

MONO COUNTY PLANNING COMMISSION

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commdev@mono.ca.gov

PO Box 8
Bridgeport, CA 93517
760.932.5420, fax 932.5431
www.monocounty.ca.gov

AGENDA

September 21, 2017 – 10 a.m.

Supervisors Chambers, County Courthouse, Bridgeport

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

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

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

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE

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

3. MEETING MINUTES: Review and adopt minutes of August 17, 2017 – *p. 1*

4. PUBLIC HEARINGS

10:10 A.M.

A. MONO COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT 2017 NOFA (Notice of Funding Availability). This is an opportunity for interested parties to participate in the potential Mono County Community Development Block Grant (CDBG) 2017 application. Mono County applied for and received grant funds for the following activities under the 2015 NOFA: Parks and recreation facilities, child care services, and planning technical assistance. Provide comment on project priorities for Mono County for the CDBG 2017 NOFA. *Staff: Megan Mahaffey – p. 4*

B. CONDITIONAL USE PERMIT 16-00022/Geothermal Trail. Project is located at 94 Casa Diablo Cutoff, adjacent to the intersection of Antelope Springs Road on a portion of Assessor Parcel Number 037-050-002. The Southern Mono Historical Society (SMHS) plans to construct the Casa Diablo Interpretive Trails project, an educational geothermal trail that will fulfill a mitigation requirement of previously certified EIR. The project consists of trail segments to be constructed of varied materials. Depending on location and use, the materials will include wooden planks, crushed rock, compacted soil, and asphalt. Interpretive signage, photographs, displays and viewing platforms will provide a wide range of diverse information about, and 360-degree views of, the Mammoth caldera and basin. Access to the Trails Project will be from the Casa Diablo Cutoff Road. Restrooms will be ADA-accessible via wood plank walkways. The interpretive site will be closed during winter months and snow events. On-site structures will include a site trailer for use by tour docents, a composting vault toilet facility, and a 1,500-gallon recycled water storage tank for the vault toilets. All building exterior surfaces will use colors and materials that complement the natural environment. In whole, the project will encompass 261,360 sq. ft. (6 acres); the disturbance area will represent less than one acre of land. An addendum is proposed to EIR State Clearinghouse #86110408. *Staff: Gerry Le Francois – p. 7*

More on back...

DISTRICT #1
COMMISSIONER
Mary Pipersky

DISTRICT #2
COMMISSIONER
Roberta Lagomarsini

DISTRICT #3
COMMISSIONER
Daniel Roberts

DISTRICT #4
COMMISSIONER
Scott Bush

DISTRICT #5
COMMISSIONER
Chris I. Lizza

5. ACTION ITEM

A. ONE-YEAR MAP EXTENSION 10-001/Haber. Find that the project was processed in accordance with Section 15183 of the CEQA Guidelines for a project consistent with the General Plan. No substantial changes have been proposed in the project or the circumstances under which the project will be undertaken, no new information of substantial importance has been received to warrant further environmental analysis, and approve the second one-year extension of Tentative Tract Map 10-001/Haber to Nov. 2, 2018, subject to the prior Conditions of Approval and Mitigation Monitoring Program as contained herein. *Staff: Gerry Le Francois – p. 41*

6. CONSENT ITEM

A. FINAL TRACT MAP 10-001/Haber. This Final Tract Map subdivides a 49.51-acre parcel (APN 064-090-034) into five two-acre parcels and one 39.50-acre parcel. This subdivision is located along Ridge View and Cougar Run in the community of Swall Meadows. The tentative map was originally recommended for approval by the Planning Commission on Aug. 12, 2010. State legislation AB208 & AB116 automatically extended this map for four years till 2016. Last year the Planning Commission granted a one-year extension to Nov. 2, 2017. Five of the six lots, two acres each, were part of the approved Rimrock Ranch Specific Plan (SP). The southern sixth lot of 39.50 acres with an existing single-family residence will retain a land use designation of Estate Residential (ER 2). *Staff: Walt Lehmann – p. 86*

7. WORKSHOP

A. CANNABIS POLICY & REGULATIONS. *Staff: Wendy Sugimura & Michael Draper – p. 109*

8. REPORTS

A. DIRECTOR

B. COMMISSIONERS

9. INFORMATIONAL: No items

10. ADJOURN to October 19, 2017, at Town/County Conference Room, Mammoth Lakes

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

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

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

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

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DRAFT MINUTES

August 17, 2017

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

STAFF: Scott Burns, director; Gerry Le Francois, principal planner; Wendy Sugimura, senior analyst; Christy Milovich, assistant county counsel; CD Ritter, commission secretary

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE: Chair Dan Roberts called the meeting to order at 10:18 a.m. in the board chambers at the county courthouse in Bridgeport, and attendees recited the pledge of allegiance to the flag.

2. PUBLIC COMMENT: No items

3. MEETING MINUTES

MOTION: Adopt minutes of June 15, 2017 (no July meeting) as amended: Item 4A discussion: **If PC intended same parcel, BOS would have put language in there, but didn't.** (Pipersky/Lizza. Ayes: 3. Abstain due to absence: Roberts. Absent: Scott Bush.)

4. BYLAW AMENDMENT ON REMOTE MEETING ATTENDANCE: Scott Burns cited benefit in winter. Gives flexibility. Roberts reminded that Bush thought better to have all in same room. Lizza suggested broader language to include other reasons, like road closure, earthquake, etc. Lagomarsini agreed other things happen.

MOTION: Amend verbiage to include "or other necessitating circumstances": Unless otherwise provided, meetings shall be held in the Board of Supervisors chambers, Courthouse, Bridgeport, California, **and teleconferenced to the Town County Conference Room in Mammoth Lakes. Although Commission preference is for all Commissioners to convene in a single location, in inclement weather or other necessitating circumstances, Commissioners may attend and participate at the noticed teleconference site.** (Lagomarsini/Pipersky. Ayes: 4. Absent: Bush.)

5. PUBLIC HEARING

A. CONDITIONAL USE PERMIT 17-011/Day for use of a home for short-term rental with owners living on site (Type I). The property is located at 193 Willow Brook Road in Crowley Lake. This parcel (APN 060-210-062) has a land use designation of Estate Residential (ER). A CEQA exemption is proposed.

Scott Burns reminded if less than full commission present when PC is final decision maker, applicant can "continue" item. If Lizza recused, only three needing unanimous vote. Day wanted to go forward.

Gerry Le Francois, substituting for Michael Draper, discussed first of two short-term rental applications. Large ER (Estate Residential) parcel, 3.2 acres, horses, corral, SFR, garage, accessory unit under construction. Draper got phone call from mobile home/RV park, not opposed, but wanted guests not to drive through property. Type I (owner-occupied) is OK for SFR, ER, C, RMH subject to use permit. Conditions address road concern. Have to final building permit, get C of O (Certificate of Occupancy), and comply with Ch. 25, 26. If conditions are violated, permit will be revoked.

Burns explained that Type I framework is allowed through Ch. 25, and make sure surrounding property owners are notified and legal notice published 30 days prior. Didn't do legal notice 30 days prior. Staff weighed noticing to property owners, so to continue item could lead to more confusion. Fully apprise PC. Newspaper notice a bit short.

Le Francois reminded noticing extends to 500', not usual 300'. Captured 10 additional properties.

Notice published, but not full 30 days? Burns cited quirk of not meeting in Mammoth Lakes. However, errors in giving notice shall not invalidate proceedings, according to State law and General Plan.

Condition #5: Unnecessary vehicle? *Came up on prior application, carryover.* Loader unnecessary? *Not in Mono County.*

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OPEN PUBLIC HEARING: Kai Day: Trailer park has 45 nightly tenants with tents, campers, etc. **Ron Day:** Lots more asphalt, room for FPD turnaround. **CLOSE PUBLIC HEARING.**

DISCUSSION: Pipersky saw it as perfect situation. Lagomarsini: Workforce housing? Pipersky: BOS came up with restriction that allows this use of property. Roberts: If circumstances warranted, owner could rent longer term. Le Francois: CUP for less than 30 days.

MOTION: Approve Conditional Use Permit 17-011 as submitted (*Pipersky/Lagomarsini. Ayes: 3. Recused: Lizza. Absent: Bush.*)

B. CONDITIONAL USE PERMIT 17-012/Conti for use of a home for a short-term rental with the owners living on site (Type 1). The property is located at 154 Hilton Creek Drive in Crowley Lake. This parcel (APN 060-180-018) has a land use designation of Estate Residential (ER). A CEQA exemption is proposed.

Gerry Le Francois described another Type I rental, surrounded by SFR. Additional access point, valid encroachment permit.

--- Christy Milovich arrived 10:49 am ---

Scott Burns noted four not five commissioners. Conti opted to proceed.

Main structure under remodel, how about garage? *Entrance to unit on side, main house in front.*

OPEN PUBLIC HEARING: Joe Conti, owner, wanted use permit after Mono created avenue for nightly rentals. Conti has been building on weekends. Long-term rentals didn't work out well, no access to unit, got rundown. Five years ago. Now used as guest house for family/friends. Great addition to community. Girlfriend Jamie has extensive knowledge in tourism/marketing, creating business partnerships. Good for community, not just applicant. **CLOSE PUBLIC HEARING.**

DISCUSSION: Pipersky: Comment letters? *None from 35 properties.* Lizza: Crowley bedroom community for people who live and work in area, not lot of nice vacation rental stock in Crowley Lake (by design). But, removes unit from workforce to vacation rentals. Priority is workforce. Recognize difficulties.

MOTION: Approve Conditional Use Permit 17-012 as submitted (*Lagomarsini/Pipersky. Ayes: 3. No: Lizza. Absent: Bush.*)

Roberts commented can't force someone to provide workforce housing, so let it be guest house.

6. WORKSHOPS

A. HOUSING NEEDS ASSESSMENT: Heidi Aggeler of BBC Research called into meeting. Burns stated Mono was awarded CDBG grant for housing survey to assess needs beyond 2010. Current suspension of Housing Mitigation Ordinance awaits change of circumstances. Consultant retained for survey, data, adjustments to ordinance that expires January 2018. Data also used by Town of Mammoth Lakes. Hope for complementary policies between Mono and Town.

Aggeler is doing housing analysis. Objective: Determine what want and need to know. Surveys designed for employers, permanent residents, in-commuter, seasonal residents. Affordability analysis. Telecom surveys used. Survey extended due to inclement weather. Had 41 employers who employ lower-income workers. Difficult to find housing: 87%. Retaining employees due to housing? 69% yes. Recruiting? 87% yes. How resolve: extra job, crowded conditions. Solution? Building more, manufactured homes, diversity of types, short-term rentals diversion. Help find solutions? About half yes. Goal: Adopt regulation policies by 12.31.17.

B. CANNABIS WORKSHOP: Wendy Sugimura cited challenges as rapidly changing state laws, how to regulate industry, emotional response to issue regardless of CA vote (tamped down after first outreach). People are spending money at their own risk to make things happen with no regulatory framework in place. Currently illegal, current moratorium. Strategy: Consistency analysis first. Two pieces: personal cultivation, commercial operations. Can't be more permissive than CA minimum standards. Could require use permit.

Personal cultivation: Outright legalization of six plants, can't sell. Allowed under CA law, but should Mono regulate location, odor, maximum area, screening, setbacks? Building codes address many details. LA County has regulations, but no policies.

Commercial types: Retail located 600' from school, hours 6 am -9 pm. Security plan. Delivery from business to private home.

Farm stand? *Don't know.*

Manufacturing: Wide range of potential impacts. Cannabis products are not considered food. Chain from grower to distribution to testing to retail. Antelope Valley is open to activities. Land use designations limited, mainly Ag & MU.

Distribution: Can't prohibit on public roads, passing through county. Warehouse type of use.

Testing: Required prior to market, so needed here. Check THC content, heavy metals. "Track and trace from seed to sale."

Commercial cultivation: Based on size, indoor vs. outdoor, less than one acre. Issue: Define Ag better. Cannabis is different from other crops. RM (Resource Management) and OS (Open Space) designations provide for agriculture, but only 10% soils disturbance. OS tends to be LADWP, which won't allow on its properties or by its lessees. Look at setbacks, screening, lighting (greenhouses blacked out at night). Mono prevailed in grow on RR (Rural Residential). AV wants grow on RR.

Maps: Removed federal and LADWP lands.

School buffers: 600' for commercial, not personal. June Lake is planning preschool Down Canyon. Crowley talked about corridor buffers.

Building permit: Growing without permit creates safety problems.

Timeline: PC workshop today, BOS workshop 09.19, PC 09.21, PC 10.19 adoption, BOS 11.14 adoption at public hearing, 11.21 for ordinance and extension.

PC feedback: Lizza: Actual usage omitted. Lounges? No, private residences. 1,000' buffer near schools. Lizza: Anything more than alcohol puts cannabis on pedestal. Roberts: CA has standards for alcohol and tobacco. Kids go everywhere, so why exclude so many. Common tactic to mention protecting kids. Why on pedestal above alcohol and tobacco? Sugimura: Check with ABC (Alcoholic Beverage Control). Lizza: Allow home brewing, why go beyond alcohol regulations? Minors allowed on premises? Not on retail. Sugimura: Outdoor grows potential attraction. Lizza: Grower more concerned at regulatory level.

Charlie Brown from Walker expressed concern for residential. If under lock/key, ventilated, and don't tell, who's going to know? Kids won't know who's growing if not advertised. Kids wouldn't break into grows, but maybe cash businesses. Limit to square footage. Dark sky lighting. Not see problem under property security measures. Most don't lock up prescription drugs or alcohol. Would like to start small commercial grow to spend time with family. Issues stereotype whole industry. Heard of Benton grow. Majority of Mono voted for cannabis. Specialty tax would be OK. Lack of education on subject due to 70+ years of being led wrong way. Prescription drugs kill more than marijuana ever will.

Sugimura stated BOS held workshop with consultant on Prop 64. Tax approved on ballot by vote of people. November 2018 first possibility. Nothing soon.

Tina Braithwaite, Benton Paiute tribal chair, is a cannabis tribe with regulatory commission, selling at tribe. If public has information on growers, open up to crime. Pro cannabis, though not a user. Saw change since April 20, decreased alcohol use, less crime, fewer issues at reservation. Helping elders with arthritis, decreased pain and less opioid consumption. Tribe is willing to work with Mono.

Sally Rosen, small business owner in Reno, moved back to Antelope Valley (AV). Has 50-acre property, wants cannabis. Antelope Valley has 1,500 acres RR (Rural Residential), all off table under current proposal. Difficulty with federal regulations. RR could increase business, provide economic opportunity. Small window exists where crop is valuable. Regulation not needed to make owners want to protect what they have. Hope Benton case does not take thousands of acres off table. Emphasized that AV wants to do what's good for community, work with County to be effective for all parties.

Roberts cited past years of stigma, hoped acceptance will ensue. Forbidden fruit aspect. Outreach is valuable.

C. LOCAL HAZARD MITIGATION PLAN: Wendy Sugimura started process. Last revised in 2006, supposed to update every five years. Approval by Cal Office of Emergency Services, FEMA. Eligible for hazard grant funding, protects residents. Done in coordination with Town, covers natural hazards such as avalanche, flooding, fire, mud flows, and severe winter storms. Risk assessment needed to establish new policies and projects, like secondary access routes. Survey out to communities, to RPACs, scoping survey on hazards of concern, have been experienced. Expecting one-year time frame. Consultant Michael Baker International will accept surveys till end of August, soft deadline. On Mono website.

7. REPORTS

A. DIRECTOR: Compliance Officer Nick Criss will contact commissioners about appeal hearing.

B. COMMISSIONERS: Pipersky will miss September meeting.

8. INFORMATIONAL: No items

9. ADJOURN at 12:46 pm to September 21, 2017

Prepared by CD Ritter, PC secretary

Mono County Community Development Department

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September 21, 2017

To: Mono County Planning Commission

From: Megan Mahaffey, accountant

Subject: Community Development Block Grant (CDBG) 2017 NOFA

RECOMMENDED ACTION

Hold public hearing to receive public information on potential projects and programs eligible for CDBG funding in the 2017 NOFA. Provide comment on project priorities for Mono County for the CDBG 2017 NOFA.

BACKGROUND

The Community Development Block Grant (CDBG) is a federal program allocated through the California Department of Housing and Community Development, Department of Housing and Urban Development (HUD). The CDBG program is available to all non-entitlement jurisdictions. A non-entitled jurisdiction is a county with fewer than 200,000 residents or unincorporated areas and cities with fewer than 50,000 residents.

Mono County has a history of successful CDBG applications. Funds awarded have covered a variety of activities including Technical Assistance, Housing, Child Care and Public Facilities. In previous years CDBG funds have been used for projects including the June Lake Community Center, Courthouse rehabilitation, Sierra East Mobile Home Park water purification, ADA park improvements and the First Time Homebuyer program.

DISCUSSION

The current Notice of Funding Availability (NOFA) applies to CDBG eligible activities funded under the Economic Development Set Aside, Community Development sub-allocation, Colonia Set Aside, Native American Set Aside. The NOFA for these funds was released on Sept. 1, 2017, with applications due Dec. 1, 2017. This year's NOFA is for approximately \$27 million. Mono County can apply for up to \$5 million for up to two qualifying activities. The attached charts provide detail on funding limits for eligible activities. Mono County is eligible to apply for funding in the 2017 NOFA provided 50% of the previous award has been spent. Typical activities funded under each of these areas predominantly benefit low- and moderate-income Californians and include:

- Business Assistance projects and programs;
- Microenterprise Assistance programs;
- Housing Program and Projects (homeownership assistance and rehab);
- Housing Acquisition projects;
- Public Improvements projects;
- Public Facility projects;
- Public Service programs; and
- Planning and Technical Assistance grants.

CDBG-funded activities may be carried out to benefit an entire jurisdiction, or just a specific area of the jurisdiction, including a combination of incorporated and unincorporated areas. A Service Area is a specific portion of a jurisdiction that will benefit from an activity. The service area will establish how the

proposed Low/Moderate Income (LMI) beneficiaries are determined. A service area must have at least 51% of its people/households documented LMI. A household is considered LMI if the income is 80% or less of the Area Median Income (AMI). The HUD 2017 median income for Mono is \$75,800, making the 80% limit \$42,500 for a single individual and \$60,650 for a family of four.

Please contact Megan Mahaffey for any further information or comments at 760-924-1836 or mmahaffey@mono.ca.gov. The Mono County CDBG public information file for this program can be accessed at the Mono County Community Development offices located at 437 Old Mammoth Rd. in Mammoth Lakes.

ATTACHMENT

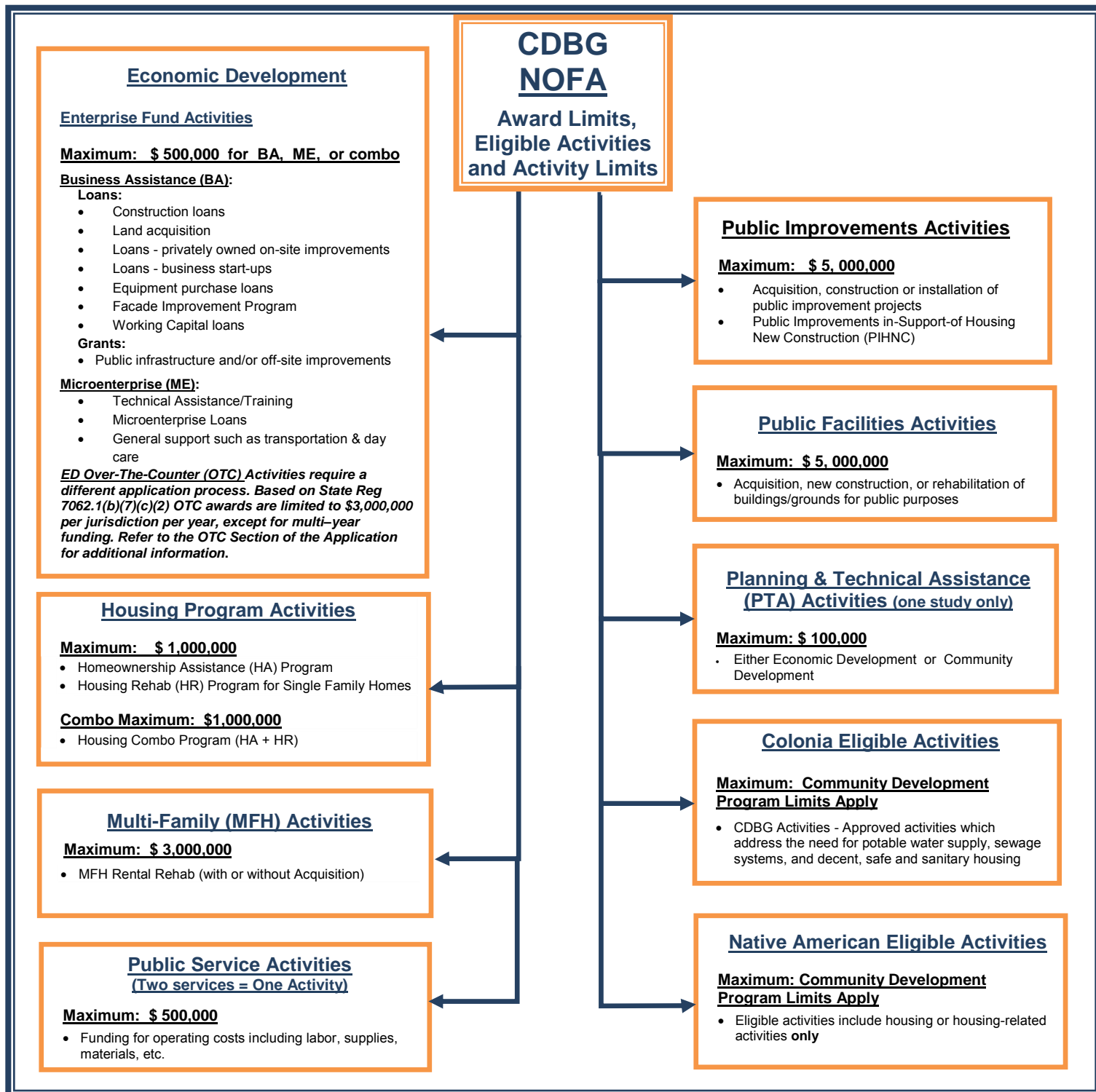
- Exhibit 1: Funding Limits and Eligibility Activities Chart

2017 CDBG APPLICATION

Funding Limits and Eligible Activities Chart

Application Maximum \$5,000,000 (excluding Colonia, Native American and OTC Activities)

Only two activities per application, except for combination programs, public services, or planning activity



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September 21, 2017

To: Mono County Planning Commission

From: Gerry Le Francois, Principal Planner

Re: Use Permit 16-00022/Casa Diablo Interpretative Geothermal Trails Project

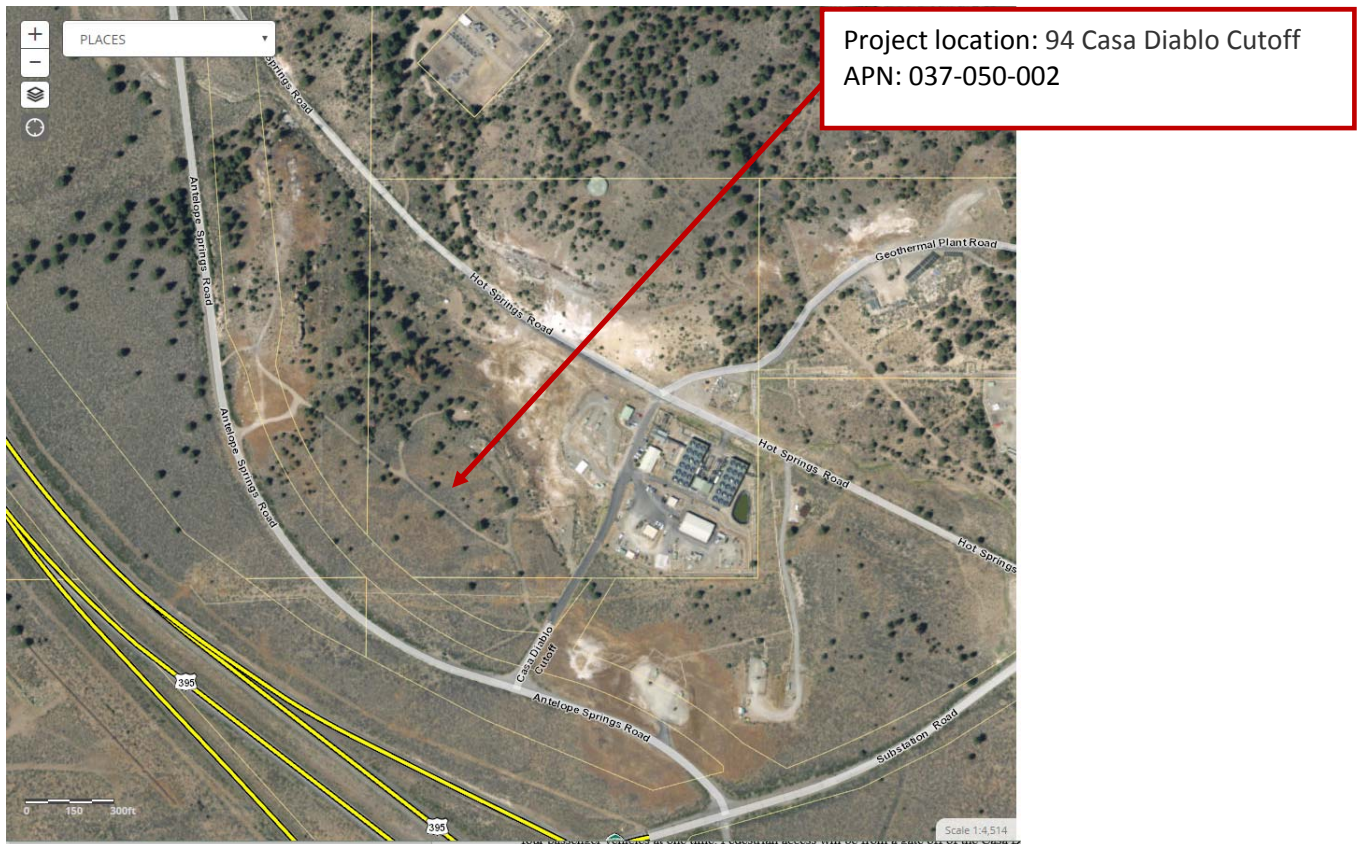
RECOMMENDATION

It is recommended the Planning Commission take the following actions:

1. Consider and certify the Addendum for the Casa Diablo Interpretative Geothermal Trails Project;
2. Make the required findings as contained in the project staff report; and
3. Approve Use Permit 16-00022 subject to Conditions of Approval.

PROJECT & BACKGROUND

The Southern Mono Historical Society (SMHS) proposes to construct the Casa Diablo Interpretive Trails Project, an educational geothermal trail that will fulfill a mitigation requirement adopted by the Mono County Board of Supervisors with the certification of the 1988 Final EIR (Environmental Impact Report) and EA (Environmental Assessment) for the *Mammoth Pacific Geothermal Development Project-Units II and III*.



The project is at the intersection of Antelope Springs Road and 94 Casa Diablo Cutoff. The APN 037-050-002 has a land use designation of Resource Management (RM) with a lease area of approximately six acres that could be used for interpretive purposes. The project would construct interpretive walking paths approximately 6 feet in width and approximately 1,500 linear feet along an approved lease area between SMHS and Ormat Technologies, Inc. The paths may be constructed of wooden planks, crushed rock, compacted soil, or asphalt, observation platforms, with interactive interpretive signage that will allow for visual and internet Wi-Fi access for viewers. Signage will focus on the cultural history and local geology, with an explanation of geothermal power. Bi-monthly tours guided by SMHS staff will be made available to local schools, residents and agencies, and the main observation deck will be made available to local residents and organizations for group talks and gatherings.

On-site structures will include a site trailer for use by tour docents, a composting vault toilet facility, and a 1,500-gallon recycled water storage tank for the vault toilets. Electricity from the Ormat plant will power Wi-Fi access and ventilation fans for the toilets, and recycled water will be provided under a will-serve agreement with Mountain Meadows Mutual Water Company. All building exterior surfaces will use colors and materials that complement the natural environmental. In whole, the Casa Diablo Interpretive Trails Project will disturb less than one acre of land.

Access to the project would be from the Casa Diablo Cutoff Road with public parking for up to four passenger vehicles at one time. Pedestrian access will be from a gate off the Casa Diablo Cutoff Road for self-guided tours. Bus and ADA access will be provided on an appointment basis by a local Southern Mono Historical Society attendant. This road will remain closed to vehicular traffic with the exception of project service vehicles, ADA needs, and buses. A minimal amount of fencing will be erected at the entrance with a locked vehicle gate across the road.

LAND DEVELOPMENT TECHNICAL ADVISORY COMMITTEE

The LDTAC met October 17, 2016, to review, provide input on the project proposal, and continue the processing of the proposed Conditional Use Permit.

COMMENTS RECEIVED

Notice of the project was mailed to agencies and property owners in the vicinity. Six comments were received and are contained in Attachment C of the Addendum.

GENERAL PLAN CONSISTENCY

The project is consistent with the **Mammoth Vicinity Area Plan** action 21.B.4.b:

Develop additional interpretive sites in the area, such as the proposed geothermal interpretive center, as funding becomes available.

In addition this is a required mitigation measure from the 1988 Final EIR and EA (Final EIR/EA) for the Mammoth Pacific Geothermal Development Project-Units II and III.

CEQA COMPLIANCE

In March 1988, the Mono County Board of Supervisors certified the Final EIR and EA (Final EIR/EA) for the Mammoth Pacific Geothermal Development Project-Units II and III. The 1987 project and Final EIR/EA entailed the construction and operation of two 12-megawatt (MW) geothermal electric generating plants on a 90-acre privately owned parcel. The Mono County Energy Management Department subsequently prepared an Addendum to the Final EIR in October 1988.

In September 2012, Mono County certified a Final EIR for the Mammoth Pacific I Replacement Project, which allowed for replacement of MP-1 with a more modern and efficient plant using advanced technology; the replacement plant was referred to as “M-1” and constructed about 500’ northeast of the old MP-1 facility. Like the original MP-I, the replacement M-1 plant is located in the geothermal complex directly northeast of the SR 203 off-ramp from US 395 (about 2.5 miles east of the town of Mammoth Lakes in Mono County, California).

CEQA §15162 requires a Lead Agency to prepare an addendum to a previously certified EIR if there will be changes or additions to an approved project, but none of the conditions described in §15162 are present. None of the proposed interpretive site elements would require preparation of a subsequent EIR.

See Attachment 2 for the Casa Diablo Interpretative Geothermal Trails Project Addendum. The 1987 and 1988 Final EIR have been provided digitally to the Commission, a hard copy is available upon request, and a hard copy shall be available at the meeting. The document can be downloaded by the public from the Planning Division website here:

http://monocounty.ca.gov/sites/default/files/fileattachments/planning_division/page/391/feir_mp-ii1987_1988_ceqa_docs.pdf

Printed copies are available upon request for the cost of duplication.

USE PERMIT FINDINGS

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

Section 32.010, Required Findings:

1. *All applicable provisions of the Mono County General Plan are complied with, and the site of the proposed use is adequate in size and shape to accommodate the use and to accommodate all yards, walls and fences, parking, loading, landscaping and other required features because:*

On-site structures, parking, vehicular access and lot coverage are in compliance with the development standards of the Resource Management Land Use Designation, and all other applicable Mono County General Plan regulations and policies.

2. *The site for the proposed use related to streets and highways is adequate in width and type to carry the quantity and kind of traffic generated by the proposed use because:*

The property is accessed from Antelope Springs, a County-maintained road, with parking adjacent to Casa Diablo Cutoff Road. The project is not expected to generate a significant increase in traffic. This project is implementing an existing environmental mitigation measure U.5. of the certified FEIR and Addendum (SCH #86110408) Mammoth Pacific Geothermal Development Project, Units 2 & 3.

3. *The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located because:*

The project is accessory to and supportive of adjacent geothermal operations, providing interpretive information of the facility and surroundings. Requests for comments were sent to various agencies, and comments have been addressed in the Addendum for the Casa Diablo Interpretive Geothermal Trails Project.

4. *The proposed use is consistent with the map and text of the Mono County General Plan because:*

This interpretive trails concept is consistent with the Mono County Trails Plan and specifically supported by **Mammoth Vicinity Area Plan** action 21.B.4.b that supports additional interpretive sites in the area.

MONO COUNTY

Planning Division

DRAFT NOTICE OF DECISION & USE PERMIT

USE PERMIT: CUP 16-00022

APPLICANTS: Southern Mono Historical Society

ASSESSOR PARCEL NUMBER: 037-050-002

PROJECT TITLE: Casa Diablo Interpretive Trails

PROJECT LOCATION: 94 Casa Diablo Cutoff, east of the 203 / 395 intersection on APN 037-050-002

On September 21, 2017, a duly advertised and noticed public hearing was held and the necessary findings, pursuant to Chapter 32.010, Land Development Regulations, of the Mono County General Plan Land Use Element, were made by the Mono County Planning Commission. In accordance with those findings, a Notice of Decision is hereby rendered for Use Permit 16-00022, subject to the following conditions, at the conclusion of the appeal period.

CONDITIONS OF APPROVAL

See attached Conditions of Approval

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

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

DATE OF DECISION/USE PERMIT APPROVAL: September 21, 2017

EFFECTIVE DATE USE PERMIT October 2, 2017

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

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

MONO COUNTY PLANNING COMMISSION

DATED: September 21, 2017

Applicant	<u> X </u>	Compliance	<u> X </u>
Public Works	<u> X </u>	Other agency	<u> </u>
Building	<u> X </u>		

Use Permit 16-00022/SMHS Casa Diablo Trails

Conditional Use Permit 16-00022/SMHS

September 21, 2017

- 1) Project shall comply with all Mono County Building Division requirements.
- 2) Applicant shall obtain a “will-serve” permit from the Long Valley Fire Protection District, if required.
- 3) This approval does not change or modify any pre-existing conditions and/or mitigation measures of prior project approvals.
- 4) If any of these conditions are violated, this permit and all rights hereunder may be revoked in accordance with Section 32.080 of the Mono County General Plan, Land Development Regulations.

ADDENDUM TO THE FINAL EIR



CASA DIABLO INTERPRETIVE GEOTHERMAL TRAILS PROJECT

STATE CLEARINGHOUSE #86110408

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

SEPTEMBER 2017

A. INTRODUCTION

The Southern Mono Historical Society (SMHS) plans to construct the Casa Diablo Interpretive Trails project, an educational geothermal trail that will fulfill a mitigation requirement adopted by the Mono County Board of Supervisors with the certification of the 1988 Final EIR and EA for the *Mammoth Pacific Geothermal Development Project-Units II and III*. Implementation of the planned project will require approval by the Mono County Planning Commission of Conditional Use Permit 16-00022. This Addendum has been prepared to inform the Mono County Planning Commission of the history of the project, to present CEQA guidelines governing the appropriate form of environmental review, and to enable the Planning Commission to consider whether the required Geothermal Trails Conditional Use Permit (CUP) 16-00022 should be approved.

This Addendum provides eight sections with information as summarized below:

Section A: Introduction

Section B: A description of the 1988 Geothermal Project Final EIR/EA history and background

Section C: The CEQA basis for the 1998 FEIR/EA mitigation requirement

Section D: Description of the Interpretive Trail Elements

Section E: CEQA provisions governing the preparation of Addendums

Section F: Factors requiring use of an Addendum to address the Casa Diablo Interpretive Trails project

Section G: Public outreach and request for comments

Section H: CEQA procedures associated with use of an Addendum

Section I: Potential future elements of the Geothermal Trails Project.

Attachments to this Addendum include:

Attachment A: Site Plan

Attachment B: Request for Comments

Attachment C: Written comments received

B. HISTORY AND BACKGROUND

In March of 1988, the Mono County Board of Supervisors certified the Final EIR and EA (Final EIR/EA) for the *Mammoth Pacific Geothermal Development Project-Units II and III*. The 1987 project and Final EIR/EA entailed the construction and operation of two 12-megawatt (MW) geothermal electric generating plants on a 90-acre privately-owned parcel in the southwest part of Long Valley.

The Mammoth Pacific geothermal development complex is located in the eastern Sierra Nevada. The complex currently comprises three power plants that generate a combined capacity of 29 megawatts (sufficient to serve about 22,000 homes). The first power plant (originally identified as MP-1 and now known as G1) started operation in 1984. The second and third plants (then known as MP-II and PLES-1, and now called G2 and G3), started operations in 1990.

MP-II is located on the 90-acres owned by Ormat Nevada Inc. in the southwest part of Long Valley and PLES-I is located immediately south of MP-II on lands administered by the Inyo National Forest and on BLM geothermal lease CA 11667. The County of Mono was lead agency under CEQA for the 1987 project, and the Bureau of Land Management was lead agency under NEPA. The Mono County Energy Management Department subsequently prepared an Addendum to the Final EIR in October 1988.

In September 2012, Mono County certified a Final EIR for the *Mammoth Pacific I Replacement Project*, which allowed for replacement of MP-1 with a more modern and efficient plant using advanced technology; the replacement plant was referred to as “M-1” and constructed about 500’ northeast of the old MP-1 facility. Like the original MP-I, the replacement M-1 plant is located in the geothermal complex directly northeast of the SR 203 offramp from US 395 (about 2.5 miles east of the Town of Mammoth Lakes in Mono County, California).

C. CEQA BASIS AND REQUIREMENTS FOR THE GEOTHERMAL TRAIL PROJECT

CEQA requirements for the Geothermal Trail project were triggered by the 1988 Conditional Use Permit¹ issued by Mono County for the construction and operation of the MP-II and PLES-1 generating plants, pipelines for transmission of the geothermal fluid, the production and injection well fields, and an electrical transmission line. As noted above, the County of Mono was lead agency under CEQA for the 1987 project (the Bureau of Land Management was lead agency under NEPA), and the County of Mono was also lead agency under CEQA for the 2012 MP-1 replacement project.

The 1988 Final EIR identified 3 significant and potentially unavoidable adverse impacts: (1) Hydrologic impacts on surface thermal features resulting from geothermal injection and production; (2) Economic impacts on employment, rentals & retail sales in the event the geothermal resource becomes depleted; and (3) Recreational impacts associated with potential depletion of thermal springs at Hot Creek Gorge due to project operations. In addition, the Final EIR identified a wide range of significant effects that could be reduced to less than significant levels through implementation of mitigation measures. The significant but mitigable effects included the following impact:

Significant Effect. The power plants would attract the attention of people in the vicinity because it is so different from the surrounding scenery.

Statement of Facts. The Mono County Board of Supervisors has required that: an informational kiosk be constructed in the Casa Diablo area which describes the geothermal features of the area as a regional point of interest and describes how the geothermal resource is being utilized in terms which casual visitors to the site can understand [Condition L.3]; and periodic visitor site tours of the Mammoth-Pacific project area and power plant be conducted to acquaint interested members of the public with the beneficial uses of geothermal energy resources in Mono County [Condition L.4].²

Finding. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. “

In Attachment C to the FEIR Certification, Mono County presented the conditions for approval of Conditional Use Permit (CUP) No. OIE-86-02. CUP No. OIE-86-02 acknowledged that the Hot Creek Gorge Springs and Hot Creek Hatchery springs are very significant environmental and economic resources for the eastern Sierra, and noted that the approved project could pose significant impacts to those resources and the economic, recreational and tourism interest that depend on them. The CUP specifically concluded that, “*This permit would not be issued in the absence of*

¹ A Conditional Use Permit (CUP) is a discretionary permit issued by the Planning Commission, typically for uses that may be compatible with surrounding land uses under certain conditions. After holding a public hearing to receive input and comment, the Planning Commission sets conditions or standards, makes the required Use Permit “findings” and issues Use Permits.

²The 1988 FEIR mitigation stated: “*The project sponsor should be encouraged to participate in the installation of an informational display which passers-by could visit. It could be as modest as a kiosk or as ambitious as a formal visitor’s center, but it should describe the nature of the geothermal resource and how it is being utilized in a way that casual visitors could understand. Ideally this would be done in cooperation with the owners and operators of the other power plants in the area, and coordinated with the U.S.F.S. and Mono Co. Office of Geothermal Development.*”

these conditions [for CUP OIE-86-02] and the certainty of their enforceability.” The conditions of approval pertaining to the informational kiosk are contained under CUP Section M (Other):

“M. OTHER.

- 1) The Permit Holder shall utilize a program for local (“first source”) hiring to the extent practical and provided it is permissible under state and federal law and regulations.
- 2) The Permit Holder shall conduct all operations in compliance with applicable safety requirements and standards of Cal/OSHA and federal OSHA.
- 3) The Permit Holder shall construct an informational kiosk in the Casa Diablo area which describes the geothermal features of the area as a regional point of interest, and which describes how the geothermal resource is being utilized.
- 4) The Permit Holder shall conduct periodic visitor site tours of the project area and power plant to acquaint interested members of the public with the beneficial uses of geothermal energy resources.
- 5) The Permit Holder shall obtain a performance bond from the project contractor or equivalent security or other financial assurances acceptable to the MCDPW [Public Works].”

CUP Section A, General Provisions, Item 13, addressed the requirements associated with implementing permit conditions, as outlined below:

“13) COUNTY APPROVAL: A number of permit conditions require prior approval by County officials for certain required plans or other submittals. Such approval shall not be unreasonably withheld.”

Consistent with requirements of the 1988 approvals, Ormat Technologies, Inc. (current owner and operator of the Geothermal Development Project) in 2012 submitted an application for a CUP to implement the Geothermal Trails Project. The 2012 project was withdrawn when SMHS expressed interest in serving as project sponsor and expanding the scope of educational trail features. SMHS and Ormat subsequently entered into an agreement wherein SMHS would take responsibility for implementing the requirements of CUP OIE-86-02 on land that would be leased to the Historical Society at a rate of \$1 per year for as long as the geothermal operations continue. The new CUP application was submitted to the County by SMHS during October 2016.

The 2016 application is similar in concept and layout to the project submitted in 2012. However, the current plan more explicitly embodies the concept of an outdoor museum, to be designed and managed by SMHS, with signs and trails and periodic tours to provide comprehensive information to the public about the geothermal, cultural, biological and geological features of the region.

D. DESCRIPTION OF CASA DIABLO GEOTHERMAL INTERPRETIVE TRAIL ELEMENTS

SMHS, in cooperation with Ormat, is now planning to implement the 1987 Condition of Project Approval that calls for construction of an informational facility and periodic site tours. As illustrated in Attachment A (Site Plan), the ‘Casa Diablo Interpretive Trails Project’ will consist of the following elements:

1. **Geothermal Trail:** Trail segments will be constructed of varied materials. Depending on location and use, the materials will include wooden planks, crushed rock, compacted soil, and asphalt. Interactive interpretive signage will be provided along the trail length, linking to and drawing on the format and design used in the Town of Mammoth Lakes Way-Finding Trails project. Signage will focus on cultural history, local geology, biological resources, and geothermal power development and production. The trail system will include two wooden observation decks with safety features, to view the Long Valley caldera (including active and inactive fumaroles) and the geothermal power plant.
2. **Educational Exhibits and Tours:** Interpretive signage, photographs, displays and viewing platforms will provide a wide range of diverse information about, and 360-degree views of, the Mammoth caldera and basin. Bi-monthly tours guided by SMHS staff will be made available to local schools, residents and agencies, and the main observation deck will be made available to local residents and organizations for group talks and gatherings. Displays will feature interactive IT elements (using ‘QR Codes’), updated regularly to reflect new information and changes in technology and area conditions. SMHS envisions working with leading educators to provide a wide range of learning and experiential programs.

3. **Signage:** In response to concerns raised during the public outreach by Mammoth Community Water District (MCWD), SMHS and Mono County have met with MCWD to review and obtain MCWD concurrence regarding trail signage and docent training guidelines.
4. **Parking and Access:** Access to the Trails Project will be from the Casa Diablo Cutoff Road. Public parking spaces adequate to accommodate 4 passenger vehicles will be provided on the cutoff road in the existing County right-of-way, a very short walking distance from the main entry gate, to allow self-guided tours. Special access and tour features will be provided for buses and ADA visitors, including SMHS attendants to open the special access area to ADA visitors and tour buses (by appointment), a dedicated van-accessible parking area, an ADA-compliant bus pullout and turn-around area, a 6-foot wide ADA-accessible interactive trail system, and ADA-accessible viewing platforms. Restrooms will be ADA-accessible via wood plank walkways. The interpretive site will be closed during winter months and during snow events, and 'Do Not Trespass' signs will be posted to protect adjoining landholdings.
5. **Hazards and Security:** Night vision security cameras will be placed around the project site, linked to the internet and to the Ormat control room, which is continuously manned. No night lighting is planned. A public announcement/ notification system will be installed to alert guests of emergencies that require evacuation. The entry gate to the bus and ADA parking area will remain locked outside of scheduled appointments, with security fencing extending roughly 20 feet on each side of the entry gate at a height of 6 feet.
6. **Tribal Consultation:** SMHS has undertaken a comprehensive consultation process to ensure that cultural signs and exhibits accurately reflect the long tribal history in this region.
7. **Structures:** On-site structures will include a site trailer for use by tour docents, a composting vault toilet facility, and a 1,500-gallon recycled water storage tank for the vault toilets. Electricity from the Ormat plant will power Wi-Fi access and ventilation fans for the toilets, and recycled water will be provided under a will-serve agreement with Mountain Meadows Mutual Water Company. All building exterior surfaces will use colors and materials that complement the natural environment. In whole, the Casa Diablo Interpretive Trails Project will encompass 261,360 sq. ft. (6 acres); the disturbance area will represent less than 1 acre of land.

E. CEQA PROVISIONS FOR PREPARING AN ADDENDUM TO A FINAL EIR

The California Environmental Quality Act, §15162, states that preparation of a subsequent EIR is required where one or more of the following occurs:

“(a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

- (1) Substantial changes are proposed...which will require major revisions of the previous EIR...due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;*
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken... due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or*
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete shows any of the following:*
 - (A) The project will have one or more significant effects not [previously] discussed;*
 - (B) Significant effects... will be substantially more severe than shown in the previous EIR;*
 - (C) Mitigations or alternatives previously found [in]feasible would in fact be feasible;*
 - (D) Mitigation measures or alternatives... considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects.”*

In turn, CEQA §15164[a] states that: *“(a) The lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in § 15162 calling for preparation of a subsequent EIR have occurred.”*

F. USE OF ADDENDUM FOR THE CASA DIABLO GEOTHERMAL TRAIL PROJECT

As described above, CEQA §15162 requires a Lead Agency to prepare an addendum to a previously-certified EIR if there will be changes or additions to an approved project, but none of the conditions described in §15162 are present. As detailed below, none of the proposed interpretive site elements would require preparation of a subsequent EIR.

1. **No Substantial Changes in the Project:** As described in Addendum §B, the Mono County Board of Supervisors certified the Final EIR and EA (Final EIR/EA) for the *Mammoth Pacific Geothermal Development Project-Units II and III* during 1988. Among the potentially significant impacts identified therein was the finding that *“The power plants would attract the attention of people in the vicinity because it is so different from the surrounding scenery.”*

As stated in the Final EIR Statement of Facts: *“The Mono County Board of Supervisors has required that: an informational kiosk be constructed in the Casa Diablo area which describes the geothermal features of the area as a regional point of interest and describes how the geothermal resource is being utilized in terms which casual visitors to the site can understand [Condition L.3)]; and periodic visitor site tours of the Mammoth-Pacific project area and power plant be conducted to acquaint interested members of the public with the beneficial uses of geothermal energy resources in Mono County [Condition L.4].”³*

Based on the above, the Final EIR Findings concluded that *“Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.”* The associated CUP conditions of approval expanded upon requirements of the Final EIR, clarifying that the informational kiosk would be located in the Casa Diablo area, would describe the geothermal features of the area as a regional point of interest, and would describe how the geothermal resource is being utilized. The CUP conditions also required that the permit holder conduct periodic visitor site tours of the project area and power plant to acquaint interested members of the public with the beneficial uses of geothermal energy resources.

The Casa Diablo Geothermal Interpretive Trail Project is consistent with the adopted requirements. Project elements have been designed to describe geothermal features of the area as a regional point of interest and to acquaint interested members of the public with the beneficial uses of geothermal energy and other natural and cultural resources in Mono County. The proposed Geothermal Trails Project is wholly consistent with the intent and with the spirit of the 1998 FEIR Findings and adopted Conditions of Approval.

2. **No Substantial Changes in the Circumstances of Project Implementation that cause New or more Severe Impacts:** The Trails Project will use electricity provided by the Geothermal Power Plant, delivered via overhead power lines. Security at the Geothermal Trail Project will utilize the Geothermal Plant’s night vision cameras and full-time monitoring staff. Recycled water to periodically clean the vault toilets will be provided by MMMWC and stored in a 1,500-gallon buried tank. The fundamental purpose of the Geothermal Trails Project is to illustrate the mechanisms of geothermal energy production, and the trails and observation decks will be designed and located to illustrate the mechanisms of geothermal energy production and natural and cultural features of the region. None of project circumstances have potential to introduce new impacts or impacts more severe than were analyzed in the 1988 Final EIR/EA.
3. **No Substantial New Information points to new Project Impacts, or Impacts that will be More Severe, or Mitigations/Alternatives that would now be Feasible, or new Mitigations/Alternatives that could reduce Significant Effects.** The 1998 Final identifies a wide range of potentially significant adverse environmental effects associated with the Geothermal Development Project. Findings for the project concluded that all

³ The 1987 Final EIR mitigation measure stated: *“The project sponsor should be encouraged to participate in the installation of an informational display which passers-by could visit. It could be as modest as a kiosk or as ambitious as a formal visitor’s center, but it should describe the nature of the geothermal resource and how it is being utilized in a way that casual visitors could understand. Ideally this would be done in cooperation with the owners and operators of the other power plants in the area, and coordinated with the U.S. Forest Service and Mono County office of Geothermal Development.”*

impacts would be substantially lessened or avoided through mitigation measures adopted by Mono County (including the required informational kiosk) or were the responsibility of other agencies and not subject to mitigation by Mono County.

The Geothermal Trails Project does not shed new light on any of the Findings adopted by Mono County to address the geothermal development project impacts, their severity, mitigation or avoidance. As noted above, the 1988 Final EIR/EA provided extensive analysis of the potential impacts of geothermal development. Since 1988, the site has been fully surveyed to obtain updated biological and cultural assessments, including multiple biological surveys conducted by Dr. James Paulus (Paulus, 2016), and a cultural resource survey with onsite transects that was conducted by Pacific Legacy in 2009.

Dr. Paulus again surveyed the site for SMHS in December of 2016; the December report concluded that the Geothermal Trail project can be implemented without significant adverse impacts to onsite biological resources provided the project incorporates nine recommended design elements.⁴ SMHS has incorporated all 9 design elements into the implementation plan. Copies of all reports are on file with the Community Development Department and available for public review.

The Southern Mono Historical Society is also working with cultural resource specialists in the area (including the Manzanar Historic Site) to obtain materials that will educate site visitors in the history and prehistory of the Mammoth Basin and the larger eastern Sierra region.

Finally, the future of and impacts associated with geothermal development in the Mammoth Basin will not impact the Trails Project unless geothermal development ceases in this area, since terms of the geothermal trails lease agreement stipulate that the trails project will be allowed only as long as geothermal development is operational at the facility.

The above considerations indicate that the Geothermal Trails Project does not meet any of the CEQA conditions requiring preparation of a subsequent EIR, and is consistent with the CEQA conditions calling for preparation of an Addendum. This Addendum has been prepared to inform the Mono County Planning Commission of how the adopted 1988 mitigation measure and conditions of approval will be implemented, and to enable the Planning Commission to consider whether the required Geothermal Trails CUP 16-00022 should be approved.

G. PUBLIC OUTREACH

Prior to preparing this Addendum, the Mono County Community Development Department sent correspondence to all potentially concerned agencies and entities describing the project and requesting comments on the Geothermal Trails project and on the proposed use of Addendum. The County received written comments from Mammoth Community Water District, United States Forest Service, CALFIRE, Lahontan Regional Water Quality Control Board, Los Angeles Department of Water and Power, and the Town of Mammoth Lakes. The project incorporates changes to reflect the concerns and requests of all commenting agencies and entities. A copy of the Request for Comments is provided as Attachment B, and Attachment C provides a copy of all written comments received. Below is a list and summary of the written comments, along with information about how the comments have been addressed.

Mammoth Community Water District (MCWD): MCWD requested information about (a) the entities responsible for project implementation and the development of project signage and docent guidelines [all signage and guidelines

⁴ The nine design elements include: (1) limits on temporary fencing, (2) use of native materials as OHV barriers (where needed), (3) shutters for any new night lighting, (4) secure trash storage from wildlife, (5) leashing of dogs, (6) posted slow vehicle speed limits (15 mph), (7) pre-construction crew instructions in wildlife avoidance measures (trash, dogs, vehicle speed limits), (8) check soils for American badger and Sierra Nevada red fox burrows during the week prior to construction, and consult with Dept. of Fish and Wildlife if burrows are identified; and (9) if construction will occur between February 15-August 31, survey all ground and vegetation (within 100' of any construction/devegetation areas) for active bird nests; flag a buffer zone and consult with Dept. of Fish and Wildlife if nests are found.

have since been reviewed with and to the satisfaction of MCWD]; (b) the source, type and permitting requirements for water and water storage facilities to be used on site [Mountain Meadows Mutual Water Company has agreed to provide a will-serve letter to supply nonpotable water to the site; the water will be stored in a 1,500 gallon tank that SMHS will fund and construct; drinking water will be limited to bottles brought to the site for personal consumption by visitors and docents]; (c) emergency alert systems [the existing ORMAT 24-hour emergency alert system will serve the project, and docents will be trained in emergency evacuation procedures]; (d) details of the partnership agreement between Ormat and SMHS and project funding sources; all project elements will be funded through project grants and donations; (e) winter access [the trail will be closed during winter months]; (f) the source of irrigation supplies and method for plant selection [onsite plants will be irrigated with nonpotable water supplied by MMMWC, and all plantings and topsoil sources will conform with guidelines established in the December 2016 report prepared for SMHS by Dr. Jim Paulus]; and (g) irrigation supplies for the future greenhouses [as noted in this Addendum, the greenhouses will require separate CEQA compliance and are not a part of the current project, but if later approved SMHS plans to irrigate with nonpotable water supplied by MMMWC and stored in a 15,000-gallon tank donated by the Town of Mammoth Lakes for this future use].

United States Forest Service (USFS): USFS indicated that they have no comments.

CALFIRE: CalFire noted that qualifying structures must comply with PRC 4290 and 4291 requirements for a 100' defensible space perimeter [only the vault toilets are qualifying structures, and they will be designed to fully comply with the 100' defensible space requirement]

Lahontan Regional Water Quality Control Board (LRWQCB): LRWQCB acknowledged project design elements that will protect water quality, and offered three comments: (a) an NPDES permit would be required if land disturbance exceeds 1 acre [Triad indicates that land disturbance will be well under 1 acre], (b) recommended use of gravel-covered driveways and parking spaces in lieu of impervious surfaces, adding that gravel is superior to asphalt for infiltration purposes [driveways and parking spaces will be constructed of gravel as recommended]; (c) the proposed use of elevated walkways will discourage off-trail exploration and reduce erosion and damage to habitat.

Los Angeles Department of Water and Power (LADWP): LADWP noted the presence of an LADWP ranch lessee located at the west end of the trail, a drainage easement northwest of the project, and SCE power lines on the west side of the project. LADWP asked whether SMHS would provide gates and 'no trespass' to ensure that Trail visitors do not enter onto these adjacent private lands ['Do Not Trespass' signs will be posted at all access points and access to all access gate keys will be strictly limited; these provisions have since been reviewed with and to the satisfaction of LADWP].

Town of Mammoth Lakes: The Town indicated support for the project, particularly the interpretive project components and the use of sign design standards and naming conventions that are consistent with the Mammoth Lakes Trail System program.

H. CEQA PROCESS FOR ADDENDA

CEQA §15164(c-e) states that *“an Addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration. The decision-making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project. A brief explanation of the decision not to prepare a subsequent EIR pursuant to §15162 shall be included in an addendum to an EIR, the lead agency’s findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.”*

Based on the substantial evidence, considerations and analyses presented above, and based on the provisions contained in CEQA §15162[a] and §15164[a] as presented in their entirety in this Addendum, it is concluded that none of the conditions calling for preparation of a subsequent EIR have occurred. The County of Mono, acting as Lead Agency, has therefore determined that this Addendum to the certified 1988 Final EIR/EA for the *Mammoth Pacific Geothermal Development Project-Units II and III Project* is the appropriate CEQA document for the proposed Casa Diablo Geothermal Interpretive Trails Project.

I. FUTURE PROJECT ELEMENTS

SMHS has indicated its intent to submit plans for installing up to three commercial-grade greenhouses on the project site, and a 15,000-gallon recycled water storage tank for irrigation of plant materials. The greenhouses will provide native plant seeds and seedlings for use in on-site landscaping, for fund-raising, and for projects in the larger region that require use of locally-sourced native plant materials. Recycled water will be used to irrigate the greenhouse plant materials and all onsite landscaping. It is anticipated that the recycled supply will be trucked to the site by Mountain Meadows Mutual Water Company and stored in a 15,000 gallon surplus water tank that has been donated to the project by the Town of Mammoth Lakes (the tank was previously located at Shady Rest Park, until recent decommissioning).

SMHS has also indicated the long-term goal of establishing a series of cultural learning and experiential programs, supported by a historical and scientific research center on this site.

Because the greenhouse and other potential future elements were not contemplated in the 1988 Final EIR/EA mitigation requirement or in CUP No. OIE-86-02, these activities are not eligible for use of an Addendum and will be addressed under separate environmental review process(es).

ADDENDUM ATTACHMENTS

Attachment A: Site Plan

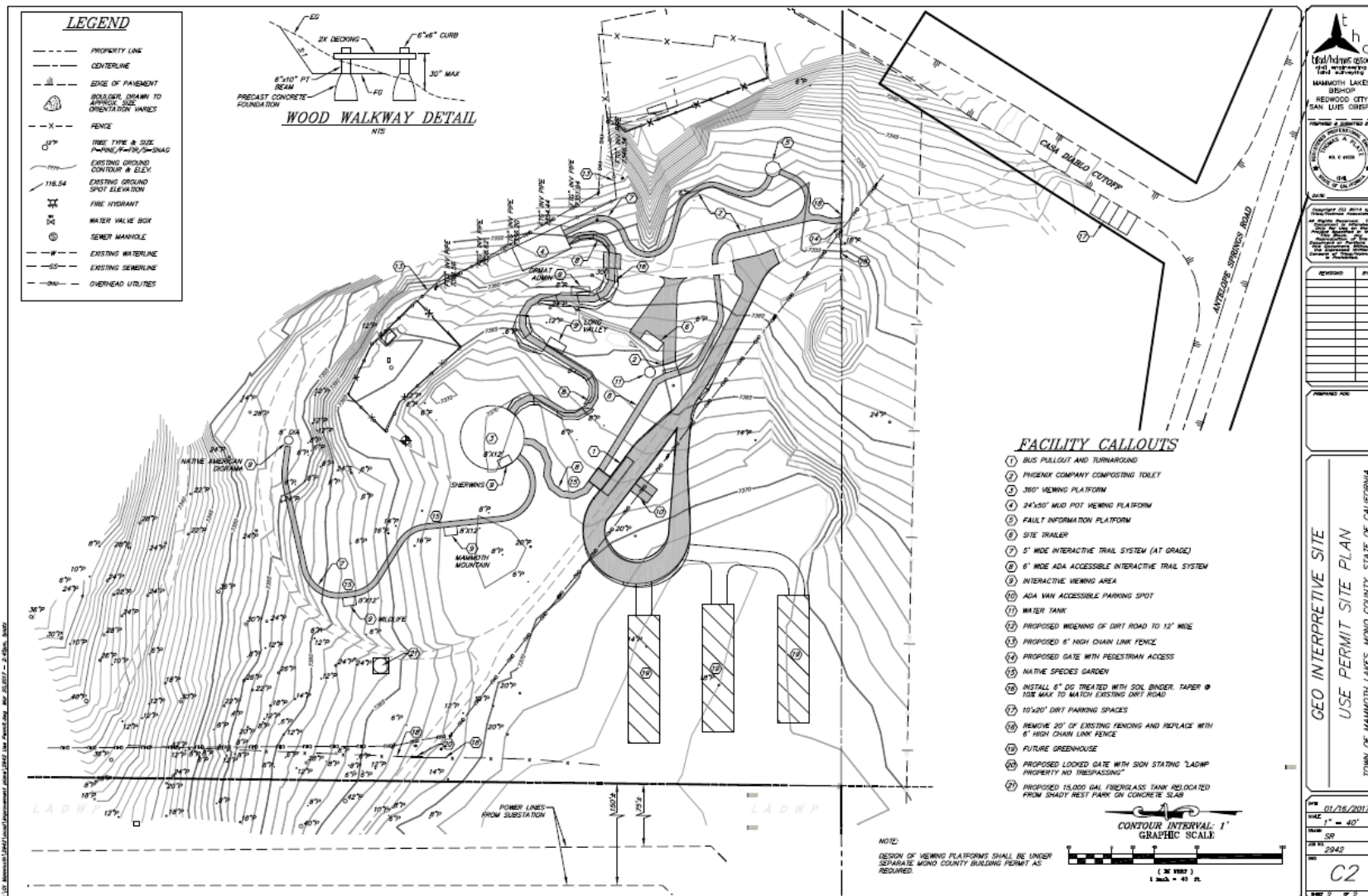
Attachment B: Request for Comments

Attachment C: Written comments received

Addendum Attachment A

GEOHERMAL TRAIL PROJECT SITE PLAN

GEOHERMAL TRAIL PROJECT SITE PLAN



Addendum Attachment B

**REQUEST FOR COMMENTS ON THE
GEOHERMAL TRAIL PROJECT**

**Mono County
Community Development Department**

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

Planning Division

PO Box 8
Bridgeport, CA 93517
760-932-5420, fax 932-5431
www.monocounty.ca.gov

17 November 2016

TO: Interested Parties and/or Public Agencies

FROM: Paul McFarland, Assistant Planner

RE: REQUEST FOR COMMENTS

PROJECT: Conditional Use Permit 16-00022/Geothermal Interpretive Trail System

As owner of the Mammoth Pacific Geothermal project, Ormat Technologies, in partnership with the Southern Mono Historical Society (SMHS), proposes to fulfill mitigation requirements of the 1987 Conditional Use Permit (MP-II project Final EIR) with the construction of an interpretive trail network and associated facilities. The proposed project covers six acres of private land (SW corner of APN 037-050-002, zoned Resource Management) and includes construction of up to 1500 feet of ADA-accessible paths (6' wide of wood, crushed rock, compacted soil or asphalt) with two wooden observation platforms and numerous interactive (wi-fi enabled) interpretive panels. Interpretation will focus on regional cultural history, local geology, biological resources and geothermal power development and production. All proposed signage will mirror the existing theme and design elements of the current Town Of Mammoth Lakes Mammoth Trail System signage. The site is proposed to be open during daylight hours to the public for self-guided tours, as well as scheduled private tours for educational and other groups. Access is proposed off Casa Diablo Cutoff Road (County) via Forest Service (FS) Route 3S98A. Four parking spaces would be constructed along Casa Diablo Cutoff Road with public visitors encouraged to walk north to the interpretive facility along existing FS Route 3S98A. A locked gate with pedestrian access flanked by six foot high chain-link wing fencing would be installed at the southern facility entrance where FS Route 3S98A intersects with the southern private property boundary. An additional locked gate with pedestrian access flanked by twenty feet of six foot high chain-link fencing is proposed to be installed along the western edge of the property boundary where an unnamed native surface route across Los Angeles Department of Water and Power land intersects the property boundary. A bus and ADA access road with an associated parking facilities is also proposed to be constructed inside the private facility with the southern locked gate to be opened by a SMHS docent as reserved. Nighttime site security would be provided by remote night-vision cameras connected to the Ormat Plant. No night lighting is proposed. A public address system will be installed to broadcast information to visitors in the event of any Plant emergency. Additional on-site structures proposed include a site-trailer, 15,000 gallon water storage tank and a vault toilet with buried, 1500 gallon non-potable water tank. All exterior building surfaces will utilize materials designed to blend into the surrounding landscape. All site disturbance is proposed to be revegetated with native plants. A future project phase envisions the installation of up to three greenhouses for the propagation of native plants.

The Mono County Planning Division is soliciting your comments and concerns regarding the proposed project. This project consultation is intended to assist us in determining appropriate project conditions and/or mitigation measures for the project. Your project comments should be sent to the Planning Division by December 9, 2016. Comments may be e-mailed or faxed. If no comments are received, we will assume that you and/or your agency have no concerns regarding the project.

Potential project conditions will be reviewed by the Mono County Land Development Technical Advisory Committee at a meeting to be scheduled in January 2017. If you would like to be notified of the date of the public hearing before the Mono County Planning Commission, please contact us at the address below.

Your time and attention to this matter is greatly appreciated. If there is another contact to whom this request would be better suited, please forward along that contact information. For additional information, please contact Paul McFarland, Assistant Planner at 760-932-5433 or pmcfarland@mono.ca.gov

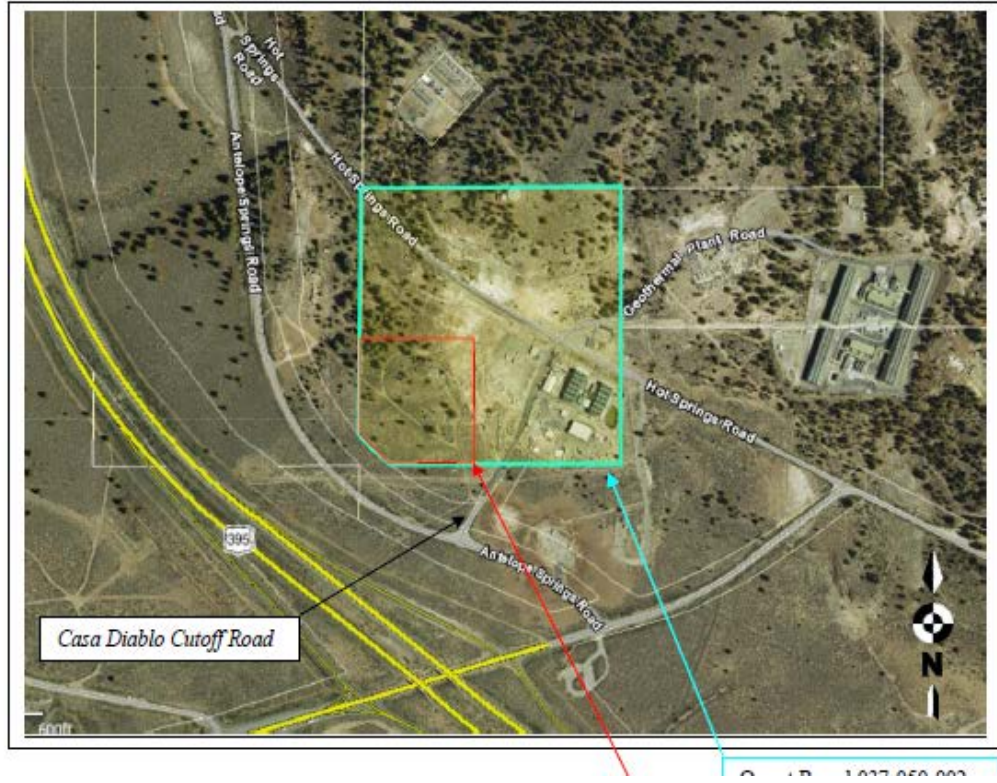
Respectfully,
/s/ PM
Paul McFarland
Assistant Planner
Mono County Community Development

cc: Applicant

Enclosures:

- Application
- Project Information Form
- Land Use Map
- APN Page
- Site Plan
- Other: _____

Project Location



Addendum Attachment C

WRITTEN COMMENTS ON THE GEOTHERMAL TRAIL PROJECT

- U.S. Forest Service, Inyo National Forest, Mammoth and Mono Lake Districts
 - CALFIRE
 - Mammoth Community Water District
 - Los Angeles Dept. of Water and Power
 - Town of Mammoth Lakes
 - Regional Water Quality Control Board – Lahontan Region 6

Paul McFarland

From: Regelbrugge, Jon C -FS <jregelbrugge@fs.fed.us>
Sent: Tuesday, November 22, 2016 10:46 AM
To: Paul McFarland; Irons, Sheila -FS
Cc: DeRose, Marjie B -FS
Subject: RE: Request for Comment - Geothermal Interpretive Trail

Paul – look at you, working for County planning! Hopefully Scott and Gerry treat you well. We have no concerns regarding the proposed Geothermal Interpretive trail. Thanks for asking!



Jon C. Regelbrugge
 District Ranger
Forest Service
 Inyo National Forest, Mammoth and Mono Lake Districts
 p: 760-924-5553
 c: 760-914-0797
 f: 760-924-5537
jregelbrugge@fs.fed.us
 P.O. Box 148
 Mammoth Lakes, CA 93546
www.fs.fed.us

 Caring for the land and serving people

From: Paul McFarland [mailto:pmcfarland@mono.ca.gov]
Sent: Monday, November 21, 2016 3:43 PM
To: Regelbrugge, Jon C -FS <jregelbrugge@fs.fed.us>; Irons, Sheila -FS <sirons@fs.fed.us>
Subject: Request for Comment - Geothermal Interpretive Trail

Hello Jon and Sheila -

Please find attached a notice requesting comments from the Mono County Community Development Department on a proposed network of interpretive trails on private land associated with the Mammoth Geothermal Plant east of the junction of Highways 203 and 395. Comments would be most helpful if received before Friday December 9th, 2016. Thank you for your time and attention to this matter. If there is another contact within your agency to whom this and future requests would be better directed, please provide updated contact information.

Respectfully,
 Paul McFarland

Paul McFarland
 Assistant Planner
 Mono County Community Development Department
 760-932-5433

Paul McFarland

From: Irene Yamashita <iyamashita@mcwd.dst.ca.us>
Sent: Wednesday, November 30, 2016 12:59 PM
To: Paul McFarland
Cc: Patrick Hayes; John Pedersen
Subject: MCWD comments re Conditional Use Permit 16-00022/Geothermal Interpretive Trail System

Dear Mr. McFarland,

Thank you for the opportunity to comment on the Geothermal Interpretive Trail System CUP addressing the mitigation requirement of the 1987 Conditional Use Permit for the MP-II project. MCWD is submitting the following comments on the proposed Conditional Use Permit. However, the comments provided are beyond the authority of the District and are informational only. Please contact me if you have any questions or would like to discuss the comments.

1. Besides visitors, who is the intended entity to be represented by this project? The project description does not state whether the project is intended to represent Mono County's interests or Ormat's. If this project represents Ormat's interests, then several of the comments below no longer pertain. However, the site should be appropriately identified as such.
2. The proposed project description does not identify the entities that will develop, review and potentially update the text on the interpretive signs. As you are aware, MCWD has a different perspective on the scientific basis for Ormat's conceptual model of the geothermal system. This difference of perspective has led to litigation regarding the adequacy of the EIR on Ormat's CD IV project. MCWD requests the opportunity to review the text pertaining to the local geology, geothermal system, shallow-cold groundwater system, and geothermal power production.
3. It is not clear who will be leading tours. Docents should have guidelines for addressing current and future controversial topics related to geothermal power production.
4. The proposed project would install a 15,000 gallon tank. Will this be filled with potable water? If so, is there an agreement with a water purveyor to provide this water? If so, does the supplier have the authority to provide water to the project location? Who would be responsible for maintaining the tank to ensure it does not leak. If the tank is intended for reclaimed water, the same questions and an additional question apply. Is the intended use of the reclaimed water authorized by the Lahontan Regional Water Quality Control Board? The Plant on-site shallow groundwater non-potable well described in the CD IV EIR/EIS (and likely included in the MP-II EIR) is no longer viable since the groundwater supplying this well has boiled off.
5. The proposed project will bury a 1,500 gallon non-potable water tank. The purpose of this tank is not described. If the tank will be used for non-potable water, where will the wastewater go and how will it be treated?
6. The proposed project intends to install a public address system to alert visitors should an emergency occur. Should the trail/parking area also include air monitoring equipment to monitor potentially high levels of hazardous pollutants? Measures to protect the public at the site should be amended to the Ormat's and/or the County's Emergency Response Plan to ensure emergency preparedness should an event occur.
7. Mono County should review and include the Partnership Agreement between SMHS and Ormat to ensure all the components of the site will be maintained at a sufficient level to attract visitors. In addition, the funding mechanism for maintenance should be clear.

8. The project description did not address winter access. Will the trail be accessible during the winter? If so, who would be responsible for maintaining access? Are the potable and non-potable water facilities and vault toilet operational during winter?
9. The project proposes to revegetate disturbed areas with native plants. What will be the source of irrigation water? Who will review and approve the plants selected for revegetation? Will topsoil be stockpiled to enhance plant establishment?
10. Up to three greenhouses for native plants are proposed for a future development phase. Has a source of irrigation water for this future phase been identified? Is the water available for this phase of a sufficient quality to germinate and grow native plants?

Sincerely,

Irene Yamashita
Mammoth Community Water District
Environmental Specialist/Public Affairs
(760) 934-2596 ext. 314
iyamashita@mcwd.dst.ca.us

Paul McFarland

From: Paul McFarland
Sent: Tuesday, November 29, 2016 12:13 PM
To: 'Mitchell, Jeremy@CALFIRE'
Subject: RE: Request for Comment - Geothermal Interpretive Trail

Hello Jeremy –

I do not believe a second letter will be necessary. With regards to this specific project I believe the only qualifying structure may be the proposed vault toilet facility.

Thank you,
 Paul

From: Mitchell, Jeremy@CALFIRE [mailto:Jeremy.Mitchell@fire.ca.gov]
Sent: Friday, November 25, 2016 9:28 AM
To: Paul McFarland <pmcfarland@mono.ca.gov>
Subject: RE: Request for Comment - Geothermal Interpretive Trail

Please make sure they are following PRC 4290 & 4291 around the facilities, greenhouses, bridges etc. When all 4290 & 4291 is meet are you wanting a letter from me?

Thanks
 Jeremy Mitchell
 Battalion Chief-B3514B
 Battalion 4
CAL FIRE
 San Bernardino Inyo Mono Unit
 760-387-2565

From: Paul McFarland [mailto:pmcfarland@mono.ca.gov]
Sent: Monday, November 21, 2016 4:19 PM
To: Mitchell, Jeremy@CALFIRE
Subject: Request for Comment - Geothermal Interpretive Trail

Dear Mr. Mitchell –

Please find attached a notice requesting comments from the Mono County Community Development Department on a proposed network of interpretive trails on private land associated with the Mammoth Geothermal Plant east of the junction of Highways 203 and 395. Comments would be most helpful if received before Friday December 9th, 2016. Thank you for your time and attention to this matter. If there is another contact within your agency to whom this and future requests would be better directed, please provide updated contact information.

Respectfully,
 Paul McFarland

Paul McFarland
 Assistant Planner
 Mono County Community Development Department

Paul McFarland

From: Torres, Maritza v <Maritza.Torres@ladwp.com>
Sent: Wednesday, December 07, 2016 8:44 AM
To: Paul McFarland
Subject: CORRECTION: Geothermal Interpretive Trail
Attachments: Exhibits.pdf

Correction: Attachments were not on previous e-mail

Hi Paul,

In response to your e-mail sent Monday, November 21, 2016 to Mr. Don McGhie regarding the Geothermal Interpretive Trail. We reviewed the "Project Location" map (see Exhibit C) along with the description of your project and we identified a couple of right of ways for which we have a couple of questions and concerns. They are as follows:

1. Ranch Lease – there is a ranch lessee situated at the west end of the trail. (see Exhibit A)
2. Easement - There is also an easement for a drainage ditch that ends on the northwest area of the trail. (see Exhibit B)
3. Power lines – there are power lines that Southern California Edison (SCE) has located on the west side. (see Exhibit B)
4. Will there be gates at the end of trail where our lessee and easement are located?
5. Will there be signage letting the public know not to enter into the area where our lessee and easement are located?
6. Do we need to have an access gate?

We want to make sure that your project does not adversely affect our lessee or our easement, and that there are adequate measures taken to protect both of these. I have attached maps of the areas we have concerns and questions about. Contact me if you have any questions.

Maritza V Torres
 Real Estate Officer

LADWP
 300 Mandich Street
 Bishop, CA 93514
 Phone: (760) 873-2213



-----Confidentiality Notice-----

This electronic message transmission contains information from the Los Angeles Department of Water and Power, which may be confidential. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the content of this information is prohibited. If you have received this communication in error, please notify us immediately by e-mail and delete the original message and any attachment without reading or saving in any manner.

-----Confidentiality Notice-----

EXHIBIT A



RLM: 468
ACCOUNT PREFIX#: 10104-14441

LESSEE: Mr. David E. Wood

MAILING ADDRESS: 652 West Cromwell, Suite 103
Fresno, CA 93711

PHONE - WORK: (559)935-1557
PHONE - HOME:

ACRES: 2274

LOCATION: Chance Ranch
Long Valley
Mono County

EFFECTIVE DATE: 01/01/2016
EXPIRATION DATE: 12/31/2020
TERM: five years

USE: livestock grazing

EXHIBIT B

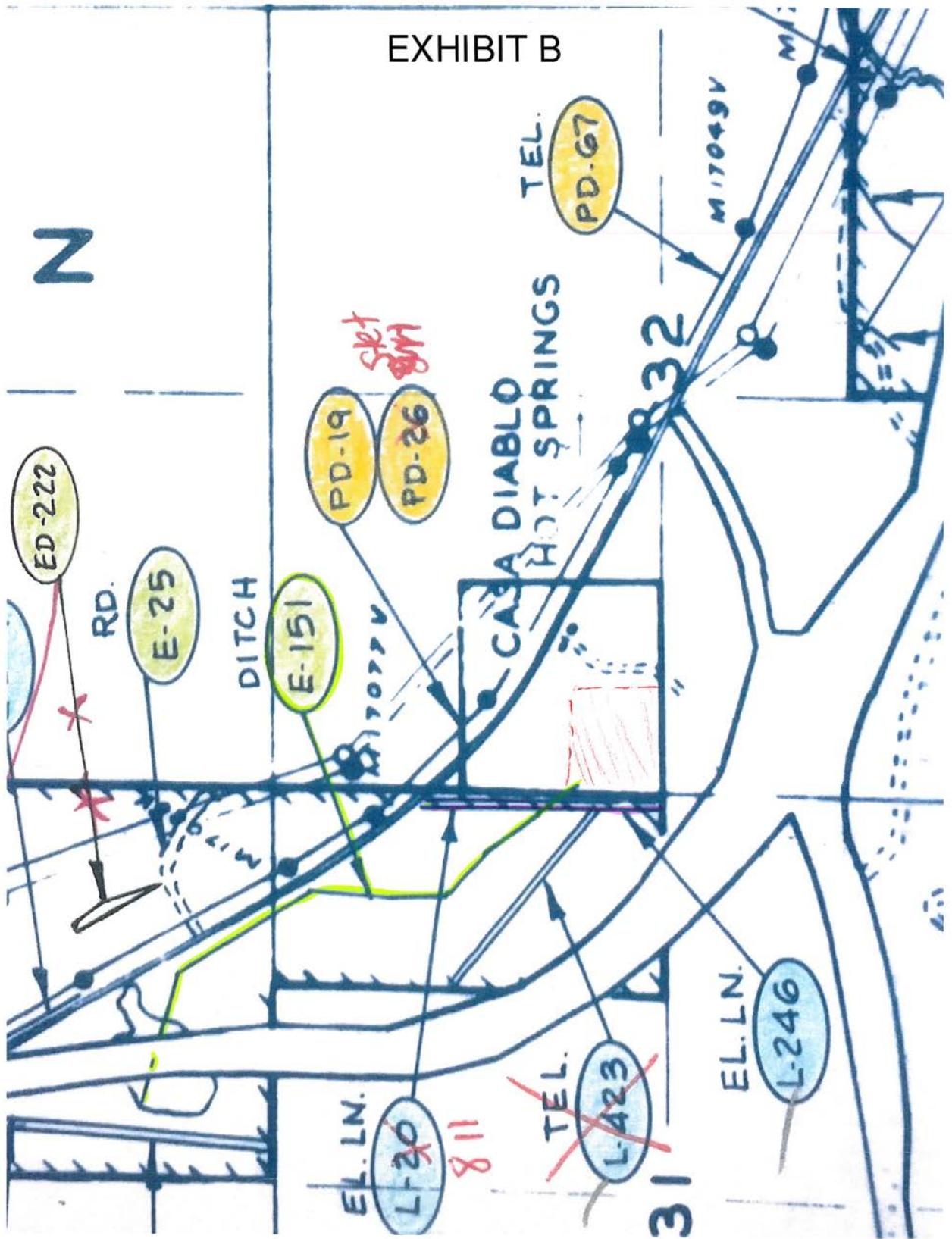
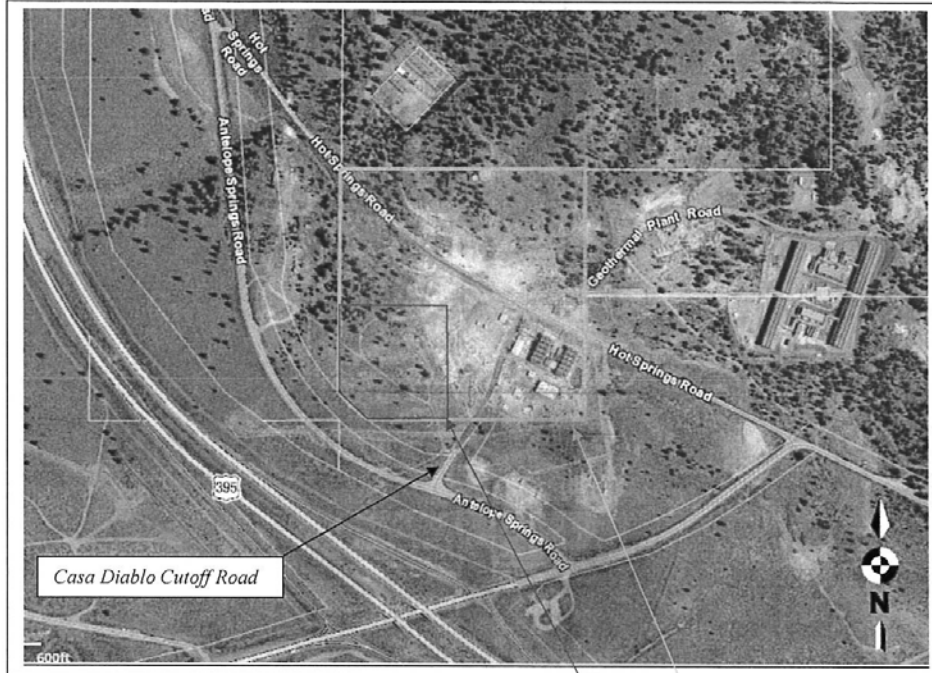


EXHIBIT C

Project Location



Ormat Parcel 037-050-002

Casa Diablo Geothermal Interpretive Trail Network Proposed Location

**Town of Mammoth Lakes**

P.O. Box 1609, Mammoth Lakes, CA, 93546
(760) 934-8989
www.townofmammothlakes.ca.gov

Dear Mr. McFarland,

The Town of Mammoth Lakes supports the construction of an interpretive trail network and associated trail facilities on APN 037-050-002 as described in the memo to interested parties and/or public agencies received on November 17, 2016.

In particular, The Town of Mammoth Lakes supports and appreciates the incorporation of sign design standards from Section 600 of the Town of Mammoth Lakes Public Works Standards Manual. The Town is very supportive of the interpretive component of the project and the effort to use design standards and naming conventions that are consistent with the Mammoth Lakes Trail System program. This is an important part of providing visitors and residents with a cohesive and high quality trail experience. We look forward to including this facility on the Mammoth Lakes Trail System web site, future maps and media, and we support collaborative efforts to make this a highly successful project.

We look forward to working with Mono County to expand and enhance trail facilities. The Geothermal Interpretive Trail System as proposed will be a great addition to the Mammoth Lakes Trail System.

Thank you for your efforts.

Sincerely,

Joel Rathje
Trails Coordinator
P.O. Box 1609
Mammoth Lakes, CA 93546
Phone: 760-934-1769

Paul McFarland

From: Fitzsimmons, Jeffrey@Waterboards <Jeffrey.Fitzsimmons@Waterboards.ca.gov>
Sent: Thursday, December 08, 2016 12:35 PM
To: Paul McFarland
Cc: Copeland, Patrice@Waterboards
Subject: COMMENTS ON - CONDITIONAL USE PERMIT 16-00022 / GEOTHERMAL INTERPRETIVE TRAIL SYSTEM, MONO COUNTY

Paul McFarland, Assistant Planner
 Mono County Community Development
 Post Office Box 8
 Bridgeport, California 92546
 mailto:pmcfarland@mono.ca.gov

COMMENTS ON - CONDITIONAL USE PERMIT 16-00022 / GEOTHERMAL INTERPRETIVE TRAIL SYSTEM, MONO COUNTY

California Regional Water Quality Control Board staff (Water Board) received an email Request for Comment on a the Conditional Use Permit 16-00022/Geothermal Interpretive Trail (Project), Mono County, California on November 21, 2016. The email was accompanied by a letter of Request for Comments from Mono County, dated November 17, 2016 and a Use Permit Site Plan, prepared by Triad-Holmes, Associates, dated October 31, 2014. The Project appears to show consideration to the implementation of measures to avoid or minimize potential impacts to water quality. Our comments on the above mentioned documents are as follows:

- Land disturbance of 1-acre or more may require a CWA, section 402(p) stormwater permit, including a National Pollutant Discharge Elimination System (NPDES) General Construction Stormwater Permit obtained from the State Water Board, or an individual stormwater permit obtained from the Lahontan Water Board;
- Gravel covered driveways and parking spaces are preferred over impervious surfaces and would increase the potential of surface water percolation to dissipate into the landscape. Where feasible, Water Board staff suggests the use of gravel in lieu of asphalt concrete pavement for driveways and parking spaces.
- Water Board staff anticipate the use of elevated walkways will serve to discourage the use of undesignated ground surface foot-paths, reduce damage to habitat, and minimize erosion.

Thank you for the opportunity to comment on the Project. If you have any questions regarding this letter, please contact me at (760) 241-4942 (jeffrey.fitzsimmons@waterboards.ca.gov) or Patrice Copeland, Senior Engineering Geologist, at (760) 241-7404 (pcopeland@waterboards.ca.gov).

Sincerely,

Jeff Fitzsimmons, PG
 Engineering Geologist
 California Environmental Protection Agency

Regional Water Quality Control Board - Lahontan Region 6
15095 Amargosa Road – Bldg 2, Ste 210
Victorville, CA 92392
Direct (760) 241-4942
Front desk (760) 241-6583
Fax (760) 241-7308

**Mono County
Community Development Department**

PO Box 347
Mammoth Lakes, CA 93546
760.924.1800, fax 924.1801
commdev@mono.ca.gov

Planning Division

PO Box 8
Bridgeport, CA 93517
760.932.5420, fax 932.5431
www.monocounty.ca.gov

September 21, 2017

To: Mono County Planning Commission

From: Gerry Le Francois, Principal Planner

Re: One-Year Extension of Tentative Tract Map (TTM) 10-001/Haber

RECOMMENDATION

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

- A. Find that the project was processed in accordance with Section 15183 of the CEQA Guidelines for a project consistent with the General Plan. No substantial changes have been proposed in the project or the circumstances under which the project will be undertaken, and no new information of substantial importance has been received to warrant further environmental analysis.
- B. Approve the second one-year extension of Tentative Tract Map 10-001/Haber to Nov. 2, 2018, subject to the prior Conditions of Approval and Mitigation Monitoring Program as contained herein.

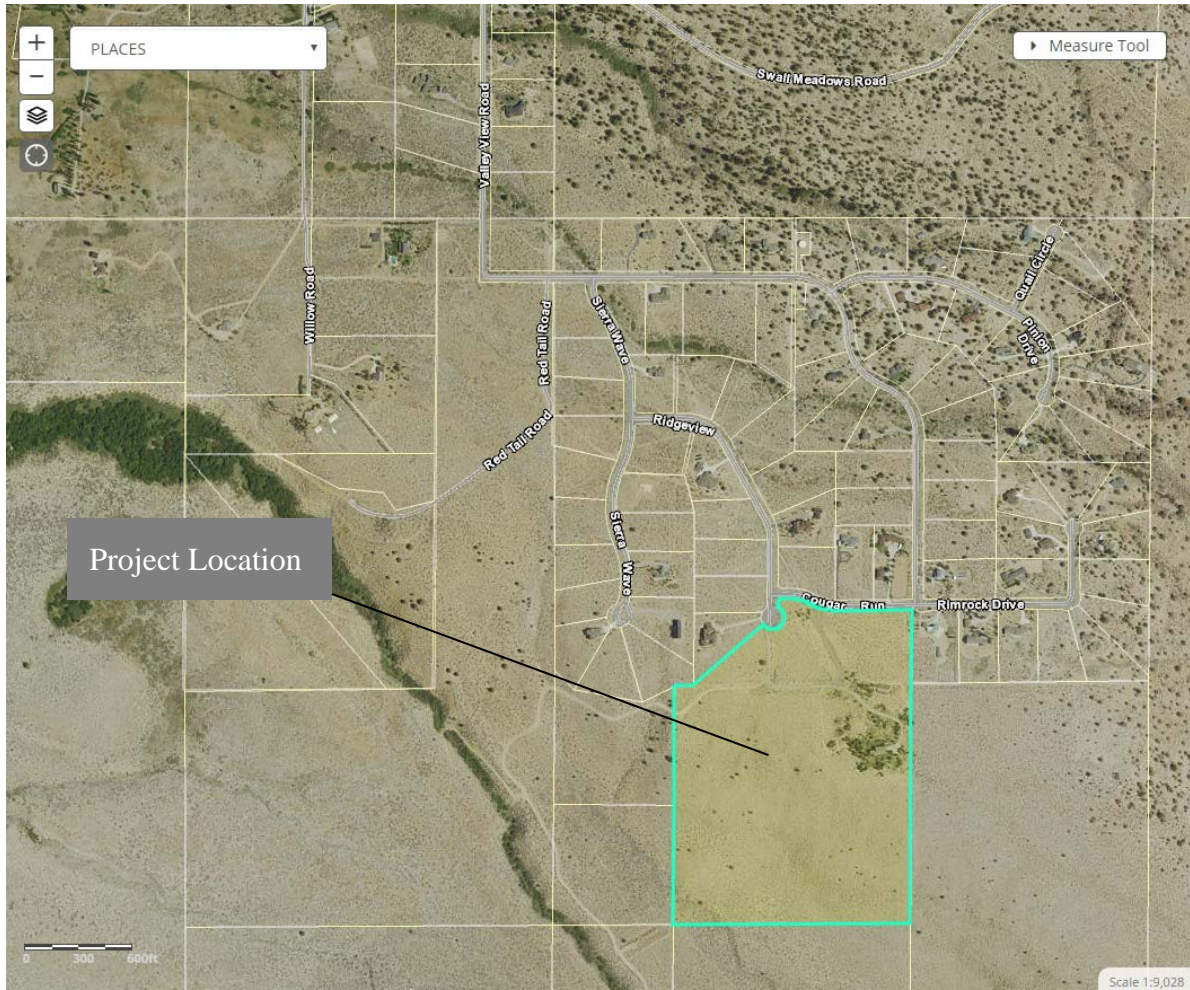
BACKGROUND

The project site is a 49.51-acre parcel in the community of Swall Meadows in southern Mono County. The parcel is located to the south and west of existing development off Ridge View Road and Cougar Run as part of the Rimrock Ranch Specific Plan, and immediately west of the Pinon Ranch subdivision.

The Board of Supervisors approved the TTM on Nov. 2, 2010, for 24 months. The State Legislature has approved numerous extensions that extended this tract map to Nov. 2, 2016. The first one-year extension was approved in October 2017. This one-year extension, if approved, will continue the TTM approval until Nov. 2, 2018.

ATTACHMENTS

- Project location
- TTM 10-001
- Map Conditions
- CEQA 15183





VICINITY MAP
NO SCALE

PROJECT SUMMARY

ASSESSOR'S PARCEL NUMBER: 64-090-24
 TOTAL AREA TO BE DIVIDED: 49.57 ACRES
 PROPOSED SINGLE FAMILY LOTS: 6,749.74 ACRES NET
 PROPOSED ROADS: 0.77 ACRES

OWNER:
 RALPH & LYN HABER
 313 RIDGEVIEW DRIVE
 BISHOP, CA 95814

ENGINEER/SURVEYOR:
 R.O. ANDERSON
 ENGINEERING, INC
 P.O. BOX 2224
 HINDEN, NV 89423
 (775) 762-2322

PROPOSED SETBACKS:
 FRONT: 50'
 SIDE: 50'
 SIDE STREET: 50'
 REAR: 50'

PROPOSED UTILITY EASEMENTS:
 7.5' ALONG ALL FRONT AND STREET LOT LINES
 5' ALONG ALL SIDE AND REAR LOT LINES

NOTES

THIS MAP IS A PROPOSED DIVISION OF PARCEL 2 AS SHOWN ON THE LOT LINE ADJUSTMENT RECORDED IN BOOK 840 AT PAGE 003.
 WATER LINE IMPROVEMENTS SHOWN ARE PER IMPROVEMENT PLANS PROVIDED BY MONO COUNTY, DATED MAY, 2002.

SCALE: 1" = 100'

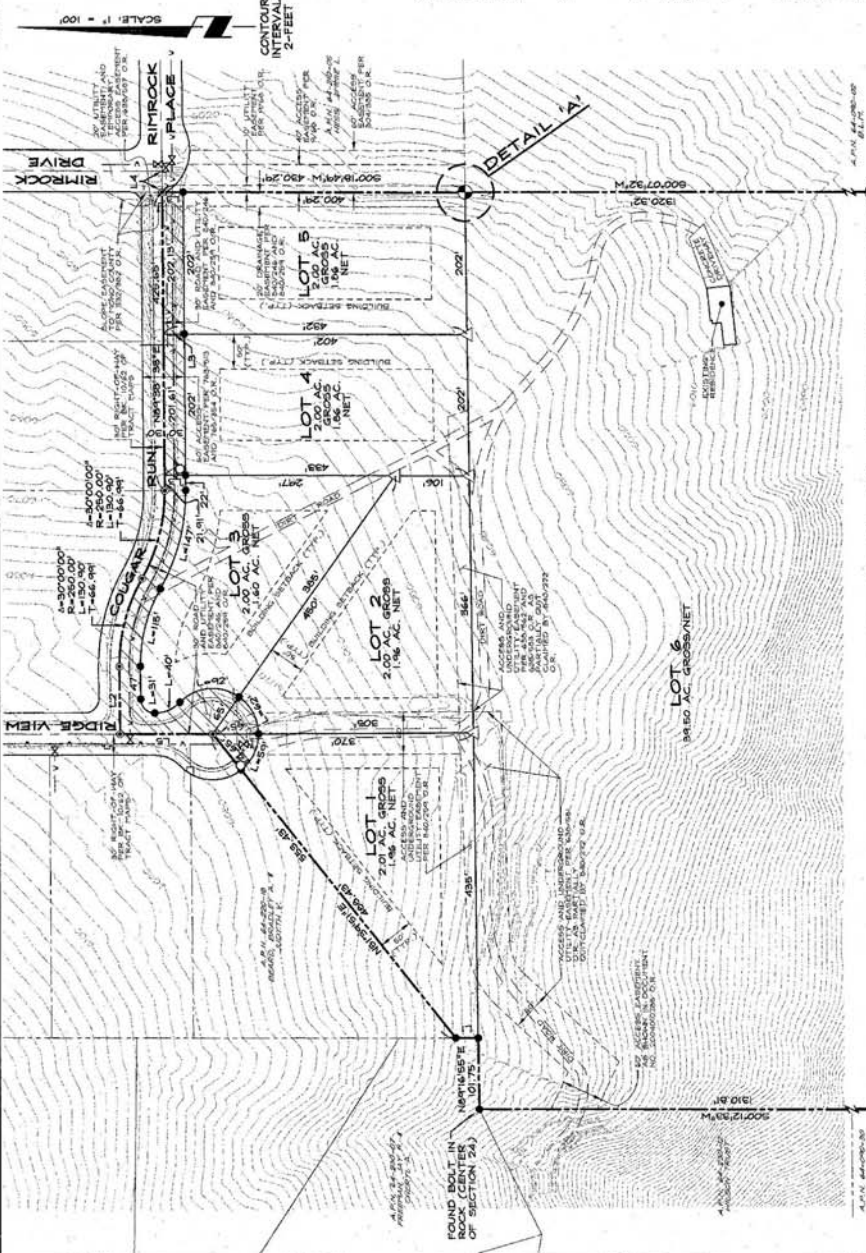
SHEET 1 OF 1

**TENTATIVE TRACT MAP
NO. 10-001**

FOR
RALPH AND LYN HABER

LOCATED WITHIN THE NORTHEAST ONE-QUARTER OF SECTION 24, T.5S., R.30E., M.D.M., MONO COUNTY, CALIFORNIA

1997-001
101-001114-01
07/06/02

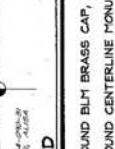
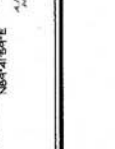
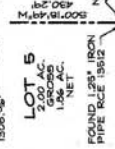


LINE TABLE

LINE	BEARING	LENGTH
L1	N00°12'32"E	52.18'
L2	N00°12'32"E	56.12'
L3	N00°12'32"E	56.12'
L4	N00°12'32"E	56.12'
L5	N00°12'32"E	56.12'



R/O Anderson
 400 CENTRAL AVENUE, SUITE 200
 HINDEN, NEVADA 89423
 PHONE: (775) 762-2322 FAX: (775) 762-2324
 CELL: (775) 762-2322
 WWW: WWW.ROANDERSON.COM



- LEGEND**
- FOUND 5/8" BRASS CAP, 2001
 - FOUND CENTERLINE MONUMENT IN WELL, LS 4887
 - FOUND 5/8" REBAR WITH PLASTIC CAP, LS 4887 UNLESS OTHERWISE NOTED
 - PROPOSED NEM MONUMENT
 - ▭ PUBLIC ROAD RIGHT-OF-WAY TO BE DEDICATED AS PART OF THIS MAP
 - ▽ EXISTING FIRE HYDRANT
 - M EXISTING GATE VALVE

Mono County Community Development Department

PO Box 347
Mammoth Lakes, CA 93546
760.924.1800, fax 924.1801
commdev@mono.ca.gov

Planning Division

PO Box 8
Bridgeport, CA 93517
760.932.5420, fax 932.5431
www.monocounty.ca.gov

NOTICE OF TENTATIVE TRACT MAP APPROVAL

**TENTATIVE
TRACT MAP**

10-001

APPLICANT:

Ralph and Lynn Haber

ASSESSOR'S PARCEL NUMBER: 064-090-034

PROJECT LOCATION: The project site is a 49.51-acre parcel in the community of Swall Meadows in southern Mono County. The parcel is located to the south and west of existing development off Ridge View Road and Cougar Run as part of the Rimrock Ranch Specific Plan, and immediately west of the Pinon Ranch subdivision.

You are hereby notified that the Mono County Board of Supervisors did on November 2, 2010, hold a public hearing to hear any and all testimony relative to the approval of Tentative Tract Map 10-001 and did approve the map for a period of twenty-four (24) months, subject to the following conditions.

**Please refer to the attached:
Conditions of Approval #1 through #49**

If the applicant/agent is not satisfied with the decision of the Board of Supervisors, he may, within ten (10) days of effective date of the decision, submit in writing an appeal to the Clerk to the Board, P.O. Box 715, Bridgeport, CA 93517.

The appeal shall include: a1) appellant's interest in the subject property; 2) the conditions appealed; and 3) specific reasons why the appellant believes the conditions appealed should be amended or upheld.

DATE OF EXPIRATION: November 2, 2012

DATED: November 2, 2010

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

**TENTATIVE TRACT MAP 10-001 / Haber
UNIFORMLY APPLIED DEVELOPMENT STANDARDS AND POLICIES
AND CONDITIONS OF APPROVAL**

FORMAT:

CONDITION OF APPROVAL...

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

UNIFORMLY APPLIED DEVELOPMENT STANDARDS AND POLICIES (APPLICABLE PROJECTWIDE)

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

- 2) Subdivision improvements and future residential development shall comply with Fire Safe Regulations (Mono County General Plan, Land Use Element, Section VI, Land Development Regulations, Chapter 22), including emergency access, emergency water supplies, signing and building numbering, and vegetation modification. (*For Lots 1-5, see also Infrastructure Policy 3 pertaining to emergency water supplies; Design Guidelines Policy 10 pertaining to landscaping and vegetation modification; and Traffic Policy 3 pertaining to fire-safe standards for roadway construction of the Rimrock Ranch Specific Plan, Section III Specific Plan, Goals, Policies, & Implementation Measures*).
 - a. Requirements must be incorporated into construction plans for subdivision improvements, which must be satisfied prior to final approval of the map. Future lot construction requires monitoring over a period of time, usually associated with approved residential construction.
 - b. Community Development Department
 - c. Applicant / Property Owner
 - d. Design / Ongoing

- 3) The applicant and/or its contractor shall stop work and notify the Planning Division of the Mono County Community Development Department and local Native American tribal contacts if archaeological evidence and/or human remains or unmarked cemeteries are encountered during ground-disturbing activities. No disturbance of such a site shall be permitted until the applicant has hired a certified archaeologist and an archaeological survey that identifies acceptable site mitigation measures is filed with the Planning Division. Native American monitors shall be on site during the archaeological survey to ensure the proper identification and care of cultural resources. The disposition of any recovered artifacts shall be made in consultation with local tribal contacts. In the event of the accidental discovery of human remains, Health and Safety Code §7050.5, Public Resources Code §5097.98, and CEQA Guidelines §15064.5(d) shall be consulted for the proper procedure to follow.
 - a. Requirements must be incorporated into construction plans for subdivision improvements, which must be satisfied prior to final approval of the map. Future lot construction requires monitoring over a period of time, usually associated with approved residential construction.
 - b. Community Development Department
 - c. Applicant / Property Owner
 - d. Design / Ongoing

- 4) Construction shall be limited to daylight hours (or per Mono County Code 13.08.290, whichever is more restrictive) in accordance with Mono County Code Chapter 10.16 (Noise Regulation) in order to minimize impacts to nocturnal resident wildlife species.
 - a. Requirements must be incorporated into construction plans for subdivision improvements, which must be satisfied prior to final approval of the map. Future lot construction requires monitoring over a period of time, usually associated with approved residential construction.
 - b. Community Development Department
 - c. Applicant / Property Owner
 - d. Design / Ongoing

- 5) Noise levels during construction shall be kept to a minimum by equipping all on-site equipment with noise-attenuation devices and by compliance with all requirements of Mono County Code Chapter 10.16 (Noise Regulation).
 - a. Requirements must be incorporated into construction plans for subdivision improvements, which must be satisfied prior to final approval of the map. Future lot construction requires monitoring over a period of time, usually associated with approved residential construction.
 - b. Community Development Department
 - c. Applicant / Property Owner
 - d. Design / Ongoing

- 6) All outdoor lighting shall comply with all applicable provisions of the Mono County General Plan Chapter 23 Dark Sky Regulations.
 - a. Generally associated with future development. Requires monitoring over a period of time. Must be satisfied prior to issuance of a building permit and/or certificate of occupancy.
 - b. Community Development Department
 - c. Applicant/Property Owner
 - d. Design

- 7) Dogs belonging to individuals involved in construction activities shall be prohibited in the project area during construction phases or under the owner's complete control at all times.
 - a. Requirements must be incorporated into construction plans for subdivision improvements, which must be satisfied prior to final approval of the map. Future lot construction requires monitoring over a period of time, usually associated with approved residential construction.
 - b. Community Development Department
 - c. Applicant / Property Owner
 - d. Design / Ongoing

- 8) For all phases of subdivision and parcel development, storm water erosion control measures shall be applied to disturbed areas and shall include the use of Best Management Practices such as placement of fiber blankets, fiber rolls, or similar materials or equivalent methods. Removed topsoil shall be stockpiled and replaced over disturbed areas at, or prior to, the completion of construction. Revegetation of disturbed areas shall occur as soon as practical following construction and the use of stabilization material or landscaping shall be required to reduce impacts related to erosion. Use of native seed and/or native plants grown from seeds or seedlings obtained from local native stock is encouraged. Revegetated areas shall be irrigated as necessary to establish the plants.
 - a. Requirements must be incorporated into construction plans for subdivision improvements, which must be satisfied prior to final approval of the map. Future lot construction requires monitoring over a period of time, usually associated with approved residential construction.
 - b. Public Works Department /Community Development Department
 - c. Applicant / Property Owner
 - d. Design / Ongoing

- 9) Drainage and erosion-control plans shall be required for residential construction involving more than 5,000 square feet of pad area disturbed, including secondary or accessory structures on any one parcel, at any one time. Drainage and erosion control plans shall also be required for construction on any one parcel that cumulatively exceeds 10,000 square feet. If plans are required they shall be developed by the individual

- project applicant with review and approval by the Department of Public Works, Community Development Department / Building Division, and applicable federal and/or state agencies.
- a. Requirements must be incorporated into construction plans for subdivision improvements, which must be satisfied prior to final approval of the map. Future lot construction requires monitoring over a period of time, usually associated with approved residential construction.
 - b. Public Works Department /Community Development Department
 - c. Applicant / Property Owner
 - d. Design / Ongoing
- 10) For all phases of subdivision and parcel development, controls shall be instituted to prevent wind erosion and public nuisance created by dust. Such controls are to include watering and mulching of disturbed areas or by other approved methods. Clearing of native vegetation shall be limited to areas necessary for impending or same-year construction.
- a. Requirements must be incorporated into construction plans for subdivision improvements, which must be satisfied prior to final approval of the map. Future lot construction requires monitoring over a period of time, usually associated with approved residential lot construction.
 - b. Public Works Department /Community Development Department
 - c. Applicant / Property Owner
 - d. Design / Ongoing
- 11) For all phases of subdivision and parcel development, construction material (rock, debris, etc.) that is not utilized as fill material in the construction of improvements shall be removed to a permitted disposal site or other site approved by the Department of Public Works. All material proposed for fill under structures shall be approved by a geotechnical engineer prior to placement in the project.
- a. Requirements must be incorporated into construction plans for subdivision improvements, which must be satisfied prior to final approval of the map. Future lot construction requires monitoring over a period of time, usually associated with approved residential lot construction.
 - b. Public Works Department /Community Development Department
 - c. Applicant / Property Owner
 - d. Design / Ongoing
- 12) For all phases of subdivision and parcel development, grading permits shall be required as specified in Mono County Code Section 13.08.030, *et seq.* Activities requiring a grading permit include, but are not limited to, land clearing and grading activities that clear more than 10,000 square feet, result in cuts greater than 4 feet or fill greater than 3 feet, involve more than 200 cubic yards of cut or fill, or the alteration of a drainage course.
- a. Requirements must be incorporated into construction plans for subdivision improvements, which must be satisfied prior to final approval of the parcel map. Future construction requires monitoring over a period of time, usually associated with approved residential lot construction.
 - b. Public Works Department
 - c. Applicant / Property Owner
 - d. Design / Ongoing
- 13) The developer shall extend all applicable utilities (electricity, telephone, propane, cable TV, etc.) to the property line of each parcel. All new on-site utility extensions shall be installed underground.
- a. Requirements for utility extension must be incorporated into construction plans for subdivision improvements, which must be satisfied prior to final approval of the map. Future lot construction requires monitoring over a period of time, usually associated with approved residential construction, which must be satisfied prior to issuance of a building permit or certificate of occupancy.
 - b. Public Works Department /Community Development Department
 - c. Applicant / Property Owner
 - d. Design / Ongoing
- 14) Individual propane tanks may be installed on each parcel. Propane tanks shall be shielded to reduce visual impacts as specified by the Design Guidelines policies, Section III Specific Plan Goals, Policies &

Implementation Measures of the Rimrock Ranch Specific Plan. When used, Liquefied Petroleum Gas (LPG) shall be installed according to all applicable codes and Mono County Code 15.04.130 and 15.04.131.

- a. Requires monitoring over a period of time; usually linked to future development associated with approved residential construction. Must be satisfied prior to issuance of a building permit or certificate of occupancy.
 - b. Community Development Department
 - c. Applicant / Property Owner
 - d. Design / Ongoing
- 15) Domestic animals shall be restrained at all times, either through the use of leashes or private fenced areas. No animals shall be allowed to be free roaming. Horses and other grazing animals shall be penned or tethered in areas such that the native vegetation is not impacted by such animals in accordance with the site disturbance limits established in Land Use Policy 3a of Rimrock Ranch Specific Plan, Section III Specific Plan Goals, Policies & Implementation Measures.
- a. Requires monitoring over a period of time; usually linked to future development associated with approved residential construction.
 - b. Community Development Department
 - c. Applicant / Property Owner
 - d. Ongoing
- 16) Landscaping shall be used to minimize potential visual impacts resulting from development. The following landscaping guidelines are encouraged for all development:
- A. Landscaping shall be used to minimize or reduce potential visual impacts resulting from development.
 - B. The following elements shall be shielded using landscaping: well facilities, trash receptacles, propane tanks, and out-building structures. Well-site facilities, trash receptacles and propane tanks may also be shielded with fencing and/or berms.
 - C. Drought-resistant landscaping (planting, soil preparation and low water use irrigation systems, etc.) shall be required. Drip irrigation systems shall be encouraged.
 - D. Use of native, indigenous species shall be encouraged.
 - E. The use of larger planting stock is encouraged to accelerate the process of visual screening.
 - F. Young plants shall be protected from deer and rodents until they are established (e.g., a 5-foot wire fence or vexar tubing has been found to work well to protect seedlings from deer).
 - a. Requires monitoring over a period of time; usually linked to future development associated with approval of residential construction.
 - b. Community Development Department
 - c. Applicant / Property Owner
 - d. Design / Ongoing
- 17) The developer shall provide a soils report and site development geotechnical recommendations to, or request a soils report waiver from, the Department of Public Works. Any such report or request for waiver, acceptable to the Director of Public Works, shall comply with the provisions of Mono County Code Section 17.36.090.
- a. Must be satisfied prior to final approval of the map.
 - b. Public Works Department
 - c. Applicant
 - d. Design
- 18) The project shall provide a calculated fire flow of five hundred gallons per minute (500gpm) at 20 pounds per square inch (20psi) residual pressure for duration of two hours at fire hydrants installed throughout the project *or as otherwise required by the fire district*. The developer shall provide the Department of Public Works with a “will serve” letter from the Wheeler Crest Fire Protection District indicating approval of the project and that the district will provide service to the proposed parcels.
- a. The “will serve” letter must be received prior to final approval of the map.
 - b. Department of Public Works

- c. Applicant
 - d. Design
- 19) The project proponents shall provide the County with a “will-serve” letter from the Wheeler Crest Community Services District (CSD), indicating that the CSD has adequate water capacity and shall serve the proposed project.
- a. Must be satisfied prior to final approval of the map.
 - b. Public Works Department
 - c. Applicant
 - d. Design
- 20) The developer shall provide necessary easements for existing and proposed utility service within the subdivision. All existing and proposed easements shall be shown on the map.
- a. Must be satisfied prior to final approval of the map.
 - b. Public Works Department
 - c. Applicant
 - d. Design
- 21) Installation of individual sewage disposal systems will be required on each parcel at the time of future residential development. Prior to map approval, however, the developer shall submit a soils suitability report, prepared by a California-licensed civil engineer, supporting the suitability of soils for installation of individual sewage disposal systems. At a minimum, the report shall contain two percolation tests results and two soil profile results for each new parcel to be created or alternate testing as approved by Mono County Environmental Health. The report shall document, to the satisfaction of Mono County Environmental Health, that the soil structure meets or exceeds applicable state and County standards for siting and installation of individual sewage disposal systems.
- a. Must be satisfied prior to final approval of the map.
 - b. Mono County Environmental Health
 - c. Applicant
 - d. Design
- 22) The developer shall submit a plot plan, acceptable to Mono County Environmental Health, identifying designated areas for individual sewage disposal systems on each parcel. The plot plan shall be prepared by a California-licensed civil engineer. The plot plan shall identify both the primary sewage disposal area and an area for future sewage disposal, described as a replacement area, equal to 100% of the primary sewage disposal area, should the primary system fail. The siting of individual sewage disposal systems shall comply with the Lahontan Regional Water Quality Control Board’s (LRWQCB) criteria contained in the Water Quality Control Plan for the Lahontan region. Leach fields and septic tanks shall be sited a minimum of 100 feet from any domestic well, a minimum of 50 feet from any drainage course, and a minimum of 50 feet from any property line. Alternative systems, if proposed, shall be reviewed and approved by Mono County Environmental Health and shall conform to LRWQCB requirements.
- a. Must be satisfied prior to final approval of the map.
 - b. Mono County Environmental Health
 - c. Applicant
 - d. Design
- 23) The developer shall make an offer of dedication for a 60-foot-wide right of way for road, drainage, and public utility purposes for subdivision streets, and make an offer of dedication for a roadway turnaround (hammerhead “T” or cul-de-sac) at end of access road pursuant to Chapter 22 of the Mono County General Plan.
- a. Must be satisfied prior to final approval of the map.
 - b. Department of Public Works
 - c. Applicant
 - d. Design

- 24) The developer shall furnish a drainage report prepared by a California-licensed civil engineer to present the hydrologic analyses and hydraulic design of drainage facilities to be constructed for the subdivision.
- Must be satisfied prior to approval of construction plans for subdivision improvements.
 - Public Works Department
 - Applicant
 - Design
- 25) If necessary, the developer shall furnish a Storm Water Pollution Prevention Plan (SWPPP) and submit a Notice of Intent to comply with provisions of the State Water Resources Control Board's NPDES Permit for Construction Activities. A letter of clearance and/or waste discharge requirements from the Lahontan Regional Water Quality Control Board is required prior to commencing any grading activities or other site disturbance.
- Must be satisfied prior to approval of construction plans for subdivision improvements.
 - Public Works Department
 - Applicant
 - Design
- 26) Developer shall obtain a Permit to Construct and/or any other applicable air quality permit from the Great Basin Unified Air Pollution Control District for construction of subdivision improvements.
- Must be satisfied prior to approval of construction plans for subdivision improvements.
 - Public Works Department
 - Applicant
 - Design

PROJECT SPECIFIC CONDITIONS

A. CONDITIONS APPLICABLE PROJECTWIDE:

- 27) Architectural plans for any structure (e.g. dwelling unit, garage, barn, etc.) shall be reviewed and approved by the Wheeler Crest Design Review Committee prior to approval of the building permit.
- Requires monitoring over a period of time, usually linked to future development associated with approval of residential construction.
 - Community Development/Building and Planning Divisions
 - Applicant
 - Design/Ongoing
- 28) Affordable housing mitigation shall be provided pursuant to Chapter 15.40 Mono County Code that shall consist of: (1) an alternative mitigation proposal agreed upon by County and Applicant that satisfies the criteria set forth in section 15.40.060 of the Code or such other requirement for alternative mitigation which the County may hereinafter adopt to which Applicant agrees to be subject; or (2) such compliance can be achieved by paying a mitigation fee of \$118,800 and by deed-restricting one of the newly created lots for an attached secondary unit. A housing mitigation agreement shall be executed prior to recording of any final map.
- Must be satisfied prior to final map recordation
 - Community Development Department
 - Applicant/Property Owner
 - Upon Recordation
- 29) Driveways shall be designed to minimize grades so that year-round access is assured and on-street parking is avoided (Mono County Circulation Element, Wheeler Crest Policies, Action 3.1)
- Requires monitoring over a period of time, usually linked to future development associated with approval of residential construction.
 - Community Development Department
 - Applicant
 - Design/Ongoing

- 30) To minimize direct mortality impacts to the deer herd from vehicle collisions, signs shall be posted along roads within the project area warning drivers of the presence of deer.
- Must be satisfied prior to final approval of the map.
 - Public Works Department
 - Applicant
 - Design
- 31) The abandoned dirt road/air strip that crosses Lots 3 and 4 shall be scarified and revegetated with an approved native seed mix prior to final approval of the map in compliance with the landscaping and revegetation requirements in the NRC policies of the Rimrock Ranch Specific Plan, Section III Specific Plan Goals, Policies & Implementation Measures.
- Must be satisfied prior to final approval of the map.
 - Public Works Department
 - Applicant
 - Design
- 32) Drainage/utility easements shall be offered to the public for the drainage and utilities shown on the tentative map. No modification or alteration of the drainage easement shall be made without the written consent of the applicable departments of Mono County.
- Must be satisfied prior to final approval of the map.
 - Public Works Department
 - Applicant
 - Design
- 33) A letter of clearance and/or waste discharge requirements from Lahontan Regional Water Quality Control Board shall be obtained, if necessary.
- Must be satisfied prior to final approval of the map.
 - Public Works Department
 - Applicant
 - Design
- 34) *Applicant shall, by separate instrument, offer for dedication an easement for emergency ingress and egress along the path of the existing easement for access underground utility purposes per 638/581, noted on Tentative Tract Map 10-001.*
- Must be satisfied prior to final approval of the map.*
 - Public Works Department*
 - Applicant*
 - Design*
- 35) Conditions of Approval 1-50, or as otherwise required by the County, shall be cross-referenced to map conditions recorded by the County by notation on the map. If project CC&Rs are developed, all uniformly-applied development standards and policies and conditions of approval associated with future development shall be reiterated therein.
- Must be satisfied prior to final approval of the map.
 - Public Works Department
 - Applicant
 - Design

B. ADDITIONAL CONDITIONS APPLICABLE TO LOTS 1-5 ONLY:

- 36) All new development shall be in accordance with the Land Use Policies of the Rimrock Ranch Specific Plan, Section III Specific Plan Goals, Policies & Implementation Measures including, but not limited to:
- One single-family residence per parcel.
 - One detached guest house per parcel. The guest house shall not contain any kitchen or cooking facilities.

- C. Detached secondary residences shall not be permitted.
 - a. Requires monitoring over a period of time; usually linked to future development associated with approved residential construction.
 - b. Community Development Department
 - c. Applicant / Property Owner
 - d. Ongoing
- 37) Site development standards as set forth in the Land Use Policies of the Rimrock Ranch Specific Plan, Section III Specific Plan Goals, Policies & Implementation Measures shall be followed, including, but not limited to:
- A. Site disturbance: Permanent clearing of native vegetation for structures, landscaping, gardens, animal enclosures, and driveways shall be limited to twenty (20) percent of total lot area. Areas temporarily cleared for utility line construction, leach field or septic tank construction, well drilling operations or other temporary surface disturbances shall be re-vegetated as soon as possible in compliance with the re-vegetation standards in Natural Resource Conservation Policies 10 and 11 of the Specific Plan. On lots smaller than five (5) acres, an additional ten (10) percent of the total lot area may be cleared or otherwise utilized for livestock pens or corrals. The remainder of the parcel shall remain in its natural condition.
 - B. Building Setbacks: 50 feet front, 50 feet side and 50 feet rear. No exceptions shall be allowed.
 - C. Lot coverage: 30 percent maximum on lots smaller than five (5) acres.
 - D. Building height shall not exceed 22 feet, determined by adding the heights of each of the four corners of the building above the natural grade and dividing by four.
 - a. Requires monitoring over a period of time, usually linked to future development associated with approval of residential construction.
 - b. Community Development Department
 - c. Applicant
 - d. Design/Ongoing
- 38) The Open Space requirements of the Land Use Policies of the Rimrock Rock Ranch Specific Plan, Section III Specific Plan Goals, Policies & Implementation Measures shall be followed, including, but not limited to:
- A. Large setbacks of 50 feet from all property lines are required that will create 100-foot wide development-free corridors centered along property boundaries.
 - B. A 30-foot setback is required from the top of the back of onsite perennial drainages that will maintain open space along those.
 - C. Certain areas of riparian vegetation adjacent to onsite drainages, which have been identified by the project biologist as desirable for wildlife habitat, will be preserved with open space easements.
 - a. Requires monitoring over a period of time, usually linked to future development associated with approval of residential construction.
 - b. Community Development Department
 - c. Applicant
 - d. Design/Ongoing
- 39) Each parcel shall be landscaped in accordance with the landscaping guidelines in Design Guidelines Policy 10 of the Rimrock Ranch Specific Plan, Section III Specific Plan Goals, Policies & Implementation Measures or the Mono County Landscape Ordinance, whichever is more restrictive, within six (6) months of a Mono County Certificate of Occupancy for a dwelling unit on a parcel.
- a. Requires monitoring over a period of time, usually linked to future development associated with approval of residential construction.
 - b. Community Development Department
 - c. Applicant
 - d. Design/Ongoing

- 40) New structures and fences shall be designed and constructed to harmonize with existing development in the area, the surrounding natural environment, and onsite topography. The following design guidelines shall apply to all development:
- A. Structural siding and design should be sensitive to the topography of individual lots.
 - B. Roofing shall be fiberglass shingles or metal in colors compatible with the area (e.g. tan, brown, dark green or similar colors).
 - C. Bright colors or reflective materials shall not be used for any component of any structure.
 - a. Requires monitoring over a period of time, usually linked to future development associated with approval of residential construction.
 - b. Community Development Department
 - c. Applicant
 - d. Design/Ongoing
- 41) The total fenced area on any parcel shall be limited to the total area disturbed onsite as allowed under Land Use Policy 4a of the Rimrock Ranch Specific Plan, Section III Specific Plan Goals, Policies & Implementation Measures. Fencing shall be three strand wire or three rail pipe of wood fence. Solid wood fencing may be constructed within the immediate vicinity of a structure but shall encompass an area not greater than 500 square feet.
- a. Requires monitoring over a period of time, usually linked to future development associated with approval of residential construction.
 - b. Community Development Department
 - c. Applicant
 - d. Design/Ongoing
- 42) Wire fences shall consist of 3 single strand wires placed 20, 30, and 42 inches from the ground. All wire shall be smooth strand.
- a. Requires monitoring over a period of time, usually linked to future development associated with approval of residential construction.
 - b. Community Development Department
 - c. Applicant
 - d. Design/Ongoing
- 43) Fencing used for livestock facilities (corrals, etc.) shall incorporate the use of poles, piping or other non-wire materials to allow deer safe passage.
- a. Requires monitoring over a period of time, usually linked to future development associated with approval of residential construction.
 - b. Community Development Department
 - c. Applicant
 - d. Design/Ongoing
- 44) Parcel grading operations, structural foundation work, framing work and similar heavy construction activities shall be restricted to the period between May 15 and October 1 to minimize disturbance to migrating and wintering deer. This restriction shall not apply to emergency repair work. Emergency repair work shall be defined as that necessary to ensure public health and safety (e.g. water and sewer repair work, power repair work, emergency road clearing activities, etc.).
- a. Requires monitoring over a period of time, usually linked to future development associated with approval of residential construction.
 - b. Community Development Department
 - c. Applicant
 - d. Design/Ongoing
- 45) Impediments to deer movement, such as spoil piles, open ditches and excessive cut and fill slopes shall be minimized to the greatest extent possible; e.g. ditches or trenches should not be left open at night as they can be hazardous to deer and other nocturnal wildlife.

- a. Requires monitoring over a period of time, usually linked to future development associated with approval of residential construction.
 - b. Community Development Department
 - c. Applicant
 - d. Design/Ongoing
- 46) With the exception of wells, septic systems, and fire safe storage facilities, surface disturbance activities such as residential development, corrals, fencing and raising crops shall be prohibited outside private yard fenced areas.
- a. Requires monitoring over a period of time, usually linked to future development associated with approval of residential construction.
 - b. Community Development Department
 - c. Applicant
 - d. Design/Ongoing
- 47) Lots 1-5 shall be annexed into Zone of Benefit – C established pursuant to Tract Map 37-45 and Tract Map 37-47A for maintenance and rehabilitation of streets, unless a vote of the members does not allow it; in which case, a new zone of benefit shall be created. Data shall be collected and analyzed by a consultant to evaluate the ongoing maintenance and rehabilitation costs of Cougar Run and other streets maintained by Zone of Benefit - C.
- a. Must be satisfied prior to final approval of the map.
 - b. Public Works Department
 - c. Applicant
 - d. Design
- 48) The project applicant and subsequent owners shall participate in the Rimrock Ranch Groundwater Monitoring Program as outlined by Kleinfelder Inc. (data shall be collected and analyzed by a consultant to evaluate the potential for impact to groundwater supply). If significant impacts to groundwater levels are reported, the Planning Commission and/or the Board of Supervisors shall consider possible moratoriums on building permit issuance and recommendations for water rationing, outdoor landscaping restrictions or other possible remedies. The project shall be annexed into Zone of Benefit – B established pursuant to Tract Map 37-45 and Tract Map 37-47A for monitoring and analysis.
- a. Must be satisfied prior to final approval of the map.
 - b. Public Works Department
 - c. Applicant
 - d. Design
- 49) Lots 1 and 2 shall have access from the cul-de-sac on Ridge View only and the map shall have a note to this effect.
- a. Must be satisfied prior to final approval of the map.
 - b. Public Works Department
 - c. Applicant
 - d. Design
- 50) The project shall comply with all provisions of the Rimrock Ranch Specific Plan and with the Rimrock Ranch Mitigation, Implementation and Monitoring Program, including those not referenced in these conditions of approval.
- a. Requires monitoring over a period of time, usually linked to future development associated with approval of residential construction.
 - b. Public Works/Community Development
 - c. Applicant
 - d. Design/ongoing

ENVIRONMENTAL ANALYSIS

for

Tentative Tract Map 10-001

Haber

Swall Meadows

August 12, 2010

PREPARED BY:

Mono County Community Development Department

Planning Division

PO Box 347

Mammoth Lakes, CA 93546

**TENTATIVE TRACT MAP 10-001/HABER
ENVIRONMENTAL ANALYSIS**

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PART I: ENVIRONMENTAL ANALYSIS

CEQA Section 15183

I. INTRODUCTION

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

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

- Mono County General Plan, EIR certified in 1993 (SCH # 91032012) – general plan policies for all required general plan elements.
- Mono County Land Use Element Update, EIR certified in 2000 (SCH # 98122016) – zoning, land use policies, community plan policies.
- Mono County Rimrock Ranch Specific Plan, EIR certified in 2001 (SCH # 92092066)- land use policies, community plan policies.

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

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

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

II. PROJECT INFORMATION

1. Project Title: Tentative Tract Map 10-001

2. Lead Agency Name and Address:

Mono County Community Development Department

Tentative Tract Map 10-001/Haber

August 12, 2010

Planning Division
 PO Box 347
 Mammoth Lakes, CA 93514

- 3. Contact Persons and Phone Numbers:** Courtney Weiche at (760) 924-1803
- 4. Project Location:** The project site is a 49.51-acre parcel in the community of Swall Meadows in southern Mono County. The parcel is located to the south and west of existing development off Ridge View Road and Cougar Run as part of the Rimrock Ranch Specific Plan, and immediately west of the Pinon Ranch subdivision.
- 5. Project Sponsor's Name and Address:**
 Ralph and Lyn Haber
 730 Rimrock Dr.
 Swall Meadows, CA 93514
- 6. General Plan Land Use Designation/ Zoning:** Estate Residential 2 (ER2) and Specific Plan (SP)
- 7. Description of Project:** The proposal is to subdivide the 49.51-acre parcel (APN 064-090-034) into five two-acre parcels, designated Specific Plan, and one 39.50-acre parcel, designated Estate Residential, totaling six lots. The two-acre parcels, lots 1-5, proposed to be subdivided are in substantial compliance with the original proposal for Tentative Tract Map 37-47B presented to the Mono County Planning Commission in 2000. Prior to the Board of Supervisors public hearing, the project applicant withdrew their proposal to subdivide the property through TTM 37-47B. In 2001, the Mono County Board of Supervisors certified the Rimrock Ranch Specific Plan and the Rimrock Ranch Final EIR per Resolution No. 01-23, which included the 10-acre portion currently proposed to be subdivided for TTM 10-001, lots 1-5.

The proposal would permit a maximum density of one single-family residence per parcel with a requirement to deed-restrict one lot to include an attached secondary unit in accordance with the Housing Mitigation Ordinance. All lots are permitted to construct an attached secondary unit per Rimrock Ranch Specific Plan Land Use Policy 3 and Mono County General Plan Chapter 16 – Secondary Housing Development Standards.

Drainage improvements are also located within the existing easements constructed with the Rimrock Ranch subdivision project improvements.

8. Surrounding Land Uses

The property is located in Swall Meadows on the west side of Lower Rock Creek Road. Surrounding current land uses include:

West: Rimrock Ranch subdivision, Specific Plan (SP) and Estate Residential (ER)

South: Undeveloped privately owned vacant land, Estate Residential (APN 064-090-031 & APN 064-090-020)

East: Bureau of Land Management, Resource Management (APN 064-090-002) and Pinon Ranch subdivision, Estate Residential

North: Rimrock Ranch subdivision, Specific Plan (SP) and Estate Residential (ER)

Physical Characteristics of the Property

The elevation of this area varies from 5,000 to 6,075 feet above sea level with southeasterly slopes at grades 7% to 25%. The extreme southwest corner of the parcel contains slopes up

to 36%. Existing vegetation is primarily Great Basin sagebrush scrub, with bands of riparian vegetation along the drainages. A few pinon pines are scattered throughout the property, but no significant stands of trees exist on site.

The property is largely undeveloped with the exception of one single-family residence, located south of the Rimrock Ranch Specific Plan included area on proposed lot 6, and an unpaved abandoned runway located on the northeastern portion of the property, on proposed lots 3 and 4, to be revegetated as specified in the Conditions of Approval for TTM 10-001.

Review of the Alquist-Priolo Fault Hazards Maps indicates the project site is not located in a fault hazard zone or on a fault, although there are faults in the vicinity (MEA, Figure 34 and Alquist-Priolo Fault Hazard Maps). The project site is also not located in an area subject to landslides or rockfalls, or in a conditional development area for avalanches (MEA Figures 35 and 37). The entire Swall Meadows area enjoys vast vistas of the White Mountain range to the east, the Sierra Nevada range to the west and the Owens Valley to the south.

Access

Lots 1 and 2 shall have access only from Ridge View cul-de-sac and lots 3, 4, and 5 off Cougar Run. Lot 6 shall have access off the Ridge View cul-de-sac onto a 60-foot access easement with an existing dirt road.

All needed road improvements have been previously fulfilled upon completion of the Rimrock Ranch project through an established Zone of Benefit – C. The project shall be annexed into Zone of Benefit – C established pursuant to Tract Map 37-45 and Tract Map 37-47A for maintenance and rehabilitation of streets, unless a vote of the members does not allow it, in which case a new zone of benefit shall be created.

The Zone of Benefit is very similar to an Assessment District in that the fees are collected yearly on the tax rolls. The fees accrue to Mono County to offset increased costs associated with maintaining the roadways.

Utilities

Any new utility extensions will be installed underground. The applicant shall obtain a “Will Serve” letter from both the Wheeler Crest Fire Protection District and the Wheeler Crest Community Services District.

Utilities shall be provided as follows:

Water supply: Wheeler Crest Community Services District
 Sewage disposal: Individual sewage disposal systems
 Fire protection: Wheeler Crest Fire Protection District
 Electricity: Southern California Edison SCE (underground)
 Telephone: Verizon (underground)

III. PROJECT COMPLIANCE WITH SECTION 15183

Compliance with General Plan, Specific Plan, Area Plan, and Land Use Designation

The project site is designated Estate Residential (ER) and Specific Plan (SP). The ER designation, lot 6, for this area has a minimum parcel size of two acres for all users. The ER designation is intended to permit large-lot, single-family dwelling units with ancillary rural uses in areas adjacent to developed communities.

Tentative Tract Map 10-001/Haber
 August 12, 2010

The Rimrock Ranch SP, adopted in 2001, designation is intended to provide 35 (*entire* project) rural-residential parcels (including access and utilities) for construction of a custom-designed single-family residence on each parcel. Tentative Tract Map 10-001 would allow a maximum project density of one single-family residence and one *attached* secondary housing unit per parcel. Lots 1-5 are included in the previously adopted Rimrock Ranch Specific Plan/EIR.

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

Mono County Land Use Element, Wheeler Crest Area Policies

Wheeler Crest Area GOAL

Retain, as nearly possible, the character and quality of life presently enjoyed in the community.

OBJECTIVE A

Prevent incompatible or conflicting uses within the Wheeler Crest community.

Policy 1: The timing and location of new residential developments shall be directed to areas with existing services or adjacent to areas with existing services (i.e., fire protection, water supply, sewage and utilities).

Action 1.1: In-fill, to the greatest extent possible, developed private land to the residential densities specified in this plan (i.e., Estate Residential designation, one-acre minimum lot size). Overall densities for areas outside existing developed areas shall not exceed one unit per two acres (Estate Residential designation, two acre minimum lot size). As specified in the Plan EIR and other Plan policies, larger minimum lot sizes may be appropriate for sensitive resource areas.

The proposed newly created five lots are adjacent to existing developments and are consistent with overall densities of one single-family residence per two-acre gross lot.

Action 1.2: Require developers, at time of application submittal, to demonstrate adequate service availability (water supply, fire flow, sewage/septic, utilities).

Prior to approval of the final Tract Map, the project proponent shall provide the county with a “will serve” letter from the Wheeler Crest Community Services District and the Wheeler Crest Fire Protection District, indicating that the companies have the capability to serve the proposed development.

Action 1.4: Consider, and mitigate, the cumulative impact of any new development prior to project approval.

Any cumulative impacts, as a result of this project, have been considered and mitigated to the lowest feasible level through the Rimrock Ranch Specific Plan policies. See Board approval of Resolution No. 01-23 to review the Statement of Overriding Considerations.

Action 1.5: The residential density of any proposed project shall be consistent with surrounding densities as built.

The proposed project density is consistent with the surrounding communities; one single-family residence per two-acre gross lot.

Policy 2: Residential development shall have a minimum impact on the environment.

Action 2.1: Adequate open space shall be provided as part of any proposed development.

The Rimrock Ranch Specific Plan designates building envelopes with fifty foot setbacks on all sides and site disturbance to be limited to twenty percent of the lot size.

Action 2.2: Preserve adequate solar access for all existing and proposed development.

Solar access/development is permitted as governed by applicable regulations.

Action 2.3: Discourage installation of street lights unless necessary for safety reasons.

No street lights will be installed as a result of this project.

Action 2.4: Place all utilities underground unless the geology will not allow it.

All utilities will be installed underground.

Action 2.5: Develop design review standards indicating desired architectural type and outside treatments that will harmonize with the rural character of the area.

Any new development shall be required to be reviewed and approved prior to building permit issuance by the established Wheeler Crest Design Review Committee.

Action 2.6: In order to preserve the brilliant night sky quality of the Wheeler Crest area, adopt a "dark sky" ordinance to restrict local night lighting.

Prior to issuance of a Certificate of Occupancy any new development shall comply with Chapter 23 of the Mono County General Plan, Dark Sky Regulations.

Action 2.7: In order to better preserve continuous open areas for deer and wildlife use, and to facilitate maintenance of a residential structure's defensible space for wildland fire protection purposes, encourage secondary housing units be attached to the primary dwelling.

Per Rimrock Ranch Specific Plan policy 3c "Detached secondary residences shall not be permitted."

Policy 4: Encourage a diversity of architectural styles that reflect a rural residential lifestyle.

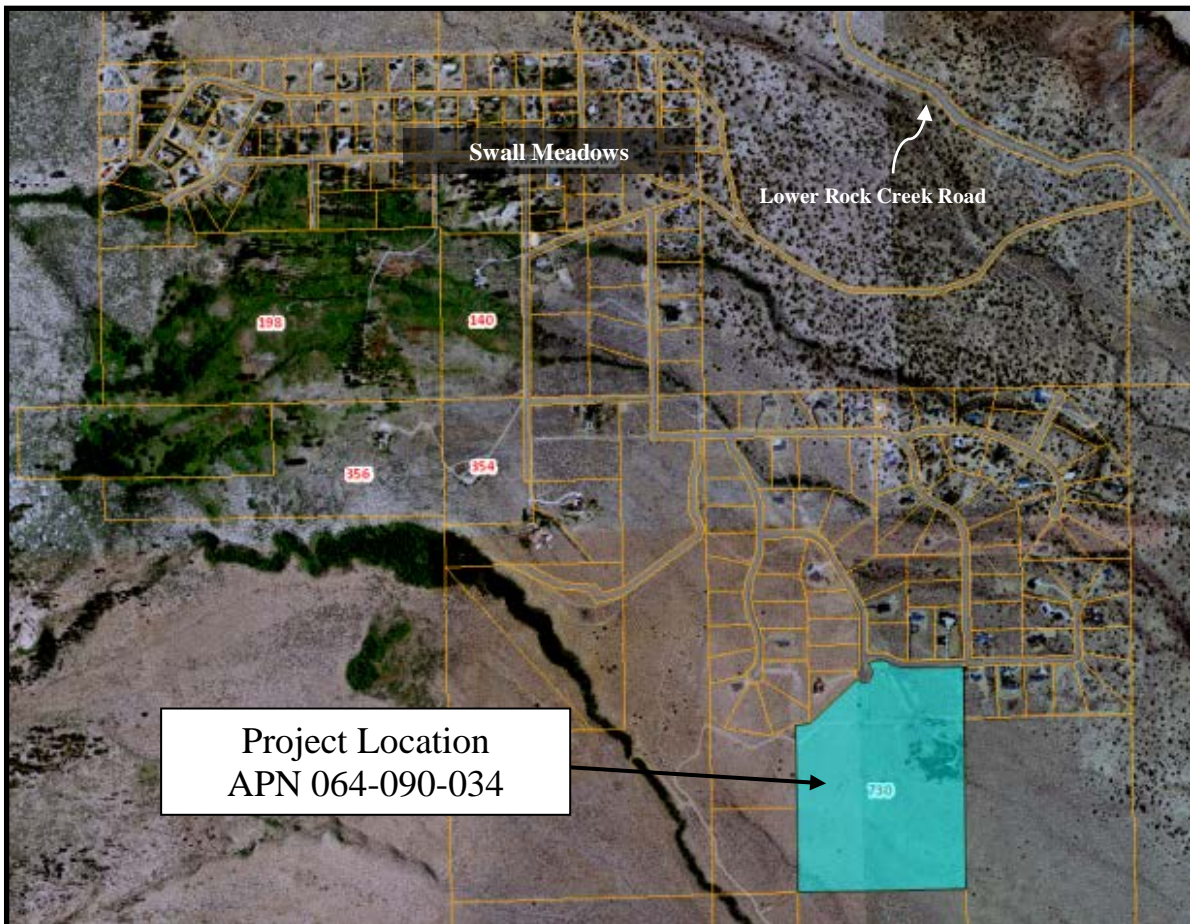
Action 4.1: Permit and encourage innovative construction techniques, as long as permitted by local ordinance and building codes (i.e., passive/active solar design).

The project objective is to provide for the construction of custom designed single-family residences.

Determination

The project is consistent with the General Plan land use designation for the parcel; EIRs were certified by Mono County for the adoption of the Mono County General Plan in 1993, the General Plan Update in 2000 and the Rimrock Ranch Specific Plan in 2001. The project meets the conditions set forth in Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183. The proposed project is a residential development project that is consistent with a community plan and zoning; the use of an environmental analysis in conformance with CEQA Guidelines Section 15183 is appropriate.

Figure 1
Vicinity Map



V. IMPACT ANALYSIS

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

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

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

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

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

*Refer to Section 7, Biological Resources, for full discussion

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

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

V. DISCUSSION OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

INTRODUCTION

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

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

Potential effects peculiar to this project will be limited since the project is being developed according to the approved Rimrock Ranch Specific Plan. The potential effects of this manner of development were identified in the EIRs certified by the County in conjunction with the adoption and update of the Mono County General Plan, and the Rimrock Ranch EIR and are not unique or peculiar to the proposed project.

The area is suitable for development. Applicants indicate SCE will provide electrical service underground. Water will be provided by the Wheeler Crest Services District. The potential environmental effects of the project are in conformance with the requirements of the CEQA Guidelines Section 15183.

1) LAND USE AND PLANNING

The project site is designated Estate Residential (ER) and Specific Plan (SP) in the 2000 Mono County General Plan Land Use Element. The ER designation, lot 6, for this area has a minimum parcel size of 2 acres for all users. The ER designation is intended to permit large-lot, single-family dwelling units with ancillary rural uses in areas adjacent to developed communities.

The Rimrock Ranch SP designation, lots 1-5, is intended to provide 35 (*entire* project) rural-residential parcels (including access and utilities) for construction of a custom designed single-family residence on each parcel. Tentative Tract Map 10-001 would allow a maximum project density one single-family residence and one *attached* secondary housing unit per parcel for lots 1-5.

Tentative Tract Map 10-001 would subdivide the project site into six parcels – five 2-acre parcels and one 39.5-acre parcel (see Figure 2, Tentative Tract Map 10-001).

The resulting lots would allow a maximum project density of one single-family residence and one attached secondary housing unit per parcel.

DETERMINATION

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

2) POPULATION AND HOUSING

As many as 96 persons could be induced by the full build-out of the entire Rimrock Ranch Specific Plan. The proposed project would be the last portion of the approved Rimrock Ranch Specific Plan to be subdivided. Housing directly produced by the project is expected to be in the moderate to upper income levels. Due to the expected cost of the dwellings in the project, there will be little contribution toward meeting housing goals for affordable housing units. Although this is not considered a significant environmental impact of the project, the Mono County Housing Ordinance, set forth in Chapter 15.40 of the Mono County Code, requires that a developer of six lots, in Swall Meadows, would be required to deed-restrict one lot to include a secondary unit and pay a fractional fee of approximately \$118,000.

Approval of the proposed project will not increase the population projected in the General Plan or the Rimrock Ranch Specific Plan, or induce significant population growth.

DETERMINATION

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

3) GEOLOGY

The Mono County Master Environmental Assessment (MEA) shows that the project site is not in an Alquist-Priolo Fault Hazard Zone and there are no faults in the project vicinity (MEA Figure 34F, Seismic Hazards). The project site is also neither in a High Risk Ground Failure Area (MEA Figure 34E, Seismic Hazards and Alquist-Priolo Fault Hazard Maps) nor in an area subject to landslides or rockfalls, or in a conditional development area for avalanches (MEA Figure 35D, Rockfall and Landslide Hazards and 37G, Conditional Development Area). There are no known mineral resources on the project site (MEA Figure 17L&M, Mineral Resources).

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

MEA Figure 18 E, Soil Erosion, shows the project site to be within an area subject to sheet rill erosion and erosion from urban road construction. The Mono County General Plan and the Mono County Grading Ordinance (Mono County Code, Chapter 13.08) contain uniformly applied erosion control policies and standards designed to prevent erosion and sedimentation impacts from construction activities. The Conditions of Approval for Tentative Tract Map 10-001 incorporate measures to avoid potential erosion and sedimentation impacts, as required by Mono County General Plan policies; i.e.,

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

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

"Control erosion at construction projects."

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

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

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

DETERMINATION

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

4) WATER RESOURCES

Water for the proposed five lots, included as part of the Rimrock Ranch Specific Plan, domestic and fire-flow needs will be supplied by obtaining a "will serve" letter from the established Wheeler Crest Community Services District. The existing single-family residence is served by an existing individual private well. The creation of six residential lots is not anticipated to create a substantial reduction in the amount of groundwater available for public water supplies or to affect groundwater quality or the direction or rate of flow of groundwater.

There are no FEMA flood zones located on the property. One ephemeral drainage is located at the south end of the Ridge View cul-de-sac, between lots 1 and 2, which runs through an existing 60-foot easement.

The Rimrock Ranch Specific Plan contains policies and standards concerning water resources that have been applied to this project; i.e.,

“A 30-foot setback is required from the top of the bank of onsite perennial drainages that will maintain open space along those drainages.” (Rimrock Ranch Specific Plan, Natural Resource Conservation Policy 15)

No open-space easements are required for riparian vegetation adjacent to onsite drainages, for the protection of wildlife habitat, for the TTM 10-001 project area, per the Rimrock Ranch EIR Open Space Plan Figure 4.

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

DETERMINATION

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

5) AIR QUALITY

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

The proposed residential uses are not expected to expose sensitive receptors to pollutants or to create any objectionable odors other than wood smoke. Conditions of Approval for Tentative Tract Map 10-001 require all new wood-burning devices to be Phase II EPA certified in compliance with policies in the Mono County General Plan that address the use of wood-burning devices in new construction; These policies have been applied to the project; i.e.,

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

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

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

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

Soil information for the site indicates that site disturbance during construction may expose material that is highly susceptible to wind erosion; therefore the project may increase erosion impacts and contribute to a reduction in air quality. Conditions of Approval for Tentative Tract Map 10-001 and Specific Plan Policies require the use of Best Management Practices (BMP's). These policies have been applied to the project; i.e.,

"Site disturbance shall be limited by implementation of the site disturbance restrictions contained in the Land Use policies of the Rimrock Ranch Specific Plan." (Rimrock Ranch Specific Plan, Land Use Policy 4a)

"Dust generated during construction shall be controlled through watering or other acceptable measures." (Rimrock Ranch Specific Plan, Natural Resource Conservation Policy 7)

"Revegetation of disturbed areas shall occur as soon as possible following construction and shall require the use of native seeds, native plants grown from seeds or seedlings obtained from local native stock. Revegetated areas shall be monitored for a period of five years to ensure the success of the project and shall be replanted if necessary. Revegetated areas shall be irrigated as necessary to establish the plants" (Rimrock Ranch Specific Plan, Natural Resources Policy 11).

DETERMINATION

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

6) TRANSPORTATION AND CIRCULATION

Trips generated by the subdivision of six lots will not substantially increase vehicle trips or cause traffic congestion. Lower Rock Creek, Swall Meadows Road and Valley View Road are considered to have a LOS (Level of Service) of "A" in the classification hierarchy due to very low traffic volume.

Table 1 shows the projected average daily additional vehicle trips for six single-family units, including impacts from the existing on-site residence. Since the Wheeler Crest area is fairly distant from employment centers, schools, and shopping, it is unlikely that residents make as many trips during the day; the “standard” trip-generation rates may not accurately reflect trip generation rates in this situation. Most likely, the standard trip generation figures exceed the actual trip generation rates in the area and probably overestimate the number of vehicle trips potentially generated. Based on the traffic counts at the entry to the area, a conservative factor of 5 trips per residence was considered reasonable for the area.

Therefore, the proposed project could generate approximately 30 daily vehicle trips. This assumes that trip generation figures accurately reflect trip generation rates in the Eastern Sierra. Most likely, the trip generation figure used exceeds the actual trip generation rates in the area and probably overestimates the number of vehicle trips potentially generated. The number of trips generated will not significantly impact the capacity on any of the existing roads, pursuant to the guidance provided in the manual Trip Generation, 5th Edition, Institute of Transportation Engineers, 1991.

Access for lots 1 and 2 is required to be from the Ridge View cul-de-sac, and lots 3, 4, and 5 will be from Cougar Run. Lot 6 will have access off the Ridge View cul-de-sac onto a 60-foot access easement served by an existing dirt road.

The lots are of adequate size to accommodate all required parking on each parcel. The project will neither create barriers for pedestrians or bicyclists nor will it conflict with policies supporting alternative transportation. The project will also not have any rail, waterborne, or air-traffic impacts. Potential traffic impacts will be less than significant due to the relatively small size of the proposed project and the existing capacity of the roads in the area.

TABLE 1: Projected Additional Vehicle Trips for the proposed TTM 10-001

Proposed Uses	No. of Units	Trip Rate Per Use¹	Total Trips Projected
Single Family	6 units	5/unit	30

Notes: Trip rates are based on: **Trip Generation**, 5th Edition, Institute of Transportation Engineers, 1991 and traffic counts conducted for the Rimrock Ranch Specific Plan. Pursuant to these documents, the level of additional traffic projected is not considered to be significant.

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

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

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

DETERMINATION

- The traffic and circulation impacts of the proposed density of development were analyzed in the prior EIRs certified in conjunction with the adoption and amendment of the Mono

County General Plan and in the prior EIR certified in conjunction with the adoption of the Rimrock Ranch Specific Plan.

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

7) BIOLOGICAL RESOURCES

The Rimrock Ranch Specific Plan Deer Study (Taylor, 1993) prepared for the project provides site specific information concerning the presence, relative abundance and habitat of mule deer onsite (Rimrock Ranch DEIR, Appendix B). The project site is within the winter range of the Round Valley mule deer herd. The study identified a number of deer trails in the Rimrock Ranch Specific Plan area, as well as areas used for foraging and as holding areas. Mule deer use is widespread over the project site. The Deer Study concludes that, even with mitigation, the project would incur unavoidable significant impacts to the Round Valley deer herd. A Statement of Overriding Considerations was made by the Mono County Board of Supervisors through adoption of Resolution No. 01-23.

The Study identified the potential impacts to the deer herd and lists mitigation measures to mitigate potential impacts to the lowest feasible levels. Mitigation measures identified in the Study have been incorporated into the Specific Plan as policies and incorporated into the Conditions of Approval for TTM 10-001.

No sage grouse leks are known to exist within the general area of Wheeler Crest (Steve Nelson, BLM, personal communication, June, 2000).

The Rimrock Ranch EIR identified no rare or endangered wildlife species are onsite. The Mono County Master Environmental Assessment identified no special status wildlife species in the area.

The Rimrock Ranch Specific Plan contains policies and standards concerning wildlife resources that have been applied to this project; i.e.,

“Parcel grading operations, structural foundation work, framing work and similar heavy construction activities shall be restricted to the period between May 15 and October 1 to minimize disturbance to migrating and wintering deer.” (Rimrock Ranch Specific Plan, Natural Resource Conservation Policy 1)

“Building Setbacks: 50 feet front, 50 feet side and 50 feet rear. No exceptions shall be allowed.” (Rimrock Ranch Specific Plan, Land Use Policy 4b)

“To minimize direct mortality impacts to the deer herd from vehicle collisions, signs shall be posted along roads within the project area warning the drivers of the presence of deer.” (Rimrock Ranch Specific Plan, Traffic and Circulation Policy 7)

Mono County General Plan, Conservation Element contains policies and standards concerning biological resources that have been applied to this project; i.e.,

“If a project is likely to have significant impacts on any state or federally listed threatened or endangered species, the County will consult fully with appropriate agencies and organizations, such as the DFG, the USFWS, and the CNPS, concerning project alternatives and mitigation measures.” (Mono County General Plan, Conservation/Open Space Element, Biological Resource policies, Objective A. Policy 2, Action 2.1)

“Projects requiring a Grading Permit shall prepare a plan for the protection, conservation, and future use of naturally occurring soils that are suitable as a plant growth medium. The plan shall ensure that stockpiled soils and graded materials are protected from contamination, chemical and physical degradation, and erosion throughout all stages of the project life.” (Mono County General Plan, Conservation/Open Space Element, Biological Resource policies, Objective A. Policy 5, Action 5.1)

DETERMINATION

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

8) ENERGY AND MINERAL RESOURCES

All future construction will be required to meet the requirements of Title 24, Part 2, Chapter 2-53 Energy Efficiency Standards according to Mono County Code 15.04.111. While an incremental demand upon existing energy service or resources is expected, it is not expected to be significant. Electrical service is available.

MEA Figure 17 L & M, Mineral Resources, indicates that the site is in an area where adequate information indicates that there are no significant mineral deposits.

DETERMINATION

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

- There are no cumulative or off-site energy and mineral resource impacts from the proposed project that were not addressed in the prior EIRs.

9) HAZARDS

The project will utilize individual propane tanks that must be installed according to all applicable codes and Mono County Code 15.04.056. All future residential development will be required to comply with the Mono County Fire Safe Regulations (Mono County Land Development Regulations, Chapter 22). The development of single-family residences on the property will not interfere with Mono County's Emergency Operations Plan. The proposed project will provide adequate access for emergency vehicles. The development of single-family residences is not expected to create health hazards.

DETERMINATION

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

10) NOISE

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

DETERMINATION

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

- There are no cumulative or off-site noise impacts from the proposed project that were not addressed in the prior EIRs.

11) PUBLIC SERVICES

The project is located within boundaries of the Wheeler Crest Fire Protection District and will be required to comply with FPD regulations and the county's Fire Safe Regulations (Mono County Land Development Regulations, Chapter 22). Specific Plan policies require a "will-serve" letter from the FPD prior to approval of the final tract map.

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

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

Recreational opportunities in the Wheeler Crest area consist primarily of dispersed recreational activities on surrounding public lands managed by the Bureau of Land Management and the Inyo National Forest. Development of the project site will not impact recreational opportunities on surrounding public lands or at nearby facilities.

All needed road improvements have been previously fulfilled upon completion of the Rimrock Ranch project through an established Zone of Benefit – C. The project shall be annexed into Zone of Benefit – C established pursuant to Tract Map 37-45 and Tract Map 37-47A for maintenance and rehabilitation of streets, unless a vote of the members does not allow it; in which case, a new zone of benefit shall be created.

No significant impacts to community services and facilities are anticipated due to the small size of the proposed project.

DETERMINATION

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

12) UTILITIES AND SERVICE SYSTEMS

The project will utilize individual propane tanks that must be installed according to all applicable codes and Mono County Code 15.04.056.

Electrical service will be provided by Southern California Edison and any future service extensions are required to be installed underground through utility/communication conduits in compliance with Mono County General Plan policies.

Water will be provided by the Wheeler Crest Community Services District (CSD). Final tract map approval requires the project applicant to obtain a “will-serve” letter from the CSD.

Individual septic systems will be utilized on each property. Future residents will be responsible for their own solid waste disposal. Mono County landfill facilities are not expected to be impacted by the proposed project.

In compliance with Wheeler Crest Area Plan policies, Specific Plan policies require “will-serve” letters from service providers prior to approval of the final tract map. No significant impacts are anticipated.

DETERMINATION

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

13) AESTHETICS

Roadways in the immediate vicinity are not designated scenic highways; however, U.S. 395 is a county-designated Scenic Highway. U.S. 395 is located to the east of the project site. A number of policies and design features have been incorporated into the Specific Plan to avoid potential visual impacts and to mitigate potential impacts to a less-than-significant level.

The development of additional single-family residential housing will not substantially degrade the visual quality of the surrounding area. Utility line extensions will be installed underground in compliance with Mono County General Plan policies and the Land Development Regulations. Conditions of Approval for Tentative Tract Map 10-001 limit outside lighting to that necessary for health and safety reasons and require it to be designed and maintained to minimize its effects on surrounding uses.

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

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

“Extension of power and telephone services shall be placed underground.”
(Undergrounding of utilities complies with the requirements of the Mono County General Plan, Land Development Regulations, Chapter 04.070 and the Mono County

General Plan, Conservation/Open Space Element, Visual Resource Policies, Objective C, Action 3.2)

"Ensure that development is visually compatible with surrounding community, adjacent cultural resources, and/or natural environment." (Mono County General Plan, Conservation/Open Space Element, Visual Resource Policies, Objective C)

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

"Lot coverage: 20 percent maximum." (Rimrock Ranch Specific Plan Policy 3d)

"Building heights shall not exceed 22 feet, determined by adding the heights of the four corners of the building above natural grade and dividing by four." (Rimrock Ranch Specific Plan Policy 3f)

DETERMINATION

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

14) CULTURAL RESOURCES

Trans-Sierran Archaeological Research completed an archaeological survey and testing for the entire Rimrock Ranch Specific Plan area. Only one of the four loci of cultural remains identified was located on land proposed for development within the Rimrock Ranch Specific Plan boundary. This area has been previously subdivided and is not near the subject property proposed for subdivision by TTM 10-001.

Conditions of Approval for Tentative Tract Map 10-001 require developers to stop work and notify appropriate agencies if archaeological evidence is encountered during earthwork activities. No disturbance of an archaeological site is permitted until the applicant hires a qualified consultant and an appropriate report which identifies acceptable site mitigation measures is filed with the county Planning Division.

DETERMINATION

- The cultural resource impacts of the proposed density of development were analyzed in the prior EIRs certified in conjunction with the adoption and amendment of the Mono County General Plan and in the prior EIR certified in conjunction with the adoption of the Rimrock Ranch Specific Plan.

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

15) RECREATION

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

DETERMINATION

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

VI. DETERMINATION

On the basis of this initial evaluation:

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

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

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

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

I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required. [Board Resolution No. 01-23 for the Rimrock Ranch Specific Plan and EIR refers to the Statement of Overriding Considerations for the significant and unavoidable impact identified for the project.]

Courtney Weiche
Printed Name

August 12, 2010
Date

PART II: REFERENCES

I. REFERENCES CONSULTED

California Air Resources Control Board

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

Institute of Transportation Engineers

Trip Generation, 5th Edition. 1991.

Mono County

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

Mono County Code. Chapter 15.40 Housing Ordinance.

Mono County Code. Chapter 17.36.090 Land Divisions. Minimum Requirements.

Mono County Local Transportation Commission

Mono County Regional Transportation Plan. 2008 Update.

Mono County Planning Division.

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

Mono County General Plan Environmental Impact Report. 1993.

Mono County General Plan Environmental Impact Report. 2000.

Mono County Master Environmental Assessment. 2001.

Mono County Rimrock Ranch Specific Plan/Environmental Impact Report. 2000.

Mono County Rimrock Ranch Final Environmental Impact Report. 2001.



MONO COUNTY

DEPARTMENT OF PUBLIC WORKS

POST OFFICE BOX 457 • 74 NORTH SCHOOL STREET • BRIDGEPORT, CALIFORNIA 93517
760.932.5440 • Fax 760.932.5441 • monopw@mono.ca.gov • www.monocounty.ca.gov

Date: September 21, 2017
To: Mono County Planning Commission
From: Walt Lehmann, Engineering Technician III
Subject: Tract Map No. 10-001 (Haber)

RECOMMENDATION:

Authorize Chair's signature on Tract Map No. 10-001, recommending its approval by the Board of Supervisors subject to satisfaction of Map Conditions (#47 and #48).

PROJECT DESCRIPTION:

Tentative Tract Map 10-001 was recommended for approval by the Mono County Planning Commission at a public hearing held on August 12, 2010, and approved at a Board of Supervisors meeting on November 2, 2010. This tentative map was then automatically extended for four years through AB208 and AB116 state legislation. Last year the Planning Commission granted a one year extension through to November 2, 2017. The map will subdivide APN 064-090-034-000, totaling 49.51 acres, into six lots of 1.96, 1.96, 1.60, 1.86, 1.86 and 39.50 acres, along with an offer of dedication of 0.77 acres along Cougar Run with a portion of the Ridge View cul-de-sac.

The project is located in the community of Swall Meadows, southeast of the Rimrock Ranch Subdivision and southwest of the Pinion Ranch Subdivision. Access is via Cougar Run and Ridge View. The General Plan Land Use Designation for Lots 1-5 was part of the approved Rimrock Ranch Specific Plan (SP). Lot 6 is currently developed and will remain a land use designation of Estate Residential (ER 2). Lots 1- 5 will receive their water through the Wheel Crest Community Serves District and will have individual septic systems. A reduced copy of the three-sheet parcel map is attached as Exhibit 1; a full-sized copy of the final map will be available for review at the meeting.

Construction of subdivision improvements consisting of an access road, drainage, and underground utilities were completed as part of the adjacent Rimrock Ranch Subdivision (Tract 37-47A). In addition, CC&Rs have been prepared for the project. Development standards and mitigation measures will be recorded by a separate instrument that will be referenced on the concurrently recorded tract map. The Notice of Development Conditions is attached as Exhibit 3. The obligation for maintaining the road improvements will be handled by an amendment of Zone of Benefit 'C' to include the lots created by Tract Map No. 10-001 (#47). The subdivision Lots will also be incorporated into the Groundwater Monitoring Zone of Benefit 'B' by an amendment (#48).

The tract map is in compliance with the Subdivision Map Act and local ordinances. Additionally, the developer has complied with all map conditions required relative to map approval, with the exception of map conditions #47 and #48 which will be addressed by the Board of Supervisors. A narrative of the map conditions, attached as Exhibit 2, presents conditions of approval and method(s) of compliance.

The tract map now requires a recommendation of approval by the Planning Commission. Consideration of final map approval is scheduled before the Board of Supervisors at a subsequent meeting.

Respectfully submitted,

Walt Lehmann
Engineering Technician III

Attachments:

- Exhibit 1 – Reduced Copy of Tract Map 10-001
- Exhibit 2 – Status of Map Conditions and Compliance Methods
- Exhibit 3 – Notice of Development Conditions (draft)

OWNER'S CERTIFICATE

WE THE UNDERSIGNED, BEING ALL PARTIES HAVING ANY RECORD TITLE INTEREST IN THE REAL PROPERTY BEING SUBDIVIDED, DO HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF THIS FINAL MAP. WE ALSO HEREBY DEDICATE IN FEE, TO THE PUBLIC, FOR STREET RIGHT-OF-WAY AND UTILITY PURPOSES THOSE PORTIONS OF RIDGE VIEW AND COUGAR RUN SHOWN HEREON AS LYING WITHIN THIS TRACT. WE ALSO HEREBY DEDICATE TO THE PUBLIC THOSE PUBLIC UTILITY EASEMENTS AS SO DESIGNATED ON THIS MAP. WE ALSO HEREBY DEDICATE THE 20' WATER LINE EASEMENT, WATER LINE AND HYDRANT TO WHEELER CREST COMMUNITY SERVICES DISTRICT. ADDITIONALLY, WE HEREBY DEDICATE THAT CERTAIN 60' PRIVATE ACCESS AND UTILITY EASEMENT FOR THE BENEFIT OF LOT 6 AS SHOWN ON THIS MAP.

RALPH NORMAN HABER _____
STATE OF)
COUNTY OF) SS. LYN R. HABER _____

BEFORE ME, _____ NOTARY PUBLIC, I PERSONALLY APPEARED RALPH NORMAN & LYN R. HABER, WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME IN THEIR AUTHORIZED CAPACITY AND THAT BY THEIR SIGNATURE ON THE INSTRUMENT THE PERSONS, OR THE ENTITY UPON BEHALF OF WHICH THE PERSONS ACTED, EXECUTED THE INSTRUMENT.

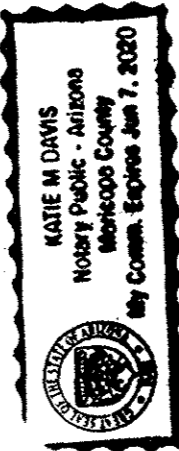
I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT. WITNESS MY HAND AND OFFICIAL SEAL.

SIGNATURE _____ COUNTY OF COMMISSION _____
PRINT NOTARY NAME _____ EXPIRATION DATE _____

JPMORGAN CHASE BANK, N.A., successor by purchase to Washington Mutual Bank (Deed of trust dated February 6, 2007 & recorded on February 20, 2007 as Instrument No. 2007601050)

BY: Michael Samuel
ITS: VICE PRESIDENT
STATE OF ARIZONA
COUNTY OF MARICOPA SS:
ON August 14, 2017, BEFORE ME, APPEARED

MICHAEL SAMUEL
TO ME PERSONALLY KNOWN, WHO DID SAY THAT HE IS THE VICE PRESIDENT OF JPMORGAN CHASE BANK, N.A., AND THAT THE INSTRUMENT WAS EXECUTED ON BEHALF OF THE CORPORATION (OR ASSOCIATION), BY AUTHORITY FROM ITS BOARD OF DIRECTORS, AND THAT SHE ACKNOWLEDGED THE INSTRUMENT TO BE FREE ACT AND DEED OF THE CORPORATION (OR ASSOCIATION).



Kate M Davis
Kate M. Davis NOTARY PUBLIC

AZ NOTARY ID: 510635
COMMISSION EXPIRES June 7, 2020

TAX COLLECTOR'S CERTIFICATE

I HEREBY CERTIFY THAT, ACCORDING TO THE RECORDS ON FILE IN THIS OFFICE, THERE ARE NO LIENS AGAINST THIS SUBDIVISION, OR ANY PART THEREOF, FOR UNPAID STATE, COUNTY, MUNICIPAL, LOCAL TAXES OR SPECIAL ASSESSMENTS COLLECTED AS TAXES, EXCEPT TAXES OR SPECIAL ASSESSMENTS NOT YET PAYABLE TAXES OR SPECIAL ASSESSMENTS COLLECTED AS TAXES WHICH ARE A LIEN BUT NOT YET PAYABLE ARE ESTIMATED TO BE IN THE AMOUNT OF \$ _____ FOR WHICH RECEIPT OF GOOD AND SUFFICIENT SECURITY CONDITIONED UPON PAYMENT OF THESE TAXES IS HEREBY ACKNOWLEDGED.

MONO COUNTY TAX COLLECTOR

DATE _____ DEPUTY MONO COUNTY TAX COLLECTOR _____

CLERK TO THE BOARD'S STATEMENT

I HEREBY STATE THAT THE MONO COUNTY BOARD OF SUPERVISORS, AT A REGULAR MEETING THEREOF, HELD ON THE _____ DAY OF _____, 2017, BY AN ORDER DULY PASSED AND ENTERED, DID APPROVE THE FINAL MAP FOR TRACT MAP NO. 10-001, AND DID ALSO _____ ON BEHALF OF THE PUBLIC, THOSE EASEMENTS FOR DRAINAGE PURPOSES, AS SHOWN ON THIS MAP, AND DID ALSO _____ ON BEHALF OF THE PUBLIC, THOSE PORTIONS OF THE STREETS LYING WITHIN THIS TRACT DESIGNATED AS COUGAR RUN AND RIDGE VIEW.

DATE _____ SHANNON KENDALL
CLERK TO THE BOARD OF SUPERVISORS

PLANNING COMMISSION'S CERTIFICATE

THIS FINAL MAP HAS BEEN REVIEWED BY THE UNDERSIGNED AND FOUND TO BE IN SUBSTANTIAL CONFORMANCE WITH THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP.

THEREFORE, IN ACCORDANCE WITH THE PROVISIONS OF MONO COUNTY CODE SECTION 17.20.170, THIS MAP IS HEREBY APPROVED.
SAID APPROVAL HAVING BEEN RATIFIED BY THE MONO COUNTY PLANNING COMMISSION ON _____

DATE _____ CHAIRMAN, MONO COUNTY PLANNING COMMISSION

DATE _____ MONO COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

SOILS NOTE

A GEOTECHNICAL INVESTIGATION DATED JULY 26, 2002 & SUPPLEMENTED APRIL 22, 2014 WAS PREPARED BY SIERRA GEOTECHNICAL SERVICES, INC. PURSUANT TO MONO COUNTY CODE 17.36.090H AND SECTION 66490 OF THE SUBDIVISION MAP ACT. A COPY OF SAID INVESTIGATION IS ON FILE WITH THE MONO COUNTY DEPARTMENT OF PUBLIC WORKS.

HEALTH DEPARTMENT'S CERTIFICATE

I HEREBY CERTIFY THAT THIS SUBDIVISION IS APPROVED BY THE MONO COUNTY HEALTH OFFICER.

DATE _____ LOUIS MOLINA
DEPARTMENT OF ENVIRONMENTAL HEALTH

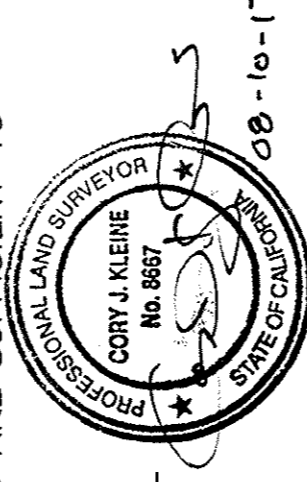
COUNTY SURVEYOR'S STATEMENT

THIS MAP HAS BEEN EXAMINED BY ME AND THE SUBDIVISION AS SHOWN IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP, AND ANY APPROVED ALTERATIONS THEREOF, ALL PROVISIONS OF THE SUBDIVISION MAP ACT AND ANY LOCAL ORDINANCES APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP HAVE BEEN COMPLIED WITH. I AM SATISFIED THAT THIS MAP IS TECHNICALLY CORRECT.

MONO COUNTY SURVEYOR _____ DATE _____

SURVEYOR'S STATEMENT

I, CORY J. KLEINE, HEREBY STATE THAT THIS FINAL MAP AND SURVEY WERE PREPARED BY ME OR UNDER MY DIRECTION, THAT THE SURVEY PERFORMED DURING JUNE, 2013, IS TRUE AND COMPLETE AS SHOWN; THAT ALL THE MONUMENTS ARE OF THE CHARACTER SHOWN AND OCCUPY THE POSITIONS INDICATED, AND THAT SUCH MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.



Cory J. Kleine
CORY J. KLEINE, P.L.S. 8667 DATE 08-10-2017

C.C.'s. NOTE

THE DECLARATIONS OF COVENANTS, CONDITIONS, RESTRICTIONS AND RESERVATIONS ARE RECORDED AS INSTRUMENT NO. _____ IN THE OFFICE OF THE MONO COUNTY RECORDER.

COUNTY RECORDER'S STATEMENT

FILED THIS _____ DAY OF _____, 2017, AT _____ IN BOOK _____ OF TRACT MAPS AT PAGES _____ AT THE REQUEST OF RALPH NORMAN & LYN R. HABER

EEE: _____ INSTRUMENT NO.:

BY: SHANNON KENDALL
MONO COUNTY RECORDER DEPUTY

FINAL MAP
TRACT MAP NO. 10-001
FOR
RALPH NORMAN & LYN R. HABER
(PARCEL 2 OF LOT LINE ADJUSTMENT
98-05 PER 840703, O.R.)

LOCATED WITHIN THE EAST ONE-HALF (E1/2) OF SECTION 24, T.5S., R.30E., M.D.M., MONO COUNTY, CALIFORNIA
1567-002-13 REV-07/16/17
1567-002F1-REV.dwg 11/20/13

RO Anderson
MONO COUNTY RECORDER
140 N. Huffaker Lane
Reno, NV 89501
P 775.762.2322
F 775.762.1684

NOTES

TOTAL AREA 49.51 ACRES GROSS
BEING DIVIDED: 48.74 ACRES NET

A 10' PUBLIC UTILITY EASEMENT SHALL EXIST ALONG ROAD FRONTS AND EXTERIOR BOUNDARIES AND 5' ON BOTH SIDES OF INTERIOR LOT LINES PER THIS MAP.

LOTS 1 & 2 SHALL HAVE VEHICULAR ACCESS FROM THE CUL-DE-SAC ON RIDGE VIEW ONLT.

SUBJECT TO BLANKET PATENT RESERVATIONS FOR ANY VESTED WATER RIGHTS, DITCHES, COAL & MINERALS PER BOOK 3, PAGE 406.

SUBJECT TO THE TERMS OF A WATER RIGHTS AGREEMENT PER BOOK 638, PAGE 587.

PRESENT AND FUTURE OWNERS OF THE LOTS CREATED BY THIS FINAL MAP ARE TO COMPLY WITH REQUIREMENTS OF THE MONO COUNTY GENERAL PLAN AND DEVELOPMENT STANDARDS AND MITIGATION MEASURES SPECIFIC TO THIS MAP. CONDITIONS OF MAP APPROVAL GOVERNING THE LOTS CREATED BY THIS FINAL MAP ARE RECORDED AS INSTRUMENT NUMBER _____ OF OFFICIAL RECORDS, COUNTY OF MONO. IF ANY INCONSISTENCIES EXIST BETWEEN THE REQUIREMENTS SET FORTH IN THESE DOCUMENTS, THEN THE MORE RESTRICTIVE SHALL APPLY.

REFERENCE DOCUMENTS

- (R1) - CERTIFICATE OF COMPLIANCE NO. 98-05, FILED IN BOOK 840, PAGE 003
- (R2) - FINAL MAP FOR RIMROCK RANCH (T.M. 37-47A) FILED FOR RECORD APRIL 24, 2002 IN BOOK 10 OF TRACT MAPS, PAGES 62-62C.
- (R3) - FINAL MAP (T.M. 37-27B) FILED FOR RECORD NOVEMBER 1, 1984 IN BOOK 9 OF SUBDIVISION MAPS, PAGES 68-68B.
- (R4) - RECORD OF SURVEY FOR WILSON FILED FOR RECORD OCTOBER 26, 1966 IN BOOK 5 OF MAPS, PAGE 53.
- (R5) - BLM DEPENDENT RESURVEY DATED JULY 26, 2002
- (R6) - FINAL MAP (T.M. 37-94A) FILED FOR RECORD JUNE 20, 2003 IN BOOK 10 OF TRACT MAPS, PAGES 66-66C.

LEGEND

- FOUND BLM BRASS CAP, 2001, UNLESS NOTED, PER (R5)
- FOUND CENTERLINE MONUMENT IN WELL, LS 4587, PER (R2)
- FOUND 5/8" REBAR WITH PLASTIC CAP, LS 4587, PER (R2)
- FOUND 5/8" REBAR WITH PLASTIC CAP, LS 4587, PER (R2) UNLESS OTHERWISE NOTED.
- ∅ DIMENSION POINT, NOTHING FOUND OR SET
- △ SET 5/8" REBAR WITH PLASTIC CAP, PLUS 8667, UNLESS OTHERWISE NOTED.
- (M) MEASURED POSITION
- (C) CALCULATED POSITION
- R/W RIGHT-OF-WAY
- PARCEL BOUNDARY LINE
- PROPOSED LOT LINE
- EXISTING LOT LINE
- RIGHT-OF-WAY CENTERLINE
- EASEMENT LINE
- BUILDING SETBACK LINE

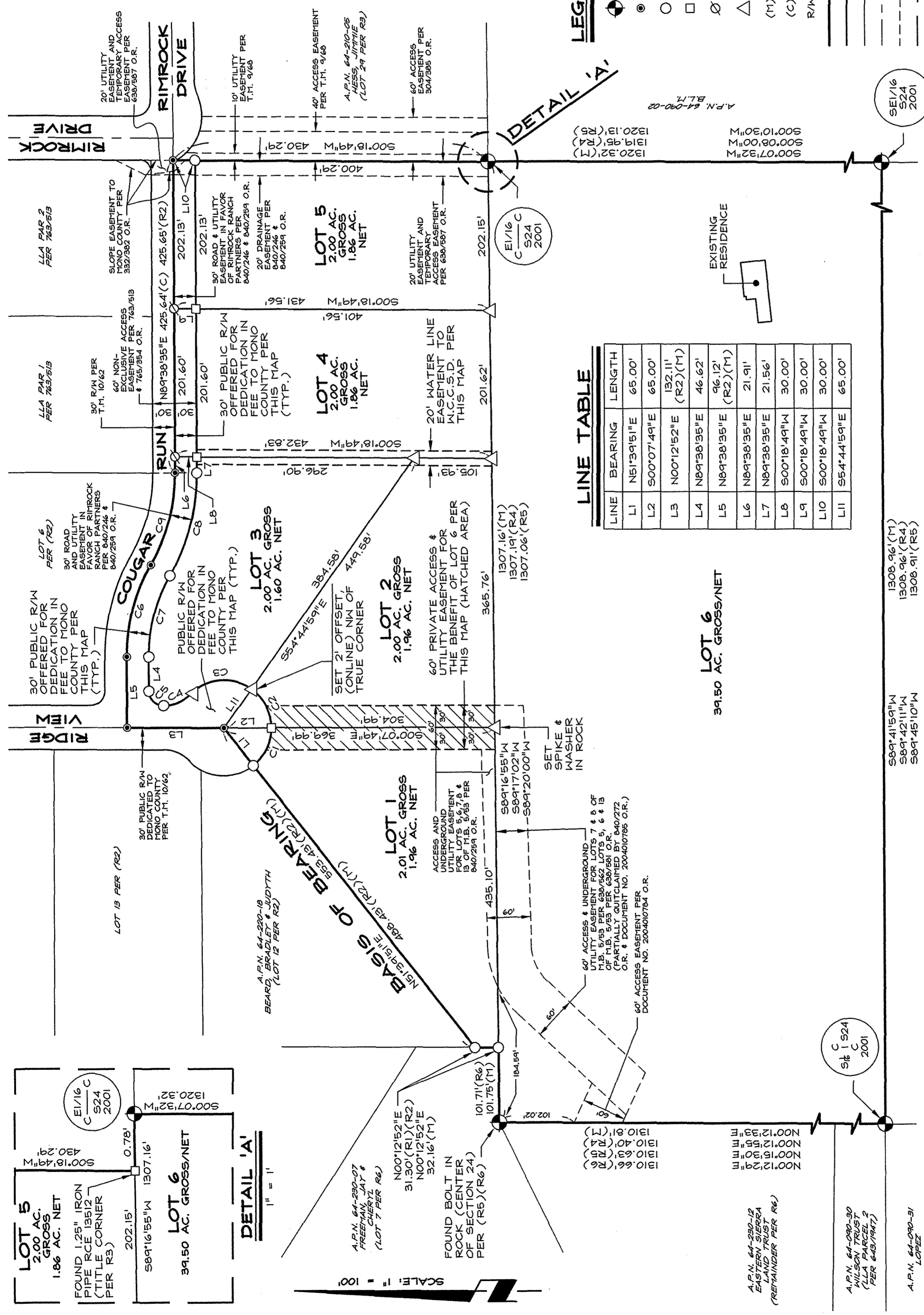
SCALE: 1" = 100'

SHEET 2 OF 3

FINAL MAP
TRACT MAP NO. 10-001
RALPH NORMAN & LYN R. HABER
(PARCEL 2 OF LOT LINE ADJUSTMENT
98-05 PER 840/03, O.R.)

LOCATED WITHIN THE EAST ONE-HALF (E1/2) OF SECTION 24, T.5S., R30E., M.D.M., MONO COUNTY, CALIFORNIA

1587-002-13
1587-002B5.dwg
11/20/13



LINE TABLE

LINE	BEARING	LENGTH
L1	N51°39'15"E	65.00'
L2	S00°07'49"E	65.00'
L3	N00°12'52"E	132.11' (R2)(M)
L4	N89°38'35"E	46.62'
L5	N89°38'35"E	96.12' (R2)(M)
L6	N89°38'35"E	21.91'
L7	N89°38'35"E	21.56'
L8	S00°18'49"W	30.00'
L9	S00°18'49"W	30.00'
L10	S00°18'49"W	30.00'
L11	S54°44'59"E	65.00'

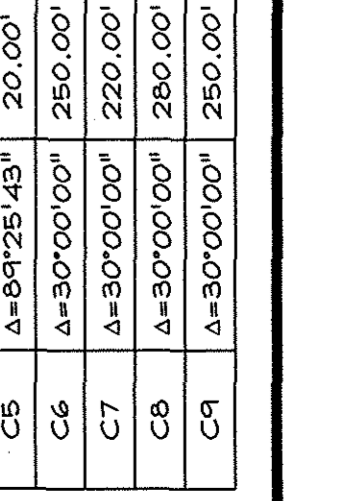
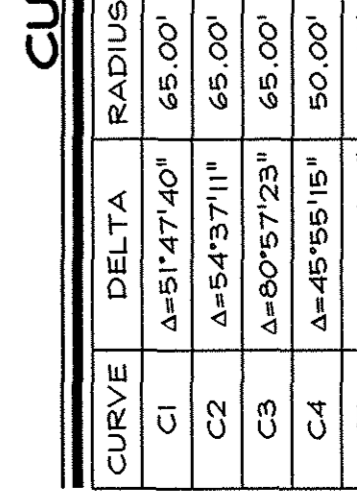
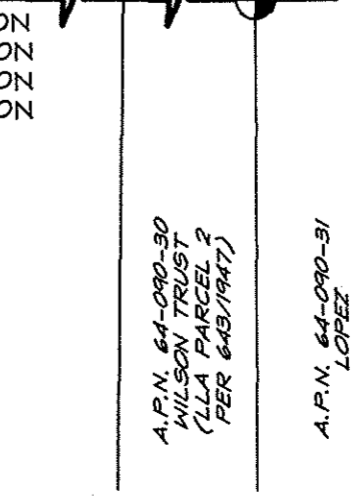
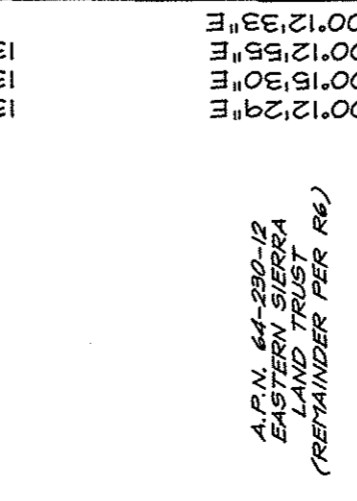
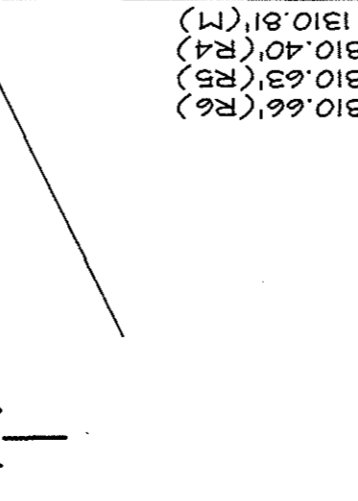
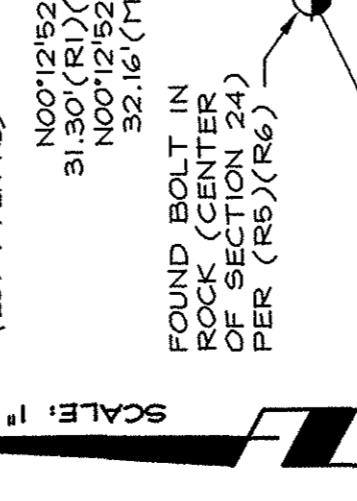
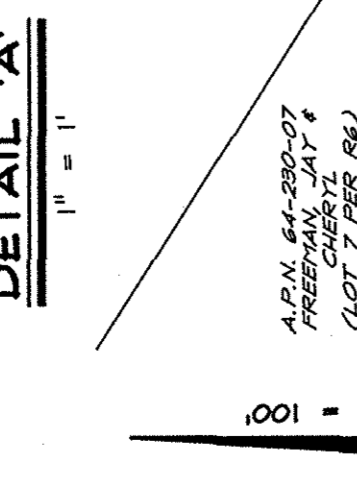
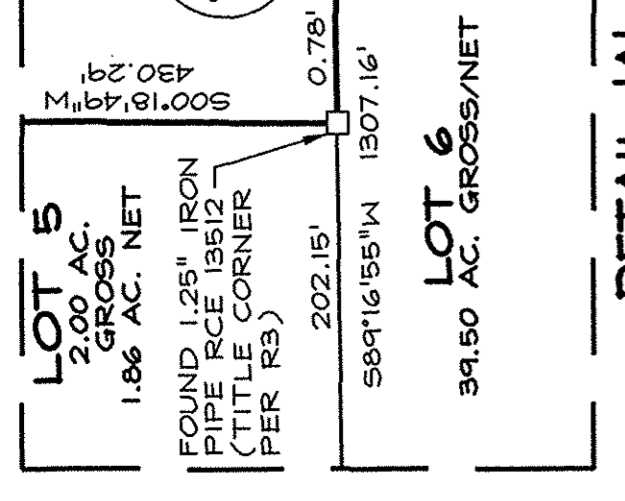
CURVE TABLE

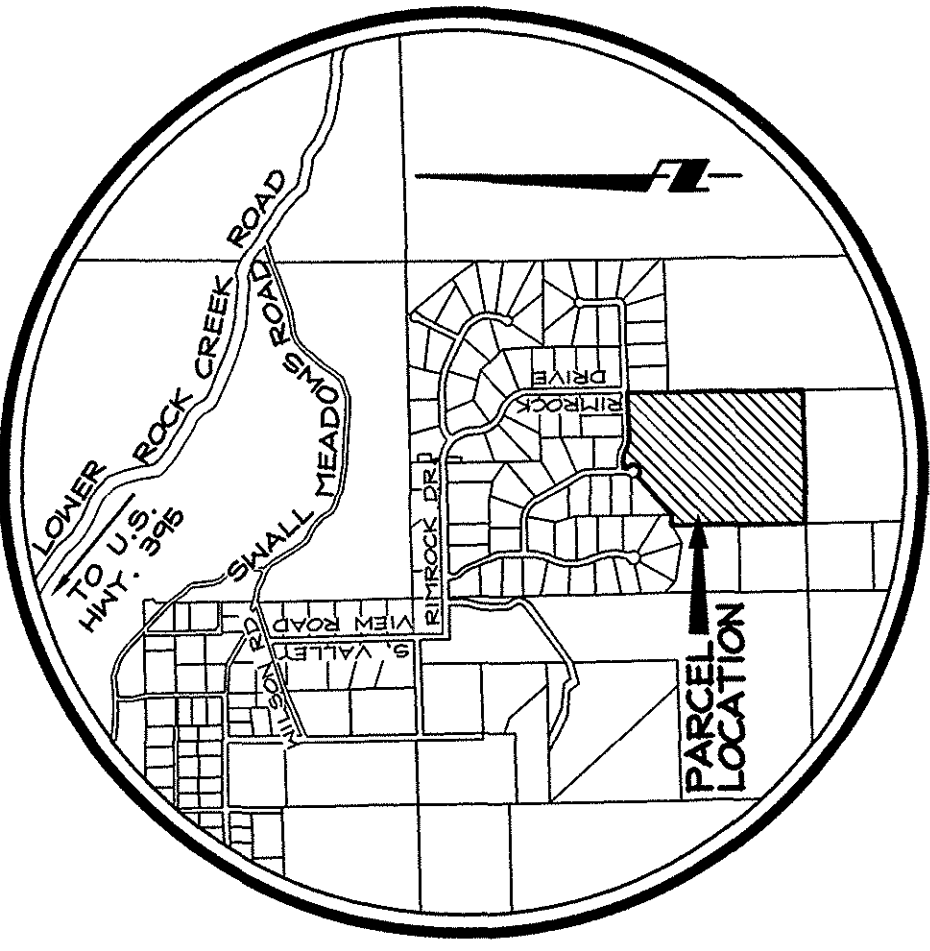
CURVE	DELTA	RADIUS	CHORD BEARING	CHORD LENGTH
C1	Δ=51°47'40"	65.00'	S64°13'59"E	56.78'
C2	Δ=54°37'11"	65.00'	N62°33'36"E	59.64'
C3	Δ=80°57'23"	65.00'	N05°13'41"W	84.39'
C4	Δ=45°55'15"	50.00'	S22°44'45"E	39.01'
C5	Δ=89°25'43"	20.00'	S44°55'44"W	28.14'
C6	Δ=30°00'00"	250.00'	N75°21'25"W	129.41' (R2)(M)
C7	Δ=30°00'00"	220.00'	N75°21'25"W	113.88'
C8	Δ=30°00'00"	280.00'	S75°21'25"E	144.94'
C9	Δ=30°00'00"	250.00'	S75°21'25"E	129.41' (R2)(M)

BASIS OF BEARING

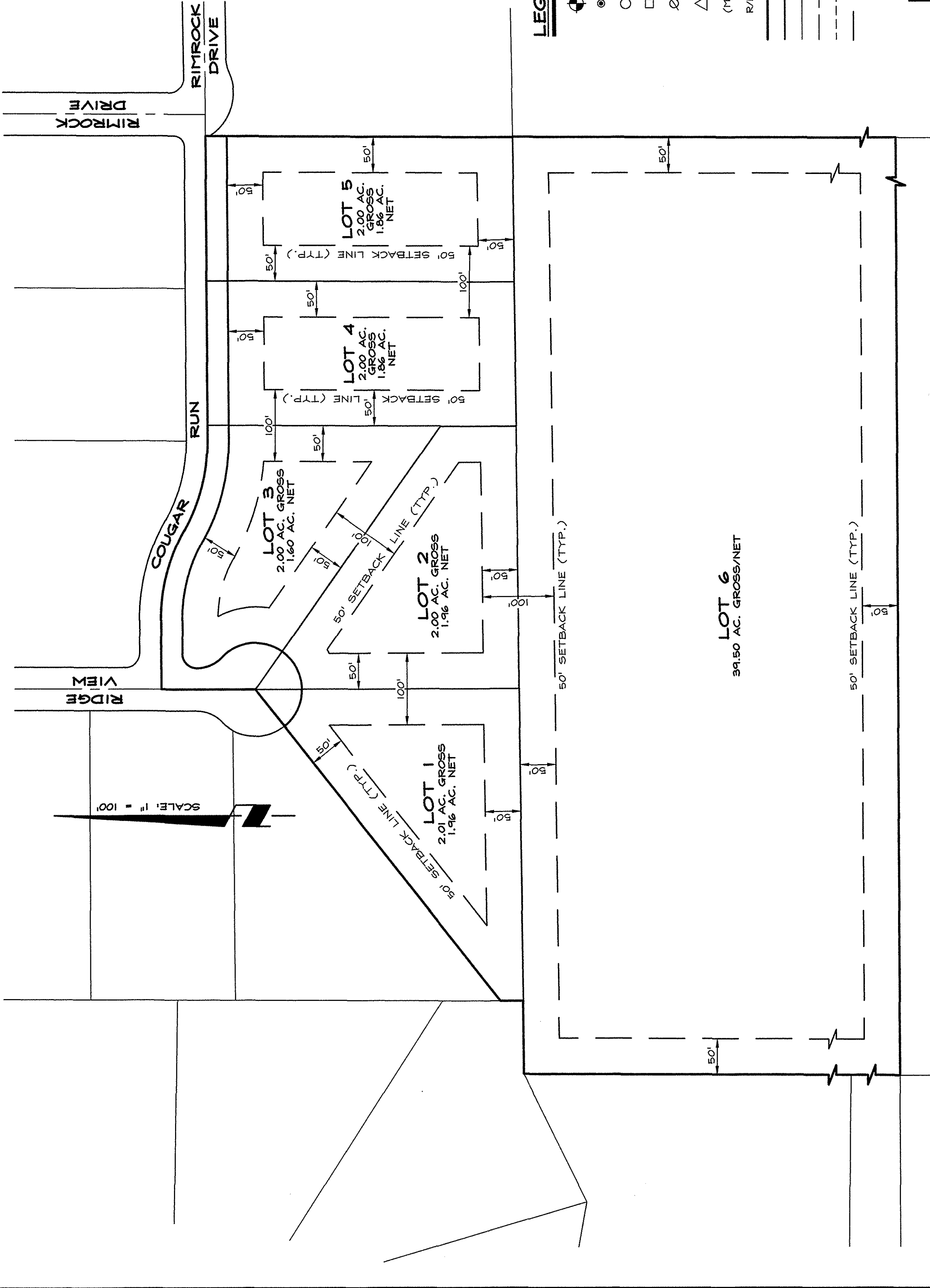
N81°39'15"E -- THE SOUTHERLY LINE OF LOT 12 PER THE FINAL MAP FOR RIMROCK RANCH FILED FOR RECORD APRIL 24, 2002 IN BOOK 10 OF TRACT MAPS, PAGES 62-62C. PER (R2)

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VICINITY MAP
NO SCALE



LEGEND

- FOUND BLM BRASS CAP, 2001, UNLESS NOTED, PER (R5)
- FOUND CENTERLINE MONUMENT IN WELL, LS 4587, PER (R2)
- FOUND 5/8" REBAR WITH PLASTIC CAP, LS 4587, PER (R2)
- FOUND 5/8" REBAR WITH PLASTIC CAP, LS 4587, PER (R2) UNLESS OTHERWISE NOTED
- ∅ DIMENSION POINT, NOTHING FOUND OR SET
- △ SET 5/8" REBAR WITH PLASTIC CAP, PLS 8667, UNLESS OTHERWISE NOTED.
- (M) MEASURED POSITION
- R/W RIGHT-OF-WAY
- PARCEL BOUNDARY LINE
- PROPOSED LOT LINE
- EXISTING LOT LINE
- RIGHT-OF-WAY CENTERLINE
- - - EASEMENT LINE
- - - BUILDING SETBACK LINE

SCALE: 1" = 100'

SHEET 3 OF 3

FINAL MAP
TRACT MAP NO. 10-001
FOR
RALPH NORMAN & LYN R. HABER
(PARCEL 2 OF LOT LINE ADJUSTMENT
98-05 PER 840/03, O.R.)

LOCATED WITHIN THE EAST ONE-HALF (E1/2) OF
SECTION 24, T.55., R30E., M.1D.M.
MONO COUNTY, CALIFORNIA

1587-002-13
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11/20/13

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NOTES

THIS PAGE HAS BEEN PREPARED TO ONLY SHOW THE
SETBACKS APPROVED AS PART OF THIS MAP FOR ALL
LOTS AS FOLLOWS:

- FRONT: 50'
- SIDE: 50'
- REAR: 50'

**STATUS OF CONDITIONS OF APPROVAL
& MITIGATION MONITORING PROGRAM**

TRACT MAP 10-001 / HABER

Condition	Status
DEVELOPMENT STANDARDS AND POLICIES	
1. Future residential development shall meet requirements of the Mono County General Plan and Mono County Code	Associated with future development; not required prior to final map approval. Condition is referenced on the Final Map and will be recorded concurrently by separate instrument
2. Subdivision improvements and future residential development shall comply with Fire Safe Regulations (Mono County General Plan, Land Use Element, Section VI, Land Development Regulations, Chapter 22), including emergency access, emergency water supplies, signing and building numbering, and vegetation modification. <i>(For Lots 1-5, see also Infrastructure Policy 3 pertaining to emergency water supplies; Design Guidelines Policy 10 pertaining to landscaping and vegetation modification; and Traffic Policy 3 pertaining to fire-safe standards for roadway construction of the Rimrock Ranch Specific Plan, Section III Specific Plan, Goals, Policies, & Implementation Measures).</i>	Same as status for Condition #1, above.
3. The applicant and/or its contractor shall stop work and notify the Planning Division of the Mono County Community Development Department and local Native American tribal contacts if archaeological evidence and/or human remains or unmarked cemeteries are encountered during ground-disturbing activities. No disturbance of such a site shall be permitted until the applicant has hired a certified archaeologist and an archaeological survey that identifies acceptable site mitigation measures is filed with the Planning Division. Native American monitors shall be on site during the archaeological survey to ensure the proper identification and care of cultural resources. The disposition of any recovered artifacts shall be made in consultation with local tribal contacts. In the event of the accidental discovery of human remains, Health and Safety Code §7050.5, Public Resources Code §5097.98, and CEQA Guidelines §15064.5(d) shall be consulted for the proper procedure to follow.	Same as status for Condition #1, above.
4. Construction shall be limited to daylight hours (or per Mono County Code 13.08.290, whichever is more restrictive) in accordance with Mono County Code Chapter 10.16 (Noise Regulation) in order to minimize impacts to nocturnal resident wildlife species.	Same as status for Condition #1, above.

<p>5. Noise levels during construction shall be kept to a minimum by equipping all on-site equipment with noise-attenuation devices and by compliance with all requirements of Mono County Code Chapter 10.16 (Noise Regulation).</p>	<p>Same as status for Condition #1, above.</p>
<p>6. All outdoor lighting shall comply with all applicable provisions of the Mono County General Plan Chapter 23 Dark Sky Regulations.</p>	<p>Same as status for Condition #1, above.</p>
<p>7. Dogs belonging to individuals involved in construction activities shall be prohibited in the project area during construction phases or under the owner's complete control at all times.</p>	<p>Same as status for Condition #1, above.</p>
<p>8. For all phases of subdivision and parcel development, storm water erosion control measures shall be applied to disturbed areas and shall include the use of Best Management Practices such as placement of fiber blankets, fiber rolls, or similar materials or equivalent methods. Removed topsoil shall be stockpiled and replaced over disturbed areas at, or prior to, the completion of construction. Revegetation of disturbed areas shall occur as soon as practical following construction and the use of stabilization material or landscaping shall be required to reduce impacts related to erosion. Use of native seed and/or native plants grown from seeds or seedlings obtained from local native stock is encouraged. Revegetated areas shall be irrigated as necessary to establish the plants.</p>	<p>Same as status for Condition #1, above.</p>
<p>9. Drainage and erosion-control plans shall be required for residential construction involving more than 5,000 square feet of pad area disturbed, including secondary or accessory structures on any one parcel, at any one time. Drainage and erosion control plans shall also be required for construction on any one parcel that cumulatively exceeds 10,000 square feet. If plans are required they shall be developed by the individual project applicant with review and approval by the Department of Public Works, Community Development Department / Building Division, and applicable federal and/or state agencies.</p>	<p>Same as status for Condition #1, above.</p>
<p>10. For all phases of subdivision and parcel development, controls shall be instituted to prevent wind erosion and public nuisance created by dust. Such controls are to include watering and mulching of disturbed areas or by other approved methods. Clearing of native vegetation shall be limited to areas necessary for impending or same-year construction.</p>	<p>Same as status for Condition #1, above.</p>

Condition	Status
<p>11. For all phases of subdivision and parcel development, construction material (rock, debris, etc.) that is not utilized as fill material in the construction of improvements shall be removed to a permitted disposal site or other site approved by the Department of Public Works. All material proposed for fill under structures shall be approved by a geotechnical engineer prior to placement in the project.</p>	<p>Same as status for Condition #1, above.</p>
<p>12. For all phases of subdivision and parcel development, grading permits shall be required as specified in Mono County Code Section 13.08.030, <i>et seq.</i> Activities requiring a grading permit include, but are not limited to, land clearing and grading activities that clear more than 10,000 square feet, result in cuts greater than 4 feet or fill greater than 3 feet, involve more than 200 cubic yards of cut or fill, or the alteration of a drainage course.</p>	<p>Same as status for Condition #1, above.</p>
<p>13. The developer shall extend all applicable utilities (electricity, telephone, propane, cable TV, etc.) to the property line of each parcel. All new on-site utility extensions shall be installed underground.</p>	<p>Utilities previously extended thru improvements on Tract Map 37-47A (Rimrock Ranch)</p>
<p>14. Individual propane tanks may be installed on each parcel. Propane tanks shall be shielded to reduce visual impacts as specified by the Design Guidelines policies, Section III Specific Plan Goals, Policies & Implementation Measures of the Rimrock Ranch Specific Plan. When used, Liquefied Petroleum Gas (LPG) shall be installed according to all applicable codes and Mono County Code 15.04.130 and 15.04.131.</p>	<p>Same as status for Condition #1, above.</p>
<p>15. Domestic animals shall be restrained at all times, either through the use of leashes or private fenced areas. No animals shall be allowed to be free roaming. Horses and other grazing animals shall be penned or tethered in areas such that the native vegetation is not impacted by such animals in accordance with the site disturbance limits established in Land Use Policy 3a of Rimrock Ranch Specific Plan, Section III Specific Plan Goals, Policies & Implementation Measures.</p>	<p>Same as status for Condition #1, above.</p>

Condition	Status
<p>16. Landscaping shall be used to minimize potential visual impacts resulting from development. The following landscaping guidelines are encouraged for all development:</p> <ul style="list-style-type: none"> A. Landscaping shall be used to minimize or reduce potential visual impacts resulting from development. B. The following elements shall be shielded using landscaping: well facilities, trash receptacles, propane tanks, and out-building structures. Well-site facilities, trash receptacles and propane tanks may also be shielded with fencing and/or berms. C. Drought-resistant landscaping (planting, soil preparation and low water use irrigation systems, etc.) shall be required. Drip irrigation systems shall be encouraged. D. Use of native, indigenous species shall be encouraged. E. The use of larger planting stock is encouraged to accelerate the process of visual screening. F. Young plants shall be protected from deer and rodents until they are established (e.g., a 5-foot wire fence or vexar tubing has been found to work well to protect seedlings from deer). 	<p>Same as status for Condition #1, above.</p>
<p>17. The developer shall provide a soils report and site development geotechnical recommendations to, or request a soils report waiver from, the Department of Public Works. Any such report or request for waiver, acceptable to the Director of Public Works, shall comply with the provisions of Mono County Code Section 17.36.090.</p>	<p>Condition satisfied by Soils Engineering Report prepared by Sierra Geotechnical Services, Inc., dated July 2002, on file with Public Works.</p>
<p>18. The project shall provide a calculated fire flow of five hundred gallons per minute (500gpm) at 20 pounds per square inch (20psi) residual pressure for duration of two hours at fire hydrants installed throughout the project <i>or as otherwise required by the fire district</i>. The developer shall provide the Department of Public Works with a “will serve” letter from the Wheeler Crest Fire Protection District indicating approval of the project and that the district will provide service to the proposed parcels.</p>	<p>Condition satisfied by “will serve” Letter dated Aug. 31, 2017, on file with Public Works.</p> <p>Hydrant installed, waterline maintenance easement shown on Final Map sheet 2.</p>
<p>19. The project proponents shall provide the County with a “will-serve” letter from the Wheeler Crest Community Services District (CSD), indicating that the CSD has adequate water capacity and shall serve the proposed project.</p>	<p>Condition satisfied by “will serve” Letter dated July 3, 2017 on file with Public Works.</p>
Project Specific Conditions	Status
<p>20. The developer shall provide necessary easements for existing and proposed utility service within the subdivision. All existing and proposed easements shall be shown on the map.</p>	<p>Condition satisfied by existing and new easements shown on map.</p>

<p>21. Installation of individual sewage disposal systems will be required on each parcel at the time of future residential development. Prior to map approval, however, the developer shall submit a soils suitability report, prepared by a California-licensed civil engineer, supporting the suitability of soils for installation of individual sewage disposal systems. At a minimum, the report shall contain two percolation tests results and two soil profile results for each new parcel to be created or alternate testing as approved by Mono County Environmental Health. The report shall document, to the satisfaction of Mono County Environmental Health that the soil structure meets or exceeds applicable state and county standards for siting and installation of individual sewage disposal systems.</p>	<p>Condition satisfied by a Soils Suitability Report, prepared by Sierra Geotechnical Services Inc., dated April 22, 2014, on file with Public Works.</p>
<p>22. The developer shall submit a plot plan, acceptable to Mono County Environmental Health, identifying designated areas for individual sewage disposal systems on each parcel. The plot plan shall be prepared by a California-licensed civil engineer. The plot plan shall identify both the primary sewage disposal area and an area for future sewage disposal, described as a replacement area, equal to 100% of the primary sewage disposal area, should the primary system fail. The siting of individual sewage disposal systems shall comply with the Lahontan Regional Water Quality Control Board's (LRWQCB) criteria contained in the Water Quality Control Plan for the Lahontan region. Leach fields and septic tanks shall be sited a minimum of 100 feet from any domestic well, a minimum of 50 feet from any drainage course, and a minimum of 50 feet from any property line. Alternative systems, if proposed, shall be reviewed and approved by Mono County Environmental Health and shall conform to LRWQCB requirements.</p>	<p>The Final Map submitted to the Environmental Health Dept. shows parcel sizes large enough to accommodate individual septic systems.</p> <p>Individual wells are not proposed for this subdivision.</p>
<p>23. The developer shall make an offer of dedication for a 60-foot-wide right of way for road, drainage, and public utility purposes for subdivision streets, and make an offer of dedication for a roadway turnaround (hammerhead "T" or cul-de-sac) at end of access road pursuant to Chapter 22 of the Mono County General Plan.</p>	<p>Condition satisfied by offer of dedication shown on map.</p>
<p>24. The developer shall furnish a drainage report prepared by a California-licensed civil engineer to present the hydrologic analyses and hydraulic design of drainage facilities to be constructed for the subdivision.</p>	<p>Condition satisfied by approved grading plans from Tract Map 37-47A, on file with Public Works.</p>
<p>25. If necessary, the developer shall furnish a Storm Water Pollution Prevention Plan (SWPPP) and submit a Notice of Intent to comply with provisions of the State Water Resources Control Board's NPDES Permit for Construction Activities. A letter of clearance and/or waste discharge requirements from the Lahontan Regional Water Quality Control Board is required prior to commencing any grading activities or other site disturbance.</p>	<p>Same as status for Condition #24, above.</p>

Condition	Status
26. The developer shall obtain a Permit to Construct and/or any other applicable air quality permit from the Great Basin Unified Air Pollution Control District for construction of subdivision improvements.	Same as status for Condition #24, above.
27. Architectural plans for any structure (e.g. dwelling unit, garage, barn, etc.) shall be reviewed and approved by the Wheeler Crest Design Review Committee prior to approval of the building permit.	Same as status for Condition #1, above.
28. Affordable housing mitigation shall be provided pursuant to Chapter 15.40 Mono County Code that shall consist of: (1) an alternative mitigation proposal agreed upon by County and Applicant that satisfies the criteria set forth in section 15.40.060 of the Code or such other requirement for alternative mitigation which the County may hereinafter adopt to which Applicant agrees to be subject; or (2) such compliance can be achieved by paying a mitigation fee of \$118,800 and by deed-restricting one of the newly created lots for an attached secondary unit. A housing mitigation agreement shall be executed prior to recording of any final map.	Affordable housing ordinance suspended by Ordinance 16-05 passed on July 5th 2016. This temporary suspension is in effect through January 15, 2018.
29. Driveways shall be designed to minimize grades so that year-round access is assured and on-street parking is avoided (Mono County Circulation Element, Wheeler Crest Policies, Action 3.1.	Same as status for Condition #1, above.
30. To minimize direct mortality impacts to the deer herd from vehicle collisions, signs shall be posted along roads within the project area warning drivers of the presence of deer.	Same as status for Condition #13, above.
31. The abandoned dirt road/air strip that crosses Lots 3 and 4 shall be scarified and revegetated with an approved native seed mix prior to final approval of the map in compliance with the landscaping and revegetation requirements in the NRC policies of the Rimrock Ranch Specific Plan, Section III Specific Plan Goals, Policies & Implementation Measures.	Condition satisfied through substantial compliance. Photo documentation is on file with Public Works.
32. Drainage/utility easements shall be offered to the public for the drainage and utilities shown on the tentative map. No modification or alteration of the drainage easement shall be made without the written consent of the applicable departments of Mono County.	Condition satisfied by offers of dedication and easements shown on Final Map.
33. A letter of clearance and/or waste discharge requirements from Lahontan Regional Water Quality Control Board shall be obtained, if necessary .	Condition not required due to no proposed improvements.
34. Applicant shall, by separate instrument, offer for dedication an easement for emergency ingress and egress along the path of the existing easement for access underground utility purposes per 638/581, noted on Tentative Tract Map 10-001.	Separate easement instrument to be submitted by Applicant just prior to Planning Commission Meeting

Condition	Status
<p>35. Conditions of Approval 1-50, or as otherwise required by the County, shall be cross-referenced to map conditions recorded by the County by notation on the map. If project CC&Rs are developed, all uniformly-applied development standards and policies and conditions of approval associated with future development shall be reiterated therein.</p>	<p>Condition satisfied by reference shown on map. Map Conditions to be recorded by Separate instrument.</p>
<p>36. All new development shall be in accordance with the Land Use Policies of the Rimrock Ranch Specific Plan, Section III Specific Plan Goals, Policies & Implementation Measures including, but not limited to:</p> <ul style="list-style-type: none"> A. One single-family residence per parcel. B. One detached guest house per parcel. The guest house shall not contain any kitchen or cooking facilities. C. Detached secondary residences shall not be permitted. 	<p>Same as status for Condition #1, above.</p>
<p>37. Site development standards as set forth in the Land Use Policies of the Rimrock Ranch Specific Plan, Section III Specific Plan Goals. Policies & Implementation Measures shall be followed, including, but not limited to:</p> <ul style="list-style-type: none"> A. Site disturbance: Permanent clearing of native vegetation for structures, landscaping, gardens, animal enclosures, and driveways shall be limited to twenty (20) percent of total lot area. Areas temporarily cleared for utility line construction, leach field or septic tank construction, well drilling operations or other temporary surface disturbances shall be re-vegetated as soon as possible in compliance with the re-vegetation standards in Natural Resource Conservation Policies 10 and 11 of the Specific Plan. On lots smaller than five (5) acres, an additional ten (10) percent of the total lot area may be cleared or otherwise utilized for livestock pens or corrals. The remainder of the parcel shall remain in its natural condition. B. Building Setbacks: 50 feet front, 50 feet side and 50 feet rear. No exceptions shall be allowed. C. Lot coverage: 30 percent maximum on lots smaller than five (5) acres. D. Building height shall not exceed 22 feet, determined by adding the heights of each of the four corners of the building above the natural grade and dividing by four. 	<p>Same as status for Condition #1, above.</p>

Condition	Status
<p>38. The Open Space requirements of the Land Use Policies of the Rimrock Rock Ranch Specific Plan, Section III Specific Plan Goals, Policies & Implementation Measures shall be followed, including, but not limited to:</p> <ul style="list-style-type: none"> A. Large setbacks of 50 feet from all property lines are required that will create 100-foot wide development-free corridors centered along property boundaries. B. A 30-foot setback is required from the top of the back of onsite perennial drainages that will maintain open space along those. C. Certain areas of riparian vegetation adjacent to onsite drainages, which have been identified by the project biologist as desirable for wildlife habitat, will be preserved with open space easements. 	<p>Condition satisfied by building envelopes shown on the Final Map.</p>
<p>39. Each parcel shall be landscaped in accordance with the landscaping guidelines in Design Guidelines Policy 10 of the Rimrock Ranch Specific Plan, Section III Specific Plan Goals, Policies & Implementation Measures or the Mono County Landscape Ordinance, whichever is more restrictive, within six (6) months of a Mono County Certificate of Occupancy for a dwelling unit on a parcel.</p>	<p>Same as status for Condition #1, above.</p>
<p>40. New structures and fences shall be designed and constructed to harmonize with existing development in the area, the surrounding natural environment, and onsite topography. The following design guidelines shall apply to all development:</p> <ul style="list-style-type: none"> A. Structural siding and design should be sensitive to the topography of individual lots. B. Roofing shall be fiberglass shingles or metal in colors compatible with the area (e.g. tan, brown, dark green or similar colors). C. Bright colors or reflective materials shall not be used for any component of any structure. 	<p>Same as status for Condition #1, above.</p>
<p>41. The total fenced area on any parcel shall be limited to the total area disturbed onsite as allowed under Land Use Policy 4a of the Rimrock Ranch Specific Plan, Section III Specific Plan Goals, Policies & Implementation Measures. Fencing shall be three strand wire or three rail pipe of wood fence. Solid wood fencing may be constructed within the immediate vicinity of a structure but shall encompass an area not greater than 500 square feet.</p>	<p>Same as status for Condition #1, above.</p>
<p>42. Wire fences shall consist of 3 single strand wires placed 20, 30, and 42 inches from the ground. All wire shall be smooth strand.</p>	<p>Same as status for Condition #1, above.</p>
<p>43. Fencing used for livestock facilities (corrals, etc.) shall incorporate the use of poles, piping or other non-wire materials to allow deer safe passage.</p>	<p>Same as status for Condition #1, above.</p>

<p>44. Parcel grading operations, structural foundation work, framing work and similar heavy construction activities shall be restricted to the period between May 15 and October 1 to minimize disturbance to migrating and wintering deer. This restriction shall not apply to emergency repair work. Emergency repair work shall be defined as that necessary to ensure public health and safety (e.g. water and sewer repair work, power repair work, emergency road clearing activities, etc.).</p>	<p>Same as status for Condition #1, above.</p>
<p>45. Impediments to deer movement, such as spoil piles, open ditches and excessive cut and fill slopes shall be minimized to the greatest extent possible; e.g. ditches or trenches should not be left open at night as they can be hazardous to deer and other nocturnal wildlife.</p>	<p>Same as status for Condition #1, above.</p>
<p>46. With the exception of wells, septic systems, and fire safe storage facilities, surface disturbance activities such as residential development, corrals, fencing and raising crops shall be prohibited outside private yard fenced areas.</p>	<p>Same as status for Condition #1, above.</p>
<p>47. Lots 1-5 shall be annexed into Zone of Benefit – C established pursuant to Tract Map 37-45 and Tract Map 37-47A for maintenance and rehabilitation of streets, unless a vote of the members does not allow it; in which case, a new zone of benefit shall be created. Data shall be collected and analyzed by a consultant to evaluate the ongoing maintenance and rehabilitation costs of Cougar Run and other streets maintained by Zone of Benefit - C.</p>	<p>Condition to be satisfied by annexation documents prepared by Public Works and ballot submitted by applicant</p> <p>ZOB amended by resolution by Board of Supervisors after Planning Commission’s Meeting</p>
<p>48. The project applicant and subsequent owners shall participate in the Rimrock Ranch Groundwater Monitoring Program as outlined by Kleinfelder Inc. (data shall be collected and analyzed by a consultant to evaluate the potential for impact to groundwater supply). If significant impacts to groundwater levels are reported, the Planning Commission and/or the Board of Supervisors shall consider possible moratoriums on building permit issuance and recommendations for water rationing, outdoor landscaping restrictions or other possible remedies. The project shall be annexed into Zone of Benefit – B established pursuant to Tract Map 37-45 and Tract Map 37-47A for monitoring and analysis.</p>	<p>Condition satisfied by annexation documents prepared by Public Works and ballot submitted by applicant</p> <p>ZOB amended by resolution by Board of Supervisors after Planning Commission’s Meeting</p>
<p>49. Lots 1 and 2 shall have access from the cul-de-sac on Ridge View only and the map shall have a note to this effect.</p>	<p>Condition satisfied by notation on map.</p>
<p>50. The project shall comply with all provisions of the Rimrock Ranch Specific Plan and with the Rimrock Ranch Mitigation, Implementation and Monitoring Program, including those not referenced in these conditions of approval.</p>	<p>Same as status for Condition #1, above.</p>

TRACT MAP 10-001 Haber
CONDITIONS OF MAP APPROVAL

NOTE: The following represent the Conditions of Approval, Development Standards approved and adopted for Tentative Tract Map 10-001 by the Mono County Planning Commission following a public hearing held on August 12, 2010 and approved by the Board of Supervisors on November 2, 2010. However, the conditions have been modified to remove references to the developer, since those obligations were satisfied at the time of final approval of the map, and retain present and future tense as they relate to responsibilities of future property owners. In addition, conditions 17-26, 28, 31-35, and 47-49 have been deleted for brevity since they were satisfied prior to final approval of Tract Map 10-001. Please contact the Mono County Community Development Department for a copy of the full Conditions of Approval adopted for Tract Map 10-001.

FORMAT:

CONDITION OF APPROVAL.....

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

UNIFORMLY APPLIED DEVELOPMENT STANDARDS AND POLICIES (APPLICABLE PROJECTWIDE)

- 1) Future residential development shall meet requirements of the Mono County General Plan and Mono County Code.
 - a. Requires monitoring over a period of time; usually linked to future development associated with approved residential construction. Must be satisfied prior to issuance of a building permit or certificate of occupancy.
 - b. Community Development Department
 - c. Applicant / Property Owner
 - d. Design / Ongoing
- 2) Future residential development shall comply with Fire Safe Regulations (Mono County General Plan, Land Use Element, Section VI, Land Development Regulations, Chapter 22), including emergency access, emergency water supplies, signing and building numbering, and vegetation modification. (*For Lots 1-5, see also Infrastructure Policy 3 pertaining to emergency water supplies; Design Guidelines Policy 10 pertaining to landscaping and vegetation modification; and Traffic Policy 3 pertaining to fire-safe standards for roadway construction of the Rimrock Ranch Specific Plan, Section III Specific Plan, Goals, Policies, & Implementation Measures*).
 - a. Future lot construction requires monitoring over a period of time, usually associated with approved residential construction.
 - b. Community Development Department
 - c. Property Owner
 - d. Design / Ongoing
- 3) Property Owners and/or its contractor shall stop work and notify the Planning Division of the Mono County Community Development Department and local Native American tribal contacts if archaeological evidence and/or human remains or unmarked cemeteries are encountered during ground-disturbing activities. No disturbance of such a site shall be permitted until the applicant has hired a certified archaeologist and an archaeological survey that identifies acceptable site mitigation measures is filed with the Planning Division. Native American monitors shall be on site during the archaeological survey to ensure the proper identification and care of cultural resources. The disposition of any recovered artifacts shall be made in consultation with local tribal contacts. In the event of the accidental discovery

- of human remains, Health and Safety Code §7050.5, Public Resources Code §5097.98, and CEQA Guidelines §15064.5(d) shall be consulted for the proper procedure to follow.
- a. Future lot construction requires monitoring over a period of time, usually associated with approved residential construction.
 - b. Community Development Department
 - c. Property Owner
 - d. Design / Ongoing
- 4) Construction shall be limited to daylight hours (or per Mono County Code 13.08.290, whichever is more restrictive) in accordance with Mono County Code Chapter 10.16 (Noise Regulation) in order to minimize impacts to nocturnal resident wildlife species.
 - a. Requirements must be incorporated into construction plans for subdivision improvements, which must be satisfied prior to final approval of the map. Future lot construction requires monitoring over a period of time, usually associated with approved residential construction.
 - b. Community Development Department
 - c. Property Owner
 - d. Design / Ongoing
 - 5) Noise levels during construction shall be kept to a minimum by equipping all on-site equipment with noise-attenuation devices and by compliance with all requirements of Mono County Code Chapter 10.16 (Noise Regulation).
 - a. Requirements must be incorporated into construction plans for subdivision improvements, which must be satisfied prior to final approval of the map. Future lot construction requires monitoring over a period of time, usually associated with approved residential construction.
 - b. Community Development Department
 - c. Property Owner
 - d. Design / Ongoing
 - 6) All outdoor lighting shall comply with all applicable provisions of the Mono County General Plan Chapter 23 Dark Sky Regulations.
 - a. Generally associated with future development. Requires monitoring over a period of time. Must be satisfied prior to issuance of a building permit and/or certificate of occupancy.
 - b. Community Development Department
 - c. Property Owner
 - d. Design
 - 7) Dogs belonging to individuals involved in construction activities shall be prohibited in the project area during construction phases or under the owner's complete control at all times.
 - a. Requirements must be incorporated into construction plans for subdivision improvements, which must be satisfied prior to final approval of the map. Future lot construction requires monitoring over a period of time, usually associated with approved residential construction.
 - b. Community Development Department
 - c. Property Owner
 - d. Design / Ongoing
 - 8) For all phases of parcel development, storm water erosion control measures shall be applied to disturbed areas and shall include the use of Best Management Practices such as placement of fiber blankets, fiber rolls, or similar materials or equivalent methods. Removed topsoil shall be stockpiled and replaced over disturbed areas at, or prior to, the completion of construction. Revegetation of disturbed areas shall occur as soon as practical following construction and the use of stabilization material or landscaping shall be required to reduce impacts related to erosion. Use of native seed and/or native plants grown from seeds or seedlings obtained from local native stock is encouraged. Revegetated areas shall be irrigated as necessary to establish the plants.

- a. Future lot construction requires monitoring over a period of time, usually associated with approved residential construction.
 - b. Public Works Department /Community Development Department
 - c. Property Owner
 - d. Design / Ongoing
- 9) Drainage and erosion-control plans shall be required for residential construction involving more than 5,000 square feet of pad area disturbed, including secondary or accessory structures on any one parcel, at any one time. Drainage and erosion control plans shall also be required for construction on any one parcel that cumulatively exceeds 10,000 square feet. If plans are required they shall be developed by the individual project applicant with review and approval by the Department of Public Works, Community Development Department / Building Division, and applicable federal and/or state agencies.
- a. Future lot construction requires monitoring over a period of time, usually associated with approved residential construction.
 - b. Public Works Department /Community Development Department
 - c. Property Owner
 - d. Design / Ongoing
- 10) For all parcel development, controls shall be instituted to prevent wind erosion and public nuisance created by dust. Such controls are to include watering and mulching of disturbed areas or by other approved methods. Clearing of native vegetation shall be limited to areas necessary for impending or same-year construction.
- a. Future lot construction requires monitoring over a period of time, usually associated with approved residential lot construction.
 - b. Public Works Department /Community Development Department
 - c. Property Owner
 - d. Design / Ongoing
- 11) For all parcel development, construction material (rock, debris, etc.) that is not utilized as fill material in the construction of improvements shall be removed to a permitted disposal site or other site approved by the Department of Public Works. All material proposed for fill under structures shall be approved by a geotechnical engineer prior to placement in the project.
- a. Future lot construction requires monitoring over a period of time, usually associated with approved residential lot construction.
 - b. Public Works Department /Community Development Department
 - c. Property Owner
 - d. Design / Ongoing
- 12) For all parcel development, grading permits shall be required as specified in Mono County Code Section 13.08.030, *et seq.* Activities requiring a grading permit include, but are not limited to, land clearing and grading activities that clear more than 10,000 square feet, result in cuts greater than 4 feet or fill greater than 3 feet, involve more than 200 cubic yards of cut or fill, or the alteration of a drainage course.
- a. Future construction requires monitoring over a period of time, usually associated with approved residential lot construction.
 - b. Public Works Department
 - c. Property Owner
 - d. Design / Ongoing

- 13) All new on-site utility extensions shall be installed underground.
- a. Future lot construction requires monitoring over a period of time, usually associated with approved residential construction, which must be satisfied prior to issuance of a building permit or certificate of occupancy.
 - b. Public Works Department /Community Development Department
 - c. Property Owner
 - d. Design / Ongoing
- 14) Individual propane tanks may be installed on each parcel. Propane tanks shall be shielded to reduce visual impacts as specified by the Design Guidelines policies, Section III Specific Plan Goals, Policies & Implementation Measures of the Rimrock Ranch Specific Plan. When used, Liquefied Petroleum Gas (LPG) shall be installed according to all applicable codes and Mono County Code 15.04.130 and 15.04.131.
- a. Requires monitoring over a period of time; usually linked to future development associated with approved residential construction. Must be satisfied prior to issuance of a building permit or certificate of occupancy.
 - b. Community Development Department
 - c. Property Owner
 - d. Design / Ongoing
- 15) Domestic animals shall be restrained at all times, either through the use of leashes or private fenced areas. No animals shall be allowed to be free roaming. Horses and other grazing animals shall be penned or tethered in areas such that the native vegetation is not impacted by such animals in accordance with the site disturbance limits established in Land Use Policy 3a of Rimrock Ranch Specific Plan, Section III Specific Plan Goals, Policies & Implementation Measures.
- a. Requires monitoring over a period of time; usually linked to future development associated with approved residential construction.
 - b. Community Development Department
 - c. Property Owner
 - d. Ongoing
- 16) Landscaping shall be used to minimize potential visual impacts resulting from development. The following landscaping guidelines are encouraged for all development:
- A. Landscaping shall be used to minimize or reduce potential visual impacts resulting from development.
 - B. The following elements shall be shielded using landscaping: well facilities, trash receptacles, propane tanks, and out-building structures. Well-site facilities, trash receptacles and propane tanks may also be shielded with fencing and/or berms.
 - C. Drought-resistant landscaping (planting, soil preparation and low water use irrigation systems, etc.) shall be required. Drip irrigation systems shall be encouraged.
 - D. Use of native, indigenous species shall be encouraged.
 - E. The use of larger planting stock is encouraged to accelerate the process of visual screening.
 - F. Young plants shall be protected from deer and rodents until they are established (e.g., a 5-foot wire fence or vexar tubing has been found to work well to protect seedlings from deer).
 - a. Requires monitoring over a period of time; usually linked to future development associated with approval of residential construction.
 - b. Community Development Department
 - c. Property Owner
 - d. Design / Ongoing

PROJECT SPECIFIC CONDITIONS**A. CONDITIONS APPLICABLE PROJECTWIDE:**

27) Architectural plans for any structure (e.g. dwelling unit, garage, barn, etc.) shall be reviewed and approved by the Wheeler Crest Design Review Committee prior to approval of the building permit.

- a. Requires monitoring over a period of time, usually linked to future development associated with approval of residential construction.
- b. Community Development/Building and Planning Divisions
- c. Applicant
- d. Design/Ongoing

29) Driveways shall be designed to minimize grades so that year-round access is assured and on-street parking is avoided (Mono County Circulation Element, Wheeler Crest Policies, Action 3.1)

- a. Requires monitoring over a period of time, usually linked to future development associated with approval of residential construction.
- b. Community Development Department
- c. Applicant
- d. Design/Ongoing

B. ADDITIONAL CONDITIONS APPLICABLE TO LOTS 1-5 ONLY:

36) All new development shall be in accordance with the Land Use Policies of the Rimrock Ranch Specific Plan, Section III Specific Plan Goals, Policies & Implementation Measures including, but not limited to:

- A. One single-family residence per parcel.
- B. One detached guest house per parcel. The guest house shall not contain any kitchen or cooking facilities.
- C. Detached secondary residences shall not be permitted.
 - a. Requires monitoring over a period of time; usually linked to future development associated with approved residential construction.
 - b. Community Development Department
 - c. Property Owner
 - d. Ongoing

37) Site development standards as set forth in the Land Use Policies of the Rimrock Ranch Specific Plan, Section III Specific Plan Goals. Policies & Implementation Measures shall be followed, including, but not limited to:

- A. Site disturbance: Permanent clearing of native vegetation for structures, landscaping, gardens, animal enclosures, and driveways shall be limited to twenty (20) percent of total lot area. Areas temporarily cleared for utility line construction, leach field or septic tank construction, well drilling operations or other temporary surface disturbances shall be re-vegetated as soon as possible in compliance with the re-vegetation standards in Natural Resource Conservation Policies 10 and 11 of the Specific Plan. On lots smaller than five (5) acres, an additional ten (10) percent of the total lot area may be cleared or otherwise utilized for livestock pens or corrals. The remainder of the parcel shall remain in its natural condition.
- B. Building Setbacks: 50 feet front, 50 feet side and 50 feet rear. No exceptions shall be allowed.
- C. Lot coverage: 30 percent maximum on lots smaller than five (5) acres.
- D. Building height shall not exceed 22 feet, determined by adding the heights of each of the four corners of the building above the natural grade and dividing by four.

- a. Requires monitoring over a period of time; usually linked to future development associated with approved residential construction.
- b. Community Development Department
- c. Property Owner
- d. Ongoing

38) The Open Space requirements of the Land Use Policies of the Rimrock Rock Ranch Specific Plan, Section III Specific Plan Goals, Policies & Implementation Measures shall be followed, including, but not limited to:

- B. Large setbacks of 50 feet from all property lines are required that will create 100-foot wide development-free corridors centered along property boundaries.
- C. A 30-foot setback is required from the top of the back of onsite perennial drainages that will maintain open space along those.
- D. Certain areas of riparian vegetation adjacent to onsite drainages, which have been identified by the project biologist as desirable for wildlife habitat, will be preserved with open space easements.
 - a. Requires monitoring over a period of time, usually linked to future development associated with approval of residential construction.
 - b. Community Development Department
 - c. Applicant
 - d. Design/Ongoing

39) Each parcel shall be landscaped in accordance with the landscaping guidelines in Design Guidelines Policy 10 of the Rimrock Ranch Specific Plan, Section III Specific Plan Goals, Policies & Implementation Measures or the Mono County Landscape Ordinance, whichever is more restrictive, within six (6) months of a Mono County Certificate of Occupancy for a dwelling unit on a parcel.

- a. Requires monitoring over a period of time, usually linked to future development associated with approval of residential construction.
- b. Community Development Department
- c. Applicant
- d. Design/Ongoing

40) New structures and fences shall be designed and constructed to harmonize with existing development in the area, the surrounding natural environment, and onsite topography. The following design guidelines shall apply to all development:

- A. Structural siding and design should be sensitive to the topography of individual lots.
- B. Roofing shall be fiberglass shingles or metal in colors compatible with the area (e.g. tan, brown, dark green or similar colors).
- C. Bright colors or reflective materials shall not be used for any component of any structure.
 - a. Requires monitoring over a period of time, usually linked to future development associated with approval of residential construction.
 - b. Community Development Department
 - c. Applicant
 - d. Design/Ongoing

41) The total fenced area on any parcel shall be limited to the total area disturbed onsite as allowed under Land Use Policy 4a of the Rimrock Ranch Specific Plan, Section III Specific Plan Goals, Policies & Implementation Measures. Fencing shall be three strand wire or three rail pipe of wood fence. Solid wood fencing may be constructed within the immediate vicinity of a structure but shall encompass an area not greater than 500 square feet.

- a. Requires monitoring over a period of time, usually linked to future development associated with approval of residential construction.
- b. Community Development Department
- c. Applicant
- d. Design/Ongoing

42) Wire fences shall consist of 3 single strand wires placed 20, 30, and 42 inches from the ground. All wire shall be smooth strand.

- a. Requires monitoring over a period of time, usually linked to future development associated with approval of residential construction.
- b. Community Development Department
- c. Applicant
- d. Design/Ongoing

43) Fencing used for livestock facilities (corrals, etc.) shall incorporate the use of poles, piping or other non-wire materials to allow deer safe passage.

- a. Requires monitoring over a period of time, usually linked to future development associated with approval of residential construction.
- b. Community Development Department
- c. Applicant
- d. Design/Ongoing

44) Parcel grading operations, structural foundation work, framing work and similar heavy construction activities shall be restricted to the period between May 15 and October 1 to minimize disturbance to migrating and wintering deer. This restriction shall not apply to emergency repair work. Emergency repair work shall be defined as that necessary to ensure public health and safety (e.g. water and sewer repair work, power repair work, emergency road clearing activities, etc.).

- a. Requires monitoring over a period of time, usually linked to future development associated with approval of residential construction.
- b. Community Development Department
- c. Applicant
- d. Design/Ongoing

45) Impediments to deer movement, such as spoil piles, open ditches and excessive cut and fill slopes shall be minimized to the greatest extent possible; e.g. ditches or trenches should not be left open at night as they can be hazardous to deer and other nocturnal wildlife.

- a. Requires monitoring over a period of time, usually linked to future development associated with approval of residential construction.
- b. Community Development Department.
- c. Applicant
- d. Design/Ongoing

46) With the exception of wells, septic systems, and fire safe storage facilities, surface disturbance activities such as residential development, corrals, fencing and raising crops shall be prohibited outside private yard fenced areas.

- a. Requires monitoring over a period of time, usually linked to future development associated with approval of residential construction.
- b. Community Development Department
- c. Applicant
- d. Design/Ongoing

50) The project shall comply with all provisions of the Rimrock Ranch Specific Plan and with the Rimrock Ranch Mitigation, Implementation and Monitoring Program, including those not referenced in these conditions of approval.

- a. Requires monitoring over a period of time, usually linked to future development associated with approval of residential construction.
- b. Public Works/Community Development
- c. Applicant
- d. Design/ongoing

Mono County Community Development Department

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September 21, 2017

To: Mono County Planning Commission

From: Michael Draper, CDD Analyst
Wendy Sugimura, CDD Senior Analyst

Re: Workshop – Draft Cannabis Land Use Regulation

RECOMMENDATION

Receive staff presentation and conduct workshop; provide desired direction to staff.

FISCAL IMPACT

No impact associated with workshop.

BACKGROUND

At the Commission's last meeting the State context, deadlines, and public feedback received at outreach meetings were reviewed with the commission. See attached staff report.

DISCUSSION

Based on the discussion at the last meeting draft issues, opportunities, and constrains, and regulation governing cannabis activity has been crafted (see attachments).

A menu of potential regulations for specific cannabis related activates is provided. The menu seeks to provide a range of best management options for regulation ranging from liberal to conservative, cited in other California county regulations.

Staff is looking for specific direction from the Commission on regulatory measures. Feedback will be taken to the Board of Supervisors meeting Oct. 3 for additional direction. A revised set of regulations will be provided to Planning Commission at the Oct. 19 meeting for final consideration.

NEXT STEPS

The following outlines timeframes for the County to complete cannabis regulation development by the target date of Dec. 31, 2017. Additional considerations include when the State will accept applications and issue licenses (issuance targeted for Jan. 2, 2018), and the County's taxation measure. The current understanding of State licensing is that local approval is not needed prior to an application submittal. Instead, the State will contact the local jurisdiction when processing an application for approvals and the jurisdiction has 60 days to respond.

Timeframe:

- ✓ **August 17:** Planning Commission Workshop – land use framework
- ✓ **Sept. 21:** Planning Commission Workshop – regulatory menu/options
- Sept. 19 Oct 3:** Board of Supervisors Workshop – regulatory menu/options
- Oct. 19:** Planning Commission Recommendation - public hearing on proposed regulations

- **Nov. 14:** Board of Supervisors Public Hearing (Resolution Adoption for General Plan Amendment)
- **Nov. 21:** Board of Supervisors Public Hearing for extension of moratorium (which would expire Dec. 2 if no action is taken)

Please contact Michael Draper (760.924.1805, mdraper@mono.ca.gov) if you have questions concerning this matter.

ATTACHMENTS

- Planning Commission Staff report Aug. 17, 2017
- General Plan issues, opportunities, and constraints
- Draft policy
- Commercial Cannabis Regulation topics
- State License Types & General Application Requirements

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September 21, 2017

To: Mono County Planning Commission

From: Michael Draper, CDD Analyst
Wendy Sugimura, CDD Senior Analyst

Re: Workshop – Draft Cannabis Land Use Regulation

RECOMMENDATION

Receive staff presentation and conduct workshop; provide any desired direction to staff.

FISCAL IMPACT

No impact associated with workshop.

BACKGROUND

In November 2016, the voters of California passed Proposition 64 legalizing adult use of marijuana and cannabis for purposes other than medical uses. Statewide, the measure passed with a 56.4% approval rating, and in Mono County the measure passed with a 61.6% approval rating. Every precinct in Mono County approved the measure, although the margin was low in Bridgeport and Tri-Valley.

With the passage of Prop 64, local jurisdictions in the state essentially have three options: 1) Allow the State to regulate activities; 2) Ban activities in whole or in part; or 3) Draft local regulations for cannabis activities.

At the June 13, 2017, Board of Supervisors meeting, the direction to develop local regulations was reaffirmed, and the Board provided input on a potential land use framework. A second round of community input was initiated for the new framework concept, which complements the first round of community outreach on education and identification of public concerns, questions and comments. Both community outreach rounds were presented at the following Regional Planning Advisory Committees (RPACs): Antelope Valley, Bridgeport Valley, Mono Basin, June Lake Citizens Advisory Committee (CAC), Long Valley/Swall Meadows/Paradise, and Tri-Valley (Benton/Hammil Valley/Chalfant). The multi-departmental County Joint Committee also reviewed the presentation, along with an audience of “industry” members.

The intent is to pursue a rational planning process that prioritizes public health and safety, and consistency with the General Plan Vision, community character, and related public input. Challenges that complicate the regulatory development process include rapidly changing state laws, the emotional nature of the topic, varying opinions across the county, and private investments prior to established rules.

DISCUSSION

The regulatory discussion includes two parts: personal cultivation and commercial cannabis uses. At the RPACs, the specifics of personal cultivation and state regulations were discussed, and public input was sought on regulation of personal cultivation. While some responded positively, the general consensus was that personal cultivation at a private residence should not be regulated by the County.

For commercial activities, a “consistency” analysis was conducted to develop a land use framework as a regulatory starting point. The consistency analysis evaluated potential cannabis activities, as defined by the State licensing program, for similarity to currently permitted uses in each Land Use Designation (LUD) in the Mono County General Plan. From this baseline scenario, LUD definitions and regulations can be modified to address specific issues, or increase or decrease requirements (although regulations may not be relaxed beyond State standards). For instance, the LUD “Commercial” allows for retail trade, professional services, personal services, etc. Therefore, a cannabis retail business appears to be similar to and consistent with these commercial uses rather than, for example, a residential LUD where the primary use is single-family dwellings and other similar uses.

Cannabis business types analyzed included 1) cultivation, 2) retail sales, 3) manufacturing, and 4) testing laboratories, and are based on the State licensing program. Internal discussions regarding distribution and deliveries have also occurred. LUDs for the business types can be seen in the attached presentation, page 15.

Due to the nature of these business types and the evolving State legislative landscape, a Use Permit is proposed for approval of any cannabis commercial business. This requirement would allow for site-specific conditions to be addressed based on each project proposed, an in-depth analysis of the project, and regulatory responsiveness as lessons are learned.

One of the topics of discussion at each community meeting was the State required commercial cannabis business buffer of 600’ from any school providing instruction in kindergarten or any grades 1 through 12, day care center or youth center in existence at the time the license is issued. The majority of community groups supported expanding that buffer to 1,000’ and including parks, community centers, and places of worship. The phrasing “places attractive to children” or “places where children gather” has been brought up, but staff believe this would be burdensome to interpret and therefore not to include the phrasing.

Below is a compilation of comments received at each community meeting on the land use framework:

June Lake CAC 7/5/17

- What is the Board’s view?
- Has the County completed an economic analysis on the industry?
- How will outdoor cultivation affect the environment? Specific concerns about water pollution were raised.
- Set a maximum area for cultivation
- June will have a preschool, please take that into account.
- Require a waste disposal plan
- Tax should cover the County’s costs
- Require annual renewal of local licenses
- Consider visual effect of operations
- Do not allow personal cultivation outdoors in June Lake
- Ban pesticides and fertilizers during cultivation and have an organic certification

Bridgeport RPAC (7/11/17)

- No specific comments or concerns, buffer around schools (and potentially additional facilities) appears to be sufficient

Mono Basin RPAC (7/12/17)

- Allow personal outdoor cultivation
 - Require screening and security
- Allow manufacturing in Commercial designations for creating edible products, similar to a commercial kitchen

Tri-Valley Community Meeting (7/16/17)

- Concerned with waste water from personal and commercial cultivation leeching into wells – need to limit pesticides used
- Require sustainability plan
- Where will seasonal employees live? The industry may increase demand for housing that is already limited.
- CBD oil and extracts can be manufactured without using volatile solvents – no need to allow for volatiles.
- Desire to maintain a good community image – need to consider how we are seen based on the actions we take.

Long Valley Community Meeting (7/26/17)

- Concern with personal grows in apartments due to shared ventilation.
- Ban growing in rental properties that have shared centralized air units.
- The County needs to define Nuisance more strictly.
- Mono County should not be a marijuana Mecca.
- Create an ordinance that is manageable and enforceable with strong definitions.
- Straw Poll: 17 people total
 - Regulate personal grows: in favor = 7, opposed = 6, undecided = 1
 - Ban outdoor personal grows: 6
 - Expand buffer (add more facility types): 15
 - Expand buffer (distance to 1,000): 13
 - Expand buffer (distance to 2,000): 5
 - Create buffer corridors: 3

Antelope Valley RPAC 8/3/17*Personal Cultivation:*

- Allow it outdoors, don't regulate further
- How do you regulate/enforce it?
- Wait until there's a problem, and then go after it
- There are currently houses growing and won't be able to bring them in for permits, so regulating would create problems where there weren't any before

Commercial Uses:

- How will distribution be handled?
- Only applicable LUD in the Antelope Valley is Mixed Use. Is this sufficient, or are more/different LUDs needed?

Commercial Manufacturing:

- The LUDs for commercial manufacturing don't apply in the Antelope Valley except for Agricultural. Need a mechanism to allow more broadly in the Antelope Valley.
- One person suggested allowing commercial manufacturing in residential - others disagreed. Some discussion about whether state law and/or fire standards would prohibit.
- Discussion about the definition of "manufacturing," does it qualify as a "cottage" industry that could be a home-based business? Is there a type of commercial manufacturing that fits with residential?

Commercial Testing

- Same LUD issue – these LUDs don't apply to the Antelope Valley. Need to provide for this use.
- Testing facility is necessary for regional success - make land uses broad to ensure we can have one somewhere in the Eastern Sierra.

Cultivation

- One person suggested allowing cultivation in residential
- Concern about lighting from greenhouses at night, Humboldt County cited as an example
- Suggestion that indoor cultivation should be allowed in any land use designation (or expanded LUDs) - if it's indoors, why do we care what LUD it's in?
- Suggestion that RR be an allowable LUD - or set a minimum size RR (20 acres) where it could be allowed with big buffer (setbacks) that would prevent impacts to neighbors
- A comment that odors are significant so be careful, even with indoor grows and buffers
- Some folks have strong opinions that requirements of the dark sky regulations should apply to all lighting – greenhouses, security lighting, etc.
- Setbacks: allow for variation based on configuration of the parcel and land, have consistent setbacks (don't increase if parcel size increases), preference for less than 200 feet
- Concern about kids: have setbacks with good security requirements
- Be careful about creating problems with the regulations
- One person against outdoor cultivation

Buffers

- Some supportive of expanding facilities (4 of ~15), consensus seems to be keep at 600 ft

Use Permit

- Skeptical about a requirement for a use permit - why is it needed, burden on applicant, burden on County
- Use permit requirement will make people miss out on 2018 growing season
- If meet requirements (e.g., via checklist), then allow, don't worry about site-specific issues
- Streamline with a checklist, plus if other permits are needed (building permit, etc.) then it takes too long
- Individual who is against outdoor commercial cultivation says there has to be a public comment process

Other

- Allow in LUDs of interest (e.g., RR) so people don't have to change their LUDs – individuals should not need to be responsible for this land use change.

NEXT STEPS

Lastly, CDD has outlined the following timeframes for the County to complete cannabis regulation development by the target date of Dec. 31, 2017. Additional considerations include when the State will accept applications and issue licenses (issuance targeted for Jan. 2, 2018), and the County's taxation measure. The current understanding of State licensing is that local approval is not needed prior to an application submittal. Instead, the State will contact the local jurisdiction when processing an application for approvals, and the jurisdiction has 60 days to respond.

Timeframe:

- **Aug. 17:** Planning Commission Workshop – land use framework
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For questions on this staff report, please contact Michael Draper (760.924.1805, mdraper@mono.ca.gov).

ATTACHMENT

- Community Development PowerPoint presentation

Draft Commercial Cannabis Issues, Opportunities, and Constraints

Planning Commission, Sept. 21, 2017

COUNTYWIDE LAND USE: ISSUES, OPPORTUNITIES & CONSTRAINTS

16. In 2016, the voters of California passed Proposition 64, legalizing the adult use, production, interstate transportation, and commercial activity of cannabis, including cultivation of up to six plants for personal use. The proposition was also passed by every voter precinct in Mono County, although by a smaller margin in Bridgeport and the Tri-Valley, and passed in the county overall. In the aftermath of this vote, Mono County had choices to 1) allow the State to regulate all activities with no local requirements, 2) ban activities in part or whole, or 3) develop local regulations. The County chose to develop local regulations and has jurisdiction over only privately held lands; state, federal and tribal lands are outside the County's jurisdiction.
17. Cannabis activities continue to be illegal under Federal law. The 2013 "Cole Memo" from the Department of Justice indicates federal enforcement should focus on the following priorities: prevent distribution of cannabis to minors; prevent cannabis revenue from funding criminal enterprises, gangs or cartels; prevent cannabis from moving out of states where it is legal; prevent the use of state-legal cannabis sales as a cover for illegal activity; prevent violence and use of firearms in growing or distributing cannabis; prevent drugged driving or exacerbation of other adverse public health consequences associated with cannabis use; prevent growing cannabis on public lands; and prevent cannabis possession or use on federal property. Thus, these priorities, which have merit beyond the Cole Memo, should be addressed by and the focus of County regulations to the extent possible.
18. The State of California, through three new licensing authorities, is implementing a robust permitting and regulatory process for commercial cannabis activities, including fees and taxation. To be effective, Mono County's regulations should work in concert with the State's broader regulations and requirements, and must be prepared to handle new components such as the "track and trace" system, testing requirements, and the collaboration between departments that is required for a successful new regulatory program.
19. Concerns expressed during two rounds of public input at Regional Planning Advisory Committee (RPAC) meetings about commercial cannabis activity include disruption of the sense of place, impacts to quality of life, lack of enforcement, aesthetic and visual impacts, use of pesticides and fertilizers harmful to the environment, personal safety and crime potential, odor nuisance, potential impact to families and children, water usage and discharge, energy usage, waste material, and that cannabis activities continue to be federally illegal. Public input indicated a preference to allow cultivation for personal use under state standards, without any additional local regulations.
20. A particular concern emphasized by public input and public health officials is the particular vulnerability of children to the effects of cannabis use, and that the presence of cannabis plants or products may be an attractive nuisance for children. The potential impacts to children should be evaluated and managed within the complete context of substances of concern, such as alcohol and other controlled substances.
21. Opportunities expressed during two rounds of public input at Regional Planning Advisory Committee meetings about cannabis activity include a potential new economic opportunity for businesses, new jobs, new revenue for the County, and potential land value increases.

22. Cannabis licensing generally falls into six broad categories, including cultivation, manufacturing, distribution, testing, dispensary, and transportation. A variety of Land Use Designations are necessary to accommodate all these licenses and provide for the full economic supply chain for the cannabis industry. In addition, each of these activity types requires the consideration of issues are unique to the cannabis industry that otherwise generally do not exist for the activity in general. Such considerations may include odor nuisance, security and protecting against the potential for the criminal element, specific regulation and inspection of agricultural operations, access by and attractiveness for minors, track and trace requirements, and testing and labeling requirements.
23. An integrated and complete regulatory package for oversight of commercial cannabis activities includes consideration of federal laws, to state regulations, to other local agencies and jurisdictions, and other County departments. The coordination and collaboration required for consistency throughout all levels requires a dedicated effort and active partnerships.

AGRICULTURE, GRAZING, AND TIMBER: ISSUES, OPPORTUNITIES & CONSTRAINTS

6. Cannabis is a new commodity that could provide a significant economic opportunities for the agricultural industry, if carefully implemented within the constraints of state regulations and existing general plan policies, and with the recognition of inconsistencies between state and federal law. Also see Countywide Issues, Opportunities and Constraints in the Land Use Element.
7. Between the Cole Memo, State regulations, and community concerns, cannabis cultivation raises issues such as odor control, pesticide and fertilizer use, security and protecting against the potential for the criminal element, and track and trace compliance, among other issues, that require the industry be regulated differently from any other agricultural crop.
8. Cannabis oversight should be closely coordinated with the Inyo-Mono Agricultural Commissioner's office, who has significant responsibility under the state's regulatory framework for cannabis cultivation and for agricultural operations in general.

Draft Commercial Cannabis Policies
Planning Commission, Sept. 21, 2017

LAND USE ELEMENT

Objective. Provide for commercial cannabis activities in Mono County in a way that protects public health, safety, and welfare while also taking advantage of new business and economic development activities.

Policy. Provide for commercial cannabis activities in Land Use Designations where the activity is “similar and not more obnoxious or detrimental to the public health, safety, and welfare” than the uses listed for the same designation (consistent with Chapter 4 definitions, Uses not listed as permitted).

Action. Where deemed necessary, provide specific adjustments via area plans, when consistent with this general plan, in order to provide for a balanced and functional mix of land uses (see LUE Objective 1.C.).

Action. Given the uncertainties inherent to a new regulatory program and its application to a recently legalized industry, retain flexibility to address site-specific issues, unique needs, and public noticing and input by requiring all cannabis activities be subject to a Use Permit.

Action. *Placeholder: will reflect any unique use permit requirements (if so determined), such as an annual renewal, inspections, etc.*

Policy. Personal cannabis cultivation, as legalized and regulated by State law, should be done so in a manner that respects neighbors and community character, and protects against potentially detrimental issues such as the criminal element, access by minors, and general nuisance issues.

Action. Personal cannabis cultivation is required to comply with all state regulations, including the California Building Code for any new construction or alterations/modifications to existing structures.

Action. Personal cannabis cultivation is subject to the Nuisances and Hazards provisions in Chapter 4 of this General Plan, and any other applicable General Plan policies and County codes.

Policy. Avoid, reduce, and prevent potential issues specific to commercial cannabis activities that may adversely affect communities.

Action. *Placeholder: will reflect decision about school buffer distance, and facilities to include. If state minimum is followed, this action may be eliminated.*

Action. Apply modified setbacks to commercial cannabis cultivation activities to prevent odor nuisance and visual/aesthetic issues, and enhance security.

Eliminate if setbacks are not modified from the standards set forth in the LUDs.

Action. Visual screening and other treatments prevent attractive nuisance issues related to aesthetics and security, such as theft, exposure of minors, and attraction of the criminal element.

Action. Outdoor lighting shall meet Chapter 23 – Dark Sky Regulations, and indoor lighting shall similarly be required to prevent nuisances cause by unnecessary light intensity, direct glare, and light trespass, and protect the ability to view the night sky by restricting unnecessary upward projection of light, and prevent impacts to wildlife species attracted to light sources.

Action. Regulations shall provide for the limitation of odor nuisances for adjacent uses, which may include, but are not limited to, increased setbacks, minimum distances from existing structures under separate ownership, odor control filtration devices, and ventilation requirements.

Action. To ensure security, safety, and prevent access by minors and the criminal element, a Security Plan shall be required and subject to approval by appropriate law enforcement and code enforcement entities.

Action. To ensure commercial cannabis activities are compatible with the scenic and natural landscape of Mono County, implement applicable requirements related to the California Environmental Quality Act (CEQA), and policies in the Conservation/Open Space Element, including sage-grouse mitigation measures (see C-OS, Action 2.A.3.e.).

Policy. In recognition of the potential economic benefits of this new industry, encourage the responsible establishment and operation of commercial cannabis activities.

Action. Provide a balanced and functional mix of land uses where commercial activities are permitted such that there is an opportunity for the private sector to establish the complete economic business supply chain, e.g., from nursery and cultivation to final point of sale.

Action. Economic benefits to the County include increased revenue from permit fees and potentially taxes; therefore, the County should seek full cost recovery for services rendered and place a tax measure on the next available ballot.

Policy. Work toward consistent and compatible regulations and efficient oversight of cannabis activities with other responsible entities, from the state level, to local level, to other Mono County departments.

Action. Stay informed of State activities and requirements related to commercial cannabis, including not only the licensing authorities of the Bureau of Medical

Cannabis Regulation, CalCannabis Cultivation Licensing, and Office of Manufactured Cannabis Safety, but also associated agencies such as the Lahontan Regional Water Quality Control Board, California Department of Fish and Game, California Building Standards Commission, and others.

Action. Coordinate with local agencies and districts, such as fire districts, water providers, and other service providers, and other local jurisdictions, such as Inyo County and the Town of Mammoth Lakes, as needed.

Action. Coordinate oversight activities with other applicable County departments, such as the Inyo-Mono Agricultural Commissioner's office, Environmental Health, Mono County Sheriff, and others as needed.

COMMERICAL CANNABIS REGULATION TOPICS

Planning Commission, Sept. 21, 2017

LAND USE DESIGNATIONS

Agriculture – cultivation, distribution, manufacturing, retail

Commercial – testing, retail

Industrial – cultivation, distribution, testing, manufacturing, retail

Industrial Park – cultivation, distribution, testing, manufacturing, retail

Mixed Use – retail (allow distribution, manufacturing, or testing?)

Service Commercial – distribution, manufacturing, retail

MENU OF POTENTIAL REGULATIONS

School buffers

Setbacks

Visual Screening

Odor and Air Quality

Security

Compliance Inspection

Other

School buffers:

- I. State minimum: Cannabis operations shall be setback 600' from any school providing instruction to kindergarten or any grades 1 through 12, day care center or youth center.

Options:

1. Increase distance to 1,000' (TOML)
2. Increase distance to 2,000'
3. Include
 - a. Place of religious worship
 - b. Park, ballfield or playground, library
 - c. "Youth-oriented facility"
 - d. Bus stop (public or school bus)
 - e. Corridors between selected facilities identified above

Setbacks:

- I. Facility property setback options:
 1. Setbacks per Land Use Designation
 2. Increased setbacks
 - a. Setbacks for Indoor operations
 - 1) All cannabis cultivation shall be setback 100' from any existing offsite residence, swimming pool, patio, or other living area of separate ownership (San Luis Obispo Co.)
 - b. Setbacks for Outdoor operations
 - 1) 25' from all property lines (Tuolumne Co.)
 - 2) 50' from all property lines (Mariposa Co.)

- 3) 50' from the upland extent of riparian vegetation of any watercourse (San Luis Obispo Co.)
- 4) 100' from an occupied residential structure on an adjacent parcel (Butte & Sonoma Co.)¹
- 5) 300' from the property lines of the site (San Luis Obispo Co.)
- 6) Setbacks based on parcel size
 - a) (Tehama Co.) If the premises is twenty (20) acres in size or less, each cultivation building or area shall be set back at least 100 feet from all boundaries of the premises, unless the enforcing officer or the Board of Supervisors reduces or waives this requirement based upon a finding of unusual hardship.
 - If the premises is greater than twenty (20) acres in size but less than one hundred and sixty (160) acres in size, each cultivation building or area shall be set back at least 300 feet from all boundaries of the premises.
 - If the premises is one hundred and sixty (160) acres or greater in size, each cultivation building or area shall be set back at least 1,000 feet from all boundaries of the premises.
 - b) (Butte Co.) If the premises is one-half (0.5) of an acre in size or less, each detached structure shall be set back at least 15' from all boundaries of the premises; greater than 0.5 acre but less than 5 acres, each detached structure or outdoor area shall be set back at least 50' from all boundaries; premises equal to or greater than 5 acres but less than 10 acres, 75'; 10 acres or greater, 150' from all boundaries. The Director of the Department may waive or reduce the requirement based upon a finding of unusual hardship for that parcel.
- 7) Setbacks based on cultivation size/area
- 8) Allow for submittal of alternative plans: criteria or enhance
 - a) Meet security needs
 - b) Meet or enhance visual mitigation
 - c) Meet distance from existing buildings of separate ownership (100')

Visual Screening

- I. Fencing (outdoor cultivation)
 - a. Not required
 - b. Require fencing for parcels less than 5 acres (Sonoma and Butte Co.)
 - c. Fence design
 1. Opaque fence
 2. At least 6' in height
 3. Or a height sufficient to conceal the cannabis from view
 4. Adequately secure to prevent unauthorized entry²
 5. The fence must include a lockable gate(s) that is locked at all times

¹ Mono County regulations currently require 50' from the top of streambed

² Features designed to maim or injure shall not be allowed per California Building Code

6. Use of brushes or hedgerows shall: 1.) be allowed as a fence to mitigate visual of fence and odor (on parcels 5 acres or more), 2.) in addition to a fence, or 3.) not allowed as a fence substitute.

- II. “Cannabis plants shall not be easily visible from offsite. Fencing around the cultivation should be solid wood or masonry not taller than 6’6”. Will allow cyclone type fencing or hog wire with fabric screening on the inside to prevent the cultivation from being seen. The gate must be locking. Plants must not be visible from outside the fence. They should be covered with shade cloth.” (San Luis Obispo Co.)
- III. “Area where cannabis is cultivated shall be screened from public view adjacent to the premises by fencing, structures or vegetation.” (El Dorado Co.)
- IV. Screening. Outdoor cultivation areas shall not be visible from a public street, public park, public school, or other public area, except where topographic conditions prevent reasonable screening. Maximum plant height shall not exceed eight feet above ground level at the base of the plant(s). (TOML)
- V. Lighting
 - a. All lighting must comply with Chapter 23 “Dark Sky Regulations” – there is a choice of extending this to Antelope Valley for cannabis activities
 - b. All/do not allow artificial lighting for outdoor cultivation
 - c. Options for greenhouse lighting:
 - 1. Outdoor lights not to exceed a maximum of 600 watts of lighting capacity per 100 sq. ft. of growing area.
 - 2. All lighting shall be shielded and downcast
 - 3. Light shall not escape at a level that is visible from neighboring properties between sunset and sunrise

Odor and Air Quality

Indoor Operations

- VI. All indoor, greenhouse and mixed light cultivation operations and any drying, aging, trimming, manufacturing, and packing facilities shall be equipped with odor control filtration and ventilation system(s) to control odors, humidity, and mold.
- VII. “All cannabis cultivation shall be sited and/or operated in a manner that prevents cannabis odors from being detected offsite. All structures utilized for indoor cannabis cultivation shall be equipped and/or maintained with sufficient ventilation controls to eliminate or significantly reduce nuisance odor emissions.” (San Luis Obispo)
- VIII. “The cultivation shall not adversely affect the health, safety, or enjoyment of property of persons residing near the property on which medical marijuana is cultivated due to dust, noise, smoke, odors which are disturbing to people of normal sensitivity.” (El Dorado Co.)
- IX. “The structure shall be designed to restrict smell, odor, smoke, or other airborne odors and smells related to marijuana from being transmitted to an adjoining property or public areas.” (Tulare Co.)
- X. All commercial cultivation sites shall utilize dust control measures on access roads and all ground disturbing activities per Great Basin Unified Air Pollution Control District and Mono County grading ordinance (General Plan, Conservation/Open Space Element Goal 23, 5-03)

Security Plan

- I. Certified by the Sheriff’s Department

- II. Require background checks
- III. Firearms: Prohibit or not, require approval by Mono County Sheriff Department
- IV. (Town of Mammoth Lakes) “A security plan outlining the proposed arrangements for ensuring the safety of persons and for protecting the premises from theft. The plan shall include, as a minimum, installation of security cameras, continuous operation of a robbery and burglary alarm system monitored by a state-licensed operator, and an annual written security assessment of the site by a qualified professional. The security plan must also include a lighting plan showing exterior and interior lighting that will be implemented to provide adequate security and comply with all town standards regarding lighting design and installation.”

Security and Lighting Plan.

1. A medical marijuana cooperative shall provide adequate security and lighting on-site to ensure safety of persons, protect the premises from theft at all times, and to ensure that the surrounding neighborhood and businesses are not negatively impacted by nuisance activity such as loitering and crime. In addition, a medical marijuana cooperative shall prepare and implement a security plan, as reviewed and approved by the chief of police, which shall include the use of recorded video monitors for security, both within and outside the premises.
 2. All security guards employed by medical marijuana cooperatives shall be duly licensed by the State of California, Department of Consumer Affairs, and possess a security guard card at all times, in a manner compliant with applicable state and local laws, rules and regulations. Security guards shall not possess firearms or tasers.
 3. A medical marijuana cooperative must ensure that all marijuana is securely stored. In addition, a reliable, commercial burglary, and robbery alarm system must be installed and maintained in a manner compliant with the town of Mammoth Lakes Municipal Code.
 4. The dispensing of medical marijuana shall not be visible from the exterior of the business. This may be accomplished through obstructing the windows with curtains or tinting, dividing the business operations to have a lobby that is visible from the exterior with medical marijuana being dispensed in enclosed rooms not visible from the exterior, or other method as approved by the town.
- V. (Desert Hot Springs)- A security plan that addresses how the following measures shall be implemented or complied with:
 1. Security cameras shall be installed and maintained in good condition, and used in an on-going manner with at least 240 concurrent hours of digitally recorded documentation in a format approved by the city manager or designee. The cameras shall be in use 24 hours per day, 7 days per week. The areas to be covered by the security cameras shall include, but are not limited to, the public areas, storage areas, employee areas, all doors and windows, and any other areas as determined to be necessary by the Sheriff or designee.
 2. The cannabis facility shall be alarmed with an audible interior and exterior alarm system, unless waived for extenuating circumstances by the Sheriff or designee that is operated and

monitored by a recognized security company, deemed acceptable by the Sheriff or designee. Any change in the security company shall be subject to the approval of the city manager or his designee. All current contact information regarding the medical marijuana facility's security company shall be provided to the Sheriff or designee.

3. Entrance to the dispensing or cultivation areas and any storage areas shall be locked at all times, and under the control of medical marijuana facility staff.
 4. All cannabis shall be securely stored, and a reliable, commercial alarm system shall be installed and maintained where the cannabis is secured.
 5. A licensed security guard, licensed by the California Department of Consumer Affairs, shall be present at the cannabis facility during all hours of operation. If the security guard is to be armed, then the security guard shall possess at all times a valid Security Guard Card and Firearms Permit issued by the California Department of Consumer Affairs.
- VI. (La County) Dispensaries shall provide security as follows: an adequate and operable security systems that includes security cameras and alarms to the satisfaction of the Director or Regional Planning; and at least one licensed security guard present at the dispensary at all times during business hours. All security guards must be licensed by the proper authorities and must possess a valid Security Guard identification card issued by the Department of Consumer Affairs at all times.

PERSONAL USE AND CULTIVATION

State Regulations

- 21 years of age or older may consume cannabis
 - Possession: May possess, process, transport, purchase, obtain or give away 28.5 grams of non-medical cannabis or 8 grams of concentrated cannabis product
 - No smoking in a public place
 - No smoking where smoking tobacco is prohibited
 - No smoking within 1,000' of a school, day care center or youth center
 - No smoking while driving or riding in a vehicle
 - Cultivation: may possess, plant, cultivate, harvest, dry or process up to 6 plants per residence for personal use. (No manufacturing)
 - Local governments may "reasonably regulate" but not prohibit personal indoor cultivation within a private residence, including within a greenhouse or other structure on the same parcel, provided it is not visible from a public space
 - Local governments may regulate or prohibit personal outdoor cultivation
- I. Do not regulate personal cultivation further
 - II. Add additional regulations
 - a. Require permit
 - b. Require registration

Building Permit Regulations

- Any electrical upgrades require an Over The Counter building permit
- Any interior remodel requires a Minor building permit.
- Any construction of an accessory structure greater than 120 sq. ft. requires a Major building permit.
- All Major building permits are routed to County departments for review and sign-off
- New construction must adhere to the most current California Building Code requirements
- Agriculture structures (green houses, hoop houses), pending LUD, are permitted out-right unless the structure has considerable engineering.
 - A greenhouse or similar structure containing lighting, heating, or ventilation elements requires a building permit.
- Regulations for “Efficiency Dwelling Unit” (minimum primary dwelling use)

State License Types & General Application Requirements

Planning Commission, Sept. 21, 2017

The following information has been obtained from the most recent printing of California Senate Bill 94, “The Medical and Adult-Use Cannabis Regulation and Safety Act” (MAUCRSA). California municipalities are awaiting procedures and requirements from each authority that further define operational requirements in order to create consistent regulation.

- Each licensing authority shall establish procedures for the issuance and renewal of licenses. The licensing authorities are as follows;
 - CalCannabis = cultivation license and track-and-trace system
 - Bureau of Cannabis Control = retail, distribution, testing, and microbusiness licenses
 - The Office of Manufactured Cannabis Safety = manufacturing license.
- 26050 (b) With the exception of testing laboratory licenses, which may be used to test cannabis and cannabis products regardless of whether they are intended for use by individuals who possesses a physician’s recommendation, all licenses issued under this division shall bear a clear designation indicating whether the license is for commercial adult-use cannabis activity as distinct from commercial medicinal cannabis activity by prominently affixing an “A” or “M,” respectively. Examples of such a designation include, but are not limited to, “A-Type 1” or “M-Type 1.” Except as specifically specified in this division, the requirements for A-licenses and M-licenses shall be the same. For testing laboratories, the bureau shall create a license that indicates a testing laboratory may test both adult-use and medicinal cannabis.
- 26050 (c) A license issued shall be valid for 12 months from the date of issuance. The license may be renewed annually.
- 26053 (a) All commercial cannabis activity shall be conducted between licensees, except as otherwise provided in this division.
- 26053 (c) Except as provided in subdivision (b), a person may apply for and be issued more than one license under this division, provided the licensed premises are separate and distinct.
- 26053 (d) Each applicant or licensee shall apply for, and if approved, shall obtain, a separate license for each location where it engages in commercial cannabis activity.
- 26054 (a) A licensee shall not sell alcoholic beverages or tobacco products on or at any premises licensed under this division.
- 26054 (b) A premises licensed under this division shall not be located within a 600-foot radius of a school providing instruction in kindergarten or any grades 1 through 12, day care center, or youth center that is in existence at the time the

license is issued, unless a licensing authority or a local jurisdiction specifies a different radius. The distance specified in this section shall be measured in the same manner as provided in subdivision (c) of Section 11362.768 of the Health and Safety Code unless otherwise provided by law.

LICENSE TYPES

Cultivation License Types:

“Cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

- 1) Type 1—Cultivation; Specialty outdoor; Small.** For outdoor cultivation using no artificial lighting of less than or equal to 5,000 square feet of total canopy size on one premises, or up to 50 mature plants on noncontiguous plots.
- 2) Type 1A—Cultivation; Specialty indoor; Small.** For indoor cultivation using exclusively artificial lighting of between 501 and 5,000 square feet of total canopy size on one premises.
- 3) Type 1B—Cultivation; Specialty mixed-light; Small.** For cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, of between 2,501 and 5,000 square feet of total canopy size on one premises.
- 4) Type 1C—Cultivation; Specialty cottage; Small.** for cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, of 2,500 square feet or less of total canopy size for mixed-light cultivation, up to 25 mature plants for outdoor cultivation, or 500 square feet or less of total canopy size for indoor cultivation, on one premises.
- 5) Type 2—Cultivation; Outdoor; Small.** For outdoor cultivation using no artificial lighting between 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.
- 6) Type 2A—Cultivation; Indoor; Small.** For indoor cultivation using exclusively artificial lighting between 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.
- 7) Type 2B—Cultivation; Mixed-light; Small.** For cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, between 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.
- 8) Type 3—Cultivation; Outdoor; Medium.** For outdoor cultivation using no artificial lighting from 10,001 square feet to one acre, inclusive, of total canopy size on one premises. The Department of Food and Agriculture shall limit the number of licenses allowed of this type.
- 9) Type 3A—Cultivation; Indoor; Medium.** For indoor cultivation using exclusively artificial lighting between 10,001 and 22,000 square feet, inclusive, of total canopy size on one premises. The Department of Food and Agriculture shall limit the number of licenses allowed of this type.
- 10) Type 3B—Cultivation; Mixed-light; Medium.** For cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, between 10,001 and 22,000 square feet, inclusive, of total canopy size on one premises. The Department of Food and Agriculture shall limit the number of licenses allowed of this type.
- 11) Type 4—Cultivation; Nursery.**

12) Type 5—Cultivation; Outdoor; Large. For outdoor cultivation using no artificial lighting greater than one acre, inclusive, of total canopy size on one premises.

13) Type 5A—Cultivation; Indoor; Large. For indoor cultivation using exclusively artificial lighting greater than 22,000 square feet, inclusive, of total canopy size on one premises.

14) Type 5B—Cultivation; Mixed-light; Large. For cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, greater than 22,000 square feet, inclusive, of total canopy size on one premises.

** No Type 5, Type 5A, or Type 5B cultivation licenses may be issued before January 1, 2023.*

- A cultivator shall not use any pesticide that has been banned for use in the state (26060(e))
- An application for a license shall identify the source of water supply (26060.1(a))
- If water is supplied from groundwater extraction, an application shall identify the location of the extraction and the maximum amount to be diverted for cannabis cultivation in any year (2606.1(a)3)

Manufacturing license

“Manufacture” means to compound, blend, extract, infuse, or otherwise make or prepare a cannabis product.

15) Type 6—Manufacturer 1. For sites that manufacture cannabis products using nonvolatile solvents, or no solvents. A Manufacturing Level 1 M-Type 6 licensee shall only manufacture cannabis products for sale by a retailer with an M-Type 10 license

16) Type 7—Manufacturer 2. For sites that manufacture cannabis products using volatile solvents. A Manufacturing Level 2 M-Type 7 licensee shall only manufacture cannabis products for sale by a retailer with an M-Type 10 license.

- 26105. Manufacturing Level 2 licensees shall enact sufficient methods or procedures to capture or otherwise limit risk of explosion, combustion, or any other unreasonably dangerous risk to public safety created by volatile solvents. The State Department of Public Health shall establish minimum standards concerning such methods and procedures for Level 2 licensees.

Testing facility license

“Testing laboratory” means a laboratory, facility, or entity in the state that offers or performs tests of cannabis or cannabis products and that is both of the following: (1) Accredited by an accrediting body that is independent from all other persons involved in commercial cannabis activity in the state. (2) Licensed by the bureau.

17) Type 8—Testing laboratory.

- 26053 (b) A person that holds a state testing laboratory license under this division is prohibited from licensure for any other activity, except testing, as authorized under this division. A person that holds a state testing laboratory license shall not employ an individual who is also employed by any other licensee that does not hold a state testing laboratory license.

Retail license

“Retailer” means for the retail sale and delivery of cannabis or cannabis products to customers. A retailer shall have a licensed premises which is a physical location from which commercial cannabis activities are conducted. A retailer’s premises may be closed to the public. A retailer may conduct sales exclusively by delivery.

18) Type 10—Retailer.**Distribution license**

“Distribution” means the procurement, sale, and transport of cannabis and cannabis products between licensees.

19) Type 11—Distributor.

- 26070 (b) The bureau shall establish minimum security and transportation safety requirements for the commercial distribution and delivery of cannabis and cannabis products. The transportation of cannabis and cannabis products shall only be conducted by persons holding a distributor license under this division or employees of those persons. Transportation safety standards established by the bureau shall include, but not be limited to, minimum standards governing the types of vehicles in which cannabis and cannabis products may be distributed and delivered and minimum qualifications for persons eligible to operate such vehicles.

Microbusiness license

“Microbusiness” means for the cultivation of cannabis on an area less than 10,000 square feet and to act as a licensed distributor, level 1 manufacturer, and retailer under this division, provided such licensee can demonstrate compliance with all requirements imposed by this division on licensed cultivators, distributors, Level 1 manufactures, and retailers to the extent the licensee engages in such activities. Microbusiness licenses that authorize cultivation of cannabis shall include the license conditions described in subdivision (b) of Section 26060.1.

20) Type 12—Microbusiness.**GENERAL APPLICATION REQUIREMENTS**

An applicant for any type of state license issued shall do all of the following:

- (1) Require that each owner of the applicant electronically submit to the Department of Justice fingerprint images and related information required by the Department of Justice for the purpose of obtaining information as to the existence and content of a record of state or federal convictions and arrests, and information as to the existence and content of a record of state or federal convictions and arrests for which the Department of Justice establishes that the person is free on bail or on his or her own recognizance, pending trial or appeal.
- (2) Provide evidence of the legal right to occupy and use the proposed location and provide a statement from the landowner of real property or that landowner’s agent where the commercial cannabis activity will occur, as proof to

demonstrate the landowner has acknowledged and consented to permit commercial cannabis activities to be conducted on the property by the tenant applicant.

- (3) Provide evidence that the proposed location is in compliance with subdivision (b) of Section 26054.
- (4) Provide a statement, signed by the applicant under penalty of perjury, that the information provided is complete, true, and accurate.
- (5) (A) For an applicant with 20 or more employees, provide a statement that the applicant will enter into, or demonstrate that it has already entered into, and abide by the terms of a labor peace agreement.
(B) For the purposes of this paragraph, “employee” does not include a supervisor.
(C) For the purposes of this paragraph, “supervisor” means an individual having authority, in the interest of the applicant, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them or to adjust their grievances, or effectively to recommend such action, if, in connection with the foregoing, the exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment.
- (6) Provide the applicant’s valid seller’s permit number issued pursuant to Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code or indicate that the applicant is currently applying for a seller’s permit.
- (7) Provide any other information required by the licensing authority.
- (8) For an applicant seeking a cultivation license, provide a statement declaring the applicant is an “agricultural employer,” as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 (commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law.
- (9) Pay all applicable fees required for licensure by the licensing authority.
- (10) Provide proof of a bond to cover the costs of destruction of cannabis or cannabis products if necessitated by a violation of licensing requirements.
 - (b) An applicant shall also include in the application a detailed description of the applicant’s operating procedures for all of the following, as required by the licensing authority:
 - (1) Cultivation.
 - (2) Extraction and infusion methods.
 - (3) The transportation process.
 - (4) Inventory procedures.
 - (5) Quality control procedures.
 - (6) Security protocols.
 - (7) For applicants seeking licensure to cultivate, the source or sources of water the applicant will use for cultivation, as provided in subdivisions (a) to (c), inclusive, of Section 26060.1. For purposes of this paragraph, “cultivation” as used in Section 26060.1 shall have the same meaning as defined in Section 26001. The Department of Food and Agriculture shall consult with the State Water Resources Control Board and the Department of Fish and Wildlife in the implementation of this paragraph.
 - (c) The applicant shall also provide a complete detailed diagram of the proposed premises wherein the license privileges will be exercised, with sufficient particularity to enable ready determination of the bounds of the premises,

showing all boundaries, dimensions, entrances and exits, interior partitions, walls, rooms, and common or shared entryways, and include a brief statement or description of the principal activity to be conducted therein, and, for licenses permitting cultivation, measurements of the planned canopy, including aggregate square footage and individual square footage of separate cultivation areas, if any, roads, water crossings, points of diversion, water storage, and all other facilities and infrastructure related to the cultivation.

(d) Provide a complete list of every person with a financial interest in the person applying for the license as required by the licensing authority. For purposes of this subdivision, “persons with a financial interest” does not include persons whose only interest in a licensee is an interest in a diversified mutual fund, blind trust, or similar instrument.