



AGENDA

BOARD OF SUPERVISORS, COUNTY OF MONO STATE OF CALIFORNIA

Regular Meetings: The First, Second, and Third Tuesday of each month. Location of meeting is specified just below.

Teleconference Only - No Physical Location

Regular Meeting October 13, 2020

TELECONFERENCE INFORMATION

As authorized by Governor Newsom's Executive Order, N-29-20, dated March 17, 2020, the meeting will be held via teleconferencing with members of the Board attending from separate remote locations. This altered format is in observance of recommendations by local officials that precautions be taken, including social distancing, to address the threat of COVID-19.

Important Notice to the Public Regarding COVID-19

Based on guidance from the California Department of Public Health and the California Governor's Officer, in order to minimize the spread of the COVID-19 virus, please note the following:

1. Joining via Zoom

There is no physical location of the meeting open to the public. You may participate in the Zoom Webinar, including listening to the meeting and providing public comment, by following the instructions below.

To join the meeting by computer:

Visit <https://monocounty.zoom.us/j/93521910938>

Or visit <https://www.zoom.us/> click on "Join A Meeting" and use the Zoom Meeting ID 935 2191 0938.

To provide public comment (at appropriate times) during the meeting, press the "**Raise Hand**" button on your screen.

To join the meeting by telephone:

Dial (669) 900-6833, then enter Webinar ID 935 2191 0938.

To provide public comment (at appropriate times) during the meeting, press *9 to raise your hand.

2. Viewing the Live Stream

If you are unable to join the Zoom Webinar of the Board meeting you may still view the live stream of the meeting by visiting http://monocounty.granicus.com/MediaPlayer.php?publish_id=8c4d8d56-9aa6-4b8a-ace3-1fbaaecbf14a

NOTE: In compliance with the Americans with Disabilities Act if you need special assistance to participate in this meeting, please contact Shannon Kendall, Clerk of the Board, at (760) 932-5533. Notification 48 hours prior to the meeting will enable the County to make reasonable arrangements to ensure accessibility to this meeting (See 42 USCS 12132, 28CFR 35.130).

ON THE WEB: You can view the upcoming agenda at <http://monocounty.ca.gov>. If you would like to receive an automatic copy of this agenda by email, please subscribe to the Board of Supervisors Agendas on our website at <http://monocounty.ca.gov/bos>.

UNLESS OTHERWISE SPECIFIED BY TIME, ITEMS SCHEDULED FOR EITHER THE MORNING OR AFTERNOON SESSIONS WILL BE HEARD ACCORDING TO AVAILABLE TIME AND PRESENCE OF

INTERESTED PERSONS. PUBLIC MAY COMMENT ON AGENDA ITEMS AT THE TIME THE ITEM IS HEARD.

9:00 AM Call meeting to Order

Pledge of Allegiance

1. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

Please refer to the Teleconference Information section to determine how to make public comment for this meeting.

2. RECOGNITIONS - NONE

3. COUNTY ADMINISTRATIVE OFFICE

CAO Report regarding Board Assignments
Receive brief oral report by County Administrative Officer (CAO) regarding work activities.

4. DEPARTMENT/COMMISSION REPORTS

5. CONSENT AGENDA

(All matters on the consent agenda are to be approved on one motion unless a board member requests separate action on a specific item.)

A. Monthly Treasury Transaction Report

Departments: Finance

Treasury Transaction Report for the month ending 8/31/2020.

Recommended Action: Approve the Treasury Transaction Report for the month ending 8/31/2020.

Fiscal Impact: None.

B. Terra Firma Contract Amendment

Departments: Public Works - Solid Waste

(Justin Nalder) - Proposed contract amendment with Terra Firma Organics, Inc. pertaining to wood and green waste chipping services.

Recommended Action: Approve amendment to Agreement with Terra Firma Organics and authorize Public Works Director to execute said contract on behalf of the County. Provide any desired direction to staff.

Fiscal Impact: This amendment increases the contract limit by \$40,000, for a maximum of \$220,000, payable from the Solid Waste Enterprise Fund. There is sufficient budget to cover the proposed increase.

C. Appointment of Malinda Huggans, Sean Robison and Jessica Workman to

Mono County Public Safety Officers' Personnel Appeals Board

Departments: Human Resources

Mono County Public Safety Officers Association (PSOA) Personnel Rule 540 requires formation of a Personnel Appeals Board pool of 6 members to be available to hear disciplinary appeals by PSOA employees. Three members of the Personnel Appeals Board pool shall be appointed by the Board of Supervisors and three members shall be appointed by the PSOA. At this time, there are no appointed board members. This item will appoint three county employees to the Personnel Appeals Board who are not members of the PSOA.

Recommended Action: Appoint Malinda Huggans, Sean Robison and Jessica Workman to four-year terms on the Mono County Public Safety Officers' Personnel Appeals Board

Fiscal Impact: None.

D. Proposed Ordinance Adding Chapter 5.70 to the Mono County Code Prohibiting Industrial Hemp

Departments: Community Development Department

(April Sall) - Proposed Ordinance adding Chapter 5.70 to the Mono County Code Prohibiting Industrial Hemp.

Recommended Action: Adopt proposed ordinance, adding Chapter 5.70 to the Mono County Code Prohibiting Industrial Hemp.

Fiscal Impact: None.

6. CORRESPONDENCE RECEIVED

Direction may be given to staff regarding, and/or the Board may discuss, any item of correspondence listed on the agenda.

A. Federal Energy Regulatory Commission (FERC) Letter re: 2018 3rd Independent Consultant's Safety Inspection Report for Rhinedollar Dam

A letter from Frank L. Blackett, P.E., Federal Energy Regulatory Commission Regional Engineer, to James A. Buerkle, Southern California Edison Company Director of Generation, in response to a letter from Wayne Allen who submitted the 3rd Independent Consultant's Safety Inspection Report for Rhinedollar Dam, which is part of the Lee Vining Creek Project, FERC Project No. 1388-CA.

B. Federal Energy Regulatory Commission (FERC) Letter re: 2018 11th Independent Consultant's Safety Inspection Report for Saddlebag Dam

A letter from Frank L. Blackett, P.E., Federal Energy Regulatory Commission Regional Engineer, to James A. Buerkle, Southern California Edison Company

Director of Generation, in response to a letter from Wayne Allen who submitted the 11th Independent Consultant's Safety Inspection Report for Saddlebag Dam, which is part of the Lee Vining Creek Project, FERC Project No. 1388-CA.

C. October 2020 Agricultural Commissioner's Office Report

October 2020 department report from Nate Reade, Inyo/Mono Agricultural Commissioner / Director of Weights and Measures.

D. Notice of Extension of Time for Public Comment on the Draft Supplemental Environmental Impact Report for the Casa Diablo IV Project

The Great Basin Unified Air Pollution Control District (District) is the Lead Agency pursuant to the California Environmental Quality Act (CEQA) and is seeking public and agency comments on a 2020 Draft Supplemental Environmental Impact Report (SEIR) for the Casa Diablo IV Geothermal Power Plant Project (Project). The time for public review and comment has been extended from October 12, 2020 to October 13, 2020 at 5:00 p.m.

7. REGULAR AGENDA - MORNING

A. Resolution Recognizing Racism as a Public Health Crisis

Departments: Board of Superivisors, CAO

Item scheduled to start at approximately 9:30 AM (30 minutes)

Continued discussion of tools and actions to address racial disparity in our communities. Follow-up from presentation by Dr. Jei Africa on September 15, 2020: "Moving Towards Equity: Understanding the Impact of Racism in Communities". Consideration of Resolution Recognizing Racism as a Public Health Crisis and Affirming Mono County's Commitment to Building Racial Equity and Reducing Disparity.

Recommended Action: Adopt proposed resolution. Provide any desired direction to staff.

Fiscal Impact: None associated with adoption of proposed resolution, however, the resolution includes direction to take action that could result in future unknown fiscal impacts, as described in the staff report.

B. Update on Wildfires and Review of Open Fire Ban

Departments: Sheriff, Public Works

20 minutes

(Sheriff Braun, County Counsel Simon) - Update and discussion regarding status of wildfires across the State and in Mono County. Weekly review of need for Urgency Ordinance Prohibiting Open Fires on Private Property Within the Unincorporated Area of Mono County Due to Extreme Fire Danger.

Recommended Action: Hear update and provide any desired direction to staff including, but not limited to, whether to continue the prohibition in whole or in part.

Fiscal Impact: None.

C. Election Update

Departments: Elections

10 minutes

(Shannon Kendall) - Update on November 3, 2020 General Election.

Recommended Action: None, informational only.

Fiscal Impact: None.

D. COVID-19 (Coronavirus) Update

Departments: CAO

30 minutes

(Dave Wilbrecht, Dr. Tom Boo) - Update on Countywide response and planning related to the COVID-19 pandemic, including reports from the Emergency Operations Center (EOC), Unified Command (UC), and the various branches of the EOC, including Community Support and Economic Recovery, Joint Information Center (JIC), and Public Health.

Recommended Action: None, informational only.

Fiscal Impact: None.

E. Bridgeport Jail - Project Update

Departments: Sheriff, Public Works

30 minutes

(Ingrid Braun, Sheriff; Tony Dublino, Director of Public Works) - Presentation by Sheriff Braun and Director of Public Works Tony Dublino regarding the Bridgeport Jail project, including past outreach, the County's SB844 grant of \$25,000,000, current status and schedule.

Recommended Action: None, informational only.

Fiscal Impact: None with this agenda item. The SB844 grant application in 2017 estimated the total cost of the project at \$27,053,000, of which \$25 million is funded by the State, \$440,000 is in-kind staff hours, \$119,000 has been spent, and \$1,494,000 is the County's remaining local match requirement. This remaining amount is 100% funded in the FY 2020-21 budget and includes a \$707,137 contribution from the General Fund, \$127,000 from the criminal justice facilities construction trust account, and \$659,863 in carryover funding primarily accumulated from Community Corrections Partnership prior year contributions.

8. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

Please refer to the Teleconference Information section to determine how to make public comment for this meeting.

9. CLOSED SESSION

A. Closed Session - Exposure to Litigation

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code section 54956.9. Number of potential cases: 1.

THE AFTERNOON SESSION WILL RECONVENE NO EARLIER THAN 1:00 P.M.

10. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

Please refer to the Teleconference Information section to determine how to make public comment for this meeting.

11. REGULAR AGENDA - AFTERNOON

A. Presentation on Microgrids, Advantages, and Possible Financing Options for the County

Departments: Board of Supervisors
20 minutes

(Don Condon, Lynn Boulton, Leslie Wielenga, Jeff Harding, Dr. David Bliss) - Presentation on microgrids, advantages, and possible financing options for the County to consider by Don Condon / Lynn Boulton and a presentation on FEMA Building Resilient Infrastructure and Communities (BRIC) grant by ChargeBliss.

Recommended Action: Staff recommends that the Board determine whether to submit the project into the County's Project Review system for staff analysis and recommendation. Provide any other desired direction to staff.

Fiscal Impact: Staff time to work on the grant and consultant costs at some point in the future.

B. PUBLIC HEARING: Consideration of Tioga Inn Specific Plan Amendment

Departments: Community Development
PUBLIC HEARING: 2:00 PM (3 hours)

(Wendy Sugimura, Gerry LeFrancois, Sandra Bauer) - Tioga Inn Specific Plan Amendment and Final Subsequent Environmental Impact Report (FSEIR) to amend the 1993 Tioga Inn Specific Plan (1993 Specific Plan and EIR) located at 22, 133, and 254 Vista Point Road in Lee Vining and consisting of four parcels

(APN 021- 080-014, -025, -026 & -027). The Specific Plan Amendment proposes up to 150 new workforce housing bedrooms in up to 100 new units, a third gas-pump island with overhead canopy, additional parking to accommodate on-site guest vehicles as well as a general-use park-and-ride facility and bus parking for Yosemite transit vehicles, a new package wastewater treatment system tied to a new subsurface drip irrigation system, replacement of the existing water storage tank with a new tank of the same size in the same area, a new 30,000-gallon on-site propane tank (eventually replacing the existing five on-site tanks), modification to the boundaries and acreage of designated open space, and modification of parcel boundaries. The 1993 approvals, which include a still unconstructed two-story, 120-room hotel and full-service restaurant on the site, remain in effect regardless of whether the Proposed Amendment is approved.

Recommended Action:

1) Receive staff presentation, hold public hearing and receive public testimony on the Tioga Inn Specific Plan Amendment #3 (“Project”), refined Alternative 7-Hybrid Plan (“Preferred Alternative”), and FSEIR (Attachment 1); and

2) Find that the Project/Preferred Alternative is not subject to the Housing Accountability Act; and

3) Take one of the following actions:

a. (Approval) - Adopt proposed Resolution: (1) certifying the FSEIR, making all required findings, and adopting the Statement of Overriding Considerations; (2) adopting the Mitigation Monitoring and Reporting Program (MMRP) as recommended by the Planning Commission or with modifications reflecting prior Board direction (outlined in Section One of the proposed Resolution); and (3) approving Preferred Alternative 7, as presented (which reflects prior Board direction), or with further modifications; or

b. (Denial) - Determine that one or more of the unavoidable adverse environmental effects identified in the FSEIR are not outweighed by specific economic, legal, social, technological, or other benefits of the Project and deny the Project and do not certify the FSEIR. Additionally, specify which Specific Plan findings, if any, cannot be made.

Fiscal Impact: Property tax, sales tax, and gas tax revenue will increase if the project is approved and constructed.

12. BOARD MEMBER REPORTS

The Board may, if time permits, take Board Reports at any time during the meeting and not at a specific time.

ADJOURN



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE October 13, 2020

Departments: Finance

TIME REQUIRED

SUBJECT Monthly Treasury Transaction Report

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Treasury Transaction Report for the month ending 8/31/2020.

RECOMMENDED ACTION:

Approve the Treasury Transaction Report for the month ending 8/31/2020.

FISCAL IMPACT:

None.

CONTACT NAME: Gerald Frank

PHONE/EMAIL: 760-932-5483 / gfrank@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download

[Treasury Transaction Report for the month ending 8/31/2020](#)

History

Time	Who	Approval
10/8/2020 9:33 AM	County Administrative Office	Yes
10/7/2020 9:42 AM	County Counsel	Yes
9/30/2020 3:54 PM	Finance	Yes



Mono County Transaction Summary by Action Investment Portfolio

Begin Date: 7/31/2020, End Date: 8/31/2020

Action	Settlement Date	CUSIP	Face Amount / Shares	Description	Purchase Price	Principal	Interest / Dividends	YTM @ Cost	Total
Buy Transactions									
Buy	8/4/2020	17741RGC6	350,000.00	Citrus Community College GO 0.819 8/1/2025	100.00	350,000.00	0.00	0.82	350,000.00
Buy	8/5/2020	845389JH9	500,000.00	Southwestern Community College GO 0.891 8/1/2025	100.49	502,465.00	0.00	0.79	502,465.00
Subtotal			850,000.00			852,465.00	0.00		852,465.00
Deposit	8/31/2020	LAIF6000Q	2,000,000.00	Local Agency Investment Fund LGIP	100.00	2,000,000.00	0.00	0.00	2,000,000.00
Deposit	8/31/2020	FIT	494,000.00	Funds in Transit Cash	100.00	494,000.00	0.00	0.00	494,000.00
Deposit	8/31/2020	OAKVALLEY0670	2,168.27	Oak Valley Bank Cash	100.00	2,168.27	0.00	0.00	2,168.27
Deposit	8/31/2020	OAKVALLEY0670	13,269,644.39	Oak Valley Bank Cash	100.00	13,269,644.39	0.00	0.00	13,269,644.39
Subtotal			15,765,812.66			15,765,812.66	0.00		15,765,812.66
Total Buy Transactions			16,615,812.66			16,618,277.66	0.00		16,618,277.66
Interest/Dividends									
Interest	8/1/2020	796711C56	0.00	San Bernardino City CA SCH Dist 4 8/1/2020		0.00	7,900.00	0.00	7,900.00
Interest	8/1/2020	798189PW0	0.00	San Jose Evergreen Community College Dist 1.908 8/		0.00	2,385.00	0.00	2,385.00
Interest	8/1/2020	84485EAE7	0.00	Southwest Financial Federal CU 3.15 2/26/2021		0.00	666.16	0.00	666.16
Interest	8/1/2020	54473ENR1	0.00	Los Angeles Cnty Public Wks 6.091 8/1/2022-10		0.00	15,227.50	0.00	15,227.50
Interest	8/1/2020	459200HG9	0.00	International Business Machine Corp 1.875 8/1/2022		0.00	4,687.50	0.00	4,687.50
Interest	8/1/2020	798170AF3	0.00	San Jose RDA Successor Agency 2.828 8/1/2023		0.00	4,312.70	0.00	4,312.70
Interest	8/1/2020	777526MP6	0.00	Rosemead School District 2.042 8/1/2024		0.00	3,573.50	0.00	3,573.50
Interest	8/1/2020	513802CE6	0.00	LANCASTER REDEV AGY A 2.125 8/1/2021		0.00	6,959.38	0.00	6,959.38
Interest	8/1/2020	299547AQ2	0.00	Evansville Teachers Federal Credit Union 2.6 6/12/		0.00	549.85	0.00	549.85
Interest	8/1/2020	250433TY5	0.00	Desert Sands Unified School District 1.544 8/1/202		0.00	941.84	0.00	941.84
Interest	8/1/2020	538036HP2	0.00	Live Oak Banking Company 1.85 1/20/2025		0.00	391.24	0.00	391.24
Interest	8/1/2020	76124YAB2	0.00	Resource One Credit Union 1.9 11/27/2024		0.00	395.36	0.00	395.36
Interest	8/1/2020	452641JN4	0.00	Imperial Community College District 2.024 8/1/2023		0.00	5,060.00	0.00	5,060.00



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Begin Date: 7/31/2020, End Date: 8/31/2020

Action	Settlement Date	CUSIP	Face Amount / Shares	Description	Purchase Price	Principal	Interest / Dividends	YTM @ Cost	Total
Interest	8/1/2020	91435LAB3	0.00	University of Iowa Community Credit Union 3 4/28/2		0.00	624.25	0.00	624.25
Interest	8/1/2020	92603PEQ1	0.00	Victor Valley CA Cmnty Clg Dist 1.676 8/1/2020		0.00	2,178.80	0.00	2,178.80
Interest	8/1/2020	796720MG2	0.00	San Bernardino Community College District 2.044 8/		0.00	2,555.00	0.00	2,555.00
Interest	8/1/2020	33651FAD1	0.00	First Source Federal Credit Union 1.95 3/26/2021		0.00	412.38	0.00	412.38
Interest	8/1/2020	499724AD4	0.00	Knox TVA Employee Credit Union 3.25 8/30/2023		0.00	676.27	0.00	676.27
Interest	8/1/2020	052392AA5	0.00	Austin Telco FCU 1.8 2/28/2025		0.00	380.66	0.00	380.66
Interest	8/1/2020	769059XS0	0.00	Riverside Unified School District-Ref 1.94 8/1/202		0.00	3,734.50	0.00	3,734.50
Interest	8/2/2020	15118RUR6	0.00	Celtic Bank 1.35 4/2/2025		0.00	285.50	0.00	285.50
Interest	8/3/2020	9497486Z5	0.00	WELLS FARGO BK NA SIOUXFALLS SD 1.6 8/3/2021		0.00	332.93	0.00	332.93
Interest	8/5/2020	31926GAL4	0.00	First Bank of Greenwich 3 11/8/2020		0.00	626.79	0.00	626.79
Interest	8/5/2020	32117BCX4	0.00	First National Bank Dama 2.8 5/5/2023		0.00	592.14	0.00	592.14
Interest	8/5/2020	981571CE0	0.00	Worlds Foremost Bk Sidney NE 1.75 5/5/2021		0.00	297.26	0.00	297.26
Interest	8/7/2020	90983WBT7	0.00	United Community Bank 1.65 2/7/2025		0.00	348.94	0.00	348.94
Interest	8/8/2020	29367Sjq8	0.00	Enterprise Bank & Trust 1.8 11/8/2024		0.00	380.66	0.00	380.66
Interest	8/8/2020	89579NCB7	0.00	Triad Bank/Frontenac MO 1.8 11/8/2024		0.00	380.66	0.00	380.66
Interest	8/9/2020	59452WAE8	0.00	Michigan Legacy Credit Union 3.45 11/9/2023		0.00	729.60	0.00	729.60
Interest	8/9/2020	319141HD2	0.00	First Bank of Highland 2.2 8/9/2022		0.00	2,687.62	0.00	2,687.62
Interest	8/9/2020	037833AY6	0.00	Apple Inc 2.15 2/6/2022-15		0.00	5,375.00	0.00	5,375.00
Interest	8/10/2020	25460FCF1	0.00	Direct Federal Credit Union 3.5 9/11/2023		0.00	740.18	0.00	740.18
Interest	8/10/2020	59013JZP7	0.00	Merrick Bank 2.05 8/10/2022		0.00	426.57	0.00	426.57
Interest	8/11/2020	910160AR1	0.00	United Credit Union 1.9 1/11/2021		0.00	401.81	0.00	401.81
Interest	8/11/2020	742718EU9	0.00	Procter & Gamble Co 2.15 8/11/2022-17		0.00	5,375.00	0.00	5,375.00
Interest	8/11/2020	20033APV2	0.00	COMENITY CAP BK SALT LAKE CITY UTAH 1.6 4/12/2021		0.00	332.93	0.00	332.93
Interest	8/12/2020	666496AB0	0.00	Northland Area Federal Credit Union 2.6 2/13/2023		0.00	3,176.27	0.00	3,176.27
Interest	8/12/2020	43733LBF3	0.00	Home Savings Bank UT 2.85 2/12/2024		0.00	3,495.90	0.00	3,495.90



Mono County Transaction Summary by Action Investment Portfolio

Begin Date: 7/31/2020, End Date: 8/31/2020

Action	Settlement Date	CUSIP	Face Amount / Shares	Description	Purchase Price	Principal	Interest / Dividends	YTM @ Cost	Total
Interest	8/12/2020	594918BB9	0.00	Microsoft Corp 2.7 2/12/2025-24		0.00	6,750.00	0.00	6,750.00
Interest	8/12/2020	856487AM5	0.00	State Bank of Reeseville 2.6 4/12/2024		0.00	549.85	0.00	549.85
Interest	8/13/2020	66736ABP3	0.00	Northwest Bank 2.95 2/13/2024		0.00	623.86	0.00	623.86
Interest	8/13/2020	32100LBY0	0.00	First Missouri State Bank 2.85 8/14/2023		0.00	3,495.90	0.00	3,495.90
Interest	8/13/2020	69417ACG2	0.00	Pacific Crest Savings Bank 2.85 3/13/2024		0.00	602.72	0.00	602.72
Interest	8/13/2020	15721UDA4	0.00	CF Bank 2 8/13/2024		0.00	422.96	0.00	422.96
Interest	8/14/2020	32114VBT3	0.00	First National Bank of Michigan 1.65 2/14/2025		0.00	348.94	0.00	348.94
Interest	8/14/2020	17801GBX6	0.00	City National Bank of Metropolis 1.65 2/14/2025		0.00	348.94	0.00	348.94
Interest	8/14/2020	45581EAR2	0.00	Industrial and Commercial Bank of China USA, NA 2.		0.00	551.42	0.00	551.42
Interest	8/15/2020	20143PDV9	0.00	Commercial Bank Harrogate 3.4 11/15/2023		0.00	719.03	0.00	719.03
Interest	8/15/2020	55266CQE9	0.00	MB FINANCIAL BANK, NATIONAL ASSN 1.8 1/15/2021		0.00	374.55	0.00	374.55
Interest	8/15/2020	061785DY4	0.00	Bank of Deerfield 2.85 2/15/2024		0.00	602.72	0.00	602.72
Interest	8/15/2020	30257JAM7	0.00	FNB Bank Inc/Romney 3 1/16/2024		0.00	634.44	0.00	634.44
Interest	8/15/2020	62384RAF3	0.00	Mountain America Federal Credit Union 3 3/27/2023		0.00	624.25	0.00	624.25
Interest	8/16/2020	740367HP5	0.00	Preferred Bank LA Calif 2 8/16/2024		0.00	422.96	0.00	422.96
Interest	8/16/2020	33640VCF3	0.00	First Service Bank 3.3 5/16/2023		0.00	697.88	0.00	697.88
Interest	8/17/2020	855736DA9	0.00	STATE BK & TR CO DEFIANCE OHIO 1.6 2/17/2021		0.00	332.93	0.00	332.93
Interest	8/17/2020	219240BY3	0.00	Cornerstone Community Bank 2.6 5/17/2024		0.00	549.85	0.00	549.85
Interest	8/17/2020	50116CBE8	0.00	KS Statebank Manhattan KS 2.1 5/17/2022		0.00	436.97	0.00	436.97
Interest	8/18/2020	457731AK3	0.00	Inspire Federal Credit Union 1.15 3/18/2025		0.00	243.20	0.00	243.20
Interest	8/18/2020	00257TBJ4	0.00	Abacus Federal Savings Bank 1.75 10/18/2024		0.00	370.09	0.00	370.09
Interest	8/18/2020	22766ABN4	0.00	Crossfirst Bank 2.05 8/18/2022		0.00	426.57	0.00	426.57
Interest	8/18/2020	48836LAF9	0.00	Kemba Financial Credit Union 1.75 10/18/2024		0.00	370.09	0.00	370.09
Interest	8/19/2020	909557HX1	0.00	United Bankers Bank 3 9/21/2020		0.00	634.44	0.00	634.44
Interest	8/19/2020	560507AJ4	0.00	Maine Savings Federal Credit Union 3.3 5/19/2023		0.00	697.88	0.00	697.88



Mono County Transaction Summary by Action Investment Portfolio

Begin Date: 7/31/2020, End Date: 8/31/2020

Action	Settlement Date	CUSIP	Face Amount / Shares	Description	Purchase Price	Principal	Interest / Dividends	YTM @ Cost	Total
Interest	8/19/2020	310567AB8	0.00	Farmers State Bank 2.35 9/19/2022		0.00	488.99	0.00	488.99
Interest	8/19/2020	128829AE8	0.00	Caldwell Bank & Trust Company 1.95 8/19/2024		0.00	2,401.65	0.00	2,401.65
Interest	8/20/2020	50625LAK9	0.00	Lafayette Federal Credit Union 3.5 11/20/2023		0.00	740.18	0.00	740.18
Interest	8/20/2020	32112UCW9	0.00	First National Bank of McGregor 2.85 2/21/2024		0.00	602.72	0.00	602.72
Interest	8/21/2020	49254FAC0	0.00	Keesler Federal Credit Union 3.1 12/21/2020		0.00	655.59	0.00	655.59
Interest	8/21/2020	14042TCB1	0.00	Capital One Bank USA NA 2 8/21/2024		0.00	2,443.29	0.00	2,443.29
Interest	8/21/2020	33610RQY2	0.00	First Premier Bank 2.05 8/22/2022		0.00	2,504.37	0.00	2,504.37
Interest	8/22/2020	061803AH5	0.00	Bank of Delight 2.85 2/22/2024		0.00	602.72	0.00	602.72
Interest	8/22/2020	90352RAC9	0.00	USAlliance Federal Credit Union 3 8/20/2021		0.00	624.25	0.00	624.25
Interest	8/22/2020	92535LCC6	0.00	Verus Bank of Commerce 2.8 2/22/2024		0.00	592.14	0.00	592.14
Interest	8/22/2020	02007GLF8	0.00	Ally Bank 1.9 8/22/2022		0.00	2,340.07	0.00	2,340.07
Interest	8/23/2020	938828BJ8	0.00	Washington Federal Bank 2.05 8/23/2024		0.00	433.53	0.00	433.53
Interest	8/23/2020	75472RAE1	0.00	Raymond James Bank, NA 2 8/23/2024		0.00	2,463.23	0.00	2,463.23
Interest	8/23/2020	33766LAJ7	0.00	Firstier Bank 1.95 8/23/2024		0.00	412.38	0.00	412.38
Interest	8/24/2020	03753XBD1	0.00	Apex Bank 3.1 8/24/2023		0.00	645.05	0.00	645.05
Interest	8/24/2020	90348JEV8	0.00	UBS Bank USA 3.45 10/24/2023		0.00	729.60	0.00	729.60
Interest	8/25/2020	063907AA7	0.00	Bank of Botetourt 1.75 10/25/2024		0.00	370.09	0.00	370.09
Interest	8/25/2020	22230PBY5	0.00	Country Bank New York 3 1/25/2024		0.00	634.44	0.00	634.44
Interest	8/25/2020	330459BY3	0.00	FNB BANK INC 2 2/25/2022		0.00	416.16	0.00	416.16
Interest	8/26/2020	32065TAZ4	0.00	First Kentucky Bank Inc 2.55 4/26/2024		0.00	539.27	0.00	539.27
Interest	8/26/2020	05465DAE8	0.00	AXOS Bank 1.65 3/26/2025		0.00	348.94	0.00	348.94
Interest	8/26/2020	56065GAG3	0.00	Mainstreet Bank 2.6 4/26/2024		0.00	549.85	0.00	549.85
Interest	8/27/2020	39115UBE2	0.00	Great Plains Bank 2.8 2/27/2024		0.00	592.14	0.00	592.14
Interest	8/27/2020	32063KAV4	0.00	First Jackson Bank 1.05 3/27/2025		0.00	222.05	0.00	222.05
Interest	8/27/2020	79772FAF3	0.00	San Francisco FCU 1.1 3/27/2025		0.00	232.63	0.00	232.63
Interest	8/28/2020	080515CH0	0.00	Belmont Savings Bank 2.7 2/28/2023		0.00	561.82	0.00	561.82



Mono County Transaction Summary by Action Investment Portfolio

Begin Date: 7/31/2020, End Date: 8/31/2020

Action	Settlement Date	CUSIP	Face Amount / Shares	Description	Purchase Price	Principal	Interest / Dividends	YTM @ Cost	Total
Interest	8/28/2020	59828PCA6	0.00	Midwest Bank of West IL 3.3 8/29/2022		0.00	697.88	0.00	697.88
Interest	8/29/2020	01748DAX4	0.00	ALLEGIANCE BK TEX HOUSTON 2.15 9/29/2022		0.00	447.38	0.00	447.38
Interest	8/31/2020	72247PAC0	0.00	Pine Bluff Cotton Belt FCU 2.8 8/31/2020		0.00	620.22	0.00	620.22
Interest	8/31/2020	710571DS6	0.00	Peoples Bank Newton NC 2 7/31/2024		0.00	422.96	0.00	422.96
Interest	8/31/2020	694231AC5	0.00	Pacific Enterprise Bank 1.15 3/31/2025		0.00	243.20	0.00	243.20
Interest	8/31/2020	17286TAC9	0.00	Citadel Federal Credit Union 3 10/30/2020		0.00	634.44	0.00	634.44
Interest	8/31/2020	369674AX4	0.00	GE Credit Union 3 8/31/2020		0.00	1,248.41	0.00	1,248.41
Interest	8/31/2020	29278TCP3	0.00	Enerbank USA 3.2 8/30/2023		0.00	665.86	0.00	665.86
Interest	8/31/2020	67054NAM5	0.00	Numerica Credit Union 3.4 10/31/2023		0.00	719.03	0.00	719.03
Interest	8/31/2020	06426KAM0	0.00	Bank of New England 3.2 7/31/2023		0.00	671.30	0.00	671.30
Interest	8/31/2020	812541AA8	0.00	Seasons Federal Credit Union 3 10/30/2020		0.00	634.44	0.00	634.44
Interest	8/31/2020	98138MAB6	0.00	Workers Credit Union 2.55 5/31/2022		0.00	530.61	0.00	530.61
Interest	8/31/2020	OAKVALLEY0670	0.00	Oak Valley Bank Cash		0.00	2,168.27	0.00	2,168.27
Subtotal			0.00			0.00	144,281.24		144,281.24
Total Interest/Dividends			0.00			0.00	144,281.24		144,281.24
Sell Transactions									
Matured	8/1/2020	796711C56	395,000.00	San Bernardino City CA SCH Dist 4 8/1/2020	0.00	395,000.00	0.00	0.00	395,000.00
Matured	8/1/2020	92603PEQ1	260,000.00	Victor Valley CA Cmnty Clg Dist 1.676 8/1/2020	0.00	260,000.00	0.00	0.00	260,000.00
Matured	8/1/2020	769059XS0	385,000.00	Riverside Unified School District-Ref 1.94 8/1/202	0.00	385,000.00	0.00	0.00	385,000.00
Matured	8/31/2020	72247PAC0	245,000.00	Pine Bluff Cotton Belt FCU 2.8 8/31/2020	0.00	245,000.00	0.00	0.00	245,000.00
Matured	8/31/2020	369674AX4	249,000.00	GE Credit Union 3 8/31/2020	0.00	249,000.00	0.00	0.00	249,000.00
Subtotal			1,534,000.00			1,534,000.00	0.00		1,534,000.00
Withdraw	8/19/2020	LAIF6000Q	1,000,000.00	Local Agency Investment Fund LGIP	0.00	1,000,000.00	0.00	0.00	1,000,000.00
Withdraw	8/31/2020	OAKVALLEY0670	12,810,830.39	Oak Valley Bank Cash	0.00	12,810,830.39	0.00	0.00	12,810,830.39
Subtotal			13,810,830.39			13,810,830.39	0.00		13,810,830.39
Total Sell Transactions			15,344,830.39			15,344,830.39	0.00		15,344,830.39



**OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS**

REGULAR AGENDA REQUEST

Print

MEETING DATE October 13, 2020

Departments: Public Works - Solid Waste

TIME REQUIRED

PERSONS APPEARING BEFORE THE BOARD Justin Nalder

SUBJECT Terra Firma Contract Amendment

AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Proposed contract amendment with Terra Firma Organics, Inc. pertaining to wood and green waste chipping services.

RECOMMENDED ACTION:

Approve amendment to Agreement with Terra Firma Organics and authorize Public Works Director to execute said contract on behalf of the County. Provide any desired direction to staff.

FISCAL IMPACT:

This amendment increases the contract limit by \$40,000, for a maximum of \$220,000, payable from the Solid Waste Enterprise Fund. There is sufficient budget to cover the proposed increase.

CONTACT NAME: Justin Nalder

PHONE/EMAIL: 760-932-5453 / jnalder@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
Staff Report
Contract

History

Time	Who	Approval
10/8/2020 11:23 AM	County Administrative Office	Yes
10/8/2020 9:11 AM	County Counsel	Yes

10/8/2020 9:49 AM

Finance

Yes



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

To: Honorable Chair and Members of the Board of Supervisors
From: Justin Nalder, Solid Waste Superintendent
Date: October 13, 2020
Subject: Recycling and Diversion Services Contract -- Organics and Wood Chipping

Recommended Action:

Approve amendment to Agreement with Terra Firma Organics and authorize Public Works Director to execute said contract on behalf of the County. Provide any desired direction to staff.

Fiscal Impact:

The contract limit will be increased by \$40,000 (for a contract limit of \$220,000) and paid from the Solid Waste Enterprise Fund. No General Fund impact is expected.

Discussion:

On July 8, 2019 a Request for Proposals (RFP) was solicited to address the need to process stockpiled wood and green waste at several of Mono County's solid waste sites. These waste streams have been set aside for recycling and diversion purposes which include erosion control, alternative intermediate cover, mulch, and feedstock for the County's biomass boiler.

Over the last several years, landfill staff has succeeded in processing significant volumes of these stockpiles at all County sites but has not kept up with the incoming waste. The wood and green waste stockpiles are now estimated to be around 7,000 raw material yards.

Staff has been diligently processing existing wood material as well as incoming material, however, unable to keep up due to a combination of factors including a shortfall in staffing due to Covid 19, equipment failures and, the prioritization of other landfill duties in order to meet state regulations. Another major challenge is the production of wood chips suitable for the biomass boiler installed at the County's Bridgeport Road Shop which has restrictive acceptance parameters that require several additional steps to be taken, adding significant processing time. The concept of diverting these waste streams for boiler feedstock is a good one and contributes to the County's diversion goals, but it comes with significant operational efforts.

Recently, the Board approved the purchase of a mobile power screen that eliminates a significant portion of processing hours. The unit is designed to sort wood / organic material by size once it has been chipped. In order to chip all of the existing stockpiles and simply catch up, we find it necessary to contract for chipping services, specifically to address stockpiles at Pumice Valley Landfill.

Board of Supervisors

RE: Recycling and Diversion Services Contract -- Organics and Wood Chipping

October 13, 2020

Page 2 of 2

Terra Firma Organics, LLC submitted the top proposal in response to our RFP that was solicited. Their equipment has a production rate of 65-90 finished tons per hour. During their first and second deployments, 80% of the stockpiled material was processed. This Agreement Amendment will increase the contract limit an additional \$40,000.00 in order to complete the efforts.

Moving forward, the Solid Waste Division of Public Works will be diligently working to fill vacancies and regularly assign wood / organic waste chipping duties to staff. The mobile power sifter which is in operation will significantly reduce post-chipping production time. The need for transportation of material is being addressed with the addition of 40 yd bins and a dual-purpose transport/water truck. Now that these elements are in place, we expect that incoming materials will be manageable.

If you have any questions regarding this item, please contact me at (760) 932-5453 or jnalder@mono.ca.gov.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Justin Nalder".

Justin Nalder
Solid Waste Superintendent

**AGREEMENT AND SECOND AMENDMENT TO AGREEMENT BETWEEN
COUNTY OF MONO AND TERRA FIRMA ORGANICS, INC.
FOR THE PROVISION OF WOOD AND GREEN WASTE CHIPPING SERVICES**

This AGREEMENT AND SECOND AMENDMENT TO AGREEMENT BETWEEN COUNTY OF MONO AND TERRA FIRMA ORGANICS, INC. FOR THE PROVISION OF WOOD AND GREEN WASTE CHIPPING SERVICES (this "Second Amendment") is entered into by and between the County of Mono, a political subdivision of the State of California ("County"), and Terra Firma Organics, Inc., a Wyoming corporation of Jackson, Wyoming ("Contractor"), for the purpose of amending the AGREEMENT BETWEEN COUNTY OF MONO AND TERRA FIRMA ORGANICS, INC. FOR THE PROVISION OF WOOD AND GREEN WASTE CHIPPING SERVICES ("Original Agreement") as amended by the AGREEMENT AND FIRST AMENDMENT TO AGREEMENT BETWEEN COUNTY OF MONO AND TERRA FIRMA ORGANICS, INC. FOR THE PROVISION OF WOOD AND GREEN WASTE CHIPPING SERVICES ("First Amendment"). Hereinafter, County and Contractor may be referred to collectively as the "Parties".

RECITALS

A. On or about October 8, 2019, the Parties entered into the Original Agreement providing for Contractor's provision and performance of wood and green waste chipping services. The Original Agreement specified a Contract Limit of \$100,000.00. The Original Agreement is incorporated herein by this reference as though fully set forth in this Second Amendment.

B. Thereafter, on or about July 23, 2020, the Parties entered into the First Amendment in order to increase the Contract Limit specified in the Original Agreement to \$180,000.00. The First Amendment is incorporated herein by this reference as though fully set forth in this Second Amendment.

C. Since the execution of the Original Agreement and the First Amendment, however, County has determined (based on current stockpiles of green and wood waste at the County landfill and transfer stations) that it has additional need for Contractor's wood and green waste chipping services in excess of the cost set forth in the Contract Limit of the First Amendment.

D. To date, County has been pleased with Contractor's provision and performance of services under the Original Agreement and the First Amendment.

E. In light of the foregoing, the Parties wish to amend the Original Agreement, as amended by the First Amendment, to increase the Contract Limit to compensate Contractor for the performance of additional wood and green waste chipping services requested by County.

[CONTINUED ON NEXT PAGE]

NOW, THEREFORE, the Parties agree as follows:

1. The first sentence of Paragraph 3.D of the Original Agreement, as amended by the First Amendment, is deleted in its entirety and is replaced with the following sentence: "The total sum of all payments made by County to Contractor for services and work performed under this Agreement shall not exceed Two Hundred Twenty Thousand and NO/100 Dollars (\$220,000.00) (the "Contract Limit")."

2. All other provisions of the Original Agreement, as amended by the First Amendment, not expressly amended or modified by this Second Amendment shall remain in full force and effect.

3. This Second Amendment may be executed in two (2) or more counterparts (including electronic and facsimile transmission), each of which shall constitute an original, and all of which taken together shall constitute one and the same written instrument.

IN WITNESS of the foregoing, the Parties have signed this Second Amendment through their duly authorized representatives as of the last date set forth below:

COUNTY OF MONO:

By: _____

Name: Tony Dublino

Title: Public Works Director

Date: _____

TERRA FIRMA ORGANICS, INC.:


By:  _____
Dane Buk (Sep 23, 2020 17:46 MDT)

Name: Dane Buk

Title: President

Date: Sep 23, 2020 _____

APPROVED AS TO FORM:

 9/17/20
Mono County Counsel's Office



**OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS**

REGULAR AGENDA REQUEST

Print

MEETING DATE October 13, 2020

Departments: Human Resources

TIME REQUIRED

**PERSONS
APPEARING
BEFORE THE
BOARD**

SUBJECT Appointment of Malinda Huggans,
Sean Robison and Jessica Workman
to Mono County Public Safety
Officers' Personnel Appeals Board

AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Mono County Public Safety Officers Association (PSOA) Personnel Rule 540 requires formation of a Personnel Appeals Board pool of 6 members to be available to hear disciplinary appeals by PSOA employees. Three members of the Personnel Appeals Board pool shall be appointed by the Board of Supervisors and three members shall be appointed by the PSOA. At this time, there are no appointed board members. This item will appoint three county employees to the Personnel Appeals Board who are not members of the PSOA.

RECOMMENDED ACTION:

Appoint Malinda Huggans, Sean Robison and Jessica Workman to four-year terms on the Mono County Public Safety Officers' Personnel Appeals Board

FISCAL IMPACT:

None.

CONTACT NAME: Dave Butters

PHONE/EMAIL: 760 932-5413 / dbutters@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
Staff report
Personnel Rules excerpt

History

Time	Who	Approval
10/5/2020 10:18 AM	County Administrative Office	Yes
9/29/2020 11:50 AM	County Counsel	Yes
9/30/2020 3:55 PM	Finance	Yes



County of Mono

County Administrative Office

Robert Lawton
County Administrative Officer

Dave Butters
Human Resources Director

To: Honorable Board of Supervisors
From: Dave Butters, Human Resources Director
Date: October 13, 2020
Re: Appointment of County Employees to Personnel Appeals Board

Recommended Action: Approve recommended appointments to Public Safety Officer Association Personnel Appeals Board.

Background: The Mono County Public Safety Officers Association (PSOA) has personnel rules for their bargaining unit and Rule 540 defines the discipline appeals process. Personnel Rule 540 requires formation of a Personnel Appeals Board pool of 6 members to be available to hear disciplinary appeals by PSOA employees. Three members of the Personnel Appeals Board pool are appointed by the Board of Supervisors and three members are appointed by the PSOA. Each individual appeal is heard by a panel made up of three appeals board members, with the County and the PSOA each selecting one member from the pool, and the third member selected either by the County or the PSOA, depending on the results of a coin toss.

Both the PSOA and County leadership have a similar interest in appointing fair and thoughtful employees to the Personnel Appeals Board.

County administration is please to recommend the 3 employees listed below as members of the Personnel Appeals Board pool and requests the Board of Supervisors approves these appointments for four-year terms.

Sean Robison	Public Works
Malinda Huggans	Animal Control
Jessica Workman	Behavioral Health

We appreciate the willingness of these employees to participate in this important process.

Fiscal Impact: None.

Attachment:
Excerpt from PSOA Personnel Rules regarding appeals board appointments

Mono County Personnel Rules – Public Safety Officers Association

“540 Personnel Appeals Board

...

- A. Appointment. There shall be a six-member pool of available Appeals Board members for each bargaining unit, all of whom shall be current County employees or officials. Nothing shall prevent an individual from being appointed to and serving as an available member in more than one standing pool. Of the six members in a given Appeals Board pool, three members shall be appointed by the Board of Supervisors and three shall be appointed by the employee’s bargaining unit. When a particular matter is to come before the Appeals Board, a three-person panel shall be selected from the pool as follows: one member shall be selected by the employee’s bargaining unit, one member shall be selected by the Board of Supervisors, and a coin toss shall be used to determine who selects the final member (either the bargaining unit or the Board of Supervisors).
- B. Term. Each member of an Appeals Board pool shall serve for four years or until his/her successor is appointed and qualified, and any member may be removed at any time during their term without cause by the respective entity who appointed them (either the Board of Supervisors or the bargaining unit). A member may serve multiple terms.

...”



**OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS**

REGULAR AGENDA REQUEST

Print

MEETING DATE October 13, 2020

Departments: Community Development Department

TIME REQUIRED

PERSONS APPEARING BEFORE THE BOARD April Sall

SUBJECT Proposed Ordinance Adding Chapter 5.70 to the Mono County Code Prohibiting Industrial Hemp

AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Proposed Ordinance adding Chapter 5.70 to the Mono County Code Prohibiting Industrial Hemp.

RECOMMENDED ACTION:

Adopt proposed ordinance, adding Chapter 5.70 to the Mono County Code Prohibiting Industrial Hemp.

FISCAL IMPACT:

None.

CONTACT NAME: April Sall

PHONE/EMAIL: 760-932-5423 / asall@mono.ca.gov

SEND COPIES TO:

asall@mono.ca.gov

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
Staff Report for Industrial Hemp Ordinance Second Reading
Ordinance

History

Time	Who	Approval
10/8/2020 11:23 AM	County Administrative Office	Yes
10/7/2020 9:42 AM	County Counsel	Yes

10/8/2020 9:49 AM

Finance

Yes

**Mono County
Community Development Department**

P.O. Box 347
Mammoth Lakes, CA 93546
(760) 924-1800, fax 924-1801
commdev@mono.ca.gov

Planning Division

P.O. Box 8
Bridgeport, CA 93517
(760) 932-5420, fax 932-5431
www.monocounty.ca.gov

October 13, 2020

To: Honorable Mono County Board of Supervisors

From: April Sall, Planning Analyst

Re: Proposed Ordinance Adding Chapter 5.70 to the Mono County Code Prohibiting Industrial Hemp Cultivation

RECOMMENDATION

Adopt proposed ordinance No. ORD20-__, Adding Chapter 5.70 to the Mono County Code Pertaining to the Local Regulation and Permitting of Industrial Hemp Operations within the Unincorporated Area of the County.

FISCAL IMPACT

None.

BACKGROUND

This ordinance was considered by your Board on October 6, 2020. It is presented today for final adoption.

ATTACHMENTS:

Proposed Ordinance



1
2
3
4
5
6 **ORDINANCE NO. ORD20-10**

7 **AN ORDINANCE OF THE MONO COUNTY BOARD OF SUPERVISORS ADDING**
8 **CHAPTER 5.70 TO THE MONO COUNTY CODE PERTAINING TO THE LOCAL**
9 **REGULATION AND PERMITTING OF INDUSTRIAL HEMP OPERATIONS**
 WITHIN THE UNINCORPORATED AREA OF THE COUNTY

10 **WHEREAS**, the Agricultural Improvement Act of 2018 (the 2018 Farm Bill) effectively
11 legalized industrial hemp cultivation at the federal level by removing it from the Controlled
12 Substances Act; placed regulatory authority with the United States Department of Agriculture
13 (USDA); and allowed state departments of agriculture to develop hemp program plans and
 regulate hemp cultivation per their state specific programs; and

14 **WHEREAS**, the State of California legalized the cultivation of industrial hemp in the
15 California Industrial Hemp and Farming Act in 2013 (Senate Bill 566) without adopting
16 regulations or a permitting framework, and Senate Bills 1409 (2018) and 153 (2019) further
17 amended the California Food and Agriculture Code to add program requirements and align the
 state hemp program with federal law; and

18 **WHEREAS**, the Mono County Board of Supervisors (the Board) held a workshop in
19 2019 during which it discussed potential regulatory frameworks for industrial hemp cultivation
20 in the unincorporated area of the County; the challenges posed by its similarities to commercial
 cannabis (e.g., odor, security, public safety, etc.); and concerns over cross-pollination; and

21 **WHEREAS**, in 2019, the Board adopted a moratorium temporarily prohibiting industrial
22 hemp cultivation within the unincorporated area of the County through November 5, 2020, to
23 conduct public outreach to local communities and provide time for the State to adopt permanent
 regulations; and

24 **WHEREAS**, the Mono County Community Development Department conducted four
25 public meetings through the Regional Planning Advisory Committees (RPACs), including
26 Antelope Valley RPAC, Bridgeport Valley RPAC, Mono Basin RPAC and June Lake Citizens
27 Advisory Committee, to receive community feedback and hear concerns throughout the County
 on potential land use regulations and regulatory frameworks; and

28 **WHEREAS**, the Board held a second workshop in 2020 on industrial hemp cultivation to
29 consider community feedback and regulatory framework options and, given the community
30 concerns, lack of permanent State regulations, and uncertainties of economic demand and
31 benefits, decided to prohibit industrial hemp cultivation within the unincorporated area of the
32 County.

1 **NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF**
2 **MONO ORDAINS that:**

3 **SECTION 1:** Chapter 5.70 is hereby added to the Mono County Code, to read as
4 follows:

5 **Chapter 5.70**
6 **INDUSTRIAL HEMP**

7 Sections:

8 **5.70.010 Purpose.**

9 **5.70.020 Definitions.**

10 **5.70.030 Prohibition.**

11 **5.70.010 Purpose.**

12 The purpose of this Ordinance is to establish local regulations and permitting
13 processes for Industrial Hemp operations within the unincorporated area of Mono County.

14 **5.70.020 Definitions.**

15 **Industrial Hemp** is defined as a fiber or oilseed crop, or both, that is limited to
16 types of the plant Cannabis sativa L. having no more than three-tenths of 1 percent (.3%)
17 tetrahydrocannabinol (THC) contained in the dried flowering tops, whether growing or not; the
18 seeds of the plant; the resin extracted from any part of the plant; and every compound,
19 manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin produced
therefrom.

20 **5.70.030 Prohibition.**

21 The cultivation of Industrial Hemp within the unincorporated area of Mono
22 County is strictly prohibited.

23 **SECTION II**

24 This ordinance is not subject to the California Environmental Quality Act (CEQA)
25 pursuant to CEQA Guidelines Section 15060(c)(2) (the activity will not result in a direct or
26 reasonably foreseeable indirect physical change in the environment) and Section 15060(c)(3)
27 (the activity is not a project as defined in Section 15378 of the CEQA Guidelines, because it has
no potential for resulting in physical change to the environment, directly or indirectly).

28 **SECTION III**

29 **Effective Date.** This ordinance shall become effective 30 days from the date of its
30 adoption and final passage, which appears immediately below. The Clerk of the Board of
31 Supervisors shall post this ordinance and also publish the ordinance in the manner prescribed by
32 Government Code section 25124 no later than 15 days after the date of its adoption and final

1 passage. If the Clerk fails to so publish this ordinance within the 15-day period, then the
2 ordinance shall not take effect until 30 days after the date of publication.

3 **PASSED, APPROVED and ADOPTED** this 13th day of October, 2020, by the
4 following vote, to wit:

5 **AYES:**
6 **NOES:**
7 **ABSENT:**
8 **ABSTAIN:**

9 _____
10 Stacy Corless, Chair
11 Mono County Board of Supervisors

12 ATTEST:

13 APPROVED AS TO FORM:

14 _____
15 Clerk of the Board

16 _____
17 County Counsel



**OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS**

REGULAR AGENDA REQUEST

Print

MEETING DATE October 13, 2020

TIME REQUIRED

SUBJECT

Federal Energy Regulatory
Commission (FERC) Letter re: 2018
3rd Independent Consultant's Safety
Inspection Report for Rhinedollar
Dam

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

A letter from Frank L. Blackett, P.E., Federal Energy Regulatory Commission Regional Engineer, to James A. Buerkle, Southern California Edison Company Director of Generation, in response to a letter from Wayne Allen who submitted the 3rd Independent Consultant's Safety Inspection Report for Rhinedollar Dam, which is part of the Lee Vining Creek Project, FERC Project No. 1388-CA.

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME: Queenie Barnard

PHONE/EMAIL: 760-932-5534 / qbarnard@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
Letter

History

Time	Who	Approval
10/8/2020 11:24 AM	County Administrative Office	Yes
10/7/2020 9:41 AM	County Counsel	Yes

10/8/2020 9:50 AM

Finance

Yes

RECEIVED

OCT - 2 2020

FEDERAL ENERGY REGULATORY COMMISSION
Office of Energy Projects
Division of Dam Safety and Inspections – San Francisco Regional Office
100 First Street, Suite 2300
San Francisco, CA 94105-3084
(415) 369-3300 Office – (415) 369-3322 Facsimile

OFFICE OF THE CLERK

September 24, 2020

In reply refer to:
Project No. 1388-CA

Mr. James A. Buerkle
Director
Generation
Southern California Edison Company
1515 Walnut Grove Ave
Rosemead, CA 91770-3710

Re: 2018 3rd Independent Consultant's Safety Inspection Report for Rhinedollar Dam

Dear Mr. Buerkle:

This is in response to a letter dated December 17, 2018 from Mr. Wayne P. Allen that submitted the 3rd Independent Consultant's Safety Inspection Report (Part 12D report) for Rhinedollar Dam, which is part of the Lee Vining Creek Project, FERC Project No. 1388-CA. We have reviewed the submittal and our comments are included in the Enclosure.

Our review concluded that the scope and contents of the 3rd Part 12D report for Rhinedollar Dam generally fulfills the requirements of Part 12, Subpart D, of Title 18 of the Code of Federal Regulations. No further action is necessary regarding the 3rd Part 12D report.

Within 45 days of the date of this letter, please provide a response to our comments or a plan and schedule to address our comments. We appreciate your cooperation in this aspect of the Commission's dam safety program. If you have any questions, please contact Mr. Christopher Wang at (415) 369-3366.

Sincerely,



Frank L. Blackett, P.E.
Regional Engineer

Enclosure

Rhinedollar Dam

Lee Vining Creek Project

FERC Project No. 1388-CA

Part 12D Report Comments (Submittal by letter dated December 17, 2018):

1. *1.3.3 Recommendations Regarding the Potential Failure Modes Analysis Report:* FERC agrees with the IC's Recommendations Nos. 6 thru 8 related to the monitoring of the outlet pipe. Please include the monitoring procedures and frequency related to the outlet pipe in the DSSMP. Similarly, please include the results of outlet pipe monitoring in annual submittals of the DSSMR.
2. *Section 7.8.1 Stability and Stress Analyses of Project Structures; Current Studies (On-going):* A review of the submitted stability evaluations of Rhinedollar Dam (Geosyntec 2016 and 2019) indicate that the water surface elevation assumed in the evaluation under the Steady Seepage with Surcharge Pool Condition was El. 9,498.5 ft., or 0.5 feet below the parapet. However, the PMF peak WSEL has been determined to be El. 9,500.6 ft, or 1.6 feet above the parapet crest. The IC does not address this discrepancy in the report, and the basis for this discrepancy must be addressed.

Supporting Technical Information Document (STID)

3. *Section 5 Geology and Seismicity:* Recommendation No. 18 made by the IC in the 3rd CSIR recommends that the STID be revised to indicate the presence of hornfels, not diorite. However, FERC finds that the source of the information which identified the foundation as consisting of diorite, i.e., a DPW letter describing the inspection of the foundation, cannot be wholly discounted short of subsurface site investigation which characterizes the foundation material. While FERC concurs generally with the assessment of SCE and the IC that the available geologic mapping and site visit indicate the presence of hornfels, a thorough review of available data should be conducted prior to implementing this recommendation.
4. Coincident to the submittal of the 3rd Part 12D Report which was submitted under cover letter dated December 17, 2018, you submitted a supplement to the report titled GEI Consultants, Inc. "Supplement No. 2 to PFMA Report, Rhinedollar Dam, Mono County, California," prepared for Southern California Edison, December 2018. We have reviewed the Supplement and we have no comments. Pursuant to Recommendation No. 15 of the Part 12D Report, add Supplement No. 2 to Section No. 1 of the STID.

2018 Part 12D Review Comments

Enclosure

Rhinedollar Dam

Lee Vining Creek Project

FERC Project No. 1388-CA

Plan and Schedule

5. By letter dated February 5, 2019, you provide FERC with a plan and schedule to address the recommendations of the Part 12D Report; by letter dated October 25, 2019, FERC accepted your proposed plan and schedule. Provide a status update to the recommendations of the Part 12D Report.



**OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS**

REGULAR AGENDA REQUEST

Print

MEETING DATE October 13, 2020

TIME REQUIRED

SUBJECT Federal Energy Regulatory
Commission (FERC) Letter re: 2018
11th Independent Consultant's
Safety Inspection Report for
Saddlebag Dam

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

A letter from Frank L. Blackett, P.E., Federal Energy Regulatory Commission Regional Engineer, to James A. Buerkle, Southern California Edison Company Director of Generation, in response to a letter from Wayne Allen who submitted the 11th Independent Consultant's Safety Inspection Report for Saddlebag Dam, which is part of the Lee Vining Creek Project, FERC Project No. 1388-CA.

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME: Queenie Barnard

PHONE/EMAIL: 760-932-5534 / qbarnard@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
Letter

History

Time	Who	Approval
10/8/2020 11:24 AM	County Administrative Office	Yes
10/7/2020 9:43 AM	County Counsel	Yes

10/8/2020 9:50 AM

Finance

Yes

RECEIVED

OCT - 2 2020

FEDERAL ENERGY REGULATORY COMMISSION
Office of Energy Projects
Division of Dam Safety and Inspections – San Francisco Regional Office
100 First Street, Suite 2300
San Francisco, CA 94105-3084
(415) 369-3300 Office – (415) 369-3322 Facsimile

OFFICE OF THE CLERK

September 24, 2020

In reply refer to:
Project No. 1388-CA

Mr. James A. Buerkle
Director
Generation
Southern California Edison Company
1515 Walnut Grove Ave
Rosemead, CA 91770-3710

Re: 2018 11th Independent Consultant's Safety Inspection Report for Saddlebag Dam

Dear Mr. Buerkle:

This is in response to a letter dated December 17, 2018 from Mr. Wayne P. Allen that submitted the 11th Independent Consultant's Safety Inspection Report (Part 12D report) for Saddlebag Dam, which is part of the Lee Vining Creek Project, FERC Project No. 1388-CA. We have reviewed the submittal and our comments are included in the Enclosure.

Within 45 days of the date of this letter, please provide a response to our comments or a plan and schedule to address our comments. We appreciate your cooperation in this aspect of the Commission's dam safety program. If you have any questions, please contact Mr. Christopher Wang at (415) 369-3366.

Sincerely,



Frank L. Blackett, P.E.
Regional Engineer

Enclosure

11th Part 12D Report Comments

Enclosure

Saddlebag Dam
Lee Vining Project
FERC Project No. 1388-CA

11th Part 12D Report Comments (Submittal by letter dated December 17, 2018):

1. *Findings and Recommendations:* The 11th Part 12D Report identifies the measures taken by SCE regarding the reemerged sinkhole subsequent to the August 2018 site inspection. However, the 11th Part 12D Report does not render a conclusion regarding the ongoing structural stability of the dam with relation to the sinkhole. Additionally, the 11th Part 12D Report does not evaluate the adequacy of the historic, i.e., pre-2018, and October 17, 2018 grouting of the sinkhole. An evaluation of the global embankment stability and the grouting repairs should be included in the 11th Part 12D Report. In addition, the 11th Part 12D Report should include an evaluation of whether temporary remedies, such as grouting in the manner conducted historically, which has a high likelihood of sinkhole reemergence, is adequate regarding the overall health of the dam.
2. *Surveillance and Monitoring with Respect to Potential Failure Modes:* Figure D-11, although taken directly from the 2017 DSSMR, is not representative of the leakage data measured in the FY17 DSSMR submitted to FERC under cover letter dated March 6, 2018; Figure E-2 of the 2017 DSSMR indicates that Weir No. 1 was overtopped during all readings taken in 2017. The report identifies that SCE intends to establish revised threshold and action levels for leakage weirs following the repair of the sinkhole. However, the 11th Part 12D Report does not include commentary on the appropriateness of the current threshold and action levels, and the actions taken when the action level is exceeded (as is frequently observed in Weir No. 1). Please provide an evaluation of the status of Leakage Weir No. 1.
3. *Section 7.8.1 Stability and Stress Analyses of Project Structures; Current Studies (On-going):* A review of the submitted stability evaluations of Saddlebag Dam (Leps and Jansen 1983 and SCE 1994) indicate that the water surface elevation indicate that the PMF loading condition, i.e., Steady Seepage with Surcharge Pool, has not been evaluated. This loading case should be considered in any reevaluation of the slope stability following the completion of the seismic hazard update and site-specific amplification factor determination.
4. *Section 7.8.1 Stability and Stress Analyses of Project Structures; Current Studies (On-going):* Ensure that any updates to the stability evaluations incorporate the updated configuration of the spillway and the up-to-date normal maximum water surface elevation.

5. *Section 7.8.1 Stability and Stress Analyses of Project Structures; Current Studies (On-going)*: In a report dated February 18, 2009, Spectrum Geophysics reported the results of a seismic shear wave investigation conducted at Saddlebag Dam in the summer of 2008. However, the seismic fragility analysis (Findlay, 2010) instead used empirical equations based on shear wave velocity studies for dam's in South Korea (USSD Conference 2010). The 11th Part 12D Report does not include a discussion of why the Spectrum Geophysics shear wave velocity values were not utilized and have not been incorporated in subsequent seismic stability evaluations. Please provide this discussion related to the Spectrum Geophysics shear wave investigations and consider including in the project STID.

Supporting Technical Information Document (STID)

6. Coincident to the submittal of the 11th Part 12D Report which was submitted under cover letter dated December 17, 2018, you submitted a supplement to the report titled GEI Consultants, Inc. "Supplement No. 2 to PFMA Report, Saddlebag Dam, Mono County, California," prepared for Southern California Edison, December 2018. We have reviewed the Supplement and we have no comments. Pursuant to Recommendation No. 21 of the Part 12D Report, add Supplement No. 2 to Section No. 1 of the STID.

Plan and Schedule

7. By letter dated February 5, 2019, you provide FERC with a plan and schedule to address the recommendations of the Part 12D Report; by letter dated October 25, 2019, FERC accepted your proposed plan and schedule. Provide a status update to the recommendations of the Part 12D Report.



**OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS**

REGULAR AGENDA REQUEST

Print

MEETING DATE October 13, 2020

TIME REQUIRED

SUBJECT October 2020 Agricultural
Commissioner's Office Report

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

October 2020 department report from Nate Reade, Inyo/Mono Agricultural Commissioner / Director of Weights and Measures.

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME: Nate Reade

PHONE/EMAIL: 760-873-7860 / nreade@inyocounty.us

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
Report

History

Time	Who	Approval
10/8/2020 11:24 AM	County Administrative Office	Yes
10/8/2020 9:07 AM	County Counsel	Yes
10/8/2020 9:50 AM	Finance	Yes



COUNTIES OF INYO AND MONO



AGRICULTURE • WEIGHTS & MEASURES • OWENS VALLEY MOSQUITO ABATEMENT PROGRAM • MAMMOTH LAKES MOSQUITO ABATEMENT DISTRICT
EASTERN SIERRA WEED MANAGEMENT AREA • INYO COUNTY COMMERCIAL CANNABIS PERMIT OFFICE

DEPARTMENT REPORT

October 2020

Agriculture

Our office recently held our pesticide safety seminar that had been postponed since March due to COVID concerns. We were able to conduct this training online and still be able to provide continuing education hours for our licensees. Some out of the area licensees participated as well. Presenters included Inyo/Mono Agriculture Department staff, California Department of Pesticide Regulation staff, and University of California staff. We hope to resume our normal seminar in the coming spring.

In the ever-changing world of industrial hemp regulations, the California Department of Food and Agriculture has submitted a state plan to the the USDA. This state plan has to be accepted by USDA for California to come into complete compliance with federal laws regarding industrial hemp. USDA is expected to provide comments on the plan by the end of October. In the meantime, California industrial hemp growers can continue to operate under the existing state regulations. It is expected that new state regulations might be promulgated as details of the state plan acceptance or denial emerge.

Weights and Measures

After a slight delay in our normal scheduling, staff from our department are working hard to certify the 40+ livestock scales located in the two counties. We expect to complete these inspections in time for our producers to start shipping. Livestock scale inspections require the use of our heavy-capacity weight truck and can take several hours to complete.

Another category of devices that our inspection staff is currently working on are propane vehicle meters and stationary meters. Any of the trucks that deliver propane in Inyo or Mono Counties have to be certified by our department. This also applies to stationary propane dispensers. These stationary inspections also require specialized equipment and can be very time consuming.



Mosquito Abatement

The mosquito season has come to an end with our temporary summer staff leaving until next April. Overall it was a successful year with very low complaint numbers despite several unexpected challenges. Included in these challenges was dealing with excessive river levels in the Owens Valley late in the summer due to releases made from Pleasant Valley reservoir for maintenance reasons. These releases spawned large numbers of mosquitoes during the time when we historically have the highest West Nile virus numbers. Despite this, no samples were positive for West Nile virus and no human infections were recorded.

Thanks to all of our seasonal staff for their hard work this summer!



Invasive Plant Management

The weed control season is also starting to wind down and our staff has been reduced from four to two employees. Weather permitting, we will continue visiting sites and treating as necessary through October. Work will also be conducted in southeastern Inyo County now that the weather has cooled some in the area. Thanks to our seasonal staff for a great job this summer!

With California removing funding for weed management areas yet again, the California Agricultural Commissioner and Sealers Association has stepped in with some funding to backfill state losses. We have been awarded some funds already and have applications in for additional funding. Hopefully this will enable our program to continue operating in the future.



Inyo County Commercial Cannabis Permit Office

Cannabis inspections will continue in a few weeks with a visit to the Sandy Valley area. Some longstanding cannabis business projects are beginning to come online after getting through the state licensing process. Hopefully we will begin to see more progress toward operational cultivation and manufacturing sites.



**OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS**

REGULAR AGENDA REQUEST

Print

MEETING DATE October 13, 2020

TIME REQUIRED

SUBJECT Notice of Extension of Time for Public
 Comment on the Draft Supplemental
 Environmental Impact Report for the
 Casa Diablo IV Project

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

The Great Basin Unified Air Pollution Control District (District) is the Lead Agency pursuant to the California Environmental Quality Act (CEQA) and is seeking public and agency comments on a 2020 Draft Supplemental Environmental Impact Report (SEIR) for the Casa Diablo IV Geothermal Power Plant Project (Project). The time for public review and comment has been extended from October 12, 2020 to October 13, 2020 at 5:00 p.m.

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME: Queenie Barnard

PHONE/EMAIL: 760-932-5534 / qbarnard@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

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Notice
NOA

History

Time	Who	Approval
10/8/2020 1:04 PM	County Administrative Office	Yes
10/8/2020 11:41 AM	County Counsel	Yes

10/8/2020 12:54 PM

Finance

Yes

From: CDIVSupplementalEIR <CDIVSupplementalEIR@esassoc.com>

Sent: Thursday, October 8, 2020 10:47 AM

Subject: Notice of Extension of Time for Public Comment on the Draft Supplemental Environmental Impact Report for the Casa Diablo IV Geothermal Power Plant Project (State Clearinghouse No. 2011041008)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Interested Parties for the Casa Diablo IV Geothermal Power Plant Project,

On behalf of the Great Basin Unified Air Pollution Control District (District), please see the attached Notice of Extension of Time for Public Comment on the Draft Supplemental Environmental Impact Report (SEIR). If you have any questions about the attached notice, please contact Ann Logan, Deputy Air Pollution Control Officer at (760) 872-8211.

Please do not reply to this message. Instead, please direct all communication to the District by email at permits@gbuapcd.org or by phone at (760) 872-8211.

**Notice of Extension of Time for Public Comment on
the Draft Supplemental Environmental Impact Report
for the Casa Diablo IV Geothermal Power Plant Project**

The Great Basin Unified Air Pollution Control District is extending the time for public review and comment on the Draft Supplemental Environmental Impact Report for the proposed Casa Diablo IV Geothermal Power Plant Project from October 12, 2020, a holiday, to October 13, 2020 at 5:00 p.m.

From: CDIVSupplementalEIR <CDIVSupplementalEIR@esassoc.com>

Sent: Thursday, August 27, 2020 2:44:54 PM

Subject: Notice of Availability of a Draft Supplemental Environmental Impact Report for the Casa Diablo IV Project (State Clearinghouse No. 2011041008)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Interested Parties for the Casa Diablo IV Geothermal Power Plant Project,

On behalf of the Great Basin Unified Air Pollution Control District (District), please see the attached Notice of Availability (NOA) for the Casa Diablo IV Geothermal Power Plant Project Draft Supplemental Environmental Impact Report (SEIR). If you have any questions about the attached NOA, please contact Ann Logan, Deputy Air Pollution Control Officer at (760) 872-8211.

Written comments will be accepted at any time during the 45-day public review period from August 27, 2020 to October 12, 2020. Instructions for submission of comments and contact information is included in the attached NOA.

Please do not reply to this message. Instead, please direct all communication to the District by email at permits@gbuapcd.org, or by mail or phone using the contact information provided in the attached NOA.

NOTICE OF AVAILABILITY

Casa Diablo IV

Date: August 27, 2020

To: State Clearinghouse, Responsible and Trustee Agencies

Subject: Notice of Availability of a Draft Supplemental Environmental Impact Report for the Casa Diablo IV Project (State Clearinghouse No. 2011041008)

Project Title: Casa Diablo IV Geothermal Power Plant Project Supplemental EIR

The Great Basin Unified Air Pollution Control District (District) is the Lead Agency pursuant to the California Environmental Quality Act (CEQA) and is seeking public and agency comments on a 2020 Draft Supplemental Environmental Impact Report (SEIR) for the Casa Diablo IV Geothermal Power Plant Project (Project) during a 45-day public review period between August 27, 2020 and October 12, 2020.

Background: The District prepared the Draft SEIR in response to the 2019 Appellate Court’s decision in *Covington v. Great Basin Unified Air Pollution Control District* (2019) 43 Cal.App.5th 867, which addressed a CEQA challenge to the 2013 Final Environmental Impact Statement/ Environmental Impact Report (EIS/EIR) for this Project.

In response to the decision made by the Court of Appeals, the Draft SEIR contains supplemental information and analysis to the 2013 Final EIS/EIR to adequately inform the public and local officials in the planning and decision-making process regarding two potential and additional mitigation measures to address reactive organic gas (ROG) emissions from the plant: (1) a stronger leak detection and repair (LDAR) program, and (2) the additional use of leakless or low-leak technology.

Comments: Written comments will be accepted at any time during the 45-day public review period. Instructions for submission of comments and contact information are listed below.

PROJECT LOCATION

The Project would be located on public land (BLM Geothermal Lease # CACA-11667 and CACA-11667A) in Sections 29 and 32, Township 3 South, and Range 28 East Mount Diablo (MD) Base and Meridian (B&M). This location is approximately two miles east of the Town of Mammoth Lakes in Mono County, California. A location map of the Project area is attached to this Notice as **Figure 1**. The Project has not changed since it was initially approved by the District and the BLM. It includes construction,

operation and maintenance of a geothermal power plant and up to 16 geothermal resource wells (some new and some existing) and associated pipelines on portions of BLM Geothermal Leases CACA-11667, CACA-14407, CACA-14408 and CACA-11672 located within the Inyo National Forest in Section 25, 26, and 36 of T3S, R27E and Sections 30, 31 and 32 of T3S, R28E, MD B&M. The Project is proposed entirely within the Mono-Long Valley Known Geothermal Resource Area (KGRA) in Mono County, California.

PROJECT DESCRIPTION

Ormat Nevada Inc. (ORNI 50, LLC, or the Applicant) proposes to build, and following the expected 30-year useful life, decommission the Casa Diablo IV Geothermal Development Project in the vicinity of the existing Mammoth Pacific L.P. (MPLP) geothermal complex (**Figure 2**). The Project would consist of the following facilities:

1. A geothermal power plant consisting of two Ormat Energy Converter (OEC) binary generating units (21.2 MW gross each) with vaporizers, turbines, generators, air-cooled condensers, preheaters, pumps and piping, and related ancillary equipment. The gross power generation of the plant would be 42.4 MW. The estimated auxiliary and parasitic loads (power used within the Project for circulation pumps, fans, well pumps, loss in transformers and cables) is about 9.4 MW, thus providing a net power output of about 33 MW. Additional components of the power plant would include:
 - b) A motive fluid system consisting of motive fluid (n-pentane) storage vessels (either one or two vessels in the range of 9,000 to 12,000 gallons) and motive fluid vapor recovery systems (VRUs). Each VRU would consist of a diaphragm pump and a vacuum pump.
 - c) A new substation that would be constructed on the power plant site and would be connected to the existing Southern California Edison (SCE) Casa Diablo Substation at Substation Road.
 - d) An overhead 33 kV transmission line approximately 650 feet (198 meters) long that would connect the power plant substation with the SCE Casa Diablo Substation.
 2. Up to 16 geothermal wells are proposed. Fourteen of the wells would be located in the Basalt Canyon area and two wells would be located southeast of the proposed power plant east of U.S. Highway 395. The specific locations for these wells would be selected out of 18 possible locations (Figure 2). The actual number of wells required may be fewer depending on the productivity of the wells. The final number and location of wells would be determined by modeling and actual drilling results. Approximately half of the wells would be production wells and the other half would be injection wells. Each production well would range in depth from 1,600 to 2,000 feet below ground surface (bgs) and each injection well would be drilled to approximately 2,500 feet bgs. Production wells would be equipped with a down-hole pump powered by a surface electric motor. Thirteen (13) of the 18 potential well locations in the Project area were analyzed and approved for exploratory well development during previous environmental reviews. Two of these previously approved exploratory wells were drilled in 2011.
 3. Piping would extend from the production wells to the power plant and from the power plant to the individual injection wells. Two main pipelines would parallel the existing Basalt Canyon pipeline and would cross beneath U.S. Highway 395 between the well field and the power plant site (Figure 2). Where pipelines must cross another pipeline or a road, the crossings would be underground.
-

4. Power and control cables for the wells would be installed in above-ground cable trays placed on the pipeline supports. Ancillary facilities would include pumps, tanks, valves, controls, and flow monitoring equipment.

POTENTIAL ENVIRONMENTAL EFFECTS

The environmental effects of the Project were evaluated and identified in the 2013 EIS/EIR as Alternative 3 (Agency Preferred Alternative). Alternative 3 ultimately was carried forward and approved by the BLM and the District and is the Project for purposes of the SEIR. Based on the analysis in the 2013 EIS/EIR, the Project could result in impacts to Air Quality, Biological Resources, Cultural and Paleontological Resources, Geothermal and Groundwater Resources, Geology and Soil Resources, Noise, Public Health and Safety, Hazardous Materials and Fire, Recreation, Traffic and Transportation, Utilities and Public Services, Surface Water Resources, and Visual Resources.

PUBLIC COMMENT PERIOD

The public review period for the Draft SEIR will commence on Thursday, August 27, 2020 and conclude on Monday, October 12, 2020. An electronic version of the Draft SEIR, as well as the 2013 Final EIS/EIR, will be posted online at <http://www.gbuapcd.org/cd4>.

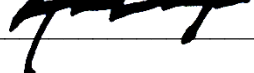
Copies of the Draft SEIR will be available for review by appointment only at the District office located at 157 Short Street, Bishop, CA 93514. Please call 760-872-8211 to schedule an appointment. Copies of the Draft SEIR are also available for review at the Mammoth Lakes Branch Library at 400 Sierra Park Rd, Mammoth Lakes, CA 93546.

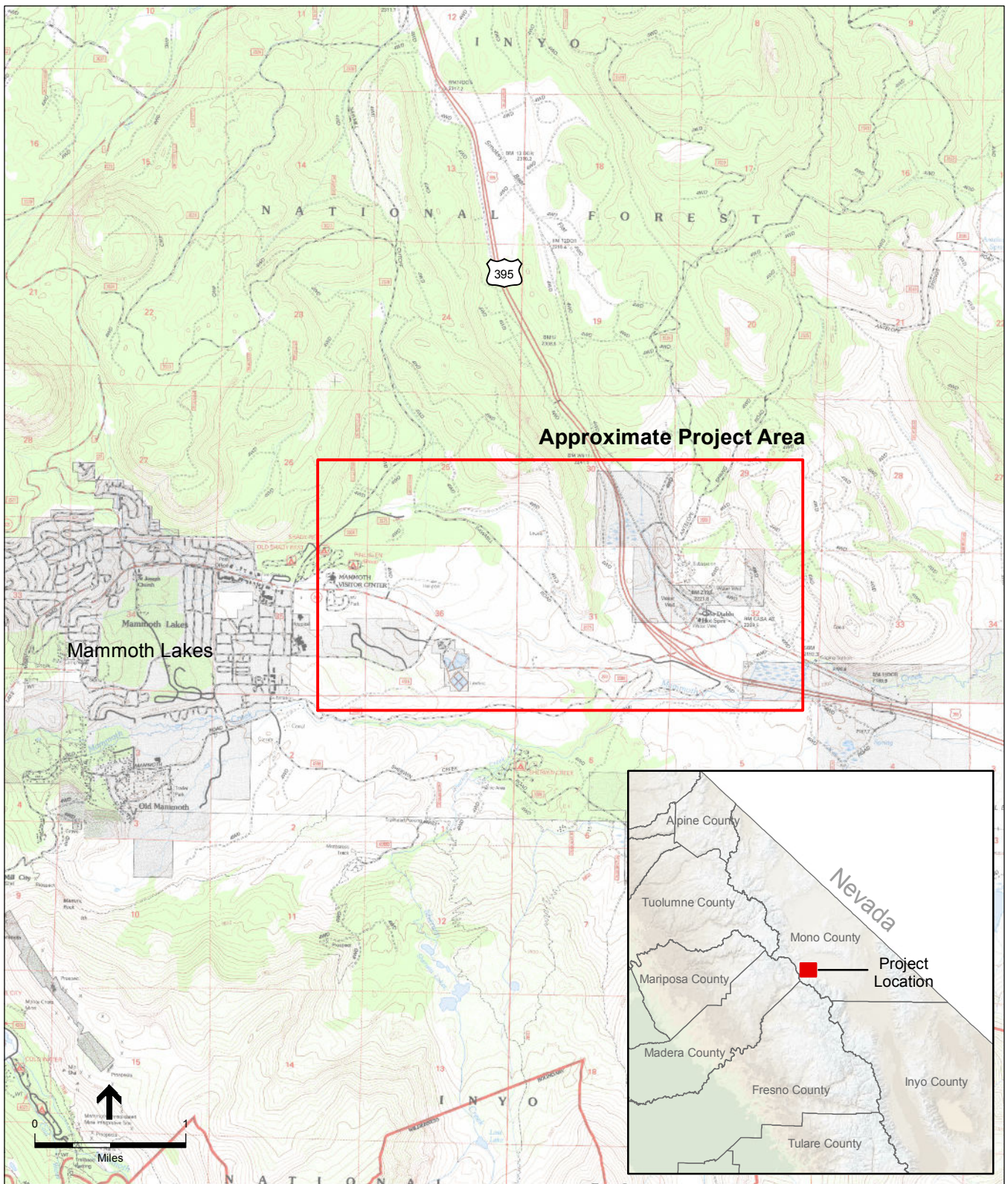
Comments concerning this action will be accepted until 5:00 p.m. on October 12, 2020. Written comments may be submitted by any of the following methods: 1) via mail to the District's office at 157 Short Street, Bishop, CA 93514; or 2) via email to permits@gbuapcd.org. Names and addresses of commenters will become part of the public record.

Primary Agency Contact: Ann Logan
Great Basin Unified Air Pollution Control District
157 Short Street
Bishop, CA 93514-3537
Phone: (760) 872-8211
permits@gbuapcd.org

If there are any questions regarding this NOA, please contact Ms. Ann Logan at (760) 872-8211.

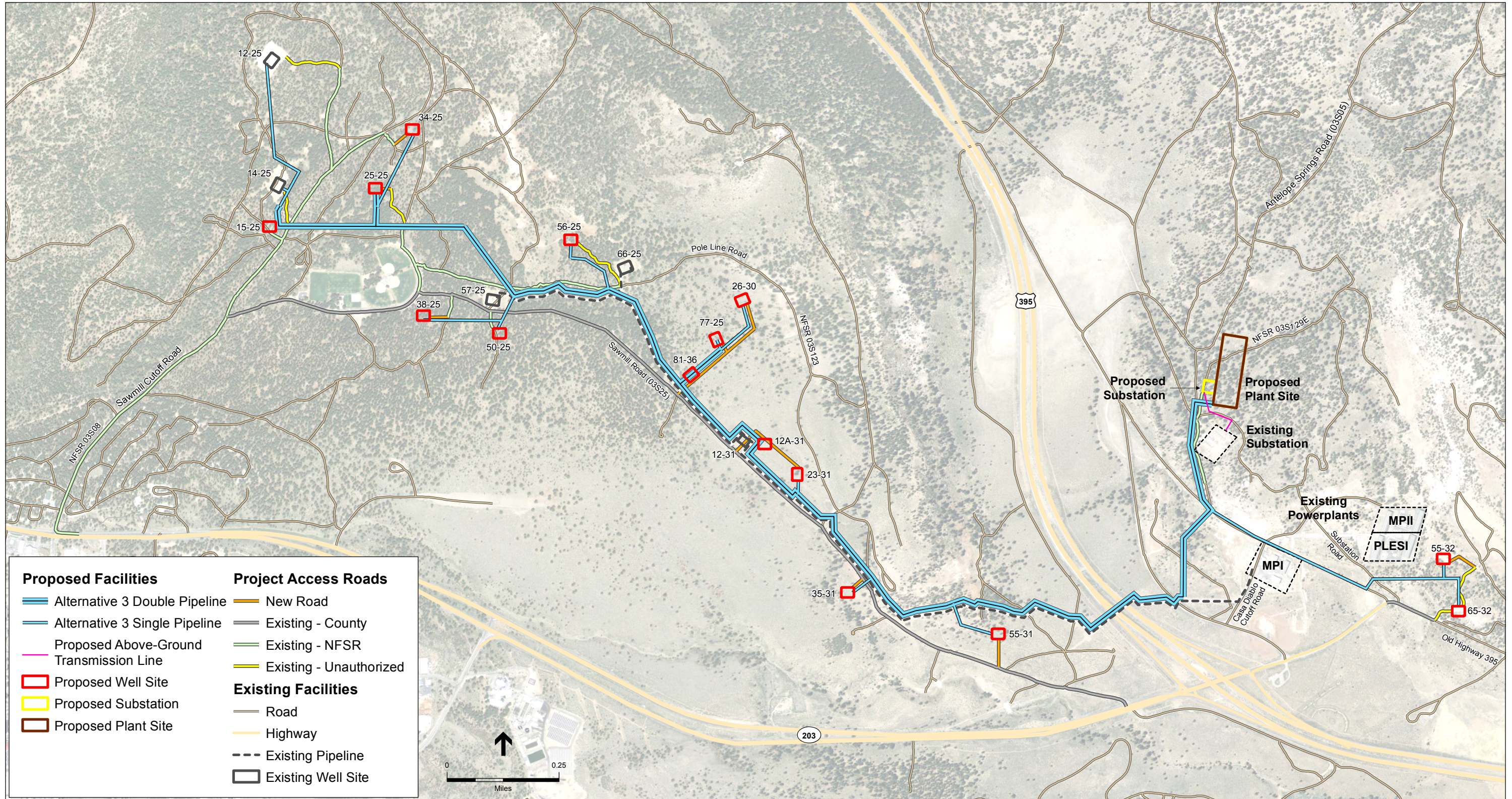
Date: August 27, 2020

Signature:  _____



SOURCE: USGS 7.5- minute Old Mammoth topographic quadrangle, 1984

Casa Diablo IV Geothermal Project
Figure 1
 Project Vicinity Map
 Mono County, California





**OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS**

REGULAR AGENDA REQUEST

Print

MEETING DATE October 13, 2020

Departments: Board of Superivisors, CAO

TIME REQUIRED Item scheduled to start at
 approximately 9:30 AM (30 minutes)

**PERSONS
APPEARING
BEFORE THE
BOARD**

SUBJECT Resolution Recognizing Racism as a
 Public Health Crisis

AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Continued discussion of tools and actions to address racial disparity in our communities. Follow-up from presentation by Dr. Jei Africa on September 15, 2020: "Moving Towards Equity: Understanding the Impact of Racism in Communities".
Consideration of Resolution Recognizing Racism as a Public Health Crisis and Affirming Mono County's Commitment to Building Racial Equity and Reducing Disparity.

RECOMMENDED ACTION:

Adopt proposed resolution. Provide any desired direction to staff.

FISCAL IMPACT:

None associated with adoption of proposed resolution, however, the resolution includes direction to take action that could result in future unknown fiscal impacts, as described in the staff report.

CONTACT NAME: Stacy Corless

PHONE/EMAIL: 760-920-0190 / scorless@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
Staff Report
Resolution

History

Time

Who

Approval

10/8/2020 1:09 PM	County Administrative Office	Yes
10/8/2020 1:08 PM	County Counsel	Yes
10/8/2020 12:54 PM	Finance	Yes



Jennifer Kreitz ~ District One Fred Stump ~ District Two Bob Gardner ~ District Three
John Peters ~ District Four Stacy Corless ~ District Five

BOARD OF SUPERVISORS COUNTY OF MONO

P.O. BOX 715, BRIDGEPORT, CALIFORNIA 93517
(760) 932-5533 • FAX (760) 932-5531
Shannon Kendall, Clerk of the Board

Date: October 13, 2020

To: Honorable Board of Supervisors

From: Dave Wilbrecht, Acting CAO; Stacy Corless, Chair, and Bob Gardner, District 3, Board of Supervisors; Jazmin Barkley, Probation; Dr. Tom Boo, Public Health; Sheriff Ingrid Braun; Megan Mahaffey, Finance; Kasandra Montes, Behavioral Health; Michelle Raust, Social Services; Robin Roberts, Behavioral Health

Subject: Resolution Declaring Racism as a Public and Mental Health Crisis and Affirming Mono County's Commitment to Building Equity and Reducing Disparity

Recommended Action:

Adopt proposed resolution; provide any desired direction to staff.

Discussion:

At a workshop during its September 15 meeting, the Board of Supervisors gave direction to return to the board on October 13 with specific activities to address systemic racism and disparity in Mono County government.

Background:

On September 15, the board received a presentation from Dr. Jei Africa titled "Moving Towards Equity: Understanding the Impacts of Racism in our Communities." The board, county staff and community members discussed the presentation and agreed that Mono County needed to demonstrate its commitment to addressing racial disparity and its negative impacts, and to creating equity in county government and communities.

Following that meeting, Acting CAO Wilbrecht, along with Supervisors Gardner and Corless, met with a team of County staff members who volunteered to participate in developing the County's approach to addressing racial disparity and creating equity.

The team includes Jazmin Barkley, Probation; Dr. Tom Boo, Public Health; Sheriff Ingrid Braun; Megan Mahaffey, Finance; Kasandra Montes, Behavioral Health; Michelle Raust, Social Services; Robin Roberts, Behavioral Health.

This resolution reflects the discussion of this team, along with board direction given on September 15, and follows the example of many other counties in California and across the US by recognizing that systemic racism is a public and mental health crisis that must be addressed. Additionally, the resolution outlines a number of actions and commitments that the County will take. Though there are steps that can be taken immediately, such as scheduling and holding training sessions, the resolution directs the CAO to develop a workplan and financial commitment that could be incorporated into the 2020/21 budget as part of the midyear budget review. The actions/directions include:

- Direct the County Administrative Officer and County staff to develop a workplan that includes committing adequate financial resources toward Justice, Equity, Diversity, and Inclusion work, the formation of a Justice, Equity, Diversity, and Inclusion (JEDI) Commission that would guide this effort, recognizing that the burden of education and transformation must not be placed solely on communities of color.
- Consider County membership in the Government Alliance on Race and Equity (GARE), which is a national network of local government agencies working to achieve racial equity and advance opportunities for all. Membership could include contracting with GARE for training and consulting.
- Participate in regularly scheduled trainings for the Board of Supervisors and other elected officials, county staff and the public on topics including workplace biases and how to mitigate them, and understanding racism; these trainings should be meaningful, thoughtful, and data-driven education efforts aimed at understanding, addressing, and dismantling racism, and how racism affects public health, family stability, early education, economic development, public safety, and the delivery of human services.
- Collaborate with the County's law and justice agencies and the community to ensure public confidence that public safety is administered equitably by supporting the Community Advisory Committee recently established by Mono County Sheriff's Office.

- Study and evaluate existing County policies and practices through a lens of racial equity to promote and support policies that prioritize health in an equitable way, especially for people of color, by mitigating exposure to adverse childhood experiences (ACES) and promoting healthy, resilient communities.
- Identify specific activities to enhance diversity within the County Government workforce.
- Support local, regional, state, and federal initiatives that advance efforts to dismantle systemic racism and reduce inequity.
- Encourage community participation in efforts to amplify issues of racism and engaging actively and authentically with communities of color throughout the County.
- Invite other local government agencies in the region to also adopt resolutions affirming that racism is a public health crisis and to work together toward equity.
- Report back to the board and community quarterly starting January 2021 on these activities, including the formation and seating of the JEDI Commission and a midyear budget adjustment to reflect funding commitment.

Fiscal Impact:

None associated with adoption of the resolution, however the resolution includes direction to take action that could result in future unknown fiscal impacts, as described in the staff report.



R20-__

**A RESOLUTION OF THE MONO COUNTY BOARD OF SUPERVISORS
RECOGNIZING RACISM AS A PUBLIC HEALTH CRISIS AND
AFFIRMING MONO COUNTY’S COMMITMENT TO BUILDING
RACIAL EQUITY AND REDUCING DISPARITY**

WHEREAS, throughout our nation’s history, institutional and structural racism and injustice have led to deep and persistent racial disparities across all sectors and have had lasting negative consequences for Mono County; and

WHEREAS, racism results in the structuring of opportunity and assigning of value based solely on skin color and other physical characteristics, which unfairly disadvantages some individuals and communities while providing systemic advantages to other individuals and communities, therefore preventing societies as a whole from achieving their full potential; and

WHEREAS, numerous studies have shown that institutional and structural racism is the root cause of health disparities and social inequities that impact many aspects of life, including housing, education, employment and the economy, public safety and criminal justice, and physical and behavioral health; and

WHEREAS, Mono County is the current and ancestral homelands of indigenous people, and racist laws, practices and historic violence have led to the displacement, and in many cases, the death, of indigenous peoples the suppression of indigenous cultures, languages, and spirituality, and inequities in socioeconomic opportunities and health; and

WHEREAS, the COVID-19 pandemic has disproportionately impacted Latinx residents of Mono County; and

WHEREAS, the May 25, 2020 killing of George Floyd, along with other incidents of police violence have sparked a nationwide movement to address racism and disparity in law enforcement that both the Board of Supervisors and Mono County Sheriff’s Office recognize as legitimate; and

WHEREAS, there is a relationship between health and economic disparities, and thus race, and global climate change because persons with limited resources are disproportionately affected by extreme weather and deteriorating environmental quality; and

1 **WHEREAS**, on September 15, the Mono County Board of Supervisors, during a
2 presentation titled “Moving Towards Equity” affirmed the need to recognize racial disparity and
3 to work for equity in county government and our communities.

4 **NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of the County
5 of Mono affirms that racism is a public and mental health crisis that results in disparities in
6 family stability, health and mental wellness, education, employment, economic development,
7 public safety, criminal justice, and housing.

8 **BE IT FURTHER RESOLVED THAT** the Mono County Board of Supervisors will
9 assert that racism is a public health crisis affecting our entire society, and assess internal policies
10 and procedures to ensure racial equity is a core element of the County; and **BE IT FURTHER**
11 **RESOLVED**, the following actions result from these declarations:

- 12 • Direct the County Administrative Officer and County staff to develop a workplan that
13 includes committing adequate financial resources toward Justice, Equity, Diversity, and
14 Inclusion work, the formation of a Justice, Equity, Diversity, and Inclusion (JEDI)
15 Commission that would guide this effort, recognizing that the burden of education and
16 transformation must not be placed solely on communities of color.
- 17 • Consider County membership in the Government Alliance on Race and Equity (GARE),
18 which is a national network of local government agencies working to achieve racial
19 equity and advance opportunities for all. Membership could include contracting with
20 GARE for training and consulting.
- 21 • Participate in regularly scheduled trainings for the Board of Supervisors and other
22 elected officials, county staff and the public on topics including workplace biases and
23 how to mitigate them, and understanding racism; these trainings should be meaningful,
24 thoughtful, and data-driven education efforts aimed at understanding, addressing, and
25 dismantling racism, and how racism affects public health, family stability, early
26 education, economic development, public safety, and the delivery of human services.
- 27 • Collaborate with the County’s law and justice agencies and the community to ensure
28 public confidence that public safety is administered equitably by supporting the
29 Community Advisory Committee recently established by Mono County Sheriff’s Office.
- 30 • Study and evaluate existing County policies and practices through a lens of racial equity
31 to promote and support policies that prioritize health in an equitable way, especially for
32 people of color, by mitigating exposure to adverse childhood experiences (ACES) and
promoting healthy, resilient communities.
- Identify specific activities to enhance diversity within the County Government
workforce.

- Support local, regional, state, and federal initiatives that advance efforts to dismantle systemic racism and reduce inequity.
- Encourage community participation in efforts to amplify issues of racism and engaging actively and authentically with communities of color throughout the County.
- Invite other local government agencies in the region to also adopt resolutions affirming that racism is a public health crisis and to work together toward equity.
- Report back to the community by March 2021 on these activities, including the formation and seating of the JEDI Commission and a midyear budget adjustment to reflect funding commitment.

PASSED, APPROVED and ADOPTED this 13th day of October 2020, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Stacy Corless, Chair
Mono County Board of Supervisors

ATTEST:

APPROVED AS TO FORM:

Clerk of the Board

County Counsel



**OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS**

REGULAR AGENDA REQUEST

Print

MEETING DATE October 13, 2020

Departments: Sheriff, Public Works

TIME REQUIRED 20 minutes

**PERSONS
APPEARING
BEFORE THE
BOARD**

Sheriff Braun, County Counsel Simon

SUBJECT Update on Wildfires and Review of
Open Fire Ban

AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Update and discussion regarding status of wildfires across the State and in Mono County. Weekly review of need for Urgency Ordinance Prohibiting Open Fires on Private Property Within the Unincorporated Area of Mono County Due to Extreme Fire Danger.

RECOMMENDED ACTION:

Hear update and provide any desired direction to staff including, but not limited to, whether to continue the prohibition in whole or in part.

FISCAL IMPACT:

None.

CONTACT NAME: Stacey Simon

PHONE/EMAIL: 760-648-3270 / ssimon@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

<p>Click to download</p> <p>No Attachments Available</p>
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History

Time	Who	Approval
10/8/2020 11:23 AM	County Administrative Office	Yes
10/7/2020 3:51 PM	County Counsel	Yes

10/8/2020 9:44 AM

Finance

Yes



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE October 13, 2020

Departments: Elections

TIME REQUIRED 10 minutes

**PERSONS
APPEARING
BEFORE THE
BOARD** Shannon Kendall

SUBJECT Election Update

AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Update on November 3, 2020 General Election.

RECOMMENDED ACTION:

None, informational only.

FISCAL IMPACT:

None.

CONTACT NAME: Shannon Kendall

PHONE/EMAIL: 760-932-5533 / skendall@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

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No Attachments Available

History

Time	Who	Approval
10/8/2020 11:22 AM	County Administrative Office	Yes
10/7/2020 9:42 AM	County Counsel	Yes
10/8/2020 9:44 AM	Finance	Yes



**OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS**

REGULAR AGENDA REQUEST

Print

MEETING DATE October 13, 2020

Departments: CAO

TIME REQUIRED 30 minutes

PERSONS APPEARING BEFORE THE BOARD Dave Wilbrecht, Dr. Tom Boo

SUBJECT COVID-19 (Coronavirus) Update

AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Update on Countywide response and planning related to the COVID-19 pandemic, including reports from the Emergency Operations Center (EOC), Unified Command (UC), and the various branches of the EOC, including Community Support and Economic Recovery, Joint Information Center (JIC), and Public Health.

RECOMMENDED ACTION:

None, informational only.

FISCAL IMPACT:

None.

CONTACT NAME: Dave Wilbrecht

PHONE/EMAIL: 360-746-9853 / dwilbrecht@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

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History

Time	Who	Approval
10/8/2020 11:22 AM	County Administrative Office	Yes
10/8/2020 9:11 AM	County Counsel	Yes
10/8/2020 9:43 AM	Finance	Yes



**OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS**

REGULAR AGENDA REQUEST

Print

MEETING DATE October 13, 2020

Departments: Sheriff, Public Works

TIME REQUIRED 30 minutes

**PERSONS
APPEARING
BEFORE THE
BOARD**

Ingrid Braun, Sheriff; Tony Dublino,
Director of Public Works

SUBJECT Bridgeport Jail - Project Update

AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Presentation by Sheriff Braun and Director of Public Works Tony Dublino regarding the Bridgeport Jail project, including past outreach, the County's SB844 grant of \$25,000,000, current status and schedule.

RECOMMENDED ACTION:

None, informational only.

FISCAL IMPACT:

None with this agenda item. The SB844 grant application in 2017 estimated the total cost of the project at \$27,053,000, of which \$25 million is funded by the State, \$440,000 is in-kind staff hours, \$119,000 has been spent, and \$1,494,000 is the County's remaining local match requirement. This remaining amount is 100% funded in the FY 2020-21 budget and includes a \$707,137 contribution from the General Fund, \$127,000 from the criminal justice facilities construction trust account, and \$659,863 in carryover funding primarily accumulated from Community Corrections Partnership prior year contributions.

CONTACT NAME: Tony Dublino

PHONE/EMAIL: 760-932-5459 / tdublino@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

<p>Click to download</p> <p> Staff Report</p>

History

Time

Who

Approval

10/8/2020 11:23 AM

County Administrative Office

Yes

10/8/2020 9:07 AM

County Counsel

Yes

10/8/2020 10:28 AM

Finance

Yes

MONO COUNTY
SHERIFF
A Commitment to Community Safety and Service



Ingrid Braun
Sheriff-Coroner

MONO COUNTY SHERIFF'S OFFICE

Phillip West
Undersheriff

DATE: October 13, 2020
TO: The Honorable Board of Supervisors
FROM: Ingrid Braun, Sheriff-Coroner
SUBJECT: Jail Construction Update

BACKGROUND

The current Mono County Jail completed construction in 1988. Prior to 2011, California county jails were used to house people serving less than one year for misdemeanor convictions and those awaiting trial. In 2011 the California Legislature enacted Assembly Bill (AB) 109, also known as Realignment, which diverted certain felony convictions from state prison to county jails. Realignment created a population in county jails serving longer periods of time, and it also shifted the responsibility of providing programming and treatment for this population to county jails. The current jail was not designed to hold inmates for more than a year, and it does not have any space for medical treatment, programming, or appropriate segregated housing for felons.

Acknowledging the burden Realignment placed on county jails, the California Legislature made available jail construction financing to assist counties in building jail facilities to meet the needs of their changing populations. In 2016 Senate Bill (SB) 844, the last in a series of jail construction financing bills, provided up to \$25 million for small counties that had not previously applied for funding. Mono County recognized this opportunity and put in motion the application process.

Mono County hired the firm of Nacht & Lewis & Vanir to complete a Jail Needs Assessment. On January 3, 2017, the Board of Supervisors held a Jail Needs Assessment Workshop. At that Workshop the Board received the Jail Needs Assessment presentation and held a lengthy discussion regarding the options proposed. One option was to attempt to obtain an adjacent property and build an annex to the existing jail. The second option was to build a new facility on the existing Bridgeport Hospital site, which would include the demolition of the old hospital facility. The Board directed Public Works to pursue the annex option first, but if the property could not be obtained, then to pursue the new facility. The Board further directed that a presentation be made to the Bridgeport Regional Planning Advisory Committee (RPAC). There was no public comment during the Workshop.

On January 17, 2017, an update was provided to the Board of Supervisors advising that the proposed location for the Jail Annex was not available. A more detailed budget and match financing options were also presented. The Board gave direction to proceed with the application. There was no public comment.

On January 19, 2017, a presentation was made to the Bridgeport RPAC. There were no minutes available from that meeting, but the recollection of Community Development Director Wendy Sugimura was that there was no opposition presented. An update was provided at the February 16, 2017, RPAC meeting. According to the minutes, there was no opposition presented.

On February 21, 2017, the Board of Supervisors approved submitting the application for SB 844 funding for a new jail facility at the old Bridgeport Hospital site. There was no public comment. On June 18, 2017, the Board of State and Community Corrections (BSCC) announced that Mono County was awarded \$25 million for new jail construction.

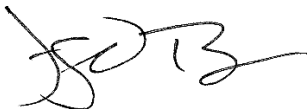
Mono County issued a Request for Qualifications for Architectural, Engineering and Construction Management services. In May of 2018, Lionakis was selected to provide design, architectural, and engineering services for the project, as well as specific project supports services.

CURRENT EFFORTS

Due to staffing shortages through 2019 and early 2020 as staff was focused on the Civic Center project, a formal engagement with Lionakis did not immediately occur. Staff has been in regular communication with Lionakis, and the BSCC regarding the project, and expects to bring the contract with Lionakis to a Board meeting within the next two months. Following execution of the contract, Lionakis will immediately begin work on the “Project Establishment” phase of the project.

Once the project is formally “established” at the state level, work on the project will begin in earnest. A tentative schedule shows a two-year design process followed by two years of bidding and actual construction. If the project proceeds according to this schedule, the project would be completed near January 1, 2025.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'IB' with a stylized flourish.

Ingrid Braun
Sheriff-Coroner



**OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS**

REGULAR AGENDA REQUEST

Print

MEETING DATE October 13, 2020

TIME REQUIRED

SUBJECT Closed Session - Exposure to
Litigation

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code section 54956.9. Number of potential cases: 1.

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME:

PHONE/EMAIL: /

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

<p>Click to download</p> <p>No Attachments Available</p>
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History

Time

Who

Approval



**OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS**

REGULAR AGENDA REQUEST

Print

MEETING DATE October 13, 2020

Departments: Board of Supervisors

TIME REQUIRED 20 minutes

**PERSONS
APPEARING
BEFORE THE
BOARD**

Don Condon, Lynn Boulton, Leslie
Wielenga, Jeff Harding, Dr. David Bliss

SUBJECT Presentation on Microgrids,
Advantages, and Possible Financing
Options for the County

AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Presentation on microgrids, advantages, and possible financing options for the County to consider by Don Condon / Lynn Boulton and a presentation on FEMA Building Resilient Infrastructure and Communities (BRIC) grant by ChargeBliss.

RECOMMENDED ACTION:

Staff recommends that the Board determine whether to submit the project into the County's Project Review system for staff analysis and recommendation. Provide any other desired direction to staff.

FISCAL IMPACT:

Staff time to work on the grant and consultant costs at some point in the future.

CONTACT NAME: Lynn Boulton

PHONE/EMAIL: 760-914-9016 / amazinglynn@yahoo.com

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
Memo
Presentation

History

Time	Who	Approval
10/8/2020 11:22 AM	County Administrative Office	Yes
10/8/2020 9:08 AM	County Counsel	Yes

10/8/2020 10:43 AM

Finance

Yes



*Ready for 100% Renewable Energy Team
Mono County*

To: Honorable Board of Supervisors

From: Don Condon, Lynn Boulton

Date: October 13, 2020

Subject

Presentation on microgrids, advantages, and possible financing options for the County to consider by Don Condon/Lynn Boulton and a presentation on FEMA BRIC grant by ChargeBliss.

Recommendation

- Take initial steps to determine the feasibility of installing a microgrid at the new Civic Center building: solar panels w/ battery storage. Possibly expand the project to include other emergency facilities e.g. the hospital, jail, schools, water district.
 - apply for a BRIC grant
 - hire a consultant to prepare an RFP and propose financing options
 - collect utility bills

High Sierra Energy Foundation and ChargeBliss offer their support in preparing a grant.

Discussion

Climate change will impact Mono County significantly as snowpack decreases, streams become seasonal, and wildfires are more frequent. To help reduce the effects of climate change, California has mandated CARB to ensure the state is carbon neutral by 2045 and to reduce carbon emission by 40% by 2030. In support of the state's goals, Mono County has set targets to reduce GHGs as well including a goal to increase renewable energy usage. Microgrids can help. Microgrids are also a means for the Town of Mammoth Lakes and Mono County emergency services to continue operating minimal services in the event of a loss of power.

Is ORMAT an alternative? ORMAT's Casa Diablo plants send the power they generate to the SCE substation nearby. There is a transmission line from that substation to the

Town of Mammoth Lakes and Mammoth Mountain. That line is part of SCE's Birchim Circuit. If SCE cuts the power to that circuit, then ORMAT's electricity can't be transmitted anywhere. There would have to be a direct connection from Casa Diablo to the town line bypassing the substation. I'm not sure if that is possible or allowed by the CPUC.

Fiscal Impact

Staff time to work on the grant and consultant costs at some point in the future.

Time Requested

20 minutes: 10 minutes Don Condon and Lynn Boulton, 10 minutes Leslie Wielenga, Jeff Harding, and possibly Dr. David Bliss.

How can Mono County fight climate change? and prepare for it?

Lynn Boulton & Don Condon
Ready for 100%--Mammoth Team

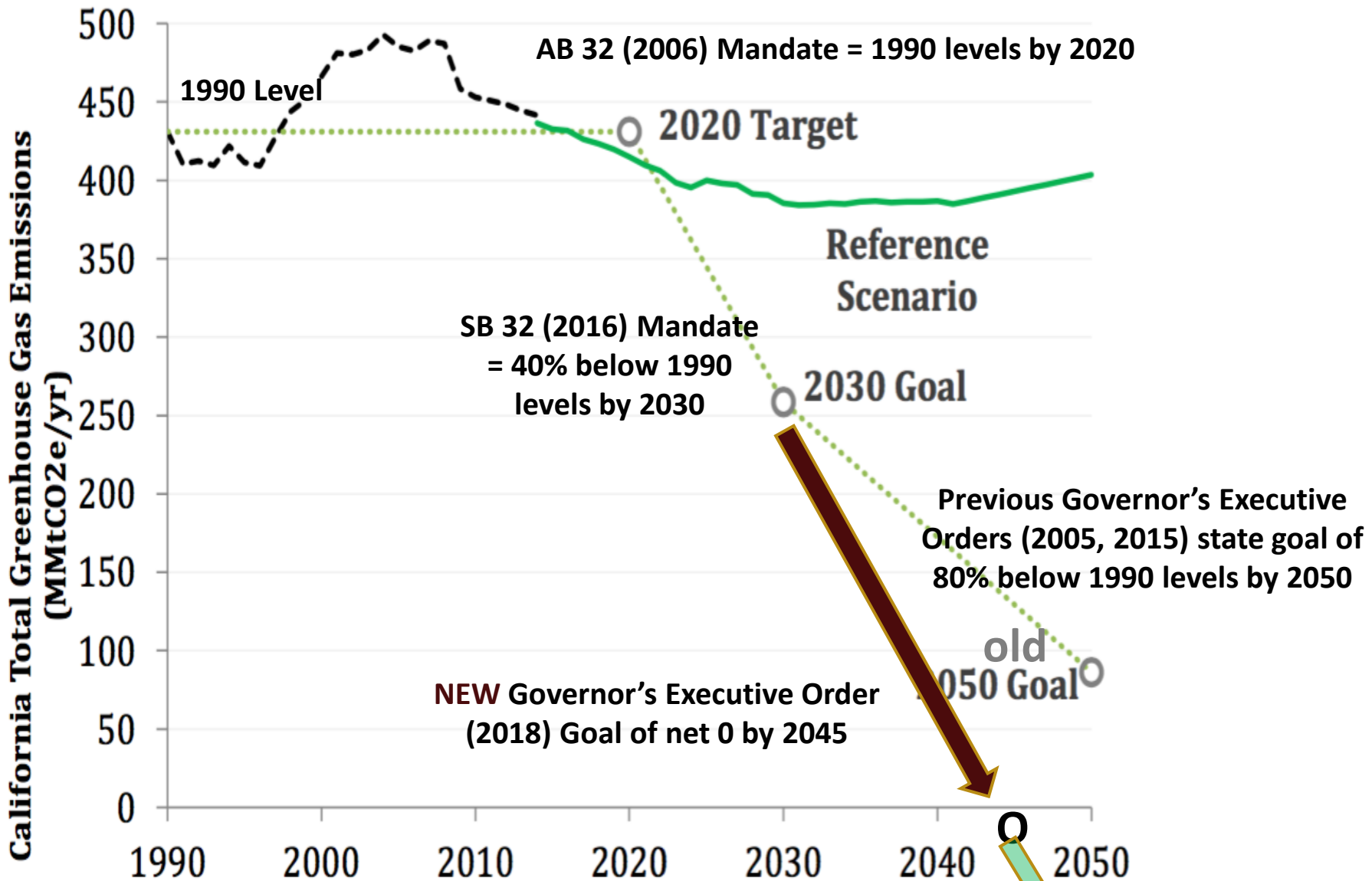


California's Climate Change Goals

- to reduce 1990 carbon emissions by 15% by 2020 (AB 32, 2006)
--met in 2016, 4 years early
- to reduce 1990 carbon emissions by 40% by 2030 (SB 32, 2016)
--not on track to meet it
- to be carbon neutral by 2045 (in 25 years) (Executive Order B-55-18-2018)

Wildfires releasing large amounts of carbon are thwarting efforts





AB 32 (2006) Mandate = 1990 levels by 2020

1990 Level

2020 Target

Reference Scenario

SB 32 (2016) Mandate = 40% below 1990 levels by 2030

2030 Goal

Previous Governor's Executive Orders (2005, 2015) state goal of 80% below 1990 levels by 2050

old 2050 Goal

NEW Governor's Executive Order (2018) Goal of net 0 by 2045

CARBON NEGATIVE

Then remove Carbon Dioxide from Atmosphere

Mono County Resource Efficiency Plan (8/1/2014)

Mono County's 2020 Resource Efficiency Targets:

- 10% reduction in GHGs from 2005 emissions levels
- 20% reduction in GHGs from 2010 emission levels
- 38 MW of additional renewable energy in the unincorporated county (30MW would come from Casa Diablo IV)
- Revise the REP and inventory emissions every 5 yrs.

Microgrids can help Mono County reach their goals but more importantly, they can provide power when the grid is down.



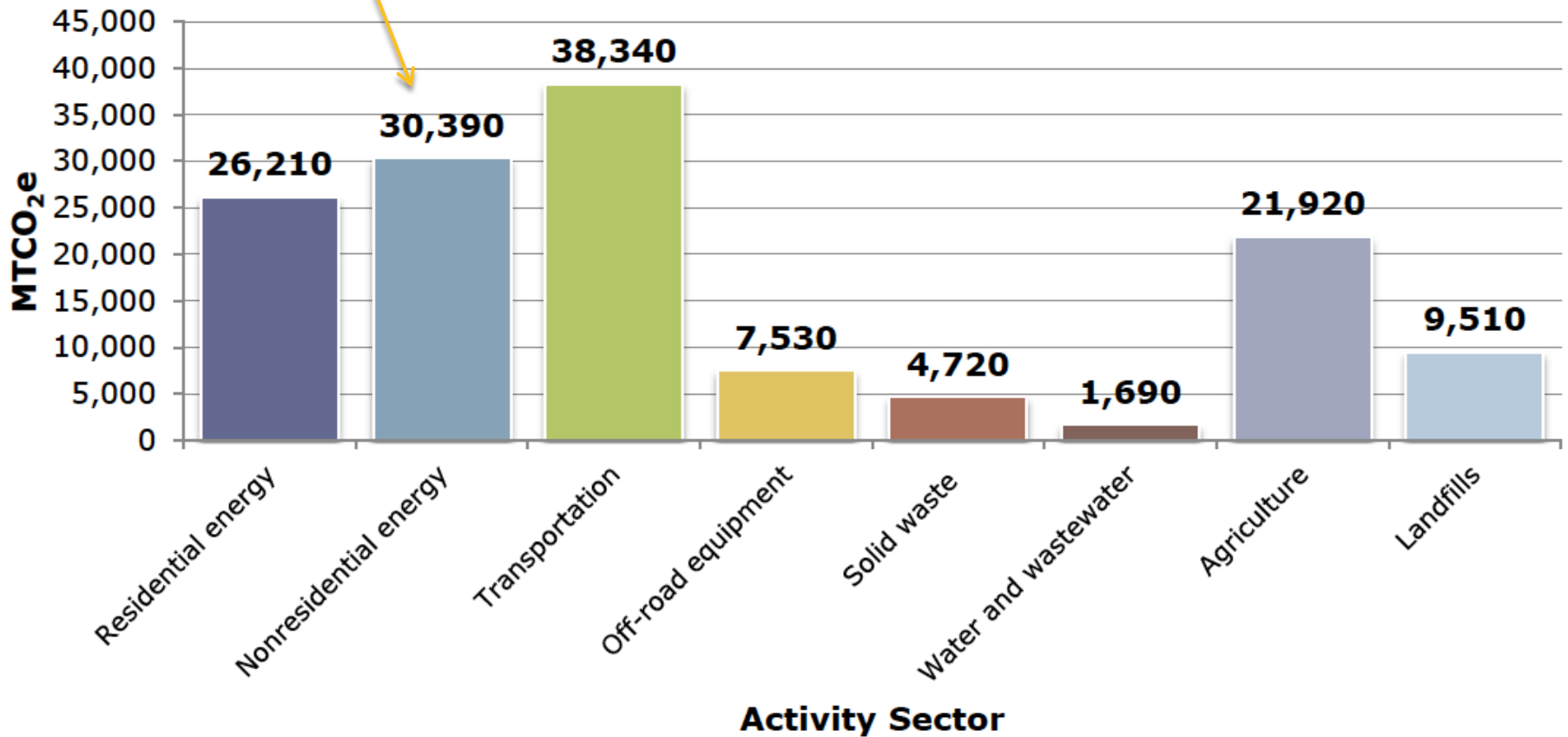
Mono County's Accomplishments Towards REP Goals

- Improve energy efficiency in existing buildings:
Biomass heater in the Bridgeport maintenance building, HVAC upgrades in several county buildings, wood stove replacement program
- Reduce energy use in new construction and major renovations
savings with new Civic Center compared to old buildings the County rented
- Encourage appropriately scaled renewable energy generation for use within the county:
Hess Park, expedited solar permits, PACE loans, waived fees for alternative energy projects, solar panels at community centers
- Reduce generation of waste within the county
- Improve connectivity and efficiency of transportation:
Updated transportation plan for alternative fuel vehicles, free EVCS at Hess Park, fleet chargers planned for Civic Center



Microgrids can help here

Figure 3: 2010 Community Emissions by Sector



Solar Panels at the Civic Center

- Would provide renewable energy to the grid.
- Can be financed and owned by the county
- Can be financed through grants and owned by the county
- Can be financed by an outside company through a Power Purchase Agreement (PPA) and owned by the financier



Net Metering

- Net metering rate plans are the plans that go with solar panels.
- Net metering rate plans are based on time-of-use. Off-peak rates are lower than general service plan rates.
- Smart controllers would allow the county to pull from the grid during the lower peak times and pull from the batteries during high peak times to avoid expensive demand charges.



Microgrids

- Microgrids are mini grids with an independent power source
- Microgrids usually get power off the grid, but can island-off it and run independently.
- They consist of solar panels, battery storage, and smart controller.
- A smart controller can shed non-essential loads, determine when to feed the battery, when to feed the grid, and when to draw on battery storage
- Can be used in response to offset higher time-of-use rates



PERCs: Powered Emergency Response Centers

- PERCs provide backup power in the event of a power outage.
- Backup power could be provided in the event of a PSPS event.
- The Civic Center Building is the county's emergency response center. It houses public health, environmental health and social services.
- PERCs are eligible for grants and other financing arrangements.

See <https://ecomotion.us/powerd-emergency-response-centers-percs-at-santa-rita-union-school-district/>



SB1215 Microgrid Grant Program

Passed in the state senate, but may die in the state Assembly's Utilities and Energy Committee:

- Would support state and local government efforts to enhance public safety, protect vulnerable populations, and improve resiliency in response to PSPSs.
- Would offer planning grants and technical assistance to local governments to assist in identifying microgrid projects within their jurisdictions.

The Office of Emergency Services would run the “Local Government De-energization Event Resiliency Fund” grant program.



FEMA BRIC Grant Program

A pre-disaster mitigation/preparedness grant focused on community lifeline services: Security, Food/Water/Shelter, Medical, Energy, Communications, Transportation

- \$446.4 million Nationally, \$20 million tribal set-aside
- \$50 million cap per national applicant, \$600,000 cap per tribal applicant
- 25% cost share

Grants will be accepted from Sept 30-Jan 29, 2021

https://www.fema.gov/sites/default/files/2020-07/fema_bric_session-4_community-lifelines.pdf

https://www.fema.gov/sites/default/files/2020-08/fema_bric_fy-2020_nofa_fact-sheet.pdf

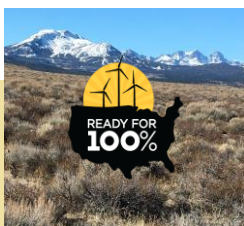


Self-Generation Incentive Program (SGIP)

Provides tax incentives and rebates to support existing, new, and innovative distributed energy resources e.g. advanced storage systems. It applies to emergency preparedness services:

- Police stations; or
- Fire stations; or
- Emergency operations centers; or
- 911 call centers (also referred to as Public Safety Answering Points); or
- Medical facilities including hospitals, skilled nursing facilities, nursing homes, blood banks, health care facilities, dialysis centers and hospice facilities; or
- Public and private gas, electric, water, wastewater or flood control facilities; or
- Jails and prisons; or
- Locations designated by the IOUs to provide assistance during PSPS events (CRCs); or
- Cooling centers designated by state, local or tribal governments

SCE offers \$1,000 per kWh of the a battery storage system's capacity



Our Ask

Install a microgrid at the new Civic Center building and consider incorporating other essential facilities i.e. the hospital, the schools, the jail, the water district.

- apply for a FEMA BRIC grant
- hire a consultant to prepare an RFP for the project

California Government Code Chpt 3.2 Energy Conservation Contracts 4217.10-12 allows you to authorize an energy contract if in the County's best interest. A BRIC microgrid project could qualify.



Short Microgrid Overview Videos

- <https://www.youtube.com/watch?v=5uSOp9tvVrA>
(first 4 mins) or
<https://www.youtube.com/watch?v=8XksxOZSJOU>





OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE October 13, 2020

Departments: Community Development

TIME REQUIRED PUBLIC HEARING: 2:00 PM (3 hours)

**PERSONS
APPEARING
BEFORE THE
BOARD**

Wendy Sugimura, Gerry LeFrancois,
Sandra Bauer

SUBJECT PUBLIC HEARING: Consideration of
Tioga Inn Specific Plan Amendment

AGENDA DESCRIPTION:

(A brief general description of what the Board will hear, discuss, consider, or act upon)

Tioga Inn Specific Plan Amendment and Final Subsequent Environmental Impact Report (FSEIR) to amend the 1993 Tioga Inn Specific Plan ([1993 Specific Plan and EIR](#)) located at 22, 133, and 254 Vista Point Road in Lee Vining and consisting of four parcels (APN 021- 080-014, -025, -026 & -027). The Specific Plan Amendment proposes up to 150 new workforce housing bedrooms in up to 100 new units, a third gas-pump island with overhead canopy, additional parking to accommodate on-site guest vehicles as well as a general-use park-and-ride facility and bus parking for Yosemite transit vehicles, a new package wastewater treatment system tied to a new subsurface drip irrigation system, replacement of the existing water storage tank with a new tank of the same size in the same area, a new 30,000-gallon on-site propane tank (eventually replacing the existing five on-site tanks), modification to the boundaries and acreage of designated open space, and modification of parcel boundaries. The 1993 approvals, which include a still unconstructed two-story, 120-room hotel and full-service restaurant on the site, remain in effect regardless of whether the Proposed Amendment is approved.

RECOMMENDED ACTION:

- 1) Receive staff presentation, hold public hearing and receive public testimony on the Tioga Inn Specific Plan Amendment #3 ("Project"), refined Alternative 7-Hybrid Plan ("Preferred Alternative"), and FSEIR (Attachment 1); and
- 2) Find that the Project/Preferred Alternative is not subject to the Housing Accountability Act; and
- 3) Take one of the following actions:
 - a. (Approval) - Adopt proposed Resolution: (1) certifying the FSEIR, making all required findings, and adopting the Statement of Overriding Considerations; (2) adopting the Mitigation Monitoring and Reporting Program (MMRP) as recommended by the Planning Commission or with modifications reflecting prior Board direction (outlined in Section One of the proposed Resolution); and (3) approving Preferred Alternative 7, as presented (which reflects prior Board direction), or with further modifications; or
 - b. (Denial) - Determine that one or more of the unavoidable adverse environmental effects identified in the FSEIR are not outweighed by specific economic, legal, social, technological, or other benefits of the Project and deny the Project and do not certify the FSEIR. Additionally, specify which Specific Plan findings, if any, cannot be made.

FISCAL IMPACT:

Property tax, sales tax, and gas tax revenue will increase if the project is approved and constructed.

CONTACT NAME: Wendy Sugimura

PHONE/EMAIL: 760-924-1814 / wsugimura@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
<input type="checkbox"/> 0 Staff Report
<input type="checkbox"/> 2 Tioga Inn SP3 BOS Resolution
<input type="checkbox"/> 3 Tioga Inn Conceptual Plans
<input type="checkbox"/> 4 Tioga Resolved Issues
<input type="checkbox"/> 5 Tioga Responses to Comments
<input type="checkbox"/> 6 Tioga SPA

History

Time	Who	Approval
10/8/2020 4:46 PM	County Administrative Office	Yes
10/8/2020 4:38 PM	County Counsel	Yes
10/8/2020 10:46 AM	Finance	Yes

Mono County Community Development Department

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

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

October 13, 2020

To: Honorable Board of Supervisors

From: Gerry Le Francois, Principal Planner
Wendy Sugimura, Planning Director
Michael Draper, Planning Analyst
Sandra Bauer, CEQA Consultant

Re: PUBLIC HEARING: Consideration of Tioga Inn Specific Plan Amendment #3 (Project) and Final Subsequent Environmental Impact Report (SEIR)

I. RECOMMENDATION

Recommended Action (applies to all options):

1. Receive staff report and presentation, hold public hearing and receive public testimony on the Tioga Inn Specific Plan Amendment #3 ("Project"), refined Alternative 7-Hybrid Plan ("Preferred Alternative"), and Final Subsequent Environmental Impact Report (SEIR) (Attachment 1).

Option 1: Certify the SEIR and Approve the Project and Preferred Alternative (Alternative 7 as refined), Incorporating Board Direction from the 6 August 2020 Public Hearing as Presented, or with Further Modifications.

Adopt proposed Resolution (Attachment 2): 1) certifying the Final Subsequent Environmental Impact Report (SEIR), making all required findings, and adopting the Statement of Overriding Considerations (Resolution Exhibit A); 2) adopting the Mitigation Monitoring and Reporting Program (MMRP; in Attachment 1) as recommended by the Planning Commission or with further modifications; and 3) approving the Project and Preferred Alternative (Alternative 7 as refined) as presented or with further modifications.

Option 2 – Deny the Project and Do Not Certify the SEIR.

If the Board of Supervisors determines that one or more of the unavoidable adverse environmental effects identified in the EIR are not outweighed by specific economic, legal, social, technological, or other benefits of the Project, then it would not adopt a Statement of Overriding Considerations for the Project, and would not adopt the proposed Resolution. Instead, the Board should specify which (or all) unavoidable adverse effects it finds to be unacceptable (i.e., not outweighed by the Project's benefits) and articulate its reasoning.

If the Board is unable to make one of the Specific Plan findings listed in Section Three of the proposed Resolution, then it must articulate which (or all) of those finding(s) cannot be made and explain its reasoning. (If the Board determines to make this finding, staff may ask for a short recess to develop appropriate language for the Board to make a formal motion.)

II. BACKGROUND AND PREVIOUS BOARD MEETINGS

The public hearing held at the Board of Supervisors meeting of June 29-30, 2020, included the following information in the staff report (available at <https://monocounty.ca.gov/bos/page/board-supervisors-special-meeting-35>):

- Project Document Availability
- Project Location, Land Uses & History
- Tioga Inn Specific Plan Amendment #3 Project Description, including Alternative #6 which was the preferred alternative at the time
- Environmental Review & Significant Impacts
- Public Hearing Notice & Comments, and Tribal Consultation
- Planning Commission Recommendation
- Additional Considerations including Eastern Sierra Unified School District, housing demand, and trail and SR 120 crossing
- Recommended Modification(s) including shuttle service mitigation measure modification, corrections to FSEIR visual analysis, Specific Plan modifications, lighting plan amendment
- Findings
- Attachments & Weblinks to Documents

In addition, several changes were proposed in the PowerPoint presentation to the Board of Supervisors in response to comments including addition of housing prioritization for employees and refinements to individual mitigation measures related to site disturbance, phasing plan, and shuttle, all of which would reduce impacts and were accepted by the applicant. At the meeting, the Board directed several modifications which are carried forward in the August 6, 2020, staff report, and directed a new alternative be crafted by combining Project elements from two different alternatives analyzed in the SEIR (Alternative 6 and the Cluster Alternative) in order to further reduce visual impacts of the Project, creating a Hybrid Plan Alternative.

The staff report for the public hearing held at the Board of Supervisors meeting on August 6, 2020, (<https://monocounty.ca.gov/bos/page/board-supervisors-special-meeting-37>) referred to the June staff report for background information that remained unchanged, and included the following new information:

- Modifications as Directed at the June 29-30 Meeting
- Project Clarifications: roundabout at SR 120/US 395 junction, protections for stockpiled soils, and response to hydrology concern raised in public comment letter
- Unresolved Issues and Further Modifications, Attachment 5: presentation of Alternative 7-Hybrid Plan, revisions to the visual analysis for Alternative 6, and the environmental impact analysis for Alternative 7-Hybrid Plan.
- Unresolved Issues and Further Modifications, Attachment 6: phasing of grading, evacuation routes to SR 120 and US 395, propane tank location, connectivity trail, deed restriction of units and Lee Vining Fire Protection District concerns.
- Public Hearing Notice & Comments

This staff report similarly attempts to minimize repetition of information that has not changed; past documents including the staff report from the June 29-30 and August 6, 2020, Board meetings should be referenced for that information. The focus is instead on responding to Board discussion of the Alternative 7-Hybrid Plan and information generated in response to public or Board comments.

Following the 6 August 2020 Board meeting and at the request of Supervisor Stump, a memorandum was sent to Supervisors regarding the “Expectation of Level of Detail in Specific Plan Site Plans.” The memorandum reviews the hierarchy of planning documents used to regulate development and the specific plan’s place within that hierarchy, the role of specific plans specifically within Mono County planning regulations, typical expectations of site plan detail, and staff determination of compliance with the site plan. The memorandum is available on the project webpage at <https://monocounty.ca.gov/planning/page/tioga-inn-specific-plan-seir>.

III. REFINED PREFERRED ALTERNATIVE: ALTERNATIVE 7-HYBRID PLAN

INTRODUCTION & BACKGROUND

The Tioga Community Housing Project “Alternative 7-Hybrid Plan,” which consists of project elements previously analyzed as Alternative 6 and the Cluster Alternative, has been further refined consistent with discussion at the 6 August 2020 Board of Supervisors meeting. The refined plans (Attachment 3) are presented as the “Alt #7 Housing Concept Site Plan” (Alt 7 Concept Site Plan) with a plan sheet for both the full site and zoomed in on the community housing area, and “Landscape Concept Plan,” and primarily address the following issues:

- **LAYOUT:** Building layout has been refined for each of the three project phases. The future building permit application submittal must be deemed “substantially compliant” with the Alt 7 Site Plan by the Community Development Department (CDD; see Mitigation Measure AES 5.12(a,b-1)(Design Criteria below)).
 - PHASE 1: High level of detail and certainty regarding unit locations, orientation, layout and style.
 - PHASE 2: Moderate level of detail and certainty regarding unit locations, orientation, layout and style.
 - PHASE 3: Lowest level of detail and certainty regarding unit locations, orientation, layout and style.
- **LANDSCAPING:** The Landscape Concept Plan identifies the number, size, location and species of trees to be planted and is specifically designed to assure comprehensive screening of project elements which would otherwise be visible from offsite locations including South Tufa, Navy Beach, and US 395. Mitigation Measure 5.12(a,b-2)(Visual Screening & Landscaping) provides for the timing of the plantings and monitoring to assure plant establishment and survival. The Plan was prepared by Bob Weiland of Weiland Design Group, Inc., who specializes in landscape architecture. Further details on the Landscape Concept Plan are included below.
- **GRADING:** Clarify the relationship between proposed grading and required infrastructure for each phase of project development.

As further directed by the Board of Supervisors, the project development team and staff met with Supervisor Gardner on 10 August 2020 to learn his expectations for the level of detail to be provided in the site plan. The results of that meeting have been incorporated into the refined plans.

ALTERNATIVE 7-HYBRID PLAN REVISIONS SINCE 6 AUGUST 2020

The refined Alt 7 Concept Site Plan is provided in Attachment 3 and illustrates the phasing of all proposed 100 community housing units, as described below:

- **Phase 1:** Phase 1 contains the 30 units that, unscreened, would be least visible (without screening) from offsite locations. Phase 1 will consist entirely of small units including studios, 1-bedroom, and 2-bedroom units, with a combined maximum total of 38 rooms, the majority of which will be designed as individual stand-alone and detached units. A small percentage of units are likely to be two-unit attached structures (e.g., duplexes). All buildings are separated by a minimum of 10 feet and connected to the adjacent parking area by a sidewalk. All 30 of the Phase 1 units are located on the lower-elevation eastern row of housing units.
- **Phase 2:** Phase 2 consists of 40 units with mid-level visibility from offsite locations (without screening), including the Manager's Unit. The 40 Phase 2 units consist of studios, 1-bedroom units, and 2-bedroom units, with a combined maximum total of 54 bedrooms. As with Phase 1, most of the Phase 2 units are expected to be stand-alone and detached structures; a small number of the studio units would be designed as two-unit attached structures. All buildings are separated by a minimum of 10 feet and connected to the adjacent parking area by a sidewalk. All 40 of the Phase 2 units are located at the north end of the housing complex, with roughly half on the lower-elevation eastern row and half on the higher-elevation western row, except the Manager's Unit which is located outside the building footprint to the west of the housing area.
- **Phase 3:** Phase 3 consists of up to 30 units located on the south end of the housing complex on the higher-elevation western row. Absent screening, the Phase 3 units would have the highest level of visibility from offsite locations. The design, layout, and form of the 30 Phase 3 units remains flexible to allow future construction of multi-unit structures, individual units, or a mix.

The final layout of Phase 3 units will be designed in response to demand for onsite housing and demographic characteristics of future tenants, which is unknown at this time. As discussed in DSEIR/FSEIR §5.6 (Population and Housing; Impact 5.6(a), page 5.6-9), the project proposal is flexible by design to respond to changing workforce demographics over time. Demographic research suggests that compared with current workers, the future workforce will be older, more educated, and with more females, but a declining share of mothers with young children, increasing numbers of unmarried individuals, and more racially and ethnically diverse than the current workforce. If these trends materialize, it is possible that the 3-bedroom units will not be in demand. Flexibility in design and layout will enable the final phase of project units to respond to changing tenant needs. In all cases, however, the Phase 3 unit total will not exceed 30, and the overall project will not exceed 150 bedrooms.

All units in Phases 1, 2 and 3 will comply with the California Building Code at the time the building permit is submitted and unit sizes have been reduced by about 20% from the sizes discussed in the Draft SEIR¹ in order to accommodate the individual-unit design.

Building Permit Site Plan Approval & Substantial Compliance

¹ As now proposed, the studio units are anticipated be about 220 square feet (sf), the 1-bedroom units about 288 sf, and the 2-bedroom units about 388 sf. Final unit sizes proposed in the building permit must be deemed substantially compliant as described in this section.

At the 6 August 2020 meeting, the Board considered requiring the Planning Commission to approve the final layout as submitted in a future building permit application. However, the Planning Division has historically relied on an analysis of “substantial compliance” to determine consistency of a building permit site plan with the governing specific plan document (see memorandum to Board of Supervisors regarding “Expectation of Level of Detail in Specific Plan Site Plans” at <https://monocounty.ca.gov/planning/page/tioga-inn-specific-plan-seir>). The staff recommendation is to adhere to the standard practice of a “substantial compliance” determination, which is further defined below, for at least Phases 1 and 2, if not for all three phases.

Mitigation Measure AES 5.12(a,b-2)(Design Criteria) below generally identifies the criteria that define “substantial compliance,” and is essentially the same as previously proposed except it clarifies that the manager’s unit is outside the building footprint and includes site plan review and approval by the Planning Commission as directed on 6 August 2020. The purpose of the mitigation measure is to ensure the building permit site plan design complies with the California Environmental Quality Act (CEQA) analysis (for visual impacts, in particular) and Specific Plan conditions even if the final layout may include slightly different configurations of building types, locations within the building footprint, or unit sizes or orientation than is approved in the Alt 7 Concept Site Plan. Change in layout between the planning phase and construction documents is not uncommon due to practical building and/or engineering considerations, developer preferences, cost efficiencies, market demand, etc., and therefore the “substantial compliance” evaluation is standard practice. In addition to substantial compliance, the CDD will evaluate the building permit application for compliance with all Specific Plan conditions and CEQA mitigation measures.

MITIGATION MEASURE AES 5.12(a,b-1)(Design Criteria): To be consistent with requirements of Tioga Inn Specific Plan Amendment #3, all housing structures within the residential complex must at a minimum conform to the following five criteria:

- ***Limits of Construction:*** All Community Housing residential structures, whether attached or detached units, must be located within the building envelope indicated on the Alternative 7 Concept Site Plan except for the manager’s unit, which is located outside the building envelope to the west.
- ***Maximum Heights:*** All Community Housing residential structures shall be of single-story construction with a maximum roof height not to exceed 16 feet.
- ***Number of Units and Bedrooms:*** As previously stated in the project description, the Community Housing complex shall not contain more than 100 residential units and 150 bedrooms, including the manager’s unit, and shall conform to the phasing plan.
- ***Screening Landscaping:*** Screening landscaping shall be provided consistent with the Landscape Concept Plan developed by Weiland Design Group Inc., dated 9-8-20. The Landscape Concept Plan was developed to be consistent with (a) Mitigation Measure AES 5.12(a,b-2)(Visual Screening & Landscaping) and (b) the Conceptual Landscaping standards outlined in FSEIR/DSEIR Specific Plan Table 4-12.
- ***Visibility of Residential Units and Structures:*** All structures and units within the Community Housing complex shall be within the sight lines and visibility cones depicted in the CEQA visual analysis.

The site plan for each phase shall be reviewed and approved by the Planning Commission for consistency with the Specific Plan prior to building permit submittal.

Grading

To provide for traffic circulation, the fill necessary to create the Phase 1 building pad and parking area, the landscape berm, and ensure the landscape trees are planted as early as possible to maximize screening effectiveness, the grading for all three phases is proposed to occur at the same time as Phase 1 is constructed. Additional benefits of completing all grading in Phase 1 include maximizing the efficiency of the voluntary tribal monitoring provision, installing subsurface utilities to facilitate residents’ access to infrastructure through all

phases, ensuring all fire safe egress improvements are completed with Phase 1, and preventing safety hazards such as use of heavy machinery near tenants and families and exposure of tenants and families to unnecessary noise and dust.

CONCEPTUAL LANDSCAPE PLAN

The August 2020 Board packet of materials included a Screening Tree Plan that had been prepared by Triad Holmes & Associates and has now been refined by Weiland Design Group into the Landscape Concept Plan (Attachment 3). In preparing this Plan, Bob Weiland of Weiland Design Group, Inc., visited offsite locations including South Tufa, Navy Beach, and US 395 to ensure the landscape design would effectively screen structures from these viewpoints.

The Landscape Concept Plan consists of seven tree species, one shrub and one groundcover species. Four of the seven tree species will be a minimum height of 13-feet at the time of planting on top of the three-to-four-foot parking lot berm (for a total initial tree height of at least 16 feet) to provide effective screening at the outset, and two of the species would be planted in 24" boxes. All boxed tree species would be purchased one year in advance of planting to allow the root systems a full year to become established prior to planting. Mitigation measure 5.12(a,b-2)(Visual Screening & Landscaping) below provides for the timing, monitoring, and performance of the landscaping to ensure compliance with the CEQA visual analysis:

MITIGATION MEASURE 5.12(a,b-2)(Visual Screening & Landscaping): *All landscaping shall be planted consistent with the Alternative 7 Landscape Concept Plan as soon as Phase 1 site grading is complete. A landscaping or restoration specialist approved by the County shall monitor tree health, screening efficacy and replacement requirements for the first 5-years of growth. The landscape/restoration specialist shall have authority to replace plantings as needed to attain within five years a goal of providing at minimum the number of trees shown on the Landscape Concept Plan. If monitoring by the 5th year indicates that the visual analysis expectation has not been met to screen the structure walls, windows and roof from offsite locations, additional plantings will be added and annual monitoring will continue every year until the screening goal has been met.*

Per this mitigation measure, all landscaping would be planted directly following completion of grading for all three phases to allow a minimum one-year of growth prior to completion of the Phase 1 housing units and more growth, and therefore improved screening, for phases 2 and 3.

Table 1 lists all proposed screening trees, shrubs and groundcover species including botanical name, common name, size at planting, size at maturity, and number of plantings proposed for each species. Species not currently listed in the Specific Plan Plant Palette are hereby added.

Table 1. TIOGA COMMUNITY HOUSING SCREENING CONCEPTUAL LANDSCAPE PLAN PLANT LEGEND					
Botanical Name	Common Name	Size at Planting	Size at Maturity	Initial Box Size	Number of Plantings
TREES					
<i>Betula Pendula</i>	White Birch	About 8'	30-40' tall x 15-20' wide	24" box	31
<i>Pinus Flexilis</i>	Limber Pine	13' tall min.	30-50' tall x 15-25' wide		16
<i>Pinus Nigra</i>	Austrian Pine	13' tall min.	40-60' tall x 15-25' wide		34
<i>Pinus Ponderosa</i>	Ponderosa Pine	13' tall min.	50-100' tall x		16

			25-30' wide		
<i>Picea Pungens 'Dark Green & Blue'</i>	Colorado Spruce	13' tall min.	30-60' tall x 10-20' wide		35
<i>Picea Pungens 'Fat Albert'</i>	Colorado Spruce	6' tall min.	15-20' tall x 10-12' wide	36" box	12
<i>Populus Tremuloides</i>	Quaking Aspen	About 7' tall	25-60' tall x 15-30' wide	24" box & 15 gallon	66
SHRUBS					
<i>Cornus Sericea 'Bailey'</i>	Red Twig Dogwood	About 3'	7-9' tall x 10-12' wide	1-gallon or 5 gallon	24
GROUNDCOVER					
<i>Symphoricarpos x Chenaultii</i>	'Hancock'			5-gallon @ 8' O.C.	1200

The proposed screening species include six eastern Sierra natives including the ponderosa pine, limber pine, birch, aspen, dogwood, and Hancock. Two additional species (Blue Spruce and Fat Albert) are native to the Rocky Mountains. To achieve significant screening from the outset, four of the species (limber pine, Austrian pine, ponderosa pine and Colorado spruce) will be planted at a minimum initial size of 13 feet on top of the three-to-four-foot parking berm; all four tree species can be sourced at the required initial planting size. Most of the species are evergreen, but the quaking aspen is deciduous and will provide fall color. In combination, the mix of species will present a natural and varied visual appearance and effective screening from near-ground-level to heights ranging up to 50-60' at maturity based on local weather conditions. Tree locations will not inhibit snow storage as snow can be stored in front of the trees (adjacent to the parking areas) and blown between the trees.

According to Bob Weiland, the following average growth rates with regular water can be anticipated for these species on this site:

- Ponderosa pines = 12"-18"/year
- Limber pines = up to 18"/year
- Austrian pines = 12"-18"/year
- Spruce = up to 12"/year

The layout of trees, shrubs and groundcover is consistent with fire safety and defensible space requirements. In order to create a fire safe clearance zone, none of the trees, shrubs or groundcover would be planted within 30 feet of structures. Plantings within 30-70' of the units would be maintained clear of low-lying branches and high-fuel plant materials, in compliance with State requirements.

To create a more natural appearance from offsite vantage points, the landscaped berms below each of the two main parking lots, which will also prevent vehicle headlights from being seen from areas off of the project site within the Mono Basin, will have undulating widths and variable heights ranging between three to four feet, as shown on the Landscape Concept Plan. In combination, the landscape trees and berm will provide effective screening from South Tufa, Navy Beach, and US 395 from the initial development phases throughout the life of the proposed Community Housing Project.

Irrigation Requirements

As noted above, the tree, shrubs and groundcover will be planted as soon as site grading is complete to provide maximum time for establishment and growth for the best screening performance. Irrigation will be provided in part by the wastewater treatment plant (WWTP) proposed as part of the project, which will be operational prior to occupancy of Phase 1 housing units. Initially, only Phase 1 units and existing onsite uses will contribute toward

recycled water volume for landscape irrigation, and the balance of irrigation water needs will be provided by potable water. However, other uses that have not yet been constructed will not yet be using the potable water supply. As more onsite uses are constructed and consume more potable water, the recycled water volume will also increase, reducing the amount of potable water used for irrigation. At full build-out of all project elements, including the previously approved hotel and restaurant, treated wastewater is estimated to meet 50% of summer irrigation demand on the project site. The projected water use falls within the previously published CEQA analysis (see Tioga Community Housing Revised Draft/Final Subsequent EIR, Section 5.2, Impact 5.2(b) starting on pdf page 124²).

The landscaping is required to meet irrigation requirements for water efficient landscaping, which is calculated in Table 2, the Water Efficient Landscape Worksheet (see below). The calculations assume irrigation would use Hunter MP rotors, which are above-surface spray rotors that are classified as drip irrigation by the State. The DSEIR describes the use of a Geoflow Subsurface Drip System (DSEIR p. 5.2-20), which is a more traditional subsurface drip irrigation system, and would meet or exceed the analysis using Hunter MP rotors. The water use calculations result in an irrigation demand about 25% lower than the state maximum allowed for landscaping irrigated with potable water, and 50% lower than the state allowance for landscaping irrigated with recycled water. Note that irrigation demand is based not on the number or mix of trees, but rather is based on the number of bubblers (2 per tree), the number of rotors (used to spray planting zones), and the estimated duration of sprinkler and rotor operations in a given period.

CEQA ANALYSIS

The CEQA conclusion from the August staff report has not changed (see Attachment #5 to the 6 August 2020 Board staff report). Aesthetic resource impacts from the visibility of the structures have been mitigated to less than significant levels by the requirement of single-story construction with a maximum roof height of 16'; an increased number and the placement of screening trees as set forth in the Landscape Concept Plan which is designed to block offsite views of walls, windows and roofs; the lowering of the grading line to sink the structures into the hillside, the requirement of dark colors and non-reflective materials, and the vast distance from scenic viewpoints which reduces the size and scale of the structures. Impacts to the night sky are also mitigated to less than significant with the addition of more restrictive dark sky lighting requirements; however, visual impacts remain significant overall because of downward directed lighting on the ground where none existed before.

² Available at:

https://monocounty.ca.gov/sites/default/files/fileattachments/planning_division/page/29999/fseir_dseir_tioga_inn_cmpltn_06-05-20_sm.pdf

Table 2. WATER EFFICIENT LANDSCAPE WORKSHEET

WATER EFFICIENT LANDSCAPE WORKSHEET							
Project Reference Evapotranspiration (Eto)				42.9			
Hydrozone # / Planting Description	Plant Factor (PF)	Irrigation Method	Irrigation Efficiency (IE)	ETAF (PF/IE)	Landscape Area (Sq. Ft.)	ETAF x Area	Estimated Total Water Use (ETWU)
Regular Landscape Areas							
1	0.3	Rotary	0.75	0.40	80,000.00	32000.00	851,136.00
ETWU Total							851,136.00
MAWA							957528.00
Notes:							
1. Irrigation Efficiency - 0.75 Spray Head, 0.81 Drip							
2. ETWU = Annual Gallons Required = (Eto*0.62*ETAF*Area)							
3. MAWA = Annual Gallons Allowed = (Eto) (0.62) [(ETAF*LA)+((1-ETAF)*SLA)]							
ETAF Calculations							
Regular Landscape Areas							
Total ETAF x Area		32,000.00					
Total Area		80,000.00					
Average ETAF		0.40					
Average ETAF for Regular Landscape Areas must be 0.55 or below for residential areas, and 0.45 or below for non-residential areas.							
All Landscape Areas							
Total ETAF x Area		32,000.00					
Total Area		80,000.00					
Average ETAF		0.40					

IV. “VOLUNTARY” PROJECT MEASURES

At the 6 August 2020 meeting, the Board discussed that the project may offer “voluntary” measures to address concerns that have been raised. “Voluntary” measures are defined as project components, mitigation measures, or project conditions that are not required by any County regulation or to mitigate an environmental impact, but instead the applicant chooses to provide the measure to be responsive to issues or concerns and/or compromise.

The most significant voluntary project measure is the proposal of housing itself. Mono County prioritizes housing, especially “affordable” housing, as one of the top priorities in its strategic plan (from its 2019 priorities). As previously described, the 2017 Mono County Housing Needs Assessment identified a need for 50-100 housing units in the unincorporated area to address current needs and 70 new housing units by 2022 based on projected demand. No “affordability” ranges were defined for these units. The Assessment identified future housing needs as “largely determined by employment growth” and did not directly include the expected 300 employees generated by the previously approved hotel and restaurant. Housing is clearly a problem today that would be exacerbated by the construction of the previously approved hotel and restaurant.

Therefore, the decision by the project proponent to provide onsite housing targeted at employees is a voluntary measure in response to the housing crisis. While not deed restricted to certain income levels, the proposed project provides housing that is sized and constructed in a way that is intended to be affordable, can provide housing for 59%-83% of projected onsite employees, and now specifically stipulates that onsite employees have priority. At the state level, housing units of all types are considered key to alleviating the housing crisis and state housing policies encourage many types of units, including units that are affordable by design and market rate.

Again, no housing units of any type are required under the previous approval of the hotel and restaurant. The hotel and restaurant will only be subject to fees of \$2,000 per room for visitor accommodations and \$1.00 per square foot (sf) for commercial space at the building permit stage. The 120-room hotel will therefore generate \$240,000 in fees. Fees from commercial space are unknown as square footages are not defined in the specific plan, but even an unrealistically generous assumption of 10,000 sf of commercial space only results in \$250,000 to mitigate housing impacts. In comparison, the 2019 Housing Mitigation Ordinance nexus study defined \$344,552 as the cost to construct one 1,200 sf multi-family unit.

A number of other voluntary measures have already been incorporated into the project in response to public concerns as well and are listed below:

- Reduction in scale of the originally proposed project, which had included a third story on the previously approved hotel and expanded square footage of the previously approved promontory restaurant, in response to concerns about project size;
- Onsite day care center, open to the public and onsite residents and employees, in response to the need for child care;
- Lighting restrictions exceeding the County's Dark Sky requirements (General Plan Land Use Element Chapter 23) in recognition of the importance of the Mono Basin as a site for night-photography and the high value placed on preserving dark night skies;
- Acquisition from SCE of a secondary emergency access route in response to a CalFire recommendation and Lee Vining Fire Protection District (LVFPD) concerns;
- Offer to prefund an update of the LVFPD development impact fee (DIF) structure, provided the cost is credited back to the project's DIF cost when incurred, in response to currently unquantified fire district capital improvement needs;
- Onsite Automated External Defibrillator (AED) units in accordance with American Heart Association recommendations, as suggested by LVFPD;
- Offer to host a fundraising event to encourage donations and volunteer service in support of LVFPD operations and capacity;
- 50 hours of compensated time and travel for training the onsite construction crew and/or onsite monitoring for tribal cultural resources by the Kutzadika'a Tribe, which had been accepted in January 2020 via email confirmation from the California Indian Legal Services attorney representing the Tribe during consultation;
- Solar panels providing approximately 50% of total energy consumption which recognizes requests for "green building" design, climate change concerns, and issues related to greenhouse gas emission reductions;
- Recycled water with subsurface irrigation system providing approximately 50% of summer irrigation needs which recognizes requests for "green building" design, climate change concerns, and issues related to greenhouse gas emission reductions;
- Increase in overall Specific Plan open space by 0.7 acres, with a near-doubling of the most-protected Open Space Preserve acreage (from 14.8 to 27.8 acres) in recognition of the desire to retain as much open space character as possible;

- Multiple transportation improvements including onsite bus stops for the Eastern Sierra Transit Authority (ESTA) and Eastern Sierra Unified School District (if the District is able to provide a bus), a free shuttle system between the project and Lee Vining available to the general public, and improved connections to the Yosemite Area Regional Transportation System (YARTS) stop in response to various access and traffic concerns raised; and
- A commitment toward assisting with the development of a future trail connecting the Tioga site to Lee Vining in response to concerns about pedestrian connectivity between town and the project site.

All of the measures listed above are provided voluntarily by the project proponent and are not required by County regulations or the environmental impact analysis.

V. ISSUES FOR DISCUSSION

At the August 2020 public hearing, the Board of Supervisors resolved several policy points and discussion issues, which are summarized in Attachment 4. Several other policy points and issues have been identified to help guide Board discussion below:

1. **Hydrology concerns:** At the 6 August 2020 meeting, the Board specifically asked about a comment letter regarding hydrology. A response to the letter and others requested by the Board are provided in Attachment 5. In addition, the following citations respond to and resolve hydrology concerns that have been raised in previous comment letters:
 - DSEIR Section 5.2
 - FSEIR Topical Response #11 (p. 97)
 - Staff report from 6 August 2020 starting on page 8

No further action is recommended.

2. **Propane tank use and location:** Proposed commercial use has been removed and the propane tank has been relocated onto the Tioga sub-parcel east of US 395, near the two existing Tioga wells. Screening of the propane tank will be provided, consistent with the conceptual landscaping standards outlined in Specific Plan Table 4-12, which requires that screening trees and shrubs be planted to provide a visual break of facility views as seen from the scenic highways. The approved Tioga Inn Specific Plan designates the eastern sub-parcel as “Open Space-Facilities,” which includes a propane tank among the allowed uses.³ Therefore, if this proposed project is denied, the propane tank could be installed at this location under the existing approved Specific Plan. Infrastructure exists to connect propane at this location to the uses on the west side of the highway.

For further information, see the 6 August 2020 staff report, Attachment 6. No further action is recommended.

3. **Affordable housing:** The need for housing units is more fully described above in Section IV. Voluntary Project Measures, as is the fact that the need is not broken down by affordability and that state housing policy often encourages all types of housing units, including those affordable by design and market rate, as

³ Tioga Inn Specific Plan Implementation Measure 1h(1).

part of the housing solution. Also, as a reminder, the project may only be held responsible for its incremental increase (i.e., the addition of multi-family housing units) to an impact and not for the existing condition (i.e., current housing deficit) or approved unbuilt uses (i.e., the hotel and restaurant).

The project shall comply fully with the County’s adopted Housing Mitigation Ordinance which will likely result in a minimum of three low-income units and in-lieu fees or four units, and the applicant also intends to meet the affordability requirements associated with any grant funding that is available to assist in meeting project development costs. To preserve flexibility in complying with potential grant eligibility requirements, there are no plans at this time to identify additional deed-restricted units on the project site.

For further information, see the 6 August 2020 staff report, Attachment 6. No further action is recommended.

4. **Evacuation Route to US 395:** Because no fire safe standard or identified CEQA impact requires an emergency access road to US 395, the County has no nexus to require provision of this road as part of the Specific Plan (see CEQA §15126.4(a)(4)(A)). However, the Lee Vining Fire Protection District (LVFPD) must issue a will-serve letter to the project at the building permit stage. The LVFPD could therefore determine on the basis of its authority and regulations that the access road is required in order to issue the will-serve letter. While the approval process would be under the authority of the LVFPD, the County would offer to plan check and inspect the construction of the road as part of the building permit.

To allow for this possibility, the following language is suggested for addition to the Specific Plan:

New Implementation measure 2b(7): If an emergency access road to US 395 is required by another agency with the authority to do so and the necessary permitting and CEQA analysis has been completed by that entity, then the Specific Plan may be modified by discretionary action of the Board to allow the road and to state “other than access to an emergency egress route and for authorized personnel to the parcels adjacent to US 395, there shall be no access to the project from US 395.”

For further information, see the 6 August 2020 staff report, Attachment 6.

5. **Lee Vining Fire Protection District concerns:** Following the Board of Supervisors’ hearing on June 29-30, staff requested an opportunity to speak with the Lee Vining Fire Protection District (LVFPD) Board of Directors about their concerns and needs to serve the Tioga Community Housing Project. LVFPD responded on July 6, 2020, with a written summary of concerns that served as a basis for the July 9, 2020, Zoom meeting with the LVFPD Board. The concerns and responses are summarized below in Table 2.

TABLE 1. LVFPD CONCERNS AND RESPONSES	
LVFPD CONCERNS	MONO COUNTY RESPONSES
CONNECTIVITY BETWEEN TIOGA SITE AND LEE VINING	
1. Enhanced Traffic, Cyclist and Pedestrian Safety - The District feels strongly that clear and enforceable mitigations must be adopted to remove the significant adverse impacts to pedestrian, cyclist safety and to mitigate vehicle	Imposed requirements must be roughly proportional to the incremental impact of the project (see Dolan v. City of Tigard (1993)). As discussed below under the Connectivity Trail, the pedestrian connectivity issue is an existing

<p>hazards at the Hwy 120/395 intersection. The two main components of protecting public safety as discussed would be:</p> <p>a. Off-highway pedestrian and cyclist connection to town - Language should be included in the project document to assure the public that a trail to town will be built prior to or concurrent with project initiation and detail how this mitigation will be structured to assure connectivity project costs will be borne by the proponent through bonding and/or concrete fair share commitments.</p> <p>b. Traffic calming - What actions can be included in the project document to assure the public that meaningful measures to enhance traffic safety at project ingress and egress, as well as the Hwy 120/395 intersection, will be required and implemented by the project proponent?</p>	<p>condition and therefore development and construction of the entire trail cannot be attributed solely to the proposed project. However, as also described below, a mitigation measure has been developed to ensure the project will contribute to an effort to develop a solution.</p> <p>With respect to the SR 120/US 395 intersection, the sole impact identified in the FSEIR is congestion (only during the peak season months) that would occur with or without the proposed project. No safety impact has been identified. The intersection is under Caltrans jurisdiction – please see the 6 August 2020 staff report for reaffirmation of Caltrans’ position that no feasible mitigation measure is available. As an added note, the County’s adopted Regional Transportation Plan does not contain specific language related to the SR 120/US 395 intersection, and the intersection has not been raised under any safety or other considerations or Local Transportation Commission project programming efforts.</p> <p>As cited in the FSEIR, the proposed project includes improvements to the Vista Point entry configuration, and Caltrans confirmed in its DSEIR comment letter that they are currently considering solutions for heavy traffic volumes and overflow parking on the SR 120 apron located east and west of the Vista Point entry. Caltrans recognizes that these uses can block intersection sight distance.</p>
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PROJECT-RELATED FINANCIAL IMPACTS ON LVFPD

<p>2. LVFPD believes that costs of plan review for fire code compliance should not be passed on to the District as currently proposed. Our limited budget should not be taxed for this project. We would like to see language in the project document that assures our District will be insulated from any and all project-required plan design review fees and ongoing compliance reviews.</p>	<p>The FSEIR, supplemental response to Supervisor Fred Stump, and 29-30 June 2020 public hearing presentation noted an option for Mono County to complete the building plan check and building inspections at no cost to the Fire District. This option assumes the County completes the plan check and inspections as part of typical building permit services. The County would not cover costs outside of the building/grading permit process and that may be imposed under the sole authority of the Fire District, such as an emergency access road to US 395, but could cover the cost to issue a grading permit and inspect the construction of the road.</p>
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	<p>With respect to development impact fees (DIF), the County stated at the 29-30 June 2020 public hearing that special districts are typically billed for consultant costs to update a DIF study the provides the basis for updated fees, but staff time through the County Counsel's office to provide legal services and assist with legal aspects of DIF imposition is provided free of cost. In the current project, however, the applicant has agreed to fund the DIF study up front, provided the amount is credited toward the eventual DIF that would become due when he builds the project. Prefunding of the DIF update is a solid step that would enable LVFPD to move quickly with the update.</p>
<p>3. While the document currently contains an estimate of Fire Mitigation Fees potentially due to the District at full project build out, it would help inform this discussion to see those fees calculated in step with the project's final proposed phasing.</p>	<p>The FSEIR and supplemental response to Supervisor Fred Stump stated that the LVFPD would receive fire mitigation fees at the current rate of \$0.50/square foot and the proposed project is approximately 75,000 square feet, plus additional fees would be assessed for the hotel and restaurant elements. The math calculation results in total fees for the proposed housing project (only) of about \$37,500. The exact amount to be billed at each phase depends on the size of the proposed units. However, based on rough percentages, Phase I is about 30% of full build out and would therefore result in 30% of total DIF (~\$11,250). Phase 2 is about 40% of the project (~\$15,000 in DIF), and Phase 3 is about 30% of the project (~\$11,250 in DIF). However, fees may change if the DIF study is prefunded and the new DIF is in place prior to final permits.</p>
<p>4. Additionally, it would help us understand the project's potential financial input to the District from annual property tax assessments tied to project phasing. Basically, what funds would actually be coming to the District.</p>	<p>Mono County Treasurer-Tax Collector Gerald Frank calculated that LVFPD would receive about \$250/year from property taxes at full project buildout of the Tioga Specific Plan (all uses).</p>
<p>PROJECT-RELATED CAPACITY IMPACTS ON LVFPD</p>	
<p>5. Following the direction of Supervisor Stump's discussion from the June 30 hearing, we acknowledge the difficulty of the project providing assurance to offset impacts on volunteer capacity, and also welcome the suggestion of an annual mitigation fee to</p>	<p>As stated in the FSEIR, the proposed Tioga project is a maximum of 100 new residential units. The 2019 County Housing Element estimated about 185 housing units in the Mono Basin as a whole. While the project significantly increases the number of new units, the complexity and size of the</p>

<p>support infrastructure, training, equipment and professional help to enhance our District's limited capacity. Our District has never served a project of this size and complexity.</p> <p>Moving forward we will require outside assistance to help us understand how we can best build our own capacity to meet the needs of the project while sustaining current service levels across the District.</p>	<p>individual units is comparable to the existing housing units currently being served. If a certain type of construction or spacing is of concern to the District in terms of structural complexity, the District should make their concern known and appropriate conditions could be considered for the Specific Plan.</p> <p>The concern about size and complexity appears to be related to the commercial components of the project (e.g., hotel and restaurant), which are not part of this project. However, the previously proposed Specific Plan implementation measure of developing an evacuation plan, which could be modified to a fire plan to be more comprehensive, is intended to help address this concern.</p> <p>As discussed at the 29-30 June 2020 public hearing, one or more formal incentives for onsite residents to serve as volunteer firefighters could be incorporated. For example, onsite employees willing to volunteer to for the LVFPD could be given priority for available housing or the project could be required to provide a certain number of volunteers. The applicant is volunteering to host a fundraiser to both raise funds and recruit volunteers. Additional suggestions from LVFPD for building capacity would be welcomed.</p> <p>Any existing lack of LVFPD capacity cannot be attributed to the proposed community housing project; the proposed project may be held responsible only for its incremental increase to impacts.</p>
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PROJECT-RELATED FINANCIAL IMPACTS ON LVFPD

<p>6. We have initiated a search for an independent consultant who can provide analysis of the District's needs in lieu of a spectrum of Project build-out possibilities from phased housing to final hotel and restaurant completion. We request that these costs be covered by the proponent.</p>	<p>Mono County can only require costs related and proportional to the impacts of the current housing project. Needs related to existing conditions and previously approved components, which appears to be the case with this request, cannot be required by the County.</p> <p>However, a timely update to the District's DIF fee structure would enable LVFPD to receive impact fees for all unbuilt Specific Plan components, including the previously approved uses that are not a part of the current project (because DIF is charged when the building permit is pulled). Since equipment expenses qualify as 'capital costs,' they</p>
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	would be covered by the DIF fees.
FIRE SAFETY ACCESS	
7. The District is encouraged that plans are proceeding to guarantee emergency access as part of the project. Given the increasingly extreme fire behavior recently experienced in CA and Mono County, having reliable fire access is essential to the safety of residents and guests at project site. We look forward to evaluating a final set of plans with route details (including an annual maintenance plan) before the next Special Board of Supervisors Meeting.	Provision of the emergency access road onto SR 120 is a resolved issue listed in Attachment 4. With respect to fire access onto US 395, please see the discussion above. The County has no nexus to impose this requirement.

The recommendation is to accept the applicant’s voluntary offers to 1) fund the consultant cost for a DIF study provided the amount is credited toward the eventual DIF that would become due when the project is built; and 2) hold a fundraiser and volunteer recruitment event for the LVFPD.

6. **Connectivity Trail:** The FSEIR concluded that establishment of an at-grade trail connection between the project site and Lee Vining would be infeasible due to the fact that (a) such trail would ultimately expose pedestrians to potential hazards associated with high speed vehicles and limited line of sight distances as they cross Highway 120 to access the trail, (b) the connection would require action by other parties over whom the County and the property owner lack legal control (i.e., SCE and Caltrans), and other factors. Additionally, imposed requirements must be roughly proportional to the incremental impact of the project (see *Dolan v. City of Tigard* (1993)). The pedestrian connectivity issue is an existing condition and therefore development and construction of the entire trail cannot be attributed solely to the proposed project.

A Zoom meeting with Caltrans and SCE⁴ was held on 7 July 2020 to better characterize the agencies’ ability to collaborate with Mono County on connectivity options. Caltrans staff affirmed that they could consider options (excluding at-grade options) for providing pedestrian/bicycle connectivity between the project site and Lee Vining. SCE staff stated that it could not yet make a formal commitment to the connectivity trail effort, pending approval from several additional internal SCE departments, but did affirm that SCE considers the collaboration worth pursuing based on comments discussed during the meeting. It is worth noting that the formal acquisition of the Gibbs Siphon Road for emergency access has been ongoing for nearly four years and is not yet complete. No further information has been received from SCE.

In response to this discussion, Caltrans District 9 has provided the Mono County Community Development Department with information to redesignate SR 120 from a “freeway” to a “conventional highway,” which could facilitate progress on a safe crossing (see FSEIR Topical Response #4, p. 83), and submitted a funding application for this pedestrian connection project. While the competitiveness of the application is unknown, and potentially low, this conversation has initiated collaborative efforts to find solutions.

⁴ Caltrans’ staff participants in the Zoom meeting included Gayle Rosander (District 9 External Project Liaison) and Mark Reistetter (District 9 Encroachment Permits Office); SCE was represented by Richard Fujikawa (SCE Transmission & Distribution/Acquisition).

Because the trail is considered infeasible at this time and due to uncertainty of the ability to implement, as well as the fact that the entire trail is not attributable to this proposed project, the potential environmental impacts of the recommended mitigation measure below are not included in the current FSEIR nor in the Statement of Overriding Considerations for the Project, which is provided for in CEQA §15126.4(a)(5).

Based on input from both Caltrans and SCE, Mono County staff has refined draft Mitigation Measure SVCS 5.8(a-4) (Connectivity) to ensure the project contribute toward progress of a pedestrian connection, as shown below in a clean format (track changes not shown) for consideration by the Board of Supervisors:

MITIGATION SVCS 5.8(a-4)(Pedestrian Safety): The establishment of a trail connection between the project site and Lee Vining was determined to be infeasible in the FSEIR because: the trail would ultimately lead pedestrians to a SR 120 at-grade crossing (creating the potential for conflicts with high-speed vehicles); requirement for action by other parties over whom the County and the property owner lack legal control (i.e., SCE and Caltrans)and which, until recently, were unwilling to cooperate; and for other reasons including uncertainty of funding costs not attributable to the project and ultimate implementation. Infeasible mitigation measures need not be analyzed under CEQA and may not be relied upon to conclude that an impact has been reduced to a less-than-significant level. In addition, a pedestrian trail has been documented as an existing need and the proposed project may only be held responsible for its proportional and incremental contribution.

The property owner and County shall work collaboratively with SCE, Caltrans, and the local community to pursue future options for a pedestrian/bicycle connection to Lee Vining which includes, but is not limited to, a safe crossing of SR 120 combined with (1) a trail across SCE property; and (2) an on-system sidewalk connector along SR 120 and US 395. If a feasible option is identified, a “fair share” cost attributable to the project will be calculated by the County and contributed by the property owner, to be held in an account by Mono County, toward the design, CEQA analysis, and construction of the trail project. If the trail project is not approved by any public agency (including the County) with jurisdiction, then such funds shall be reimbursed to the property owner. The feasibility analysis of the connectivity trail project shall commence within six months of the Board of Supervisors’ approval of the Tioga Inn Specific Plan Amendment #3.

The other available option is to eliminate the proposed mitigation measure because it is infeasible at this time.

- 7. Refined Alternative #7-Hybrid Plan:** In response to Board direction, the Alt 7 Concept Site Plan was refined to provide more certainty about the layout of structures and the Landscape Concept Plan was refined to provide more detail as discussed in Section III. A mitigation measure was included to define the requirements of “substantial compliance” at the building permit stage (Mitigation Measure AES 5.12(a,b-1)(Design Criteria)) and the timing, monitoring, and performance standards for the landscaping plan (Mitigation Measure 5.12(a,b-2)(Visual Screening & Landscaping)).

Site Plan Review

A requirement for the Planning Commission to review and approve the building permit site plan was added to the Design Criteria mitigation measure, and the recommendation is to remove this language and adhere to the standard practice of a “substantial compliance” determination. See pages 5-6 above for the current proposed language of Mitigation Measure AES 5.12(a,b-1)(Design Criteria) including the Planning Commission approval requirement.

Phasing Plan & Grading

At the 6 August 2020, the Board directed that the grading permit for each housing phase shall allow only the minimum amount of earthwork required for that phase, plus an additional grading allowance to permit the installation of reasonable infrastructure improvements, subject to approval by the Planning Commission. Based on the rationale in Section III (see above, p. 6), the recommendation is to allow all grading in Phase I. The grading as directed by the Board at the August meeting currently stands as follows:

Mitigation Measure 5.6(a-1) (Phasing Plan). <i>Development of the Tioga Community Housing Project shall be phased in accordance with the schedule below.</i>		
Phase	# Units	Schedule
1	30	<i>The 30 Phase I units are authorized upon Specific Plan Amendment #3 approval along with the childcare facility. The goal is to have the 30 phase 1 units available for use by construction workers during the hotel and restaurant construction process.</i>
2	40	<i>Construction of the 40 Phase 2 units is authorized when the hotel core & shell inspection, or approximate equivalent (depending on type of construction), is signed off by the Mono County Community Development Department and all Phase I building permits have been issued. The goal is to have all 70 of the phase 1 & 2 units available when hiring begins for previously approved commercial job positions.</i>
3	30	<i>Construction of the 30 Phase 3 units would begin when the phase 1 and phase 2 units reach a combined 80% occupancy rate (i.e., when 56 of the Phase 1 and 2 units are rented) and Phase II building permits have been issued. All Phase 3 units will be in the westernmost row of units.</i>

The grading permit for each housing phase shall allow only the minimum amount of earthwork required for that phase, plus an additional grading allowance to permit the installation of reasonable infrastructure improvements, subject to site plan approval by the Planning Commission (see Mitigation Measure AES 5.12(a,b-1)(Design Criteria)).

V. PUBLIC HEARING NOTICE & COMMENTS

A public hearing notice was published in The Sheet on 26 September 2020 (Attachment 6) and a courtesy notice was sent to the Mono Basin Regional Planning Advisory Committee (RPAC) on 29 September 2020 along with the Alternative 7-Hybrid Plan narrative description and concept plans. Notices were also sent to adjacent property owners at least 10 days in advance of the hearing and emails were sent to service providers that may be affected.

The Board and/or individual Supervisors requested responses to select comment letters, which are included in Attachment 5.

Written public comments received will be provided to the Board prior to the close of the public hearing.

VI. REVISIONS & FINDINGS

Revisions to mitigation measures and specific plan conditions proposed to date are comprehensively listed in Section One of the Resolution (Attachment 2) to ensure a clear understanding of project modifications. The Specific Plan Findings have also been updated in Section Three. In response to these revisions, the CEQA Findings of Fact and Statement of Overriding Considerations (Exhibit A to the Resolution) has been updated to reflect updated project benefits, environmental analysis, and mitigation measures for Alternative 7-Hybrid Plan.

If the Board certifies the FSEIR and approves the proposed Tioga Inn Specific Plan Amendment #3, with any modifications desired, the Board must adopt the findings contained in the proposed Resolution, including Exhibit A (Attachment 2).

VII. ATTACHMENTS & WEBLINKS TO DOCUMENTS

1. The Subsequent Final Environmental Impact Report (FSEIR) and Tioga Inn Specific Plan Amendment #3, along with other project documents, are available on the Mono County website at: <https://www.monocounty.ca.gov/planning/page/tioga-inn-specific-plan-seir>
2. Proposed Resolution R20-__ with Exhibits A and B
3. Refined Alternative #7-Hybrid Plan: Full scale concept site plan
4. Refined Alternative #7-Hybrid Plan: Housing area only concept site plan
5. Landscape Concept Plan for Alternative #7-Hybrid Plan
6. Summary of policy points and issues resolved at the 6 August 2020 Board meeting
7. Responses to comments requested by the Board
8. Public hearing notices



RESOLUTION R20-___

**A RESOLUTION OF THE MONO COUNTY BOARD OF SUPERVISORS
ADOPTING TIOGA INN SPECIFIC PLAN AMENDMENT #3 AND THE MITIGATION
MONITORING AND REPORTING PROGRAM, AND CERTIFYING THE
FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT**

WHEREAS, the Tioga Inn Specific Plan was originally approved and adopted in 1993, amended in 1995 and 1997, and modified pursuant to a Director Review approval in 2012; and

WHEREAS, the 1993 Specific Plan includes a hotel (two stories, 120 rooms), full-service restaurant, 10 hilltop residential units, gas station with two gas pump islands, convenience store (4,800 square feet), infrastructure, convenience store deli, two-bedroom apartment above the convenience store, and clarifications regarding infrastructure, access, financing, phasing, signage and development standards; and

WHEREAS, in late 2016, a Notice of Preparation (NOP) was distributed and a meeting was held to discuss the scope of the environmental analysis for Tioga Inn Specific Plan Amendment #3 which, as originally proposed, included 80 residential units, an increase in the height of the 120-room hotel, and an increase in the size of the promontory restaurant, among other features; and

WHEREAS, due to scoping comments, the project was modified to its current iteration, which modifications comprise the proposed Tioga Inn Specific Plan Amendment #3, and include up to 100 housing units, a daycare facility, an increase in Open-Space Preserve acreage, a decrease in Open Space-Support and Open Space-Facilities acreage, three new gas pump islands under one new canopy, the replacement of the existing water tank with a new tank in a different location, the addition of a new 30,000 gallon propane tank, and an onsite wastewater treatment plant with recycled water irrigation; and

WHEREAS, the previously-approved components of the Tioga Inn Specific Plan, which were removed from the project scope after the NOP period, specifically the 120-room hotel and restaurant, are not part of Amendment #3 nor currently subject to modification; and

WHEREAS, a Subsequent Environmental Impact Report (SEIR) was prepared in compliance with the California Environmental Quality Act (CEQA) and a Draft SEIR (DSEIR), titled the Tioga Workforce Housing Project, was released on June 14, 2019, initiating the maximum 60-day public comment period provided by CEQA until August 13, 2019, which comment period was subsequently extended at the request of the public and due to a publishing date technicality to August 21, 2019; and

WHEREAS, public workshops were held on the DSEIR with the Planning Commission in June 2019 and the community in late July 2019; and

WHEREAS, a total of 904 comment letters were received during the comment period and responded to in the Final Subsequent Environmental Impact Report (FSEIR), and an additional 79 comment letters were received after the comment period ended and were responded to as part of the public hearing held before the Planning Commission; and

WHEREAS, the FSEIR was released on February 29, 2020, and, in response to public comment and suggestions, was re-titled as the Tioga Community Housing Project, and included the new Alternative #6, which was accepted by the applicant and determined to be the new preferred alternative due to reduced visual and other impacts, and included other project changes; and

WHEREAS, at the June 29-30, 2020, meeting, the Board of Supervisors directed another alternative be developed that consisted of elements previously analyzed as Alternative 6 and the Cluster Alternative, which was accepted by the applicant and presented as Alternative 7-Hybrid Plan for consideration at the August 6, 2020, Board meeting corrections to an error within the visual analysis for Alternative 6; and

WHEREAS, the Board of Supervisors provided additional direction for refinements to the Alternative 7-Hybrid Plan at the August 6, 2020, meeting; and

WHEREAS, none of the project changes require recirculation of the DSEIR under CEQA Guidelines §15088.5(a); and

WHEREAS, the applicant voluntarily held a community meeting on the FSEIR in Lee Vining in March 2020, at which meeting there were approximately 50 attendees; and

WHEREAS, on April 16, 2020, the Planning Commission held a duly noticed public hearing regarding Tioga Inn Specific Plan Amendment #3 and the Final SEIR, received approximately seven hours of public testimony and approximately 150 written comments, and recommended the adoption of the preferred alternative (now Alternative #6) Tioga Inn Specific Plan Amendment by Resolution R20-01 to the Board of Supervisors; and

WHEREAS, on June 29 & 30, August 6 and October 13, 2020, the Board of Supervisors held duly noticed public hearings regarding Tioga Inn Specific Plan Amendment #3 and the Final SEIR; and

NOW, THEREFORE, THE MONO COUNTY BOARD OF SUPERVISORS DOES HEREBY FIND AND RESOLVE AS FOLLOWS:

SECTION ONE: Having reviewed and considered the analysis in the staff report, all information and evidence in the record and testimony provided in the public hearings, the Board of Supervisors directs that the following refinements are hereby incorporated into the Tioga Inn Specific Plan Amendment #3, FSEIR, and Findings of Fact and Statement of Overriding Considerations (Exhibit A). The Tioga Inn Specific Plan Amendment #3 and the FSEIR are included as **Exhibit B** and incorporated herein by this reference. The 1993 Tioga Inn Specific Plan and FEIR is available on the Community Development page of the Mono County website at <https://www.monocounty.ca.gov/planning/page/tioga-inn-specific-plan-seir> and incorporated by this reference.

General:

- A. Staff is authorized to make corrections that do not affect project substance or meaning, such as grammatical and typographical errors, numbering corrections, formatting changes, etc.

Specific Plan Refinements:

B. Incorporate the description, analysis, and plan sheets (full site concept plan, housing concept plan, and landscaping concept plan) of the “Refined Preferred Alternative: Alternative 7-Hybrid Plan” from Section III of the staff report for the 13 October 2020 Board of Supervisors meeting as the approved project.

C. Add the following species to the Specific Plan Plant Palette:

Tree	White Birch	<i>Betula Pendula</i>
Tree	Limber Pine	<i>Pinus Flexilis</i>
Tree	Ponderosa Pine	<i>Pinus Nigra</i>
Tree	Austrian Pine	<i>Pinus Ponderosa</i>
Tree	Colorado Spruce	<i>Picea P ‘Dark Green & Blue’</i>
Tree	Colorado Spruce	<i>Picea Pungens ‘Fat Albert’</i>
shrub	Red Twig Dogwood	<i>Cornus Sericea ‘Bailey’</i>
groundcover	Hancock	<i>Symphoricarpos x Chenaultii</i>

D. Add Secondary Fire Access map to the Specific Plan (https://monocounty.ca.gov/sites/default/files/fileattachments/planning_division/page/29999/tioga_in_n_secondary_fire_120_access.pdf).

E. Add the following language to the Specific Plan Open Space-Support designation: The Open Space-Support designation shall also permit construction and maintenance of a permanent secondary emergency access road, to be located in the southwest quadrant of the Tioga site.

F. Eliminate the commercial propane service and relocate the propane tank to the Tioga sub-parcel east of US 395, near the two existing Tioga wells. Screening of the propane tank will be provided, consistent with the conceptual landscaping standards outlined in Specific Plan Table 4-12, which requires that screening trees and shrubs be planted to provide a visual break of facility views as seen from the scenic highways.

G. Add to the Specific Plan the following new Implementation Measure 1f(9): Onsite employees shall have first priority for vacant housing units, and rental practices shall comply with the California Fair Employment and Housing Act (FEHA) and the federal Fair Housing Act (FHA). In the event of a conflict with FEHA/FHA or a future grant award for project implementation, the grant requirements and FEHA/FHA shall take precedence.

H. Add to the Specific Plan the following new Implementation Measure 1f(10): Automated External Defibrillator (AED) units shall be provided on the community housing site in compliance with standards established by the American Heart Association, including use of a 3-minute maximum response time to determine the required number of AED units and where the units should be located on the project site.¹

I. Move from mitigation measures to the Specific Plan the following Implementation Measure 2a(5): The applicant shall provide Mono County Public Health Department with monthly measurements and recordings of static water levels, pumping water levels, pumping rates and pumped volumes for the onsite wells. The monthly measurements shall be provided to the County for at least the first year to establish a

¹ American Heart Assn. pamphlet, *Implementing an AED Program*, 2/12/2012

baseline; monitoring shall continue on at least a quarterly basis thereafter and results provided to Mono County Public Health.

- J. Add Specific Plan Implementation measure 2b(7): If an emergency access road to US 395 is required by another agency with the authority to do so and the necessary permitting and CEQA analysis has been completed by that entity, then the Specific Plan may be modified by discretionary action of the Board to allow the road and to state: “other than access to an emergency egress route and for authorized personnel to the parcels adjacent to US 395, there shall be no access to the project from US 395.”

Subsequent Environmental Impact Report (SEIR) Additions and Revisions:

- K. Incorporate the description, analysis, and plan sheets (full site concept plan, housing concept plan, and landscaping concept plan) of the “Refined Preferred Alternative: Alternative 7-Hybrid Plan” from Section III of the staff report for the 13 October 2020 Board of Supervisors meeting as the preferred alternative.
- L. Incorporate the environmental impact analysis of Alternative 6 and Alternative 7 (as applicable to the refined Alternative 7) from Attachment 5 to the staff report for the 6 August 2020 Board of Supervisors meeting, including the Lines of Sight and Visibility Cones from Navy Beach and South Tufa Parking Lot (Exhibits 3 and 4), and the “Refined Preferred Alternative: Alternative 7-Hybrid Plan” from Section III of the staff report for the 13 October 2020 Board of Supervisors meeting.
- M. Add Mitigation Measure BIO 5.3(a-6) (Signage): Signage stating “Do Not Feed the Wildlife” shall be posted on the road leading into the housing complex, at the entry to Vista Point Drive, and at the access points from Vista Point Drive into the gas station, the hotel, and the full-service restaurant.
- N. Refine Mitigation Measure BIO 5.3(a-4) (Badger and Fox Survey): A pre-disturbance denning badger and denning fox survey shall be scheduled within three days prior to the start of vegetation and ground-disturbing project activities. The survey will be performed by a qualified biologist. The survey will include the entire area where disturbance will occur, as well as buffers of 500 feet in all directions. Survey results will be reported to CDFW-Bishop, Mono County, and to the construction foreperson within 24 hours of survey completion, in order to formulate avoidance measures. Unless modified in consultation with CDFW, active badger or fox dens will be buffered by a minimum distance of 500 feet, until the biologist finds that den occupation has ended. In the unlikely event that an active fox den that could be occupied by Sierra Nevada red fox is found, ground-disturbing work at the project will be halted pending consultation with CDFW regarding buffering and avoidance.

- O. Refine Mitigation Measure POP 5.6(a-1) (Phasing Plan)

Phase	# Units	Schedule
1	30	The 30 Phase 1 units are authorized upon Specific Plan Amendment #3 approval along with the childcare facility. The goal is to have the 30 phase 1 units available for use by construction workers during the hotel and restaurant construction process.
2	40	Construction of the 40 Phase 2 units is authorized when the hotel core & shell inspection, or approximate equivalent (depending on type of construction), is signed off by the Mono County Community Development Department and all Phase 1 building permits have been issued. The goal is to have all 70 of the phase 1 & 2 units available when hiring begins for previously approved commercial job positions.

3	30	Construction of the 30 Phase 3 units would begin when the phase 1 and phase 2 units reach a combined 80% occupancy rate (i.e., when 56 of the Phase 1 and 2 units are rented) and phase II building permits have been issued. All Phase 3 units will be in the westernmost row of units.
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The grading permit for each housing phase shall allow only the minimum amount of earthwork required for that phase, plus an additional grading allowance to permit the installation of reasonable infrastructure improvements, subject to site plan approval by the Planning Commission (see Mitigation Measure AES 5.12(a,b-1)(Design Criteria)).

- P. Add Mitigation Measure SFTY 5.7(e-3) (Emergency Access to SR 120): The Gibbs Siphon Emergency Access Road onto SR 120 will include a 40-foot irrevocable easement from SCE to the property owner, shall be bladed annually to maintain full easement width, and shall be maintained to be passable by vehicles year round, to be recorded prior to issuance of project building permits.

- Q. Add Mitigation Measure SVCS 5.8(a-2) (Shuttle Service): A shuttle service shall be provided between the project site and Lee Vining, beginning when all Phase 1 units of the housing complex have received occupancy permits. The shuttle service will (1) be staffed by qualified drivers, (2) be equipped with ADA-compliant features, (3) follow established routes with regular minimum drop-off and pick-up times (including a minimum of 3 daily round trips during the operating season), and (4) begin the operating season, at minimum, each year no later than July 4, and end the operating season each year no sooner than Labor Day. The operating season may be expanded for additional periods as needed based on an annual survey of the Lee Vining community and Tioga Housing residents conducted by the property owner. The shuttle service will be free of charge and available for use by hotel guests, residents of the Community Housing Complex, and the public. If a pedestrian/bicycle trail is constructed between Lee Vining and the project site per MM SVCS 5.8(a-4), then shuttle operation frequency and duration may be reduced based on ridership demand subject to approval by the Community Development Director.

- R. Refine Mitigation Measure SVCS 5.8(a-4)(Pedestrian Safety): The establishment of a trail connection between the project site and Lee Vining was determined to be infeasible in the FSEIR because: the trail would ultimately lead pedestrians to a SR 120 at-grade crossing (creating the potential for conflicts with high-speed vehicles); requirement for action by other parties over whom the County and the property owner lack legal control (i.e., SCE and Caltrans) and which, until recently, were unwilling to cooperate,; and for other reasons including uncertainty of funding costs not attributable to the project and ultimate implementation. Infeasible mitigation measures need not be analyzed under CEQA and may not be relied upon to conclude that an impact has been reduced to a less-than-significant level. In addition, a pedestrian trail has been documented as an existing need and the proposed project may only be held responsible for its proportional and incremental contribution.

The property owner and County shall work collaboratively with SCE, Caltrans, and the local community to pursue future options for a pedestrian/bicycle connection to Lee Vining which include, but are not limited to, a safe crossing of SR 120 combined with (1) a trail across SCE property; and (2) an on-system sidewalk connector along SR 120 and US 395. If a feasible option is identified, a “fair share” cost attributable to the project will be calculated by the County and contributed by the property owner, to be held in an account by Mono County, toward the design, CEQA analysis, and construction of the trail project. If the trail project is not approved by any public agency (including the County) with jurisdiction, then such funds shall be reimbursed to the property owner. The feasibility analysis of the connectivity trail

project shall commence within six months of the Board of Supervisors' approval of the Tioga Inn Specific Plan Amendment #3.

- S. Add Mitigation Measure AES 5.12(a,b) (Design Criteria): To be consistent with requirements of Tioga Inn Specific Plan Amendment #3, all housing structures within the residential complex must at a minimum conform to the following five criteria:
1. **Limits of Construction:** All Community Housing residential structures, whether attached or detached units, must be located within the building envelope indicated on the Alternative 7 Concept Site Plan except for the manager's unit, which is located outside the building envelope to the west.
 2. **Maximum Heights:** All Community Housing residential structures shall be of single-story construction with a maximum roof height not to exceed 16 feet.
 3. **Number of Units and Bedrooms:** As previously stated in the project description, the Community Housing complex shall not contain more than 100 residential units and 150 bedrooms, including the manager's unit, and shall conform to the phasing plan.
 4. **Screening Landscaping:** Screening landscaping shall be provided consistent with the Landscape Concept Plan developed by Weiland Design Group, Inc., dated 9-8-20. The Landscape Concept Plan was developed to be consistent with (a) Mitigation Measure AES 5.12(a,b-2) (Visual Screening & Landscaping) and (b) the Conceptual Landscaping standards outlined in Specific Plan Table 4-12.
 5. **Visibility of Residential Units and Structures:** All structures and units within the Community Housing complex shall be within the sight lines and visibility cones depicted in the CEQA visual analysis.

The site plan for each phase shall be reviewed and approved by the Planning Commission for consistency with the Specific Plan prior to building permit submittal.

- T. Add Mitigation Measure AES 5.12(a,b-2) (Visual Screening & Landscaping): All landscaping shall be planted consistent with the Alternative 7 Landscape Concept Plan as soon as Phase 1 site grading is complete. A landscaping or restoration specialist approved by the County shall monitor tree health, screening efficacy and replacement requirements for the first 5-years of growth. The landscape/restoration specialist shall have authority to replace plantings as needed to attain within five years a goal of providing at minimum the number of trees shown on the Landscape Concept Plan. If monitoring by the 5th year indicates that the visual analysis expectation has not been met to screen the structure walls, windows and roof from offsite locations, additional plantings will be added and annual monitoring will continue every year until the screening goal has been met.
- U. Refine Mitigation Measure AES 5.12(c) (Outdoor Lighting Plan): An outdoor lighting plan must be submitted with the building permit application and approved by the Community Development Department before the building permit can be issued. The plan shall comply with Chapter 23 of the Mono County General Plan and provide detailed information including but not limited to:
- (a) manufacturer-provided information showing fixture diagrams and light output levels. Mono County has indicated that the fixture type exceptions listed under Chapter 23.050.E (1, 2 and 3) will be prohibited in this project, and that only full cutoff luminaires with light source downcast and fully shielded, with no light emitted above the horizontal plane, are permitted. Furthermore, although lighting is not required for parking areas, roads and pedestrian walkways, Mono County will permit safety lighting to be provided in the parking areas, roads and pedestrian walkways provided that such lighting must meet all other applicable requirements of this Outdoor Lighting Plan (i.e., shielded,

down-directed, etc.) and may not exceed 10,000 lumens per acre maximum.² Kelvin color temperature should be approximately 2300K, and temperatures over 3000K are prohibited. Safety lighting shall be permitted only during the hours between 30 minutes following sunset, and 30 minutes prior to sunrise; (b) pedestrian lighting is not required but, if provided, is limited to low-level bollard lights to limit light impacts to the least necessary for public health and safety. Kelvin color temperatures over 3000K are prohibited. Bollards shall be spaced a minimum of 10 to 15 feet apart³ on pedestrian pathways. The height of bollard lighting shall not exceed 3.5 feet above grade and light sources shall be fully shielded and not exceed 125 bollards at 1,000 lumens⁴;

(c) accent lighting shall be limited to residential lighting required by the building code for safety, and any up-lighting shall be prohibited;

(d) the proposed location, mounting height, and aiming point of all outdoor lighting fixtures; and

(e) drawings for all relevant building elevations showing the fixtures, the portions of the elevations to be illuminated, the illuminance level of the elevations, and the aiming point for any remote light fixture.

(f) the Landscape Concept Plan outlined in MM AES 5.12(a,b-2) shall be applied to place trees and landscaping to screen project structures and lighting, subject to the five-year monitoring plan and tree replacement as needed, to screen direct light glare from offsite.

Chapter 23 gives the CDD discretion to require additional information following the initial Outdoor Lighting Plan review. Additional information requirements may include, but not limited to:

(a) A written narrative to demonstrate lighting objectives,

(b) Photometric data,

(c) A Color Rendering Index (CRI) of all lamps and other descriptive information about proposed lighting fixtures,

(d) A computer-generated photometric grid showing footcandle readings every 10 feet within the property or site, and 10 feet beyond the property lines, and/or

(e) Landscaping information to describe potential screening.

In addition to the above, the project shall include landscaping to shield offsite views of lighting. Further, the project shall be prohibited from allowing accent uplighting of architectural or landscape features, seasonal lighting displays (including use of multiple low-wattage bulbs) except that seasonal lighting shall be permitted on the north, south and west facing building sides that are not visible to the public viewshed.

SECTION TWO: The Tioga Community Housing Project Final Subsequent EIR (FSEIR) has been prepared for the Tioga Inn Specific Plan Amendment #3 in compliance with CEQA and the FSEIR reflects the County's independent judgment and analysis. The Board of Supervisors further finds that the FSEIR has been presented to, and reviewed by, both the Board and Planning Commission and, with the refinements described in Section One of this Resolution, is adequate and complete for consideration by the Board of Supervisors in making a decision on the merits of the Tioga Inn Specific Plan Amendment #3, including making the findings for the Statement of Overriding Considerations in the form set forth in **Exhibit A**, which is attached hereto and incorporated by this reference.

² Guidelines for Good Exterior Lighting Plans, the Dark Sky Society (<http://www.darksksociety.org/>), 2009: <http://www.darksky.org/handouts/LightingPlanGuidelines.pdf>.

³ Access Fixtures, *Bollard Light Spacing*, 2020: https://www.accessfixtures.com/bollard_light_spacing/

⁴ Yosemite National Park Lighting Guidelines, May 2011: <https://www.nps.gov/yose/learn/nature/upload/Lighting-Guidelines-05062011.pdf>

SECTION THREE: Having reviewed and considered all information and evidence presented to it including public testimony, written comments, the Draft and Final Subsequent Environmental Impact Report (DSEIR and FSEIR, respectively), the 1993 Tioga Inn Specific Plan and FEIR and staff reports and presentations, the Board of Supervisors makes the following findings regarding the Tioga Inn Specific Plan Amendment #3 and Preferred Alternative (Alternative #7-Hybrid Plan):

- A. *The proposed changes in the specific plan are consistent with the text and maps of the General Plan because:*

The proposed changes to the Tioga Inn Specific Plan, the Tioga Inn Specific Plan Amendment #3, Alternative #7 (Amendment), are consistent with General Plan policies directing the County to utilize the specific plan process for large-scale projects and consistent with Land Use Element policies to contain growth in and adjacent to existing community areas (LU Element Objective A, Policies 1, 2). The project site is an existing specific plan approved for development and is proximate to the existing town of Lee Vining, separated only by Highway 120 and one parcel owned by an electric utility company from the closest commercial property, about ¼ mile away. The amendment is also consistent with General Plan policies for amending Specific Plans (Chapter 36 and Chapter 48).

The Amendment is reasonable within the context of providing housing for the approved unconstructed commercial uses and compatible with surrounding and proposed development of the Tioga Inn Specific Plan, and does not alter the adopted Tioga Inn Specific Plan in a manner that makes it inconsistent with the text or maps of the General Plan.

Further, the Amendment is consistent with Housing Element programs that require specific plans for large-scale development within community expansion areas (Mono County General Plan Housing Element 1.8) to utilize mixed use developments to more efficiently and economically utilize the County's limited land base for housing (Mono County General Plan Housing Element 1.9).

In addition, the Amendment is consistent with the Land Use Element policy which "require[s] future development ... to provide a fair share of affordable and workforce housing units" through compliance with the Housing Mitigation Ordinance.

- B. *The proposed changes in the specific plan are consistent with the goals and policies contained within any applicable area plan because:*

As discussed in both the Draft and Final SEIR documents, the specific plan changes are consistent with area plan polices. The site has long been identified for development, with commercial hotel, housing, restaurant and other uses approved in 1993. The Amendment incorporates energy efficient designs such as solar panels, southern orientation, and a graywater irrigation system, and includes requirements stricter than the General Plan Dark Sky requirements (Chapter 23) to protect the night sky.

Small-town character is preserved by providing housing for future employees of the approved commercial components so that the existing housing stock is impacted less and induced growth/overcrowding in the existing Lee Vining townsite is limited. Overcrowding within Lee Vining would result in parking, traffic, and noise impacts, and generally a more urban environment as the density of people increases in town. Additional impacts include, but are not limited to, increases in rent and decreases in the already limited availability of units. In addition, a significant

portion of the infrastructure required to accommodate the increase in population, such as water and sewer, are provided on site. Other services and environmental impacts such as fire protection, emergency medical services, law enforcement, traffic, greenhouse gas emissions, etc., have been evaluated based on an increase of approximately 300 residents and mitigated when possible or identified as significant and unavoidable. Further, population estimates are well within General Plan build-out projections and do not exceed generally understood population definitions of small towns (e.g., less than 10,000 people) or the Census Bureau's definition of a rural area (less than 2,500 people). Finally, the population increase is generated by the previously approved restaurant and hotel, not by the proposed project. The proposed project affects the distribution of that population, increasing the likelihood that the employees will become residents of the Lee Vining area rather than living within existing residential structures in Lee Vining or commuting from adjacent communities such as Bridgeport, June Lake, Crowley Lake, and Mammoth Lakes. The Amendment also enhances and supports the area's tourism-based economy and economic sustainability.

The proposed project is consistent with the Mono Basin Area Plan as follows:

Policy 10.C.2. Support design practices that protect scenic vistas, energy efficiency, and "green" building practices.

- The development is located below the ridgeline on a lower plateau and is not silhouetted against the skyline. The project incorporates energy efficiency and green building practices, such as graywater irrigation, solar panels, and housing onsite with employment (e.g., jobs-housing balance).

Policy 10.C.3. Preserve the dark night sky of the Mono Basin.

Action 10.C.3.a. Require compliance with and enforce Dark Sky Regulations.

- Chapter 23, Dark Sky Regulations, is not only applied, but additional regulations are required such as the prohibition of seasonal light strings on walls facing US 395, limitation on lumens and kelvin light temperature, and the requirement of pedestrian bollard lighting rather than overhead lighting.

Action 10.D.2.d. Consult the Kutzadika'a Mono Lake Indian Community on potential impacts to cultural and historic resources as described in Government Code §65352.3, which outlines local government requirements for tribal consultation.

- Consultation was held and the voluntary mitigation measure offered by the applicant was accepted via email from the California Indian Legal Services attorney representing the Tribe on 13 January 2020. Responses have continued to be provided to any further comments submitted by Tribal members.

Objective A: Provide for the orderly growth of Lee Vining in a manner that retains the small-town character by directing future development to occur in and adjacent to Lee Vining.

- The project site is an existing specific plan approved for development and is proximate to the existing town of Lee Vining, separated only by Highway 120 and one parcel owned by an electric utility company from the closest commercial property, about ¼ mile away.

Objective C: Encourage building types and architectural design compatible with scenic and natural attributes of the Mono Basin.

- Through public comment, the building types have been reduced to one story structures with a maximum height of 16 feet, and a landscaping plan has been developed to ensure screening of

walls, windows, and roof in addition to lighting. Visual impacts are additionally reduced by the lowering of the grading line to sink the structures into the hillside of an existing moraine, the requirement of dark colors and non-reflective materials, and the vast distance from the site to scenic vista areas which reduces the size and scale of the structures. Impacts to the night sky are also mitigated to less than significant with the addition of more restrictive dark sky lighting requirements; however, visual impacts remain significant overall because of downward directed lighting on the ground where none existed before. This policy does not prohibit approval of projects with identified impacts; rather, the applicable policy would be General Plan Conservation/Open Space Policy 20.C.1, which requires a statement of overriding considerations through the Environmental Impact Report process. The statement is proposed in Exhibit A.

Objective D: Maintain, protect and enhance the natural, historical and recreational attributes of the Mono Basin.

- Cultural protections have been addressed through consultation with the Mono Lake Kutzadika'a Tribe and continued correspondence.
- Pedestrian connectivity is an existing issue that cannot be attributed entirely to the project, and therefore cannot be solely resolved by this project, and certain constraints make the construction of pedestrian connectivity infeasible at this time. However, the applicant will fund studies and work toward overcoming those barriers to pursue a trail or other connection from the project site to town.

Objective E: Promote well-planned and functional community uses that retain small-town character and increase quality of life.

- Based on population data in the FSEIR/DSEIR, the estimated project population of 300 plus the 2018 population of 167 results in a total population of 476. While this population is almost a threefold increase in the current population, it is less than the population from the 2000 Census (496). Therefore, the Mono Basin has supported such population levels in the past.
- The small-town character is retained by providing housing onsite for the commercial uses already approved. Without the project, the employees of those commercial uses will seek housing in Lee Vining, impacting the already inadequate housing stock which typically results in overcrowding. Overcrowding then results in parking, traffic, and noise impacts, and generally a more urban environment as the density of people increases in town.
- The assumption that the hotel will not be built without the housing is speculation. The hotel and restaurant are approved and therefore reasonably foreseeable under CEQA, and must be assessed under the cumulative impact evaluation.

Objective F: Provide appropriate public infrastructure and service capability expansion to support development, public safety, and quality of life.

- In terms of capacity needs, the Lee Vining Fire Protection District had raised concerns about the technical expertise to plan check and inspect the construction phase of the project, and the need for an evacuation plan. Mono County offered to cover the plan check and inspection needs at no cost to the District, and a specific plan implementation measure was added to require the development of an evacuation plan.
- The District more recently raised capacity needs in terms of volunteer numbers, funding, and an update to the Development Impact Fee (DIF) study. The FSEIR discusses that residents in the project are likely to volunteer, but a specific number could be mandated. The Mono County Counsel's office provides free legal services to the District, and the applicant has offered to

prefund the cost of the consultant, provided the cost is credited against the amount of DIF due for the proposed project when the building permit is due. The applicant has also offered to host a fundraising and volunteer drive for the District, and offer housing priority for onsite employees agreeing to volunteer.

- The population is still well below the build-out anticipated by the General Plan, and existing parking standards should provide for adequate parking. If older projects previously built in Lee Vining were not built to standards, those are existing impacts for which the proposed project is not responsible.

Goal 2: Grow a sustainable local economy with diverse job opportunities that offers year-round employment and wages that reflect the cost of living in the area.

Objective A: Plan for a diversified, sustainable economy.

Objective B: Enhance and support the existing tourism-related economy.

Objective C: Diversify the existing economic base and employment opportunities to achieve a more sustainable economy.

- Housing in and of itself is a major barrier for business retention and expansion. The 2018 Mono County Business Retention & Expansion Survey found housing is the greatest barrier to workforce retention and recruitment with 79% of businesses attributing availability/affordability of housing as the overriding barrier. Housing is most critical for seasonal frontline employees according to 62% of businesses, however nearly as many (59%) mention housing scarcity for year-round employees. Almost 40% of businesses attempt to address housing issues by providing some employee lodging but only 34% of those say the amount is adequate.
- In the opinion of the Mono County Economic Development Department, improving the quality and quantity of visitor services is needed throughout the county and in Lee Vining

Policy 11.C.5. Support the revitalization of Main Street.

- The proposed project is not located on Main Street and therefore this policy is not applicable. Further, the policy does not prohibit, either directly or in an implied manner, any project that is not located on Main Street or directly supportive of Main Street revitalization. The intent of this policy was to support Main Street development, but there was no intention to penalize or prohibit other business efforts with no direct tie to Main Street.

Goal 3: Build a safe, Friendly community where people feel connected, work together to resolve community issues and are involved in community activities and events.

Objective A: Build healthy social connections and interactions that contribute to a sense of community.

Objective B: Encourage and support local events and programs that provide community and youth activities, capitalize on the tourist economy, and bring the community together.

Objective C: Encourage people to volunteer in the community and participate in events.

- The proposed project provides stable housing that contributes to a sense of safety and establishment, supporting the ability of people to feel connected to one other through proximity of both their residences and employment, interact together on a regular basis, and ultimately contribute to a sense of community both onsite and within the Mono Basin as a whole. The project also includes a day care facility, which provides for additional social stability and healthy family lives, and is open to offsite residents as well which will help bring community together. An offer has been made to the Lee Vining Fire Protection District to hold a fundraiser and volunteer recruitment drive, and the workforce supported by the project supports the tourist economy.

- C. *The site of proposed change in the specific plan is suitable for any of the land uses permitted within the proposed specific plan because:*

The project site contains existing and approved (but unconstructed) commercial uses and is large enough to provide a significant portion of needed infrastructure improvements, including roads meeting fire safe standards (LU Element Chapter 22 and 14 CCR §1273.00, et.seq.), an onsite wastewater treatment plant, and water supply from wells, among other infrastructure. The proposed residential uses are suitable for the site because they will provide housing for the approved commercial uses and phased to coincide with the expected generation of onsite employees, which is consistent with General Plan policies (LU Element, Objective A, Policy 1, Actions 1.2; and Housing Element Program 1.9). The gas pump and propane tank expansions are similar to commercial uses already in place on the site, and therefore are appropriate uses. The adjustment to the land use designations within the specific plan accommodate the development proposal, mitigate biological impacts, and increase overall open space acreage in recognition of the rural nature of the general landscape in the vicinity, and are therefore appropriate changes.

- D. *The proposed changes to the specific plan are reasonable and beneficial at this time because:*

The 2017 Mono County Housing Needs Assessment identified a need for 120-170 units to meet existing demand and accommodate future employment growth, and the Tioga Inn Specific Plan prior to this Amendment provided for 10 housing units for the approximately 187 employees estimated to be generated by the approved commercial uses. This Amendment provides up to 100 units, which will house significantly more employees on site and reduce impact to the community's housing stock. The phasing plan in the Amendment ties the construction of housing units to the construction of the commercial uses and the demonstrated occupancy of units. If the hotel is not built, then the project is limited to a maximum of 30 housing units to help meet the need of 120-170 units identified in the Housing Needs Assessment.

In addition, the 2018 Mono County Business Retention & Expansion Survey found housing is the greatest barrier to workforce retention and recruitment countywide with 79% of businesses attributing availability/affordability of housing as the overriding barrier. Housing is most critical for seasonal frontline employees according to 62% of businesses, however nearly as many (59%) mention housing scarcity for year-round employees. Almost 40% of businesses attempt to address housing issues by providing some employee lodging but only 34% of those say the amount is adequate. This project will help address housing needs to improve workforce retention and recruitment.

- E. *The proposed changes to the specific plan will not have a substantial adverse effect on surrounding properties because:*

As described in the FSEIR for the project and in the associated Statement of Overriding Considerations, impacts have been reduced to the lowest possible level. The five significant effects are limited to impacts to the project site, adjacent transportation routes and rights-of-way, traffic (which exists without the project), wildlife, and the general scenic nature of the Mono Basin area, with no direct adverse effects to specific surrounding properties. The Statement of Overriding Considerations is included as **Exhibit A** and incorporated herein by this reference.

SECTION FOUR: The recitals to the Resolution are hereby adopted as findings of the Board.

SECTION FIVE: The Board of Supervisors hereby takes the following actions: 1) makes the findings and statement required by 14 CCR §§ 15091 and §15093, substantially in the form set forth in **Exhibit A** with any revisions specified in Section One, which is attached hereto and incorporated by this reference; 2) certifies the Final SEIR as refined by Section One of this Resolution; 3) adopts the Mitigation Monitoring and Reporting Program as refined by Section One of this Resolution; and 4) approves the Tioga Inn Specific Plan Amendment #3, Alternative #7, Hybrid Plan, as refined by Section One of this Resolution.

PASSED AND ADOPTED this 13th day of October 2020, by the following vote of the Board:

AYES :

NOES :

ABSENT :

ABSTAIN :

Jennifer Kreitz, Vice Chair

ATTEST:

APPROVED AS TO FORM:

Scheereen Dedman
Clerk of the Board

Stacey Simon
County Counsel

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

For the proposed Tioga Community Housing/ Tioga Inn Specific Plan Amendment #3 Project

I. INTRODUCTION

The requirement for preparing Findings is outlined in CEQA Guidelines §15091, as provided below:

(a) "No Lead Agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

(1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

(3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

(b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.

(c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subdivision (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.

(d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.

(e) The public agency shall specify the location and custodian of the documents or other material which constitute the record of the proceedings upon which its decision is based.

(f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

When a Lead Agency approves a project that will result in significant adverse effects that will not be avoided or substantially lessened, the Agency is required to balance the unavoidable environmental risks against the economic, legal, social, technological, or other benefits associated with the project. Pursuant to CEQA Guidelines §15093(b) (Statement of Overriding Considerations) if a Lead Agency finds that the benefits of a project outweigh its unavoidable adverse effects, then the adverse effects may be considered "acceptable." Further when an agency approves a project that will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the law requires the agency to make written statements of fact specifying the reasons for its approval, which must be based on the final EIR and/or other substantial evidence and information in the record. Accordingly, the process of balancing adverse effects against potential benefits requires Mono County to make such written findings of fact ("Findings"), and to adopt a Statement of Overriding Considerations. CEQA Guidelines §15093(c) indicates that the statement of overriding considerations should be included in the record of project approval and mentioned in the notice of determination. The Statement of Overriding Considerations is in addition to the Findings required under CEQA Guidelines §15091.

Pursuant to CEQA Guidelines §15093, Section VIII of this document contains a Statement of Overriding Considerations. The statement explains how the Mono County Board of Supervisors, as the decision-making body of Mono County, weighed the economic, legal, social, technological or other project benefits against the significant adverse project impacts as identified in the Subsequent EIR prepared for the proposed *Tioga Community Housing Project/Tioga Inn Specific Plan Amendment #3*. This document also lists and briefly discusses project impacts that are less than significant, and project impacts that are less than significant with mitigation. A table of contents for the Findings of Fact and Statement of Overriding Considerations is provided on the following page.

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II. FSEIR BACKGROUND AND PROCESS

Preparation of the *Tioga Community Housing Project, Tioga Inn Specific Plan Amendment #3 Final Subsequent EIR* ('FSEIR') began with the distribution of a Notice of EIR Preparation (NOP) and scoping meeting during October 2016. Following review of the 33 NOP comment letters, the project proposal was modified to eliminate proposed changes to the previously-approved hotel and full-service promontory restaurant, increase the proposed number of housing units, incorporate day care facilities, and change the distribution and acreage of open space areas.

The Draft Subsequent EIR ('DSEIR') was subsequently distributed for a two-month public review period that began on 14 June 2019 and closed on 13 August 2019, which was then extended to 21 August 2019. The DSEIR contained a description of the proposed project and proposed amendments to the Tioga Inn Specific Plan, as well as a description of the environmental setting, identification of project impacts, mitigation measures for impacts found to be significant, an analysis of project alternatives, identification of significant irreversible environmental changes, growth-inducing impacts, and cumulative impacts.

Following close of the DSEIR public review period, the project was further modified in response to changes requested in the DSEIR comment letters.¹ Project modifications included a new Preferred Alternative 6 that was developed with the intent to lessen project impacts on scenic and visual resources, and to lessen project impacts associated with light and glare. The *Tioga Community Housing/ Tioga Inn Specific Plan Amendment #3 FSEIR* describes all project changes made since the DSEIR public review period ended, including the new Preferred Alternative 6.

The completed FSEIR was posted on the Mono County website on 28 February 2020. On 3 March, a workshop was held with the Lee Vining community to review the project changes and overall FSEIR schedule. Comments and questions raised during the 3 March 2020 workshop have been addressed in a Staff Report prepared for the Planning Commission meeting on 16 April 2020.

¹ In total, 983 comment letters were received including 226 individual letters submitted by agencies, organizations and citizens and 757 'generated' comment letters that utilized a 'generated format' provided by the Mono Lake Committee. Seventy-nine of the 983 comment letters were received too late to include in the FSEIR, but all have been summarized and responded to in the Staff Report and it has been determined that no significant new issues were raised.

III. SIGNIFICANT UNAVOIDABLE ADVERSE EFFECTS OF THE PROJECT

Analyses provided in the *Tioga Community Housing Project/Tioga Inn Specific Plan Amendment #3 FSEIR* indicate that approval and implementation of the project may result in five significant and unavoidable adverse environmental effects. The significant and unavoidable adverse effects of the *Tioga Community Housing Project/Tioga Inn Specific Plan Amendment #3* project are identified as follows:

Significant Unavoidable Adverse Effects of the Tioga Community Housing Project
HYDROLOGY: Exposure of people and structures to catastrophic mudflows resulting from a volcanic eruption
BIOLOGICAL RESOURCES: Cumulative impacts (only) to deer movement in the project region; direct project impacts on biological resources are less than significant.
PUBLIC SERVICES: Exposure of pedestrians & cyclists to unsafe travel conditions between the Tioga site and Lee Vining.
TRAFFIC: Significant unavoidable impacts associated with turning movements from eastbound SR 120 onto northbound US 395 (this significant impact would occur with or without the proposed housing project)
AESTHETICS: Project impacts on scenic and visual resources, and project impacts on light and glare

The new preferred Alternative 6, in combination with other new project mitigation measures and requirements, will substantively lessen project impacts on aesthetic resources. Additional substantive efforts were made to lessen the significant cumulative project impacts on deer movement, the significant direct and cumulative project impacts associated with unsafe pedestrian/cycling travel conditions between the project site and Lee Vining, and the significant unavoidable and adverse direct and cumulative impacts associated with vehicle turning movements at the SR 120/US 395 junction. However, despite concerted efforts, it was infeasible to reduce any of the significant project impacts to less than significant levels. Findings of Fact have been prepared to address each of the significant unavoidable adverse impacts identified above.

IV. ADMINISTRATIVE RECORD OF PROCEEDINGS

The Administrative Record serves as the basis on which the Mono County Board of Supervisors determines whether to certify an environmental document, and whether to approve or disapprove a proposed project. California Public Resources Code §21167.6(e) requires that the record of proceedings shall include, but is not limited to, all of the following materials:

CONTENTS OF THE ADMINISTRATIVE RECORD
<i>(1) All project application materials.</i>
<i>(2) All staff reports and related documents prepared by the respondent public agency with respect to its compliance with the substantive and procedural requirements of this division and with respect to the action on the project.</i>
<i>(3) All staff reports and related documents prepared by the respondent public agency and written testimony or documents submitted by any person relevant to any findings or statement of overriding considerations adopted by the respondent agency pursuant to this division.</i>
<i>(4) Any transcript or minutes of the proceedings at which the decision-making body of the respondent public agency heard testimony on, or considered any environmental document on, the project, and any transcript or minutes of proceedings before any advisory body to the respondent public agency that were presented to the decision-making body prior to action on the environmental documents or on the project.</i>
<i>(5) All notices issued by the respondent public agency to comply with this division or with any other law governing the processing and approval of the project.</i>
<i>(6) All written comments received in response to, or in connection with, environmental documents prepared for the project, including responses to the notice of preparation.</i>
<i>(7) All written evidence or correspondence submitted to, or transferred from, the respondent public agency with respect to compliance with this division or with respect to the project.</i>
<i>(8) Any proposed decisions or findings submitted to the decision-making body of the respondent public agency by its staff, or the project proponent, project opponents, or other persons.</i>

(9) The documentation of the final public agency decision, including the final environmental impact report, mitigated negative declaration, or negative declaration, and all documents, in addition to those referenced in paragraph (3), cited or relied on in the findings or in a statement of overriding considerations adopted pursuant to this division.

(10) Any other written materials relevant to the respondent public agency's compliance with this division or to its decision on the merits of the project, including the initial study, any drafts of any environmental document, or portions thereof, that have been released for public review, and copies of studies or other documents relied upon in any environmental document prepared for the project and either made available to the public during the public review period or included in the respondent public agency's files on the project, and all internal agency communications, including staff notes and memoranda related to the project or to compliance with this division.

(11) The full written record before any inferior administrative decision-making body whose decision was appealed to a superior administrative decision-making body prior to the filing of litigation.

CEQA Guidelines §15074(c) requires that Findings must also specify the location and custodian of the administrative record. The administrative record of the *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3* project shall be maintained and shall be available for public review at 437 Old Mammoth Road, Suite P in Mammoth Lakes, California, under the custody of the Mono County Community Development Department (CDD), until the CDD is moved to the new County offices at 1290 Tavern Road, Mammoth Lakes, California. Project files shall also be available at the Bridgeport CDD office at 74 N. School Street, Bridgeport, California.

V. CONSIDERATION OF THE ADMINISTRATIVE RECORD

In adopting these Findings, Mono County as Lead Agency finds that the *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3 FSEIR* was presented to the Board of Supervisors, as the decision-making body of the County. The Board of Supervisors reviewed and considered the information in the *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3 FSEIR* prior to certifying the *Tioga Community Housing Project, Tioga Inn Specific Plan Amendment #3 FSEIR* and prior to approving the project. By these Findings, the Board of Supervisors ratifies, adopts, and incorporates the analyses, explanations, findings, responses to comments, and conclusions of the Final Subsequent EIR. The Board of Supervisors finds that the *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3 FSEIR* was completed in compliance with the California Environmental Quality Act. The information and conclusions contained in the Findings, in the Statement of Overriding Considerations, and in the Final Subsequent EIR reflect Mono County's independent judgment and analysis.

VI. PROJECT IMPACTS THAT ARE LESS THAN SIGNIFICANT

VI.A Impacts that are Less than Significant and do not require mitigation. Project impacts have been found to be less than significant, with no mitigation requirements, for the three CEQA environmental factors listed below:

1. **POPULATION, HOUSING, EMPLOYMENT.** No significant adverse impacts are foreseen for potential project impacts on Population, Housing or Employment. The project will not induce substantial unplanned population growth in an area, or adversely impact employment or living conditions, in Lee Vining, in the Mono Basin, or in Mono County as a whole, or displace substantial numbers of people or existing housing, necessitating the construction of replacement housing elsewhere. No Findings or Statement of Overriding Effects are required for these environmental factors.
2. **ENERGY AND UTILITIES.** No significant adverse impacts are foreseen for potential project impacts on Public Services, Energy and Utilities. The project will not create a need for new or modified governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any public services (police protection, schools, other public facilities, services and utilities). Further, the project will not result in a wasteful, inefficient, and/or unnecessary consumption of energy; or be served by a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs and fail to comply with federal, state, and local statutes and regulations related to solid waste, as discussed on DSEIR pages 5.8-7 through 5.7-13. Please see discussion in §VII for discussion of the significant

and unavoidable adverse impacts on public services associated with increased foot traffic between the project site and Lee Vining.

3. **AIR QUALITY AND GREENHOUSE GASES.** No significant adverse impacts are foreseen for potential project impacts on Air Quality & Greenhouse Gases. The project will not conflict with or obstruct implementation of the applicable air quality plan or result in a cumulatively considerable increase of a criteria pollutant for which the project region is non-attainment, will not expose sensitive receptors to substantial pollutant concentrations, will not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people, will not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment, and will not conflict with an applicable plan, policy or regulation adopted to reduce greenhouse gas emissions. No Findings or Statement of Overriding Effects are required for these environmental factors.
4. **NOISE.** No significant adverse impacts are foreseen for potential project impacts on Noise. The project will not expose persons to or cause a permanent or temporary significant increase in ambient noise levels or result in noise levels exceeding adopted standards, will not expose persons to or generate excessive groundborne vibration or groundborne noise levels, and will not expose people residing or working in the project area to excessive noise levels for a project located in an airport land use plan or (where such a plan has not been adopted) within two miles of a public airport or public-use airport or a private airstrip. No Findings or Statement of Overriding Effects are required for these environmental factors.

VI.B Impacts that are Less than Significant with Mitigation. Project impacts have been determined to be less than significant, with mitigation requirements, for impacts associated with the environmental factors listed in this section.

1. **GEOLOGY AND SOILS.** With implementation of the mitigation measures outlined below and in FSEIR §6.5 (Mitigation Monitoring and Reporting Program), no significant adverse impacts are foreseen with respect to the potential for the project to directly or indirectly cause potential substantial adverse effects involving rupture of a known Alquist-Priolo earthquake fault, strong seismic ground shaking, seismic-related ground failure including liquefaction, and/or landslides, as discussed on DSEIR pages 5.1-7 through 5.1-11.
 - *Mitigation Measure GEO 5.1(a-1) (Soils): Site specific soils reports with appropriate recommendations for proposed improvements shall be made at the time that improvements are being designed.*
 - *Mitigation Measure GEO 5.1(a-2) (Debris Flows): Debris flow mitigation (including debris/desilting/ retention basins and/or rip rap or other mitigative measures) shall be used in any canyon or gully areas where structures would be located.*
 - *Mitigation Measure GEO 5.1(a-3) (Seismicity): Due to the project location in a zone of known active faulting, further geotechnical investigations shall be undertaken if soil removal and/or grading expose fault traces. This possibility shall be considered throughout the initial construction planning and earthwork phases.*
 - *Mitigation Measure GEO 5.1(b) (Low Impact Development): The Low Impact Development Best Stormwater Management Practices Program outlined in Mitigation HYDRO 5.2(a-6) shall be implemented through the life of the Tioga Specific Plan.*
 - *Mitigation Measure GEO 5.1(c) (Supplemental Geotechnical Studies): Additional geotechnical studies shall be prepared, prior to Grading and/or Building Permits approval, to examine subsurface soil and groundwater conditions on all project areas that were not analyzed as part of the 1993 Final EIR. Areas to be studied shall at a minimum include land underlying the workforce housing project, the propane tank storage area, the proposed site of the new water storage tank, and all areas that would be newly impacted by the proposed septic and wastewater treatment system.*
2. **HYDROLOGY AND WATER QUALITY.** With implementation of the mitigation measures outlined below and in FSEIR §6.5 (Mitigation Monitoring and Reporting Program), no significant adverse impacts are foreseen with respect to the potential for the project to directly or indirectly violate water quality standards or a water quality control plan, or sustainable groundwater management plan, or otherwise substantially degrade surface or groundwater quality; violate any wastewater treatment or discharge requirements or require new wastewater treatment facilities; substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume, or a lowering of the local groundwater table level that would impact the

production rate of nearby wells, or jeopardize the sufficiency of water supplies to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years; or substantially alter drainage patterns in a manner that would result in substantial erosion, siltation, flooding or runoff or exceed existing or planned drainage systems; or place housing or structures in a 100-year flood hazard area as mapped on a Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map, or impede flood flows; or expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam, as discussed on DSEIR pages 5.2-15 through 5.2-30. No Findings or Statement of Overriding Effects are required for these impacts. Please see §VII for discussion of the significant and unavoidable adverse impacts associated with the potential for the project to expose people or structures to inundation by mudflow.

- *Mitigation Measure HYDRO 5.2(a-1) (Slope Restoration and Monitoring): The Shrubland Revegetation Plan requirements outlined in Mitigation BIO 5.3(a-1) shall be included as a condition of approval in the building permit issued by Mono County. Purposes of the revegetation plan are to control erosion, reduce offsite runoff flow, control weeds, sequester carbon, enhance aesthetic values and to provide forage and shelter for wildlife.*
- *Mitigation Measure HYDRO 5.2(a-2) (Buffer Zone and Exclusion Fencing): Buffer areas shall be identified and exclusion fencing shall be installed to protect surface water resources outside of the project area, and to prevent unauthorized vehicles or equipment from entering or otherwise disturbing surface waters outside the project area. Construction equipment shall be required to use existing roadways to the extent possible.*
- *Mitigation Measure HYDRO 5.2(a-3) (Minimal Vegetation Clearing): Vegetation clearing shall be kept to a minimum. Where feasible, existing vegetation shall be mowed so that after construction, the vegetation can reestablish more quickly and thereby help mitigate the potential for storm water impacts.*
- *Mitigation Measure HYDRO 5.2(a-4) (Spill Prevention and Response): Mitigation Measure HYDRO 5.2(a-7), which is detailed in Section VI.B.2 below, is designed to protect surface and groundwater quality through spill prevention and response measures features that will effectively reduce the surface and groundwater contamination. The County therefore finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental impact identified in DSEIR §5.2.*
- *Mitigation Measure HYDRO 5.2(a-5) (Onsite Storm Flow Retention): A comprehensive drainage study shall be developed which includes all phases of the project and implements the Low Impact Development Standards outlined in GEO 5.2(b). The project shall incorporate features to remove sediment from stormwater before it is discharged from the site. The project shall retain runoff from new impervious surfaces, and surfaces disturbed during construction. Retention shall be achieved by directing runoff to drywells or landscaped areas that provide infiltration. Sediment removal and retention systems shall be designed to accommodate all runoff resulting from a 20-year storm event of 1-hour duration. It must be demonstrated that the stormwater system is designed in such a way that when the retention capacity is exceeded, runoff leaves the site in keeping with pre-project drainage patterns, and will not cause the design capacities of any downstream drainage facilities to be exceeded.*
- *Mitigation Measure HYDRO 5.2(a-6) (Stormwater BMPs): In compliance with Mono County General Plan Appendix §25.010, the Low Impact Development Best Stormwater Management Practices Program (LID BMPP) provided herein shall be implemented throughout the life of the Tioga Specific Plan. Purposes of LID implementation are to keep polluted runoff water out of the rivers and lakes, use the chemical properties of soil and plants to remove pollutants from water, design subdivisions to clean their own stormwater rather than dumping it into streams or lakes, and preserve the natural water flow of the site beyond required codes and 'business-as-usual'. The measures to be implemented are shown below:*

Low Impact Development Features of the Tioga Community Housing Project	
NATURAL DRAINAGE CONTROLS	<i>Onsite flows will be carried in drainage conveyance facilities located along slopes and collection elements will be sited in natural depressions.</i>
RUNOFF COLLECTION AND TREATMENT	<i>Stormwater runoff will be collected into the new stormwater retention system, which is sized to accommodate a conservative infiltration rate of 5 minutes per inch. Treatment will be provided by bioswales located in the landscaped areas of the parking lot. Additional treatment facilities may be provided including placement of oil removal inserts in the inlets, or a separate oil treatment unit.</i>
ONSITE FLOW RETENTION	<i>Runoff and excess water will be maintained onsite up to the required 20-year storm design standard.</i>
INFILTRATION	<i>Use of rock swales & collection features to enhance filtration of pollutants.</i>

RUNOFF SEPARATION	<i>Channels and/or swales will be used to create a separate between roads and pedestrian paths.</i>
ROAD DESIGN	<i>Road improvements will be the minimum required for public safety and emergency access, and will continue to feature traffic calming features including curvilinear design, low speed limits, posted turn restrictions, high visibility internal signage.</i>
CLUSTER DESIGN	<i>Onsite uses will feature compact design layouts that preserve open space and natural vegetation, and minimize energy costs.</i>
VEGETATION RETENTION	<i>Mature vegetation will be preserved, and native bitterbrush vegetation lost to fire will be replanted and irrigated until established.</i>
SCREENING	<i>The layout of proposed uses, and the design of grading contours, will minimize offsite visibility of constructed elements.</i>
WATER USE FOR LANDSCAPING	<i>The project will comply with provisions of the Department of Water Resources Model Water Efficient Landscape Ordinance.</i>

- *Mitigation Measure HYDRO 5.2(a-7) (Spill and Leak BMP Plan): The Spill and Leak BMP Plan below shall be incorporated into and approved as part of the Board Order for the package wastewater treatment plant (WWTP). The plan shall comply with all applicable requirements of the Lahontan Regional Water Quality Control Board, as stipulated in the Board Order, to ensure that onsite facilities have containment and other controls in place to prevent oil from reaching navigable waters and adjoining shorelines, and to contain and treat oil discharges onsite should a spill occur.*

Spill and Leak Best Management Practices of the Tioga Community Housing Project	
SPILLS	<i>Ground surfaces at the gas station and housing area shall be regularly maintained in a clean and dry condition, including snow removal during winter months.</i>
	<i>Drip pans & funnels shall at all times be readily available to gas station customers & staff for use when draining or pouring fluids.</i>
	<i>At least 2 spill containment and cleaning kits shall at all times be readily available and properly labeled, with instructions, at all times for use by gas station customers and staff</i>
	<i>Kitty litter, sawdust or other absorbent material shall at all times be readily available to gas station staff & customers, with instructions that the absorbent material is to be poured onto spill areas, and then placed in covered waste containers for disposal. Wash down of spills shall be strictly prohibited.</i>
LEAK CONTROLS	<i>Drip pans & funnels shall at all times be accessible and readily available for use with stored vehicles.</i>
	<i>Drip pans shall be placed under the spouts of liquid storage containers.</i>
TRAINING	<i>All gas station employees, as well as the housing manager, shall be trained on spill & leak prevention practices annually.</i>
	<i>Signage shall be posted on the gas station service islands requesting that customers properly use, recycle and dispose of materials.</i>
FUELING	<i>Wash down of paved surfaces at the gas station and housing area shall be prohibited in any areas that flow into storm drains.</i>
	<i>Signs shall at all times be posted advising gas station customers not to overfill or top-off gas tanks, and all gas pumps shall be outfitted with automatic shutoff fuel dispensing nozzles.</i>
	<i>Fuel-dispensing areas shall be swept daily or more often to remove litter and debris, with proper disposal of swept materials.</i>
	<i>Rags and absorbents shall at all times be readily available for use by gas station staff & customers in case of leaks and spills.</i>
	<i>Outdoor waste receptacles and air/water supply areas shall be checked by gas station employees on a daily basis to ensure that receptacles are watertight and lids are closed.</i>
WASTE TREATMENT PLANT	<i>WWTP BMPs shall at a minimum include (a) work areas, walkways and stairwells shall be maintained clear of loose materials and trash. (b) Spills such as grease, oil or chemicals shall be cleaned up immediately, (c) Combustible trash (such as paper, wood and oily rags) shall not be allowed to accumulate, (d) All chemicals and combustible liquids shall be stored in approved containers and away from sources of ignition and other combustible materials, (e) Oily rags shall be placed in metal containers with lids, (f) Adequate clearances shall be maintained around electrical panels, and extension cords shall be maintained in good conditions. Remote security scans shall be conducted on a daily basis, with weekly walk-through inspections, bi-annual site reviews, annual BMP plan oversight inspections, and reevaluation of the WWTP BMP plan no less than once every 5 years.</i>

WASHING	<i>No vehicle washing shall be permitted at the gas station or housing area unless a properly designed wash area is provided & designated on the project site.</i>
	<i>If a wash area is provided on the project site, it shall be located near a clarifier or floor sump, properly designed, paved and well-marked. Gas station employees (as well as the housing manager, if relevant) shall be trained in use and maintenance of the designated wash area. Washwaters shall be contained, cleaned and recycled.</i>
	<i>Detergents sold & used at the gas station shall be biodegradable and free of phosphates.</i>

- *Mitigation Measure HYDRO 5.2(b-1) (Wastewater Treatment): Upon installation of the new wastewater treatment system the existing septic tank will be properly decommissioned, and the existing leachfield will be used only for disposal of treated effluent during the winter months when effluent flows are at a minimum and the subsurface irrigation system is suspended due to freezing conditions. Leach field size will be determined by LRWQCB requirements, based on the application rate for the treated wastewater effluent.*
- *Mitigation Measure HYDRO 5.2(b-2):(Leachfield Percolation Standards): Percolation rates for the new leachfield shall be determined in accordance with procedures prescribed by LRWQCB. Where the percolation rates are faster than 5 MPI, the minimum distance to anticipated high groundwater shall be no less than 40 feet, based on information provided by the well logs drilled within 600' of the anticipated disposal location. Note that the criteria for achieving a minimum 40' distance to groundwater with percolation rates faster than 5 MPI was developed for effluent from septic systems, whereas project effluent from the wastewater treatment plant will be secondary treated and denitrified. Thus the required depth to groundwater may be modified during LRWQCB permitting.*
- *Mitigation Measure HYDRO 5.2(b-3) (Effluent Treatment Standards): The package plant shall be designed to produce a treated secondary denitrified effluent achieving a total nitrogen concentration of 10 mg/L. The treatment plant's performance goals for BOD, TSS, T-N, coliform, etc. shall meet the US EPA secondary treatment standards.*
- *Mitigation Measure HYDRO 5.2(b-4) (Title 22 Compliance): Operation of the proposed subsurface drip irrigation system will require either an approved Title 22 engineering report from Division of Drinking Water (DDW), or a letter from DDW stating that the project does not need to satisfy Title 22 criteria; the alternative leach field location shown on the Tioga Workforce Housing Concept Plan shall replace the proposed leachfield location if required for Title 22 Compliance.*
- *Mitigation Measure HYDRO 5.2(b-5) (Groundwater Quality Monitoring): At a minimum, the project will provide 1 upgradient and 2 downgradient monitoring wells, in locations and at depths to be established by the Lahontan Board during the Wastewater Treatment Plant permit approval process. Monitoring well locations and depths of well construction will be as proposed by a licensed hydrogeologist as part of a Work Plan for permitting of the WWTP, as reviewed and accepted by the Board.*
- *Mitigation Measure HYDRO 5.2(b-6) (Nitrogen Removal): In the event that data from the groundwater monitoring wells show a sustained increase in groundwater salinity levels, nitrogen removal systems will be added to the package wastewater treatment system as needed to maintain baseline salinity levels in the underlying groundwater aquifer.*

3. **BIOLOGICAL RESOURCES.** With implementation of the mitigation measures outlined below and in FSEIR §6.5 (Mitigation Monitoring and Reporting Program), no significant adverse impacts are foreseen with respect to the potential for the project to have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS; or have a substantial adverse effect on any riparian habitat or other sensitive natural plant community identified in local or regional plans, policies, regulations or by the CDFW or USFWS; or have a substantial adverse effect on a state or federally protected wetlands; or conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan, as discussed on DSEIR pages 5.3-17 through 5.3-26. Please see §VII for discussion of the significant adverse impacts associated with the project potential to interfere substantially with the movement of native resident or migratory wildlife species or with established native resident or migratory wildlife corridors.

- *Mitigation Measure BIO 5.3(a-1) (Shrubland Vegetation): Proponent shall prepare a Revegetation Plan for the purpose of returning all areas that are temporarily disturbed by the project to a condition of predominantly native vegetation. Mono*

County will review this plan for approval within 60 days of the start of project construction. The revegetation plan will, at a minimum, include locally derived seed or plants from the following list of species, in order to emulate remaining Great Basin Mixed Scrub on-site: Jeffrey pine, single-leaf pinyon, antelope bitterbrush, big sagebrush, mountain mahogany, desert peach, wild buckwheat (*Eriogonum microthecum*, *E. fasciculatum*, or *E. umbellatum*), yellow rabbitbrush, silvery lupine, chicalote, basin wildrye, and any of the regionally common needlegrasses. The Plan must also include methods and timing for planting, supplemental inputs including plant protection and irrigation using treated sewage effluent, success criteria that include a return to at least 50% of pre-project native vegetation cover within five years, and a monitoring and reporting program that includes annually collected revegetation progress data, data and trends summary, and photographs for transmittal to Mono County prior to December 1 of each of the first five years following project construction (or until all success criteria are attained). Monitoring data collection and reporting shall be performed by a qualified botanist who has been approved by Mono County. A map shall be included with the Revegetation Plan that shows the location of all areas that will be temporarily disturbed during grading and earthwork.

- *Mitigation Measure BIO 5.3(a-2) (Rockcress Avoidance):* The construction contractor shall be required to install temporary fencing along the western edge of the existing roadway where it approaches the Masonic rockcress population, in order to prevent accidental damage due to incursion by equipment. Fencing shall remain in place through the completion of all construction phases.
- *Mitigation Measure BIO 5.3(a-3) (Nesting Bird Survey):* A pre-disturbance nesting bird survey shall be conducted within seven days prior to the start of vegetation and ground-disturbing project activities, by a qualified biologist, if construction is scheduled to begin during the period March 15 – August 15. All potential nesting habitat within 200 feet (passerine birds) or 600 feet (raptors) from the project-related disturbance limits will be included in the survey. Survey results will be reported to CDFW, Bishop, Mono County, and to the construction foreperson within 24 hours of survey completion, in order to formulate avoidance measures. Appropriate measures (at a minimum including nest buffering and monitoring) will be decided in consultation with CDFW on a nest-by-nest basis.
- *Mitigation Measure BIO 5.3(a-4) (Badger and Denning Fox Survey):* A pre-disturbance denning badger and denning fox survey shall be scheduled within three days prior to the start of vegetation and ground-disturbing project activities. The survey will be performed by a qualified biologist. The survey will include the entire area where disturbance will occur, as well as buffers of 500 feet in all directions. Survey results will be reported to CDFW-Bishop, Mono County, and to the construction foreperson within 24 hours of survey completion, in order to formulate avoidance measures. Unless modified in consultation with CDFW, active badger or fox dens will be buffered by a minimum distance of 500 feet, until the biologist finds that den occupation has ended. In the unlikely event that an active fox den that could be occupied by Sierra Nevada red fox is found, ground-disturbing work at the project will be halted pending consultation with CDFW regarding buffering and avoidance.
- *Mitigation Measure BIO 5.3(a-5) (Pet Enclosure, Pet Leashing, Eviction for Noncompliance):* Tenants wishing to have pets shall be required to construct and pay for a fenced enclosure, as approved by property management, to prevent their pet(s) from entering undeveloped portions of the property and (unfenced) adjacent lands. The tenancy agreement for all units will include a common rule of leashing of all pets whenever they exit the housing units or fenced enclosure. Enforcement of the enclosure and leashing requirements shall continue through the life of the project; the penalty for violation of this regulation shall include eviction following two advisory noncompliance notices by the housing manager.
- *Mitigation Measure BIO 5.3(a-6) (Revegetation of Temporarily Disturbed Areas):* The following measures shall be provided for all project areas where temporary disturbance occurs due to earthwork and grading:
 - (a) *TOPSOILS:* During earthwork, topsoil that must be disturbed in relatively weed-free habitats will be removed to a depth of 12" and stockpiled at the margins of temporarily disturbed areas for reuse during replanting. Stockpiles will be used within one year of the completion of construction. During storage, topsoil will be armored to (a) minimize dust emissions, and (b) optimize survival of native seeds during replanting.
 - (b) *SCREENING:* Trees to be planted onsite for screening include native single leaf pinyon, Jeffrey pine, quaking aspen, and seeded mountain mahogany. Non-native Italian poplar sterile male transplants may be used in areas where rapid screening growth is desired. Screening trees will be planted densely to compensate for up to 50% mortality prior to maturation. Irrigation and plant protection will be provided as needed to attain optimal tree growth, tree health, and screening efficacy.
 - (c) *BITTERBRUSH:* Bitterbrush will be a chief component of the planting palette (see the shrubs listed on the amended Plant Palette (see Specific Plan Table 7-13), except adjacent to roads (SR 203 and US 395), where low-growing shrub will be planted to restore plant cover that allows drivers greater visibility of approaching deer. Within 250' of these roads, curl-leaf rabbitbrush and desert peach will be the only shrubs included in revegetation efforts.

(d) **SEED MIX ADJACENT TO ROADS:** The seed mix to be used adjacent to roads (including the protected corridor along US 395) shall consist of 1) curl-leaf rabbitbrush (*Chrysothamnus viscidiflorus*, 1-2 ft. maximum ht.) and 2) desert peach (*Prunus andersonii*, 2 ft.), both of which are fast-growing, and currently abundant on-site especially where the soil and vegetation has been disturbed.

(e) **WEED CONTROL:** Weed control will be practiced in all temporarily disturbed habitats. Soil stockpiles will be included in weed controls. As the most invasive weeds in the project area are annual species, annual control scheduling will include at least one control application prior to flowering and seed production. If an herbicide is used, it will be done by a licensed applicator. Weed control efficacy will be evaluated for the first five years following the completion of construction-related disturbance, during annual monitoring in fall.

(f) **MONITORING:** Landscape plantings shall be monitored over a period of 5 years by a qualified biologist. The progress of revegetation will be evaluated at the end of each growing season and reported with regard to attainment of success criteria: 1) after 5 years, at least six live native shrubs per 4 square meters or 10% total living shrub canopy cover will be present, 2) within screening areas, at least one live tree per 4 square meters will be present, 3) weeds will together establish less than 10% canopy cover in sampled 4 square meter quadrats. If it appears at the time of annual monitoring that any of these success criteria may not be met after 5 years, recommendations for specific remediations including re-planting or additional weed control will be provided in the annual monitoring report.

- **Mitigation Measure BIO 5.3(a-6) (Signage):** Signage stating "Do Not Feed the Wildlife" shall be posted on the road leading into the housing complex, at the entry to Vista Point Drive, and at the access points from Vista Point Drive into the gas station, the hotel, and the full-service restaurant.
- **Mitigation Measure BIO 5.3(d-1) (Shielding of Night Lighting):** Night lighting shall be shielded and in compliance with Chapter 23, Dark Sky Regulations, of the General Plan to maintain at existing levels the degree of darkness along the corridor of undeveloped vegetation between Tioga Inn developments and US395. Deer movements across the highway during spring will be facilitated by keeping this corridor open (no linear barriers, no brightly lit signs, no future revegetation or project development) so that movements will be deflected to the east and south of the new housing area rather than back across the highway.
- **Mitigation Measure BIO 5.3(d-2) (Burn Area Restoration):** All areas burned in 2000 within the property (14.8 acres, minus acres that are permanently converted to approved Tioga Specific Plan facilities) will be seeded using locally collected bitterbrush (*Purshia tridentata*), at a rate of 4 pounds/acre pure live seed. In addition, diverse shrubs and grasses with available locally collected seed (acceptable species are: antelope bitterbrush, big sagebrush, mountain mahogany, desert peach, wild buckwheat (*Eriogonum microthecum*, *E. fasciculatum*, or *E. umbellatum*), yellow rabbitbrush, silvery lupine, chicalote, basin wildrye, and any of the regionally common needlegrasses) will be spread, bringing the total application rate to 10 pounds/acre. Seeding will be performed just prior to the onset of winter snows in the same year that project construction is initiated. If, after a period of five growing seasons has passed, a qualified botanist finds that total live cover provided by native shrub and grasses has not increased to 20% above that measured at adjacent (unseeded) burn scar areas, then the entire burn area will be seeded again as described above.
- **Mitigation Measure BIO 5.3(d-3) (Protected Corridor along US 395):** Mule deer mortality along US 395 adjacent to the project site can be minimized by ensuring that the corridor between US 395 and all Tioga project elements (including the hotel, the full-service restaurant, and the workforce housing) remains entirely free of linear barriers, brightly lit signs, and new surface structures (excepting one new above-ground sewage/reclaimed water pump control structure with no more than 100' feet of building area), with no future revegetation of native plant materials. This mitigation measure applies only to lands owned by the project applicant and outside of the approved hotel and restaurant uses.
- **Mitigation Measure BIO 5.3(d-4) (Waste Receptacles):** All waste receptacles will be designed to prevent access by ravens and bears. Signs will be clearly posted informing of the need to secure trash, pets, and stored food from wildlife access. Rental agreements will include restriction against storage of trash or unsecured food items outside residences (including in vehicles) for any length of time.

4. **CULTURAL RESOURCES.** With implementation of the mitigation measures outlined below and in FSEIR §6.5 (Mitigation Monitoring and Reporting Program), no significant adverse impacts are foreseen with respect to the potential for the project to cause a substantial adverse change in the significance of a prehistorical or historical resource; or directly or indirectly destroy a unique paleontological resource or site or unique geologic feature, or disturb any tribal cultural resources or sacred lands, or human remains including those interred outside of formal cemeteries; or cause substantial change in the significance of a tribal cultural resource, as discussed on DSEIR pages

5.4-6 through 5.4-11. It should be noted that CULT 5.4(a) is a voluntary measure by the applicant as no evidence of potential tribal cultural resources were found on site.

- *Mitigation Measure CULT 5.4(a) (Discovery of Archaeological Resources):* Prior to initiation of any earthwork on the project site, the Mono Lake Kutzadika'a Tribe shall receive reasonable compensation in an amount equivalent to 50 hours of time and travel costs. The Tribe may use the 50 hours of compensated time for training of the onsite construction crew and/or for tribal monitoring, with the allocation of time to be at their discretion. Additionally, all construction plans that require ground disturbance and excavation shall contain an advisory statement that there is potential for exposing buried archaeological resources which would require implementation of the procedures described below. The interested Tribes shall be notified by postal mail and electronic mail no less than 10 days prior to the initiation of any grading or earthwork. Tribal monitors are invited to observe the work at any time, either as paid professionals within the 50-hour pre-discovery allotted compensation or as non-paid volunteers. In the event of the discovery of archaeological resources during construction, ground disturbance shall be suspended within a 200-foot radius of the location of such discovery until the area can be evaluated by Tribal cultural resource experts assisted by a qualified archaeologist. The selection of the archaeologist will be approved by Mono County, the Mono Lake Kutzadika'a Tribe, Bridgeport Indian Colony, and the project proponent. The Tribal cultural resource experts and the archaeologist shall be fairly compensated. Work shall not resume in the defined area until sufficient research and data collection are conducted to make a determination as to the significance of the resource. If the resource is determined to be significant and mitigation is required, the first priority shall be avoidance and preservation of the resource. All feasible recommendations of the Tribal cultural resource experts and archaeologist shall be implemented. Mitigation may include, but is not limited to, in-field documentation and recovery of specimens, laboratory analysis, preparation of a report detailing the methods and findings of the investigation, and curation at an appropriate collection facility. Evaluation and recommendations shall be developed in collaboration with the Kutzadika'a Indian Community of Lee Vining and the Bridgeport Indian Colony, and the tribes shall be responsible for determining who will monitor the subsequent ground disturbance. Post-discovery, the tribal monitor shall receive reasonable compensation² for time and travel costs, beyond the 50-hour limit allocated for pre-discovery monitoring.
- *Mitigation Measure CULT 5.4(b) (Discovery of Paleontological Resources):* All construction plans that require ground disturbance and excavation shall contain an advisory statement that there is potential for exposing buried paleontological resources. In the event of the discovery of paleontological resources during construction, ground disturbance shall be suspended within a 200-foot radius of the location of such discovery until the area can be evaluated by a qualified paleontologist. Work shall not resume in the defined area until the paleontologist conducts sufficient research and data collection to make a determination as to the significance of the resource. If the resource is determined to be significant and mitigation is required, the first priority shall be avoidance and preservation of the resource. All feasible recommendations of the paleontologist shall be implemented. Mitigation may include, but not limited to, in-field documentation and recovery of specimens, laboratory analysis, preparation of a report detailing the methods and findings of the investigation, and curation at an appropriate paleontological collection facility.
- *Mitigation Measure CULT 5.4(c,d) (Discovery of Human Remains):* No evidence of Native American burials, which are considered Tribal Cultural Resources, was found in the project area. However, unmarked Native American graves may, potentially, be encountered during ground disturbance or excavation. Because no cultural tribal resources have been identified on the project site but the potential exists for subsurface resources that cannot be seen at this time, the interested Tribes shall be notified by postal mail and electronic mail no less than 10 days prior to the initiation of any grading or earthwork, and are invited to observe the work at any time without compensation. All construction plans that require ground disturbance and excavation shall contain an advisory statement that (1) there is potential for encountering human burials, (2) the Indian communities have been invited to observe the work at any time without compensation, (3) if human remains are encountered, all work shall stop immediately and the County shall be notified, and (4) that human remains must be treated with respect and in accordance with State laws and regulations. In the event of the discovery of human remains at any time during construction, by either project personnel or the Tribal monitor, ground disturbance shall be suspended within a 200-foot radius of the location of such discovery and the Kutzadika'a Indian Community of Lee Vining and the Bridgeport Indian Colony shall be notified. California Health and Safety Code §7050.5 stipulates that if human remains are discovered during project work, the specific area must be protected, with no further disturbance, until the

² Reasonable compensation for pre-discovery and post-discovery tribal time and services shall include mileage at standard IRS rates, and an hourly fee (including monitoring and travel time) not to exceed \$40.

county coroner has determined whether an investigation of the cause of death is required. If the human remains are determined to be those of a Native American, the coroner must contact NAHC by telephone within 24 hours. PRC §5097.98 states that NAHC must then notify the most likely descendant community, which then inspects the find and makes recommendations how to treat the remains. Both laws have specific time frames, and PRC 5097.98 outlines potential treatment options. Representatives of the most likely descendant community shall be responsible for determining who will monitor the subsequent ground disturbance. The tribal monitor shall receive reasonable compensation for time and travel costs involved in developing recommendations for and treating the remains, and for monitoring subsequent ground disturbance. Reasonable compensation shall include mileage at standard IRS rates, and an hourly fee (including monitoring and travel time) not to exceed \$40.

5. **LAND USE AND RECREATION.** With implementation of the mitigation measures outlined below and in FSEIR §6.5 (Mitigation Monitoring and Reporting Program), no significant adverse impacts are foreseen with respect to the potential for the project to physically divide an established community; or conflict with any applicable land use plan, policy, or regulation; or Increase the use of park facilities such that substantial physical deterioration would occur; or impact the acreage or function of designated open space, as discussed on DSEIR pages 5.5-14 through 5.5-27.

- *Mitigation Measure LU 5.5(b-1) (HMO Compliance): A determination regarding the HMO compliance option to be used for the Tioga Community Housing Project shall be made prior to issuance of the first building permit. The determination shall include identification of the number of qualifying units (i.e. units with rents no higher than 120% of average median income (AMI)) that are exempt from the HMO requirements.*
- *MITIGATION MEASURE LU 5.5(b-2) (ESTA/ESUSD Bus Stops): An ESUSD bus stop and turnaround area will be provided in the full-service restaurant parking lot with a path connecting to the Day Care Center. An ESTA bus stop and turnaround will be in the vicinity of the hotel access road. The ESTA and ESUSD bus stops, turnaround areas and access roads shall be maintained in a safe condition at all times, including snow removal during winter months.*

6. **POPULATION, HOUSING AND EMPLOYMENT.** No significant adverse impacts are foreseen with respect to population, housing or employment. However, implementation of the mitigation measure outlined below and in FSEIR §6.5 (Mitigation Monitoring and Reporting Program) will enhance the integration of project land uses with the availability of services, housing and facilities on the project site as a whole, in the community of Lee Vining, and in the County of Mono. No significant adverse impacts are foreseen with respect to the potential for the project to induce substantial unplanned population growth, or adversely impact employment or living conditions, in Lee Vining or in Mono County, or to displace substantial numbers of people or existing housing, necessitating the construction of replacement housing elsewhere, as discussed on DSEIR pages 5.6-7 through 5.6-15.

Mitigation Measure 5.6(a-1) (Phasing Plan). Development of the Tioga Community Housing Project shall be phased in accordance with the schedule below.		
Phase	# Units	Schedule
1	30	The 30 Phase 1 units are authorized upon Specific Plan Amendment #3 approval along with the childcare facility. The goal is to have the 30 phase 1 units available for use by construction workers during the hotel and restaurant construction process.
2	40	Construction of the 40 Phase 2 units is authorized when the hotel core & shell inspection, or approximate equivalent (depending on type of construction), is signed off by the Mono County Community Development Department and all Phase 1 building permits have been issued. The goal is to have all 70 of the phase 1 & 2 units available when hiring begins for previously approved commercial job positions.
3	30	Construction of the 30 Phase 3 units would begin when the phase 1 and phase 2 units reach a combined 80% occupancy rate (i.e., when 56 of the Phase 1 and 2 units are rented) and Phase II building permits have been issued. All Phase 3 units will be in the westernmost row of units.

The grading permit for each housing phase shall allow only the minimum amount of earthwork required for that phase, plus an additional grading allowance to permit the installation of reasonable infrastructure improvements, subject to site plan approval by the Planning Commission (see Mitigation Measure AES 5.12(a,b-1)(Design Criteria)).

7. PUBLIC HEALTH AND SAFETY. With implementation of the mitigation measures outlined below and in FSEIR §6.5 (Mitigation Monitoring and Reporting Program), no significant adverse impacts are foreseen with respect to the potential for the project to create a hazard to the public or environment through routine transport, use or disposal of hazardous materials, or release of hazardous materials into the environment, including within 1/4 mile of a school; or be located on a site which is included on a list of hazardous materials sites compiled pursuant to CGC §65962.5; or create a safety hazard for people living or working in an area located in an airport land use plan or within 2 miles of a public airport or public use airport or private airstrip; or impair implementation of or physically interfere with an adopted emergency response or evacuation; or expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands, or exacerbate wildfire risk or expose people or structures to significant risk of fire-related flooding; or expose people or structures to significant risk of avalanche, landslides, destructive storms or winds, seiches or tsunamis, rockfall or volcanic activity, as discussed on DSEIR pages 5.7-14 through 5.7-25.

- *Mitigation Measure SFTY 5.7(c) (Air Navigation Safety): The project shall comply with all applicable Federal Aviation Administration (FAA) regulations (i.e., Title 14, Chapter I, Subchapter E, Part 77).*
- *Mitigation Measure SFTY 5.7(d) (Encroachment Permit): An encroachment permit shall be obtained from Caltrans if the secondary access gate is located inside the Caltrans right-of-way.*
- *Mitigation Measure SFTY 5.7(e-1) (Fire Risk): The project shall incorporate the wildland fire protection measures listed below and detailed in the Community Wildland Fire Protection Plan – Home Mitigation section, CWPP pages 36-40 (or as updated), and in any other fire regulations (CalFire, PRC §4290/§4291, California Fire Code, etc.): Maintenance of adequate defensible space for all homes; Use of noncombustible materials for decks, siding and roofs; Screening or enclosing of open areas below decks and projections, to prevent the ingress of embers; Routine clearing of leaf & needle litter from roofs, gutters and foundations; Routine clearing of flammable vegetation away from power lines near homes; Routine clearing of weeds & flammable vegetation to at least 30' from propane tanks; Use of fire and drought tolerant plantings, especially within 30-feet of homes, and avoidance of flammable ornamentals such as conifers; Routine thinning of vegetation along access roads and driveways; Provision of turnarounds at the end of all driveways and dead-end roads; Reflective address markers on all driveways and homes, and Receipt of a will serve letter from the Lee Vining Fire Protection District.*
- *Mitigation Measure SFTY 5.7(e-2) (Fire Hydrants): Multiple fire hydrants shall be provided on the project site, at locations that will enable all project elements to be reached with use of existing LVFPD water hoses. All hydrants shall feature a breakaway design feature wherein flows shut down if the hydrant is damaged.*
- *Mitigation Measure SFTY 5.7(e-3)(Emergency Access): The Gibbs Siphon Emergency Access Road onto SR 120 will include a 40-ft irrevocable easement from SCE to the property owner, shall be bladed annually to maintain full easement width, and shall be maintained to be passable by vehicles year round, to be recorded prior to issuance of project building permits.*

8. TRAFFIC AND CIRCULATION. With implementation of the mitigation measures outlined below and in FSEIR §6.5 (Mitigation Monitoring and Reporting Program), no significant adverse impacts are foreseen with respect to the potential for the project to conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadways, bicycle and pedestrian facilities; conflict with CEQA §15064.3 Guidelines for Determining the Significance of Transportation Impacts; result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that would result in substantial safety risks; or result in inadequate emergency access, as discussed on DSEIR pages 5.9-8 through 5.9-12. Please see Section VII for discussion of the significant and unavoidable adverse impacts associated with increased hazards due to a geometric design feature or incompatible uses.

- *Mitigation Measure TFFC 5.9(a-5) (Access Rights): The owner shall resolve SR 120 access right locations and widths pursuant to Caltrans' established Right-of-Way process.*
- *Mitigation Measure TFFC 5.9(a-6) (Encroachment Permit): An encroachment permit shall be obtained from Caltrans if the secondary access gate is located inside the Caltrans right-of-way.*

- *Mitigation Measure TFFC 5.9(a-7) (YARTS Access): The project plan shall incorporate a pedestrian pathway between the Community Housing area and the YARTS bus stop, and a pedestrian crosswalk at the Vista Point entry.*

9. **AESTHETICS.** Analyses in the *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3* DSEIR pages 5.12-14 to 5.12-26 indicated that the proposed project would have a substantial adverse impact on scenic vistas and scenic resources in the project area, and that the project would degrade the visual character and quality of public views of the site and surrounding area. In response to Board direction and public comments, the proposed design of the Community Housing project has been substantially modified to create a new preferred "Alternative 7."

Alternative 7 includes plan modifications replacing all Phase 1 and Phase 2 multi-unit structures with mainly detached and some attached units, single story design throughout, a landscaped berm below each parking lot, additional specifications for paint colors and roofing materials, additional grading to lower pad elevations in specified locations, a phasing plan that allows construction of Phase 3 units only if and when occupancy of the Phase 1 and 2 units reaches 80%, and other design elements to achieve a lower profile and reduced visibility from offsite location. Alternative 7 also incorporates a detailed landscape screening plan (with long-term monitoring and replacement provisions) to reduce to less than significant levels all project views from key offsite locations including South Tufa and Navy Beach and US 395.

Alternative 7, in combination with implementation of Mitigation Measure AES 5.12(a,b-1) and Mitigation Measure AES 5.12(a,b-2), shown below, will reduce project impacts on scenic and visual resources to less than significant levels. Please see §VII for discussion of the significant adverse impacts associated with the project potential to create a new light source of substantial light or glare which would adversely affect day or nighttime views in the area.

- *Add Mitigation Measure AES 5.12(a,b) (Design Criteria): To be consistent with requirements of Tioga Inn Specific Plan Amendment #3, all housing structures within the residential complex must at a minimum conform to the following five criteria:*
 1. **Limits of Construction:** *All Community Housing residential structures, whether attached or detached units, must be located within the building envelope indicated on the Alternative 7 Concept Site Plan except for the manager's unit, which is located outside the building envelope to the west.*
 2. **Maximum Heights:** *All Community Housing residential structures shall be of single-story construction with a maximum roof height not to exceed 16 feet.*
 3. **Number of Units and Bedrooms:** *As previously stated in the project description, the Community Housing complex shall not contain more than 100 residential units and 150 bedrooms, including the manager's unit, and shall conform to the phasing plan.*
 4. **Screening Landscaping:** *Screening landscaping shall be provided consistent with the Landscape Concept Plan developed by Weiland Design Group, Inc., dated 9-8-20. The Landscape Concept Plan was developed to be consistent with (a) Mitigation Measure AES 5.12(a,b-2) (Visual Screening & Landscaping) and (b) the Conceptual Landscaping standards outlined in Specific Plan Table 4-12.*
 5. **Visibility of Residential Units and Structures:** *All structures and units within the Community Housing complex shall be within the sight lines and visibility cones depicted in the CEQA visual analysis.*

The site plan for each phase shall be reviewed and approved by the Planning Commission for consistency with the Specific Plan prior to building permit submittal.

- *Mitigation Measure AES 5.12(a,b-2) (Visual Screening & Landscaping): All landscaping shall be planted consistent with the Alternative 7 Landscape Concept Plan as soon as Phase 1 site grading is complete. A landscaping or restoration specialist approved by the County shall monitor tree health, screening efficacy and replacement requirements for the first 5-years of growth. The landscape/restoration specialist shall have authority to replace plantings as needed to attain within five years a goal of providing at minimum the number of trees shown on the Landscape Concept Plan. If monitoring by the 5th year indicates that the visual analysis expectation has not been met to screen the structure walls, windows and roof from offsite locations, additional plantings will be added and annual monitoring will continue every year until the screening goal has been met.*

VII. ENVIRONMENTAL IMPACTS OF THE PROPOSED PROJECT THAT ARE SIGNIFICANT, ADVERSE AND UNAVOIDABLE. Project impacts have been determined to be potentially significant, and unavoidable, for the environmental factors discussed in this section.

1. HYDROLOGY AND WATER QUALITY – Potential for Mudflows. It has been determined that the proposed project would have a small but significant potential to expose people and structures to adverse impacts resulting from a volcanic eruption and associated mudflows (if in winter). USGS monitors the Long Valley Caldera for volcanic earthquakes, which often provide an initial sign of volcanic unrest and may provide early warning of impending eruptions. However, no mitigation measures have been identified to reduce the risks of eruption-related mudflows to less than significant levels. This impact is considered to be significant, adverse and unavoidable.

a. MITIGATION: The previously presented Mitigation Measure GEO 5.1(a-2), shown again below, has been incorporated into the FSEIR to attenuate risk through the installation of desilting basins, rip rap and other measures to minimize mudflows and earthflows.

- *Mitigation Measure GEO 5.1(a-2) (Debris Flows): Debris flow mitigation (including debris/desilting/ retention basins and/or rip rap or other mitigative measures) shall be used in any canyon or gully areas where structures would be located.*

b. FINDINGS: Based upon the entire administrative record, the Mono County Board of Supervisors finds:

i. Facts and Reasoning that Support the Finding: Numerous programs are in place to detect potential volcanic hazards and to attenuate risk in the event of volcanic activity and/or mudflows and earthflows. The USGS conducts ongoing monitoring to detect volcanic earthquakes (which often provide an initial sign of volcanic unrest and may provide early warning of impending eruptions). Additionally, the project includes multiple design features (desilting basins, rip rap and other measures) to reduce mudflows and earthflows. Volcanic hazards are not considered to be one of the most prevalent natural hazards in Mono County due to the uncertain timing and frequency of volcanic events, and due to ongoing monitoring. However, Lee Vining is located in an area of known volcanic risk, and thus potentially subject to mudflows associated with the rapid melting of heavy snowpacks during a volcanic eruption. Large mudflows, such as the one that occurred in 1989 in the Tri-Valley area, can be destructive, particularly at the mouths of canyons such as Lee Vining canyon. Although the chance of a volcanic eruption in any given year is very small, and although the eruption itself would likely be comparatively small, USGS does anticipate that future eruptions will occur in the Long Valley area. The potential for adverse impacts resulting from a volcanic eruption (and associated mudflows if in winter) is therefore considered to be potentially significant and unavoidable.

ii. FINDING: Even with implementation of the mitigation measure and the programs identified above, the potential remains for significant adverse impacts related to volcanic eruptions and associated mudflows. Specific economic, legal, social, technological, or other considerations as stated above make infeasible the implementation of additional mitigation measures or project alternatives identified in the FSEIR that would reduce impacts associated with volcanic eruption and associated mudflows to a less-than-significant level. The potential for adverse impacts resulting from volcanic eruption and associated mudflows is therefore considered to be significant and unavoidable.

2. BIOLOGICAL RESOURCES – Potential to Cumulatively Interfere with the Movement of the Native Resident Casa Diablo Deer Herd. Based on analyses in the *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3 FSEIR*, and in DSEIR pages 5.3-21 to 5.3-24, it has been determined that the proposed project, in combination with other regional transportation and development improvements, would have potential to cause cumulatively significant, adverse and unavoidable impacts on deer migration.

a. MITIGATION. Mitigation Measures BIO 5.3(a-5) and BIO 5.3(d-3), shown below, have been incorporated into the FSEIR to reduce mule deer mortality in the project area.

- *Mitigation Measure BIO 5.3(a-5) (Pet Enclosure, Pet Leashing, Eviction for Noncompliance): Tenants wishing to have pets shall be required to construct and pay for a fenced enclosure, as approved by property management, to prevent their pet(s) from entering undeveloped portions of the property and (unfenced) adjacent lands. The tenancy agreement for all units will include a common rule of leashing of all pets whenever they exit the housing units or fenced enclosure. Enforcement of the enclosure and leashing requirements shall continue through the life of the project; the penalty for violation of this regulation shall include eviction following two advisory noncompliance notices by the housing manager.*
- *Mitigation Measure BIO 5.3(d-3) (Protected Corridor). Mule deer mortality along US 395 adjacent to the project site can be minimized by ensuring that the corridor between US 395 and all Tioga project elements (including the hotel, the full-service restaurant, and the workforce housing) remains entirely free of linear barriers, brightly lit signs, and new surface structures (excepting one new above-ground sewage/reclaimed water pump control structure with no more than 100' feet of building area), with no future devegetation of native plant materials. This mitigation measure applies only to lands owned by the project applicant and outside of the approved hotel and restaurant uses.*

b. **FINDINGS:** Based upon the entire administrative record the Mono County Board of Supervisors finds:

- Facts and Reasoning that Support the Finding:** Implementation of Mitigation Measure BIO 5.3(a-5) (which requires eviction of tenants who do not comply with pet leash requirements, and who do not properly dispose of trash) and Mitigation BIO 5.3(d-3) (which requires a protected corridor along US 395) will reduce the direct project impacts on deer migration and on deer mortality to less than significant levels. However, these measures will not be sufficient to reduce to less than significant levels the cumulative project impacts on deer migration that are associated with regional transportation and development improvements. The cumulative impacts can be mitigated only through the creation of a dedicated deer passageway. During 2016, Caltrans completed a *Wildlife Vehicle Collision Reduction - Feasibility Study Report* that evaluated the frequency of wildlife vehicle collisions (WVCs) in Caltrans District 9, including Mono, Inyo and eastern Kern counties. Study goals were to identify areas with the highest concentration of collisions, and to evaluate potential options for reducing these collisions. The Report identified six Mono County locations with the highest density of wildlife vehicle collisions ('hotspots'). The project site and vicinity was not among the identified hotspot locations, and is thus not among the areas that will be considered for funding of a future wildlife passageway. Furthermore, Caltrans has indicated that the Lee Vining Creek corridor would not likely provide a suitable wildlife crossing location, even if identified as a priority hotspot location, due to difficult US 395 roadway geometrics, and the presence of SCE facilities along Utility Road. Based on the foregoing, the creation of a dedicated deer passageway has been determined to be infeasible.
- Finding:** Even with implementation of the mitigation measures identified above, the potential remains for significant and adverse cumulative adverse on deer movement and on deer mortality in the project area. Specific economic, legal, social, technological, or other considerations as stated above make infeasible the implementation of additional mitigation measures or project alternatives identified in the FSEIR that would reduce the cumulative project impacts on deer migration and mortality to a less-than-significant level. The potential for adverse cumulative impacts on deer migration and mortality is therefore considered to be significant and unavoidable.

3. **PUBLIC SERVICES – Potential for Safety Hazards Associated with Increased Foot Traffic to and from the Project Site and Lee Vining.** Based on analyses in the *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3 FSEIR*, and in DSEIR pages 5.8-7 to 5.8-10, it has been determined that the proposed project will result in increased foot traffic between the project site and businesses in Lee Vining. Access between these locations would be along state highways that are not designed for pedestrian use. This impact therefore represents a significant safety concern.

- MITIGATION:** Mitigation Measures SVCS 5.8(a-3) and SVCS 5.8(a-4), shown below, have been incorporated into the FSEIR to reduce the impacts on public services associated with increased foot traffic between the project site and Lee Vining. Since unsafe foot traffic has been identified as an existing hazard, even the No Project alternative would result in continued significant unsafe pedestrian travel along area freeways, although

the current extent of foot travel is lower than would occur with the project as proposed. However, while pedestrian traffic is expected to increase with the project, no data exists from the Mono County Sheriff, California Highway Patrol, Mono County, or Caltrans to conclusively determine that pedestrian safety incidents will increase. Instead, the determination of a significant impact on public services is based on an anecdotal comment by a credible source (the Mono County Sheriff) and the fact that no dedicated pedestrian connection currently exists, as well as anecdotal comments and concerns by residents and the public.

- **Mitigation Measure SVCS 5.8(a-3) (Shuttle Service Flexibility):** *A shuttle service shall be provided between the project site and Lee Vining, beginning when all Phase 1 units of the housing complex have received occupancy permits. The shuttle service will (1) be staffed by qualified drivers, (2) be equipped with ADA-compliant features, (3) follow established routes with regular minimum drop-off and pick-up times (including a minimum of 3 daily round trips during the operating season), and (4) begin the operating season, at minimum, each year no later than July 4, and end the operating season each year no sooner than Labor Day. The operating season may be expanded for additional periods as needed based on an annual survey of the Lee Vining community and Tioga Housing residents conducted by the property owner. The shuttle service will be free of charge and available for use by hotel guests, residents of the Community Housing Complex, and the public. If a pedestrian/bicycle trail is constructed between Lee Vining and the project site per MM SVCS 5.8(a-4), then shuttle operation frequency and duration may be reduced based on ridership demand subject to approval by the Community Development Director.*
- **Mitigation Measure SVCS 5.8(a-4)(Pedestrian Safety):** *The establishment of a trail connection between the project site and Lee Vining was determined to be infeasible in the FSEIR because: the trail would ultimately lead pedestrians to a SR 120 at-grade crossing (creating the potential for conflicts with high-speed vehicles); requirement for action by other parties over whom the County and the property owner lack legal control (i.e., SCE and Caltrans) and which, until recently, were unwilling to cooperate; and for other reasons including uncertainty of funding costs not attributable to the project and ultimate implementation. Infeasible mitigation measures need not be analyzed under CEQA and may not be relied upon to conclude that an impact has been reduced to a less-than-significant level. In addition, a pedestrian trail has been documented as an existing need and the proposed project may only be held responsible for its proportional and incremental contribution.*

The property owner and County shall work collaboratively with SCE, Caltrans, and the local community to pursue future options for a pedestrian/bicycle connection to Lee Vining which include, but are not limited to, a safe crossing of SR 120 combined with (1) a trail across SCE property; and (2) an on-system sidewalk connector along SR 120 and US 395. If a feasible option is identified, a "fair share" cost attributable to the project will be calculated by the County and contributed by the property owner, to be held in an account by Mono County, toward the design, CEQA analysis, and construction of the trail project. If the trail project is not approved by any public agency (including the County) with jurisdiction, then such funds shall be reimbursed to the property owner. The feasibility analysis of the connectivity trail project shall commence within six months of the Board of Supervisors' approval of the Tioga Inn Specific Plan Amendment #3.

b. **FINDINGS:** Based upon the entire administrative record the Mono County Board of Supervisors finds:

- Facts and Reasoning that Support the Finding:** Mitigation SVCS 5.8(a-3) requires that the project provide shuttle service between the site and Lee Vining during the peak season months. The service would be free for residents of the project site and residents of Lee Vining, as well as guests at the Tioga hotel and other facilities on the Tioga site. The service would provide regular service with at least 3 daily round trips during the operating season. The service will provide a practical and convenient alternative to pedestrian travel between the site and Lee Vining, and will reduce service impacts related to potential pedestrian hazards associated with foot travel. However, shuttle service would not reduce these public service impacts to less than significant levels because the operating season may be limited to summer months, and because the shuttle service will not operate at all hours, and because some individuals may choose to walk or bicycle between the project site and Lee Vining over use of the shuttle service.

The potential for locating an at-grade path across SR 120 to Lee Vining Creek was preliminarily analyzed during FSEIR preparation, and was determined to be infeasible as part of the current project. Key factors

included concerns expressed by both SCE and Caltrans regarding additional public uses along this corridor due to the presence of power facilities, the anticipated costs of maintenance, the lack of logical connection points on either side of the Creek, the potential hazards associated with a crossing on SR 120, and the comparatively high cost of elevated pathways compared to at-grade sidewalks (among other factors). It was determined that all potential trail alternatives are currently infeasible because neither the County nor the applicant control the property for a pedestrian connection and approvals from external agencies, i.e., Caltrans and SCE, are necessary and have not been granted at this time. In addition, because pedestrian connectivity is a current need, the entire impact is not the responsibility of the proposed housing project alone. Unless and until other resources are found to fulfill the proportional impact of the existing condition, a project is also infeasible. However, Caltrans has indicated willingness to explore designing a safe pedestrian crossing on SR 120 and an on-system sidewalk connector along SR 120 and US 395. Furthermore, Southern California Edison (SCE) has indicated willingness to explore establishing an easement allowing construction and use of a pedestrian trail across the SCE property located between SR 120 and Utility Road. Mitigation SVCS 5.8(a-4) would ensure that the feasibility of these options is thoroughly analyzed and documented. If one or more feasible options are identified, Mitigation SVCS 5.8(a-4) would also ensure that a mechanism is established for a funding contribution by this project and additional studies as required to implement a trail connection between the project site and Lee Vining. However, although Mitigation SVCS 5.8(a-4) would create a viable evaluation process, it would not guarantee the outcome of feasibility studies or assure that a trail will eventually be constructed.

- ii. **Finding:** For the reasons cited above, no feasible mitigation has been identified that would reduce to less than significant levels the potentially significant and unavoidable safety hazards associated with increased foot traffic to and from the project site and Lee Vining. Specific economic, legal, social, technological, or other considerations as stated above make infeasible the implementation of a non-motorized connectivity project between the project site and Lee Vining. The potential for adverse impacts on foot traffic between the project site and Lee Vining is therefore considered to be significant and unavoidable.

4. TRAFFIC AND CIRCULATION – Potential for Traffic and Circulation Hazards associated with the US 395/SR 120 Intersection during Midday Peak Housing Conditions (with or without the Project).

Based on analyses in the *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3 FSEIR*, and in DSEIR pages 5.9-11 to 5.9-12 and DSEIR Appendix L, it has been determined that the proposed project will contribute to deficient operation and excess delays at the junction of US 395/SR 120 that impact eastbound vehicles on SR 120 making a left-turn onto northbound US 395 during mid-day peak season conditions.

- a. **MITIGATION.** The DSEIR Traffic Impact Analysis identified two mitigation recommendations for the identified hazard, including Mitigation Measure TFFC 5.9(c-1) calling for Caltrans signalization of the US 395/SR 120 intersection, or Mitigation Measure TFFC 5.9(c-2) calling for Caltrans construction of a roundabout at the US 395/SR 120 intersection. Either mitigation measure would reduce the identified significant impact at the US 395/SR 120 intersection to less than significant levels. The DSEIR also identified other less significant modifications including shuttle passes (Recommendation TFFC 5.9(a-1), Caltrans consideration of a designated Vista Point entry (Recommendation TFFC 5.8(a-2), Caltrans modifications to the parking apron around the project entry (Recommendation TFFC 5.9(a-3), and Caltrans relocation of the YARTS bus stop (Recommendation TFFC 5.9(a-4). All of the mitigation measures described above have been found to be infeasible, and have been deleted from the FSEIR, as described below.

- b. **FINDINGS:** Based upon the entire administrative record, the Mono County Board of Supervisors finds:

- i. **Facts and Reasoning that Support the Finding:** The Traffic Impact Analysis prepared for the *Tioga Community Housing Project/Specific Plan Amendment #3 FSEIR* analyzed traffic and intersection conditions at the SR 120/US 395 junction for the existing condition, future conditions with the project, and future conditions with all cumulative projects. Results of the analysis indicated that with one exception, all study area intersections are now and will continue to operate at an acceptable level of service (LOS D or better) during the peak hours.

The exception pertains to the intersection of US 395/SR 120, which is forecast to operate at a deficient LOS E or worse during the mid-day peak hour, both with and without the project. The Traffic Impact Analysis notes that for one-way or two-way stop controlled intersections (such as US 395 and SR 120), LOS is based on the least-functional stop-controlled approach. The identified deficient operation and excess delay at US 395/SR 120, as experienced only by vehicles on the minor street (i.e., the stop-controlled Tioga Road approach) that are making a left-turn onto northbound US 395.

The DSEIR recommended two traffic mitigation measures (including Mitigation TFFC 5.9(c-1) calling for intersection signalization, and Mitigation TFFC 5.9(c-2) calling for Caltrans construction of a roundabout at the US 395/SR 120 intersection); either measure would reduce the adverse impact to less than significant levels. The mitigations were discussed with Caltrans. Caltrans indicated that traffic counts and projected traffic increases at the SR 120/US 395 intersection do not justify installation of a signal or a roundabout at this time. Caltrans stated that the peak-day traffic counts used in the Traffic Impact Analysis overestimate traffic levels on US 395 and at the US 395/SR 120 intersection. In particular, Caltrans was concerned that the mid-day counts did not accurately reflect typical year-round conditions. Based on new shoulder season counts, taken at Caltrans' request, Caltrans suggested traffic should be considered a less than significant impact.

Caltrans also confirmed that a roundabout at SR 120/US 395 is unfunded and not reasonably foreseeable at this time. Although a roundabout may ultimately be a viable traffic control measure from an engineering standpoint, it is Caltrans' view that the need for and expense of a roundabout does not warrant funding at this time and therefore the project is not planned to be programmed. Caltrans also indicates that the Tioga project would likely not increase the statewide priority for a roundabout at SR 120/US 395 enough for the project to be competitive for funding. Furthermore, the US 395/SR 120 unsignalized study intersection does not satisfy traffic signal warrants in the *California Manual on Uniform Traffic Control Devices* (used by Caltrans) for any of the analysis scenarios evaluated as part of this report. Installation of a traffic signal is therefore not warranted and not recommended by Caltrans as a future action.

The DSEIR also identified other less significant modifications including shuttle passes (Recommendation TFFC 5.9(a-1), Caltrans consideration of a designated Vista Point entry (Recommendation TFFC 5.8(a-2), Caltrans modifications to the parking apron around the project entry (Recommendation TFFC 5.9(a-3), and Caltrans relocation of the YARTS bus stop (Recommendation TFFC 5.9(a-4). All of the potential mitigation alternatives were considered during extensive discussions with Caltrans. Recommendation TFFC 5.9(a-4) was discussed with YARTS. None of the potential modifications was found to be feasible by Caltrans, or by YARTS, at this time.

Additionally, a wide range of alternatives has been analyzed and it has been determined that none of the alternatives, including the No Project Alternative, would lessen the adverse traffic impacts at the SR 120/US 395 junction to less than significant levels.

- ii. **Finding:** For all of the reasons cited above, there is no feasible mitigation available at this time that would reduce to less than significant levels the potentially significant and unavoidable traffic and circulation hazards that have been identified at the Intersection of US 395 and SR 120 during midday peak hour conditions. Moreover, the adverse conditions will exist with or without the proposed project. Specific economic, legal, social, technological, or other considerations as stated above make infeasible the implementation of mitigation measures that would reduce impacts on the SR 120/US 395 intersection. The potential for adverse impacts at the intersection of SR 120/US 395 is therefore considered to be significant and unavoidable.

5. AESTHETICS – Potential for the Project to Create a New Source of Substantial Light or Glare that would Adversely Impact Day or Nighttime Views in the Area. Based on analyses in the *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3 FSEIR*, and in DSEIR pages 5.12-26 to 5.12-27, it has been determined

that the proposed project will create a new source of light and glare, and will adversely impact day and nighttime views.

a. MITIGATION. Mitigation Measure AES 5.12(c-2), shown below, has been incorporated as a project requirement with the intent to reduce impacts on light and glare associated with the project proposal.

- *Mitigation Measure AES 5.12(c-2) (Outdoor Lighting Plan): An outdoor lighting plan must be submitted with the building permit application and approved by the Community Development Department before the building permit can be issued. The plan shall comply with Chapter 23 of the Mono County General Plan and provide detailed information including but not limited to:*

(a) manufacturer-provided information showing fixture diagrams and light output levels. Mono County has indicated that the fixture type exceptions listed under Chapter 23.050.E (1, 2 and 3) will be prohibited in this project, and that only full cutoff luminaires with light source downcast and fully shielded, with no light emitted above the horizontal plane, are permitted. Furthermore, although lighting is not required for parking areas, roads and pedestrian walkways, Mono County will permit safety lighting to be provided in the parking areas, roads and pedestrian walkways provided that such lighting must meet all other applicable requirements of this Outdoor Lighting Plan (i.e., shielded, down-directed, etc.) and may not exceed 10,000 lumens per acre maximum.³ Kelvin color temperature should be approximately 2300K,⁴ and Kelvin color temperatures over 3000K are prohibited. Safety lighting shall be permitted only during the hours between 30 minutes following sunset, and 30 minutes prior to sunrise.

(b) pedestrian lighting is not required but, if provided, is limited to low-level bollard lights to limit light impacts to the least necessary for public health and safety. Kelvin color temperatures over 3000K are prohibited. Bollards shall be spaced a minimum of 10 to 15 feet apart⁵ on pedestrian pathways unless alternate spacing is required by public health and safety needs. The height of bollard lighting shall not exceed 3.5 feet above grade and light sources shall be fully shielded and not exceed 125 bollards at 1,000 lumens per bollard fixture⁶;

(c) accent lighting shall be limited to residential accent lighting required by the building code for safety, and any up-lighting shall be prohibited;

(d) the proposed location, mounting height, and aiming point of all outdoor lighting fixtures; and

(e) drawings for all relevant building elevations showing the fixtures, the portions of the elevations to be illuminated, the illuminance level of the elevations, and the aiming point for any remote light fixture.

(f) the Landscape Concept Plan outlined in MM AES 5.12(a,b-2) shall be applied to place trees and landscaping to reduce direct light glare seen from offsite, subject to the five-year monitoring plan and tree replacement as needed.

Chapter 23 gives the CDD discretion to require additional information following the initial Outdoor Lighting Plan review. Additional information requirements may include, but not limited to:

- (a) A written narrative to demonstrate lighting objectives,*
- (b) Photometric data,*

³ Guidelines for Good Exterior Lighting Plans, the Dark Sky Society (<http://www.darksksociety.org/>), 2009: <http://www.darksky.org/handouts/LightingPlanGuidelines.pdf>.

⁴ Kelvin is used to describe the color temperature of a light source in degrees Kelvin (K). This specification describes the warmth or coolness of a light source. Cool, blue spectrum lights (4,000-4,500K) brighten the night sky more than warm amber colored light (2,700-3,000 K) (<https://ledglobalsupply.com/lumens-versus-kelvin/>). The International Dark Sky Association (IDA) notes that exposure to blue light at night has been shown to harm human health and endanger wildlife; IDA recommends long wavelength lighting with a color temperature of < 3000 Kelvin. <https://www.darksky.org/wp-content/uploads/bsk-pdf-manager/2019/06/Dark-Sky-Assessment-Guide-Update-6-11-19.pdf>; <https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>.

⁵ Access Fixtures, *Bollard Light Spacing*, 2020: https://www.accessfixtures.com/bollard_light_spacing/

⁶ Yosemite National Park Lighting Guidelines, May 2011: <https://www.nps.gov/yose/learn/nature/upload/Lighting-Guidelines-05062011.pdf>

- (c) A Color Rendering Index (CRI) of all lamps and other descriptive information about proposed lighting fixtures,
- (d) A computer-generated photometric grid showing footcandle readings every 10 feet within the property or site, and 10 feet beyond the property lines, and/or
- (e) Landscaping information to describe potential screening.

In addition to the above, the project shall include landscaping to shield offsite views of lighting. Further, the project shall be prohibited from allowing accent uplighting of architectural or landscape features, seasonal lighting displays (including use of multiple low-wattage bulbs) except that seasonal lighting shall be permitted on the north, south and west facing building sides that are not visible to the public viewshed.

b. FINDINGS:

- i.. **Facts and Reasoning that Support the Finding:** The project site is about 200 feet above the level of Mono Lake, and portions of the site can be seen from locations around the southeastern part of the Mono Basin scenic area and environs. As noted in Impact 5a above (impacts on scenic resources), the project is located in or adjacent to four formally designated scenic resources/designations (the US 395 State Scenic Highway, the SR 120 County Scenic Highway, the Mono Basin National Forest Scenic Area, and the Mono County Scenic Combining District). Mono Basin is an important destination for photographers, and highly valued for its dark skies.

The *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3* project will be a new source of light and glare in this setting, and the new light sources will adversely impact nighttime dark sky conditions. Mitigation AES 5.12(c-2) will enable Mono County to apply outdoor lighting requirements that are specifically tailored to conditions on the Tioga project site. The required Outdoor Lighting Plan will take account of onsite elevations, project orientation to important view sites, the planned use of solar panels, the safety of future residents and site visitors, and the heightened scenic values associated with the region and this project site. The resulting plan will lessen the impact of new sources of light and glare, and impacts on daytime viewing, to the maximum feasible extent. Further, the plan will reduce project impacts in 'night sky viewing' to less than significant levels, since all project lighting (including roadway, parking lot and pedestrian walkway lighting) must be downward directed and shielded. Because no lighting is permitted above the horizontal plane, little to no fugitive lighting would escape upwards and thereby impact the night skies. However, new light sources will be installed on an otherwise currently dark hillside and those pools of light will be visible from offsite, creating a new substantial light source where none existed before.

The project will be required to comply with all applicable requirements of the Mono County Outdoor Lighting Ordinance (Land Use Element, Ch. 23, best known as the 'Dark Sky Regulations'), and the Scenic Combining District (Land Use Element Ch. 8). The requirements associated with these adopted General Plan components will work with Mitigation AES 5.12(c-2) to further minimize project impacts on light and glare. It is anticipated that these mitigations and requirements will effectively eliminate direct views of project lighting from offsite locations. However, neither the regulatory requirements above nor the design modifications associated with Alternative 6 will fully eliminate the indirect 'glow' of lighting.

A wide range of alternatives has been analyzed and it has been determined that several of the alternatives (No Project, Reduced Development Option) would have fewer impacts on scenic resources than the project as proposed. However, none of the alternatives would reduce impacts to less than significant levels. Given the high scenic value of the project setting, and the importance of dark night skies, the adverse project impacts on light, glare, and nighttime dark skies are considered to be significant and unavoidable.

- ii. **Finding:** For all of the reasons cited above, no feasible design or mitigation measure has been identified that would reduce to less than significant levels the potentially significant adverse impacts on light and glare. Specific economic, legal, social, technological, or other considerations as stated above make infeasible the implementation of mitigation measures that would reduce project impacts on light and glare to less than significant levels. The

potential for the project to adversely impact light and glare is therefore considered to be significant and unavoidable.

VIII. STATEMENT OF OVERRIDING CONSIDERATIONS

As required by Public Resources Code §21081(b) and CEQA Guideline §15093, the County of Mono has balanced the benefits associated with the proposed project against the unavoidable adverse impacts that would result. The County has included all feasible mitigation measures and Specific Plan implementation measures within the *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3* project. The County has also examined alternatives to the proposed project, and has determined that adoption and implementation of the *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3*, as proposed and including Alternative 6 as the new Preferred Alternative, is the most desirable and most feasible and most appropriate action at this time. The other alternatives (including the proposed project as shown in DSEIR Exhibit 3-3, Tioga Workforce Housing Project Plan and Site Context Map), while meritorious, are rejected as infeasible based on consideration of the relevant factors discussed in DSEIR §7 and in FSEIR Topical Response #3.

VIII.A Significant Unavoidable Impacts. Based on the information and analysis set forth in the FSEIR and summarized in Section III of these Findings, it has been determined that implementation of the proposed *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3* project would result in project-specific significant and unavoidable adverse impacts related to:

- HYDROLOGY: Exposure of people and structures to catastrophic mudflows resulting from a volcanic eruption;
- BIOLOGICAL RESOURCES: Cumulative impacts (only) to deer movement in the project region; direct project impacts on biological resources are less than significant;
- PUBLIC SERVICES: Exposure of pedestrians and cyclists to unsafe travel conditions between the project site and Lee Vining;
- TRAFFIC: Deficient operation and excess delays associated with turning movements from eastbound SR120 onto northbound US 395 during peak season midday conditions (this significant impact would occur with or without the proposed housing project);
- AESTHETICS: Project impacts on light and glare

VIII.B Benefits of the Proposed Tioga Community Housing Project/Tioga Inn Specific Plan Amendment #3, and Overriding Considerations. The County of Mono has independently reviewed the information in the FSEIR and the record of proceedings for the proposed *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3* project. The County has also made a reasonable and good faith effort to eliminate or substantially lessen the impacts that would result from the proposed *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3 Project* by including mitigation measures and specific plan implementation measures and actions that effectively mitigate potential environmental impacts to the greatest extent feasible.

Based on a review of the full record of proceedings, the Mono County Board of Supervisors has determined that the benefits of the *Tioga Community Housing/Specific Plan Amendment #3 Project* outweigh its unavoidable significant effects. Each of the considerations identified below represents a sufficient basis to justify project approval, independent of the other considerations. The substantial evidence supporting the various benefits can be found in the preceding sections of these Findings of Fact, which are hereby incorporated by reference into this Section (VIII.B), and in the documents found in the Record of Proceedings as defined in Section IV. The Mono County Board of Supervisors finds that the *Tioga Community Housing/Specific Plan Amendment #3 Project* will have the following specific economic, legal, social, technological, or other benefits:

THE PROJECT WILL PROVIDE NEEDED HOUSING: The 2017 *Mono County Housing Needs Assessment*⁷ identified a need for 120-170 new housing units in the unincorporated area by 2022, based on current needs and projected demand. The *Assessment* found that 50-100 units would be required to address current needs, and an additional 70 new units would be required to accommodate new housing demand from anticipated employment growth. Fully 44% of Mono Basin residents responding to the *Assessment* survey reported that friends or family lived with them due to a lack of housing. These data indicate that the project will respond not only to housing needs associated with employees of the Tioga hotel and restaurant elements approved in 1993, but has the potential to also contribute to meeting a portion of housing needs attributable to anticipated employment growth in the Mono Basin as a whole.

Existing and approved uses in the Tioga Inn Specific Plan support Mono County's primary economic drivers of tourism and outdoor recreation, and are estimated to generate 187 new employees at build out. The 187 employees will be hired to fill job positions on the project site whether the Tioga Community Housing Project is approved or denied. Without the project, however, the burden of housing these employees will fall on the very limited existing housing stock in Lee Vining, and on more distant surrounding communities. Given the existing housing shortage, the influx of these employees are likely to result in, among other things, rental price increases, increased competition for already scarce housing units, and overcrowding. Overcrowding, in turn, likely results in traffic congestion, insufficient parking, louder residential neighborhoods due to more people closer together, and other impacts. Taken together, these consequences from the lack of sufficient housing degrade the small town and rural character cherished by local residents and set forth in the Mono Basin Area Plan.

The project population would be well within Mono County General Plan growth forecasts for this area. Even at the high end of the forecast range for onsite residents, and the low ('practical') end of the County's growth forecasts, the project population would represent 12.1% of the total adopted population increases that can be expected in Mono Basin through buildout. The General Plan growth forecasts were adopted approximately 5 years ago, and the County's Land Use Element was developed with participation by the Mono Basin Regional Planning Advisory Committee (RPAC). The General Plan population forecasts for the Mono Basin are part of the project baseline (per the certified 2015 General Plan update EIR).

Existing and future employment opportunities on the Tioga project site and in Mono County generally are dominated by the tourism sector (62% of total County employment, well above average⁸). As noted in the 2009 study of tourism in Mono County,⁹ many of the tourism-based jobs are seasonal and part time. Employment at the Tioga hotel and restaurant will be highest in the summer season, when visitor numbers are at a peak. Employment opportunities on the project site will be reduced during the winter and shoulder seasons, and it is anticipated that Tioga workers will seek employment in other sectors during these periods. Seasonal workers in Mono County on average hold 1.4 jobs, and of the 37 existing employees at the Tioga site, 30% are employed by the ski industry during winter months. A cornerstone goal of the proposed housing project is to provide the flexibility for onsite workers to accommodate fluctuations in seasonal employment without the need for a seasonal change of housing.

Frequent changes in housing increase the isolation of working families, and reduce job security. Long commutes are a financial burden and diminish time with family. In contrast, the availability of stable housing is associated with positive and well-documented impacts on individual and family health and well-being. A 2019 survey by the Public Policy Institute of California (PPIC) found that California has a second-highest rate of cost-burdened households and homeless persons in the nation, and one of the highest poverty rates in the nation when housing costs are taken into account.¹⁰ The PPIC recommended policies to improve affordability and remove unnecessary barriers, with sustained cooperation of state

⁷ Mono County, *Housing Needs Assessment*, prepared by BBC Economics: https://monocounty.ca.gov/sites/default/files/fileattachments/planning_division/page/5732/mono_county_housing_needs_assessment_bos_f.pdf

⁸ The Bureau of Labor Statistics estimates total civilian employment in California at 19.5 million as of November 2019; travel and leisure represented an estimated 2.0 million (10.3%) of those jobs. BLS, *Economy at a Glance*: <https://www.bls.gov/eag/eag.ca.htm>.

⁹ Mono County Department of Economic Development and Special Projects, *The Economic & Fiscal Impacts and Visitor Profile of Mono County Tourism in 2008*, January 2009. Prepared by Lauren Schlau Consulting.

¹⁰ Public Policy Institute of California, *California's Future: Housing*, <https://www.ppic.org/publication/californias-future-housing/>, 2020.

and local governments and developers, and use of private sector and philanthropic resources as a key strategic element moving forward.

Finally, the project is consistent with the goals and intent of multiple state policies and laws, including SB 167 (Housing Accountability Act), SB 330 (Housing Crisis Act) and AB 101 (Housing Development and Financing Act). These legislative actions were enacted to bridge the wide gap between housing supply and housing demand. These recent laws (1) stress the importance of a coordinated response between local and state governments and the private sector, (2) recognize the economic, environmental and social threats to the welfare of California residents posed by the lack of adequate housing, and (3) cite local government regulations and fees and policies as important factors in the high cost and limited availability of housing. SB 167 acknowledges that the impacts of housing scarcity include discrimination against low-income and minority households, hampered employment growth, reduced mobility, excessive commuting, air quality deterioration and other impacts. SB 330 acknowledges the increasing difficulty faced by employers seeking to secure and retain a workforce, and the difficulty faced by schools and governments and nonprofits in attracting and retaining teachers and staffing. AB 101 focuses on incentivizing local agency efforts to prioritize projects that will meet identified housing needs, and tools to better enforce housing element law. These State housing laws and policies consider all housing types, including those that are affordable by design and market rate, to be part of the solution, in addition to units deed restricted to certain income levels.

The project applicant anticipated the need for additional onsite employee housing (and sought county approval to amend the Specific Plan accordingly) before these legislative requirements were enacted. As such, the project is not eligible for the discretionary considerations these laws would otherwise provide. However, the applicant's early recognition of housing need and voluntary commitment to work with local government to provide that housing, is a cornerstone benefit of the proposed project and an essential step toward fulfilling the need for adequate housing to secure the welfare of California residents.

For the reasons set forth above, the Board of Supervisors finds that the housing benefits of the *Tioga Community Housing/Specific Plan Amendment #3 Project* outweigh its environmental impacts.

THE PROJECT WILL SUPPORT ECONOMIC DEVELOPMENT: The proximity of housing to employment has been identified as a crucial component of economic competitiveness.¹¹ Long commutes and limited housing opportunities contribute to high employee turnover rates and difficulty recruiting employees, both of which impact businesses in Lee Vining.

The 1-year impact of building 100 single family homes in a typical state has been estimated by the National Homebuilders Association to include \$28.7 million in income for residents of the state, \$3.6 million in taxes and other revenue for the state and local governments in the state, and 394 local jobs. The long-term recurring annual impacts include \$4.1 million in income for residents of the state, \$1.0 million in taxes and other revenue for the state and local governments in the state, and 69 jobs in the state.¹² These national findings are echoed in a 2016 study by the McKinsey Global Institute. McKinsey found that the California housing shortage costs the state economy over \$140 billion per year in economic output. The impacts include an estimated \$50 billion per year in lost consumer spending, and an overall \$90 billion estimated loss in California construction activity.¹³ The impact of housing scarcity on the California economy was an important factor in recent housing legislation (AB 101, SB 167, and SB 330) as noted above.

¹¹ Joint Center for Housing Studies of Harvard University Neighborhood Reinvestment Corporation, *Employer-Assisted Housing: Competitiveness Through Partnership*. September 2000 https://www.jchs.harvard.edu/sites/default/files/mpill_woo-8.pdf

¹² National Association of Homebuilders, Housing Policy Department: *The Economic Impact of Home Building in a Typical Local Area Income, Jobs, and Taxes Generated*, April 2015.

¹³ McKinsey Institute, *A Tool Kit to Close California's Housing Gap: 3.5 million homes by 2025* <https://www.mckinsey.com/-/media/McKinsey/Industries/Public%20and%20Social%20Sector/Our%20Insights/Closing%20Californias%20housing%20gap/Closing-Californias-housing-gap-Full-report.pdf>

Regional economic development will be further supported by the proposed addition of a third gas pump island to serve commercial vehicles and motorists on US 395 and SR 120. Conveniently located and adequately-sized fueling stations strengthen freight activities through reduced transit times, improved reliability and reduced cost of shipments, improved opportunity for just-in-time deliveries, integration of markets and other benefits that support business growth and expansion.

For the reasons set forth above, the Board of Supervisors finds that the economic benefits of the *Tioga Community Housing/Specific Plan Amendment #3 Project* outweigh its environmental impacts.

THE PROJECT WILL SUPPORT CONSERVATION: Multiple design and technological components have been integrated into the project design to promote long-term conservation. These include a subsurface irrigation system that will utilize treated wastewater from the package treatment plant to meet half of onsite irrigation demand during the summer season, supporting the growth of newly planted native species and substantially reducing use of groundwater supplies. Electric vehicle charging stations will be provided in the housing complex for use by the housing residents to reduce use of fossil fuels. Solar panels will be provided on all project rooftops facing southward to meet an estimated half of project energy demands.

Open space acreage will increase, with a near doubling of acreage in the most-protected Open Space-Preserve category and fully 70% of the entire Tioga site designated for open space. Protection of area wildlife will be strengthened by new restrictions on unleashed pets and a new protected corridor along US 395. A new onsite bus stop will be provided for ESTA and a free shuttle service to Lee Vining will be operated during the peak season, at a minimum, to reduce personal automobile use by residents and by future hotel guests. Additionally, the provision of an onsite housing option for project employees will reduce daily home-to-work travel requirements, with long-term ancillary benefits for traffic, air quality and greenhouse gas emissions.

EPA has identified multiple 'smart growth' features that contribute to GHG reduction and climate change resilience.¹⁴ Project features that would correspond to the EPA smart-growth features include:

1. **Compact Form:** a 2008 study ([Growing Cooler \(PDF\)](#) published by ULI and partially funded by EPA, concluded that compact development can reduce vehicle miles traveled by 20- 40 %, and carbon dioxide emissions by 7-10%, compared to conventional development. The project site is located within ¼ mile of the nearest commercially zoned lot, which is considered walking distance and therefore a compact form. A subsequent study, [Moving Cooler](#), found that a combination of more compact development & investments in transit/other transportation options could reduce GHG emissions from transportation by 9-15% by 2050. Air quality benefits will be further enhanced by onsite or site-adjacent transit services (ESTA, YARTS, shuttle, space for ESUSD buses).
2. **Use of Existing Infrastructure:** EPA found that use and reuse of existing infrastructure takes advantage of previous investments and the energy already expended to build them. The project will utilize or expand on existing facilities including water production, snow removal equipment, solar power systems, onsite entry and access roads, and gas pump facilities. Additional energy efficient project features include use of Energy Star appliances, LED lighting, and provision of onsite facilities (laundry, storage, staffed child care with play and meeting areas) to reduce travel to offsite facilities.
3. **Proximity of homes to jobs, stores, parks and schools:** EPA found that proximity of homes to jobs and services resulted in less driving and shorter trips. The project prioritizes onsite employees for the housing units, fully implementing this smart growth feature.
4. **Green Spaces:** EPA found that green spaces sequester CO₂ by conserving ecologically valuable land and promoting development in previously developed areas. The proposed project incorporates a net 0.7-acre increase in overall Open Space acreage, with almost twice the acreage of the most-protected Open Space-Preserve designation (from 14.8 acres to 27.8 acres if approved). In whole, more than two thirds of the total Tioga property acreage would be designated for Open Space use (47.2 acres of open space on the 69-acre property).

¹⁴ Environmental Protection Agency, <https://www.epa.gov/smartgrowth/smart-growth-and-climate-change>

For the reasons set forth above, the Board of Supervisors finds that the conservation benefits of the *Tioga Community Housing/Specific Plan Amendment #3 Project* outweigh its environmental impacts.

THE PROJECT WILL HAVE SOCIAL BENEFITS: At each stage of the CEQA process, the project has been modified in accordance with comments received from responsible agencies and residents of the Mono Basin and beyond. Whereas the original project proposal included the addition of a third story on the previously approved hotel, and additional square footage in the previously-approved promontory restaurant, both of these proposed elements were eliminated from the proposal in response to public comments on the Notice of EIR Preparation. The project now incorporates a voluntary secondary emergency access, right-of-way for a future trail leading from Vista Point Drive to the US 395/SR 120 junction as an initial link (recommended by Caltrans) for future pedestrian connectivity to Lee Vining, and shuttle services that will be available free of charge to residents of the Mono Basin as well as the project site, as requested by the public to increase the connectivity between the project and the Lee Vining community. The project commitment to prepare a feasibility study for creation of a pedestrian and cycling trail to link the project site to Lee Vining is a further response to community requests for enhanced interaction between Lee Vining and the Tioga site.

A Phasing Plan has been developed that establishes a direct relationship between the development of the commercial components and number of housing units constructed. The Phasing Plan also stipulates that construction of the most visible units, all of which are located in Phase 3, may not commence unless and until occupancy of the Phase 1 and 2 units reaches 80%. The onsite Day Care center will be part of the Phase 1 improvements, staffed and available for use by residents of the Mono Basin as well as project residents. A dedicated pathway between the Day Care facility and a new school bus stop for ESUSD and/or the onsite shuttle and/or resident car-pools will facilitate the proximity and safety of student transportation while minimizing use of personal vehicles.

Multiple design improvements have been made over the course of the project review in specific recognition of the comments made by area residents, and the values expressed in the Mono Basin Community Plan. The original multiunit two-story residential structures have been replaced by single story attached and detached units, with substantial landscaping commitments to effectively screen offsite views of the project from key visitor sites including South Tufa, Navy Beach, and the US 395 Scenic Corridor. The proposed plan includes lighting restrictions that go well beyond the County's Dark Sky requirements, in recognition of the importance of the Mono Basin as an important tourist site for night-photography, and the high value placed by Mono Basin residents on preserving dark night skies.

The applicant has voluntarily agreed to compensate the Kutzadika'a Indian Tribe for onsite monitoring (although not required by results of the archaeological report), and to provide a secondary emergency access in response to a request by the LVFPD (although not required by CalFire). The applicant has also offered to prefund an update to the LVFPD Development Impact Fee study to facilitate a new fee structure that would increase LVFPD revenues from the project (and reimburse prefunding costs) and support expanded District facilities and operations.

These changes reflect a commitment by the applicant to enhance the welfare of the larger community not only through provision of essential housing, but also through specific commitments to serve the underlying goals and values of the larger Mono Basin community.

For the reasons set forth above, the Board of Supervisors finds that the social benefits of the *Tioga Community Housing/Specific Plan Amendment #3 Project* outweigh its environmental impacts.

IX. CONCLUSIONS

After balancing the specific economic, legal, social, technological, and other benefits of the proposed project, the Mono County Board of Supervisors finds that the unavoidable adverse environmental impacts associated with the *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3* project may be considered "acceptable" due to the specific considerations listed above, which outweigh the unavoidable, adverse environmental impacts of the proposed project. The Mono County Board of Supervisors has considered information contained in the FSEIR prepared for the proposed *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3* project, as well as the public testimony and record of

proceedings in which the project was considered. Recognizing that significant unavoidable impacts may result from implementation of the proposed *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3* project, the Board of Supervisors finds that the project benefits and overriding considerations outweigh the adverse effects of the Project. Having included all feasible mitigation measures as policies and actions in the project, and having recognized and acknowledged all unavoidable significant impacts, the Board of Supervisors hereby finds that each of the separate benefits of the proposed *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3* project, as stated herein, represents an overriding consideration that warrants adoption of the proposed *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3* project, and outweighs and overrides its unavoidable significant effects, and thereby justifies the adoption and implementation of the proposed *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3*.

Based on the foregoing findings and the information contained in the record, the Board of Supervisors hereby determines that:

1. All significant effects on the environment due to implementation of the proposed *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3* project (Alternative #7 – Hybrid Site Plan) have been eliminated or substantially lessened where feasible;
2. There are at the present time no feasible alternatives to the proposed *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3* project (Alternative #7 – Hybrid Site Plan) that would mitigate or substantially lessen the impacts; and
3. The remaining significant effects on the environment found to be adverse and unavoidable are acceptable due to the factors described in the Statement of Overriding Considerations above.

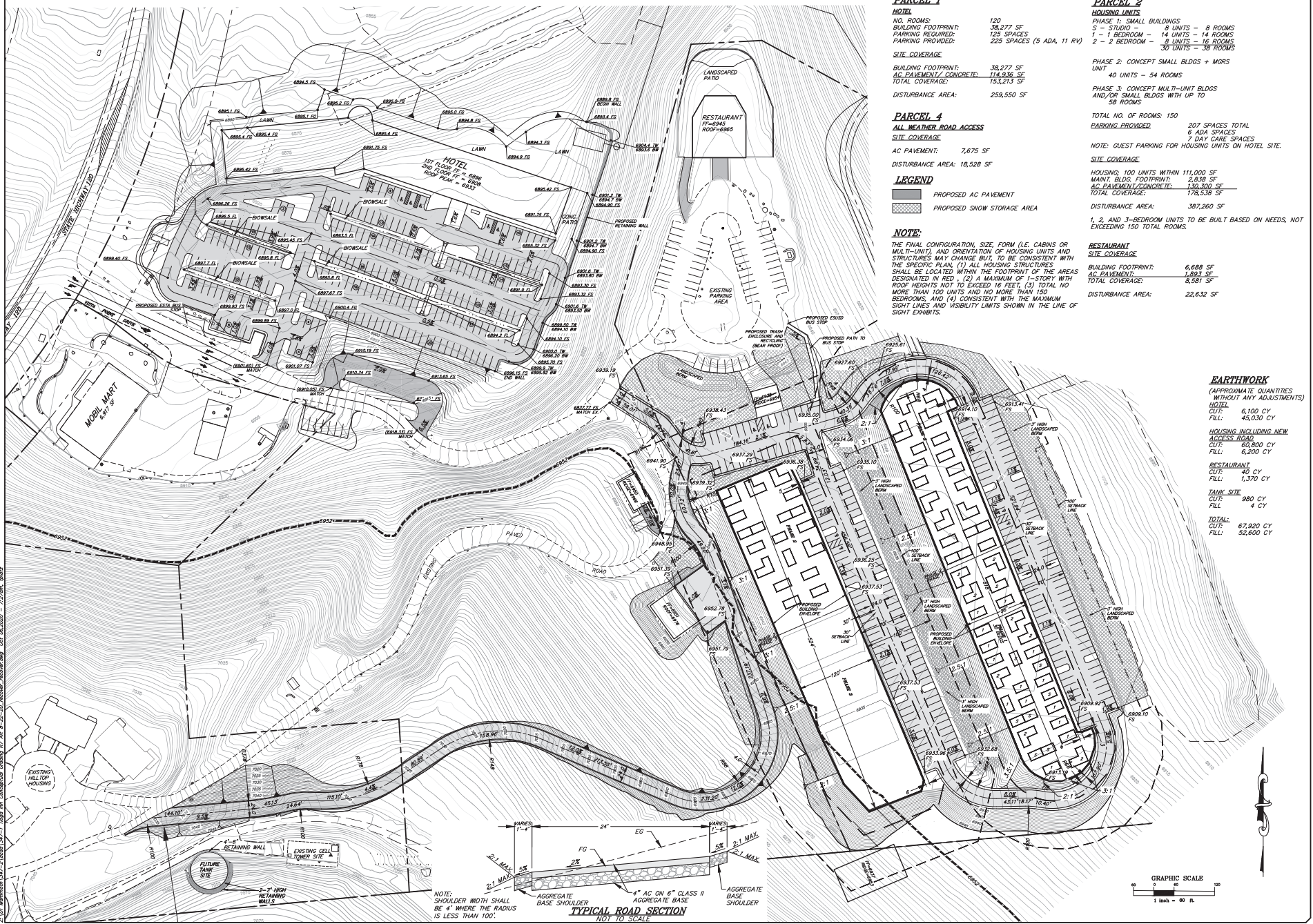
Exhibit B to Board of Supervisors Resolution R20-__

The Tioga Inn Specific Plan Amendment #3 and corresponding Tioga Community Housing Project Subsequent Final Environmental Impact Report (FSEIR) are available on the Mono County website. The links are provided below:

<https://www.monocounty.ca.gov/planning/page/tioga-inn-specific-plan-seir>

The document in the link above is broken down into the following sections for ease of viewing:

- Board memo on “Expectation of Level of Detail in Specific Plan Site Plans”
- Alternative 7-Hybrid Plan documents
- Staff report and exhibits from the 6 August 2020 Board of Supervisors meeting
- [DSEIR & FSEIR consolidated](#): Changes and updates made to the Draft SEIR through the Final SEIR have been consolidated into a single “redline” version to facilitate final review.
- [DSEIR & FSEIR Appendices](#)
- [DSEIR & FSEIR Exhibit 3.3](#)
- [DSEIR & FSEIR Exhibit 4.1](#)
- [DSEIR & FSEIR Exhibit 5.1-2](#)
- [DSEIR & FSEIR Exhibit 5.2-1](#)
- [DSEIR & FSEIR Exhibit 5.3-6](#)
- [DSEIR & FSEIR Exhibit 5.5-5](#)
- [DSEIR & FSEIR Exhibit 5.12-10](#)
- [DSEIR & FSEIR Exhibit 5.12-11](#)
- [DSEIR & FSEIR Exhibit 7.1](#)
- [Response to Supervisor Stump’s Inquiry](#)
- [1 FSEIR, sections 1-5](#)
- [2 FSEIR, sections 6-8](#)
- [3 Appendix A](#)
- [4 Appendix B, 1 of 3](#)
- [4 Appendix B, 2 of 3](#)
- [4 Appendix B, 3 of 3](#)
- [5 Appendix C](#)
- [6 Appendix D](#)
- [7 Appendix E](#)
- [Tioga Inn Specific Plan Amendment #3](#)
- [Complete Specific Plan & DSEIR document](#)
- DSEIR Table of Contents
- [DSEIR Chapters ONLY](#)
- [DSEIR Appendices ONLY](#)
- [Exhibit 3-3. Project Site Plan](#)
- [Exhibit 4-1. Site Context Map](#)
- [Exhibit 5.1-2. Conceptual Grading Plan](#)
- [Exhibit 5.2-1. Conceptual Drainage Plan](#)
- [Exhibit 5.3-6. Open Space Plan](#)
- [Exhibit 5.5-5. Proposed Land Use Plan, Amendment #3](#)



PARCEL 1
HOTEL
 NO. ROOMS: 120
 BUILDING FOOTPRINT: 38,277 SF
 PARKING PROVIDED: 125 SPACES
 225 SPACES (5 ADA, 11 RV)
SITE COVERAGE
 BUILDING FOOTPRINT: 38,277 SF
 AC PAVEMENT / CONCRETE: 114,936 SF
 TOTAL COVERAGE: 153,213 SF
 DISTURBANCE AREA: 259,550 SF

PARCEL 4
ALL WEATHER ROAD ACCESS
SITE COVERAGE
 AC PAVEMENT: 7,675 SF
 DISTURBANCE AREA: 18,528 SF

LEGEND

 PROPOSED AC PAVEMENT
 PROPOSED SNOW STORAGE AREA

NOTE:
 THE FINAL CONFIGURATION, SIZE, FORM (IE. CABINS OR MULTI-UNIT), AND ORIENTATION OF HOUSING UNITS AND STRUCTURES MAY CHANGE BUT TO BE CONSISTENT WITH THE SPECIFIC PLAN, (1) ALL HOUSING STRUCTURES SHALL BE LOCATED WITHIN THE FOOTPRINT OF THE AREAS DESIGNATED IN RED, (2) A MAXIMUM OF 1-STORY WITH ROOF HEIGHTS NOT TO EXCEED 16 FEET, (3) TOTAL NO MORE THAN 100 UNITS AND NO MORE THAN 150 BEDROOMS, AND (4) CONSISTENT WITH THE MAXIMUM SIGHT LINES AND VISIBILITY LIMITS SHOWN IN THE LINE OF SIGHT EXHIBITS.

PARCEL 2
HOUSING UNITS
 PHASE 1: SMALL BUILDINGS
 5 - STUDIO - 8 UNITS - 14 ROOMS
 1 - 1 BEDROOM - 14 UNITS - 14 ROOMS
 2 - 2 BEDROOM - 8 UNITS - 16 ROOMS
 30 UNITS - 38 ROOMS
 PHASE 2: CONCEPT SMALL BLDGS + MGRS
 UNIT 40 UNITS - 54 ROOMS

PARCEL 3
CONCEPT MULTI-UNIT BLDGS AND/OR SMALL BLDGS WITH UP TO 58 ROOMS
 TOTAL NO. OF ROOMS: 150
 PARKING PROVIDED: 207 SPACES TOTAL
 6 ADA SPACES
 1 DAY CARE SPACES
 NOTE: GUEST PARKING FOR HOUSING UNITS ON HOTEL SITE.

SITE COVERAGE
 HOUSING: 100 UNITS WITHIN 111,000 SF
 MAINT. BLDG. FOOTPRINT: 2,838 SF
 AC PAVEMENT/CONCRETE: 130,300 SF
 TOTAL COVERAGE: 178,538 SF
 DISTURBANCE AREA: 387,260 SF

RESTAURANT
SITE COVERAGE
 BUILDING FOOTPRINT: 6,688 SF
 AC PAVEMENT: 1,851 SF
 TOTAL COVERAGE: 8,539 SF
 DISTURBANCE AREA: 22,632 SF

EARTHWORK
 (APPROXIMATE QUANTITIES WITHOUT ANY ADJUSTMENTS)
HOTEL
 CUT: 6,100 CY
 FILL: 45,030 CY
HOUSING INCLUDING NEW ACCESS ROAD
 CUT: 60,800 CY
 FILL: 6,200 CY
RESTAURANT
 CUT: 40 CY
 FILL: 1,370 CY
TANK SITE
 CUT: 980 CY
 FILL: 4 CY
TOTAL:
 CUT: 67,920 CY
 FILL: 52,600 CY



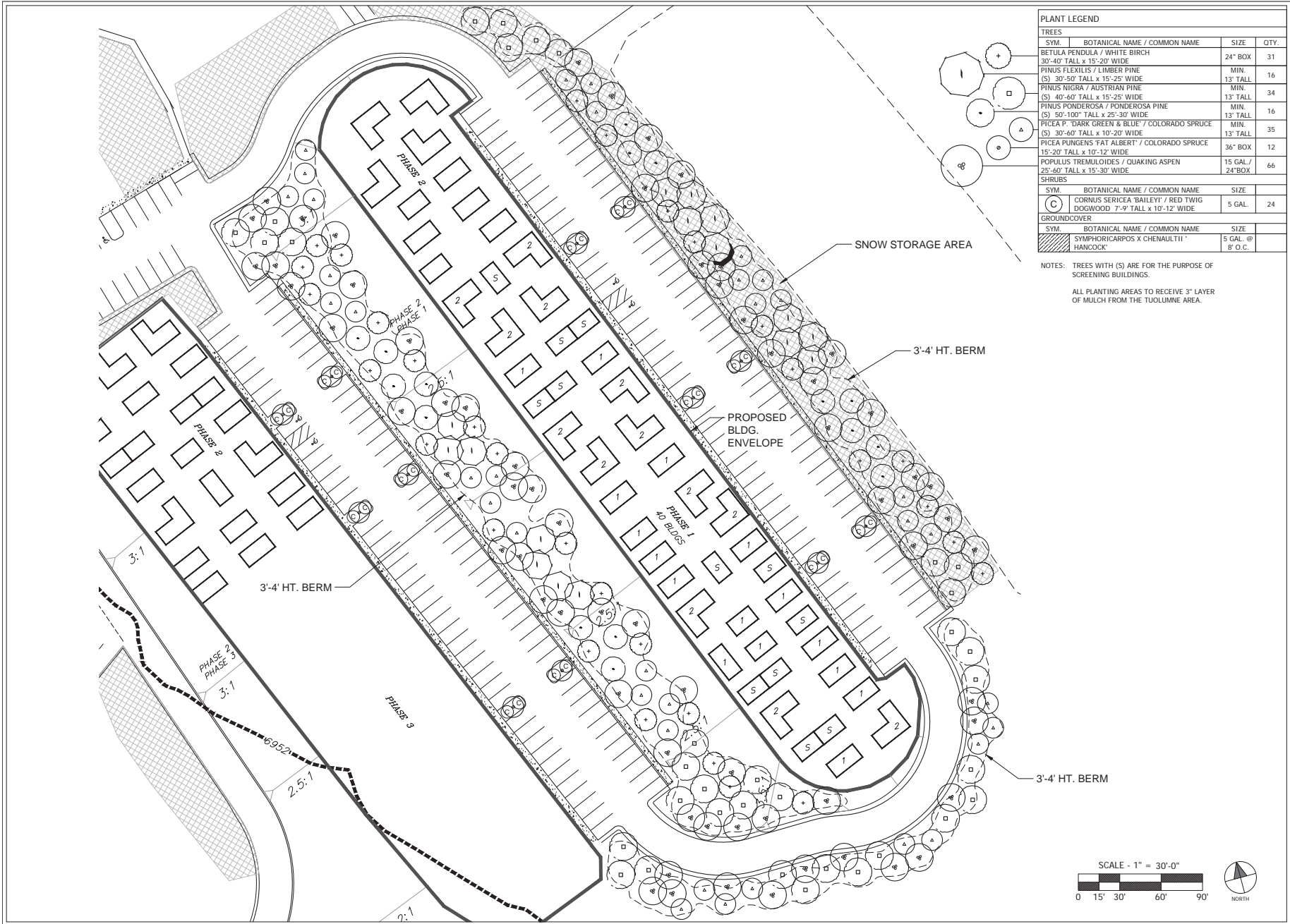
DATE: 09/30/2020
 PREPARED BY: BOWEN DONALD
 CHECKED BY: BOWEN DONALD
 DATE: 09/30/2020
 REVISIONS:

NO.	DESCRIPTION	DATE

TIOGA INN
 ALTERNATIVE 7 GRADING PLAN
 FOR TIOGA INN REVISED SPECIFIC PLAN

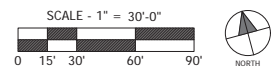
DATE: 09/30/2020
 SCALE: 1"=60'
 DRAWN: SR/MP
 JOB NO: 01.0347.2
 SHEET: C2 OF 3

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PLANT LEGEND			
TREES			
SYM.	BOTANICAL NAME / COMMON NAME	SIZE	QTY.
	BETULA PENDULA / WHITE BIRCH	24" BOX	31
	PINUS FLEXILIS / LIMBER PINE	MIN.	16
(S)	30'-60" TALL x 15'-25" WIDE	13" TALL	
	PINUS NIGRA / AUSTRIAN PINE	MIN.	34
(S)	40'-60" TALL x 15'-25" WIDE	13" TALL	
	PINUS PONDEROSA / PONDEROSA PINE	MIN.	16
(S)	50'-100" TALL x 25'-30" WIDE	13" TALL	
	PICEA P. 'DARK GREEN & BLUE' / COLORADO SPRUCE	MIN.	35
(S)	30'-60" TALL x 10'-20" WIDE	13" TALL	
	PICEA PUNGENS 'FAT ALBERT' / COLORADO SPRUCE	36" BOX	12
	15'-20" TALL x 10'-12" WIDE		
	POPULUS TREMULOIDES / QUAKING ASPEN	15 GAL /	66
	25'-60" TALL x 15'-30" WIDE	24" BOX	
SHRUBS			
SYM.	BOTANICAL NAME / COMMON NAME	SIZE	
(C)	CORNUS SERICEA 'BAILEY' / RED TWIG DOGWOOD	7-9" TALL x 10'-12" WIDE	5 GAL. 24
GROUNDCOVER			
SYM.	BOTANICAL NAME / COMMON NAME	SIZE	
	SYMPHORICARPOS X CHENAULTII 'HANCOCK'	5 GAL. @ 8" O.C.	

NOTES: TREES WITH (S) ARE FOR THE PURPOSE OF SCREENING BUILDINGS.
ALL PLANTING AREAS TO RECEIVE 3" LAYER OF MULCH FROM THE TUOLUMNE AREA.



WBDG
WELAND DESIGN GROUP, INC.
 LANDSCAPE ARCHITECTURE • PLANNING • ARCHITECTURE MANAGEMENT
 2000 COLLETT DRIVE • SUITE 100 • TAMPA, FLORIDA 33610
 PHONE: 813.973.4600 FAX: 813.973.4601
 WWW.WELANDDESIGN.COM
 CORPORATION OF FLORIDA
 201 STEVENSON CIRCLE, WASHINGTON, CA 95114

TIOGA INN
 LANDSCAPE CONCEPT PLAN

REVISIONS	DATE



DATE: 09/08/20
 SCALE: SEE SHEET
 JOB # 20-077
 DRAWN BY: NL
 SHEET: **1**
 OF 1

Tioga Inn Specific Plan Amendment #3

Summary of Policy Points and Issues Resolved at the 6 August 2020 Board Meeting

1. **Mitigation Measure – Do not feed the wildlife signage:** No suggested changes.

Mitigation Measure BIO 5.3(a-6) (Signage): Signage stating “Do Not Feed the Wildlife” shall be posted on the road leading into the housing complex, at the entry to Vista Point Drive, and at the access points from Vista Point Drive into the gas station, the hotel, and the full-service restaurant.

2. **Mitigation Measure – Sierra Nevada red fox survey:** No suggested changes.

Mitigation Measure BIO 5.3(a-4) (Badger and Fox Survey): A pre-disturbance denning badger and denning fox survey shall be scheduled within three days prior to the start of vegetation and ground-disturbing project activities. The survey will be performed by a qualified biologist. The survey will include the entire area where disturbance will occur, as well as buffers of 500 feet in all directions. Survey results will be reported to CDFW-Bishop, Mono County, and to the construction foreperson within 24 hours of survey completion, in order to formulate avoidance measures. Unless modified in consultation with CDFW, active badger or fox dens will be buffered by a minimum distance of 500 feet, until the biologist finds that den occupation has ended. In the unlikely event that an active fox den that could be occupied by Sierra Nevada red fox is found, ground-disturbing work at the project will be halted pending consultation with CDFW regarding buffering and avoidance.

3. **Mitigation Measure – Outdoor lighting plan:** Include a cross-reference to screening trees in the landscaping plan to reduce lighting impacts; no other changes directed.

Mitigation Measure AES 5.12(c) (Outdoor Lighting Plan): An outdoor lighting plan must be submitted with the building permit application and approved by the Community Development Department before the building permit can be issued. The plan shall comply with Chapter 23 of the Mono County General Plan and provide detailed information including but not limited to:

(a) manufacturer-provided information showing fixture diagrams and light output levels. Mono County has indicated that the fixture type exceptions listed under Chapter 23.050.E (1, 2 and 3) will be prohibited in this project, and that only full cutoff luminaires with light source downcast and fully shielded, with no light emitted above the horizontal plane, are permitted. Furthermore, although lighting is not required for parking areas, roads and pedestrian walkways, Mono County will permit safety lighting to be provided in the parking areas, roads and pedestrian walkways provided that such lighting must meet all other applicable requirements of this Outdoor Lighting Plan (i.e., shielded, down-directed, etc.) and may not exceed 10,000 lumens per acre maximum.¹ Kelvin color temperature should be approximately 2300K, and temperatures over 3000K are prohibited. Safety lighting shall be permitted only during the hours between 30-minutes following sunset, and 30 minutes prior to sunrise;

(b) pedestrian lighting is not required but, if provided, is limited to low-level bollard lights to limit light impacts. Kelvin color temperatures over 3000K are prohibited. Bollards shall be spaced a minimum of 10 to 15 feet apart² on pedestrian pathways. The height of bollard lighting shall not exceed 3.5 feet above grade and light sources shall be fully shielded and not exceed 125 bollards at 1,000 lumens³;

(c) accent lighting shall be limited to residential lighting required by the building code for safety, and any up-lighting shall be prohibited;

(d) the proposed location, mounting height, and aiming point of all outdoor lighting fixtures; and

¹ Guidelines for Good Exterior Lighting Plans, the Dark Sky Society (<http://www.darksksociety.org/>), 2009: <http://www.darksksociety.org/handouts/LightingPlanGuidelines.pdf>.

² Access Fixtures, *Bollard Light Spacing*, 2020: https://www.accessfixtures.com/bollard_light_spacing/

³ Yosemite National Park Lighting Guidelines, May 2011: <https://www.nps.gov/yose/learn/nature/upload/Lighting-Guidlines-05062011.pdf>

(e) drawings for all relevant building elevations showing the fixtures, the portions of the elevations to be illuminated, the illuminance level of the elevations, and the aiming point for any remote light fixture.

(f) The Landscape Concept Plan outlined in MM AES 5.12(a,b-2) shall be applied to place trees and landscaping to reduce direct light glare seen from offsite, subject to the five-year monitoring plan and tree replacement as needed.

Chapter 23 gives the CDD discretion to require additional information following the initial Outdoor Lighting Plan review. Additional information requirements may include, but not limited to:

(a) A written narrative to demonstrate lighting objectives,

(b) Photometric data,

(c) A Color Rendering Index (CRI) of all lamps and other descriptive information about proposed lighting fixtures,

(d) A computer-generated photometric grid showing footcandle readings every 10 feet within the property or site, and 10 feet beyond the property lines, and/or

(e) Landscaping information to describe potential screening.

In addition to the above, the project shall include landscaping to shield offsite views of lighting. Further, the project shall be prohibited from allowing accent uplighting of architectural or landscape features, seasonal lighting displays (including use of multiple low-wattage bulbs) except that seasonal lighting shall be permitted on the north, south and west facing building sides that are not visible to the public viewshed.

4. **Modification to the Open-Space Support designation to allow the secondary emergency access road:** No suggested changes.

Add to the Specific Plan Open Space-Support designation: The Open Space-Support designation shall also permit maintenance of a permanent secondary emergency access road, to be located in the southwest quadrant of the Tioga site.

5. **Move hydrology mitigation measure to Specific Plan** and make technical edit: No suggested changes.

Move mitigation measure to the Specific Plan as new Implementation Measure 2a(5): The applicant shall provide Mono County Public Health Department with monthly measurements and recordings of static water levels, pumping water levels, pumping rates and pumped volumes for the onsite wells. The monthly measurements shall be provided to the County for at least the first year to establish a baseline; monitoring shall continue on at least a quarterly basis thereafter and results provided to Mono County Public Health.

6. **Prioritize onsite employees:** Revised to add “onsite” in reference to the housing units and clarify the prioritization applies to vacant units.

Add to the Specific Plan Implementation Measure 1f(9): Onsite employees shall have first priority for vacant housing units, and rental practices shall comply with the California Fair Employment and Housing Act (FEHA) and the federal Fair Housing Act (FHA). In the event of a conflict with FEHA/FHA or a future grant award for project implementation, the grant requirements and FEHA/FHA shall take precedence.

7. **Shuttle service flexibility:** Added additional operating timeframes based on an annual survey.

Revise Mitigation Measure SVCS 5.8(a-2) (Shuttle Service): A shuttle service shall be provided between the project site and Lee Vining, beginning when all Phase 1 units of the housing complex have received occupancy permits. The shuttle service will (1) be staffed by qualified drivers, (2) be equipped with ADA-compliant features, (3) follow established routes with regular minimum drop-off and pick-up times (including a minimum of 3 daily round trips during the operating season), and (4) begin the operating

season, at minimum, each year no later than July 4, and end the operating season each year no sooner than Labor Day. The operating season may be expanded for additional periods as needed based on an annual survey of the Lee Vining community and Tioga Housing residents conducted by the property owner. The shuttle service will be free of charge and available for use by hotel guests, residents of the Community Housing Complex, and the public. If a pedestrian/bicycle trail is constructed between Lee Vining and the project site per MM SVCS 5.8(a-4), then shuttle operation frequency and duration may be reduced based on ridership demand subject to approval by the Community Development Director.

8. **Roundabout at SR 120/US 395 junction:** Received information, no further action.
9. **Protections for stockpiled soils:** Received information about best management practices required through the grading permit, no further action.
10. **Revised visual analysis for Alternative #6:** Received information, no further action.
11. **Automatic External Defibrillators (AEDs):** Added Specific Plan Implementation Measure 1f(10): Automated External Defibrillator (AED) units shall be provided on the community housing site in compliance with standards established by the American Heart Association, including use of a 3-minute maximum response time to determine the required number of AED units and where the units should be located on the project site.⁴
12. **Evacuation Route to SR 120:** Added the Secondary Fire Access map (https://www.monocounty.ca.gov/sites/default/files/fileattachments/planning_division/page/29999/tioga_inn_secondary_fire_120_access.pdf) to the Specific Plan and the requirement to maintain as passable by vehicles year-round to address concerns about winter conditions (e.g., snow fall).

Mitigation Measure SFTY 5.7(e-3) (Emergency Access to SR 120): The Gibbs Siphon Emergency Access Road onto SR 120 will include a 40-foot irrevocable easement from SCE to the property owner, shall be bladed annually to maintain full easement width, and shall be maintained to be passable by vehicles year round, to be recorded prior to issuance of project building permits.

⁴
American Heart Assn. pamphlet, Implementing an AED Program, 2/12/2012

**Attachment 6:
Responses to Comments Requested by the Board**

1. Response to 4 August 2020 comment letter from Matt Banta (the original comment letter is attached)
2. Response to letter from Angela Williams Eddy, Mono Lake Kutzadida'a Tribal Vice Chairwoman
3. Email exchange with Charlotte Lange, Mono Lake Kutzadika'a Tribe Chairwoman and original emails

Response to 4 August 2020 Comment Letter from Matt Banta

Response to Hydrology Concerns Raised in Public Comment Letter

The Mono County Board of Supervisors received correspondence on 4 August 2020 from Matt Banta (Attachment 1) that raised questions concerning potential impacts of project water demands on the Mono Groundwater Basin. In response, the Project Hydrologist (Roger Smith of SGSI) has provided information as presented in the discussion below.

Comments provided in the 4 August letter indicate that the author has not fully reviewed information provided in the environmental record for the proposed Community Housing Project. The author makes reference to a 4-hour pump test at 150 gallons per minute (gpm), as a comparison to the water level elevation of Mono Lake. The referenced pump test (by Kleinfelder) was performed more than 25 years ago, and was used in the current hydrologic assessments only for backup data. A new pump test was performed for the current project EIR (i.e., the 2017 24-hour "long term" aquifer test). Results of the 2017 pump test (which were not mentioned in the August 2020 comment letter) refute the claim made by the commenter that boundary conditions were found. The project wells are located over a mile from Mono Lake, and drawdown from the wells remains over 50 feet above the elevation of Mono Lake. Based on the foregoing, it is not reasonable to postulate that the project wells will cause saltwater intrusion into the aquifer. The springs along the lake shore indicate that there is a hydraulic pressure gradient of fresh water pushing against the salt water of the lake from the west, and the 2017 pump test showed that there was no impact on the Winston well. With construction of a second well on the Tioga site, it will be possible to compile additional data on how far the cone of groundwater level depression extends while the wells are being pumped.

The two Tioga Inn wells and the Andrews well are the only active wells in the study area south of the Lee Vining Study area of Team's Mono Basin Report (Figure 3 Subwatershed Map, Lee Vining). As noted in response to the comment letter submitted during June 2020, the Andrews well is in the same watershed, but not in the same aquifer, as the Tioga wells. Thus, the only potential impacts to the aquifer from pumping the Tioga wells would be a decrease in water flow from "nearby" springs. Because the wells are more than a mile from these springs, and the recharge to the basin is high, and the pumping rate is so low, any impacts of the Tioga wells on the spring flow would be negligible and unmeasurable. Additional discussion of these issues is provided in Sections 3.0, 3.8., and 3.11 of the Team Engineering Report (Surface Water and Groundwater and Basin Assessment, Lee Vining^a). It is also noted that the Tioga Inn project has been pumping from Well #1 for more than 25 years with no known detriment to the nearest springs.

The comment letter asks if water use during construction would require more water than the daily use when the project is complete and fully operational. For several reasons, it is anticipated that construction will use less water than future water demands. Key factors include the fact that construction will occur primarily during daylight hours, and for a relatively short period of time, with maximum water consumption limited by the wells' production capability of up to 125 gpm each. Additionally, Well #1 was used as the sole source of construction water during Caltrans' expansion of US 395 from 2-lanes to 4-lanes. The well operated a full capacity for the duration of that construction effort, which continued over an 8 month period around 2004. Well #1 was later used as the sole water source for the reconstruction of Lee Vining Airport. There was no sustained decline in water levels during either project.

As discussed in DSEIR/FSEIR §5.2 (Hydrology), and in response to DSEIR review comments submitted by the Lahontan Regional Water Quality Control Board (LRWQCB), monitoring wells will be provided on the project site along with other mitigation requirements that have been developed to protect area water quality and area water supply in the

^a See Attachment 4 to the 6 August 2020 staff report for the Board of Supervisors meeting, available at https://monocounty.ca.gov/sites/default/files/fileattachments/board_of_supervisors/meeting/30949/08_aug_06_2020_special_agenda.pdf.

Tioga Inn SP3 - Attachment 5: Responses to Comments Requested by Board

event the proposed Community Housing Project is approved. Requirements include (a) Mitigation HYDRO 5.2(b-1) detailing decommissioning of the existing septic system and limits on future use of the existing leachfield, (b) Amended Mitigation HYDRO 5.2(b-2) specifying percolation rates and minimum distance from high groundwater for the new leachfield, (c) Mitigation HYDRO 5.2 (b-3) specifying treatment standards and performance goals for the new package system, (d) Mitigation HYDRO 5.2(b-4) requiring Title 22 compliance, or a written letter from the SWRCB Division of Drinking Water stating that the project does not need to satisfy Title 22 criteria, (e) New Mitigation HYDRO 5.2(b-5) requiring that the project provide at least 3 monitoring wells (1 upgradient and 2 downgradient of the package treatment system), in locations and at depths to be determined by LRWQCB during permitting, (f) New Mitigation HYDRO 5.2(b-6) requiring that the package treatment system be modified to include nitrogen removal systems if the monitoring wells show a sustained increase in groundwater salinity levels.

The WWTP monitoring wells will be separated from the water supply wells by approximately 1500 feet. The monitoring wells will provide information about groundwater flow and gradient for the treatment system, and may determine whether the waste system and the water supply wells are located in separate aquifers, as hypothesized on the basis of current information. Groundwater flow in this area is most likely towards the lake, due to elevation differences and recharge from upslope. However, there may be fault or boundary conditions that shift groundwater flow in a slightly different direction, as discussed in Section 3.4 of the Team Engineering Report. Issues pertaining to the Andrews well were addressed in depth in FSEIR Topical Response #11.

The commenter requests that the project applicant undertake studies to characterize the entire Mono Basin. The proposed project has a de minimis impact on overall Mono Basin hydrogeology. Far more important to basin hydrology are the operations of LADWP and SCE, as well as many other smaller operations. A fairly detailed characterization of the Mono Basin hydrogeology is provided in the Mono Basin watershed studies prepared for Mono County by Team Engineering.

The first Tioga well has been in operation for more than 25 years, and producing water supply at a rate that is sufficient to meet all foreseeable future demands of the project including existing and proposed elements. SGSI recommendations for Well #1 are to periodically clean it and remove sediment build up from the sump to maintain well capacity and efficiency. Well #2 was not installed to meet water demands, but rather was installed as a back-up well, to meet the well reliability requirements of the State of California. The project applicant does not plan, or foresee a need, to construct a third well. Normal completion times to construct a well of this size and depth would be 2-3 weeks, irrespective of the 6-month timeframe used by Maranatha to construct Well #2. Please note that neither Well #1 nor Well #2 is part of the proposed Community Housing Project.

Attachment 1: Comment letter from Matt Banta dated 4 August 2020

August 4, 2020

14175 Saddlebow Dr.
Reno NV, 89511
775-843-1908
mbantah2o@yahoo.com

Mono County Board of Supervisors
P.O. Box 715
Bridgeport, CA 93517

Regarding: Tioga Inn Project - Water Resource Development Plan (General Comments)

Dear Mono County Board of Supervisors,

Greetings, my name is Matt Banta. I am of over five generations to have been born and raised in the Eastern Sierra and of four generations whom have called Lee Vining and the Mono Basin home. I am a graduate of Mammoth High School, a community volunteer, and an advocate of preserving the intrinsic values of wild unspoiled places, such as the Mono Basin. I am proponent of sustainable development and industry. I am also a professional hydrogeologist with many years of experience in various development markets.

For over two decades, the Tioga Inn Project (Project) has been in a process of on-going planning and feasibility level studies. From a water resources perspective, the data presented from previous groundwater and surface water resource evaluations is insufficient to defensibly establish baseline data required to evaluate cumulative impacts. Specifically, impacts resulting from the long-term stress to the underlying alluvial groundwater system has not been characterized in accordance with acceptable engineering practices. Impacts to surface water resources, i.e. Lee Vining Creek, and regional seeps and springs have not been assessed. A hydrologic study area (HSA) has not been established, nor has the hydrology within the HSA been characterized to define basic hydrological parameters. At minimum, these baseline parameters should include characterizing the groundwater flow direction, gradient, transmissivity, and storage coefficients of the underlying aquifer(s). The current hydrological evaluation supporting the Project is insufficient in characterizing these parameters and does not address feasibility level impacts since it lacks site specific data.

The following provides a summary of data gaps which must be addressed to defensibly evaluate cumulative impacts and provide feasibility level design specifications for the Project:

1. The Project does not provide a detailed water balance and the yearly duty of groundwater extraction has not been completely defined. For example, there is no accounting for construction water demand through each phase of development. It is unclear if the existing

water supply well has sufficient capacity to support construction and dust suppression activities during summer months. Has Mono County accounted for all components of the Project's water demand and can the existing well support those demands through the life of the Project? Please provide a detailed water balance accounting for each development phase to ensure the existing well can support the entire Project. Please also provide a statement indicating no water will be required from the Lee Vining community water system to supplement the existing supply well(s) during construction activities.

2. As indicated above, baseline water resource parameters have not been characterized. It is not clear what the gradient or direction of groundwater flow beneath the Project is. Without this basic information, future downgradient groundwater monitoring wells cannot be located to establish baseline conditions or monitor for potential impacts resulting from the proposed wastewater management system. At minimum, three piezometers must be installed in the vicinity of the proposed system to define the gradient and groundwater flow direction. The elevation of groundwater measured from the piezometers will be required to properly establish a defensible downgradient monitoring location, which is currently lacking from the plan.

3. There has been no long-term aquifer test to assess boundary conditions or establish aquifer parameters such as Transmissivity or Storativity (T&S) outside the vicinity of the existing wellbore. These parameters are required to simulate a long-term stress to the underlying groundwater system and should be based on realistic Projects extraction rates. The data generated from the short-term well test indicated drawdown occurred to an approximate elevation of 6,252 feet above mean sea level (feet amsl) at an extraction rate of 150 gallons per minute (GPM) over 4-hours. The approximate surface elevation of Mono Lake located 1-mile east of the well is 6,400 feet amsl. The short-term test indicates drawdown will occur below the elevation of Mono Lake at a pumping rate of 150 GPM. A longer-term test conducted at a pumping rate which realistically simulates the operational demand of the Project will be required to determine if long-term drawdown also persist at a lower rate or, if near steady state conditions can be achieved in the aquifer.

4. The head dynamics between Lee Vining Creek, Mono Lake, and the seeps and spring in the vicinity of Mono Lake, vs. the long-term groundwater demand (still to-be-defined) have not been examined. Since there is no analyses of constant head or constant flux boundaries, it is unknown if the Project's pumping wells will reverse the hydraulic gradient in a direction away from Mono Lake back towards the extraction wells. In this case, the fresh water alluvial aquifer system which the Project wells are located may be contaminated with saline lake water. This dynamic must be defined to eliminate potential to degrade waters of the State and not violate regulations protecting fresh-water aquifers. Additionally, seeps and springs in the vicinity of

Mono Lake may cease to flow through prolonged extraction from the alluvial groundwater system. Please provide evidence that the long-term net extraction of groundwater, including the demand for construction water will not impact other water resources in terms of direct impacts to water quality and discharge rates.

5. Since storage parameters and boundary conditions have not been defined, there is no defensible evidence indicating the Project's long-term use of groundwater will not impact the neighboring domestic well located on the Andrews' property, approximately 0.75 miles south of the Project. Please provide evidence indicating the Andrews Well will not be impacted by the Project, or provide a monitoring, mitigation and maintenance plan to address potential impacts to the nearby domestic well.

In terms of feasibility, the capital expenditures to construct and maintain new wells which are designed to be in compliance with California well standards, the storage tanks, wastewater treatment system, and all other water conveyance systems requires further examination to define the magnitude of respective impacts. For example, drilling of additional wells or piezometers will likely be required to meet future permit conditions or operational demands. This work will be completed at the expense of the Project proponent. The most recent Project well was spud in October 2019 and completed in early summer 2020 (over half a year to complete one well). The well was poorly designed and will likely have a well-life similar to the Proponent's original water supply well. Has Mono County considered the visual impacts associated with a single well drilling program which was drug out over the course of half a year? Please consider supporting a timeframe for completion of any new wells to avoid prolonging undue degradation of visual resources within the Mono Basin.

In closing, please be aware this comment letter was not solicited from any single organization. From a technical water resource perspective, the existing baseline data and impact analyses is not sufficient to support the Project, nor is it defensible. From a personal perspective, the people who live and recreate in the Mono Basin are distinctively tied to the waters. These waters are sacred and have been protected for thousands of years with the lives of countless individuals dedicated to its preservation. We would be abandoning our duties as scientist and remiss as stewards of this remarkably unique environment if we ignore our responsibility to complete the full due analysis based on the best available science. Anything less would desecrate the work and the path set forth by those individuals who fought tirelessly to protect these extraordinary resources from exploitation.

With urgency, please consider filling the data gaps which are required to defensibly evaluate cumulative impacts and provide realistic feasibility level water resource design specifications for the Project.

Respectfully,

A handwritten signature in blue ink, appearing to read "Matt D. Banta", with a horizontal line underneath.

Matt Banta

Mono County response in blue, dated Sept. 22, 2020.

To Whom It May Concern:

September 1, 2020

I, Angela Williams Eddy a Mono Lake Kutzadika'a Tribal member/Tribal Council Vice Chairwoman writing this letter with concerns, facts and reasons that no building or disturbance of our sacred lands in the Tioga Inn project. I am opposed to this project.

Thank you for your letter and the information you have provided. The Mono County Community Development Department (Department) recognizes that the entire landscape is considered traditional lands of the Kutzadika'a Tribe and respects the Tribe's cultural heritage. At the same time, the Department must honor current legal land use laws and private property owner rights.

Our concerns are that Native artifacts have been found on this land and in the area.

In the original archaeological survey for the project, conducted in 1984, portions of the Lee Vining Ditch and associated 20th-century artifacts were recorded, as well as an obsidian flake and a small pumice block. Because that survey was over 30 years old, the project area was resurveyed in 2016 for the Supplemental Environmental Impact Report (SEIR). Eleven isolated artifacts were documented during that survey; four of these were obsidian flakes, the others include cans and can fragments that date to the mid- to late 20th century, a whiteware bowl dating to between 1958 and 1980, a saw-cut stump, and asphalt fragments. The Lee Vining Ditch was determined ineligible for the National Register of Historic Places or the California Register of Historical Resources in 1996 as part of the Highway 395 widening project. Even with the additional biface found by a tribal member in 2020, none of the isolates meet the criteria for the California Register of Historical Resources, either individually or taken together.

Its also known as a walking path of the Mono Lake Kutzadika'a tribe to and from town, to the known areas of our people that lived out by Williams Bluff, Cane Ranch, Rush Creek , Tioga pass, and Yosemite. The fact that multiple cry dances took place in this area in which it makes it sacred land. A fact that I have knowledge of and took part in 1988 when my Great Grandmother (Hutsi) Vina Williams took her journey. This area is important to our heritage, culture, people and the future of our people.

The County recognizes that not all Tribal Cultural Resources will be found during archaeological survey and, following the provisions of AB 52, consultation was held with the Kutzadika'a Tribe. In meetings with the county staff, Tribal representatives identified several concerns, including public safety, traffic, noise, and competition with existing Lee Vining motels. Many of these concerns are shared by members of the public, and the EIR has addressed them and identified mitigation measures where appropriate.

The Kutzadika'a Tribe and the Bridgeport Indian Colony also stated concerns about the potential for human burials to be encountered during ground disturbance: as we understand it, burials were often not marked, and if they were located away from villages, there would be few artifacts accompanying them. To address this concern, the applicant voluntarily agreed to adopt a mitigation measure to provide some funding for monitoring by qualified tribal members and/or training for the construction crew. The mitigation measure was accepted in an email dated 13 January 2020 from Michael Godbe, the attorney from California Indian Legal Services representing the Tribe.

The Department recognizes the importance of cry dances. To the owner's knowledge, no cry dances have taken place on the property for the past approximately 37 years since he has been the owner. We realize that cry dances and other traditions and ceremonies have likely occurred in the vicinity, given the Kutzadika'a's long history in the area, and that the landscape in its entirety is sacred to indigenous people. It is beyond the scope of the current analysis to address the management of sacred lands in general, but we hope that with continued communication and collaboration, the County and the Tribe will be able to work together to better acknowledge and honor the Kutzadika'a's heritage. With that in mind, the County would be happy to facilitate a conversation between the Tribe and public land managers such as the Bureau of Land Management and/or Inyo National Forest to find and establish an appropriate cry dance site should the Tribe be interested. Given the current level of existing and approved development on the Tioga Inn Specific Plan site, the location is likely not ideal for a cry dance site regardless of the currently proposed project.

There are important concerns and questions we have about the contract that was approved in 1993. Was the tribe offered consultation or involved? Were there tribal monitors there when surveyed and when ground breaking began for the building of the gas station? Who? Were they certified? Why now?

In 1993, the California Environmental Quality Act did not readily or directly include California Native American tribes' knowledge and concerns. Although an archaeological survey was conducted at that time, Tribes were treated as regular members of the public, and were not afforded specific government-to-government consultation. The California state legislature tried to remedy this situation with Senate Bill (SB) 18, passed in 2005, and Assembly Bill (AB) 52, passed in 2014. The provisions of AB 52 have been incorporated into CEQA, Division 13 of the Public Resources Code. The County has followed the provisions of SB 18 and AB 52 for the currently proposed Specific Plan Amendment, but the 1993 approvals are not reconsidered as part of the current project.

Instead of building lets help local community businesses (motels) by using them as seasonal housing for the workers. Already a safety hazard with the gas station in that area, vehicles parked all over the side of road, people running and walking on HWY120 to get to and from those vehicles, a distraction from HWY395 for traffic

passing by. Also was having live entertainment part of the contract? Do they have permits? Do they have security and safety in place for the public? What about drinking and noise ordinances? I believe we should come together and renegotiate this contract do to the findings of Native Artifacts and the tribal sacred land.

Local motels and hotels are generally fully booked during the summer season when employee housing is at peak demand. However, these properties are welcome to utilize rooms at any time of the year for longer term rental housing; it is a private business choice that does not involve the County. As for the parking and pedestrian safety situation, both will be substantially reorganized and cleaned up in the current proposal. The project has coordinated with Caltrans on parking along State Route 120 and the entry roadway will be slightly reconfigured to improve traffic circulation. The live entertainment is considered an allowable ancillary use to the deli and is being formally acknowledged under the current proposed project, alcoholic beverage consumption is regulated by the California Department of Alcoholic Beverage Control (ABC), and all uses on the site are required to comply with the noise ordinance as set forth in Mono County Code.

So in closing can we please compromise, work together to come up with another solution? You have the Gas station that is making a great deal of money, while serving the community and tourist. More building just destroys mother earth and brings more people into a very content small community. Than it soon becomes a crowded over populated city and you lose the tourist. Another fact is that it is a Native sacred site being artifacts have been found on the land and that cry dances took place in that area. Our people are asking please leave our sacred land undisturbed? Our heritage, culture, traditions, land and people are very important to us.

Unfortunately, the County is not currently revisiting the development approvals issued in 1993 under the current project proposal. During review of the current project proposal, several concerns were identified by the Tribe and addressed through a voluntary agreement by the property owner to fund cultural monitoring by qualified tribal members and/or training for the construction crew in identification of cultural resources. Other compromises and project revisions by the property owner include: the provision of housing to alleviate the housing need in the county, reduction in scale of the original project (which proposed a third story on the hotel and a larger restaurant), a secondary emergency access road, solar panels, a recycled water system, lighting restrictions exceeding the County's regulations for dark sky protection, and several others that will be listed in the 13 October 2020 staff report for the upcoming Board of Supervisors meeting. Please let us know if you have any specific additional mitigations to propose for the current project, which is the only proposed development under consideration at this time.

Thank you for your time and consideration,

Thank you again for your letter, and for your prior participation in the Kutzadika'a's consultation with the county. We recognize your continuing cultural ties to the land and the importance of your traditional heritage, and appreciate the Tribe's efforts to help us meet our responsibilities under CEQA. In addition to the offer to help identify a cry dance site, the County is happy to support the Tribe's effort for federal recognition which has been introduced by Congressman Cook. Please let us know if the Tribe has any interest in pursuing either of these two issues.

Angela (Williams) Eddy
Mono Lake Kutzadika'a Tribal Member/Vice Chairwoman

From: [charlotte Lange](#)
To: [Wendy Sugimura](#)
Cc: [Bob Gardner](#)
Subject: Re: Kutzadika" Tribe comments on Tioga Inn
Date: Wednesday, September 23, 2020 12:52:29 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thanks for the info.
Charlotte

On Tue, Sep 22, 2020, 9:22 PM Wendy Sugimura <wsugimura@mono.ca.gov> wrote:

Dear Chairwoman Lange:

Supervisor Gardner asked me to follow up further and provide the details about the Andrews well that is referenced in my email.

The staff report for the 6 August 2020 Board of Supervisors meeting states, "The Team Engineering study shows that the Tioga Inn well is not in the Lee Vining Creek watershed, or any of the Lee Vining Creek sub-watersheds, and also shows that the Tioga well is in the same watershed as the Andrews well, but not in the same aquifer as the Andrews well. Additional information concerning the Andrews well is provided in FSEIR Topical Response #11, Water Quality and Water Supply."

The Final Subsequent Environmental Impact Report (FSEIR) states the following: "The project hydrologist has reviewed and analyzed concerns raised by the Mono Lake Kutzadika'a Tribe regarding project impacts on the neighboring Andrews family Indian allotment wells. By way of background, the Andrews family in 1980 installed a well on their property at a depth of 250 feet; the well did not reach groundwater. In 1992, the family hired Maranatha to drill through the bottom of the original hole to a new depth of 370 feet. With the second effort, Maranatha did reach groundwater, and the new well produced groundwater at an estimated rate of 30 gallons per minute (gpm). The static water level of the new well stabilized at 230 feet.

The Andrews well was drilled in a comparatively small groundwater basin located about 1 mile south of the Tioga wells. The groundwater basin tapped by the Andrews well is geologically separated from the Tioga well by the Sierra Range Front Fault System. Based on this review, the hydrologist concludes that the failure of the initial Andrews well resulted from insufficient well depth, and that the low groundwater production rate of the second Andrews well is due to the small diameter of the well and the completed depth of the well (i.e., not deep enough). The reason this well cannot be deepened is that it is already cased with 4 inch diameter casing (i.e., the 4-inch diameter casing cannot support a larger pump

than what is in it now; to drill deeper would require a 3 inch diameter casing and a much smaller pump, further reducing production from this well).

The pump stress test conducted for the proposed Community Housing Project showed no interference with the Winston well, which is located northwest of and in the same groundwater basin as the Tioga well, and is nearly the same distance away as the Andrews well. Even if no recharge to the basin occurred in a given year, the project hydrologist indicates that it is highly unlikely there would be a noticeable drop in the groundwater levels of surrounding wells solely due to annual production from the Tioga well. Based on these considerations, the project hydrologist has a 95% confidence level that there will be no interaction between the Tioga and Andrews' wells resulting from groundwater production in these two wells.”

I have attached the 6 August 2020 staff report, the Team Engineering study, and FSEIR Topical Response #11 for your convenience.

Thank you,

Wendy Sugimura

Community Development Director

760.924.1814

From: Wendy Sugimura
Sent: Thursday, September 10, 2020 5:07 PM
To: Charlotte Lange <char54lange@gmail.com>
Cc: Bob Gardner <bgardner@mono.ca.gov>
Subject: Kutzadika'a Tribe comments on Tioga Inn

Dear Chairwoman Lange:

The Mono County Community Development Department is in receipt of your email dated August 9 commenting on the Tioga Inn Specific Plan Amendment, as well as emails from Vicki Glazier, Jocelyn Sheltraw, and Angela Williams Eddy. Mono County welcomes these comment letters from the Tribe and tribal members.

The concerns raised in the recent emails, including water usage, potential depletion of the Andrews well, law enforcement, medical services, and impacts to community character have been addressed in the published materials on the project and the California Environmental Quality Act (CEQA) analysis. Concerns about pollution and land fill are also addressed in the CEQA analysis; please let me know if there are specific aspects of those issues that were not considered.

Lastly, although not mentioned in any of the emails, testimony from the Tribe at the August public hearing indicated an arrowhead was found on the site. The Community Development Department recognizes that the project area is within the traditional territory of the Kutzadika'a and that the evidence of your ancestors' use of the land may well be found in the project area. The archaeological survey conducted for the project documented a few other isolated artifacts, although no archaeological sites or historic properties potentially eligible for the California Register of Historical Resources were discovered. During our previous consultations, we identified a mitigation measure that is being voluntarily provided by the applicant for the discovery of cultural resources during the project implementation. We understand that the mitigation measure resolved that issue, as indicated in an email dated January 13, 2020, from Michael Godbe, the attorney from California Indian Legal Services representing the Tribe.

Thank you again for the Tribe's input. Mono County values input from the Tribe and recognizes the need to be respectful of traditional lands and values while also adhering to our responsibilities to private landowners.

Thank you,

Wendy Sugimura

Community Development Director

PO Box 347

1290 Tavern Road, Suite #138

Mammoth Lakes, CA 93546

760.924.1814



Michael Draper

From: Wendy Sugimura
Sent: Monday, August 10, 2020 9:34 AM
To: CDD Comments
Subject: FW: Tioga Inn

Follow Up Flag: Follow up
Flag Status: Flagged

Wendy Sugimura
Community Development Director
760.924.1814

-----Original Message-----

From: Bob Gardner <bgardner@mono.ca.gov>
Sent: Saturday, August 8, 2020 9:12 PM
To: Wendy Sugimura <wsugimura@mono.ca.gov>
Subject: FW: Tioga Inn

FYI

-----Original Message-----

From: Vicki Glazier <vickimnolk@yahoo.com>
Sent: Saturday, August 8, 2020 8:27 PM
To: Bob Gardner <bgardner@mono.ca.gov>
Subject: Tioga Inn

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Gardner,

I strongly oppose the work force housing project being proposed in Lee Vining.

As a restaurant and hotel have already been approved, that in itself will hurt the established businesses in Lee Vining. I grew up in Lee Vining and always appreciated the sense of community. Tioga Inn will undoubtedly become a community of itself. Seasonal workers will be moving in and out, with no plans of permanent residency.

What about law enforcement and medical services? Those services are limited as it now. The Paiute people lived and traveled all throughout that area and to see the destruction of more our homeland is devastating.

Sincerely,

Vicki Glazier
Mono Lake Kutzadika Tribal Member

Sent from my iPad

Michael Draper

From: Wendy Sugimura
Sent: Monday, August 10, 2020 11:32 AM
To: CDD Comments
Subject: FW: Tioga Inn Project

Follow Up Flag: Follow up
Flag Status: Flagged

Wendy Sugimura

Community Development Director
760.924.1814

From: Bob Gardner <bgardner@mono.ca.gov>
Sent: Monday, August 10, 2020 10:52 AM
To: Wendy Sugimura <wsugimura@mono.ca.gov>
Subject: FW: Tioga Inn Project

FYI

From: charlotte Lange <char54lange@gmail.com>
Sent: Sunday, August 9, 2020 10:19 PM
To: Bob Gardner <bgardner@mono.ca.gov>
Subject: Tioga Inn Project

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Supervisor Bob Gardner,

I am sending this email expressing my opposition to the Tioga Inn Project.

The community of Lee Vining needs to be kept serene, safe and the traditional lands not disturbed as best we can.

The amount of more pollution, land fill, water usage and the well depletion for the Andrew's family are more concerns.

Thank you for your time in considering our request.

Charlotte Lange,

Mono Lake Kutzadika Chairperson

Michael Draper

From: Wendy Sugimura
Sent: Tuesday, August 18, 2020 8:44 AM
To: CDD Comments
Subject: FW: Tioga Inn Project

Wendy Sugimura

Community Development Director
760.924.1814

From: Bob Gardner <bgardner@mono.ca.gov>
Sent: Tuesday, August 18, 2020 8:41 AM
To: Wendy Sugimura <wsugimura@mono.ca.gov>
Subject: FW: Tioga Inn Project

FYI

From: Bob Gardner
Sent: Tuesday, August 18, 2020 8:40 AM
To: Jocelyn Sheltraw <jocelynscheltraw@gmail.com>
Subject: RE: Tioga Inn Project

Dear Jocelyn,

Thank you for your comments. I will make sure it gets included in the public comments for the Tioga Inn project.

Bob Gardner
Mono County Supervisor

From: Jocelyn Sheltraw <jocelynscheltraw@gmail.com>
Sent: Monday, August 17, 2020 11:11 PM
To: Bob Gardner <bgardner@mono.ca.gov>
Subject: Tioga Inn Project

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Supervisor Bob Gardner,

I am emailing you today to express my opposition to the Tioga Inn Project.

I believe that the community of Lee Vining should be kept serene and safe, ultimately ensuring that the traditional lands are the least disturbed as possible. I have concerns over increases in pollution, landfill, and water usage. The well depletion for the Andrew's family is concerning as well.

Thank you for your time in considering our request.

Be well,
Jocelyn Sheltraw
Mono Lake Kutzadika Preservation Chairperson

Mono County Community Development

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

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

Date: September 23, 2020
To: The Sheet
From: Michael Draper, Mono County Community Development
Re: Legal Notice for the **September 26** issue
Billing: Melissa Bell, PO Box 347, Mammoth Lakes, CA 93546

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Mono County Board of Supervisors will conduct a Public Hearing on **October 13, 2020**, with remote videoconferencing at <https://zoom.us/join> (Meeting ID: 935 2191 0938), or teleconference at (669) 900-6833 and enter Meeting ID: 935 2191 0938, to consider the following: **2:00 p.m. TIOGA INN SPECIFIC PLAN AMENDMENT AND FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT.** The Tioga Inn Specific Plan is located on four parcels (APN 021-080-014, -025, -026 & -027) at 22, 133, and 254 Vista Point Road and the amendment proposes up to 150 new workforce housing bedrooms in up to 100 new units, a third gas-pump island and overhead canopy, additional parking to accommodate on-site guest vehicles as well as a general-use park-and-ride facility and bus parking for Yosemite transit vehicles, a new package wastewater treatment system tied to a new subsurface drip irrigation system, replacement of the existing water storage tank with a new tank of the same size in the same area, a new 30,000-gallon on-site propane tank (eventually replacing the existing five on-site tanks), modification to the boundaries and acreage of designated open space, and modification of parcel boundaries. The public hearing is intended to solicit public comment on modified project information, specifically, a one-story site plan, now referred to as the current preferred project, Alternative 7 - Hybrid Site Plan, which consists of project elements previously analyzed as Alternatives 6 and the Cluster Alternative. Alternative 7 contains additional information regarding visual impacts of the project from the Navy Beach and South Tufa areas at Mono Lake and corresponding mitigation of those impacts; modified plans showing phasing of all proposed 100 community housing units with the layout of Phase 1; a detailed Landscape Plan; and clarification of proposed grading and required infrastructure for each phase of project development. You may wish to limit testimony to comments that have not previously been stated; previous comments submitted remain a part of the record for consideration. A Subsequent Environmental Impact Report to the 1993 Environmental Impact Report for the Tioga Inn Specific Plan is proposed for the project. On April 16, 2020, the Mono County Planning Commission approved Resolution 20-01 recommending approval of the mixed one- and two- story concept that was the preferred project at the time to the Board of Supervisors with modifications including prohibition of accent uplighting, the addition of a phasing plan, the addition of a shuttle service between the project site and town, signage to not feed wildlife, and addition of a survey for active fox dens. Project documents are available at <https://monocounty.ca.gov/planning/page/tioga-inn-specific-plan-seir> or by calling 760-924-1800. Hard copies of documents are available for the cost of reproduction. INTERESTED PERSONS may provide comments to the Board of Supervisors by emailing cddcomments@mono.ca.gov or by mail to: Community Development Department, Attn: Michael Draper, PO Box 347, Mammoth Lakes, CA 93546. **Written comments must be received by 2:00 p.m. on October 13.** Written comments will not be read into the record but will be transmitted to the Board prior to deliberation. Please note that if you challenge the Board's decision in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in testimony delivered to the Community Development Department at, or prior to, the public hearing, including at a previous public hearing.