

Mono County Local Agency Formation Commission

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

SPECIAL MEETING DRAFT MINUTES February 7, 2018

COMMISSIONERS PRESENT: Fred Stump & John Peters, Mono County; Bill Sauser, Town of Mammoth Lakes; Hank Brown & Tom Cage, Special Districts; Bruce Woodworth, public member; Stephen Kalish, public member alternate.

STAFF PRESENT: Gerry Le Francois, principal planner; CD Ritter, secretary

PUBLIC: Chuck Lande, Snowcreek VIII developer; Pat Hayes & Jon Pedersen, MCWD; Sandra Moberly & Nolan Bobroff, Town of Mammoth Lakes; Ted Carleton, The Sheet

1. **CALL TO ORDER:** Chair Hank Brown called the meeting to order at 3:10 p.m.

2. **PUBLIC COMMENT:** None

3. **MINUTES:** Minutes not available

4. **APPOINT NEW EXECUTIVE DIRECTOR TO REPLACE RETIREE SCOTT BURNS:** Gerry Le Francois noted Commission has full discretion to appoint. Wendy Sugimura is interim CDD director. Le Francois was asked by Scott Burns to serve as LAFCO executive director.

- LAFCO does not approve developments, but deals with logical formation of boundaries, special districts, discourages urban sprawl, encourages open space, provides for government services. Last couple years provided idea of housing tied to environmental justice.

MOTION: Appoint Gerry Le Francois as LAFCO executive director (*Sauser/Cage. Ayes: All.*)

5. **PUBLIC HEARING:** Consider Resolution R18-01 that would annex two undeveloped parcels (APNs 040-140-004 & -005) into the Mammoth Community Water District service area boundary. The parcels are in the Snowcreek VIII Master Plan, Town of Mammoth Lakes.

Gerry Le Francoise described intent to extend service district, annexing into MCWD to serve two parcels (94.01 acres) contained within town of Mammoth Lakes. Included in 2007 approval of Snowcreek VIII. Comments received pertaining to Snowcreek VIII were referred to Town. LAFCO is not approving project, but as responsible agency adding two parcels to service area. Independently consider FEIR. Town's adopted findings were rolled into resolution. Responsible agency is defined as "not lead agency."

Sauser: When incorporation happened, why were parcels not moved into jurisdiction then so not do repeatedly? Federal land at time, still falls within.

Pedersen: Mammoth County Water District changed to Mammoth Community Water District to better represent what it does. In 1968, Town included much larger area in its boundaries. Town boundaries are Sphere of Influence. Incorporation did not include annexation of water district.

Brown: No district comments. Was Mammoth Lakes Housing contacted? Not. Info is from Town's Housing Element. Le Francois: Attach 1B of staff report.

Brown: Justification A: Affordable Housing referenced, included. Le Francois: LAFCO factor to consider housing needs, but Town document sets criteria, not LAFCO.

Kalish: Appears approval by LAFCO will allow developer to file final Tract Map with hundreds of units, which includes golf course. MCWD didn't include agreements. Unclear what offering to provide. Specifically, recycled water, piping in place, developer pay or out of MCWD budget.

Pedersen: Water supply agreement with owner provides for raw or reclaimed water at MCWD to existing front nine, proposed back nine, common areas of multifamily irrigated areas in common area. Agreement executed after approval of master plan and EIR, pipelines from MCWD treatment plant,

supplying reclaimed water storage pond on existing golf course, supplying reclaimed water. Also calls for water to golf course, irrigated common areas of proposed multifamily/hotel uses.

Cage: Could have supplied reams. MCWD would have made comments to LAFCO. Snowcreek was proactive.

Woodworth: Concern with four- to five-year drought, another possible. Being careful with water. Maybe not enough water for existing MCWD customers due to change proposed?

Pedersen: Updated water-supply assessment after executing agreement for water to irrigated areas. Potable water to 10% of annexed areas other than golf course or common area. Felt capable of providing water service, still do.

Woodworth: Hierarchy of needs, who would lose water first?

Pedersen: VIII already in district boundaries, adds parcels.

Cage: Development was anticipated.

Pedersen: Yes, in 2015 water management plan. Will-serve letter not requested.

Woodworth: Legal consequence of will-serve? Pedersen: Provide conditions to supply water.

Woodworth: Reduce water to all users? Pedersen: Board's purview.

Cage: Anticipated expansion and its needs. Maybe five years hence with continuous drought, could deny. Board has discretion to place moratorium on will-serve.

Stump: VIII after annexation serviced under existing ordinance. Contradiction to this?

Pedersen: Will supply developer of multifamily/hotel uses under existing ordinances, water to golf course area and common areas under water service agreement. Raw or reclaimed water inside VIII development.

Woodworth: Increased capacity? Pedersen: Not have. VIII has 400 units, talking smaller portion plus golf course area. VIII always at certain development level of units. Golf course area became part of Snowcreek. Area transferred to annexation area, so net increase. Moved from non-USFS land, transferred USFS to private ownership.

Woodworth: Rationing to drought. Provide existing or fall short due to additional demands.

Cage: Never rationed, just restriction. Total number of units reviewed, plans to serve. Take third of acre-foot to serve, so 100 to 120 acre-feet/year. Golf course has reclaimed water.

Sausser: In severe drought of 1977 MCWD declared building moratorium. If that happened between now and building, could put stop to it. Could still be mitigated prior to building.

Cage: Didn't have wells in 1977. Four of worst droughts last six years, some restrictions mandated by state or MCWD. Provide service to MCWD purview area. In master water plan. Golf course could develop, use more reclaimed than have available. Then, buy water at cost, or golf course go fallow.

Brown: Getting into nuts and bolts, but LAFCO is not lead agency. Between MCWD, town, developer.

Woodworth: In future would climate change affect water?

Pedersen: Conclusion could provide service. No set percentage for that. Urban water management plan would tell how considered climate change, but maybe not a percentage.

Moberly: EIR was certified, doesn't expire, still valid. Woodworth: Done prior, outdated.

Sausser: If not allow this annexation because worried climate change could affect ability to serve, developer could make denser. Number of units MCWD served would not change. Calculations lessened due to reclaimed and raw untreated well water. All looked at over last 40+ years.

Cage: Wells have rebounded.

Kalish: Give up well rights or pump own water if want to.

Pedersen; Water rights in exchange area not part of water supply, no provision for that.

Kalish: Developer could drill his own well.

Pedersen: Drilled monitoring wells, not good potential for municipal well there.

Kalish: Not looking at significant housing on 10 acres, but golf course comfortable MCWD supply water to project and community. Limits to recycled water?

Pedersen; Reclaimed water from wastewater. That's the supply. Agreements with golf course. 100% of recycled water, well water. Wastewater flows increase as housing added. In last four years of drought, less water on golf course, MCWD enforced. Told them how much water they could use/buy.

Cage: Had 27 holes golf for 17-18 years. Talking nine more holes.

Lande: Master plan within district boundaries 420 additional units. Did land exchange, picked up 94 acres, meandered layout to look more natural. What's being served is less than contemplated.

Pedersen: MCWD has no purview over Tract Map.

OPEN PUBLIC HEARING: Pat Hayes, MCWD, recycled water system designed exclusively for two golf courses, including expansion of Snowcreek to 18 holes. Met needs already. Irrigation is where water goes. 90% of new property gets recycled water. Conservation could reduce supply by small amount. Both golf courses have efficient setups. Irrigation is where to do cuts. Missing from discussion: Lande has

given easements to produce potable water, so actually have more water available. Other sites may be available during redevelopment process.

Lande: Original Snowcreek master plan was 1,132 units. Most developers cram in as much as can. Didn't use 1,132, just 790. Gave up ~ 400 units, can't be transferred. Town approved fewer units.

Woodworth: How many wells? Pedersen: Nine production wells. Water levels declined in drought. All wells into recharge after last big winter, but not all reached pre-drought. Several responded quickly to recharge, others slowly. Wells trending up from declines.

Le Francois: Assumption special districts would participate, so Cage has no conflict of interest.

Kalish: Could have done much better job in presentation. Doesn't think LAFCO bound by 2007 conditions. Comfortable MCWD can serve. Encouraged but not satisfied. Unclear to what extent can put conditions on approval. Encourage LAFCO to ask developer to relinquish groundwater rights on new added land.

Cage: Can LAFCO even ask for that? Le Francois would research.

Brown: Anyone besides alternate concerned?

Le Francois: LAFCO cannot condition land use authority or approval, is not a land use agency.

Stump: Town go back and re-engage to include transfer of groundwater rights? Lande: Giving MCWD right to drill new wells.

Pedersen; Practical aspect: land owners requested to drill monitoring wells on property. Didn't acquire groundwater rights but did explore. Wells not produce enough water for municipal well. Capability to produce water explored.

Kalish: Ever condition providing water to relinquishing groundwater rights?

Brown: One favors pursuing groundwater rights.

Stump: How important is this to Woodworth? Not vote against on basis of that.

Peters: LAFCO role, environmental reviewed, current impacts addressed, move to boundary discussion. Not permit new use. Steps taken to get us to today. Satisfied mitigating factors were considered. Attended MCWD informative meeting, will attend again. Basic function of commission is look at boundary adjustment. **CLOSE PUBLIC HEARING.**

MOTION: Adopt Resolution R18-01 that would annex two undeveloped parcels (APNs 040-140-004 & -005) into the Mammoth Community Water District service area boundary. (*Ayes: 6. No: Woodworth.*)

Some commission terms expire same date as May meeting. Le Francois will call for election, especially special districts. Mono County members have been appointed for 2018, Town positions will change in June after election. Le Francois will check with county counsel and Town staff.

Another item before May meeting: Mammoth Lakes Mosquito Abatement District under audit. Workshop with LAFCO, need action to dissolve, approve another entity.

Cage recalled mosquito district had looked to MCWD for operating space. Stump noted mosquito district lacked audit. Finance officer certifies for State.

Peters: No board to certify, invalid, new audit.

Stump: Town post-Prop 13, how blend two. Revenues currently utilized by Inyo-Mono agricultural commissioner.

Le Francois will have prior meeting with county counsel.

6. ADJOURN to special meeting prior to next regular meeting May 2, 2018

Prepared by CD Ritter, LAFCO secretary