

From: [Wendy Sugimura](#)
To: [Heidi Willson](#)
Cc: [Brent Calloway](#); [Cecilia Jaroslowsky](#); [Erik Ramakrishnan](#)
Subject: FW: Planning Commission Appeal Hearing Oct 19 Rock Creek Ranch Vesting TTM application
Date: Friday, October 13, 2023 8:17:36 AM
Attachments: [Rock Creek Ranch Status Ltr 8.31.23 2.pdf](#)
[2rqco8w7kiz932wwelcth.png](#)
[Rock Creek Ranch COMPLETE VTTM application.pdf](#)

From: Paula Richards <paularichards@sierradeloro.biz>
Sent: Friday, October 13, 2023 7:22 AM
To: Cecilia Jaroslowsky <cjaroslowsky@migcom.com>
Cc: Brent Calloway <bcalloway@mono.ca.gov>; Wendy Sugimura <wsugimura@mono.ca.gov>; Heidi Willson <hwillson@mono.ca.gov>; J. Scott Bush <jsbush@mono.ca.gov>; Roberta Lagomarsini <rlagomarsini@mono.ca.gov>; patricia@mammothlakeshousing.org; Jora Fogg <jfogg@mono.ca.gov>; Chris Lizza <clizza@mono.ca.gov>; Gerry LeFrancois <glefrancois@mono.ca.gov>; Rhonda Duggan <rduggan@mono.ca.gov>; Jennifer Kreitz <jkreitz@mono.ca.gov>; David Haas <david.haas@fire.ca.gov>
Subject: Planning Commission Appeal Hearing Oct 19 Rock Creek Ranch Vesting TTM application

[EXTERNAL EMAIL]

Hello Cecilia-

Reviewing the packet of information for the appeal, I found it curious that the *April 21, 2023 Notice of Incomplete Application* was included. It was my understanding that the *April 21 Notice of Incomplete*, had only one issue remaining, CAL Fire road length exemption. The *April 21 Notice of Incomplete* is NOT in response to the *August 8 Vesting TTM application*. In fact the *April 21 Notice of Incomplete* is the CDD's determination for the *March 31 Vesting TTM application*. See pages 173-176 of the *August 8 Vesting TTM application* for more information and how all issues were addressed.

After several meetings and many emails from April 21 to May 31, it was concluded that a subsequent application would be submitted to Mono County, only after CAL Fire granted the road length exception. We were clear with Mono County that an application would be submitted after CAL Fire granted the project an exception to the road length and the engineers had incorporated all the requirements to meet the CAL Fire standards for exception. *Please see pages 65 to 70 of the August 8 Vesting TTM application.*

The *August 8 Vesting TTM application* was deemed incomplete on August 31 due to the following:

1. Preliminary Soil Report pending (reports submitted as part of 2014 APPROVED ROCK CREEK RANCH AMENDED SPECIFIC PLAN FEIR)
2. Preliminary Drainage Plan pending (do be done after acceptance of application as COMPLETE and surveys for engineering and design)
3. Vegetation Preservation Plan pending (do be done after acceptance of application as COMPLETE and surveys for engineering and design as part of the soil conservation, erosion control and slope stability)

Please see attached *August 31 Rock Creek Ranch Status Letter*.

Attached below, is a link with further updates to the responses to the *April 21 Notice of Incomplete* with the information submitted in the SB 330 Preliminary Application and the *August 8 Vesting TTM application* submission. The engineers have already begun designing the infrastructure for Phase 1, which also includes a Vegetation Preservation Plan and Preliminary Drainage Plan based on the proposed lot lines and the proposed roads, driveways and trails. And the survey team is working on a proposal and scheduling to complete the surveys. Mono County Code allows for an application to be accepted as complete for review and before the final engineering submission. The Vesting TTM is replacing the expired TTM in the 014 APPROVED ROCK CREEK RANCH AMENDED SPECIFIC PLAN.

Mono County Code Chapter 17.12 - SUBDIVISIONS—PRELIMINARY APPROVAL AND TENTATIVE MAPS. 17.12.010 - Preliminary acceptance.

Each proposed subdivision shall be submitted to the planning department for preliminary consideration in map form. **The tentative map shall be prepared in accordance with the Subdivision Map Act and the provisions of this title. Such submittal may be prior to the completion of final surveys but shall be prior to the start of any grading or construction work within the proposed subdivision.** Within five working days after submission of the tentative map and other required data, the planning department shall determine whether the map and accompanying data is in general compliance with the provisions of state law and this chapter. If it is not in compliance, it shall be returned to the subdivider with a written specification of reasons why it does not comply.

When the tentative map and accompanying data are determined by the planning department to be in general compliance with this chapter, the environmental requirements of Chapter 16.04 and state law, it shall be filed with the commission at their next regularly scheduled meeting. The date of this meeting shall be the date of filing the tentative map. (Ord. 74-446 Art. II § 1, 1974.)

The engineering plans should be completed by mid-December based on the meeting after the SB 330 Preliminary Application was accepted. A preliminary drawing was included, with an updated Pending Utility Easement and Access Easement 3. See page 93 of the *April 21 Notice of Incomplete* document. The Vesting TTM application is only for Phase 1 per the **2014 APPROVED ROCK CREEK RANCH AMENDED SPECIFIC PLAN**. Again, the topographical survey needs to be completed after the approval of the Vesting TTM application to engineer and design the residential structures of Phase 2.

Note: These Dropbox files total 110 pages and are available by contacting the Mono County Community Development Department at 760-924-1800.



[Notice Of Incomplete Application.pdf](#)
[dropbox.com](#)

Please consider the following letter for the Planning Commission Appeal Hearing.

Thank you for your time and I look forward to presenting and answering all questions from the Commissioners on October 19.

Paula Richards

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

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Attention: Planning Commission

Land Development Technical Advisory Committee (LDTAC)

The Vesting Tentative Tract Map application (submitted 8/7/2023), must be reviewed under the lenses of SB 35 and the Preliminary SB 330 Application (submitted 9/29/2023), as well as the Streamlined Permit Act. And always, the Vesting Tentative Tract Map application must be seen as the extension to the **2014 APPROVED ROCK CREEK RANCH AMENDED SPECIFIC PLAN**. The property was purchased in 2019 with an approved Specific Plan which included an expired Tentative Tract Map (Section 66452.6 - Expiration of map after approval; extension (a) (1) An approved or conditionally approved tentative map shall expire 24 months after its approval or conditional approval, or after any additional period as may be prescribed by local ordinance, not to exceed an additional 24 months.). The proposed Vesting Tentative Tract Map adheres in accordance with the Subdivision Map Act, Subdivision Land Laws and the updated CAL FIRE regulations and standards from April 1, 2023.

The Subdivision Map Act sets forth the conditions for approval of a subdivision map and requires enactment of subdivision ordinances by which local governments have direct control over the types of subdivision projects to be undertaken and the physical improvements to be installed. This act has two major objectives:

- To coordinate a subdivision's design (lots, street patterns, rights-of-way for drainage and sewers, etc.) with the community plan; and
- To ensure that the subdivider will properly complete the areas dedicated for public purposes, so that they will not become an undue burden upon the taxpayers of the community.

When we pivoted to the 10-lot subdivision in July 2022, we planned to re-use the expired Tentative Tract Map but upon review the engineers discovered major issues that made the development untenable with the expired TTM. The expired TTM was drawn but never engineered. The identifiable issues centered around water distribution, emergency access to each lot, emergency access to the Rock Creek Canyon, ingress and egress for the development, distribution of waterline to lots, septic tanks, direct access to water storage tank, LRCMWC's access to their utility easements, and others. **2014 APPROVED ROCK CREEK RANCH AMENDED SPECIFIC PLAN** established the parameters for the proposed Vesting Tentative Tract Map and how it related to the Subdivided Map and the CAL FIRE updated standards and regulations as of April 1, 2023.

66474.2. (a) Except as otherwise provided in subdivision (b) or (c), in determining whether to approve or disapprove an application for a tentative map, the local agency shall apply only those ordinances, policies, and standards in effect at the date the local agency has determined that the application is complete pursuant to Section 65943 of the Government Code. (b) Subdivision (a) shall not apply to a local agency which, before it has determined an application for a tentative map to be complete pursuant to Section 65943, has done both of the following: (1) Initiated proceedings by way of ordinance, resolution, or motion. (2) Published notice in the manner prescribed in subdivision (a) of Section 65090 containing a description sufficient to notify the public of the nature of the proposed change in the applicable general or specific plans, or zoning or subdivision ordinances. A local agency which has complied with this subdivision may apply any ordinances, policies, or standards enacted or instituted as a result of those proceedings which are in effect on the date the local agency approves or disapproves the tentative map. (c) If the subdivision applicant requests changes in applicable ordinances, policies or standards in connection with the same development project, any ordinances, policies or standards adopted pursuant to the applicant's request shall apply.

Identifiable issues of the expired TTM that made development of the 10-lot subdivision of the Rock Creek Ranch Specific Plan:

Applicant: Sierra del Oro Trading Company LLC
2014 APPROVED ROCK CREEK RANCH AMENDED SPECIFIC PLAN R14-65

1. The retaining walls for the expired TTM take out the lower well- the main source of water for the 10-lot subdivision. Lot 1 would be left with no buildable area. Retaining walls shall be required at grade differences of one foot or more, unless a recorded slope easement is obtained.
2. Direct access to the 139,000-gallon water storage tank was necessary to be able to distribute the water as well as electrify the infrastructure. The lot line 7/8 would become the access and hub to distribute water from the 139,000-gallon water storage tank. It could not be a "driveway" but a road. It could not be used to access either lot 7 or 8 because of the driveway laws.
3. The expired TTM had 7 unbuildable lots due to the land topography and the LRCMWC water cisterns. Lots 1, 4, 5, 6, 7, 8, and 10. And most access to the lots was impossible. We could only have a 150' long driveway w/turnaround. Each proposed parcel shall be determined by the review authority to be "buildable" because it contains at least one building site that can accommodate a structure in compliance with all applicable provisions of this Development Code. The Subdivision Map Act requires that ALL lots are buildable.
4. The expired TTM created massive issues for ingress and egress during an emergency and for direct access to each lot which CAL FIRE and the applicant had many meetings to work out a viable solution. BLM did not want homes adjacent to their property (Lots 8, 9, and 10). The proposed Vesting Tentative Tract Map has LOTS 2-7 with small sections that lenders allowed. LOTS 8 & 9 are not broken up. And LOT 10 curves around the hammerhead. BLM approved the proposed Vesting Tentative Tract Map. Within the CC&R's, it shall be clearly noted that: dimensioned building site envelopes and setbacks have been delineated on each new lot; **new trails, roads or other encroachments shall not be made onto surrounding public lands except with the concurrence of BLM; absent such concurrence, access shall be on existing, established routes only**; and information/educational materials such as maps and signs regarding this condition and a notice informing residents of the presence of the deer migration corridor, including prohibitions on feeding wildlife or allowing pets to roam off individual lots shall be provided to lot owners at time of sale;
5. The expired TTM does not have access to LRCMWC's waterline, nor the trail to the Canyon. Access to the Trail and to the Canyon had to be resolved for emergency reasons for the health and safety of the Paradise Estates Community. Access to the Water cisterns would have to be on Lot line 5/6, which means that those lots could not share a driveway. The proposed access to LRCMWC's water cisterns would be from the exclusive emergency access to the Rock Creek Canyon.
6. Access to each lot for emergency was impossible with the expired TTM. Lots had to be designed for direct access for CAL FIRE. Lot line orientation. Side lot lines shall be at right angles to the street on straight streets and shall be approximately radial on curved streets.
7. The expired TTM designed the lots against the slope (lots 4, 5, 6, 7, and 8). Because the lots are not designed along East to West with the grade of the slope, building on them would be more difficult, require more invasive grading, make access to the whole lot for fire protection near impossible, created an issue of where a septic tank could be placed, and be all around more difficult to design a water infrastructure system for distribution.
8. Septic systems would be impossible to include in each lot in the expired TTM.
9. Even though the road length is 2900 ft, it will be far less grading because it uses an existing dirt road and incorporates access to the BLM with a trail to limit residents from abusing access to BLM.
10. A trail had to be designed to access the public lands on established trails. Public access to public resources. Each proposed subdivision shall be designed and constructed to provide public access to waterways, lakes, and reservoirs in compliance with Map Act Chapter 4, Article 3.5 (Public Access to Public Resources). Bicycle/walking paths and hiking/equestrian trails. The subdivider shall construct bicycle paths, multiple use trails, and/or access to multiple use trails within an approved subdivision in compliance with the Circulation, Open Space, Conservation and Recreation Plan Elements of the General Plan and any applicable specific plan.
11. Subdivision Map Act Section 66473.1 - Future passive or natural heating or cooling opportunities(a) The design of a subdivision for which a tentative map is required pursuant to

Section 66426 shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision. **(b)(1)** Examples of passive or natural heating opportunities in subdivision design, include design of lot size and configuration to permit orientation of a structure in an east-west alignment for southern exposure. **(2)** Examples of passive or natural cooling opportunities in subdivision design include design of lot size and configuration to permit orientation of a structure to take advantage of shade or prevailing breezes. **(c)** In providing for future passive or natural heating or cooling opportunities in the design of a subdivision, consideration shall be given to local climate, to contour, to configuration of the parcel to be divided, and to other design and improvement requirements, and that provision shall not result in reducing allowable densities or the percentage of a lot that may be occupied by a building or structure under applicable planning and zoning in effect at the time the tentative map is filed. **(d)** The requirements of this section do not apply to condominium projects which consist of the subdivision of airspace in an existing building when no new structures are added. **(e)** For the purposes of this section, "feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.

12. No tentative subdivision or parcel map received on or after the effective date of the ordinance adding this subsection shall be approved unless each lot within the subdivision can be demonstrated by the subdivider to have unobstructed access to sunlight to an area of not less than 200 square feet, falling in a horizontal plane 10 feet above the grade of the buildable area of the lot. The condition of unobstructed solar access shall be achieved when a specific area of not less than 200 square feet has an unobstructed sky view of the sun between azimuths of the sun at 45 degrees to the east and 45 degrees to the west of true south on December 21.
13. A solar access easement shall be dedicated on each lot within the subdivision for the purpose of assuring that each parcel or unit in a subdivision for which approval is sought shall have the right to receive sunlight across adjacent parcels or units in the subdivision as specified in subsections A and B. The purpose of these requirements is to assure solar access to solar energy systems located on a future structure built on the lot as required by the State of California Subdivision Map Act Sections 66473.1 and 66475.3, and California Solar Rights Act of 1978.
14. Because of the vital role played by financing in the success of a subdivision, the subdivider will endeavor to include the proper safeguards to insure appropriate financing. The subdivider and the engineer must be just as familiar with the requirements of the lending agencies as with those of local, state and federal control agencies. General requirements and land development standards of the FHA are described in detail in data sheets and bulletins, which offer a great deal of valuable information about proper standards of design.
15. CAL FIRE, Insurance and Lenders limited the length of the driveways to 150 feet. Subdivision design shall provide for safe and ready access for fire and other emergency equipment and for routes of escape to safely handle evacuations.
16. Lot line orientation. Side lot lines shall be at right angles to the street on straight streets and shall be approximately radial on curved streets.
17. Parcel configuration. The layout of proposed parcels and streets shall be designed to use land efficiently and minimize site disturbance in terms of cuts and fills and the removal of vegetation. See also the parcel design provisions regarding energy conservation in subsection H of this section (Energy conservation).
18. Street layout. The streets proposed in a subdivision shall be planned in a primarily east-west orientation where feasible.
19. Parcel and building site design. Proposed parcels shall be designed, where feasible, to provide building sites that allow the orientation of structures in an east-west alignment for southern exposure, and to take advantage of existing shade or prevailing breezes.
20. Drainage plan. No inter-parcel or "cross drainage" shall be allowed. Each parcel shall drain its own water to a public street, approved public or private drainage facility, or natural drainage course without passing through or across an adjacent parcel, except where a legal right exists

(e.g., a drainage easement), and is authorized by the City Engineer. No parcel shall drain water over the bank of a flood control channel.

21. Erosion and sediment control. A proposed subdivision shall be designed so that all grading incorporates appropriate erosion and sediment control measures. (§ 2, Ord. 14-13, eff. October 8, 2014). Grading would have to follow along the contours of the slope.
22. Private facilities: Maintenance. A subdivision with common area or private streets shall have conditions, covenants, and restrictions (CC&Rs) approved by the City to provide for the proper maintenance of the common areas and/or private streets and establish standards for maintenance.

When the engineer reviewed all the issues- the design of the proposed Vesting Tentative Tract Map was the only viable solution which followed the Subdivision Map Act, CAL FIRE's new standards and regulations, Subdivided Land Laws and others. The Vesting Tentative Tract Map application is in substantial conformance and complies with **2014 APPROVED ROCK CREEK RANCH AMENDED SPECIFIC PLAN**. The only Minor Modification being the size of each lot the proposed Vesting Tentative Tract Map.

Per the **2014 APPROVED ROCK CREEK RANCH AMENDED SPECIFIC PLAN 2014 2014** Minor Modifications to the Specific Plan may be approved by the Community Development Director (Wendy Sugimura). Minor Modifications may include:

- changes in architectural colors or details
- minor modifications to the street layout or public facility improvements
- minor changes to utility placement or layout
- minor changes to trail placement
- minor modifications to the subdivision plan (such as lot line adjustments and divisions) and **other similar changes. Minor modifications to the subdivision plan, such as lot line adjustments and divisions, shall not require an amendment to the Specific Plan provided the Mono County Planning Director finds the modification is consistent with the general nature and intent of this Plan.**

The Minor Modification to the Specific Plan is consistent with the general nature and intent, as can be seen with the Vesting Tentative Tract Map application.

APPLICATION ACCEPTANCE A. DR 23-00X Sierra Del Oro – Director Review application for a minor modification of the 2014 Rock Creek Ranch Specific Plan per the provisions of a minor modification allowed by the Director in the adopted Specific Plan. The proposed minor modification is intended to facilitate a Tentative Tract Map application. APN 026-033-002-000 (Cecilia Jaroslowsky & Brent Calloway)

SB 330: "To facilitate the preliminary application process, all public agencies must compile a checklist that specifies what is required to complete a development application. The application checklist must now be made available in writing and on the public agency's website.

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

The Preliminary Application SB 330 was submitted Sept. 29 for the Vesting Tentative Tract Map application of the 2014 APPROVED ROCK CREEK RANCH AMENDED SPECIFIC PLAN.

SB 330 "The Housing Crisis Act of 2019" is a statewide bill intended to reduce the time it takes to approve housing developments in California. Under state law, "housing developments" include residential units, mixed-use with a large residential component, and transitional or supportive housing. The bill is complex and is bound to other laws including the Housing Density Bonus Law. SB 330 takes away significant authority from cities and counties, reducing their review and approval powers over developments that shape their communities.

This shift is reinforced in three ways:

- 1) Freezes the ability of local governments to downzone, adopt new development standards, or change land-use in residential and mixed-use areas if the change results in less-intensive uses.
- 2) Allows developers to request approval of housing developments that exceed density and design controls of the underlying zoning, if the existing zoning conflicts with the General Plan or a Specific Plan.
- 3) Expedites the permitting process for all housing development and limits the list of application materials that cities can review.

A development project application must be filed within the following timelines to take advantage of the PA:
A. 30 days –Agency confirms application is complete by determining if it includes all material on agency’s submittal checklist. If not complete, agency must list information missing from checklist. GC §65941(d)(2)
B. 90 days –Applicant provides additional information requested by agency. If applicant fails to timely respond, PA expires. GC §65941.1(d)(2)
C. Agency and applicant can mutually agree to extend these timelines.

Agency must post on website a list of zoning ordinances and development standards that “apply to each parcel” and items needed to deem application complete. GC §65940.1(a)(1)
A. Within 30 days of filing a development project application, if agency determines an item(s) is missing from the list it must provide an exhaustive written list why the application is incomplete. Can’t require submittal of materials not on application checklist. Otherwise, it is automatically deemed complete. GC §65943(a)
B. Applicant may submit requested material to agency; no timeline to respond.
C. Agency has 30 days to respond to submitted materials from applicant. GC §65943(b). Cannot request new information that was not identified in initial list of items that were not complete. GC §65943(b)
D. If agency determines application and submitted materials are not complete, agency must provide appeal process; final written determination on appeal must be made within 60 days after agency received the appeal. GC §65943(c)
E. These timelines can be extended if both agency and applicant agree. GC §65943(d). If agency fails to respond after one of its 30-day review periods, or fails to timely provide appeal determination, the application is “deemed” complete. GC §65943(a), (b) and (c).

- A. After a complete development project application for a housing development project is submitted, agency must identify any applicable objective plan, program, policy, standards or other requirements that the project is not consistent with under the timelines below.
 - 30 days from deemed complete date of project application (not Preliminary Application) for 150 or fewer units. GC §65589.5(j)(2)(A)(i)
 - 60 days from deemed complete date of project application (not Preliminary Application) for more than 150 units. GC §65589.5(j)(2)(A)(ii)

A. HAA states a housing project may not be denied or its density reduced if it is consistent with “objective, quantifiable, written development standards, conditions and policies” unless specific findings are made. GC §65589.5(j)(1).

B. “Objective standard” involves no personal or subjective judgment by a public official and is uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by the applicant and public official. GC §65589.5(h)(8).

C. Project is deemed consistent if there is substantial evidence in the entire record that allows a reasonable person to conclude consistency, NOT the usual standard of review which is whether the agency’s decision is supported by substantial evidence. GC §65589.5(f)(4).

D. If an inconsistency determination is made or a project is not approved, the agency (not the applicant) bears the burden of showing the decision conforms to the Housing Accountability Act.

With respect to the term “deemed complete,” new Government Code section 65589.5(h)(5) of the Housing Accountability Act expressly provides that “Notwithstanding any other law, until January 1, 2025, **‘deemed complete’ means that the applicant has submitted a preliminary application pursuant to Section 65941.1.**” Similarly, new Government Code section 65941.1(a) of the Permit Streamlining Act provides that an applicant for a housing development project “shall be deemed to have submitted a preliminary application” upon providing all the statutorily prescribed information and upon payment of the applicable permit processing fee. And new Government Code section 65941.1(d)(3) of the Permit Streamlining Act provides that “This section shall not require an affirmative determination by a city, county, or city and county regarding the completeness of a preliminary application or a development application for purposes of compliance with this section.”

These provisions make clear that for purposes of a “preliminary application” under SB 330, an applicant’s submittal of such an application is automatically “deemed complete” by operation of law.

The applicant thus plainly controls the filing of a “preliminary application” under SB 330, and the mere act of doing so provides the earliest form of vested rights available under California law. SB 330 provides no role for cities or counties in that process. There is no requirement that a city or county review the preliminary application and decide regarding its completeness for an applicant’s statutory rights to vest, and there is no authority for a city or county to do so. In this way, **SB 330’s statutory vesting mechanism differs fundamentally from the longstanding vesting tentative map procedures of Government Code sections 66474.2 and 66498.1 in the Subdivision Map Act, which peg the date of a project’s vesting to the date the local agency “has determined that the application is complete.”** Under SB 330, if a preliminary application contains the information prescribed in the statute itself then the date of the submittal automatically triggers the early statutory vesting.

Importantly, even after establishing vested rights through submittal of a “preliminary application” the applicant still **must submit a traditional “complete application” that includes all the information required to process the development application, consistent with Government Code sections 65940, 65941, and 65941.5.** The applicant must submit such a “complete application” within 180 days of submittal of a “preliminary application.”

Under SB 330, a city’s or county’s limited discretion kicks in only at this more traditional post-vesting stage. In particular, upon submittal of the information intended to establish a “complete application,” the city or county has 30 days to consider the completeness of the final application, and if the city or county determines that the application for the housing development project is still **not complete pursuant to Government Code section 65943, the applicant must submit the specific information needed to complete the application within 90 days of receiving the agency’s written identification of the necessary information. Once the applicant has provided the required information to complete an application, the application is “determined to be complete.”**

Consistent with this revised process, SB 330 now defines “determined to be complete” in new Government Code section 65589.5(h)(9) in the Housing Accountability Act to mean that “the applicant has submitted a complete application pursuant to Section 65943.”

It is also important to understand that it is only this submittal of a “complete application” that triggers the separate 30- or 60-day deadlines for a city or county to provide the applicant with notice and documentation of any alleged inconsistencies with applicable planning and zoning rules. A city’s or county’s failure to provide such notice and documentation within the specified time results in the project being deemed consistent, compliant, and in conformity with the applicable plan, program, policy, ordinance, standard, requirement, or other similar provision as a matter of law, as provided in Government Code section 65589.5(j)(2) of the Housing Accountability Act.

The Vesting Tentative Tract Map application for 10-Lot Subdivision for the Rock Creek Ranch approved 2014 Amended Specific Plan was submitted August 7 for the second time. Original submission of the Vesting TTM application was March 30, 2023. The only difference between the two is that CAL FIRE granted an exemption for the road length. Both Vesting TTM applications stated that the 10-lot subdivision is an Intentional Community with a clear governing structure for the management of the development and the subdivision. Furthermore, the applicant communicated to the Board of Supervisors and fractions of the Community that the 10-lot subdivision would primarily and exclusively serve Very Low-, Low- and Moderate-Income residents of Mono County. There is a waitlist for rental applications for the future 10-lot subdivision which is proposed to house 140 people in the 40 dwelling units (this includes the Bonus Density of 50%).

2014 APPROVED ROCK CREEK RANCH AMENDED SPECIFIC PLAN expired Tentative Tract Map did not contain a Preliminary Drainage Plan or a Vegetative Preservation Plan beyond what was described in the **2014 APPROVED ROCK CREEK RANCH AMENDED SPECIFIC PLAN**. The Vesting TTM application was erroneously determined to be incomplete by the Lead Agency because the following reports were incorrectly deemed missing. All necessary reports and proposed plans were either included or mentioned how to proceed in the **2014 APPROVED ROCK CREEK RANCH AMENDED SPECIFIC PLAN**:

“The CGC (Title 7, Division 1, Chapter 3, Article 8) describes requirements for preparation and content of Specific Plans. These requirements mandate that a Specific Plan shall include a statement of the relationship of the Specific Plan to the General Plan, as well as text and diagram(s) that specify all of the following in detail: (1) the distribution, location, and extent of the uses of land, including open space, within the area covered by the plan; (2) the distribution, location, extent and intensity of major components of public & private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan; (3) standards and criteria by which development will proceed, & standards for the conservation, development, and use of natural resources, where applicable; and (4) a program of implementation measures including regulations, programs, public works projects, & financing measures needed to carry out items (1), (2), and (3). CGC §65457 further provides that any residential development project that implements and is consistent with a Specific Plan or which an EIR has been certified after January 1980 is exempt from further CEQA requirements unless disqualifying events are found to apply.”

- **Preliminary soil report**- Preliminary soils report prepared by a civil engineer/engineering geologist, licensed to practice in the state of California, for the proposed subdivision addressing the unified soil classification of the soils, the depth of the water table, the degree of soil moisture from surface to a minimum depth of eight feet, the compaction of the soil at a minimum depth of two feet, and the expansive characteristics of the soil for the proposed project site. If this preliminary report indicates the presence of critically expansive soil or other soils or geological problems that could lead to structural defects or any other hazards, a soils report for each parcel, together with the proposed mitigation measures to alleviate identified problems, shall be required. Requirements of a preliminary soils report may be waived by the county engineer, if the project civil engineer/engineering geologist certifies that no soils problems exist on the site, and that such certification is based on sufficient soils reports prepared for the subdivision under consideration to demonstrate soil stability and the lack of soils problems on the proposed project site. The project proponent shall have the burden of demonstrating the required information. The decision to waive such requirements, based upon the certification of the project proponent's civil engineer/engineering geologist of the absence of any soils related problems, shall be solely within the discretion of the county engineer. The fee for review of soils reports or consideration of soils report waiver shall be set by resolution of the Board of Supervisors.

(Geo-tech reports were submitted, as well as the FEIR of the 2014 Rock Creek Ranch Specific Plan-Geo-Tech Report submitted in Draft EIR, SGSI Geotechnical Investigation Sierra Paradise TTM); The change to the Specific Plan and map will not have a substantial adverse effect on surrounding properties or result in substantial Environmental damage or injure fish and wildlife or their habitat because: A FEIR for the project was approved in 2009. None of the conditions described in CEQA Guidelines Section §15162 calling for preparation of a subsequent EIR have occurred. The changes of this amendment reduce Environmental impacts and will not adversely affect surrounding properties.; Based on the considerations and analyses presented above and based on the provisions contained in CEQA §15164[a]) as presented in its 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 an Addendum to the certified 2008 Final EIR for Rock Creek Ranch is the appropriate CEQA document for the proposed second amendment to the Rock Creek Ranch Specific Plan. 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 deciding 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." All of the mitigation measures adopted by the Mono County Board of Supervisors as part of the May 2009 Final EIR certification remain in full force and effect, with the exception of (a) Mitigation Measure UTIL 5/8-3a (Water System Intertie) which has been modified as shown above, and (b) the four adopted mitigation measures (listed below in Table 3) that are rendered inapplicable to the Rock Creek Ranch project with approval of the second amendment;

Mono County Code Chapter 17.12 - SUBDIVISIONS—PRELIMINARY APPROVAL AND TENTATIVE

MAPS. 17.12.010 - Preliminary acceptance.

Each proposed subdivision shall be submitted to the planning department for preliminary consideration in map form. **The tentative map shall be prepared in accordance with the Subdivision Map Act and the provisions of this title. Such submittal may be prior to the completion of final surveys but shall be prior to the start of any grading or construction work within the proposed subdivision.** Within five working days after submission of the tentative map and other required data, the planning department shall determine whether the map and accompanying data is in general compliance with the provisions of state law and this chapter. If it is not in compliance, it shall be returned to the subdivider with a written specification of reasons why it does not comply.

When the tentative map and accompanying data are determined by the planning department to be in general compliance with this chapter, the environmental requirements of Chapter 16.04 and state law, it shall be filed with the commission at their next regularly scheduled meeting. The date of this meeting shall be the date of filing the tentative map. (Ord. 74-446 Art. II § 1, 1974.)

• **Preliminary Drainage Report**- Information concerning the ability of the existing and proposed drainage facilities to handle the natural flows and the additional runoff that will be generated by the subdivision at ultimate development. Methods to convey surface waters to the natural drainage courses or drainage system.

Objective of the Preliminary Drainage Plan is to demonstrate that conceptually, the site is physically suitable for the type and density of the proposed project, with the addition of appropriate on-site and off-site drainage improvements, in accordance with Mono County Improvement Standards and flood control policies prior to issuing development conditions. The stop gap measures for a drainage facility are included in the text of the **2014 APPROVED ROCK CREEK RANCH AMENDED SPECIFIC PLAN.**

Reconnaissance Level – for proposed project that requires a Tentative Map and will connect into an existing open channel without requiring alteration of the channel or into an existing underground pipe system that will be able to handle the 20-year frequency storm runoff from the proposed development. (Certification Statement must be attached to the study submittal- this was included in the submitted Geo-Tech reports per the **2014 APPROVED ROCK CREEK RANCH AMENDED SPECIFIC PLA**). Minimum reconnaissance level elements:

1. Determination that the project is not in a current 100-year FEMA or local floodplain.
2. Determination of post project peak runoff using City hydrology parameters
3. Analysis of capacity and utilization of existing storm drainage system facilities at proposed connection points.
4. Determination that sufficient land under the owner's control is available for proposed drainage facilities and maintenance corridors as required by the City Improvement Standards.
5. Analysis of permits required including type, processing time, and expected restrictions.

Subdivision Map Act: 9.110.040 Site preparation and grading for subdivision construction.

Drainage plan. No inter-parcel or "cross drainage" shall be allowed. Each parcel shall drain its own water to a public street, approved public or private drainage facility, or natural drainage course without passing through or across an adjacent parcel, except where a legal right exists (e.g., a drainage easement), and is authorized by the City Engineer. No parcel shall drain water over the bank of a flood control channel.

(2014 Rock Creek Ranch Specific Plan "**A drainage plan shall be submitted prior to the approval of the Tract Map**"); The drainage system for Rock Creek Ranch shall be designed to provide an overland flow path for runoff volumes and flushing flow discharges that exceed the 20-year storm design capacity of the dry wells. The overland flow path will intercept and direct flows to locations where runoff collects under current conditions. Also see Condition of Approval # 12; Drainage and erosion control plans shall be required of future residential construction involving more than 5,000 sq ft of pad disturbed . . . Drainage and erosion control plans shall also be required for future residential construction that cumulatively exceeds 10,000 sq ft . . . All dedications, easements and improvements proposed to be furnished by this Tentative Tract Map including road, drainage, utility and offsite easements and improvements must be in place, or a subdivision agreement and security guarantee fully executed, prior to recordation of the Final Map;

• **Preliminary Preservation Vegetation Plan**- Vegetation preservation and protection plan showing which trees are to be removed, and the location and type of vegetation to be planted.

(2014 Rock Creek Ranch Specific Plan "(a) **Natural vegetation shall be designated and retained except where it must be removed for project development; (b) Project CC&Rs shall incorporate the following requirement which mandates that homeowners landscape with native vegetation and prohibits use of invasive plant species for landscaping in order to minimize the degradation of deer habitat: "Areas disturbed during construction shall be revegetated with native species in order to establish deer habitat as soon as possible following construction. Revegetation of disturbed areas 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;" (c) vegetation retention shall be designated on each individual lot landscape plan. [Also see Conditions of Approval #6, #53, #54, #57 and #631.**

As part of the Grading Permit application, the applicant shall prepare a Soil Conservation Plan to protect native soils for use as a plant growth medium. The plan shall require that (a) native soils be stockpiled during construction and used for subsequent revegetation, and (b) stockpiled soils

Applicant: Sierra del Oro Trading Company LLC

2014 APPROVED ROCK CREEK RANCH AMENDED SPECIFIC PLAN R14-65

be protected from degradation during the construction and maintained in a condition suitable for reuse. [Also see Conditions of Approval #6, #8, -f/49, #50 and #68].)

As per California law, a Tentative Map is, “a map made for the purpose of showing the design and improvement of a proposed subdivision and the existing conditions in and around it.” A Tentative Map depicts the proposed division of land and provides additional information, project notes, grading amounts, proposed ownership and maintenance, existing vegetation, drainage patterns, etc. Prepared by a licensed Civil Engineer, the Tentative Subdivision Map is the parcel configuration proposed prior to a final or parcel map, the official recorded document. A topographic survey must first be completed after the Vesting Tentative Tract Map application has been accepted as complete. All civil engineering depends on the completion of the topographic survey which can only begin after the Vesting TTM application is accepted as COMPLETE.

The Vesting Tentative Tract Map application should be determined as **COMPLETE**, so that the topographical land survey can be completed with lot lines to design and engineer the drainage plan, landscape plan, open space plan, trails, roads, all access, and water facilities. Topographic surveys include existing ground elevations and contour lines, the location and elevation of existing utilities, and existing stormwater features, which are critical for the planning and design phases of land development, roadway and infrastructure projects. While a typical land survey is concerned with defining the borders of a piece of land, a topographical survey is concerned with noting the natural and man-made characteristics of the area. Hills, rivers, trees, fences, structures, and other natural state enhancements are examples. A topographical survey depicts the position, size, and height of these improvements, as well as progressive variations or curves in length. Both, the Vesting Tentative Tract Map application and the Director Review application, must be accepted as complete for the topographic survey to begin.

Topographic Surveys are necessary to:

- Show the existing overall drainage pattern.
- Study areas prone to flooding.
- Determine the location of flood plains.
- Provide an accurate “existing conditions” survey of elevations and surfaces for site design and roadway plans.
- Verify manhole RIM elevations during construction.
- Provide final as-built data to verify that the site was built in substantial conformance with proposed plans.
- Verify ADA compliance.

A professional land surveyor’s topographical surveys assist in properly planning the layout of the building in relation to the land. And can better situate the construction to lessen the requirement for excavation work by identifying where the land dips or rises and by how much. A topographic land survey shows the height, depth, size, and location of any given parcel of land, it also shows the changes or contours in elevation throughout the parcel. A land surveyor will often include existing buildings and structures, boundary/property lines, ground surfaces, tree positions, and natural drainage details in the topo survey.

The information is typically shown in the form of spot elevations, contour lines and contour elevations, utility lines, utility cover elevations, benchmark reference etc. Additional details can be added to the survey, and the results will be often delivered as CAD files.

A topographic survey is conducted generally for the following use:

- Grading permits for building site and architectural projects
- Environmental restoration and property improvements
- To fulfill regulatory requirements for construction codes
- Drainage plans, Utility connection plans

- Land division

A boundary survey is a means of defining the limits of a property formally. It mainly focuses on the definition of the corners of a plot, property lines showing distances and bearings, easements etc. People usually perform boundary surveys before they buy, split, improve, or build on the land. The professional land surveyor conducts the survey because measurements must be as accurate as possible.

- A boundary survey identifies any encroachments (driveways, fences, buildings, etc.) on the property or crossing any of your boundary lines.
- A boundary survey and drawing provide you the exact property line measurements and locations of all structures (houses, barns, etc.), fences, or driveways related to those property boundary lines.
- A boundary survey is the first step in being able to subdivide your property.
- A boundary survey should be done to make sure the building you're constructing is properly placed on the lot, and not encroaching on any easement lines or surrounding properties or right of way.

To begin the two surveys and the review of the project, the Vesting Tentative Tract Map application needs to be accepted as complete. For Civil Engineering scope, a topographic survey is needed to know the existing elevations, contours, property lines, utility lines, invert elevations, benchmark, and other important information. Soils report is needed to understand the site conditions, seismic hazards, recommendations for grading cut and fill and trenching, retaining wall backfill etc.

- Grading and drainage plans – To start with the Civil Engineering work for any project a civil engineer requires site plan from the Architect and topographic survey from land surveyors in CAD (Computer-aided design) and Pdf.
- Land Subdivision- Projects like dividing the parcel of land into different lots requires soil reports to work on Civil Plans. Usually, a site plan is required if available, else we create a civil site plan or Tentative map with Architect's inputs.
- Stormwater Compliance – For projects which cover the scope of stormwater compliance, requires soil report from the clients to start the civil engineering work. Landscape plans may also be needed as per the scope.

A BMP Program shall be implemented during all construction stages with preconstruction and post-construction practices for stormwater management and for the prevention of erosion, sedimentation, and contamination resulting implementation of all project elements. BMPP measures shall at a minimum include: **(1) disposal of all construction wastes in designated areas outside the path of storm water flows; (2) minimizing the footprint of construction zones and prompt installation of erosion controls; (3) stabilizing disturbed soils with landscaping, paving or reseeding to reduce or eliminate the risk of further erosion; (4) perimeter drainage controls to direct runoff around disturbed construction areas; (5) internal erosion controls to allow direct percolation of sediment-laden waters on the construction site; and (6) bid specifications that require regular inspection and maintenance of all equipment used during construction.** The project developer shall comply with state requirements by preparing a Stormwater Pollution Prevention Plan and obtaining a NPDES General Construction Stormwater Permit for the project construction areas. [Also refer to Conditions of Approval I #6, #8, #49, and #63] .

“Streamlining Provisions

The Housing Accountability Act was amended to prohibit more than 5 hearings when reviewing a project that complied with the general plan and zoning code objective standards when the application was

deemed complete. "Hearing" is broadly defined to include any workshop or meeting of a board, commission, council, department or subcommittee.

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

The FEIR for the 10-Lot Subdivision for the Rock Creek Ranch approved 2014 Amended Specific Plan is confirmed as certified.

"Mono County is subject to SB 35 streamlining for proposed developments with \geq 50% affordability. When jurisdictions have insufficient progress toward their Lower income RHNA (Very Low and Low income), these jurisdictions are subject to the streamlined ministerial approval process (SB 35 (Chapter 366, Statutes of 2017) streamlining) for proposed developments with at least 50% affordability."

Key Aspects of SB 35

- Project approval is streamlined and ministerial (not subject to discretionary review or approval)
- If project qualifies, approval in 90 or 180 days or less
- Extremely limited public review opportunities
- Exempt from CEQA because CEQA only applies to "discretionary" actions

Public Hearings

- Not required because a ministerial process
- Can permit "design review or public oversight"
- Can be conducted by Planning Commission or equivalent board responsible for approval of development projects, including the city council.
- Must be "objective and strictly focus on assessing compliance with criteria required for streamlined projects, as well as any reasonable objective design standards" in effect before application is submitted.
- Cannot in any way "inhibit, chill, or preclude the ministerial approval" allowed by SB 35.

"SB 35 Government Code §65913.4- Creates a ministerial review and approval process to streamline certain qualifying affordable housing projects. "The Legislature finds and declares that there exists a severe shortage of affordable housing, especially for persons and families of low and moderate income, and that there is an immediate need to encourage the development of new housing, not only through the provision of financial assistance, but also through changes in law."

The 10-Lot Subdivision for the Rock Creek Ranch approved 2014 Amended Specific Plan development project is seeking tax credits and other public funding- which gives the County a time frame of 60 days. The California Tax Credit Allocation Committee (CTCAC) facilitates the investment of private capital into the development of affordable rental housing for low-income Californians. CTCAC allocates federal and state tax credits to the developers of these projects. Corporations provide equity to build the projects in return for the tax credits. TCAC verifies that the developers have met all the requirements of the program and ensures the continued affordability and habitability of the developments for the succeeding 55 years. By administering programs that provide grants and loans (from both state and federal housing programs), HCD creates rental and homeownership opportunities for Californians. The County has been notified that the applicant has begun the process that reduces the time frame for review.

Proposed Timeline:

1. **October 19-** Vesting Tentative Tract Map shall be determined as COMPLETE by the Planning Commission -a ministerial process under SB 35 because all documents have been satisfied for the **2014 APPROVED ROCK CREEK RANCH AMENDED SPECIFIC PLAN.**
2. By **November 18-** Thirty days after an application for a private project is accepted as complete or deemed complete, the lead agency must complete its initial environmental study, which determines whether to require the preparation of an Environmental Impact Report (EIR) or Negative Declaration. Public Resources Code § 21080.2; 14 California Code of Regulations ("CEQA Guidelines") § 15102. The FEIR remains to date as certified, allowing for a Negative Declaration- Permit Streamlining Act.
3. **November 20-** LDTAC review of application: A. CEQA Determination Made. If agency makes a CEQA determination, then must have a decision on the project under the PSA: •Within 60 days from a determination that the project is exempt from CEQA. GC §65950(a)(5) •Within 60 days for a determination on a CEQA exemption or mitigated negative declaration. GC §65950(a)(4) •Within 180 days if environmental impact report is certified. 90 days for housing development project; 60 days for certain affordable housing projects. GC §65950(a) • The above timelines can be extended once for 90 days if both the Agency and applicant agree. GC §65950(b). B. CEQA Determination at a Time of Project Approval. There is NO timeline to obtain approval of application UNLESS a CEQA determination is made independent of, and in advance of, the project approvals. 65457. (a) Any residential development project, including any subdivision, or any zoning change that is undertaken to implement and is consistent with a specific plan for which an environmental impact report has been certified after January 1, 1980, is exempt from the requirements of Division 13 (commencing with Section 21000) of the Public Resources Code. However, if after adoption of the specific plan, an event as specified in Section 21166 of the Public Resources Code occurs, the exemption provided by this subdivision does not apply unless and until a supplemental environmental impact report for the specific plan is prepared and certified in accordance with the provisions of Division 13 (commencing with Section 21000) of the Public Resources Code. After a supplemental environmental impact report is certified, the exemption specified in this subdivision applies to projects undertaken pursuant to the specific plan.
4. By **December 18-** Sixty-day time frame approval of the Vesting TTM application due to development/applicant is seeking tax credits and other public funding with CTCAC and HCD- SB 35 and SB 330.
5. **December 21-** Planning Commission meeting to approve Vesting TTM application- **2014 APPROVED ROCK CREEK RANCH AMENDED SPECIFIC PLAN.**
- 6.

The Tentative Tract Map and the Specific Plan Improvement Map depict the location and layout of the 10 residential lots and ancillary uses within the project site, as well as the defined building envelopes for each lot. The project is served by a single access road from Lower Rock Creek Road that will provide direct access to each individual lot as well as easements and infrastructure improvements. An informal trail will allow access to Lower Rock Creek Canyon and the public hiking trails along the Lower Rock Creek Corridor to the west and the BLM property to the east.

The applicant proposes to complete all site improvements in a single phase. Improvements would include grading of roads and infrastructure improvements to develop on-site water and drainage systems, and installation of other utility systems (power, communication, etc). In 2014, applicant prepared a timeline in which grading would be initiated approximately six months following approval of Specific Plan Amendment #2 by the Mono County Board of Supervisors, and construction of individual lots would be undertaken upon completion of grading. The **2014 APPROVED ROCK CREEK RANCH AMENDED SPECIFIC PLAN** was approved October 21, 2014, by the Board of Supervisors.

All planning and development actions in Rock Creek Ranch 10-lot subdivision are required to be consistent with the conditions outlined in the 2014 APPROVED ROCK CREEK RANCH AMENDED SPECIFIC PLAN. This requirement applies to initial site preparation as well as subsequent development and redevelopment of individual residential lots, roads, open space lands, utilities, and infrastructure improvements including the LRCMWC facilities located on the site but serving areas outside of the Rock Creek Ranch 10-lot subdivision.

A Best Management Practices Program (BMPP) shall be implemented during all construction stages. The BMPP shall include pre-construction and post-construction practices for stormwater management and for the prevention of erosion, sedimentation, and contamination resulting implementation of all project elements. BMPP measures shall at a minimum include: (1) disposal of all construction wastes in designated areas outside the path of storm water flows; (2) minimizing the footprint of construction zones and prompt installation of erosion controls; (3) stabilizing disturbed soils with landscaping, paving or reseeding to reduce or eliminate the risk of further erosion; (4) perimeter drainage controls to direct runoff around disturbed construction areas; (5) internal erosion controls to allow direct percolation of sediment-laden waters on the construction site; and (6) bid specifications that require regular inspection and maintenance of all equipment used during construction. The project shall comply with state requirements by preparing a Stormwater Pollution Prevention Plan and obtaining a NPDES General Construction Stormwater Permit for the project construction areas. [Also see Conditions of Approval #6, #8, #50, #63 and #68];

It is important to note that the proposed Vesting Tentative Tract Map is for the **2014 APPROVED ROCK CREEK RANCH AMENDED SPECIFIC PLAN**. 65455- No local public works project may be approved, no tentative map or parcel map for which a tentative map was not required may be approved, and no zoning ordinance may be adopted or amended within an area covered by a specific plan unless it is consistent with the adopted specific plan. A Specific Plan is a planning document that implements the goals and policies of the General Plan. These plans contain detailed development standards and implementation measures to which future projects located within a specified geographic area must adhere for which the proposed Vesting Tentative Tract Map does.

Mono County Code allows that the tentative map shall be prepared in accordance with the Subdivision Map Act and the provisions of **17.12.010 - Preliminary acceptance**. Such submittal may be prior to the completion of final surveys but shall be prior to the start of any grading or construction work within the proposed subdivision. The Preliminary Drainage Plan, The Preliminary Soil Survey and the Vegetative Preservation Plan are all included in the Geo Tech Reports for the FEIR and the **2014 APPROVED ROCK CREEK RANCH AMENDED SPECIFIC PLAN** which was approved October 21, 2014, by the Board of Supervisors.

Thank you,

Paula Richards

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

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August 31, 2023

Paula Richards, Chief Officer
Sierra del Oro Trading Company LLC
1532 S. Bentley Ave
Los Angeles, CA 90025

Via Email: paularichards@sierradeloro.biz

RE: Status of Application(s)
Rock Creek Ranch 10-Lot Subdivision – 54.64 Acres
APN: 026-330-002-000
Zone: Estate Residential (ER) and Specific Plan (SP)

Dear Ms. Richards:

The Mono County Planning Division has received the re-submitted application for the Vesting Tentative Map (VTM) application and Director Review (DR) application for a Minor Modification, dated August 7, 2023, for the proposed project located at the above-mentioned location. These are two distinct and separate applications.

The submitted **VTM application is incomplete**, as acknowledged by your notations, the application is pending the submittal of a preliminary soils report, a Vegetation/Preservation and Protection Plan and a Proposed Drainage Facilities plan. It is our understanding that in previous discussions, components of a proposed site drainage system that included altering the existing site drainage, including the development of artificial water courses, was discouraged from being included in the application as to fit within the confines of a minor modification. As such components are included in the submitted application materials, all the relevant soils reports, and drainage plans must also be included in the application as the entire project must be evaluated as a whole project.

While the submitted **DR application is complete**, please keep in mind that per the Rock Creek Ranch Specific Plan Section IX.B Minor Modifications to a Specific Plan that are subject to approval by the Community Development Director are limited to changes in architectural colors or details, minor modifications to the street layout or public facility improvements, minor changes to utility placement or layout, minor changes to trail placement, minor modifications to the subdivision plan (such as lot line adjustments and divisions), and other similar changes. It appears some components of the proposed project, for example the street layout, landscaping and site drainage, and adjustment of more than four lot lines likely exceeds the scope of a Minor Modification.

The options for proceeding with the submitted DR application are as follows:

1. If requested by you, staff will process the Director Review Application as a Minor Modification, which may be denied by the Director; or,
2. You can provide a completed Specific Plan Amendment Application (attached) using application materials already submitted as a Director Review Application, which will be processed as a major amendment to the RCR Specific Plan.

Please note, an amendment to the RCR Specific Plan would require additional review under the California Environmental Quality Act (CEQA), therefore, an Initial Study, under Section 15063 of CEQA is required to be completed to determine whether the project might result in significant environmental effects. Based upon the result of the complete Initial Study, a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report may be required.

Staff is working diligently to progressing the project to the LDTAC for their review, therefore, please let me know how you would like to proceed regarding application options mentioned above. Once the application has been deemed complete, the project will be routed to relevant agencies for their review and comments.

Please feel free to contact me at cjaroslawsky@migcom.com, should you have any questions and/or concerns regarding this letter.

Thank you,
Cecilia Jaroslawsky
Contract Planner for Mono County

Notice of Decision by County Staff

Upon a final decision made by a Mono County hearing body, notice is hereby given pursuant to Code of Civil Procedure Section 1094.6 that the time within which to bring an action challenging the County's decision is 90 days from the date the decision becomes final. If no appeal is made to the Planning Commission, the staff decision shall become final on the expiration of the time to bring an appeal. Notice is also hereby given that failure to exhaust administrative remedies by filing an appeal to the Planning Commission may bar any action challenging the staff's decision.