion purposes and/or related infrastructure development, particularly in those areas designated in the Land Use Element for community expansion. Based on the results of these studies, take necessary actions to promote the exchange of lands and encourage the development of a variety of housing types, including multifamily for lower-income households in the acquisition/exchange of public lands.

Responsible Agencies: Community Development Department.

Timeframe: 2012.

Progress: This program has been incorporated into the Land Tenure Planning effort and will continue to be incorporated into local area plans.

Effectiveness: Successful, Ongoing.

Adjustments to Program: Program will continue.

Program 1:6 Implement policies in the Land Use Element pertaining to the provision of services and the coordination of development with service capability. Work with local service providers (public utility districts, fire protection districts, gas/electric power providers, telephone/communications systems providers, etc.) to ensure that adequate services are or will be available for housing development.

Responsible Agencies: Community Development Department, Environmental Health.

Timeframe: Ongoing, 2007-2014.

Progress: The County has initiated a program to gather GIS data for all local utilities and service providers in order to streamline major development projects. Will serve letters as required

as dictated by the Land Use Element. Effectiveness: Successful, Ongoing

Adjustments to Program: Program will continue.

Program 1:7 Encourage and assist special districts and private service providers (mutual water companies etc.) to secure grants to improve and expand sewer and water capabilities and fire protection services. The County's participation will entail aiding districts in the preparation of grant applications and in compliance with environmental requirements.

Responsible Agencies: Community Development Department, Environmental Health Department.

Timeframe: Ongoing, 2007-2014.

Progress: The County has reached out to public and private water providers to help the entities comply with new regulatory requirements.

Effectiveness: Successful, Ongoing

Adjustments to Program: Program will continue.

Program 1:18 Reexamine residential limitations in area plans where new sewer, water or other infrastructure requirements, such as fire-flow requirements, allow for greater single-family densities. Consider amending the General Plan and area plans to allow for higher single-family densities in these areas.

Responsible Agencies: Community Development Department.

Timeframe: 2012.

Progress: No applications to apply higher density to property were received.

Effectiveness: Successful, Ongoing.

Adjustments to Program: Program will continue.



Jennifer Kreitz ~ District One Rhonda Duggan ~ District Two Bob Gardner ~ District Three
John Peters ~ District Four Lynda Salcido ~ District Five

BOARD OF SUPERVISORS COUNTY OF MONO

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(760) 932-5530

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Scheereen Dedman, Clerk of the Board

January 3, 2022

SENT VIA EMAIL TO:

Mono County Local Agency Formation Commission

Kelly Karl (kkarl@mono.ca.gov)

**United States Department of Agriculture,
Rural Development Loan and Grant Program**

Tonja Galentine (tgalentine@usda.gov)

Monica Telles (mtelles@usda.gov)

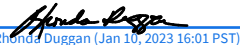
To Whom it May Concern:

The Mono County Board of Supervisors (the "Board") writes this letter to offer its recognition of the need to create a New Access Road illustrated in Exhibit 3-5 of the 2014 Rock Creek Ranch Amended Specific Plan ("2014 Specific Plan") and for an improvement to a portion of an Existing Dirt Road (the "Project") on Assessor's Parcel No. 026-330-002-000 (the "Property"). The Project would provide the sole public vehicular access to the Property.

The Board supports the Project as specified in the 2014 amendment to the Rock Creek Ranch Specific Plan (the "2014 Specific Plan"). The Board has found that the Project will benefit Sierra del Oro Trading Company LLC ("SDO") and the broader community of Paradise, including the Rock Creek Canyon Subdivision, the Paradise subdivision, and other properties, by improving health and safety of this area by providing public vehicular access to the Property, which does not currently exist. As stated in and required by the 2014 Specific Plan, the Project will reduce erosion, scenic impacts, and water quality impacts to the surrounding environment by providing the sole point of vehicular access onto the Property.

The Board supports the proposed Project pursuant to the 2014 Specific Plan Amendment as the sole access road to the Property. The proposed New Access Road will be constructed to County standards and offered for dedication as a public road to the County under the 2014 Specific Plan. If the County does not accept the dedication, the New Access Road would be maintained as a private street as specified in the 2014 Specific Plan.

Sincerely,


Rhonda Duggan (Jan 10, 2023 16:01 PST)

Rhonda Duggan, Chair
Mono County Board of Supervisors

County Counsel
Stacey Simon

Assistant County Counsel
Christopher L. Beck
Anne L. Frievalt

Deputy County Counsel
Emily R. Fox

**OFFICE OF THE
COUNTY COUNSEL**
Mono County

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MAMMOTH LAKES, CALIFORNIA 93546

Telephone
760-924-1700

Risk Manager
Jay Sloane

Paralegal
Kevin Moss

To: Board of Supervisors

From: Emily Fox, Deputy County Counsel

Date: January 3, 2023

Re: Board Letter of Support for Application to USDA for Funding to Construct New Access Road at Lower Rock Creek Ranch

Recommended Action

Authorize signature of and transmission of support letter to relevant USDA review officials.

Strategic Plan Focus Areas Met

- A Thriving Economy Safe and Healthy Communities
 Sustainable Public Lands Workforce & Operational Excellence

Discussion

As provided by the 2014 Specific Plan for Lower Rock Creek Ranch, owner of Lower Rock Creek Ranch Sierra del Oro is seeking to create access to the property by constructing new access from Lower Rock Creek Road and to improve a portion of an existing dirt road on the parcel that will create improved vehicular access to the property from Lower Rock Creek Road. The USDA offers grant and loan funds for the construction of such roads in rural areas where the construction of a road will benefit the community.

Critically, located on the property are easements owned by Lower Rock Creek Mutual Water Company ("LRCMWC") where they have located water infrastructure that services the community of Paradise, both for potable water and fire protection. Sierra del Oro and LRCMWC have been in an ongoing dispute about LRCMWC's access to the easements, which has resulted in LRCMWC's inability to reach their infrastructure to perform necessary maintenance. The County and the Board do not currently have any permitting or other legal authority to exercise to resolve the access issue between the two parties.

A letter from the Board of Supervisors supporting the necessity of the new access road will assist in securing funding for the construction of the access road. It has been suggested by SdO that

creation of this vehicular access to the parcel will assist the parties in reaching a solution regarding access to the utility easements. The new access road proposed in the grant application in itself will not reach the easements and an issue regarding access will remain. The USDA is looking for support for the findings that the access road would be beneficial to the community of Paradise (as shareholders of the Lower Rock Creek Mutual Water Company and users of the utility water) and Sierra del Oro as property owner, and that the access road is necessary for the health and safety of the community for continued potable water service and fire abatement. Should this application and road assist the parties in reaching a solution regarding access, it would benefit the community of Paradise.

If you have any questions regarding this item prior to your meeting, please call me at 760-924-1712.

COMMENT UPON ITEM # — ON THE AGENDA FOR THE JANUARY 3, 2023 MEETING OF THE MONO COUNTY BOARD OF SUPERVISORS

The Board of Directors of the Paradise Fire Protection District (PFPD) hereby registers its concern with regard to certain language contained in the letter of support proposed by Sierra del Oro Trading Company LLC (SDO) for signature of the Mono County Board of Supervisors.

Specifically, the proposed letter would have the Supervisors find a benefit to "the broader community of Paradiseby providing public vehicular access to the Property," without clearly articulating how "the Project" would assure access to the Lower Rock Creek Mutual Water Company's (LRCMWC) infrastructure situated on an easement on SDO's parcel.

Arguably, the existing community at large would seldom, if ever, have need of vehicular access to SDO's property. For PFPD and other firefighting agencies, however, appropriate maintenance of LRCMWC's installations is critical to ensure a reliable supply of water for firefighting purposes. Thus, vehicular access by LRCMWC employees, though historically infrequent, may potentially be vital to the safety of the community and of our volunteer firefighters.

Thank you for your attention to the above. Like our firefighters, we too are volunteers, striving to do our best for the well-being of our neighbors.

Respectfully,
Board of Directors, Paradise Fire Protection District

1.6 Monitor the requirement for complexes with four units to be approved through a conditional use permit and if it is a constraint on development. Complexes with up to three units are currently a permitted use by-right in multi-family land use designations.

Related Programs from 2014 Housing Element Update: None

Objective: Address constraints to meeting the County's housing needs.

Resources Needed: Accomplished through current staffing.

Responsible Agencies: CDD

Timeframe: Evaluate by 2023. mitigate constraints within 24 months of evaluation.

1.8 Consistent with the Land Use Element, continue to require specific plans for large-scale development within community expansion areas. Specific plans allow for a variety of development and can streamline the development process. Approve at least one specific plan during the Housing Cycle.

Related Programs from 2014 Housing Element Update: 1:12

Objective: Address constraints to meeting the County's housing needs.

Resources Needed: Accomplished through current staffing, development application

Responsible Agencies: CDD

Timeframe: Ongoing, as development is proposed.

1.12 Pursue at least one grant to improve infrastructure on identified opportunity sites. Seek to combine grant proposals with the Local Transportation Commission (LTC) when appropriate.

Related Programs from 2014 Housing Element Update: None

Objective: Address constraints to meeting the County's housing needs.

Resources Needed: Potential partnership with outside agency, landowner interest, funding.

Responsible Agencies: CDD, LTC, Local Utilities

Timeframe: Ongoing and as development is proposed.

Goal 2: Increase the Supply of Community Housing

Community housing refers to all housing that meets the needs of long-term residents over a range of income levels.

Programs within Goal 2 are intended to increase the supply of adequate and affordable housing through a diverse set of strategies.

2.1 Pursue partnerships with other agencies in the County, such as the Town of Mammoth Lakes, federal, state, and local agencies to identify opportunities to increase housing stock.

Related Programs from 2014 Housing Element Update: None

Objective: Assist in the development of adequate and affordable housing;

Resources Needed: Use current staffing to facilitate partnerships.

Responsible Agencies: CDD, Town of Mammoth Lakes, other agencies

Timeframe: Pursue partnerships on a biannual basis.

***Board priority**

2.3 Reinstate the Housing Mitigation Ordinance.

Related Programs from 2014 Housing Element Update: 2:1, 2:9, 2:10, 2:14 Objective: Identify adequate sites for a range of housing opportunities.

Resources Needed: Accomplished through current staffing, Board approval.

Responsible Agencies: CDD, Finance

2.5 Identify zoning requirements for which more flexible approaches could incentivize more on-site affordable units.

Related Programs from 2014 Housing Element Update: 1:21, 1:26, 3:1

Objectives: Assist in the development of adequate and affordable housing; Address constraints to meeting the County's housing needs.

Resources Needed: Accomplished through current staffing.

Responsible Agencies: CDD

Timeframe: Identify and adopt by 2027

2.6 Partner with other agencies and employers to ensure that at least one employee housing project qualifies toward meeting the County's RHNA targets (e.g. consider waiving building permit fees).

Related Programs from 2014 Housing Element Update: None

Objective: Assist in the development of adequate and affordable housing.

Resources Needed: Requires additional staff and participation from outside parties, funding.

Responsible Agencies: CDD, employers, developers, Housing Authority

Timeframe: Evaluate during current housing cycle (2019-2027)

2.7 Develop partnerships to encourage the development of at least one housing project for very low, low, and moderate-income households.

Related Programs from 2014 Housing Element Update: 2:13

Objective: Assist in the development of adequate and affordable housing.

Resources Needed: Additional staff and development partner.

Responsible Agencies: CDD, employers, developers, Housing Authority

Timeframe: Establish partnership and develop one project by 2027.

2.9 Award at least one density bonus for a qualifying project consistent with state law. Update density bonus regulations regularly to reflect changes in state law.

Related Programs from 2014 Housing Element Update: 2:1

Objective: Assist in the development of adequate and affordable housing.

Resources Needed: Development application.

Responsible Agencies: CDD, BOS

Timeframe: Award at least one density bonus by 2022.

Update regulations within one year of adoption of new state law.

2.10 The Board of Supervisors may reduce or waive development processing fees for qualifying extremely low, low- and moderate-income housing units in order to facilitate processing. Staff will work with applicable agencies to promote a reduction or waiving of fees for such projects.

Related Programs from 2014 Housing Element Update: 1:1

Objective: Assist in the development of adequate and affordable housing.

Resources Needed: Accomplished through current staffing, participation from outside parties, and a qualifying application

Responsible Agencies: CPT Land Tenure Subcommittee, CDD, external agencies

Timeframe: Ongoing

Mono County Housing Element Update 2014:

Program 1:21 Consider amending the General Plan and subdivision ordinance to allow for greater flexibility in subdivision design to encourage clustering, zero lot line and common-wall developments, and other residential design strategies that allow for development at the gross allowable density while preserving sensitive site features.

Responsible Agencies: Community Development Department.

Timeframe: 2010.

Progress: A multi department effort to revise of the sub-division and grading ordinance is underway and currently in legal review.

Effectiveness: Successful, Ongoing

Adjustments to Program: Program will continue.

Program 1:22 Examine the potential of allowing additional densities in existing specific plan areas within or adjacent to communities to better utilize available infrastructure and limited private land base.

Responsible Agencies: Community Development Department.

Timeframe: 2010.

Progress: As part of the comprehensive general plan update, the capacities of local agencies and service providers are being examined through municipal service reviews and updates. Initial reviews indicate limitations to much of the infrastructure to accommodate additional densities, particularly water resources.

Effectiveness: Successful.

Adjustments to Program: Program will be adjusted to utilize regional resources like IRWMP and focus on water limitations.

Program 3:1 Review and consider revising development standards to provide for greater regulatory flexibility that promotes resident housing development opportunities. Issues and standards to review include, but are not limited to:

1. parking requirements, particularly in June Lake and older central business districts;
2. snow storage requirements;
3. allowing smaller minimum lot sizes where appropriate for affordability;
4. broader application of the County's Manufactured Housing Subdivision provisions, which allows for lots as small as 4,000 square feet; and
5. establishing performance criteria as a substitute for some existing inflexible regulations for residential development.

Responsible Agencies: Community Development Department, Regional Planning Advisory Committees, Planning Commission.

Timeframe: Review development standards biannually, starting in 2011.

Progress: Parking regulations have been reduced in central business districts, additional regulations have been consolidated and are periodically reviewed for consistency and relevance. The ability to provide a minor variance from development regulations with a Directors Review has been implemented.

Effectiveness: Successful, Ongoing.

Adjustments to Program: Program will continue.

2.9 Award at least one density bonus for a qualifying project consistent with state law. Update density bonus regulations regularly to reflect changes in state law.

Related Programs from 2014 Housing Element Update: 2:1

Objective: Assist in the development of adequate and affordable housing.

Resources Needed: Development application.

Responsible Agencies: CDD, BOS

Timeframe: Award at least one density bonus by 2022.

Update regulations within one year of adoption of new state law.

2.10 The Board of Supervisors may reduce or waive development processing fees for qualifying extremely low, low- and moderate-income housing units in order to facilitate processing. Staff will work with applicable agencies to promote a reduction or waiving of fees for such projects.

Related Programs from 2014 Housing Element Update: 1:1

Objective: Assist in the development of adequate and affordable housing.

Resources Needed: Accomplished through current staffing, participation from outside parties, and a qualifying application

Responsible Agencies: CPT Land Tenure Subcommittee, CDD, external agencies

Timeframe: Ongoing

2.11 Allow manufactured homes and accessory dwelling units (ADUs) in the same manner and land use designations as stick-built single family homes, and allow accessory dwelling units (ADUs), regardless of zoning and development standards, in any zone with an existing single-family home, consistent with state law (Government Code §65852.3).

Related Programs from 2014 Housing Element Update: None.

Objective: Assist in the development of adequate and affordable housing. Resources Needed: Accomplished through current staffing.

Responsible Agencies: CDD staff

Timeframe: Approve by the end of 2019

3.1 Support programs that may improve housing stock quality. Continue outreach through the County website and information counters that provide information to community members about weatherization and energy efficiency strategies and funding/waivers. Pursue at least one rehabilitation grant. Update housing stock survey at least once per housing cycle.

Related Programs from 2014 Housing Element Update: 4:1, 4:2, 4:3, 4:4

Objective: Conserve and improve the condition of housing.

Resources Needed: Accomplished through current staffing and partnerships with outside parties. Additional funding may be needed.

Responsible Agencies: CDD, Finance, Housing Authority, outside agencies Timeframe: Ongoing

*Board priority

4.3 Monitor the need for permanent emergency shelters beyond the County's community centers and make emergency shelters an outright permitted use in Public Facility (PF) land use designations, as consistent with state law.

Related Programs from 2014 Housing Element Update: 1:8, 1:27

Objective: Identify adequate sites for a range of housing opportunities. Resources Needed: Accomplished through current staffing. Responsible Agencies: CDD

Timeframe: Monitoring ongoing, modification to PF by Dec. 2019

4.4 Ensure the Multi-Jurisdictional Hazard Mitigation Plan remains up to date.

Related Programs from 2014 Housing Element Update: 1:9

Objective: Identify adequate sites for a range of housing opportunities. Resources Needed: Accomplished through current staffing, re-occurring funding Responsible Agencies: CDD, Office of Emergency Services

Timeframe: 2019, 2024 (plan is reviewed and updated on a five-year cycle)

Chapter 15.40 - HOUSING MITIGATION REQUIREMENTS

15.40.010 - Purpose/findings.

The County of Mono ("county") has a shortage of housing that is affordable to many citizens who work and reside in Mono County. The cost of housing has risen sharply over the past several years due to the cost of housing in the county's resort communities, the increase in second-home residences throughout the county, the growth of the vacation rental industry, the scarce and limited amount of private land within the county available for residential development, and the overall increase in the cost of housing throughout the State of California. Wages for workers residing in Mono County have not kept pace with the increase in housing costs. As a result, employees in the lower, moderate, and even upper-moderate income ranges cannot afford to reside in proximity to work centers, have been forced to move greater distances from their places of employment, or have moved from the area entirely. This has decreased the pool of workers necessary to meet the needs of businesses and communities within Mono County. It has also increased commuting time to places of employment and contributes to substandard living conditions for workers and their families that earn low and moderate incomes.

Requiring developers of land to mitigate the impact of development projects on the availability of workforce and affordable housing and contribute to addressing the housing shortage in Mono County, either directly or through the payment of fees, dedication of land, or similar means, is reasonable and necessary to offset the impact of the development and address identified housing shortages, which has resulted in a decrease of land available for workforce housing and for persons earning low and moderate incomes, a demonstrative increase in the price of housing, and an increase in the need for workers within the county. Expecting new employers to contribute to the creation and preservation of affordable housing is likewise reasonable. Despite the availability of state and county incentives, there has been little or no market development of residential housing affordable to households earning very low, low, moderate, and even upper-moderate income levels and no other reasonable means to meet this need for workforce and affordable housing are available.

A requirement that new development mitigate these impacts and shortages through the provision of affordable housing units, the payment of fees, or similar means, is reasonable and necessary to improve the health, safety and general welfare of the citizens of Mono County. These requirements will not result in a negative impact on the overall development of housing or impose a barrier that will prevent persons with lower and moderate levels of income from purchasing housing.

(Ord. No. 2218, § 1(Exh. A), 12-20-2022)

15.40.020 - Definitions.

For the purposes of this chapter the following definitions shall apply:

A. **"Accessory dwelling unit (ADU)" means residential occupancy of a dwelling unit located on the same parcel as the main residential unit. An ADU provides complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel on which the main residential unit is situated. An ADU shall meet the minimum regulations for an efficiency dwelling unit in the California Building Code. An ADU shall meet the requirements of Chapter 16 of the Mono County General Plan Land Use Element; in the event of conflict between state law and Chapter 16, state law supersedes.**

B. "Affordable unit" means a dwelling unit which is required to be built, sold, and/or restricted pursuant to the requirements under this chapter.

C. "Area median income (AMI)" means the median income, adjusted for family size, applicable to Mono County as published annually pursuant to Title 25 of the California Code of Regulations, Section 6932 (or its successor provision), as determined periodically by HUD and updated on an annual basis.

D. "Deed restrictions" are private agreements that restrict the use of the real estate in some way and are listed in the deed. The restrictions travel with the deed, and generally cannot be removed by new owners.

E. "Developer" means a person or entity who applies for a permit or other approval for the construction, placement, or creation of residential or non-residential development, including the subdivision of land.

F. **"(Residential) dwelling unit" means any structure or portion thereof designed or used as a residence or sleeping quarters of a household, including a caretaker unit.**

G. "Full-time equivalent employee (FTEE)" means a full-time employee or combination of part-time employees whose work constitutes a total of two thousand eighty hours of annual employment generated by residential and non-residential development. In general, a full-time employee employed for an entire year equals one FTEE, a full-time employee employed on a seasonal basis equals one-half FTEE, and a part-time employee employed on an annual basis equals one-half FTEE. When an "employee generation calculation" results in seasonal or part-time employees, those employees shall be combined to form FTEEs.

H. "Household" means one or more individuals who occupy one dwelling unit, whether related by blood or marriage.

I. "Housing fund" means the Mono County Affordable Housing Fund established pursuant to this chapter.

J. "Housing mitigation fee" means any fee established pursuant to this chapter.

K. "HUD" means the United States Department of Housing and Urban Development.

L. "Housing mitigation agreement" means an agreement between the County of Mono and a developer governing how the developer shall comply with this chapter.

M. "Inclusionary unit" means an affordable unit required by this chapter to satisfy a development project's housing mitigation requirement(s).

N. "Market-rate unit" means a dwelling unit in a residential development project that is not an affordable unit.

O. **"Multi-family residential development project" means a project consisting of two or more dwelling units within a single building and may include multiple buildings on a site or parcel. Typical examples include apartments, condominiums and townhomes.**

P. "Non-residential development project" means a project for the construction, addition, subdivision of land, or placement of a structure which is for a non-residential use and which is proposed to be developed within the following general plan land use designations: Commercial, commercial lodging, service commercial, industrial park, industrial, rural resort, including that portion of any development within a mixed use or combined use designation (e.g. specific plan) which includes the construction, addition, or placement of a structure for non-residential use.

Q. "Primary residence" means the main home where one voluntarily establishes oneself and family, not merely for a special or limited purpose, but with a present intention of making it one's true, fixed, permanent home and principal establishment. A principal residence may be declared through voter registration, tax return, or other legal documents.

R. **"Residential development project" means a project for the construction or placement of any residential dwelling unit in a permanent location, or the subdivision of land which is planned, designed, or used for the development of residential dwelling units within the following general plan land use designations: Rural residential, estate residential, single-family residential, multi-family residential, or any other area where residential dwelling units may be developed.**

S. "Single-family residential property or unit" means a property which serves the primary purpose of providing a permanent dwelling unit to a single-family.

T. "Sleeping area" means any bedroom, loft, or other space that can be equipped with beds, foldout sofas, or other similar sleeping furniture.

(Ord. No. 2218, § 1(Exh. A), 12-20-2022)

15.40.040 - Fees and requirements for non-residential and residential development projects.

A. Affordable housing mitigation requirements and fees shall be imposed on developers of non-residential development projects, residential development projects, and single-family residential units based on in-lieu fee and/or inclusionary unit policies resulting from completed nexus studies that quantify the impacts of development on affordable housing. The policy establishing requirements and fees shall be adopted by resolution of the board of supervisors and reviewed on a periodic basis as needed.

B. For non-residential development projects, the development of an affordable unit is the preferred mitigation alternative. However, if a non-residential developer can demonstrate that on- or off-site construction is not feasible and/or would not provide housing units that would adequately meet workforce needs, an alternative housing mitigation agreement may be approved pursuant to Section 15.40.070 and may include payment into the housing fund in-lieu fees (established by resolution pursuant to this chapter) to satisfy the mitigation obligation.

C. For residential development projects, the development of a unit on-site (an inclusionary unit) is the preferred mitigation alternative. The size, design, and location of inclusionary units shall be consistent with the Mono County General Plan, applicable specific plans, and all other applicable county ordinances, regulations, and building standards. The construction of the on-site units shall be located within the same subdivision and within the boundaries of the project, shall be compatible in exterior appearance with the market-rate units being developed in the project, and shall be dispersed throughout the residential development to the extent feasible pursuant to the corresponding housing mitigation agreement (see Section 15.40.070). The affordable units must contain a similar number of bedrooms as the market-rate units but may be smaller than market-rate units pursuant to the corresponding housing mitigation agreement. The interior amenities within the affordable unit may differ from the interior amenities in a market-rate unit, and may be required to include EPA II wood stoves, energy efficient amenities, and other cost-efficient amenities as provided for in the corresponding housing mitigation agreement (see Section 15.40.070). The on-site units must be built at the same time as market-rate units and a certificate of occupancy will not be issued to any market-rate unit until any affordable unit is completed and issued a certificate of occupancy.

D. Compliance with this section may be accomplished by the developer alone or in combination with others, including without limitation, the Mono County Housing Authority or a nonprofit housing corporation.

(Ord. No. 22-18, § 1(Exh. A), 12-20-2022)

15.40.060 - Exemptions.

D. Any project that is being developed as an affordable housing project as defined by state law and deed restricted as such.

15.40.050 - Developer incentives.

A. A developer may apply for incentives from the county to assist in meeting the requirements of this chapter. The granting of any incentive(s) by the county to a developer is discretionary and nothing in this chapter shall be construed to establish, directly or through implication, a right of a developer to receive any assistance or incentive from the county. In granting incentives, the county may require the developer to demonstrate exceptional circumstances that necessitate assistance from the county, as well as provide documentation showing how such incentives will increase the feasibility of providing affordable housing. The following incentives will be considered by the county:

1. Density Bonus. A density bonus incentive pursuant to the California Density Bonus Law (found in California Government Code Sections 65915—65918 and as may be amended or replaced from time to time) will be provided for any project that meets the statutory criteria. The county may consider an additional density bonus upon request by the developer when such request can be accommodated within the parameters of the Mono County General Plan or any applicable specific plan or county ordinance.

2. Fee Waiver or Deferral. The payment of county fees required under this chapter may be deferred until the certificate of occupancy is issued. Further, a developer may apply for a fee reduction or waiver when the developer proposes to substantially exceed the requirements of this chapter. A developer of a residential development project who builds affordable units in amounts that exceed the requirements of this chapter may apply for a waiver of assessments for any applicable county maintained road maintenance and snow removal services that would otherwise be required.

3. Reduced Site Development Standards. A developer may propose, and the county may consider, a reduction in site development standards including a reduction in setback, lot coverage, and square footage requirements; a reduction in parking requirements; a modification of the requirement that all utility lines must be placed underground; and reduction of open space requirements. To be eligible for such reduced development standards, the developer must provide substantial evidence that the reductions are necessary to allow the developer to meet or exceed the requirements of this chapter, that the reduced requirements will meet all applicable health, safety, snow storage and drainage requirements, and will further the purpose of this chapter.

(Ord. No. 22-18, § 1(Exh. A), 12-20-2022)

Chapter 17.16 - SUBDIVISIONS—REQUIREMENTS AND IMPROVEMENTS

17.16.010 - Requirements generally.

Each subdivider shall comply with all of the requirements of Sections 17.16.020 through 17.16.140.
(Ord. 74-446 Art. II § 11 (part), 1974.)

17.16.020 - Highways and roads.

The subdivider shall comply with the current road department standards for all construction. All streets shall be constructed to road department standards and offered for dedication as public streets unless a variance is granted by the board of supervisors.
(Ord. 74-446 Art. II § 11(A), 1974.)

17.16.040 - Flooding and drainage.

A. The subdivider shall design the subdivision so that it shall be protected from inundation, flood hazard, sheet flow, springs and other surface waters. The design of improvements shall be such that water occurring within the subdivision will be carried off without injury to any improvements, residential sites or residences to be installed within the subdivision. The design shall provide for prevention of erosion or siltation that would be detrimental to the environment of the adjoining area. Waters occurring within the subdivision shall be carried to a storm drainage facility or natural watercourse by such improvements as may be required to meet the design standards set forth. Drainage design within the subdivision shall accommodate reasonable anticipated future development within the drainage area. Any off-tract outlet drainage facility required to carry drainage from the proposed subdivision to a defined channel or conduit shall be made adequate for the ultimate state of development in the drainage area.

B. When any watercourse traverses or serves a subdivision, adequate on-site and/or off-site easements for storm drainage purposes shall be provided.

C. Upon commission requirement, a storm drainage maintenance district or acceptable alternate shall be established for the maintenance of storm drainage facilities constructed in conjunction with the subdivision. When a drainage master plan has been adopted for the drainage area, the subdivider shall pay a fee for his pro rata share of the cost of the contract or the estimated cost of constructing the drainage facilities within the drainage area.

(Ord. 74-446 Art. II § 11(C), 1974.)

17.16.050 - Water supply.

A. The commission may require that the subdivider connect to a water treatment and distribution system having adequate plant capacity to handle the subdivision; that the subdivider construct an adequate water treatment and distribution system if there is no district or water company having adequate capacity serving the proposed subdivision; or may require such other means of water treatment and distribution as shall provide adequate water to meet domestic and fire use. The recommended minimum volume for fire use is five hundred gallons per minute for the duration of four hours.

B. In those areas within a subdivision served by a water furnishing district or water company under the jurisdiction of the county, all lines and facilities shall be constructed in accordance with the requirements of the public works department and the health department.

C. For a subdivision which averages a lot size of two and one-half acres or more, the subdivider shall prove the availability of water for domestic use. If a domestic system is provided, it shall be adequate for fire protection.

D. For subdivisions with average lot size of less than two and one-half acres, domestic water shall be provided to all lots from a central water supply source and distribution system. Storage facilities for domestic water shall have a minimum capacity of twelve hour flow, approved by the health department. The system shall also provide for adequate fire protection.

E. Mutual water companies and home owners' associations shall not be permitted to be the water suppliers. Individual water treatment systems in a subdivision are not permitted.

F. Domestic water shall meet all the local and state standards for quality and quantity. Any source treatment plant, storage facility, distribution lines and appurtenances used to render water safe for domestic use must be approved by the local and/or State Health Department.

G. Approval of improvement plans by the utility district for water service supply and maintenance is required. A letter shall be submitted to the commission, stating that the district has the capacity to serve and meet the flows and volumes required for domestic use and fire protection for this development, over and above previously approved and existing users.

(Ord. 74-446 Art. II § 11(D), 1974.)

17.16.120 - Easements.

The subdivider shall be required to offer for dedication easements and rights-of-way for utilities.

Easements of sufficient width will be required along natural watercourses, conforming substantially to the lines of such channels.

(Ord. 74-446 Art. II § 11(I), 1974.)

17.16.150 - Public access.

In all cases where a subdivision fronts on a public waterway or stream, reasonable public access by fee or easement shall be provided from a public highway to the portion of such waterway within the proposed subdivision and a public easement shall be provided along the portion of such waterway within the subdivision.

(Ord. 74-446 Art. II § 12, 1974.)

17.16.160 - Bicycle and equestrian paths.

Whenever a subdivider is required pursuant to Section 11611 of the Business and Professions Code to dedicate roadways to the public, he shall also be required to dedicate such additional land as may be necessary and feasible to provide paths for the use and safety of the residents of the subdivision, if the subdivision, as shown on the final map thereof, contains two hundred or more parcels. Dedication may be required by the commission for a subdivision of less than two hundred lots, when in the opinion of the commission there is a need.

(Ord. 74-446 Art. II § 13, 1974.)

17.16.180 - Parks and recreational facilities.

Each subdivider may be required by the commission to dedicate land for park or recreational purposes or, as a fee in lieu thereof, the reasonable market value of such land, or any combination of such land and fee.

- A. The park area may be up to five percent of the area of the subdivision.
- B. The land so dedicated shall be used only for the purpose of providing park or recreational facilities to serve the subdivision.
- C. Park and recreational facilities required by this section shall conform to the general plan for such area and the principles and standards contained therein.
- D. The amount and location of land required to be dedicated shall bear a reasonable relationship to the use of the park and recreational facilities by the future inhabitants of the subdivision.
- E. At the time of dedication, the county shall specify when development of the park or facilities will begin.
- F. The provisions of the section do not apply to industrial subdivisions, nor do they apply to condominium projects or stock cooperatives which consist of the subdivision of airspace in an existing apartment building which is more than five years old when no new dwelling units are added, nor do they apply to parcel maps for a subdivision containing less than five parcels for a shopping center containing more than 300,000 square feet of gross leasable area and no residential development or uses.
- G. Only the payment of fees may be required for subdivisions of fifty units or less.

(Ord. 81-493 § 26, 1981; Ord. 74-446 Art. II § 15, 1974.)

17.16.190 - Community improvements.

Whenever the commission requires the installation of roads, sewers, water supply systems or drainage facilities by the subdivider, and such improvements are of benefit and value to land other than that located within the subdivision, the commission may recommend to the board an agreement with the subdivider to reimburse him in whole or part for the use of such improvements by lands other than those developed by the subdivider, and may recommend to the board the imposition and collection of a charge for the use of such facilities as provided in the Subdivision Map Act.

(Ord. 74-446 Art. II § 16, 1974.)

17.16.195 - Reserved areas for public purposes.

A. The board of supervisors may, as a condition of the approval of a tentative and/or final map, require the subdivider to reserve areas of real property within the subdivision to be used for public purposes including, but not limited to parks, recreational facilities, fire stations, libraries or other public uses, subject to the following conditions and/or findings:

1. The requirement for reservation is based upon an adopted specific or an adopted general plan containing a community facilities element, a recreation and parks element or a public building element, and the required reservations are in accordance with the definite principles and standards contained therein;
2. The ordinance codified in this chapter has been in effect for thirty days prior to the filing of the tentative map;
3. The reserved area is of such size and shape as to permit the balance of the property within which the reservation is located to develop in an orderly and efficient manner;
4. The amount of land reserved will not make development of the remaining land held by the subdivider economically unfeasible;
5. The designation of the reserved area is such that it:
 - a. Conforms to the specific or general plan adopted for the area,
 - b. Is in such multiples of streets and parcels as to permit an efficient division of the reserved area in the event that the reserved area is not acquired within the prescribed period.

B. The public agency for whose benefit an area has been reserved shall at the time of approval of the final map or parcel map enter into a binding agreement to acquire such reserved area within two years after completion and acceptance of all improvements unless such period of time is extended by mutual agreement. The purchase price shall be the market value of the area at the time of the filing of the tentative map plus the taxes against such reserved area from the date of reservation and any other costs incurred by the subdivider in maintaining that area including costs incurred on any loan covering that area.

(Ord. 79-446-D § 1, 1979.)