



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 at far right.

Regular Meeting

MEETING LOCATION Board Chambers, 2nd Fl., County Courthouse, 278 Main St., Bridgeport, CA 93517

May 7, 2013

TELECONFERENCE LOCATIONS: 1) First and Second Meetings of Each Month: Mammoth Lakes CAO Conference Room, 3rd Floor Sierra Center Mall, 452 Old Mammoth Road, Mammoth Lakes, California, 93546; 2) Third Meeting of Each Month: Mono County Courthouse, 278 Main, 2nd Floor Board Chambers, Bridgeport, CA 93517. Board Members may participate from a teleconference location. Note: Members of the public may attend the open-session portion of the meeting from a teleconference location, and may address the board during any one of the opportunities provided on the agenda under Opportunity for the Public to Address the Board.

NOTE: In compliance with the Americans with Disabilities Act if you need special assistance to participate in this meeting, please contact the Clerk of the Board at (760) 932-5534. 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).

Full agenda packets are available for the public to review in the Office of the Clerk of the Board (Annex I - 74 North School Street, Bridgeport, CA 93517), and in the County Offices located in Minaret Mall, 2nd Floor (437 Old Mammoth Road, Mammoth Lakes CA 93546). Any writing distributed less than 72 hours prior to the meeting will be available for public inspection in the Office of the Clerk of the Board (Annex I - 74 North School Street, Bridgeport, CA 93517). **ON THE WEB:** You can view the upcoming agenda at www.monocounty.ca.gov. If you would like to receive an automatic copy of this agenda by email, please send your request to Lynda Roberts, Clerk of the Board : lroberts@mono.ca.gov.

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

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD on items of public interest that are within the subject matter jurisdiction of the Board. (Speakers may be limited in speaking time dependent upon the press of business and number of persons wishing to address the Board.)

Approximately thru
10:00 a.m. **CLOSED SESSION**

BOARD OF SUPERVISORS

- 1a) **Closed Session - IT Director** - PUBLIC EMPLOYMENT. Government Code Section 54957. Title: IT Director.
- 1b) **Closed Session - Animal Control Director** - PUBLIC EMPLOYMENT. Government Code Section 54957. Title: Animal Control Director.
- 1c) **Closed Session - Conference with Real Property Negotiators** - CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Government Code section 54956.8. Property: APN: 015-010-065 ("Rodeo Grounds"). Agency negotiators: Supervisors Johnston and Alpers. Negotiating parties: Mono County and Intrawest. Under negotiation: price and terms of payment.
- 1d) **Closed Session - Conference with Legal Counsel** - CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code section 54956.9. Number of potential cases: one.
- 1e) **Closed Session--Human Resources** - CONFERENCE WITH LABOR NEGOTIATORS. Government Code Section 54957.6. Agency designated representative(s): Marshall Rudolph. Employee Organization(s): Mono County Sheriff's Officers Association (aka Deputy Sheriff's Association), Local 39--majority representative of Mono County Public Employees (MCPE) and Deputy Probation Officers Unit (DPOU), Mono County Paramedic Rescue Association (PARA), Mono County Public Safety Officers Association (PSO), and Mono County Sheriff Department's Management Association (SO Mgmt). Unrepresented employees: All.
- 1f) **Closed Session - CAO Position** - PUBLIC EMPLOYMENT. Government Code section 54957. Title: County Administrative Officer.

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD on items of public interest that are within the subject matter jurisdiction of the Board. (Speakers may be limited in speaking time dependent upon the press of business and number of persons wishing to address the Board.)

2) **APPROVAL OF MINUTES**

- A. Approve minutes of the Special Meeting held on April 2, 2013.
- B. Approve minutes of the Regular Meeting held on April 9, 2013.
- C. Approve minutes of the Regular Meeting held on April 16, 2013.
- D. Approve minutes of the Special Meeting held on April 25, 2013.

3) **BOARD MEMBER REPORTS**

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

Approximately 10
Minutes **COUNTY ADMINISTRATIVE OFFICE**

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

10:00 a.m.
Approximately 15
minutes **DEPARTMENT REPORTS/EMERGING ISSUES**
(PLEASE LIMIT COMMENTS TO FIVE MINUTES EACH)

Approximately 5
minutes for
Consent Items

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.)

COUNTY COUNSEL

- 5a) **Approve Mammoth Community Water District's Amended Conflict of Interest Code** - All local government agencies are required by state law to adopt their own conflict-of-interest codes and to

review such codes once every two years. However, a local agency should amend its conflict-of-interest code as frequently as circumstances require. As such, the Mammoth Community Water District has amended its 2012 Conflict of Interest Code by Ordinance No. 02-21-13-02 to reflect a new position that has been added to the Code's list of designated employees and seeks approval of its new Conflict of Interest Code by the Mono County Board of Supervisors, its code-reviewing body.

Recommended Action: Approve the new Conflict of Interest Code adopted by the Mammoth Community Water District on February 21, 2013, and direct the Clerk to notify the District's Executive Assistant of the Board's action.

Fiscal Impact: None.

Additional Departments: Public Works

- 5b) **ESTA Bus Stop in Chalfant** - Request from the Eastern Sierra Transit Authority to install a bus stop at the Chalfant Park on land leased by the County from DWP.

Recommended Action: Authorize the County Administrative Officer to enter into an agreement on behalf of the County with ESTA to install a bus stop at the Chalfant Park on land leased by the County from DWP. Authorize the waiver of any applicable fees for ESTA to install the bus stop.

Fiscal Impact: None.

- 5c) **License Agreement re Gateway landscaping extension** - Proposed license agreement with the Town of Mammoth Lakes, pertaining to an extension of landscaping for the Gateway monument sign.

Recommended Action: Approve County entry into a license agreement with the Town of Mammoth Lakes, pertaining to an extension of landscaping for the Gateway monument sign. Authorize the Board Chair to sign said agreement on behalf of the County.

Fiscal Impact: None.

Additional Departments: Clerk / Recorder

- 5d) **Update To MCC Chapter 3.24 - Second Reading** - Proposed ordinance amending sections 3.24.020, 3.24.060, 3.24.080, 3.24.100, 3.24.110, 3.24.120, 3.24.140, 3.24.150, 3.24.160, and 3.24.170, repealing section 3.24.130, and adding sections 3.24.180, 3.24.190, 3.24.200 and 3.24.210 to the Mono County Code pertaining to real property transfer tax.

Recommended Action: Adopt Ordinance No. Ord13-___, an ordinance of the Mono County Board of Supervisors amending sections 3.24.020, 3.24.060, 3.24.080, 3.24.100, 3.24.110, 3.24.120, 3.24.140, 3.24.150, 3.24.160, and 3.24.170, repealing section 3.24.130, and adding sections 3.24.180, 3.24.190, 3.24.200 and 3.24.210 to the Mono County Code pertaining to real property transfer tax.

Fiscal Impact: None.

REGULAR AGENDA

CORRESPONDENCE RECEIVED (INFORMATIONAL)

All items listed are available for review and are located in the Office of the Clerk of the Board

CLERK OF THE BOARD

- 6a) **Department of Alcoholic Beverage Control** - Application for Alcoholic Beverage License(s) received from the Department of Alcoholic Beverage Control for The Chalfant Mercantile LLC. For information only.
- 6b) **J.W. Ackles Letter** - Correspondence dated March 27, 2013 from Mr. J. W. Ackles, a Bridgeport resident, regarding a complaint he has with the Mono County Tax Collector's Office.
- 6c) **CalRecycle Letter Regarding Benton Crossing** - Information dated April 11, 2013, from CalRecycle regarding the removal of the Benton Crossing Landfill Facility from the inventory of solid waste facilities which violate State minimum standards.

BOARD OF SUPERVISORS

7a) **Town of Mammoth Lakes--Information Technology Needs** (Marianna Marysheva-Martinez, Town Manager; Mayor Matthew Lehman) - Discuss the request from the Town of Mammoth Lakes for contractual support of the Town's information technology needs. The Board of Supervisors requested this agenda item.
30 minutes

Recommended Action: Consider entering into a contract with the Town of Mammoth Lakes for the provision of IT services. Provide direction to staff.

Fiscal Impact: None at this time.

INFORMATION TECHNOLOGY

Additional Departments: Town of Mammoth Lakes

8a) **Request from Town of Mammoth Lakes for a Rule 20A Loan** (Ray Jarvis, Town of Mammoth Lakes; Nate Greenberg) - Request from the Town of Mammoth Lakes for a Rule 20A Loan from Mono County's allocation for the purposes of undergrounding approximately 1,200' of a Southern California Edison power line along Main Street in Mammoth Lakes.
20 minutes

Recommended Action: Adopt proposed resolution authorizing the CAO to enter into an agreement with the Town of Mammoth Lakes to loan the County's rule 20A allocation to the Town for the Main Street / Highway 203 undergrounding project. Direct County staff to work with Town of Mammoth Lakes to assist in moving the Main Street project forward. Further direct County staff to begin work on developing a Rule 20 project for Mono County.

Fiscal Impact: No impact to General Fund; A loan of \$360,040 Rule 20A funds that are set aside by SCE.

BOARD OF SUPERVISORS

9a) **Digital 395 Report** (Michael Ort, Praxis) - In response to a request by the Board of Supervisors, Michael Ort of Praxis will give a progress report and status update about the Digital 395 project.
15 minutes

Recommended Action: Provide direction to staff as desired.

Fiscal Impact: None.

9b) **Forest Fire Prevention Act, AB 350** (Supervisor Fred Stump) - The Forest Fire Prevention Exemption Act of 2013, AB 350, joint-authored by Assembly Members Bigelow and Wieckowski, would give private forest-land owners the tools necessary to protect forests from destructive fires by expanding the diameter of a tree stump exempted from the Forest Fire Prevention Exemption under the Timber Harvest Plan.
5 minutes

Recommended Action: Discuss AB 350 and potentially authorize the Chair to sign a letter on support on behalf of the Mono County Board of Supervisors.

Fiscal Impact: None.

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OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD on items of public interest that are within the subject matter jurisdiction of the Board. (Speakers may be limited in speaking time dependent upon the press of business and number of persons wishing to address the Board.)

CLERK OF THE BOARD

10a) **Western Counties Alliance Public Land Update** (Kenneth R. Brown) - Receive update from Ken Brown of WCA regarding Public Land Issues. Chairman Hunt is sponsoring this item.
15 minutes

Recommended Action: None. Informational Only.

Fiscal Impact: None.

PUBLIC WORKS - SOLID WASTE DIVISION

11a) **Solid Waste - Update** (Tony Dublino) - Update on any developments relating to the County Solid

- 15 minutes Waste program.
- Recommended Action:** None (informational only). Provide any desired direction to staff.
- Fiscal Impact:** None.
- CLERK OF THE BOARD**
- Additional Departments:** Public Works--Facilities Division
- 12a) **Status of Antique Clock in Board of Supervisors Chambers** (Lynda Roberts and Joe Blanchard) -
15 minutes The antique clock in the Bridgeport Courthouse Board Chambers needs to be repaired a second time since being restored. The Board will consider options pertaining to future efforts and expense to maintain the clock in working order.
- Recommended Action:** Discuss options about continuing to maintain, and repair when necessary, the antique clock in the Bridgeport Courthouse Board Chambers. Provide direction to staff.
- Fiscal Impact:** If the Board directs staff to take the clock to House of Clocks in Lodi for repair, the approximate cost will be \$100-\$200 (if it is not covered under warranty), and approximately \$250 for travel expenses.
- Additional Departments:** Finance
- 12b) **Publication of Mono County Notices** (Lynda Roberts and Roberta Reed) - At their regular meeting
15 minutes of February 19, 2013, the Board of Supervisors directed staff to prepare a Request for Proposals for Publication of Legal Notices. The deadline for proposals to be submitted was Friday, March 29, 2013, 3:00 p.m. The County Clerk's Office received proposals from The Sheet and Mammoth Times. Both proposals were submitted timely and were complete, so are presented to the Board of Supervisors for their review.
- Recommended Action:** Review the Request for Proposals for Publication of Legal Notices submitted by The Sheet and Mammoth Times, and consider awarding the bid for Fiscal Year 2013-14 as the Board desires. Provide direction to staff.
- Fiscal Impact:** Will depend on Board action.
- COMMUNITY DEVELOPMENT - PLANNING DIVISION**
- 13a) **Rock Creek Ranch Specific Plan Amendment and Tentative Tract Map Modification** (Courtney
2:00 p.m. Public Weiche) - Public hearing regarding proposed amendment to the Rock Creek Ranch Specific Plan and
Hearing Tentative Tract Map 37-56 (Rock Creek Ranch) which would eliminate 5 density bonus lots within the
20 minutes subdivision, thereby reducing the total number of lots on the TTM from 60 to 55; eliminating the requirement that eleven lots be deed-restricted for an accessory dwelling unit; and making conforming changes to the Rock Creek Ranch Specific Plan.
- Recommended Action:** Adopt proposed Resolution R13-___; accepting the EIR Addendum and approving Specific Plan Amendment 13-001 and Tentative Tract Map 37-56 Modification.
- Fiscal Impact:** No fiscal impact.
- 13b) **General Plan Amendment 13-001, Double Eagle Resort Transient Rental Overlay District**
2:15 p.m. Public (Courtney Weiche) - Public hearing regarding proposed amendment to the General Plan Use
Hearing Designation Maps to establish a Transient Rental Overlay District allowing nightly rentals in June Lake
20 minutes on four adjoining parcels (APNs 016-094-007, -008, -009, & 016-098-015).
- Recommended Action:** The Planning Commission recommends adopting proposed Resolution R13-___, approving and accepting Addendum 13-01 to the Mono County General Plan EIR and approving General Plan Amendment 13-001 creating a Transient Rental Overlay District on four parcels in June Lake.
- Fiscal Impact:** Potentially beneficial impact from additional Transient Occupancy Tax revenues.
- Additional Departments:** County Counsel
- 13c) **Housing Mitigation Ordinance Workshop** (Brent Calloway, Mary Booher, Scott Burns) - Housing
1 hour mitigation ordinance workshop.

Recommended Action: Conduct workshop and provide any desired direction to staff.

Fiscal Impact: No impact to general fund; an undetermined potential impact to the housing trust fund.

ADJOURNMENT

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OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE	May 7, 2013	DEPARTMENT	Board of Supervisors
ADDITIONAL DEPARTMENTS			
TIME REQUIRED		PERSONS APPEARING BEFORE THE BOARD	
SUBJECT	Closed Session - IT Director		

AGENDA DESCRIPTION:

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

PUBLIC EMPLOYMENT. Government Code Section 54957. Title: IT Director.

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME:

PHONE/EMAIL: /

SUBMIT THE ORIGINAL DOCUMENT WITH ATTACHMENTS TO THE OFFICE OF THE COUNTY ADMINISTRATOR
**PRIOR TO 5:00 P.M. ON THE FRIDAY
32 DAYS PRECEDING THE BOARD MEETING**

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

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No Attachments Available

History

Time	Who	Approval
5/1/2013 2:42 PM	County Administrative Office	Yes
5/1/2013 2:24 PM	County Counsel	Yes
5/1/2013 2:33 PM	Finance	Yes



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

REGULAR AGENDA REQUEST

Print

MEETING DATE	May 7, 2013	DEPARTMENT	Board of Supervisors
ADDITIONAL DEPARTMENTS			
TIME REQUIRED		PERSONS APPEARING BEFORE THE BOARD	
SUBJECT	Closed Session - Animal Control Director		

AGENDA DESCRIPTION:

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

PUBLIC EMPLOYMENT. Government Code Section 54957. Title: Animal Control Director.

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME:

PHONE/EMAIL: /

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SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

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No Attachments Available

History

Time	Who	Approval
5/1/2013 2:43 PM	County Administrative Office	Yes
5/1/2013 2:23 PM	County Counsel	Yes
5/1/2013 2:34 PM	Finance	Yes



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

REGULAR AGENDA REQUEST

Print

MEETING DATE	May 7, 2013	DEPARTMENT	Board of Supervisors
ADDITIONAL DEPARTMENTS			
TIME REQUIRED		PERSONS APPEARING BEFORE THE BOARD	
SUBJECT	Closed Session - Conference with Real Property Negotiators		

AGENDA DESCRIPTION:

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

CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Government Code section 54956.8. Property: APN: 015-010-065 ("Rodeo Grounds"). Agency negotiators: Supervisors Johnston and Alpers. Negotiating parties: Mono County and Intrawest. Under negotiation: price and terms of payment.

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME:

PHONE/EMAIL: /

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MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

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No Attachments Available

History

Time	Who	Approval
5/1/2013 2:43 PM	County Administrative Office	Yes
5/1/2013 2:23 PM	County Counsel	Yes
5/1/2013 2:35 PM	Finance	Yes



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

REGULAR AGENDA REQUEST

Print

MEETING DATE	May 7, 2013	DEPARTMENT	Board of Supervisors
ADDITIONAL DEPARTMENTS			
TIME REQUIRED		PERSONS APPEARING BEFORE THE BOARD	
SUBJECT	Closed Session - Conference with Legal Counsel		

AGENDA DESCRIPTION:

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

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code section 54956.9. Number of potential cases: one.

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME:

PHONE/EMAIL: /

SUBMIT THE ORIGINAL DOCUMENT WITH ATTACHMENTS TO THE OFFICE OF THE COUNTY ADMINISTRATOR **PRIOR TO 5:00 P.M. ON THE FRIDAY 32 DAYS PRECEDING THE BOARD MEETING**

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

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No Attachments Available

History

Time	Who	Approval
5/1/2013 2:43 PM	County Administrative Office	Yes
5/1/2013 2:24 PM	County Counsel	Yes
5/1/2013 2:31 PM	Finance	Yes



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE	May 7, 2013	DEPARTMENT	Board of Supervisors
ADDITIONAL DEPARTMENTS			
TIME REQUIRED		PERSONS APPEARING BEFORE THE BOARD	
SUBJECT	Closed Session--Human Resources		

AGENDA DESCRIPTION:

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

CONFERENCE WITH LABOR NEGOTIATORS. Government Code Section 54957.6. Agency designated representative(s): Marshall Rudolph. Employee Organization(s): Mono County Sheriff's Officers Association (aka Deputy Sheriff's Association), Local 39--majority representative of Mono County Public Employees (MCPE) and Deputy Probation Officers Unit (DPOU), Mono County Paramedic Rescue Association (PARA), Mono County Public Safety Officers Association (PSO), and Mono County Sheriff Department's Management Association (SO Mgmt). Unrepresented employees: All.

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME:

PHONE/EMAIL: /

SUBMIT THE ORIGINAL DOCUMENT WITH ATTACHMENTS TO THE OFFICE OF THE COUNTY ADMINISTRATOR
PRIOR TO 5:00 P.M. ON THE FRIDAY
32 DAYS PRECEDING THE BOARD MEETING

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

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No Attachments Available

History

Time	Who	Approval
3/14/2013 11:26 AM	County Administrative Office	Yes
4/30/2013 12:45 PM	County Counsel	Yes
3/14/2013 1:30 PM	Finance	Yes



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE	May 7, 2013	DEPARTMENT	Board of Supervisors
ADDITIONAL DEPARTMENTS			
TIME REQUIRED		PERSONS APPEARING BEFORE THE BOARD	
SUBJECT	Closed Session - CAO Position		

AGENDA DESCRIPTION:

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

PUBLIC EMPLOYMENT. Government Code section 54957. Title: County Administrative Officer.

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME:

PHONE/EMAIL: /

SUBMIT THE ORIGINAL DOCUMENT WITH
ATTACHMENTS TO THE OFFICE OF
THE COUNTY ADMINISTRATOR
PRIOR TO 5:00 P.M. ON THE FRIDAY
32 DAYS PRECEDING THE BOARD MEETING

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

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No Attachments Available

History

Time	Who	Approval
3/14/2013 11:24 AM	County Administrative Office	Yes
4/30/2013 12:44 PM	County Counsel	Yes
3/14/2013 1:26 PM	Finance	Yes



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

REGULAR AGENDA REQUEST

Print

MEETING DATE	May 7, 2013	DEPARTMENT	Clerk of the Board
ADDITIONAL DEPARTMENTS			
TIME REQUIRED		PERSONS APPEARING BEFORE THE BOARD	
SUBJECT	Board Minutes		

AGENDA DESCRIPTION:

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

A. Approve minutes of the Special Meeting held on April 2, 2013.

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME: Lynda Roberts
PHONE/EMAIL: 760-932-5538 / lroberts@mono.ca.gov

SUBMIT THE ORIGINAL DOCUMENT WITH ATTACHMENTS TO THE OFFICE OF THE COUNTY ADMINISTRATOR **PRIOR TO 5:00 P.M. ON THE FRIDAY 32 DAYS PRECEDING THE BOARD MEETING**

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

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History

Time	Who	Approval
4/30/2013 4:07 PM	County Administrative Office	Yes
4/30/2013 1:30 PM	County Counsel	Yes
4/10/2013 3:12 PM	Finance	Yes



**DRAFT MEETING MINUTES
BOARD OF SUPERVISORS, COUNTY OF MONO
STATE OF CALIFORNIA**

**SPECIAL MEETING
April 2, 2013**

**June Lake Community Center
90 West Granite Avenue, June Lake, CA 93529**

Combined with June Lake Citizens Advisory Committee meeting

7:00 p.m. Meeting Called to Order by Supervisor Hunt, Chair

- Supervisors present: Alpers, Fesko, Hunt, Johnston, and Stump
- Supervisors absent: None

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

- Ralph Lockhart: Minaret Cinema in Mammoth Lakes will host a special preview showing of the new Tom Cruise movie, part of which was filmed in June Lake. The showing is scheduled for April 19 and the cost is \$15; a portion will be donated to the June Lake Chamber of Commerce.
- Patti Heinrich: There will be a trout derby event on the opening day of fishing season.
- Announcement: Town cleanup day will be held in May.

REGULAR AGENDA

1) BOARD OF SUPERVISORS

June Lake Citizens Advisory Committee (CAC) is holding a regular meeting which will include a report by the Peer Resort Tour Group regarding their recent trip to several eastern ski resorts. The Board of Supervisors may attend the CAC meeting and may participate in the discussion.

Citizens Advisory Committee Agenda

Facility Improvement Update

- Joe Blanchard, Mono County Public Works: Update about improvements to the ball field and community center windows.

June Lake Private Fuel Reduction Project

- The document is being reviewed by the Forest Service; the June Lake Fire Board will discuss the document at its April meeting. July 13-14 is wood chipper weekend.

Note

These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors

Peer Resort Tour Update

- Carl Williams, Mammoth Mountain/June Mountain Ski Areas, presented the draft document, which is posted online (visitjune.com/strategicplan). Reviewed the following:
 - Make June Mountain more compatible with Mammoth Mountain.
 - Market June Mountain to new skiers and families.
 - Peer resorts visited:
 - § Bromley Mountain, Vermont: competes with a larger ski resort; summer programs for children; more profitable in the summer.
 - § Smugglers' Notch, Vermont: "America's Family Resort"; self contained; big summer business; not good transition hills between beginner and intermediate skiers; average stay is 4-5 days.
 - § Waterville Valley Resort, New Hampshire: "New Hampshire's Family Resort"; charges resort fee on each room that is used for amenities and marketing; redefining identity; home of free style skiing; planning an expansion; offers many activities.
 - § Okemo Mountain Resort, Vermont: Many winter and summer activities; intermediate skiing; brought back from bankruptcy; family focused; struggling with identity; lacks programming and packaging; surface management (snow making and grooming).
 - § Feedback from some resort guests about price, surface management, older chair lifts (keeping pace more relaxed), and children's activities.
 - § Feedback from those who went on the tour: East Coast has smaller resorts in a competitive market; summer business is important to overall health of the resort; need to figure out how to sustain June Mountain in order to attract capital; need to view June Lake as a resort community; invest in marketing and promotion.
- Jim Smith, Mammoth Mountain/June Mountain Ski Areas, reviewed the strategic framework: Vision, Mission, Strategies, Tactics, and Tasks.
 - This needs to be a holistic approach with community involvement.
 - June Mountain needs to be sustainable on its own.
 - Positioning, programming, and marketing can grow visits, thereby attracting capital.
- Ralph Lockhart, resort tour participant, reviewed each element of the strategic framework; outlined various strategies and tactics.

June Lake Revitalization Committee Report

- Patti Heinrich: 1) Triple threat event, snowmobile rally, band events and snowman event were all successful and positive for the community. Heinrich thanked the County for their support.

Board of Supervisors Comments

- **Supervisor Hunt:** June Lake has the opportunity to do extraordinary things; good strategy to use June Mountain as an affordable family oriented resort and feeder resort to Mammoth.
- **Supervisor Alpers:** Will visit the resorts in the summer to see those business activities; June Lake is at a great point to go in a new direction; would like the community to move forward into positive action and continue to build the team effort.
- **Supervisor Johnston:** The tour areas were a good representation of similar ski resorts; there are things that are achievable within a relatively short time frame; looks forward to working with the community.

Note

These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors

- **Supervisor Fesko:** The current situation is a good opportunity to move forward as a community and keep working together like this past winter; the community needs to make its own future, this will require give and take for the betterment of the community.
- **Supervisor Stump:** There is a lot of community interest as evidenced by the attendance at the meeting. Concurred with the other Supervisors' comments.

Report of Development Activities in June Lake

- Scott Burns, Community Development: 1) Transient rental overlays are being reviewed—one is in June Lake. This will go before the Planning Commission and then to the Board of Supervisors. 2) A review of the Rodeo Grounds will be conducted after next week. 3) Parking standards are being adjusted in various communities including June Lake.

Next Regular Meeting

- Scheduled for May 7 at 7:00 p.m.

Announcement

- Supervisor Hunt: The Board of Supervisors is working on a strategic plan and is asking for public input at the April 9 meeting. The agenda item is scheduled for 1:00 p.m.

ADJOURN: 9:15 p.m.

ATTEST:

BYNG HUNT
CHAIR

LYNDA ROBERTS
CLERK OF THE BOARD

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Note

These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors



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

REGULAR AGENDA REQUEST

Print

MEETING DATE	May 7, 2013	DEPARTMENT	Clerk of the Board
ADDITIONAL DEPARTMENTS			
TIME REQUIRED		PERSONS APPEARING BEFORE THE BOARD	
SUBJECT	Board Minutes		

AGENDA DESCRIPTION:

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

B. Approve minutes of the Regular Meeting held on April 9, 2013.

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME: Shannon Kendall
PHONE/EMAIL: x5533 / skendall@mono.ca.gov

SUBMIT THE ORIGINAL DOCUMENT WITH ATTACHMENTS TO THE OFFICE OF THE COUNTY ADMINISTRATOR **PRIOR TO 5:00 P.M. ON THE FRIDAY 32 DAYS PRECEDING THE BOARD MEETING**

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

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History

Time	Who	Approval
4/30/2013 4:07 PM	County Administrative Office	Yes
4/30/2013 1:51 PM	County Counsel	Yes
4/29/2013 9:37 AM	Finance	Yes



DRAFT MEETING MINUTES
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 at far right.

Regular Meeting

MEETING LOCATION
County Courthouse,
Bridgeport, CA 93517

April 9, 2013

Flash Drive	File #1008
Minute Orders	M13-73 to M13-76
Resolutions	R13-20 to R13-20
Ordinance	Ord13-01 NOT USED

9:04 AM Meeting Called to Order by Chairman Hunt.

*Supervisors Present: Alpers, Fesko, Hunt, Johnston and Stump.
Supervisors Absent: None.*

Pledge of Allegiance led by Clay Neely.

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

Matthew Lehman (Town Mayor):

- Coordinating ways to make efforts more efficient; in the area of Information Technology.

Marianna Marysheva-Martinez (Town):

- Mentioned letter via email (clerk to post online after meeting).
- Asking that the Board direct staff for Town and County IT to work together to develop contract for provision of IT services.
- They have some urgent needs that need to be addressed right away.
- This is an opportunity to be in partnership with county; already in such a partnership with Mono County GIS services.
- Supervisor Hunt: that seems to be trend – partnerships. Need to submit information to the clerk of the board to get item agendaized.
- Marshall Rudolph: for purposes of future agenda item and the topics it encompasses – should departments involved prepare info. now or wait to hear the Town's agenda? (Board wants to hear from Town first).

Closed Session: 9:11 a.m.

Break: 10:33 a.m.

Reconvene: 10:42 a.m.

Lunch: 12:13 p.m.

Reconvene: 1:15 p.m.

Break: 2:00 p.m.

Reconvene: 2:05 p.m.

Note

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*Break: 2:52 p.m.
Reconvene: 3:00 p.m.
Adjourn: 5:18 p.m.*

CLOSED SESSION

There was nothing to report out of closed session.

BOARD OF SUPERVISORS

- 1a) Closed Session - CAO Position - PUBLIC EMPLOYMENT. Government Code section 54957. Title: County Administrative Officer.
- 1b) Closed Session - Conference with Legal Counsel - 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: one. Facts and circumstances: dispute related to Conway Ranch grant compliance.
- 1c) Closed Session - Conference with Legal Counsel - 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: one. Facts and circumstances: claim for damages presented by Jonathan Madrid.
- 1d) Closed Session--Human Resources - CONFERENCE WITH LABOR NEGOTIATORS. Government Code Section 54957.6. Agency designated representative(s): Marshall Rudolph and Lynda Salcido. Employee Organization(s): Mono County Sheriff's Officers Association (aka Deputy Sheriff's Association), Local 39--majority representative of Mono County Public Employees (MCPE) and Deputy Probation Officers Unit (DPOU), Mono County Paramedic Rescue Association (PARA), Mono County Public Safety Officers Association (PSO), and Mono County Sheriff Department's Management Association (SO Mgmt). Unrepresented employees: All.

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

No one spoke.

- 2) APPROVAL OF MINUTES

None

- 3) **BOARD MEMBER REPORTS**

All deferred due to time constraints.

COUNTY ADMINISTRATIVE OFFICE

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

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Marshall Rudolph (Acting CAO):

- Nothing to report.

DEPARTMENT REPORTS/EMERGING ISSUES

(PLEASE LIMIT COMMENTS TO FIVE MINUTES EACH)

Sheriff Obenberger:

- Found a pot of money for communications system; AB109 funding offsets.
- So far they have just under \$500,000 in the bank to spend in CCP funding.
- They should get \$347,000 each year ongoing (at least for 2013/2014). Can only be spent on certain things.
- CCP group came together to see how to spend money. (Sheriff getting approximately \$122,000) He wants to hire a new PSO (approx \$87,000); reclassification of four different employees, difference in salaries would come out of this funding; \$250,000 to replace the Orbacom system.
- He will put together a staff report in a month or two and bring back to board.
- Supervisor Hunt: What is sustainability of funding?
- AB109 is stable – may be bumped up again and then will be fixed.

Nate Greenberg:

- Gave updates on Digital 395; a lot of work almost done.
- A lot of electronics should be fired up late May/June; testing needs to be done.
- Ridgecrest is almost complete; will see portions of segment (not Mono) come online in next few months.
- Wiggle room for late July date?
- Verizon issue: as of yesterday, still not providing service in Crowley; there are letters going out; he'll keep us posted.

Jeff Walters:

- Update on fishing season opener: everything on track.
- All roads are on schedule to open prior to fishing weekend.
- Supervisor Alpers asked him to contact Mark with Western Outdoor News.

Steve Marti (Fisheries Commission):

- Fishing Commission yesterday; successful.
- Agreed that County needs to move forward with process to free up 75 acres.
- Thanked Board, Marshall for their efforts.
- A lot of facts came about after yesterday's meeting.

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.)

CLERK OF THE BOARD

- 5a) "Year of the Child" Resolution - As part of the current CSAC President's initiative, he has asked that 2013 be declared "The Year of the Child" in California counties. This resolution will recognize the critical importance of placing children at the core of our plans. This item is being sponsored by Supervisor Johnston.

M13-73 **Action:** Approve proposed resolution proclaiming 2013 as "The Year of the Child".

Johnston moved; Alpers seconded

Vote: 5 yes; 0 no

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REGULAR AGENDA

CORRESPONDENCE RECEIVED (INFORMATIONAL)

All items listed are available for review and are located in the Office of the Clerk of the Board

- 5b) Bridgeport RPAC Regarding Economic Development Opportunities - Letter dated 3/21/13 from Steve Noble, Vice Chair for the Bridgeport RPAC encouraging Board support to generate economic development opportunities at Bryant Field.

Supervisor Stump:

- Asked if Tim Fesko was going to agendize; thinks it's worthwhile to pursue.

The Board acknowledged receipt of the correspondence.

AGRICULTURAL COMMISSIONER

- 6a) Agricultural Department Workshop (George Milovich) - Conduct workshop for Agricultural Department (including Eastern Sierra Weed Management Area).

Action: None.

George Milovich:

- Handouts distributed (powerpoint will go onto website; remainder of packet available for viewing in the clerk's office).
- Gave brief update regarding Agriculture Department/Eastern Sierra Weed Management Area.
- There is still funding available but some has been lost.
- Supervisor Alpers: Some of the penalties that can be imposed are ridiculous.
- Supervisor Johnston: Discussion about Great Basin's water levels, what's being done, what's not.
- Supervisor Stump: Is the funding job specific? (George: yes.) Car compliance? (George: some exemptions are dwindling) Fixed equipment pumps need to continue to have a voice.
- Spoke about unrefunded tax revenues.
- This job is not only local counties; it is state law to promote and protect agriculture.

Nathan Reade, Deputy Agricultural Commissioner,

Deputy Director of Weights & Measures (Went through Powerpoint, to be posted online):

- Functions of the Agriculture Department (organizational structure).
- Agriculture Functions.
 - Human Safety and Environmental Protection.
 - Consumer Protection and Product Quality.
 - Special Agricultural Services.
 - Education and Outreach.
- Weights and Measures Functions.
 - Device Registration and Inspection.
 - Petroleum Quality and Labeling.
 - Quantity Control and Transaction Verification.
 - Weighmaster and Device Repairman Registration.
- Invasive Weed Control Functions.

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- Monitoring and Detection.
- Management and Eradication.
- Interagency Collaboration.
- Public Outreach and Education.

COUNTY COUNSEL

7a) Madrid Claim For Damages (Marshall Rudolph) - Claim for damages presented on or about March 4, 2013, by Jonathan Madrid.

M13-74 **Action:** Reject claim in its entirety to the extent it refers to events or occurrences on or after September 4, 2012. Direct County Counsel to notify Claimant of said rejection. Take no action and direct County Counsel to return the claim to the extent it refers to events or occurrences prior to September 4, 2012, because it was not presented within the time prescribed by law.

Johnston moved; Fesko seconded

Vote: 5 yes; 0 no

Marshall Rudolph:

- This has been discussed and reviewed in closed session.

FINANCE

8a) Property Tax Administration Fee (Roberta Reed) - 2012-13 Property Tax Administration Fee.

Action: None.

Roberta Reed:

- Explained fee report; no one has contacted her with questions.
- At beginning of year, board had elected to refund the six smallest fire districts their tax admin. fees.
- Can go back before Board if that is desired; will let new Finance Director (Leslie Chapman) know.
- She will check to see if there was a policy change. The fee is set up; no one has questioned it yet.
- Lynda Roberts had sent out a letter at the direction of Brian Muir regarding this; she will look at it.

Supervisor Stump:

- Will intention be to repeat public hearing regarding property tax admin. fees (for fire districts)?
- Did prior Board enact policy change? Is there any opportunity for Special Districts to come and make comments?
- If policy change wasn't done, he's in favor of it so special districts can comment.
- Do we need to agendize this?

Supervisor Hunt:

- Doesn't think there was a policy change.

Supervisor Johnston:

- Maybe not so much policy as just an opportunity to comment.
- Observation: Because school districts cannot be charged by law, do all other districts subsidize school districts?
- Maximus is a non-local firm that we pay to do this? Isn't it only a spreadsheet?
- Shouldn't we try to keep the money local?

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- Roberta to work with new Finance Director to re-address this.

BOARD OF SUPERVISORS

- 9a) Support for SB 740 Relating to Telecommunications (Supervisor Fred Stump) - Passage of Senate Bill 740 (Padilla) will benefit telecommunications in Mono County. SB 740 allows potential providers access to grant funding to support the construction of last-mile provider infrastructure.

M13-75 Action: Authorize Chair to sign a letter on behalf of the Board of Supervisors supporting SB 740.

Alpers moved; Fesko seconded

Vote: 5 yes; 0 no

Supervisor Stump:

- Explained nature of item.
- Asking that letter in packet gets supported by Board and signed by chair.

Supervisor Johnston:

- Letter is fine, but he believes there should be someplace one can escape from cell service.

PUBLIC WORKS - ROAD DIVISION

- 10a) Request for Snow Removal Assistance - Yosemite National Park (Jeff Walters) - Upon its opening each spring State Highway 120 through Yosemite National Park (YNP) provides a significant benefit to businesses and visitation in Mono County. In prior years, The Board of Supervisors has actively supported and assisted the National Park Service and Caltrans with snow removal and opening of Highway 120. The Park Service may request assistance from Mono County again this year. In order to promptly respond, should YNP request assistance, the Board of Supervisors would need to authorize Public Works to provide snow removal assistance.

R13-20 Action: Consider and potentially adopt Resolution No. R13-20, "A Resolution of the Mono County Board of Supervisors Authorizing the Public Works Director to Execute and Administer Cooperative Agreements and to Utilize Department of Public Works Personnel and Equipment to Assist with Snow Removal Activities Associated with the 2013 Opening of Highway 120 Within Yosemite National Park."

Alpers moved; Johnston seconded

Vote: 5 yes; 0 no

Jeff Walters:

- It's that time of year again to clear snow in Yosemite.
- He has heard no snow removal until May 15th.
- Ski resort would be willing to assist with Snow Removal if there was a guarantee to have pass open by Memorial Day.
- Park said that Memorial Day is goal, but from May 15th to Memorial Day is only 8 days.
- Park would like assistance if we can provide; formal request may come later.
- Asking to be allowed to assist the Park, as we have always done (if it's needed).

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Supervisor Hunt:

- If they call for our help, it won't be extensive/expensive. He likes updates and likes to hear from Public Works each year, wouldn't want it a standing resolution.

Supervisor Johnston:

- Why isn't this a standing resolution?

Supervisor Alpers:

- He hopes media is listening in and will report these snow removing efforts.

10b)

Sale of Surplus Ford Expeditions to the Wheeler Crest Fire Protection District and the June Lake Fire Protection District (Jeff Walters) - Two surplus Ford Expeditions are available to Special Districts. There were four requests from Special Districts for these two vehicles. The Mono County Department of Public Works, with authorization from the Mono County Administrative Officer, determined the Wheeler Crest Fire Protection District and the June Lake Fire Protection District were to each be sold one of the units.

M13-76

Action: Find that the 2009 Ford Expedition (Unit SO751, VIN 1FMFU16569EB03958) is in good condition but is excess and/or unneeded property. 2. Find that the 2008 Ford Expedition (Unit SO702, VIN 1FMFU1165588LA07825) is in good condition but is excess and/or unneeded property. 3. Authorize the Acting Public Works Director to prepare, process, and execute applicable documents on behalf of Mono County to transfer ownership on Unit SO751 to the WCFPD and Unit SO702 to the JLFPD.

Stump moved; Alpers seconded

Vote: 5 yes; 0 no

Jeff Walters:

- Request sent out to all Special Districts; there were four requests for these vehicles.
- It was decided that Wheeler Crest and June Lake Fire Protection Districts were most deserving of vehicles as they hadn't received anything recently.
- \$13,000 will be lost but it's going to a local entity, a good cause.
- These vehicles were given to him by Sheriff's Department; he doesn't oversee their vehicle replacement.

Supervisor Johnston:

- Why are these surplus? Only two should be if we're following our targeted mileage which is 130,000.
- All five vehicles listed are under 130,000 with the exception of two.
- We should use the vehicle until it meets our standard or has some major complication.

Supervisor Hunt:

- Doesn't the Sheriff's Department replace vehicles sooner than the norm? That is what he recalls.

Supervisor Stump:

- Maybe we should have Sheriff give more explanation.

Supervisor Fesko:

- Since we hold the purse strings for the Sheriff's Department, maybe in the future, we don't approve the vehicles being replaced.
- It's a worthy cause in as much as seeing local agencies get the vehicles, but he feels the Sheriff can get more use out of vehicles.

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- He has made some very political statements; having said them he does support the motion before the board today.

Roberta Reed:

- If it is the board's desire to extend mileage, Public Works has to set up a formula or else there will be trouble with the state.

LUNCH

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

Ron Day:

- Thanked Fred for his work on the letter; thanked the county.

BOARD OF SUPERVISORS

11a)

Board of Supervisors Planning Workshop (Board of Supervisors) - The Board of Supervisors will hold a planning workshop to discuss their projects list and goals for the next 12-24 months, and receive feedback from citizens. This item was requested by Supervisor Hunt.

Action: None.

*Taken after item 12a

Supervisor Hunt:

- Explained history of strategic planning workshops; how things were prioritized. This is the third meeting on this subject; now asking for citizen input.
- Anything can go on this list.

CITIZEN'S COMMENTS:

1. **Steve Marti** (Twin Lakes Resort): Economic Development (handout).
2. **Benny Romero** (Bridgeport Valley RPAC member and business owner): Economic Development Ideas: Implementation of Bridgeport Street Revitalization Project; snowcat/backcountry skiing; Bodie State Park trail network for summer; Multi-Agency visitor's center; Gateway Monument and Community Character; beef/wine event at Barns and Terrace this summer; Eastern Sierra Photographers Jamboree. (Supervisor Stump asked if he's working with Tourism Commission? Supervisor Fesko suggested getting info. posted on county's website.)
3. **Bob Peters** (Bridgeport business owner, RPAC): Expand the economy of Mono County (all communities) so property values will come back up; Economic Development Strategy: Assistance for growth for existing business, new businesses, focus on small business; solarization needed; Inter-Agency Center; improve access to health services; creative financing of long term obligations. County staffing (need complete review and redo of organization).
4. **Ilene Mandelbaum** (Mono Basin RPAC, Coordinator of LV garden): handout; Implementation of Mono Basin Community Plan and Local Regional Food System.
5. **Lori Beardsley** (Executive Director, Friends of the Inyo): Look at opportunities in public lands; Need to work to maintain infrastructure we already have.
6. **Dan Lyster** (Economic Development Department): handout from Strategic Marketing Group: he is requesting Supervisor Hansen's position on subcommittee be filled by someone else (to be agendized); list of economic strategies need to be fleshed out. (Supervisors would like more information

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about "frustration" referred to in handout.)

7. **Paul** (Mammoth Lakes): Water quality issue at Crowley Lake; June bloom gets worse every year – how can we provide a better experience for visitors?
8. **Ron Day** (Fire Commissioner, Crowley Lake): Look at one system water system.

Supervisor Hunt:

- Next step is prioritizing amongst ourselves. Should be fleshed out soon as to what board's priorities will be. Current things on list:
 - Solid Waste
 - Economic Development
 - Employee Recognition
 - Organizational Restructuring
 - Conway Ranch
 - Utilizing substation in Mammoth
 - June Lake Ski Area/Rodeo Grounds.
 - Facilities/Communities outside of Mammoth.
 - Need for more oversight/committees.

Lynda Roberts:

- She will add today's comments to the public comments section on master list.
- When do they envision another workshop? (Supervisor Hunt to work with clerk).

Supervisor Johnston:

- List isn't totally prioritized yet.

Supervisor Fesko:

- A reminder that each Supervisor's list doesn't necessarily reflect all of their priorities (i.e. Johnston's list might be longer).

PUBLIC WORKS - ROAD DIVISION

12a)

Heavy Equipment Replacement (Jeff Walters) - Mono County has 68 diesel powered heavy equipment vehicles that must comply with the California Air Resource Board diesel emission regulations. CARB considers Mono County a small county with low population thereby CARB's deadlines must be met beginning in 2019 and 2025. The attached Mono County equipment replacement schedule complies with all CARB regulations.

Action: None.

*Item taken at 1:00 p.m. (out of order).

Jeff Walters:

- Explained item including CARB requirements, etc. (handed out revised lists, will be posted online).
- There are 70 vehicles that fall into the CARB requirement.
- Discussion regarding deadlines and the types of vehicles that apply.
- Can delay replacing some; final cutoff is 2028 for off-road equipment.
- Discussion of cost on replacing vehicles now vs. waiting. His anticipated figures are on the high end; significant expense regardless.
- These need to be replaced no matter what; they are old.
- Initial CARB deadlines were delayed – was supposed to be 2015 but is now 2019.
- Total of \$26,000,000 which is quite significant (for all necessary vehicles to be replaced.)
- There has been no lift or delay in any CARB requirements as was originally hoped.
- Fines per day are significant; doesn't have exact figures.

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- Requirements for us are less stringent than some other counties.
- He can put together a list of priorities of vehicles by year.
- Any reduction in fleet relates to a decrease in a level of service.
- The money received from State for maintenance of county roads doesn't cover any vehicle replacement.
- There are vehicles that could be replaced prior to 2018.

Supervisor Fesko

- Asked for clarification; asked about replacement timing.
- Showing replacements as soon as 2018 –are there any vehicles in the fleet that should be replaced before 2018? If yes, that needs to be put into chart.
- Not knowing exact needs of Public Works, do we need as many dump trucks as we have?
- Not sure he agrees with the current budget process, but we're looking at 2018 to come up with approximately \$2 million per year.
- 2018 is right around the corner, we need to get serious about this. Are we going to need to cut services? Salaries?

Supervisor Hunt:

- What are the penalties if we don't comply?
- Reviewing this in our budget process this summer makes sense.
- Some of these services are discretionary.
- Asked Jeff to put together a report.

Supervisor Stump:

- If we start with this year, would that vehicle stay in compliance till 2028?
- Does he have a list in mind for which vehicles to do first?
- Different vehicles have different weight carrying capabilities, need to keep in mind.
- Thinks we need to get going on this; deferring to Public Works to determine whether or not vehicles need replacing now.
- Agrees with Supervisor Fesko; need to get going now out of current budget with replacements.
- Thanked Jeff for the "thankless" job he's doing.

Supervisor Johnston:

- We have a lot of vehicles here; do we use them all to capacity?
- If we can do without some of them, we need to know so we don't spend unnecessary monies.
- If CARB wasn't telling us what to do, there's a replacement factor here. We were going to have to spend a lot of money anyway.
- The CARB effect isn't as severe as it might seem. This is kind of a moving target because CARB changes things so often.
- We should begin this during budget cycle. We should begin setting money aside so that when a vehicle does need to be replaced we will be able to. Doesn't mean replacing them now.
- Who decides what is dedicated snow removal equipment?

Supervisor Alpers:

- When service levels start dropping, it could become issue.
- We need to get out to our RPACS, etc. and make sure everyone knows county's responsibilities.

CLERK OF THE BOARD

- 13a) Discussion on the Re-Opening of June Mountain Ski Area (Rusty Gregory, MMSA CEO and MMSA Staff) - Board appearance by Mammoth Mountain Ski Area CEO, Rusty Gregory and staff to discuss the future of June

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Mountain Ski Area. This item is being placed on the agenda at the direction of Supervisor Alpers.

Action: None.

**Audio of this item available.*

Supervisor Hunt:

- This item has been a major interest for quite some time; the item today is Rusty Gregory's and his turn to speak.
- There is another June Lake item on next week's agenda for discussion on new topics related to June Mountain.
- We will take public comment after Rusty Gregory speaks, limiting comments to three minutes only.

Rusty Gregory (MMSA):

- He is here to be publicly accountable for the actions concerning June Mountain.
- Hopes to set the stage to answer questions; would like to address public's concerns.
- Closed June Mountain to produce an operating budget satisfactory to lenders.
- Suffering largest year over year decline in visits ever.
- Mammoth went from 1.3 million visits down to 922,000 visits.
- When snow came back, demand did not due to national coverage that there was "no snow in Mammoth".
- Not providing stats as an excuse, more of a fact. As a result, MMSA was carrying more debt than he'd like to; forced to restructure.
- Ended up closing up June Mountain saving over a million dollars.
- He's accountable to everyone for those decisions. Going forward, he's committed to a three point plan:
 1. Reopen this summer (with businesses that were started last summer). Open next winter as Christmas holidays start; stay open until Easter vacation.
 - Subject to continuation on community commitment on how to reposition resort. Positioned to be an entry level family level resort. The initial strategy to use June as overflow for Mammoth may have been a mistake.
 - Entry level family resort plans: events to do in town that are family friendly (and not just on the mountain).
 - In process of doing Maintenance Capitol planning – will take a lot of money to get up and running.
 - Marketing to be done by May.
 2. Install snow making and detachable lift up the face.
 - January 2014 – Start updating master plan, work with Forest Service on Regulatory Plan, test drill to locate water for snow making,
 - Fall 2014 – with positive results from submittal, move for construction.
 3. Community Planning.
 - Create viable winter local economy in June: June needs about 1000 hotel room equivalents to make that happen (in his opinion). This will get people to stay in June.
 - Use of rodeo grounds?
 - Need more critical mass to make winter work.
 - Neither the community, county, nor Mammoth owns land to make that work.
 - Items 1 and 2 aren't dependent on item 3.
 - 40,000 MVP holders committed to opening up June.
 - Mammoth is having a good year, not a perfect year. Dramatically up from last year which isn't saying much.
 - 1.1 million visits this year; gave history of past year's number of visits.
 - Will need to address what Snowboard park looks like at June.

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- What market ARE we focusing on?

Supervisor Stump:

- Asked for clarification on lift installation.
 - Rusty: January 2014: update master plan and update previously submitted documents for snowmaking and documentation for approval of a lift (winter 2014); summer of 2014 will get out on land to do surveys, etc.; fall 2014 – construction approval for lift and snowmaking, final drawing on lift and construct as soon as operations stop (April 2015); Winter 15/16 is when it would be open and running.

Supervisor Hunt:

- Can he comment on ski industry in general? With family plan in mind, will paradigm shift?
 - Rusty: there are 450 resorts now, there are ½ the number of providers that there used to be; it has been very focused on trial retention; it's important for ski industry to focus on trying it for the first time at a reasonable price.

Supervisor Johnston:

- Was he talking rooms, beds, pillows?
 - Rusty: hotel room equivalents.

PUBLIC COMMENTS

The following members of the public spoke/asked questions:

Bob Peters

Ann Tojer

Stacy Powell

Don Morton

Alice Suzynski (handout, to be posted on website)

Jean Dillingham

Sarah Tomskey, Forest Service

Curt Mays

Al Heinrich

P.K. Edwards

Connie Black

Tracy Mays

Patty Heinrich

Michael Bodash

Ralph Lockhart

Chris Edwards

Jeanine Hayward

SUMMARY OF RUSTY GREGORY'S ANSWERS TO PUBLIC QUESTIONS/COMMENTS:

- When June reopens, there has been talk about opening only four days a week, but he doesn't see that as a real benefit. Also, that could be viewed as lack of commitment on Mountain's part which is not the intention.
- New Chairlift would be replacing J1 up to Chalet.
- Repositioning of resort as entry level family – not just talk. One idea - maybe ski school could be different; there could be stations around the mountain that could be accessed *with* the lift ticket price.
- Parking lot needs repaving – will need to spend \$750,000 to get place up and running.
- He's not sure how mountain biking would work with mountain being open in summer.
- Still not interested in buying rodeo grounds, but is interested in collaborating with the developers.

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- Won't bring back \$10 Wednesdays.
- Whistler/Blackcomb in the early days, capital came together, bought by Intrawest, very profitable. Not sure about naming it Mammoth/June but there is going to be a different strategy – not just an extension of Mammoth but something special and different.
- Thinks June is a great opportunity for things like zip lines, etc. They will be submitting applications for new summer activities.
- Issue of kids on J-1 lift and all lifts is a safety concern, even with safety bars. For new chair (Doppelmeyer): could be a chair lift, a chondola or a full gondola.
- Rusty thinks airing this out is going to be helpful in working with the Forest Service on the permitting effort.
- There is nothing he can say today to earn trust; it's not given that way. To begin to earn trust back, actions will speak louder than words.
- Maintenance Capital items - what money will be invested into; not useless things.
- Opening June and snow making/lift up face will take place before increase in bed base.
- Doesn't need a real script to know the base of what they're trying to do; he knows a lot about financing of resort; he knows how to raise capital, he's committed to doing this to get line moving correctly.
- Re-grading road down to parking lot isn't as easy as it sounds but it does need improvements.
- If they want to see Mammoth financials they can. No trying to be leader in June community; wants to follow their lead. He's sorry that it doesn't feel good, not sure what else they can do.
- He cares about how people feel; he doesn't want to do token things. If there are things that they want him to do that are consistent with MMSA's plans, throw into planning now.
- Aware of the things June Lake community has done with board funding; otherwise MMSA probably wouldn't be making this decision; they see lots of reasons to cooperate.
- In support of Marketing Plan, Ron Cohen showed poster; public can see marketing/operating plans anytime after end of May.
- He feels MMSA went through very hard economic times. When Mammoth has a big year, June also had a good year. He thinks June has a unique quality that should be invested in, need to march towards trust. June needs to be differentiated from Mammoth.
- MMSA is not for sale, not having discussions with Vail, trying to draw more capital in.
- Committed to staying open on the way to improvements. If in this economic situation again, not sure about June's fate, but they are in good position with debt paid down; and they have reserves now.
- MVP is low hanging fruit; pass holders bring people with them. Bring your friend campaign in early stages.
- Will work with June Committee on lift/lodging packages. Marketing has not been Mammoth's strength, production has.

Rusty Gregory (closing comments):

- Thanked everyone for opportunity to speak to them directly; he cares deeply about the stewardship of public lands.
- Not having June Mountain operating weighs heavily on him.
- He appreciates everyone listening.

BOARD COMMENTS:

Supervisor Alpers:

- Thanked everyone for coming; communication is the key.
- Commends June Lake community; sees the money Board put into it as an

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investment.

- Opportunity often comes dressed in work clothes; going to take work to pull it off.
- Trust issue: stepping towards each other. Actions rule the day.
- Believes in fair and thorough hearings, no back door deals. Believes county government is only viable level of government left.
- Place marked agenda time next week for June Lake. He intends this to be the last chance for new information; not to hear repeating information. After that, he will take all combined information and bring recommendation to board on what, if any, action to take.

Larry Johnston:

- Thanked Rusty for coming; we're on the right track; feels everyone has been diligent in this process.
- He thinks there are some bold steps that board could take to help.

Supervisor Fesko:

- Wasn't sure if June community could pull off what they did this winter.
- This is a great opportunity, even minus the mountain, for what they want June to be.
- It's up to the community to keep moving forward and find common ground.

Supervisor Stump:

- He is less skeptical this week; thanked Rusty for coming.
- He agrees that trust is about actions speaking louder than words.
- He's had some concerns that there might be misinformation about the board's authority on all of this; in reality, the Board is very limited on what they can do.
- He'd like to see list of maintenance and improvements for 2014; he feels this would be important information.

Supervisor Hunt:

- Thanked Rusty for coming.
- He sees this as a chance for improvement for June.
- With follow through; trust can be rebuilt.
- June Lake is an economic driver for this county; it's in our best interest that June is successful and mountain is successful; he'll do whatever he can to assist.

ADJOURNMENT 5:18 p.m.

ATTEST:

BYNG HUNT
CHAIR

SHANNON KENDALL
SR. DEPUTY CLERK OF THE BOARD

§§§§§

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

REGULAR AGENDA REQUEST

Print

MEETING DATE	May 7, 2013	DEPARTMENT	Clerk of the Board
ADDITIONAL DEPARTMENTS			
TIME REQUIRED		PERSONS APPEARING BEFORE THE BOARD	
SUBJECT	Board Minutes		

AGENDA DESCRIPTION:

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

C. Approve minutes of the Regular Meeting held on April 16, 2013.

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME: Lynda Roberts
PHONE/EMAIL: 760-932-5538 / lroberts@mono.ca.gov

SUBMIT THE ORIGINAL DOCUMENT WITH ATTACHMENTS TO THE OFFICE OF THE COUNTY ADMINISTRATOR **PRIOR TO 5:00 P.M. ON THE FRIDAY 32 DAYS PRECEDING THE BOARD MEETING**

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download

[Draft Minutes of April 16](#)

History

Time	Who	Approval
4/30/2013 4:07 PM	County Administrative Office	Yes
4/30/2013 1:56 PM	County Counsel	Yes
4/29/2013 9:40 AM	Finance	Yes



**DRAFT MEETING MINUTES
 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 at far right.

Regular Meeting

MEETING LOCATION
 Mammoth Lakes BOS
 Meeting Room, 3rd Fl. Sierra
 Center Mall, Suite 307, 452
 Old Mammoth Rd.,
 Mammoth Lakes, CA 93546

April 16, 2013

Flash Drive	Portable Recorder
Minute Orders	M13-77 to M13-96
Resolutions	R13-21 to R13-23
Ordinance	Ord13-01 NOT USED

9:00 AM

Meeting Called to Order by Supervisor Hunt, Chair

- Supervisors present: Alpers, Fesko, Hunt, Johnston, and Stump
- Supervisors absent: None

Pledge of Allegiance led by Supervisor Johnston

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

- **Leigh Gaasch:** Introduced her guide dog in training, Folana. Took her previous guide dog, Jayman, back to the guide dog organization and heard first-hand accounts about how the dogs help the vision impaired. Distributed an information folder to the Board; asked the Supervisors to pass this information along to people who may be interested in being a puppy starter/trainer. On April 29th at the Mammoth Library, there will be an evening presentation about therapy dogs and guide dogs.

Closed Session: 9:07 a.m.

Break: 10:35 a.m.

Reconvened: 10:40 a.m.

Closed Session/Lunch: 12:08 p.m.

Reconvened: 1:05 p.m.

Break: 2:06 p.m.

Reconvened: 2:14 p.m.

Adjourned: 3:04 p.m.

CLOSED SESSION

The Board had nothing to report from Closed Session.

BOARD OF SUPERVISORS

1a)

Closed Session - CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED

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LITIGATION. Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code section 54956.9. Number of potential cases: one.

- 1b) Closed Session - CAO Position - PUBLIC EMPLOYMENT. Government Code section 54957. Title: County Administrative Officer.
- 1c) Closed Session - Conference With Legal Counsel - CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION. Paragraph (1) of subdivision (d) of Government Code section 54956.9. Name of case: Luman v. Mono County.
- 1d) Closed Session - Conference with Legal Counsel - 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: one. Facts and circumstances: dispute regarding Conway Ranch grant compliance.
- 1e) Closed Session--Human Resources - CONFERENCE WITH LABOR NEGOTIATORS. Government Code Section 54957.6. Agency designated representative(s): Marshall Rudolph and Lynda Salcido. Employee Organization(s): Mono County Sheriff's Officers Association (aka Deputy Sheriff's Association), Local 39--majority representative of Mono County Public Employees (MCPE) and Deputy Probation Officers Unit (DPOU), Mono County Paramedic Rescue Association (PARA), Mono County Public Safety Officers Association (PSO), and Mono County Sheriff Department's Management Association (SO Mgmt). Unrepresented employees: All.

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

- **Ron Day**, Eastern Sierra Connect: They will have a booth at the Earth Day event to be held this Saturday (April 20), 11:00-3:00, in Bishop behind Fendon's furniture store.

2) APPROVAL OF MINUTES

- M13-77** A. Approve minutes of the Regular Meeting held on April 2, 2013.
Johnston moved; Stump seconded
Vote: 5 Yes; 0 No

3) BOARD MEMBER REPORTS

Supervisor Alpers

1. Nothing to report at this time.

Supervisor Fesko

1. Was unable to attend the LTC meeting.
2. Attended the Reno Outdoor Expo Show; Antelope Valley Chamber of Commerce had a booth promoting the ATV jamboree. Was very beneficial for the upcoming event.
3. Completed the CSAC new supervisor training in Sacramento last week; he is making important connections in other counties. Also attended a course about realignment.
4. The Planning Commission reviewed a request for a transient overlay in Virginia Lakes. Three owners wanted the overlay, but due to the opposition of other homeowners, the originator of the request pulled it off the table.
5. Road barriers on Virginia Lakes Road came down this morning, the road is open just

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past the resort and the remainder should be open by the end of the week.

Supervisor Hunt

1. Last week attended a meeting to discuss the proposed MOU with Caltrans concerning Conway Ranch; things are moving in a positive direction.
2. Attended the Town-County Liaison meeting last week. Discussed: 1) Town's need for IT services; 2) solid waste, the MRF and CalRecycle mandates, and how to make things happen between the County and Town; 3) presentation by John Urdi regarding the Business Improvement District and possibility of generating \$4.2 million (MMSA will be adding 2% of ticket sales); 4) will talk about volunteer efforts at future meetings.

Supervisor Johnston

1. Attended a meeting with the Town about leased space in Minaret and Sierra Center Malls.
2. Attended the Great Basin Air Pollution Control District meeting. They are planning to meet with DWP commissioners on May 9 to discuss a plan of action.
3. Attended a Mammoth Lakes Housing special meeting. They appointed a new executive director. Still waiting for information from their attorney about the makeup of the board.

Supervisor Stump

1. Attended the LTC meeting.
2. Attended the Planning Commission meeting last Thursday. They approved the first transient overlay in June Lake, and formalized the changes made to the Rock Creek Ranch project in Paradise.
3. Updates regarding the SRA fee: The bill to repeal failed. Two other bills have been introduced: one would exempt property owners living in fire districts from paying, and would exempt low-income persons; the second assembly bill authored by Chesbro, would impose a 4.8% tax on property insurance to be placed in a state disaster relief fund. If this bill passes, the SRA would be repealed. Most residents inside a fire district would pay more with the 4.8% tax.

COUNTY ADMINISTRATIVE OFFICE

4)

CAO Report regarding Board Assignments

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

Marshall Rudolph, Acting CAO

1. Attended the Town-County Liaison committee meeting.
2. Has been signing paperwork.
3. Lynda Salcido contacted him; she is doing well.

Supervisor Hunt: Publically acknowledged the work Rudolph is doing to oversee administration while Salcido is away. The Board expressed its appreciation.

DEPARTMENT REPORTS/EMERGING ISSUES

- **Roberta Reed:** Mono County has been selected for an IRS audit. All information has been compiled.
- **Sheriff Obenberger:** 1) Moving forward with background checks on deputy applicants; the position will be filled within the next three weeks. 2) Finished testing PSO applicants; the department will interview 16 people. 3) Another deputy may retire within the next 9 months. 4) Will have extra deployment for next week's fishing season opener.

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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.)

**Item #6a: Pulled from agenda per staff request.
Supervisor Johnston: Pulled Item #5d.**

CLERK OF THE BOARD

5a) Proclamation Designating April 2013 as Child Abuse Prevention Month - April is nationally recognized as Child Abuse Prevention Month. Wild Iris is asking the Board to approve a proclamation designating April, 2013 as Child Abuse Prevention Month in Mono County. This item is being sponsored by Chairman Hunt.

M13-78 Action: Approve Proclamation designating April 2013 as Child Abuse Prevention Month in Mono County.
Stump moved; Fesko seconded
Vote: 5 Yes; 0 No

5b) Proclamation Designating April 2013 as Sexual Assault Awareness Month - April is nationally recognized as Sexual Assault Awareness Month. Wild Iris is asking the Board to designate April, 2013 as Sexual Assault Awareness month in Mono County.

M13-79 Action: Approve Proclamation designating April 2013 as Sexual Assault Awareness Month in Mono County.
Stump moved; Fesko seconded
Vote: 5 Yes; 0 No

5c) Appoint Mono County Representatives to the Trindel Insurance Fund and the CSAC-EIA Board of Directors - Appointment of Mono County representatives to the Trindel Insurance Fund Board of Directors and the CSAC-EIA Board of Directors, effective April 16, 2013, as required by the JPA's already in place.

M13-80 Action: Authorize appointment of Mono County representatives to the Trindel Insurance Fund Board of Directors and the CSAC-EIA Board of Directors, effective April 16, 2013; the County Administrative Officer as Board Member and the Director of Human Resources/Risk Management as Alternate Board Member.
Stump moved; Fesko seconded
Vote: 5 Yes; 0 No

5d) Appointment of Deborah Preschutti to the CSA #1 Board - At a recent CSA #1

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Board meeting, a motion was made to recommend that Deborah Preschutti be appointed to fill a vacancy on this Board created by the resignation of Robert Matthiessen. This term will expire November 30, 2015.

M13-81

Action: Appoint Deborah Preschutti to the CSA #1 Board, filling a vacancy created by the resignation of Robert Matthiessen. This term will expire on November 30, 2015.

Johnston moved; Stump seconded

Vote: 5 Yes; 0 No

- Supervisor Johnston: Supports the appointment but expressed concern about the process whereby the board to which the appointment will be made has recommended the person. This practice could make it difficult for persons outside the group to be appointed. Suggested agendizing a future discussion.

COUNTY COUNSEL

6a)

Approve Mammoth Community Water District's Amended Conflict of Interest Code - The Political Reform Act, Gov. Code sections 81000, et seq. requires public agencies to conduct a biennial review and update of their conflict of interest codes. As such, the Mammoth Community Water District has amended its Conflict of Interest Code by Ordinance No. 10-18-12-12 and seeks approval of its new Conflict of Interest Code by the Mono County Board of Supervisors, its code-reviewing body.

Deferred

Action: Approve the Mammoth Community Water District's Conflict of Interest Code, as amended by Mammoth Community Water District Ordinance No. 10-18-12-12.

This item was pulled at the request of staff and will be agendized at a later date.

Additional Departments: Public Works

6b)

Proposed SCE Easement For Digital 395 - Proposed resolution approving an agreement to convey an easement to Southern California Edison for crossing certain County-owned property.

R13-21

Action: Adopt Resolution No. R13-21, approving an agreement to convey an easement to Southern California Edison for crossing certain County-owned property.

Stump moved; Fesko seconded

Vote: 5 Yes; 0 No

6c)

Additional Emergency Standby Officials - Presentation of additional nominations for emergency standby officials.

M13-82

Action: Appoint Phil West to the second option for acting as the Sheriff-Coroner, Jeff Beard to the third option for acting as the Sheriff-Coroner, Jeff

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Walters as the first option for acting as the Director of Public Works, Garrett Higerd as the second option for acting as the Director of Public Works, Lynda Salcido as the first option for acting as the CAO, and Scott Burns for the second option for acting as the CAO, (as highlighted on the Emergency Standby Official List attached to the agenda item,) in the event of an emergency requiring Emergency Standby Officials, and direct the Director of the Office of Emergency Services to aid in the investigation of the appointees, as appropriate, to ensure they are fit for said positions.

Stump moved; Fesko seconded

Vote: 5 Yes; 0 No

SOCIAL SERVICES

- 7a) Notice of Intent to Ensure Continued Use of Child Abuse Prevention Funds in Accordance with State and Federal Law (Kathy Peterson, Social Services) - The current Notice of Intent (NOI) for Mono County's 2010-2013 Child Welfare and Juvenile Probation Systems improvement Plan (SIP) expires on June 09, 2013. The next Board of Supervisors approved SIP is due on December 11, 2013. In order to continue to expend CAPIT/CBCAP/PSSF funds, Mono County must have a current NOI on file with the Office of Child Abuse Prevention. As such, Mono County needs to submit a new NOI in order to expend the CAPIT/CBCAP/PSSF funds during the lapse of time between the current SIP period plan end date (June 09, 2013) and the new 5-year SIP period plan begin date (December 11, 2013).

M13-83

Action: Authorize the Chair of the Board of Supervisors to approve the Notice of Intent to ensure the Office of Child Abuse Prevention that the CAPIT/CBCAP/PSSF child abuse prevention funds will continue to be used in accordance with state and federal statute, and identify the Department of Social Services as the BOS designated public agency to continue to administer the CAPIT and CBCAP funds, for the period of June 10, 2013 through December 11, 2013.

Stump moved; Fesko seconded

Vote: 5 Yes; 0 No

BOARD OF SUPERVISORS

- 8a) Roberts employment contract amendment - Amendment to Agreement re Employment of Lynda Roberts. The amendment would simply extend the term of the current agreement through June 30, 2013.
- R13-22** **Action:** Adopt Resolution No. R13-22, A Resolution of the Mono County Board of Supervisors Approving an Agreement and First Amendment to the Agreement re Employment of Lynda Roberts.
- Stump moved; Fesko seconded**
- Vote: 5 Yes; 0 No**

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8b) Resolution of Appreciation - Resolution of Appreciation acknowledging recent efforts of a citizen to benefit Mono County. Supervisor Alpers agendized this item.

M13-84 **Action:** Approve Resolution of Appreciation acknowledging Bart Hall for his recent efforts to benefit Mono County.
Stump moved; Fesko seconded
Vote: 5 Yes; 0 No

REGULAR AGENDA

CORRESPONDENCE RECEIVED (INFORMATIONAL)

All items listed are available for review and are located in the Office of the Clerk of the Board

CLERK OF THE BOARD

9a) Ombudsman - Advocacy Services of Inyo-Mono - Letter dated March 26, 2013 regarding Ombudsman/Advocacy Services closing its doors. This will occur due to the Inyo County Health and Human Services assuming operation of the Long-Term Care Ombudsman Program in April.

- Supervisor Hunt thanked the group for their work. The Board directed staff to prepare a resolution of appreciation.

The Board acknowledged receipt of correspondence.

BOARD OF SUPERVISORS

10a) Letter of Support for AB 151 (Duane "Hap" Hazard) - Proposed letter of support for AB 151 (reintroduced and renumbered from last year's AB 1592), which would authorize cities and counties to waive certain building and inspection fees for ADA-type modifications to homes owned by veterans with a service-related disability. This item was requested by Chairman Hunt.

M13-85 **Action:** Approve and authorize the Board Chair to sign the proposed letter of support for AB 151, as amended to include letters addressed to Senators Gaines and Berryhill.

Johnston moved; Stump seconded

Vote: 5 Yes; 0 No

Hap Hazard: Provided background about this issue.

- AB 151 provides a mechanism to waive building inspection fees for military service members that have returned with a disability and need to modify their homes.
- Mono County has no legal authority to waive fees for a class of people.
- The original concern came from a disabled veteran in Chalfant. At the time this issue was raised, the County was unable to accommodate the request.
- The first legislative attempt came about three years ago, but the bill could not get through the session in time. A second attempt was made last season, but the bill did

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not make it through. The bill was resubmitted again this year and is moving forward with a lot of support. It unanimously passed the Assembly last Thursday, and is currently in the Senate.

- The bill is crafted specifically for service-related disabilities that will be noted on a person's military separation form. Participation by counties and cities would be optional.
- Financial impact to the County would be minimal.
- Hazard asked for support from the Board of Supervisors by approving the proposed letter.

Board Comments

- **Supervisor Fesko:** Asked how the waiver would impact general funds.
 - Marshall Rudolph, County Counsel: The County would not receive revenue it would otherwise be entitled to receive; and the cost of the waiver is not to be added to fees for others. Currently, the code allows the County to assist indigent veterans, but not those facing issues due to disabilities.
 - Hazard: The shortfall could be covered by groups that may be willing to help subsidize the waiver, such as Rotary groups.
- **Supervisor Johnston:** Minimal revenue will be deferred.

PUBLIC WORKS - ENGINEERING DIVISION

11a) Bryant Field Airport – Helibase Lease Renewal (Vianey White) - The U.S. Department of Agriculture (USDA) Forest Service is seeking a 20 year lease renewal for the Bryant Field Airport Helibase facility.

M13-86 **Action:** Approve the U.S. Department of Agriculture (USDA) Forest Service 20 year lease renewal for the Bryant Field Airport Helibase facility.

Alpers moved; Johnston seconded

Vote: 5 Yes; 0 No

Vianey White, Public Works: The USDA Forest Service seeks approval for a 20-year lease renewal at Bryant Field Airport; the current lease expires on June 13, 2013. The new lease includes \$100 per month rent paid to Mono County to cover insurance costs. County staff time will be required to clean restrooms; the cost will be charged to the airport fund. Language has been added to the new lease to 1) allow the County to continue using equipment and storage rooms; 2) allow negotiations on terms to ensure they are compliant with FAA grant requirements; and 3) make restrooms available to the public. This action requires a 4/5 vote or the lease will have to go out for RFP. Staff recommends renewal.

Stacey Simon, Assistant County Counsel: If the Board suggests modifications, the proposed lease can be changed and brought back for approval. This is a special provision for airport property that exempts the RFP requirement with a 4/5 vote.

Board Comments and Questions

- **Supervisor Stump:** Is the \$100 per month rate reasonable? Humboldt-Toiyabe indicated to Inyo County that they would bill them for fighting fires, is this correct? The fee at Bishop and Independence airports is over \$10,000 per year.
 - **White:** Based on a conversation with the insurance company, the \$100 fee is reasonable; if insurance increases, the County can reopen the contract and ask for an increased amount. The area leased in Mono County is smaller than Inyo County, and Mono County didn't ask for more due to the in-kind services provided by the Helibase. Plus she didn't want to open the potential for fire

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service charges.

- **Simon:** The current lease charges \$1.00 for rent, so the \$100 represents an increase. The County is only leasing the raw land; the Forest Service constructed the building. The Helibase is included in the Bryant Field insurance, and according to the carrier, the rate will only experience a minimal increase. A substantial increase will allow for reopening of the lease. The Helibase has historically been considered to be a public benefit. Regarding billing for services, the Forest Service didn't believe they would charge for in-kind service if the insurance increased significantly and the rental fee increased.
- **Supervisor Fesko:** Is the building owned by the Forest Service? Who provides maintenance? He would prefer a 10-year lease rather than 20 years.
 - **Simon:** The building is owned by the Forest Service and there is a federal procedure for disposing of it if the County doesn't renew the lease. The lease includes a 180 day termination clause.
 - **White:** The Forest Service maintains the building, but the County will maintain the restrooms so they can stay open for the public.
 - **Garrett Higerd, Public Works:** The County receives a benefit by having the restrooms open to the public since this eliminates the need for a portable restroom unit; and airport users appreciate access to the restroom. Higerd provided information about development potential of hangars at the airport.

11b) Contract Award for the Bridgeport Streets Rehabilitation Project (Garrett Higerd) Rehabilitation of approximately 3 miles of local streets in Bridgeport.

M13-87 **Action:** Based on the staff report concerning bids received in response to a solicitation for bids and responsibility of the apparent lowest responsive bidder: 1) identify Qualcon Contractors, Inc. as responsible bidder submitting the lowest responsive bid; 2) award contract to Qualcon Contractors, Inc. for the Bridgeport Streets Rehabilitation Project in an amount not to exceed \$1,821,836.20; 3) authorize the Public Works Director, in consultation with County Counsel, to administer that contract, including making minor amendments to said contract from time to time as the Public Works Director may deem necessary, and authority to approve and issue change orders to the contract in accordance with Public Contract Code §20142, in an amount not to exceed \$103,591.81 per change order, provided such amendments do not substantially alter the scope of work, do not cause spending on the project to exceed the budgeted authority of \$2,119,000, and are approved as to form and legality by County Counsel.

Fesko moved; Stump seconded

Vote: 5 Yes; 0 No

Garrett Higerd, Public Works: They received six very competitive bids for the project; the lowest was submitted by Qualcon out of Minden, Nevada. Qualcon has done a lot of quality work for the County in the past 10+ years. Their bid comes in under budget, which allows for flexibility with the amount of change orders. The state has awarded funding for his item and the Lee Vining streets project (Item #11c). Requested Board approval.

Board Comments and Questions

- **Supervisor Fesko:** Are there any contractors from Mono County? Asked for clarification about the bids.
 - **Higerd:** 1) For this type of work, Minden is generally the closest location for

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qualified contractors. 2) Lump sum items in the bid are paid at the amount listed; profit is built into the bid.

- **Supervisor Johnston:** Will this project preclude future plaza work on Bryant Street?
 - **Higerd:** No; work constructed under this project could be modified in the future to expand the plaza.

11c) Contract Award for the Lee Vining Streets Rehabilitation Project (Garrett Higerd) Rehabilitation of approximately 1.7 miles of local streets in Lee Vining.

M13-88 **Action:** Based on the staff report concerning bids received in response to a solicitation for bids and responsibility of the apparent lowest responsive bidder: 1) identify Herback General Engineering as responsible bidder submitting the lowest responsive bid; 2) award contract to Herback General Engineering for the Lee Vining Streets Rehabilitation Project in an amount not to exceed \$1,327,452.80; 3) authorize the Public Works Director, in consultation with County Counsel, to administer that contract, including making minor amendments to said contract from time to time as the Public Works Director may deem necessary, and authority to approve and issue change orders to the contract in accordance with Public Contract Code §20142, in an amount not to exceed \$78,872.64 per change order, provided such amendments do not substantially alter the scope of work, do not cause spending on the project to exceed the budgeted authority of \$2,047,000, and are approved as to form and legality by County Counsel.

Alpers moved; Johnston seconded

Vote: 5 Yes; 0 No

Garrett Higerd, Public Works: They received six competitive bids for this project; Herback General Engineering is the lowest bid. The bid came in under budget so there will be flexibility within the project. Herback has previously worked in Mono County (overlay on Highway 167 with CalTrans). Since the County has three major construction projects this year, and staff time required to manage and inspect all three is limited, Higerd may need to hire a consultant to help with inspection and construction management; the cost will be paid from available funding. Higerd will report the work schedule at the next Mono Basin RPAC meeting.

11d) Application for Federal Lands Access Program (FLAP) Grant Funding to Rehabilitate Convict Lake Road (Garrett Higerd) - If selected this project would rehabilitate approximately 2.3 to 2.7 miles of Convict Lake Road and add an up-hill bicycle climbing lane.

M13-89 **Action:** Approve submittal of a Federal Lands Access Program (FLAP) grant application to the Federal Highway Administration for a potential road rehabilitation project on Convict Lake Road.

Johnston moved; Alpers seconded

Vote: 5 Yes; 0 No

Garrett Higerd, Public Works: This opportunity became available in February. The funding is the same as the grant for the Rock Creek Road Rehabilitation project. FLAP is a good program; there is less overhead and management than state-funded projects. The Federal Highway Administration designs the project and manages construction, and the County maintains the

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finished work. The application will request about \$2.5 million in funding, and will require an 11.47% local match (approximately \$300,000). There may be funds available for the match as the project moves forward. The deadline is April 30. Applications will be ranked in May and a short list developed in June; funding awards will be announced in August of 2013. The project won't be delivered for about 5 years. The Inyo National Forest and Community Development Department are very supportive of the project.

Board Comments and Questions

- **Supervisor Johnston:** In the application, they should add information about RV use on the road. Views this opportunity as a windfall and beneficial to Mono County. The Convict Lake Road continues to deteriorate and the work will need to be done at some point.
 - **Higerd:** He will add that information along with additional information from Community Development.
- **Supervisor Fesko:** This is a great project, but he has concerns about the match. How does it work? If the County is awarded the grant but can't fund the match, can they back out?
 - **Higerd:** If awarded the grant, there will be another discussion with the Board about terms of the match; Higerd does not know the terms at this time. Usually a match is categorized in different phases and not paid up front. If awarded, project agreements will come before the Board for further consideration and they can review the financial commitment at that time. Mono County has not contributed much to road infrastructure due to external funding, but matches may become more commonplace in the future.
- **Supervisor Hunt:** Maintaining the road system needs to be weighed against other needs. However, this project is down the road and there will be the opportunity to decline a grant offer.
 - **Higerd:** Will research answers to the questions raised today.
- **Supervisor Alpers:** This is good news, but the Board will need to stay informed due to the match requirement and need to consider other commitments.

LUNCH

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

No one spoke.

HUMAN RESOURCES

12a) Employment Contract for Leslie Chapman (Marshall Rudolph) - Proposed resolution approving a two-year contract with Leslie Chapman as the Director of Finance and prescribing the compensation, appointment and conditions of said employment.

R13-23 **Action:** Approve Resolution #R13-23, approving a contract with Leslie Chapman as Director of Finance and prescribing the compensation, appointment and conditions of said employment. Authorize the Board Chair to execute said contract on behalf of the County.

Alpers moved; Johnston seconded.

Vote: 5 Yes; 0 No

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Marshall Rudolph, County Counsel/Acting CAO: The County conducted a thorough recruitment and interviewed a well-qualified group of finalists. Leslie Chapman emerged as the top candidate for Finance Director. She is currently the elected auditor/controller of Inyo County, has a public accounting background, is a CPA, has experience with a large accounting firm, and has managed her own accounting firm. Chapman has accepted the position starting on May 1st.

Supervisors: Welcomed Chapman to the County. They look forward to working with her, and invited her to ask the Board for assistance if needed. Supervisor Alpers participated on the interview panel, and Chapman did an excellent job. Supervisor Fesko's constituents have asked a lot of questions about compensation, but his concerns have been assuaged.

Chapman: Looks forward to the new position and believes that due to her background, the compensation will be an investment for Mono County. She thanked Roberta Reed for all of her work.

SOCIAL SERVICES

13a) Children's Trust Fund Request (Kathy Peterson) - Request of the Mono County Child and Family Advisory Board to spend funds held in the County's Children's Trust Fund.

M13-90 **Action:** Approve request to use Children's Trust Fund monies in an amount not to exceed \$800.00 to fund the purchase of child passenger car seats for distribution to Mono County families, as recommended by the Child and Family Advisory Board.

Stump moved; Alpers seconded

Vote: 5 Yes; 0 No

Kathy Peterson, Social Services: The Child Abuse Prevention Council is requesting up to \$800 from the County Children's Trust Fund to purchase child car seats for distribution to families in need in Benton, Bridgeport, Coleville, and Walker. The Council will be hosting community events to talk about laws and make sure seats are properly installed. Car seats are not readily accessible in Mono County and are expensive (\$70-90 for a good one), so families have a hard time making a purchase. This is a good program, and the \$800 will facilitate the purchase of 9-10 car seats.

COUNTY COUNSEL

Additional Departments: Clerk / Recorder

14a) Update to MCC Chapter 3.24 (John-Carl Vallejo) - Proposed ordinance of the Mono County Board of Supervisors Amending sections 3.24.020, 3.24.060, 3.24.080, 3.24.100, 3.24.110, 3.24.120, 3.24.140, 3.24.150, 3.24.160 and 3.24.170, repealing section 3.24.130, and adding sections 3.24.180, 3.24.190, 3.24.200 and 3.24.210 to the Mono County Code pertaining to real property transfer tax.

M13-91 **Action:** Introduce, read title, and waive further reading of proposed ordinance pertaining to real property transfer tax.

Johnston moved; Fesko seconded

Vote: 5 Yes; 0 No

Note

These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors

John-Carl Vallejo, Deputy County Counsel: The proposed update to the documentary transfer tax ordinance will clarify confusion about the scope of the tax, and will incorporate state law regarding exemptions.

- 14b) Walker River Irrigation District Storage Water Leasing Program - Change Petition (Stacey Simon) - Presentation regarding the Walker River Irrigation District storage water leasing program and related change petition filed with the California State Water Resources Control Board. Provide direction to staff regarding County comments on petition.

M13-92 **Action:** Approve and authorize Chair to sign letter, as amended, to the California State Water Resources Control Board providing comments on water rights change petitions filed by the Walker River Irrigation District for its storage water leasing program.

Fesko moved; Stump seconded

Vote: 5 Yes; 0 No

Stacey Simon, Assistant County Counsel: Distributed copies of the proposed letter; she has been working with Fish and Game to gather information for the letter. Simon reviewed the following:

- The WRID has been working to develop a three-year leasing demonstration program using federal funds.
- Mono County has historically supported waster leasing as an alternative to other solutions, such as litigation, transfer of water rights or outright purchase of water rights.
- The WRID has presented a more constrained and smaller proposal for the first year, which may not be implemented until next year. It would allow for lease of 25,000 acre feet of stored water in Bridgeport and Topaz reservoirs.
- The agricultural community is generally supportive.
- Local interest is focused on preservation of the environment and protection of recreation and fisheries.
- There is a process of review before the program is approved, so the Board of Supervisors should have ample time to comment further as needed.
- Simon outlined an additional change; she distributed copies of a revised page one. Revisions include 1) language about proposed changes to the MOU to ensure environmental reviews pursuant to CEQA prior to implementation of water transfer to Walker Lake; 2) emphasizes environmental review and decision making, and long-term economic impacts. Points out benefits of the program.
- The NFWF is committed to not moving forward before hearing from the County.
- Simon informed the WRID about the agenda item (no one was present to speak); they may not be pleased with some of the comments.

Steve Tilmack, Fish and Wildlife: worked hard on the MOU to come to agreement and would like to move forward.

Additional Departments: Economic Development

- 14c) Amendment to Conway Ranch Foundation Permission Agreement (Marshall Rudolph, Dan Lyster) - Proposed amendment to Conway Ranch Permission Agreement. The amendment would extend the term of the Agreement for one year.

Note

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M13-93 **Action:** Approve County entry into proposed Agreement and First Amendment to Conway Ranch Foundation Permission Agreement and authorize the Board Chair to sign said Agreement and First Amendment on behalf of the County.

Alpers moved; Fesko seconded

Vote: 5 Yes; 0 No

Marshall Rudolph, County Counsel/Acting CAO: The County has an agreement with IAG and Conway Ranch called a permission agreement. This allows IAG to subcontract with Conway Ranch Foundation for educational and public activities on the Ranch; 100% of the proceeds are dedicated to the Ranch. The term of the agreement is for one year, and the current agreement will expire on April 21 if it is not amended. The requested action will extend the contract for another year.

John Frederickson, IAG: Did not have any comments.

Supervisor Hunt: Looking forward to a positive future with the Conway Ranch Foundation.

14d) Gateway Sign Landscaping (Marshall Rudolph, Jessica Morriss) - Proposed extension of landscaping associated with the Gateway monument sign onto adjacent County property. The extension could be permitted through a license from the County to the Town under which the Town would assume all costs and liability risks associated with the landscaping. The County could terminate the license if and when it needs to use the affected land for another purpose. Town staff will present information regarding this proposal.

M13-94 **Action:** Conceptually approve County entry into a license agreement with the Town of Mammoth Lakes for proposal to extend landscaping associated with the Gateway monument sign onto adjacent County property.

Johnston moved; Stump seconded

Vote: 5 Yes; 0 No

Marshall Rudolph, County Counsel/Acting CAO: Last Fall the County conveyed a portion of its parcel on 203 (adjacent to the Court) to the Town of Mammoth Lakes to be used for a gateway monument sign; construction was to include landscaping. The monument has been constructed and the people working on the project would like to extend the landscaping beyond the boundaries of the parcel conveyed and onto remaining County property. The Board packet includes a diagram. If the Board agrees to proceed, Rudolph will bring a license agreement back to the Board which will give the Town the right to landscape; all costs and liability will be assumed by the Town. The agreement will include a termination clause to allow for County use for another purpose.

Board Comments

- **Supervisor Fesko:** Since the parcel in question is bounded by the trail segment, the County may not need to retain the triangular piece in question.
 - **Jessica Morriss**, Mammoth Lakes: The Court's sign is on the County's property so the parcel can't be transferred to the Town. The proposed action seems to be the simplest way to accomplish the goal. The Court will provide water and the Water District will provide landscaping and maintenance. The gateway monument on the north side of 203 is on Forest Service Land and they want the site to remain in a natural state.
- **Supervisor Hunt:** The action makes sense; the County won't use the parcel for several years.

Note

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14e) **Additional Departments:** Economic Development and Fisheries Commission
ADDENDUM

Trout Stocking (Marshall Rudolph, Dan Lyster, and Steve Marti) – Proposed expenditure of \$19,150 for additional trout stocking by Inland Aquaculture Group before the opening of fishing season. Said expenditure could be paid from available fish enhancement funds that were not previously budgeted this year for trout stocking.

M13-95

Action: Authorize expenditure of \$19,150 for additional trout-stocking by Inland Aquaculture Group under its existing contract for trout-stocking services, and increase the fish-enhancement line item within the Economic Development budget by said amount.

Fesko moved; Stump seconded

Vote: 4 Yes; 0 No; 1 Abstain (Alpers)

Marshall Rudolph, County Counsel/Acting CAO: Money for additional trout stocking is available in the fish enhancement fund, but it was not budgeted; \$100,850 was budgeted for this fiscal year, and the not-to-exceed cap is \$120,000 per fiscal year. The Fisheries Commission would like the additional funding in order to stock fish prior to season opener.

Steve Marti, Fisheries Commission: This item was discussed in their March meeting, and more waters are available this year for stocking due to the light winter. Usually IAG doesn't plant prior to opening so this would be out of the norm. Marti spoke with John Urdi, Mammoth Lakes Tourism, who said the basin might even open. Mono County has an opportunity to piggy-back on advertising planned by Mammoth Lakes Tourism. The requested amount will purchase about 20-25, 3-5 pound rainbow trout per body of water. Some of the requested money will be held back to stock waters later when they open.

Alicia Vennos, Economic Development: The County tourism office fully supports this request.

Supervisor Alpers: Will abstain from voting on this budget item due to being a former principal in IAG.

COMMUNITY DEVELOPMENT - PLANNING DIVISION

Additional Departments: Economic Development

15a) Merced River Plan Comments (Heather deBethizy, Alicia Vennos) - Merced Wild and Scenic River Draft Comprehensive Management Plan and Environmental Impact Statement Comments.

M13-96

Action: Authorize the Chair's signature on comment letter, as revised, regarding Merced Wild and Scenic River Draft Comprehensive Management Plan.

Johnston moved; Alpers seconded

Vote: 5 Yes; 0 No

Note

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Alicia Vennos, Economic Development: She drafted the proposed letter per direction from the Board. It reflects comments from Community Development, Tourism/ Film Commission, and the Local Transportation Commission. The comment period ends on April 18th.

Board Comments

- **Supervisor Johnston:** The letter is well written. In the second paragraph regarding restrictions, suggested changing the word “minimal” to “reasonable”. The National Parks should have reasonable restrictions that pertain to things like water quality, parking, number of people on a trail, and sewage disposal. However, some of the proposals contradict an environmental outlook, such as restricting bicycle rentals. Johnston believes problems caused by the historic bridge could be dealt with in another way that didn’t require removal, and believes some segments of the Merced River shouldn’t be designated as a wild river because it hasn’t been for decades.
- **Supervisor Alpers:** Agreed with Johnston’s recommendation since the word “reasonable” forces an explanation. Policies need to be on the table so the rationale can be explained.
- **Supervisor Hunt:** Believes eliminating some of the historical amenities, such as horseback riding, is confusing. One goal is to reduce vehicular traffic.
- **Supervisor Stump:** Concurred with Hunt.

PUBLIC WORKS - SOLID WASTE DIVISION

16a)

Change in Hours of Operation at County Transfer Stations (Tony Dublino) - Presentation by Tony Dublino regarding proposed change to Transfer Station hours of operation.

Action: None

Tony Dublino, Public Works: Summer hours at the transfer stations will be implemented on May 1st. Dublino presented an idea about making the hours consistent throughout the year in order to avoid log jams and inefficiencies. The agenda packet includes a table showing hours of operation and use. There are few customers in evening hours but a line forms in the morning, which causes delays. Some customers benefit from the current schedule, but more people are inconvenienced due to log jams in the morning hours. Moving forward Dublino recommended standardizing hours of operation at all transfer stations and open from 7:30-3:30 every day rather than changing to summer hours. He suggested eliminating the practice of opening late in order to stay open late. Under this new model, the number of operating hours will remain the same.

Board Comments

- **Supervisor Fesko:** Changing hours is confusing. He can support implementing consistent hours even though there may be pushback from his constituents. But people will adapt and the benefit of consistency outweighs the inconvenience.
- **Supervisor Alpers:** Agreed with Fesko. A quick survey of some constituents present at the meeting showed support for consistent hours.
- **Supervisor Johnston:** The information needs to be widely disseminated.
- **Supervisor Stump:** District 2 would be minimally impacted based on Dublino’s data, plus there would still be weekend hours. Agrees with making this small adjustment to create efficiency.
- The Supervisors agreed with the idea of implementing consistent hours.

Suggestions for announcements: Sierra Scoop, posters in the Walker Country Store and General Store, post notices at the sites, post a notice on the website, send emails to RPAC

Note

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groups, publish announcements in the newspapers, place notices at the various post offices.

BOARD OF SUPERVISORS

- 17a) June Mountain Ski Area (Supervisor Alpers) - Opportunity for the public to provide new information about the re-opening of June Mountain. Supervisor Tim Alpers sponsored this agenda item.

Action: None

Supervisor Alpers: To summarize recent meetings, information about the peer resort tour was presented at a special meeting held on April 2nd. At the regular meeting on April 9th, Mammoth Mountain Ski Area presented information about the re-opening of June Mountain. The hearing on the 9th extended beyond 2 hours, so Alpers wanted the public to have another opportunity to finish presenting information.

Public Comments

- **Alice Suszynski:** Information from the Committee for a Viable June Mountain was provided in the agenda packet, She provided a letter from the Toiyabe Chapter of the Sierra Club expressing concern about the proposed land exchange between Mammoth Mountain and the Forest Service. Suszynski read a statement pertaining to the history of community actions taken on behalf of re-opening June Mountain and addressing community concerns about stewardship.
- **Al Heinrich:** Read a statement about stewardship concerns and HR 1241 (land exchange between Mammoth Mountain and the Forest Service). Asked the Board to write a letter of non-support for HR 1241.
- **Patti Heinrich:** Read a statement presenting information and facts about nearly identical promises that have been made by MMSA over that last 9 years and not accomplished. Asked the Board to write a letter of non-support for HR 1241.
- **Kirk Maes:** Read a statement from Michael Bogash opposing the land exchange until improvements are in place on June Mountain. Maes read his statement urging the Board to not support HR 1241 until promised improvements are in place on June Mountain.
- **P.K. Edwards:** Regarding the MMSA land exchange, Edwards believes this would help perpetuate a failed business model (i.e. improvements at Mammoth assist June Mountain); the overflow from Mammoth Mountain only helps on weekends and holidays. MMSA has said capital improvements are not justifiable without community support; Edwards believes that better marketing and competition with MMSA would provide a corrective solution. June Mountain has a negative image due to lack of capital improvements. The Board of Supervisors has leverage with the proposed land exchange.
- **Dorothy Burdette:** Provided written comments. Asked Supervisor Johnston to expound on his idea pertaining to the rodeo grounds.
 - **Supervisor Johnston:** His concept relates to using the rodeo grounds for a land exchange with the Forest Service at the base of June Mountain.
 - § If the County purchased the rodeo grounds (through financing), a land exchange might proceed more smoothly between governmental entities.
 - § The water rights on the property could potentially provide the source needed for snowmaking and fire suppression for a development at the base.
 - § Potentially the worst case scenario would be if the County couldn't trade the land, which would open the possibility of splitting the land into four large parcels and selling them.

Note

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- § Believes a concept drawing for a development at the base of June Mountain could be prepared by using sustainability grant funding.
- § A land exchange doesn't seem to be out of the realm of possibility with the Forest Service.
- § Believes a land trade would give MMSA a viable opportunity for development at the base of June Mountain.

Written comments provided by the above speakers are on file with the Clerk of the Board.

Board Comments

- **Supervisor Alpers:** Intends to consolidate all the information presented in the last 9 months, and will bring recommendations addressing the multitude of issues to the Board. He will be meeting with people in both June Lake and Mammoth. The community has done a great job of organizing and presenting information, and engaging both the Board and their congressional delegation. Alpers wanted to ensure maximum public input.
- **Supervisor Hunt:** The Board is taking this issue seriously.

ADJOURN: 3:04 p.m.

- Adjourn in memory of those killed and injured at the Boston Marathon.

ATTEST:

BYNG HUNT
CHAIR

LYNDA ROBERTS
CLERK OF THE BOARD

§§§§§

Note

These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors



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

REGULAR AGENDA REQUEST

Print

MEETING DATE	May 7, 2013	DEPARTMENT	Clerk of the Board
ADDITIONAL DEPARTMENTS			
TIME REQUIRED		PERSONS APPEARING BEFORE THE BOARD	
SUBJECT	Board Minutes		

AGENDA DESCRIPTION:

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

D. Approve minutes of the Special Meeting held on April 25, 2013.

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME: Lynda Roberts
PHONE/EMAIL: 760-932-5538 / lroberts@mono.ca.gov

SUBMIT THE ORIGINAL DOCUMENT WITH ATTACHMENTS TO THE OFFICE OF THE COUNTY ADMINISTRATOR **PRIOR TO 5:00 P.M. ON THE FRIDAY 32 DAYS PRECEDING THE BOARD MEETING**

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
 [Draft Minutes 4/25/13](#)

History

Time	Who	Approval
4/30/2013 4:08 PM	County Administrative Office	Yes
4/30/2013 3:30 PM	County Counsel	Yes
4/29/2013 9:41 AM	Finance	Yes



DRAFT MEETING MINUTES
BOARD OF SUPERVISORS, COUNTY OF MONO
STATE OF CALIFORNIA

Special Meeting

MEETING LOCATION
County Courthouse,
Bridgeport, CA 93517

April 25, 2013

Flash Drive	Not Recorded
Minute Orders	None
Resolutions	None
Ordinance	None

2:33 PM Meeting Called to Order by Supervisor Hunt, Chair
Pledge of Allegiance led by Supervisor Hunt
OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD
No one spoke.
Closed Session: 2:35 p.m.
Adjourned: 5:40 p.m.

CLOSED SESSION

The Board had nothing to report from Closed Session.

1a) Closed Session - CAO Position - PUBLIC EMPLOYMENT. Government Code section 54957. Title: County Administrative Officer.

ADDENDUM ITEMS (1b—1e)

1b) CONFERENCE WITH LABOR NEGOTIATORS. Government Code Section 54957.6. Agency designated representative(s): Marshall Rudolph and Lynda Salcido. Employee Organization(s): Mono County Sheriff's Officers Association (aka Deputy Sheriff's Association), Local 39--majority representative of Mono County Public Employees (MCPE) and Deputy Probation Officers Unit (DPOU), Mono County Paramedic Rescue Association (PARA), Mono County Public Safety Officers Association (PSO), and Mono County Sheriff Department's Management Association (SO Mgmt). Unrepresented employees: All.

Note

These draft meeting minutes have not yet been approved by the Mono County Board of Supervisors

- 1c) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION.
Initiation of litigation pursuant to paragraph (4) of subdivision (e) of Government Code section 54956.9. Number of potential cases: one.
- 1d) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION.
Paragraph (1) of subdivision (d) of Section 54956.9. Name of case: Luman v. Mono County.
- 1e) PUBLIC EMPLOYMENT. Title: IT Director.

ADJOURN: 5:40 p.m.

ATTEST:

BYNG HUNT
CHAIR

LYNDA ROBERTS
CLERK OF THE BOARD

§§§§§



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE May 7, 2013 **DEPARTMENT** County Counsel
ADDITIONAL DEPARTMENTS
TIME REQUIRED
SUBJECT Approve Mammoth Community Water District's Amended Conflict of Interest Code **PERSONS APPEARING BEFORE THE BOARD**

AGENDA DESCRIPTION:

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

All local government agencies are required by state law to adopt their own conflict-of-interest codes and to review such codes once every two years. However, a local agency should amend its conflict-of-interest code as frequently as circumstances require. As such, the Mammoth Community Water District has amended its 2012 Conflict of Interest Code by Ordinance No. 02-21-13-02 to reflect a new position that has been added to the Code's list of designated employees and seeks approval of its new Conflict of Interest Code by the Mono County Board of Supervisors, its code-reviewing body.

RECOMMENDED ACTION:

Approve the new Conflict of Interest Code adopted by the Mammoth Community Water District on February 21, 2013, and direct the Clerk to notify the District's Executive Assistant of the Board's action.

FISCAL IMPACT:

None.

CONTACT NAME: Tara McKenzie

PHONE/EMAIL: 760-924-1706 /

SUBMIT THE ORIGINAL DOCUMENT WITH
ATTACHMENTS TO THE OFFICE OF
THE COUNTY ADMINISTRATOR
**PRIOR TO 5:00 P.M. ON THE FRIDAY
32 DAYS PRECEDING THE BOARD MEETING**

SEND COPIES TO:

Tara McKenzie, Office of the County Counsel

Linda Jermain, Executive Assistant
Mammoth Community Water District
P.O. Box 597
Mammoth Lakes, CA 93546

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download

- [📄 Staff Report](#)
- [📄 MCWD Ordinance No. 02-21-13-02](#)
- [📄 MCWD COIC Amended](#)

History

Time	Who	Approval
5/1/2013 2:42 PM	County Administrative Office	Yes
5/1/2013 2:25 PM	County Counsel	Yes
5/1/2013 2:54 PM	Finance	Yes

County Counsel
Marshall Rudolph

Assistant
Stacey Simon

Deputies
Tara McKenzie
John Carl Vallejo

**OFFICE OF THE
COUNTY COUNSEL**

Mono County
South County Offices
P.O. BOX 2415
MAMMOTH LAKES, CALIFORNIA 93546

Telephone
760-924-1700

Facsimile
760-924-1701

Legal Assistant
Michelle Robinson

TO: Board of Supervisors
FROM: Tara McKenzie
DATE: May 7, 2013
RE: Mammoth Community Water District Conflict of Interest Code

Recommendation:

Approve the new Conflict of Interest Code adopted by the Mammoth Community Water District on February 21, 2013, and direct the Clerk to notify the District's Executive Assistant of the Board's action.

Fiscal/Mandates Impact: None.

Discussion:

All local government agencies are required by state law to adopt their own conflict-of-interest codes and to review such codes once every two years. However, a local agency should amend its conflict-of-interest code as frequently as circumstances require. Such codes and amendments thereto are not effective, however, until duly approved by the "code-reviewing body." The Board of Supervisors is the code-reviewing body for the conflict-of-interest codes of all agencies in the county other than the Town of Mammoth Lakes.

On February 21, 2013, the Mammoth Community Water District Board of Directors passed Resolution No. 02-21-13-02 to amend, subject to the approval of the Mono County Board of Supervisors, its 2012 Conflict of Interest Code in order to reflect the addition of a new position to the Code's list of designated employees.

I have reviewed the new conflict of interest code adopted by the Mammoth Community Water District and find that it complies with all applicable statutory requirements. Accordingly, I recommend Board approval. If you have any questions regarding this item, please call me at 924-1706.

Sincerely yours,

Tara McKenzie
Deputy County Counsel

Exhibits: Ordinance No. 02-21-13-02;
MCWD COIC showing changes

ORDINANCE NO. 02-21-13-02

**AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE
MAMMOTH COMMUNITY WATER DISTRICT
AMENDING CHAPTER 6 OF THE DISTRICT CODE RELATING
TO THE DISTRICT'S CONFLICT OF INTEREST CODE**

BE IT ORDAINED by the Board of Directors of the Mammoth Community Water District as follows:

SECTION ONE:

The first page of Chapter 6 of the Mammoth Community Water District Code respecting the District Conflict of Interest Code is hereby amended to read:

The Political Reform Act, Government Code Sections 81000, et seq., requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation, 2 Cal. Code of Regs. Section 18730, which contains the terms of the standard conflict of interest code. Section 18730 is attached hereto as Appendix A. Section 18730 can be incorporated by reference and may be amended by the Fair Political Practices Commission after public notice and hearings to conform to amendments in the Political Reform Act. Pursuant to Ordinance No. 11-19-92-25 of the Board of Directors of the Mammoth Community Water District, the terms of 2 Cal. Code of Regs. Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission, along with the attached Appendix B in which members and employees are designated and disclosure categories are set forth, constitute the conflict of interest code of the Mammoth Community Water District.

Pursuant to Section 4 of the standard code, designated employees shall file statements of economic interests with the District. Upon receipt of the statements of the Mammoth Community Water District Board members, General Manager, Finance Department Manager, District Engineer, Human Resource Manager, Information Services Manager, Operations Superintendent, Maintenance Superintendent, Executive Assistant, Environmental Specialist/Public Affairs, Purchasing Agent, District Counsel, and Consultants, the District shall make and retain a copy and forward the original of these statements to the County of Mono.

SECTION TWO:

Appendix B to the District's Conflict of Interest Code is amended as attached hereto.

SECTION THREE:

To the extent the terms and conditions of this Ordinance may be inconsistent or in conflict with the terms or provisions of any prior District ordinances, resolutions, rules, or regulations, the terms of this Ordinance shall prevail with respect to the terms or provisions thereof and such inconsistent or conflicting terms or provisions of prior ordinances, resolutions, rules, or regulations are hereby repealed.

SECTION FOUR:

This Ordinance shall be in full force and effect upon Mono County Board of Supervisors' approval of the District's amended Conflict of Interest Code, and shall be published not less than once in a newspaper of general circulation published in the District within ten (10) days after adoption.

PASSED AND ADOPTED by the Board of Directors of the Mammoth Community Water District, County of Mono, State of California, this 21st day of February 2013, at a regular meeting of the Board by the following vote:

- AYES: Directors Alper, Cage, Domaille, Henderson and Smith
NOES: None
ABSENT: None
ABSTAIN: None

MAMMOTH COMMUNITY WATER DISTRICT

By: 
Thomas R. Smith, President
Board of Directors

ATTEST:

By: 
John Pedersen, Secretary
Board of Directors

CHAPTER 6

CONFLICT OF INTEREST CODE FOR MAMMOTH COMMUNITY WATER DISTRICT

The Political Reform Act, Government Code Sections 81000, et seq., requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation, 2 Cal. Code of Regs. Section 18730, which contains the terms of the standard conflict of interest code. Section 18730 is attached hereto as Appendix A. Section 18730 can be incorporated by reference and may be amended by the Fair Political Practices Commission after public notice and hearings to conform to amendments in the Political Reform Act. Pursuant to Ordinance No. 11-19-92-25 of the Board of Directors of the Mammoth Community Water District, the terms of 2 Cal. Code of Regs. Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission, along with the attached Appendix B in which members and employees are designated and disclosure categories are set forth, constitute the conflict of interest code of the Mammoth Community Water District.

Pursuant to Section 4 of the standard code, designated employees shall file statements of economic interests with the District. Upon receipt of the statements of the Mammoth Community Water District Board members, General Manager, Finance Department Manager, District Engineer, Human Resource Manager, Information Services Manager, Operations Superintendent, Maintenance Superintendent, Executive Assistant, Environmental Specialist/Public Affairs, Purchasing Agent, District Counsel, and Consultants, the District shall make and retain a copy and forward the original of these statements to the County of Mono. {Amended by Ordinance No. 04-17-08-09, effective 5/17/2008 lj} {Amended by Ordinance No. 10-18-12-12, effective 12/4/2012}

APPENDIX A

(REGULATIONS OF THE Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations.)

18730. Provisions of Conflict of Interest Codes.

(a) Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a conflict-of-interest code within the meaning of Section 87300 or the amendment of a conflict-of-interest code within the meaning of Section 87306 if the terms of this regulation are substituted for terms of a conflict-of-interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of article 2 of chapter 7 of the Political Reform Act, Sections 81000, et seq. The requirements of a conflict-of-interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Section 87100, and to other state or local laws pertaining to conflicts of interest.

(b) The terms of a conflict-of-interest code amended or adopted and promulgated pursuant to this regulation are as follows:

(1) Section 1. Definitions.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (Regulations 18110, et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict-of-interest code.

(2) Section 2. Designated Employees.

The persons holding positions listed in the Appendix are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on economic interests.

(3) Section 3. Disclosure Categories.

This code does not establish any disclosure obligation for those designated employees who are also specified in Section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their economic interests pursuant to article 2 of chapter 7 of the Political Reform Act, Sections 87200, et seq.

In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict-of-interest code for another agency, if all of the following apply:

(A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;

(B) The disclosure assigned in the code of the other agency is the same as that required under article 2 of chapter 7 of the Political Reform Act, Section 87200; and

(C) The filing officer is the same for both agencies.¹

Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in the Appendix specify which kinds of economic interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those economic interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in the Appendix. It has been determined that the economic interests set forth in a designated employee's disclosure categories are the kinds of economic interests which he or she foreseeably can affect materially through the conduct of his or her office.

(4) Section 4. Statements of Economic Interests: Place of Filing.

The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict-of-interest code.²

(5) Section 5. Statements of Economic Interests: Time of Filing.

(A) Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.

(B) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.

(C) Annual Statements. All designated employees shall file statements no later than April 1.

(D) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

(5.5) Section 5.5. Statements for Persons Who Resign Prior to Assuming Office.

Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided he or she did not make or participate in the making of, or use his or her position to influence any decision and did not receive or become entitled to receive any form of payment as a result of his or her appointment. Such persons shall not file either an assuming or leaving office statement.

(A) Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:

(1) File a written resignation with the appointing power; and

(2) File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation he or she did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

(6) Section 6. Contents of and Period Covered by Statements of Economic Interests.

(A) Contents of Initial Statements.

Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.

(B) Contents of Assuming Office Statements.

Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(C) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office whichever is later, or for a board or commission member subject to Section 87302.6, the day after the closing date of the most recent statement filed by the member pursuant to Regulation 18754.

(D) Contents of Leaving Office Statements.

Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

(7) Section 7. Manner of Reporting.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investment and Real Property Disclosure.

When an investment or an interest in real property³ is required to be reported,⁴ the statement shall contain the following:

1. A statement of the nature of the investment or interest;
2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
3. The address or other precise location of the real property;
4. A statement whether the fair market value of the investment or interest in real property equals or exceeds \$2,000, exceeds \$10,000, exceeds \$100,000, or exceeds \$1,000,000.

(B) Personal Income Disclosure. When personal income is required to be reported,⁵ the statement shall contain:

1. The name and address of each source of income aggregating \$500 or more in value, or \$50 or more in value if the income was a gift, and a general description of the business activity, if any, of each source;

2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was \$1,000 or less, greater than \$1,000, greater than \$10,000, or greater than \$100,000;

3. A description of the consideration, if any, for which the income was received;

4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received;

5. In the case of a loan, the annual interest rate and the security, if any, given for the loan and the term of the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,⁶ the statement shall contain:

1. The name, address, and a general description of the business activity of the business entity;

2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than \$10,000.

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

(8) Section 8. Prohibition on Receipt of Honoraria.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

Subdivisions (a), (b), and (c) of Section 89501 shall apply to the prohibitions in this section.

This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Section 89506.

(8.1) Section 8.1. Prohibition on Receipt of Gifts in Excess of \$420.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept gifts with a total value of more than \$420 in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

Subdivisions (e), (f), and (g) of Section 89503 shall apply to the prohibitions in this section.

(8.2) Section 8.2. Loans to Public Officials.

(A) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the elected officer holds office or over which the elected officer's agency has direction and control.

(B) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the public official holds office or over which the public official's agency has direction and control. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(C) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status.

(D) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(E) This section shall not apply to the following:

1. Loans made to the campaign committee of an elected officer or candidate for elective office.
2. Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
3. Loans from a person which, in the aggregate, do not exceed five hundred dollars (\$500) at any given time.
4. Loans made, or offered in writing, before January 1, 1998.

(8.3) Section 8.3. Loan Terms.

(A) Except as set forth in subdivision (B), no elected officer of a state or local government agency shall, from the date of his or her election to office through the date he or she vacates office, receive a personal loan of \$500 or more, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.

(B) This section shall not apply to the following types of loans:

1. Loans made to the campaign committee of the elected officer.
2. Loans made to the elected officer by his or her spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
3. Loans made, or offered in writing, before January 1, 1998.

(C) Nothing in this section shall exempt any person from any other provision of Title 9 of the Government Code.

(8.4) Section 8.4. Personal Loans.

(A) Except as set forth in subdivision (B), a personal loan received by any designated employee shall become a gift to the designated employee for the purposes of this section in the following circumstances:

1. If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.
2. If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:
 - a. The date the loan was made.
 - b. The date the last payment of \$100 or more was made on the loan.
 - c. The date upon which the debtor has made payments on the loan aggregating to less than \$250 during the previous 12 months.

(B) This section shall not apply to the following types of loans:

1. A loan made to the campaign committee of an elected officer or a candidate for elective office.
2. A loan that would otherwise not be a gift as defined in this title.
3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor has taken reasonable action to collect the balance due.
4. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the

burden of proving that the decision for not taking collection action was based on reasonable business considerations.

5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.

(C) Nothing in this section shall exempt any person from any other provisions of Title 9 of the Government Code.

(9) Section 9. Disqualification.

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth \$2,000 or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth \$2,000 or more;

(C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating \$500 or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$420 or more provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

(9.3) Section 9.3. Legally Required Participation.

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

(9.5) Section 9.5. Disqualification of State Officers and Employees.

In addition to the general disqualification provisions of section 9, no state administrative official shall make, participate in making, or use his or her official position to influence any governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the contract is a person with whom the state administrative official, or any member of his or her immediate family has, within 12 months prior to the time when the official action is to be taken:

(A) Engaged in a business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property; or

(B) Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services totaling in value \$1,000 or more.

(10) Section 10. Disclosure of Disqualifying Interest.

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act may be accompanied by disclosure of the disqualifying interest.

(11) Section 11. Assistance of the Commission and Counsel.

Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Section 83114 and Regulations 18329 and 18329.5 or from the attorney for his or her agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

(12) Section 12. Violations.

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Sections 81000-91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Section 87100 or 87450 has occurred may be set aside as void pursuant to Section 91003.

¹Designated employees who are required to file statements of economic interests under any other agency's conflict-of-interest code, or under article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Section 81004.

²See Section 81010 and Regulation 18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.

³For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

⁴Investments and interests in real property which have a fair market value of less than \$2,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse^m and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

⁵A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

⁶Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the

disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 87103(e), 87300-87302, 89501, 89502 and 89503, Government Code.

HISTORY

1. New section filed 4-2-80 as an emergency; effective upon filing (Register 80, No. 14). Certificate of Compliance included.
2. Editorial correction (Register 80, No. 29).
3. Amendment of subsection (b) filed 1-9-81; effective thirtieth day thereafter (Register 81, No. 2).
4. Amendment of subsection (b)(7)(B)1. filed 1-26-83; effective thirtieth day thereafter (Register 83, No. 5).
5. Amendment of subsection (b)(7)(A) filed 11-10-83; effective thirtieth day thereafter (Register 83, No. 46).
6. Amendment filed 4-13-87; operative 5-13-87 (Register 87, No. 16).
7. Amendment of subsection (b) filed 10-21-88; operative 11-20-88 (Register 88, No. 46).
8. Amendment of subsections (b)(8)(A) and (b)(8)(B) and numerous editorial changes filed 8-28-90; operative 9-27-90 (Reg. 90, No. 42).
9. Amendment of subsections (b)(3), (b)(8) and renumbering of following subsections and amendment of Note filed 8-7-92; operative 9-7-92 (Register 92, No. 32).
10. Amendment of subsection (b)(5.5) and new subsections (b)(5.5)(A)-(A)(2) filed 2-4-93; operative 2-4-93 (Register 93, No. 6).
11. Change without regulatory effect adopting Conflict of Interest Code for California Mental Health Planning Council filed 11-22-93 pursuant to title 1, section 100, California Code of Regulations (Register 93, No. 48). Approved by Fair Political Practices Commission 9-21-93.
12. Change without regulatory effect redesignating Conflict of Interest Code for California Mental Health Planning Council as chapter 62, section 55100 filed 1-4-94 pursuant to title 1, section 100, California Code of Regulations (Register 94, No. 1).
13. Editorial correction adding History 11 and 12 and deleting duplicate section number (Register 94, No. 17).
14. Amendment of subsection (b)(8), designation of subsection (b)(8)(A), new subsection (b)(8)(B), and amendment of subsections (b)(8.1)-(b)(8.1)(B), (b)(9)(E) and Note filed 3-14-95; operative 3-14-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 11).
15. Editorial correction inserting inadvertently omitted language in footnote 4 (Register 96, No. 13).

16. Amendment of subsections (b)(8)(A)-(B) and (b)(8.1)(A), repealer of subsection (b)(8.1)(B), and amendment of subsection (b)(12) filed 10-23-96; operative 10-23-96 pursuant to Government Code section 11343.4(d) (Register 96, No. 43).
17. Amendment of subsections (b)(8.1) and (9)(E) filed 4-9-97; operative 4-9-97 pursuant to Government Code section 11343.4(d) (Register 97, No. 15).
18. Amendment of subsections (b)(7)(B)5., new subsections (b)(8.2)-(b)(8.4)(C) and amendment of Note filed 8-24-98; operative 8-24-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 35).
19. Editorial correction of subsection (a) (Register 98, No. 47).
20. Amendment of subsections (b)(8.1), (b)(8.1)(A) and (b)(9)(E) filed 5-11-99; operative 5-11-99 pursuant to Government Code section 11343.4(d) (Register 99, No. 20).
21. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 12-6-2000; operative 1-1-2001 pursuant to the 1974 version of Government Code section 11380.2 and Title 2, California Code of Regulations, section 18312(d) and (e) (Register 2000, No. 49).
22. Amendment of subsections (b)(3) and (b)(10) filed 1-10-2001; operative 2-1-2001. Submitted to OAL for filing pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2001, No. 2).
23. Amendment of subsections (b)(7)(A)4., (b)(7)(B)1.-2., (b)(8.2)(E)3., (b)(9)(A)-(C) and footnote 4. filed 2-13-2001. Submitted to OAL for filing pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2001, No. 7).
24. Amendment of subsections (b)(8.1)-(b)(8.1)(A) filed 1-16-2003; operative 1-1-2003. Submitted to OAL for filing pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2003, No. 3).
25. Editorial correction of History 24 (Register 2003, No. 12).
26. Editorial correction removing extraneous phrase in subsection (b)(9.5)(B) (Register 2004, No. 33).
27. Amendment of subsections (b)(2)-(3), (b)(3)(C), (b)(6)(C), (b)(8.1)-(b)(8.1)(A), (b)(9)(E) and (b)(11)-(12) filed 1-4-2005; operative 1-1-2005 pursuant to Government Code section 11343.4 (Register 2005, No. 1).
28. Amendment of subsection (b)(7)(A)4. filed 10-11-2005; operative 11-10-2005 (Register 2005, No. 41).
29. Amendment of subsections (a), (b)(1), (b)(3), (b)(8.1), (b)(8.1)(A) and (b)(9)(E) filed 12-18-2006; operative 1-1-2007. Submitted to OAL pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished

decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2006, No. 51).

30. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 10-31-2008; operative 11-30-2008. Submitted to OAL for filing pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2008, No. 44).

31. Amendment of section heading and section filed 11-15-2010; operative 12-15-2010. Submitted to OAL for filing pursuant to Fair Political Practices Commission v. Office of Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2010, No. 47).

2 CCR § 18730, 2 CA ADC § 18730

This database is current through 9/28/12 Register 2012, No. 39

END OF DOCUMENT

APPENDIX B

**MAMMOTH COMMUNITY WATER DISTRICT
CONFLICT OF INTEREST CODE
APPENDIX OF DESIGNATED POSITIONS
AND DISCLOSURE CATEGORIES**

I. Designated Positions.¹ The positions listed below include those persons who are deemed to make, or participate in the making of, decisions which may foreseeably have a material effect on any financial interest. The persons holding the designated positions listed shall disclose interests and investments in accordance with the corresponding disclosure categories, which are defined below.

<u>Designated Positions</u>	<u>Disclosure Category</u>
District Engineer	1, 2, 3
Human Resources Manager	1, 2, 3
Information Services Manager	1, 2, 3
Executive Assistant	1, 2, 3
Purchasing Agent	3
Operations Superintendent	1, 2, 3
Maintenance Superintendent	1, 2, 3
Environmental Specialist/Public Affairs	1, 2, 3
District Counsel	1, 2, 3
Consultants ²	1, 2, 3

¹ **Officials Who Manage Public Investments:** It has been determined that the following positions manage public investments of the District (within the meaning of Govt. Code Sec. 87200) and persons holding these positions must file FPPC Form 700 pursuant to the State Political Reform Act instead of the District's conflict of interest code: Members of Board of Directors, General Manager, and Finance Manager. Therefore, these positions were deleted from the District's conflict of interest code appendix of designated positions.

² **Consultants:** "Consultant" means an individual who, pursuant to a contract with the District, either: (A) Makes a governmental decision whether to – (1) approve a rate, rule, or regulation; (2) adopt or enforce a law; (3) issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order, or similar authorization or entitlement; (4) authorize the District to enter into, modify, or renew a contract provided it is the type of contract that requires District approval; (5) grant District approval to a contract that requires District approval and to which the District is a party, or to the specifications for such a contract; (6) grant District approval to a plan, design, report, study, or similar item; or (7) adopt or grant District approval of policies, standards, or guidelines for the District, or for any subdivision thereof; or (B) Serves in a staff capacity with the District and in that capacity participates in making a governmental decision as defined in California Code of Regulations, title 2, section 18702.2 or performs the same or substantially all the same duties for the District that would

otherwise be performed by an individual holding a position specified in the District's conflict of interest code. (California Code of Regulations, title 2, section 18701(a)(2).)

"Consultants" are included in the list of designated positions and must disclose interests and investments in accordance with the broadest disclosure category in the District's conflict of interest code, subject to the following limitation: The General Manager may determine in writing that a particular consultant, although a "consultant" and "designated position," nevertheless is hired or retained to perform a range of duties that is limited in scope and therefore is not required to fully comply with the disclosure requirements described in this section. The General Manager's written determination shall include a description of the consultant's duties, and, based on that description, a statement of the extent of disclosure requirements. The written determination is a public record and shall be retained for public inspection in the same manner and location as the District's conflict of interest code.

II. Disclosure Categories

1. Investments, business positions, and income from sources located in or doing business within the District. This disclosure category is not applicable to investments with a fair market value of less than \$2000.

2. Interests in real property located in the District, including but not limited to property located within a two mile radius of any property owned or used by the District. This disclosure category is not applicable to the person's principal residence or real property interests with a fair market value of less than \$2,000.

3. Investments and business positions in business entities, and sources of income, which provide services, supplies, materials, machinery or equipment of the type utilized by the District.

{Res. 11-16-94-36, Res. 08-19-04-15 lj}

{Amended by Res. 03-16-06-05 – lj}

{Amended by Ord. 10-18-12-12 – lj}



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE	May 7, 2013	DEPARTMENT	County Counsel
ADDITIONAL DEPARTMENTS	Public Works		
TIME REQUIRED		PERSONS APPEARING BEFORE THE BOARD	
SUBJECT	ESTA Bus Stop in Chalfant		

AGENDA DESCRIPTION:

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

Request from the Eastern Sierra Transit Authority to install a bus stop at the Chalfant Park on land leased by the County from DWP.

RECOMMENDED ACTION:

Authorize the County Administrative Officer to enter into an agreement on behalf of the County with ESTA to install a bus stop at the Chalfant Park on land leased by the County from DWP. Authorize the waiver of any applicable fees for ESTA to install the bus stop.

FISCAL IMPACT:

None.

CONTACT NAME: John-Carl Vallejo

PHONE/EMAIL: 760.924.1700 / jvallejo@mono.ca.gov

SUBMIT THE ORIGINAL DOCUMENT WITH
ATTACHMENTS TO THE OFFICE OF
THE COUNTY ADMINISTRATOR
PRIOR TO 5:00 P.M. ON THE FRIDAY
32 DAYS PRECEDING THE BOARD MEETING

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download

[Staff Report](#)

[Map of Proposed Bus Stop Location](#)

 [Photo of Proposed Bus Stop Location](#)

History

Time	Who	Approval
5/1/2013 2:44 PM	County Administrative Office	Yes
5/1/2013 2:24 PM	County Counsel	Yes
5/1/2013 2:57 PM	Finance	Yes

County Counsel
Marshall Rudolph

Assistant County Counsel
Stacey Simon

Deputy County Counsels
Tara McKenzie
John-Carl Vallejo

**OFFICE OF THE
COUNTY COUNSEL**

Mono County
South County Offices
P.O. BOX 2415
MAMMOTH LAKES, CALIFORNIA 93546

Telephone
760-924-1700
Facsimile
760-924-1701

Legal Assistant
Michelle Robinson

TO: Board of Supervisors
FROM: John-Carl Vallejo
DATE: 04/07/2013
RE: ESTA Bus Stop At Chalfant Park

Recommendation:

Authorize the CAO to enter into an agreement permitting ESTA to install a bus stop at the Chalfant Park and waive any applicable fees.

Fiscal/Mandates Impact:

None.

Discussion:

ESTA requests the Board's permission to install a bus stop on property leased by the County from DWP. This is the same leased property on which the fire station sits. A copy of the proposed location and plans are attached to this staff report. The construction and installation of this bus stop is expected to be funded via grant funding secured by ESTA. One caveat of the funding is that it must be spent before June 1, 2013. Assuming DWP permits this action, ESTA requests that this agreement be rent-free and with a waiver of any applicable fees.

If you have any questions regarding this item, please call me at 760.924.1712.



CHALFANT PARK - COMMUNITY CENTER PARCEL

PROPOSED BUS STOP LOCATION

APN 026-200-003

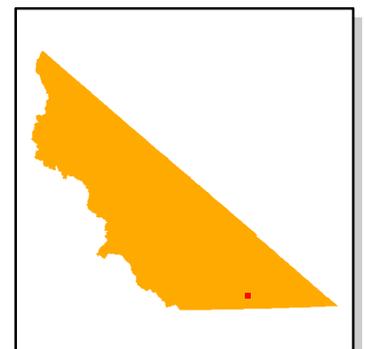
215 Valley Road, Chalfant, CA



Mono County GIS
 PO Box 7657
 Mammoth Lakes, CA 93546
 (760) 924-1819
 gis.mono.ca.gov

LEGEND

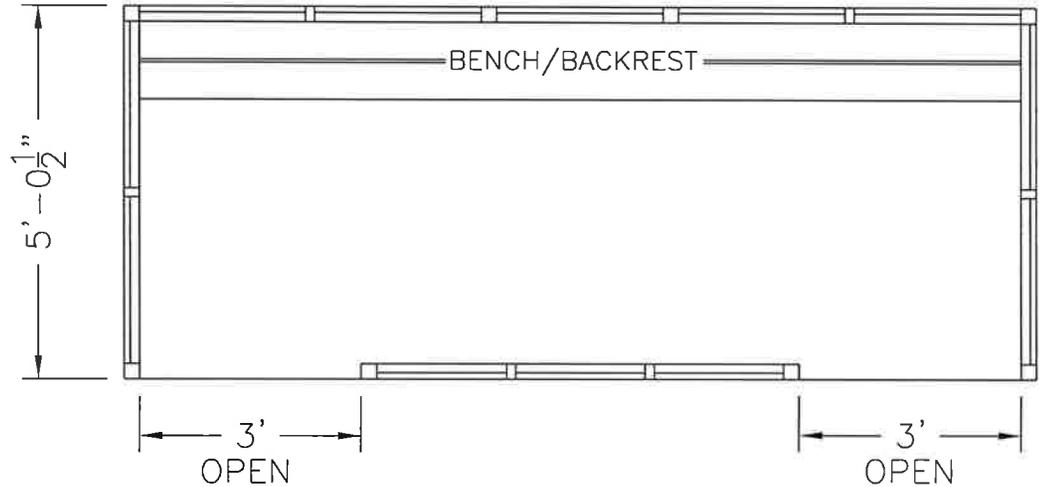
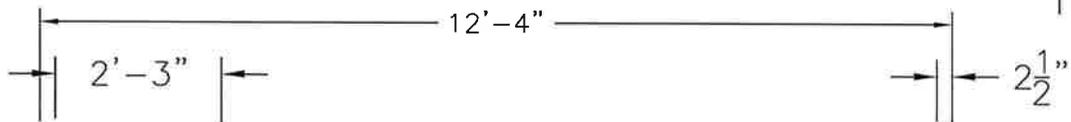
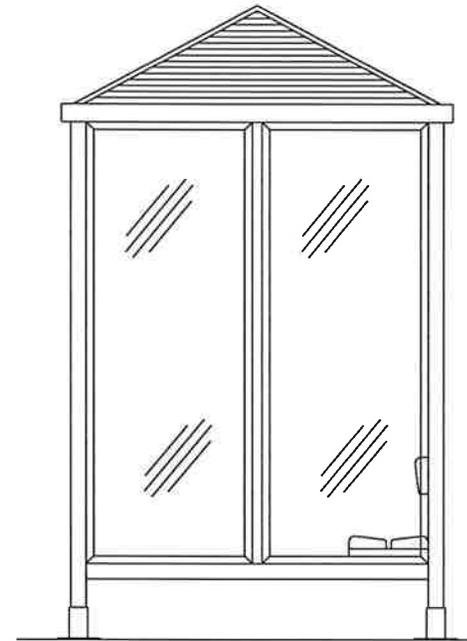
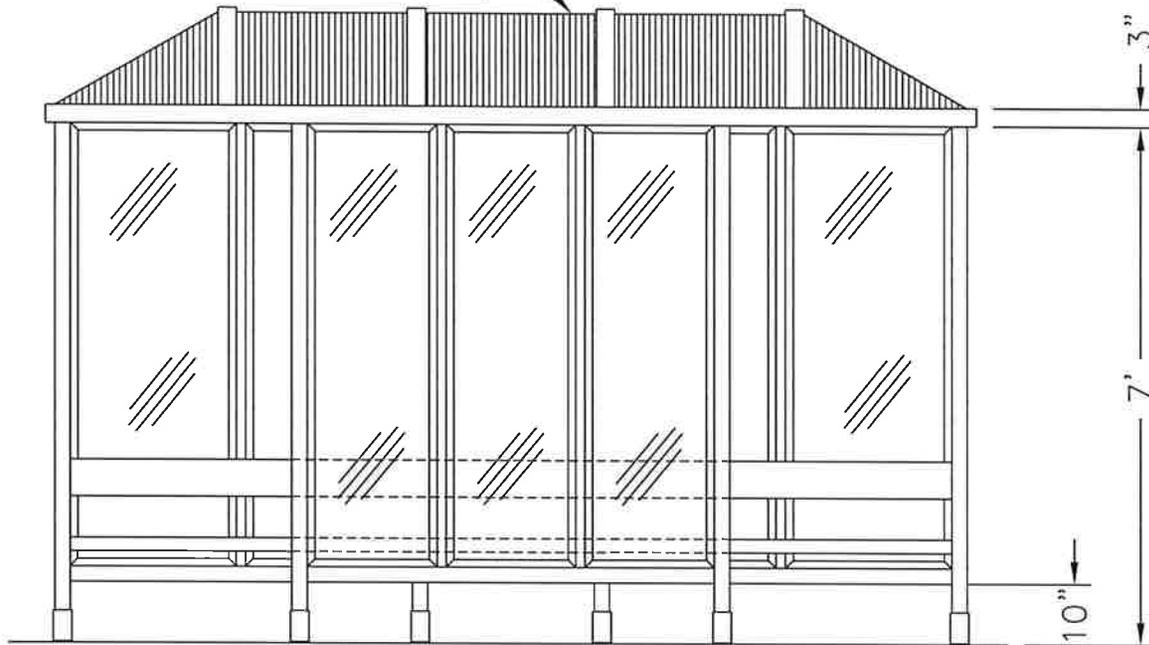
- Federal Highways
- State Highways
- Local Roads
- Private Roads
- Base Parcels
- Right of Ways



The information contained on this map is for reference purposes only and is in no way intended to serve as a legal description of property or other boundaries. The information on this map is subject to change without notice. This map is not to be reproduced or re-used without the prior permission of Mono County.

Map created by: wlehmann on 4/7/2013
 G:\Mono\PublicWorks\CountyFacilities\Chalfant Park\Chalfant ParkBus Stop with Border.mxd

RIDGE VENT AVAILABLE (VPH)



MODEL #5-2WSPH
ACCOMODATES 6-7

ALUMINUM: 6063-T52
 AVAILABLE FINISHES: DARK BRONZE ANODIZE
 CLEAR ANODIZE
 CUSTOM COLOR POWDER-COAT
 GLAZING: 1/4" CLEAR TEMPERED GLASS
 ROOF PANELS: 1/4" BRONZE TWIN WALL POLYCARBONATE
 BENCH/BACKREST: EXTRUDED ALUMINUM

POLYCARBONATE HIP ROOF
PASSENGER SHELTER



handi-hut inc. PH: 800-603-6635

RECCOMENDED PAD SIZE-14'-0" X 7'-0" X 6" THICK MINIMUM





OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE	May 7, 2013	DEPARTMENT	County Counsel
ADDITIONAL DEPARTMENTS			
TIME REQUIRED		PERSONS APPEARING BEFORE THE BOARD	
SUBJECT	License Agreement re Gateway landscaping extension		

AGENDA DESCRIPTION:

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

Proposed license agreement with the Town of Mammoth Lakes, pertaining to an extension of landscaping for the Gateway monument sign.

RECOMMENDED ACTION:

Approve County entry into a license agreement with the Town of Mammoth Lakes, pertaining to an extension of landscaping for the Gateway monument sign. Authorize the Board Chair to sign said agreement on behalf of the County.

FISCAL IMPACT:

None.

CONTACT NAME: Marshall Rudolph

PHONE/EMAIL: (760) 924-1707 / mrudolph@mono.ca.gov

SUBMIT THE ORIGINAL DOCUMENT WITH
ATTACHMENTS TO THE OFFICE OF
THE COUNTY ADMINISTRATOR
PRIOR TO 5:00 P.M. ON THE FRIDAY
32 DAYS PRECEDING THE BOARD MEETING

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download

- [staff report re Gateway landscaping](#)
- [staff report re Gateway landscaping](#)
- [Attachment](#)

History

Time	Who	Approval
5/1/2013 2:45 PM	County Administrative Office	Yes
5/1/2013 2:23 PM	County Counsel	Yes
5/1/2013 2:37 PM	Finance	Yes

County Counsel
Marshall Rudolph

Assistant County Counsel
Stacey Simon

Deputy County Counsels
Tara McKenzie
John-Carl Vallejo

**OFFICE OF THE
COUNTY COUNSEL**

Mono County
South County Offices
P.O. BOX 2415

MAMMOTH LAKES, CALIFORNIA 93546

Telephone
760-924-1700
Facsimile
760-924-1701

Legal Assistant
Michelle Robinson

TO: Board of Supervisors

FROM: Marshall Rudolph

DATE: May 7, 2013

RE: Proposed extension of Gateway sign landscaping

Recommendation:

Approve and authorize County entry into a license agreement with the Town of Mammoth Lakes pertaining to an extension of Gateway sign landscaping, and authorize the Board Chair to sign said agreement.

Fiscal/Mandates Impact:

None.

Discussion:

At its April 16, 2013, meeting, the Board gave conceptual approval to County entry into a license agreement with the Town of Mammoth Lakes, allowing the Town to extend certain landscaping planned for the Gateway monument sign onto adjacent County property. I have worked with the Town Attorney to prepare and finalize the enclosed written agreement effectuating that concept.

Please call me if you have any questions or comments.

LICENSE AGREEMENT

This License Agreement ("Agreement") is made and shall be effective this 7th day of May, 2013, by and between the Town of Mammoth Lakes, a municipal corporation ("Town") and the County of Mono, a political subdivision of the State of California ("County"), the owner of certain property located at Thompsons Way in Mammoth Lakes, California and designated as APN 035-010-062 ("County Property").

1. Purpose of Agreement. Town plans to construct a sign and associated hardscape and landscape improvements to serve as a feature welcoming visitors and residents to Mammoth Lakes. Town wishes to install and maintain a portion of the landscape improvements upon a portion of the County Property, and has requested that County enter into this Agreement in order to grant Town and its employees, agents, representatives and contractors the right to do so.

2. Right of Entry. County hereby grants Town, its agents and contractors, a license to install and maintain upon the portion of the County Property depicted in Exhibit "A" attached hereto and incorporated herein by reference, those landscaping improvements generally depicted in Exhibit "A" ("Improvements"), under the terms and conditions set forth in this Agreement. The rights granted by County shall include the right of ingress and egress to and from the County Property, with all necessary material and equipment.

3. Term and Termination. This Agreement shall run from the date of its execution by the last party to execute it until terminated by Town or County. Town may terminate this Agreement at any time, subject to Town's obligations under Section 5 of this Agreement. County may terminate this Agreement in the event of an uncured breach of this Agreement by Town which remains uncured for a period of 30 days following Town's receipt of a written demand to cure from County. The County may also terminate this Agreement at any time in the event that it wishes to utilize the underlying subject property for a different purpose than the landscaping improvements installed and maintained pursuant to this Agreement, and County shall provide Town with no less than ninety (90) days' advance notice of any such termination.

4. No Further Rights. Town understands and agrees that this Agreement grants no rights in connection with the County Property except as specifically set forth in this Agreement.

5. Restoration of the County Property. All work performed by Town and/or its employees, agents, representatives and contractors shall be done in a good and workmanlike manner so not to cause any damage to County Property or unreasonably interfere with the use and occupancy of County Property. Town shall repair or replace any and all damage other than through reasonable wear and tear to County Property and, upon termination of this Agreement, shall leave the County Property in substantially the same condition as it was prior to the commencement of all work.

6. Costs of Work. Town shall be solely responsible for all costs and expenses arising out of or related to any and all activities undertaken on the County Property by or on behalf of Town.

7. Compliance with Laws/Permits. Neither Town nor its employees, agents, representatives, and contractors shall store or deposit any hazardous or other wastes on the County Property. Town shall, in all activities undertaken pursuant to this Agreement, comply and cause its employees, agents, representatives, and contractors to comply with all federal, state and local laws, statutes, orders, ordinances, rules, regulations, plans policies and decrees. Without limiting the generality of the foregoing, Town, at its sole cost and expense, shall obtain any and all permits which may be required by any law, regulation or ordinance for any activities Town desires to conduct or have conducted pursuant to this Agreement.

8. Indemnification. Town shall indemnify and hold harmless County, and its officers, employees, agents and representatives ("County Parties") from and against any and all claims, demands, causes of action, damages, liabilities, losses and expenses including, but not limited to, reasonable attorney's fees arising in connection with the claim of any person or entity as a result of death, bodily injury, violation of law, or damage to property arising out of the activities of Town, its employees, agents, representatives or contractors conducted pursuant to this Agreement on County Property. Town shall defend, at Town's own cost, expense and risk, any and all such suits, actions or other legal proceedings of every kind that may be brought or instituted against any of the County Parties. Town shall pay and satisfy any judgment, award or decree that may be rendered against any of the County Parties in any such suit, action or other legal proceeding.

9. Insurance. Town shall comply with the insurance provisions contained in Exhibit "B".

10. Liens. Town shall not permit to be placed against the County Property, or any part thereof, any mechanics', materialmen's, contractors' or subcontractors' liens with regard to Town's actions upon the County Property. Town agrees to hold County harmless for any loss or expense, including reasonable attorneys' fees and costs, arising from any such liens which might be filed against the County Property.

11. Inspection. County and its representatives, employees, agents or independent contractors may enter and inspect the County Property or any portion thereof at any time and from time to time to verify Town's compliance with the terms and conditions of this Agreement.

12. No Leasehold or Easement Granted. It is expressly understood that this Agreement does not in any way whatsoever grant or convey any permanent easement, lease, fee or other interest in the County Property to Town. This Agreement is not exclusive and County specifically reserves the right to grant other licenses or rights of entry within the vicinity of the County Property.

13. Continuing Liability. No termination of this Agreement shall release Town from any liability or obligation hereunder resulting from any acts, omissions or events happening prior to the termination of this Agreement and restoration of the County Property to its prior condition as required herein.

14. Assignment. This Agreement or any interest herein shall not be assigned, hypothecated or otherwise transferred, either directly or by operation of law by either party without the prior written consent of the other, and any attempt to do so shall be void and of no effect, and any assignees, hypothecates or transferees shall acquire no right or interest by reason

of such attempted assignment, hypothecation or transfer. Notwithstanding the foregoing, Town may arrange for maintenance of the Improvements to be performed by contractors and/or agents, including but not limited to the Mammoth Community Water District and its contractors, agents, and employees.

15. Paragraph Headings. The subject headings of the paragraphs of this Agreement are included for purposes of convenience only and shall not affect the construction or interpretation of any of its provisions.

16. Entire Agreement. This Agreement constitutes the entire agreement between the parties, may not be modified or amended except in writing and the rights of obligations hereunder may not be transferred or assigned without the prior written consent of the parties hereto.

17. Attorneys' Fees. In the event of a dispute between the parties with respect to the terms or conditions of this Agreement, the prevailing party shall be entitled to collect from the other its reasonable attorneys' fees as established by the judge or arbitrator presiding over such dispute.

18. Counterparts. This Agreement may be executed in multiple parts in which case it shall become effective when the last party has executed the Agreement and delivered a copy to the other party.

19. Governing Law and Venue. This Agreement shall be interpreted in accordance with the substantive and procedural laws of the State of California. Any action to interpret or enforce this Agreement shall be brought and maintained in the courts of Mono County.

IN WITNESS HEREOF, Town and County have caused this Agreement to be executed the day and year first above written.

[Signatures on following page]

**SIGNATURE PAGE
TO
LICENSE AGREEMENT**

COUNTY OF MONO

TOWN OF MAMMOTH LAKES

By: _____
Byng Hunt, Chair
Mono County Board of Supervisors

By: _____

Its: _____

Date: _____

Date: _____

APPROVED AS TO FORM:

COUNTY COUNSEL

EXHIBIT "A"

AFFECTED PORTION OF COUNTY PROPERTY
AND LOCATION OF LANDSCAPE IMPROVEMENTS

See Landscape Concept Plan for Mammoth Gateway as Revised 4/23/13, a copy of which is attached hereto and incorporated herein by this reference.

EXHIBIT "B"

INSURANCE PROVISIONS

A. General Liability.

The Town shall procure, and maintain during the entire term of this Agreement, a policy of general liability insurance which covers the installation and maintenance of landscaping improvements by the Town or its agents and contractors under this Agreement. Such policy shall have a per occurrence combined single limit coverage of not less than one million dollars (\$1,000,000). Such policy shall not exclude or except from coverage any of the landscaping installation and maintenance activities performed by the Town or its agents and contractors on the subject property under this Agreement. The required policy of insurance shall be issued by an insurer authorized to sell such insurance by the State of California, and have at least an "A.M. Best's" policyholder's rating of "A" or "A+". Prior to installing or maintaining any landscaping improvements under this Agreement, the Town shall provide the County: 1) a certificate of insurance documenting evidence of the required coverage; and 2) an additional insured endorsement applying to the County, its agents, officers and employees. The Town and its agents or contractors shall not modify, terminate, or cancel said policy without 30 days' written notice of cancellation or change of coverage to the County.

B. Business Vehicle.

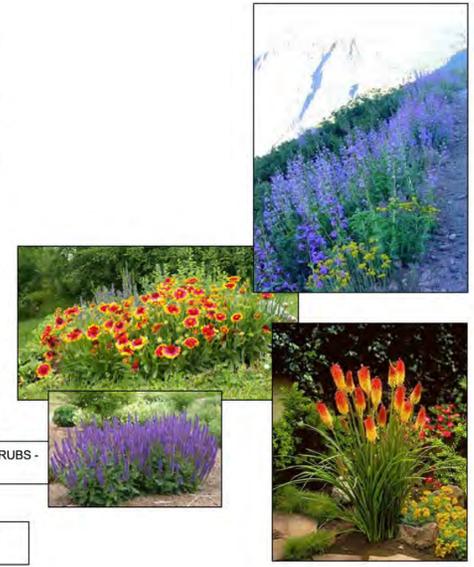
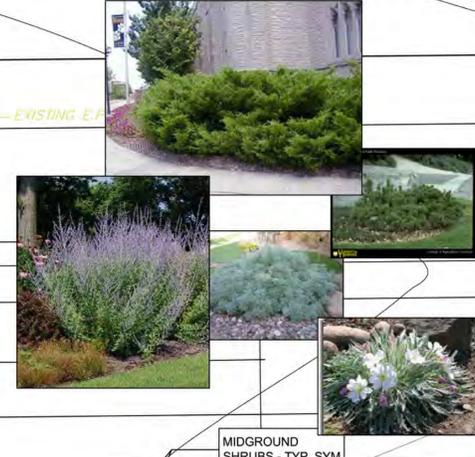
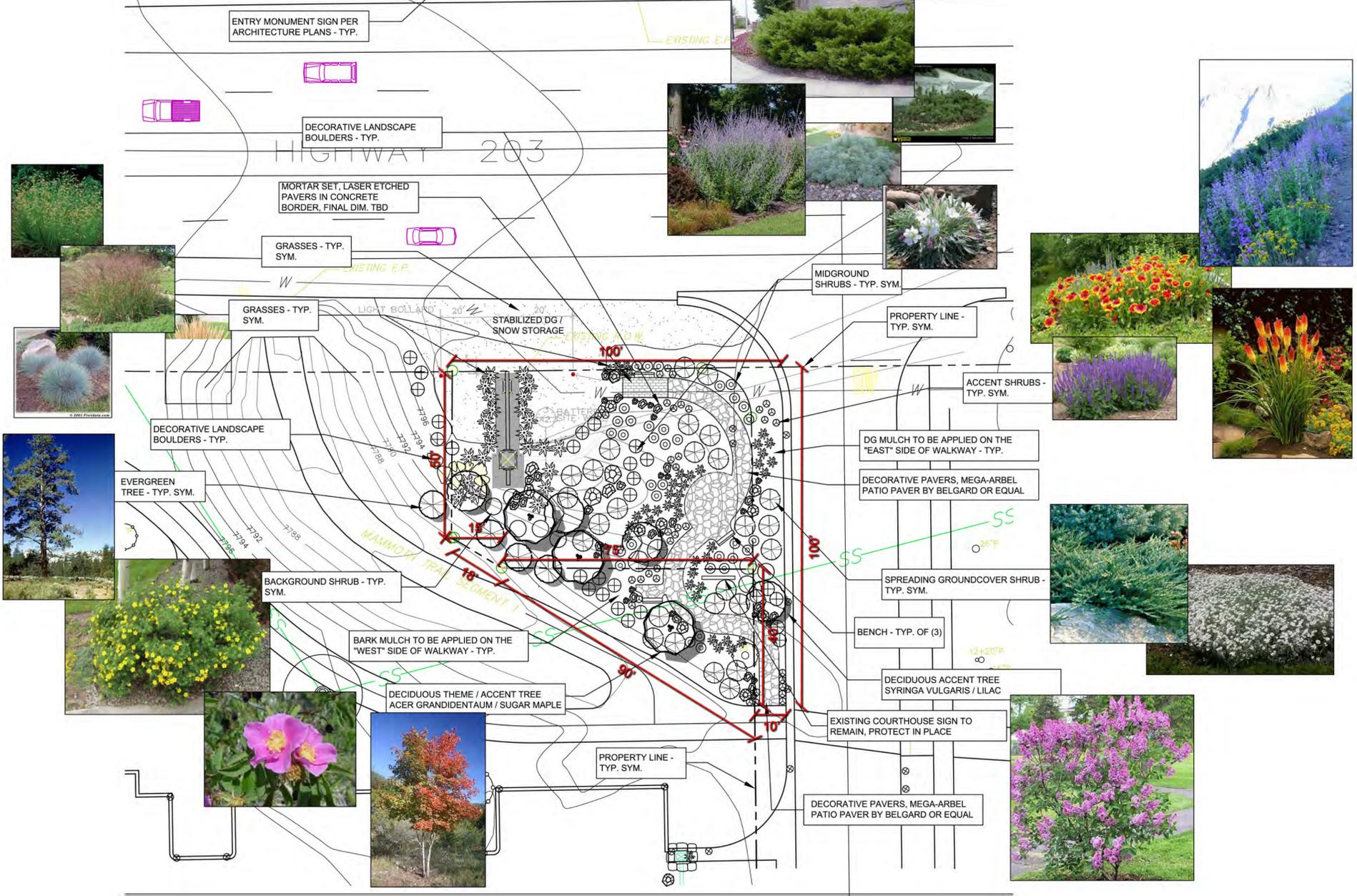
The Town shall procure and maintain in force throughout the duration of this Agreement, a business auto liability insurance policy with minimum coverage levels of one million dollars (\$1,000,000) per occurrence, combined single limit for bodily injury liability and property damage liability. The coverage shall include all owned, non-owned, and hired vehicles employed by the Town or its agents or contractors in the installation or maintenance of landscaping improvements (including driving to or from the subject property for such activities) pursuant to this Agreement. A certificate of insurance shall be provided to the County by the Town prior to commencing any work under this Agreement. The Town and its agents or contractors shall not modify, terminate, or cancel said policy without 30 days' written notice of cancellation or change of coverage to the County.



PROPOSED PLANT PALETTE

SYMBOL	BOTANICAL NAME / COMMON NAME
	THEME / SCREEN TREE ACER GRANDIDENTATUM / SUGAR MAPLE
	ACCENT TREE SYRINGA VULGARIS / LILAC
	EVERGREEN TREE PINUS JEFFERYI / JEFFERY PINE
	BACKGROUND SHRUBS POTENTILLA GOLDFINGER / POTENTILLA ROSA WOODSII / WILD ROSE
	MIDGROUND SHRUBS ARTEMESIA 'POWIS CASTLE' / ARTEMESIA JUNIPERUS 'SEA GREEN' / JUNIPER VAR. OENOTHERA CAESPITOSA / WHITE EVENING PRIMROSE PEROVSKIA 'BLUE SPIRE' / RUSSIAN SAGE PINUS MUGO 'MUGO' / DWARF PINE VAR.
	SPREADING SHRUBS CERASTIUM TOMENTOSUM / SNOW IN SUMMER JUNIPERUS 'WILTONII' / JUNIPER VAR.
	ACCENT SHRUBS GALLARDIA ARISTATA / BLANKETFLOWER KNIPHOFIA UVARIA / RED HOT POKER PENSTEMON SPECTABILIS / BEARD TONGUE SALVIA 'MAY NIGHT' / SALVIA VAR.
	GRASSES BOUTELLOUA GRECLIS / BLUE GRAMA CALAMAGROSTIS ACUTIFLORA / FEATHER REED GRASS FESTUCA GLAUCA / BLUE FESCUE PANICUM VIRGATUM / SWITCHGRASS

- PROJECT NOTES:**
- PROPOSED PLANT MATERIAL IS DROUGHT TOLERANT AND/OR NATIVE TO THE LOCAL ECOSYSTEM.
 - REFERENCES USED FOR LANDSCAPE PLAN DEVELOPMENT INCLUDE:
 - DROUGHT TOLERANT PLANT GUIDE FOR MAMMOTH LAKES
 - PLANTS OF MAMMOTH MOUNTAIN
 - TOWN OF MAMMOTH LAKES DESIGN GUIDELINES
 - MAMMOTH COMMUNITY WATER DISTRICT PLANT LIST
 - SUNSET WESTERN GARDEN BOOK
 - PROPOSED LANDSCAPE WILL BE IRRIGATED WITH LOW PRECIPITATION IRRIGATION EQUIPMENT AND CONTROLLED BY AN AUTOMATIC IRRIGATION CONTROLLER WITH AN ET/WEATHER SENSOR AND AUTOMATIC RAIN SHUT-OFF DEVICE.
 - ALL PROPOSED SHRUBS WILL BE PLANTED IN GROUPINGS / MASSES OF SIMILAR PLANT MATERIAL (I.E. SMALL SHRUBS, MEDIUM SHRUBS, GROUND COVER, ETC.). THE COMBINATION OR LAYERING OF THESE MASSES THROUGHOUT THE OVERALL PLANTING DESIGN WILL ALLOW HOMEOWNERS TO SEE HOW THESE PLANTS CAN BE GROUPED TOGETHER TO CREATE A SUCCESSFUL LANDSCAPE AND ALLOW THE LANDSCAPE DESIGN TO FUNCTION AS A TRUE "DEMONSTRATION" LANDSCAPE AREA.



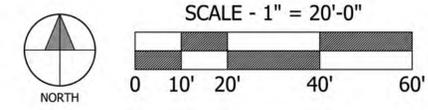
LANDSCAPE CONCEPT PLAN FOR:
MAMMOTH GATEWAY
PREPARED FOR: WOODWARD ARCHITECTURE
IN THE TOWN OF MAMMOTH LAKES

WEILAND & ASSOCIATES, INC.
291 SIERRA WAY SWALL MEADOWS, CA 95314
PHONE: (709) 214-1670 FAX: (858) 486-0939
E-MAIL: KLONIGRO@W&AI-INC.COM

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REVISIONS	BY
03/11/13	KTL
04/23/13	KTL

DATE	05/29/12
SCALE	SEE SHEET
DRAWN	KTL
JOB NO.	12-018
DWG	
SHEET	LC-01
	1 of 1 SHEETS



PREPARED AND SUBMITTED BY:
KIM T. LONIGRO DATE 09/30/14
LLA No. 5508 EXP. 09/30/14



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE	May 7, 2013	DEPARTMENT	County Counsel
ADDITIONAL DEPARTMENTS	Clerk / Recorder		
TIME REQUIRED		PERSONS APPEARING BEFORE THE BOARD	
SUBJECT	Update To MCC Chapter 3.24 - Second Reading		

AGENDA DESCRIPTION:

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

Proposed ordinance amending sections 3.24.020, 3.24.060, 3.24.080, 3.24.100, 3.24.110, 3.24.120, 3.24.140, 3.24.150, 3.24.160, and 3.24.170, repealing section 3.24.130, and adding sections 3.24.180, 3.24.190, 3.24.200 and 3.24.210 to the Mono County Code pertaining to real property transfer tax.

RECOMMENDED ACTION:

Adopt Ordinance No. Ord13-___, an ordinance of the Mono County Board of Supervisors amending sections 3.24.020, 3.24.060, 3.24.080, 3.24.100, 3.24.110, 3.24.120, 3.24.140, 3.24.150, 3.24.160, and 3.24.170, repealing section 3.24.130, and adding sections 3.24.180, 3.24.190, 3.24.200 and 3.24.210 to the Mono County Code pertaining to real property transfer tax.

FISCAL IMPACT:

None.

CONTACT NAME: John-Carl Vallejo

PHONE/EMAIL: 760.924.1700 / jvallejo@mono.ca.gov

SUBMIT THE ORIGINAL DOCUMENT WITH
ATTACHMENTS TO THE OFFICE OF
THE COUNTY ADMINISTRATOR
PRIOR TO 5:00 P.M. ON THE FRIDAY
32 DAYS PRECEDING THE BOARD MEETING

SEND COPIES TO:

County Counsel. Clerk/Recorder. Finance.

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download

[Staff](#)

 [Proposed Ordinance](#)

 [Current Ordinance](#)

History

Time	Who	Approval
5/1/2013 2:45 PM	County Administrative Office	Yes
5/1/2013 2:24 PM	County Counsel	Yes
5/1/2013 2:45 PM	Finance	Yes

County Counsel
Marshall Rudolph

Assistant County Counsel
Stacey Simon

Deputy County Counsels
Tara McKenzie
John-Carl Vallejo

**OFFICE OF THE
COUNTY COUNSEL**

Mono County
South County Offices
P.O. BOX 2415

MAMMOTH LAKES, CALIFORNIA 93546

Telephone
760-924-1700
Facsimile
760-924-1701

Legal Assistant
Michelle Robinson

TO: Board of Supervisors

FROM: John-Carl Vallejo

DATE: 05/07/2013

RE: Documentary Transfer Tax Ordinance Clarifying Amendments

Recommendation:

Adopt Proposed Ordinance.

Fiscal/Mandates Impact:

No impact.

Discussion:

This agenda item is the second reading of the ordinance proposing updates and clarification to Mono County Code Chapter 3.24. If approved, the Ordinance will be adopted.

Simply stated, the Documentary Transfer Tax (“DTT”), also known as the Real Property Transfer Tax, is a tax imposed on the transfer of lands. For example, the tax applies to the sale of a house, lot, commercial space, and other rights to the use and control of real property. The authority to impose this tax was created in the California Revenue and Taxation Code back in the 1960s. Mono County passed its ordinance imposing the tax in 1967. The ordinance is largely unchanged since that time. The ordinance is found in Chapter 3.24 of the Mono County Code, a copy of which is attached to this staff report for your reference.

As the Board is aware, the County was recently involved in a litigation matter surrounding a dispute about the scope of transactions to which DTT applies. That matter, and others since, lead to a desire to clarify for the general public the scope of the tax. This proposed ordinance is aimed at that goal.

The following clarifications and changes are proposed:

- The existing section 3.24.020 is the operative provision of our Code imposing DTT. This section was updated to include a definition of its key terms. These definitions are declarative of current law and are not intended to expand the scope of the tax.
- The existing section 3.24.060 was amended to reflect changes to the laws affecting our DTT ordinance.
- The heading of section 3.24.080 was amended for clarity. Section 080 was also amended to reflect changes to the laws affecting our DTT ordinance. A subsection was also added to section 3.24.080 to reflect an exemption in Revenue and Taxation Code Section 11925.
- The existing section 3.24.100 related to the repurchase of unused stamps. That provision is long-outdated, and was replaced with a provision exempting transfers of real property assets shared by spouses. This update is guided by Revenue and Taxation Code Section 11927.
- The existing section 3.24.110 related to the Recorder's obligation to report the DTT collected. This requirement was relocated to section 3.24.180. Section 3.24.110 was replaced with a provision exempting buy-back agreements with agencies that would not otherwise be subject to the tax. This update is guided by Revenue and Taxation Code Section 11929.
- The existing section 3.24.120 related to the what information and payment to the Recorder's office was required before a record of the property transaction would be recorded. These provisions were relocated to section 3.24.160. Section 3.24.120 was replaced with a provision exempting conveyances involving nonprofit corporations. This provision is guided by Revenue and Taxation Code Section 11929.
- The existing section 3.24.130 related to a tax payer's ability to challenge the DTT paid. That provision was repealed, but its substance was relocated to section 3.24.210.
- The existing section 3.24.140 related to the interpretation of Chapter 3.24. This interpretation provision was restated and relocated to Section 3.24.020. Section 3.24.140 was replaced with a provision explaining to the taxpayer what information they must provide when claiming an exemption to DTT.
- The existing section 3.24.150 related to the ability of the Recorder to investigate a transaction for which he/she has reason to believe that the full amount of the tax owed was not paid. These provisions were relocated to section 3.24.170, and the related title was changed for the sake of clarity. Section 3.24.150 was replaced with the provision

requiring the parcel number information to be included on the document to be recorded (previously located in section 3.24.160).

- The existing section 3.24.160 related to the requirement that a taxpayer include parcel number information on the document to be recorded. That provision was relocated to section 3.24.150. Section 3.24.160 was replaced with the provision relating to the what information and payment to the Recorder's office was required before a record of the property transaction would be recorded (previously section 3.24.120).
- The existing section 3.24.170 related to criminal repercussions for violation of the ordinance. That provision was relocated to Section 3.24.180. Section 3.24.170 was replaced with a provisions relating to the ability of the Recorder to investigate a transaction for which he/she has reason to believe that the full amount of the tax owed was not paid (formerly section 3.24.150).
- There is no existing section 3.24.180. The proposed section 3.24.180 contains the provisions related to the reporting of taxes collected to the Auditor/Controller (previously section 3.24.170).
- There is no existing section 3.24.190. The proposed section 3.24.180 contains the provisions related to criminal liability for a violation of the ordinance (previously section 3.24.110).
- Section 3.24.200 was added to notify taxpayers that the tax is considered to be a debt owed to the County.
- Section 3.24.210 was added and includes the notification to the taxpayer about how to challenge DTT paid. This was formerly section 3.24.130.

If you have any questions regarding this item, please call me at (760) 924-1712.



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ORDINANCE NO. ORD13- _____
AN ORDINANCE OF THE MONO COUNTY BOARD OF SUPERVISORS
AMENDING SECTIONS 3.24.020, 3.24.060, 3.24.080, 3.24.100, 3.24.110, 3.24.120,
3.24.140, 3.24.150, 3.24.160 AND 3.24.170, REPEALING SECTION 3.24.130, AND
ADDING SECTIONS 3.24.180, 3.24.190, 3.24.200 AND 3.24.210 TO THE MONO
COUNTY CODE PERTAINING TO REAL PROPERTY TRANSFER TAX

WHEREAS, Mono County Code Chapter 3.24 imposes an excise tax on the transfer of real property interests; and

WHEREAS, recent events made Mono County aware that some members of the public were uncertain as to what constituted a transfer of a real property interest within the meaning of the currently existing Mono County Code Chapter 3.24 and how the tax liability is calculated; and

WHEREAS, Mono County desires to clarify for the public the scope of its existing Real Property Transfer Tax and to clarify how the amount of the Real Property Transfer Tax is calculated; and

WHEREAS, Mono County desires to amend Mono County Code Chapter 3.24 to account for exemptions specified by state law and modifications to the provisions of relevant federal laws; and

WHEREAS, all provisions of this ordinance are declarative of existing law;

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF MONO ORDAINS as follows:

SECTION ONE: Section 3.24.020 of the Mono County Code shall be amended to add the following language to the end of the section:

“For purposes of this section, the definition of “realty sold” includes, but is not limited to, a change in ownership as currently set forth in Part 0.5, commencing with Section 60 of Division 1 of the Revenue and Taxation Code, with special reference to Sections 64(c) and 64(d). For the purposes of this section “lien or encumbrances” means third-party liens or encumbrances that are not accounted for in the financing of the property transaction, but does not mean financing mechanisms for the property transfer, such as the purchaser assuming a mortgage or loan on the property held by the seller.”

SECTION TWO: Section 3.24.060 of the Mono County Code is amended so that the references in subsection 2 to “subdivision (m) of Section 205” and in subsection 3 to “subdivision (3) of Section 506” shall be changed to instead reference “Section 101.”

SECTION THREE: The heading of Section 3.24.080 of the Mono County Code shall be amended to read as follows: “Exemption – Partnership interest & method of holding title transfers.”

SECTION FOUR: The references to the year “1954” in subsections (A)(1) and (A)(2) of Section 3.24.080 of the Mono County Code shall be amended to instead read “1986, as may be amended.”

1 **SECTION FIVE:** Subsection D shall be added to Section 3.24.080 of the Mono
2 County Code to read as follows:

3 “D. No levy shall be imposed pursuant to this chapter by reason of any
4 transfer between an individual or individuals and a legal entity or between legal
5 entities that results solely in a change in method of holding title to the realty and
6 in which proportional ownership interests in realty, whether represented by
7 stock, membership interest, partnership interest, co-tenancy interest, or
8 otherwise directly or indirectly, remain the same immediately after the transfer.”

6 **SECTION SIX:** Section 3.24.100 of the Mono County Code shall be amended to
7 read as follows:

8 **“3.24.100 Allocation of assets between spouses.**

9 A. The tax imposed pursuant to this chapter shall not apply to any deed,
10 instrument or writing which transfers, divides or allocates community, quasi-
11 community or quasi-marital property assets between spouses for purposes of
12 effecting a division of the same, which is required by a judgment decreeing a
13 dissolution or legal separation, by a judgment of nullity or by any other
14 judgment or order rendered pursuant to the Family Code, or by a written
15 agreement between the spouses, executed in contemplation of any such
16 judgment or order, whether or not it is incorporated as part of any such
17 judgment or order.

18 B. In order to qualify for the exemption provided in subdivision (A), the
19 deed, instrument or writing shall include a written recital, signed by either
20 spouse, stating that it is entitled to the exemption.”

16 **SECTION SEVEN:** Section 3.24.110 of the Mono County Code shall be amended
17 to read as follows:

18 **“3.24.110 Certain deeds with agreement for purchaser to re-convey.**

19 The tax imposed pursuant to this chapter shall not apply with respect to any
20 deed, instrument, or other writing by which realty is conveyed by the State of
21 California, any political subdivision thereof, or agency or instrumentality of
22 either thereof, pursuant to an agreement whereby the purchaser agrees to
23 immediately re-convey the realty to the exempt agency.”

21 **SECTION EIGHT:** Section 3.24.120 of the Mono County Code shall be amended
22 to read as follows:

23 **“3.24.120 Certain conveyances involving nonprofit corporations.**

24 The tax imposed pursuant to this chapter shall not apply with respect to any
25 deed, instrument or other writing by which the State of California, any political
26 subdivision thereof, or agency or instrumentality of either thereof, conveys to a
27 nonprofit corporation realty the acquisition, construction, or improvement of
28 which was financed or refinanced by obligations issued by the nonprofit
corporation on behalf of a governmental unit, within the meaning of Section
1.103-1(b) of Title 26 of the Code of Federal Regulations.”

1 **SECTION NINE:** Section 3.24.130 of the Mono County Code is hereby repealed.

2 **SECTION TEN:** Section 3.24.140 of the Mono County Code shall be amended to
3 read as follows:

4 **“3.24.140 Claims of exemption.**

5 Except as otherwise provided by law, every person who records a deed,
6 instrument, or writing, on behalf of him/herself or an entity, which he/she
7 claims is exempt from the tax imposed pursuant to this chapter, shall declare in
8 writing, under penalty of perjury, in the manner and form prescribed by the
9 recorder, the reason why it is exempt under law.”

10 **SECTION ELEVEN:** Section 3.24.150 of the Mono County Code shall be
11 amended to read as follows:

12 **“3.24.150 Assessor parcel number requirements.**

13 A. Every deed, instrument or writing by which lands, tenements or other
14 realty is sold, granted, assigned, transferred or otherwise conveyed shall have
15 noted upon it the tax roll parcel number. The number will be used only for
16 administrative and procedural purposes and will not be proof of title and in the
17 event of any conflicts, the stated legal description noted upon the document shall
18 govern.

19 B. The validity of such a document shall not be affected by the fact that such
20 parcel number is erroneous or omitted, and there shall be no liability attaching to
21 any person for an error in such number or for omission of such number.

22 C. The recorder shall not accept any deed, instrument or conveyance for
23 recording unless the tax roll parcel number has been noted upon it. A parcel
24 which has been created by the division of an existing parcel and which at the
25 time of recording has no separate parcel number shall have noted upon it the
26 words "portion of" and the parcel number of the parcel from which it was
27 created.”

28 **SECTION TWELVE:** Section 3.24.160 of the Mono County Code shall be
amended to read as follows:

“3.24.160 Recordation subject to payment of tax.

 The Recorder shall not record any deed, instrument, or writing subject to the tax
imposed by this chapter unless the tax is paid. A declaration of the amount of
tax due, signed by the party determining the tax or his/her/its agent, shall
appear on the face of the document. The declaration shall include a statement
that the consideration or value on which the tax due was computed was, or that
it was not, exclusive of the value of a lien or encumbrance remain on the interest
or property conveyed at the time of sale. If the party submitting the document
so requests, the declaration may be made on a separate paper which shall be
affixed to the document by the Recorder after the permanent record is made and
before the original is returned as specified in Government Code Section 27321.”

1 **SECTION THIRTEEN:** Section 3.24.170 of the Mono County Code shall be
2 amended to read as follows:

3 **“3.24.170 Authority to require records.**

4 The Recorder may rely on the declaration as to the amount of the tax due
5 provided he/she has no reason to believe that the full amount of the tax due has
6 not been paid. However, should the Recorder become aware of information
7 indicating that the full amount of the tax due has not been paid, after the
8 recording of the deed, instrument, or writing subject to the tax imposed by this
9 chapter, the Recorder may, by notice served upon any person or entity liable
therefor, require him/her/it to furnish a true copy of his/her/its records
relevant to the amount of the consideration or value of the interest or property
conveyed. The Recorder may also demand that the person(s) and/or entity(s)
liable for the tax pay the full amount of tax due, and the Recorder may pursue
said demand by any and all lawful means. ”

10 **SECTION FOURTEEN:** Section 3.24.180 shall be added to the Mono County
Code and shall read as follows:

11 **“3.24.180 Collection report required.**

12 On or before the fifteenth day of the month the Recorder shall report to the
13 County Auditor the amounts of taxes collected during the preceding month
pursuant to this chapter and each city ordinance.”

14 **SECTION FIFTEEN:** Section 3.24.190 shall be added to the Mono County Code
and shall read as follows:

15 **“3.24.190 Violation a misdemeanor.**

16 Any person or person who makes, signs, issues or accepts or causes to be made,
17 signed, issued or accepted, and who submits or causes to be submitted for
18 recordation any deed, instrument, or writing subject to the tax imposed by this
chapter and makes any material misrepresentation of fact for the purpose of
19 avoiding all or any part of the tax imposed by this chapter shall be guilty of a
misdemeanor. No person or persons shall be liable, either civilly or criminally,
20 for any unintentional error made in designating the location of the lands,
tenements, or other realty described in a document subject to the tax imposed by
this chapter.”

21 **SECTION SIXTEEN:** Section 3.24.200 shall be added to the Mono County Code
22 and shall read as follows:

23 **“3.24.200 Tax as a debt.**

24 The amount of any tax imposed by this chapter shall be deemed a debt owed to
25 the County. Any person or entity owing the tax shall be liable in an action
brought in the name of the County for the recovery of such debt. The provisions
26 of this section shall not be deemed a limitation upon the right of the County to
bring any other action including criminal, civil, and equitable actions, based
27 upon the failure to pay the tax imposed by this chapter or the failure to comply
with any of the provisions hereof.”

Mono County, California, Code of Ordinances >> Title 3 - REVENUE AND FINANCE >> Chapter 3.24 - REAL PROPERTY TRANSFER TAX >>

Chapter 3.24 - REAL PROPERTY TRANSFER TAX

Sections:

- [3.24.010 - Title.](#)
- [3.24.020 - Imposition—Rate.](#)
- [3.24.030 - Persons liable.](#)
- [3.24.040 - Exemption—Debt instrument.](#)
- [3.24.050 - Exemption—Governmental bodies.](#)
- [3.24.060 - Exemption—Conveyances.](#)
- [3.24.070 - Exemption—Securities and Exchange Commission order.](#)
- [3.24.080 - Exemption—Partnership interest transfers.](#)
- [3.24.090 - City tax credit.](#)
- [3.24.100 - Unused stamps—Repurchase.](#)
- [3.24.110 - Collection report required.](#)
- [3.24.120 - Nonpayment action.](#)
- [3.24.130 - Refund claims.](#)
- [3.24.140 - Provisions interpretation.](#)
- [3.24.150 - Records exposure required when.](#)
- [3.24.160 - Tax roll parcel number requirements.](#)
- [3.24.170 - Violation a misdemeanor.](#)

3.24.010 - Title.

The ordinance codified in this chapter shall be known as the "real property transfer tax ordinance of the county." It is adopted pursuant to Part 6.7 (commencing with Section 11901) of [Division 2](#) of the Revenue and Taxation Code.

(Ord. 379 § 1, 1967.)

3.24.020 - Imposition—Rate.

There is imposed on each deed, instrument or writing by which any lands, tenements or other realty sold within the county is granted, assigned, transferred or otherwise conveyed to or vested in the purchaser or purchasers or any other person or persons by his or their direction when the consideration or value of the interest or property conveyed (exclusive of the value of any lien or encumbrances remaining thereon at the time of sale) exceeds one hundred dollars, a tax at the rate of fifty-five cents for each five hundred dollars or fractional part thereof.

(Ord. 379 § 2, 1967.)

3.24.030 - Persons liable.

The tax imposed by [Section 3.24.020](#) shall be paid by any person who makes, signs or issues any document or instrument subject to the tax, or for whose use or benefit the same is made, signed or issued.

(Ord. 379 § 3, 1967.)

3.24.040 - Exemption—Debt instrument.

The tax imposed pursuant to this chapter shall not apply to any instrument in writing given to secure a debt.

(Ord. 379 § 4, 1967.)

3.24.050 - Exemption—Governmental bodies.

The United States or any agency or instrumentality thereof, any state or territory or political subdivision thereof, or the District of Columbia shall not be liable for any tax imposed pursuant to this chapter with respect to any deed, instrument or writing by which an exempt agency acquires title, but the tax may be collected by assessment from any other party liable therefor.

(Ord. 81-493 § 7, 1981; Ord. 379 § 5, 1967.)

3.24.060 - Exemption—Conveyances.

- A. The tax imposed pursuant to this chapter shall not apply to the making, delivering or filing of conveyances to make effective any plan of reorganization or adjustment:
1. Confirmed under the [Federal Bankruptcy Act](#), as amended;
 2. Approved in an equity receivership proceeding in a court involving a railroad corporation, as defined in subdivision (m) of Section 205 of [Title 11](#) of the United States Code, as amended;
 3. Approved in an equity receivership proceeding in a court involving a corporation, as defined in subdivision (3) of Section 506 of [Title 11](#) of the United States Code, as amended; or
 4. Whereby a mere change in identity, form or place of organization is effected.
- B. Subsections 1 to 4, inclusive, of this section shall only apply if the making, delivery or filing of instruments of transfer or conveyances occurs within five years from the date of such confirmation, approval or change.
- C. Any tax imposed pursuant to this chapter shall not apply with respect to any deed, instrument, or writing to a beneficiary or [mortgagee](#), which is taken from the mortgagor or trustor as a result of or in lieu of foreclosure; provided, that such tax shall apply to the extent that the consideration exceeds the unpaid debt, including accrued interest and cost of foreclosure. Consideration, unpaid debt amount and identification of grantee as beneficiary or mortgagee shall be noted on the deed, instrument or writing or stated in an affidavit or declaration under penalty of perjury for tax purposes.

(Ord. 81-493 § 12, 1981; Ord. 379 § 6, 1967.)

3.24.070 - Exemption—Securities and Exchange Commission order.

The tax imposed pursuant to this chapter shall not apply to the making or delivery of conveyances to make effective any order of the Securities and Exchange Commission, as defined in subdivision (a) of Section 1083 of the Internal Revenue Code of 1954, but only if:

- A. The order of the Securities and Exchange Commission in obedience to which such conveyance is made recites that such conveyance is necessary or appropriate to effectuate the provisions of Section 79k of [Title 15](#) of the United States Code, relating to the Public Utility Holding Company Act of 1935;
- B. Such order specifies the property which is ordered to be conveyed;
- C. Such conveyance is made in obedience to such order.

(Ord. 379 § 7, 1967.)

3.24.080 - Exemption—Partnership interest transfers.

- A. In the case of any realty held by a partnership, no tax shall be imposed pursuant to this chapter by reason of any transfer of an interest in the partnership or otherwise, if:
 - 1. Such partnership (or other partnership) is considered a continuing partnership within the meaning of Section 708 of the Internal Revenue Code of 1954; and
 - 2. Such continuing partnership continues to hold the realty concerned.
- B. If there is a termination of any partnership within the meaning of Section 708 of the Internal Revenue Code of 1954, for purposes of this chapter, such partnership shall be treated as having executed an instrument whereby there was conveyed, for fair market value (exclusive of the value of any lien or encumbrance remaining thereon), all realty held by such partnership at the time of such termination.
- C. Not more than one tax shall be imposed pursuant to this chapter by reason of a termination described in subsection B, and any transfer pursuant thereto, with respect to the realty held by such partnership at the time of such termination.

(Ord. 379 § 8, 1967.)

3.24.090 - City tax credit.

If the legislative body of any city in the county imposes a tax pursuant to Part 6.7 of [Division 2](#) of the Revenue and Taxation Code equal to one-half the amount specified in [Section 3.24.020](#), a credit shall be granted against the taxes due under this chapter in the amount of the city's tax.

(Ord. 379 § 9, 1967.)

3.24.100 - Unused stamps—Repurchase.

The recorder shall repurchase any unused documentary tax stamps sold by him prior to July 1, 1968. The recorder shall accept in payment of the tax any such stamps affixed to a document offered for recordation and shall cancel the stamps so affixed.

(Ord. 379-A § 2, 1968; Ord. 379 § 10, 1967.)

3.24.110 - Collection report required.

On or before the fifteenth day of the month the recorder shall report to the county auditor the amounts of taxes collected during the preceding month pursuant to this chapter and each city ordinance.

(Ord. 379-A § 3, 1968; Ord. 379 § 11, 1967.)

3.24.120 - Nonpayment action.

The recorder shall not record any deed, instrument or writing subject to the tax imposed by this chapter unless the tax is paid. If the party submitting the document so requests, the amount of tax due shall be shown on a separate paper which shall be affixed to the document by the recorder after the permanent record is made and before the original is returned as specified in Section 27321 of the Government Code.

(Ord. 379-A § 4, 1968; Ord. 379 § 12, 1967.)

3.24.130 - Refund claims.

Claims for refunds of taxes imposed pursuant to this chapter shall be governed by the provisions of [Chapter 5](#) (commencing with Section 5096) of Part [9](#) of [Division 1](#) of the Revenue and Taxation Code.

(Ord. 379-A § 5 (part), 1968; Ord. 379 § 14, 1967.)

3.24.140 - Provisions interpretation.

In the administration of this chapter the recorder shall interpret its provisions consistently with those documentary stamp tax regulations adopted by the Internal Revenue Service of the United States Treasury Department which relate to the tax on conveyances and identified as Sections 47.4361-1, 47.4361-2 and 47.4362-1 of Part 47 of Title 26 of the Code of Federal Regulations, as the same existed on November 8, 1967; except that for the purposes of this chapter, the determination of what constitutes "realty" shall be determined by the definition or scope of that term under state law.

(Ord. 379-A § 5 (part), 1968: Ord. 379 § 15, 1967.)

3.24.150 - Records exposure required when.

Whenever the county recorder has reason to believe that the full amount of tax due under this chapter has not been paid, he may, by notice served upon any person liable therefor, require him to furnish a true copy of his records relevant to the amount of the consideration or value of the interest or property conveyed.

(Ord. 379-A § 5 (part), 1968: Ord. 379 § 16, 1967.)

3.24.160 - Tax roll parcel number requirements.

Each deed, instrument or writing by which lands, tenements or other realty is sold, granted, assigned, transferred or otherwise conveyed shall have noted upon it the tax roll parcel number. The number will be used only for administrative and procedural purposes and will not be proof of title and in the event of any conflicts, the stated legal description noted upon the document shall govern. The validity of such a document shall not be affected by the fact that such parcel number is erroneous or omitted, and there shall be no liability attaching to any person for an error in such number or for omission of such number. The recorder shall not accept any deed, instrument or conveyance for recording unless the tax roll parcel number has been noted upon it. A parcel which has been created by the division of an existing parcel and which at the time of recording has no separate parcel number shall have noted upon it the words "portion of" and the parcel number of the parcel from which it was created.

(Ord. 379-B § 1, 1973: Ord. 379 § 18, 1967.)

3.24.170 - Violation a misdemeanor.

Any person or persons who makes, signs, issues or accepts or causes to be made, signed, issued or accepted and who submits or causes to be submitted for recordation any deed, instrument or writing subject to the tax imposed by this chapter and makes any material misrepresentation of fact for the purpose of avoiding all or any part of the tax imposed by this chapter are guilty of a misdemeanor.

No person or persons are liable, either civilly or criminally, for any unintentional error made in designating the location of the lands, tenements or other realty described in a document subject to the tax imposed by this chapter.

(Ord. 379-A § 5 (part), 1968: Ord. 379 § 17, 1967.)



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

REGULAR AGENDA REQUEST

Print

MEETING DATE	May 7, 2013	DEPARTMENT	Clerk of the Board
ADDITIONAL DEPARTMENTS			
TIME REQUIRED		PERSONS APPEARING BEFORE THE BOARD	
SUBJECT	Department of Alcoholic Beverage Control		

AGENDA DESCRIPTION:

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

Application for Alcoholic Beverage License(s) received from the Department of Alcoholic Beverage Control for The Chalfant Mercantile LLC. For information only.

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME:

PHONE/EMAIL: /

SUBMIT THE ORIGINAL DOCUMENT WITH ATTACHMENTS TO THE OFFICE OF THE COUNTY ADMINISTRATOR
**PRIOR TO 5:00 P.M. ON THE FRIDAY
32 DAYS PRECEDING THE BOARD MEETING**

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

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[ABC](#)

History

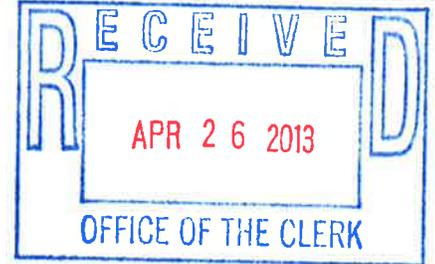
Time	Who	Approval
4/30/2013 12:30 PM	Clerk of the Board	Yes

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE(S)

ABC 211 (6/99)

TO: Department of Alcoholic Beverage Control
 4800 STOCKDALE HWY
 STE 213
 BAKERSFIELD, CA 93309
 (661) 395-2731

File Number: **532612**
 Receipt Number: **2166871**
 Geographical Code: **2600**
 Copies Mailed Date: **April 25, 2013**
 Issued Date:



DISTRICT SERVING LOCATION: **BAKERSFIELD**
 First Owner: **CHALFANT MERCANTILE LLC THE**
 Name of Business: **CHALFANT MERCANTILE LLC THE**
 Location of Business: **49 BROWN SUBDIVISION RD
 CHALFANT VALLEY, CA 93514**

County: **MONO**
 Is Premise inside city limits? **No** Census Tract **0001.01**

Mailing Address:
 (If different from premises address)

Type of license(s): **41**

Transferor's license/name: **411407 / JOHNSON, ANDREW LEE** Dropping Partner: Yes ___ No

License Type	Transaction Type	Fee Type	Master	Dup	Date	Fee
41 - On-Sale Beer And Win	PERSON-TO-PERSON TRANSFER	NA	Y	0	04/25/13	\$150.00
41 - On-Sale Beer And Win	ANNUAL FEE	NA	Y	0	04/25/13	\$350.00
NA	ISSUE TEMPORARY PERMIT	NA	N	1	04/25/13	\$100.00
NA	FEDERAL FINGERPRINTS	NA	N	2	04/25/13	\$48.00
NA	STATE FINGERPRINTS	NA	N	2	04/25/13	\$78.00
Total						\$726.00

Have you ever been convicted of a felony? **No**
 Have you ever violated any provisions of the Alcoholic Beverage Control Act, or regulations of the Department pertaining to the Act? **No**
 Explain any "Yes" answer to the above questions on an attachment which shall be deemed part of this application.

Applicant agrees (a) that any manager employed in an on-sale licensed premises will have all the qualifications of a licensee, and (b) that he will not violate or cause or permit to be violated any of the provisions of the Alcoholic Beverage Control Act.

STATE OF CALIFORNIA County of **MONO** Date: **April 25, 2013**

Under penalty of perjury, each person whose signature appears below, certifies and says: (1) He is an applicant, or one of the applicants, or an executive officer of the applicant corporation, named in the foregoing application, duly authorized to make this application on its behalf; (2) that he has read the foregoing and knows the contents thereof and that each of the above statements therein made are true; (3) that no person other than the applicant or applicants has any direct or indirect interest in the applicant or applicant's business to be conducted under the license(s) for which this application is made; (4) that the transfer application or proposed transfer is not made to satisfy the payment of a loan or to fulfill an agreement entered into more than ninety (90) days preceding the day on which the transfer application is filed with the Department or to gain or establish a preference to or for any creditor or transferor or to defraud or injure any creditor of transferor; (5) that the transfer application may be withdrawn by either the applicant or the licensee with no resulting liability to the Department.

Effective July 1, 2012, Revenue and Taxation Code Section 7057, authorizes the State Board of Equalization and the Franchise Tax Board to share taxpayer information with Department of Alcoholic Beverage Control. The Department may suspend, revoke, and refuse to issue a license if the licensee's name appears in the 500 largest tax delinquencies list. (Business and Professions Code Section 494.5.)

Applicant Name(s)

Applicant Signature(s)

See 211 Signature Page

CHALFANT MERCANTILE LLC THE



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE	May 7, 2013	DEPARTMENT	Clerk of the Board
ADDITIONAL DEPARTMENTS			
TIME REQUIRED		PERSONS APPEARING BEFORE THE BOARD	
SUBJECT	J.W. Ackles Letter		

AGENDA DESCRIPTION:

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

Correspondence dated March 27, 2013 from Mr. J. W. Ackles, a Bridgeport resident, regarding a complaint he has with the Mono County Tax Collector's Office.

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME:

PHONE/EMAIL: /

SUBMIT THE ORIGINAL DOCUMENT WITH ATTACHMENTS TO THE OFFICE OF THE COUNTY ADMINISTRATOR
PRIOR TO 5:00 P.M. ON THE FRIDAY
32 DAYS PRECEDING THE BOARD MEETING

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

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[Ackles Ltr](#)

History

Time	Who	Approval
5/1/2013 12:17 PM	Clerk of the Board	Yes

J. W. Ackles

H C 83 Box 2055
Bridgeport, A. 93517

Timothy E. Fesko
Mono County Board of Supervisors
P.O. Box 715
Bridgeport, CA. 93517

March 27, 2013

Dear Mr. Fesko:

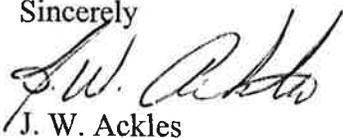
I am writing this letter so you may pass this information along to the other Boar of Supervisors. A reply to my concerns would be appreciated along with action taken.

I have a complaint with the tax collector's office. I went in to pay the first half of the taxes on November 13, 2012. I was greeted by the most unfriendly person I have seen in a long time. I passed the tax bill along with my check through the slot, the unfriendly person kept the check and pushed the bill back though the slot. I asked why I didn't get a receipt. Very grumpily she replied, do you want a receipt? I advised I did. She took the tax bill handed it to another person who left with the bill. Seventeen minutes later another grumpy lady passed the bill and the receipt back to me. She also was very unfriendly I have a major problem with the time frame of seventeen minutes waiting and three different people handling this to get the receipt. The atmosphere of the people working in that office, is not acceptable to me. Who is the supervisor in that office that is not doing their job? These people are working for me. I expect you and the other Board of Supervisors to investigate and advise what the problem is. It further appears that everyone is mad at each other and really doesn't give a damn if someone is at the window or not.

If you take the total of 17 minutes times three people that handled the bill and receipt that total time equals 51 minutes. Do you call this efficient? Along with the wasted time a 8 ½ X 11 inch piece of paper was also wasted. What happened to the old style of giving one person the bill and check and the person stamped the bill paid, initialed it and returned it back in approximately one minute. No paper wasted and three peoples time with a total 51 minutes wasted!

I further have a problem with the glass window installed in the door at the Tax Collectors Office. The person who is paying the bill is stuck in the lobby. I understand the glass is bullet proof and cost about \$3,000.00.. How many times has the place been robbed? Most people pay with a check. Why was this done? If someone wanted to get in they could blow a hole in the bottom part of the door and latch and go in. It appears to me the window was installed to keep the public from viewing the lack of work being performed and the inefficiency that can be seen looking though this bullet proof glass. This money could have been used for something really needed. It further appears that a large number of employees could be removed from this office so they wouldn't be running over each other doing nothing. You as Supervisors need to replace the manager in that department along with others and make an operation that is courteous and efficient.

Sincerely



J. W. Ackles

C:JWA sup Fesko Tax coll



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

REGULAR AGENDA REQUEST

Print

MEETING DATE	May 7, 2013	DEPARTMENT	Clerk of the Board
ADDITIONAL DEPARTMENTS			
TIME REQUIRED		PERSONS APPEARING BEFORE THE BOARD	
SUBJECT	CalRecycle Letter Regarding Benton Crossing		

AGENDA DESCRIPTION:

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

Information dated April 11, 2013, from CalRecycle regarding the removal of the Benton Crossing Landfill Facility from the inventory of solid waste facilities which violate State minimum standards.

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME: Shannon Kendall
PHONE/EMAIL: x5533 / skendall@mono.ca.gov

SUBMIT THE ORIGINAL DOCUMENT WITH ATTACHMENTS TO THE OFFICE OF THE COUNTY ADMINISTRATOR
**PRIOR TO 5:00 P.M. ON THE FRIDAY
32 DAYS PRECEDING THE BOARD MEETING**

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

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 [Dept of RRR Ltr](#)

History

Time	Who	Approval
4/17/2013 10:18 AM	Clerk of the Board	Yes

Benton Crossing Landfill Inventory Removal Letter
April 11, 2013
Page 2 of 2

If you have any questions regarding this action, please contact Daniel Anderson of my staff at (916) 341-6342 or me at (916) 341-6429.

Sincerely,



Georgianne Turner, Section Manager
Solid Waste Enforcement Section
Waste Evaluation and Enforcement Branch
Waste Permitting, Compliance and Mitigation Division

cc: **Board of Supervisors, County of Mono**
P.O. Box 237
Bridgeport, CA 93517

Mr. Clarence Martin, Assistant Aqueduct Manager
Los Angeles Department of Water and Power
300 Mandich Street
Bishop, CA 93514-3449

cc via electronic copy:

Louis Molina, Mono County Environmental Health Director
Stacey Simon, Mono County Counsel
John Vallejo, Mono County Counsel
Donald McGhie, LADWP
Josephine Gonzalez, LADWP
Michelle Lyman, LADWP
Jill Kearny, Mono County Environmental Health
Christine Karl, CalRecycle, Permitting and LEA Assistance



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE	May 7, 2013	DEPARTMENT	Board of Supervisors
ADDITIONAL DEPARTMENTS			
TIME REQUIRED	30 minutes	PERSONS APPEARING BEFORE THE BOARD	Marianna Marysheva-Martinez, Town Manager; Mayor Matthew Lehman
SUBJECT	Town of Mammoth Lakes-- Information Technology Needs		

AGENDA DESCRIPTION:

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

Discuss the request from the Town of Mammoth Lakes for contractual support of the Town's information technology needs. The Board of Supervisors requested this agenda item.

RECOMMENDED ACTION:

Consider entering into a contract with the Town of Mammoth Lakes for the provision of IT services. Provide direction to staff.

FISCAL IMPACT:

None at this time.

CONTACT NAME: Lynda Roberts

PHONE/EMAIL: 760-932-5538 / lroberts@mono.ca.gov

SUBMIT THE ORIGINAL DOCUMENT WITH
ATTACHMENTS TO THE OFFICE OF
THE COUNTY ADMINISTRATOR
PRIOR TO 5:00 P.M. ON THE FRIDAY
32 DAYS PRECEDING THE BOARD MEETING

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

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- [Town IT Staff](#)
- [Ex A](#)
- [Ex B](#)

History

Time	Who	Approval
4/30/2013 4:16 PM	County Administrative Office	Yes
4/30/2013 1:48 PM	County Counsel	Yes
5/1/2013 2:54 PM	Finance	Yes



OFFICE OF THE TOWN MANAGER
Marianna Marysheva-Martinez, Town Manager
P.O. Box 1609, Mammoth Lakes, CA 93546
(760) 934-8989, ext. 223
mmartinez@ci.mammoth-lakes.ca.us

To: Honorable Board of Supervisors
From: Marianna Marysheva-Martinez, Mammoth Lakes Town Manager
Board of Supervisors Sponsor: Byng Hunt, Chairperson
Meeting Date: May 7, 2013

Subject

Request for Contractual Support of the Town’s Information Technology Needs.

Recommendation

Provide formal direction to the County Legal Counsel, Administrative Officer and IT Director to enter into a contract with the Town for the provision of IT services.

Fiscal Impact

The Town has made the following financial commitment in order to address its Information Technology needs:

1. Address as soon as possible the Town’s information technology needs identified by the County IT staff as “high priority” and “medium-priority” during their July 2012 assessment. **Fiscal Year 2012-13 (current) existing funding is \$83,844**, calculated as follows:

High-priority needs (server replacement, technology issues at the yard and Airport, software licenses, critical policies)

costs	\$12,259
labor: 287 hours at \$65 / hour	\$18,655
IT room improvements (HVAC, electrical)	\$10,210
<i>subtotal</i>	<i>\$41,124</i>

Medium-priority needs (replacement of desktops, IT documentation, replacement schedule, network switches)

costs	\$23,220
labor: 300 hours at \$65 / hour	\$19,500
<i>subtotal</i>	<i>\$42,720</i>

2. Providing annual funding for a full-time equivalent position at \$133,058, and an annual replacement set aside of at least \$30,000. **Fiscal Year 2013-14 (next) proposed funding is at least \$163,058**.

Discussion

Over the past few months, the Town’s management has had several discussions with the County’s Information Technology Department Director (Clay Neely) and staff. The Town’s current IT support is lacking

reliability and consistency, and we are very interested in contracting with Mono County for both ongoing IT services as well as addressing the Town's immediate IT needs, related to the replacement of critical hardware and software.

The Town seeks to enter into a contract with the County that would have the following components in its scope:

- The contract is for three to five years, with an annual end-of-year review of the Town's needs, County's costs to address these needs, and County's performance according to the established scope of work.
- Start date is as soon as possible.
- The County will provide IT support to all departments of the Town, currently located at four separate sites, including Administrative Offices, the Police Department, the Airport and the Public Works Yard.
- Consideration should be given to incorporating the current contract between the Town and the County for GIS services. (See Attachment A.)
- The contract is to cover the full cost of a full-time position equivalent. This will permit the Town to receive uninterrupted IT support during normal business hours. **The Town is setting aside \$133,058 in its FY 2013-14 budget for this position.**
- In addition to funding the ongoing IT support, **the Town will include in its annual budget at least \$30,000 for IT replacement needs**, beginning with FY 2013-14.
- The County's work for the Town will include, and begin with, addressing items identified by the County IT staff as "high priority" and "medium-priority" during their July 2012 assessment, adjusted as necessary at the time of the contract commencement. (See the assessment in Attachment B.) **The Town has set aside, in the FY 2012-13 (current year's) budget, \$83,844 to address these needs.** Please see the breakdown in the "Fiscal Impact" section above.
- The Town will adopt and follow the County's relevant policies and procedures related to information technology.

The Town appreciates the Board of Supervisors' support of this collaborative and innovative effort between the Town and the County. It builds upon the already existing framework of shared GIS services. In the near future, we see the potential of sharing common IT systems, such as agenda management, records management, financial and purchasing. Opportunities are truly endless, and we are excited to explore them with the County.

Attachments:

- Attachment A - Existing contract between the Town and the County for GIS services.
- Attachment B - Mono County's assessment of the Town's IT needs, dated July 2012.

Attachment A - Existing contract between the Town and the County for GIS services.

**AGREEMENT BETWEEN THE COUNTY OF MONO
AND THE TOWN OF MAMMOTH LAKES
FOR THE PROVISION OF A SHARED GIS COORDINATOR**

INTRODUCTION

THIS AGREEMENT ("Agreement") is made this 7th day of February, 2007 by and among the Town of Mammoth Lakes, a municipal corporation of the State of California (hereafter "Town") and the County of Mono, a political subdivision of the State of California (hereafter "County") (collectively referred to as the 'Agencies').

PURPOSE AND INTENT

The purpose of this agreement is to provide for a fifty percent (50%) contribution by Town to County's cost to employ a Geographic Information Systems (GIS) Coordinator on a full-time basis in exchange for that GIS Coordinator providing work and services to Town as set forth herein.

The further purpose of this agreement is to provide a cost-savings to both County and Town by reducing redundancy between and combining the management of each entity's GIS program.

TERMS AND CONDITIONS

1. GIS Coordinator

The GIS Coordinator is, and shall remain throughout the term of this agreement, an employee of County. The GIS Coordinator will report to and is directly supervised by County's Director of Information Technology (hereafter "County Director").

2. Provision of Work and Services to Town

In consideration of the amounts paid to County by Town pursuant to section 3 of this Agreement, the GIS Coordinator will provide the following work and services to Town in furtherance of Town's GIS program:

- Build, maintain, and deploy data concerning Town in GIS format, including but not limited to, parcel, address, and infrastructure data;
- Provide training and support to Town employees utilizing GIS technology;
- Identify and implement strategies to share and coordinate the use of GIS hardware, software, data, and infrastructure between County and Town in order to maximize time and cost efficiency for both agencies;
- At the request of County or Town, oversee or participate in projects containing a GIS or related element;
- Provide input regarding the implementation of new technologies related to GIS.

It is estimated that the provision of the above-described work and services will require approximately fifty percent (50%) of the GIS Coordinator's working hours, based on a forty (40) hour work week. However, the parties agree and understand that Town's obligation to pay fifty percent (50%) of County's costs to employ the GIS Coordinator is not strictly based on the hours spent by the Coordinator in providing work and services to Town. During any given period, depending on assignments and priorities, the GIS Coordinator may spend less or more than fifty percent (50%) of work hours engaged in providing work and

services to Town. In such event, Town shall not be entitled to reimbursement or offset for GIS Coordinator expenses paid pursuant to this agreement, nor liable to County for additional GIS Coordinator expenses.

3. Contribution to Employment Costs

A. Salary and Benefits. Town will reimburse County fifty percent (50%) of County's costs to employ the GIS Coordinator, as determined by County's Auditor-Controller (hereafter "County Costs" on a fiscal year basis. County may revise the County Costs for the GIS Coordinator position from time to time as described below, but no more frequently than once each calendar year. County Costs includes but is not limited to: salary and overtime; health, dental, and eye insurance premiums; deferred compensation matching contributions; retirement benefits including employer contributions to the California Public Employees Retirement System (CalPERS); life insurance premiums; State Disability Insurance premiums, survivor benefits; workers' compensation; and overhead.

The current County Cost for the GIS Coordinator is \$88,455.73. County will provide Town with written notice of changes to the County Costs by May 31st of each year. The revised rate shall be in effect and apply commencing July 1 of that year.

B. Travel and Per Diem. In addition, Town will pay County fifty percent (50%) of any travel and/or per diem expenses incurred when the GIS Coordinator travels in performing work under this agreement. These costs will be determined by the County policy then in effect that establishes travel and per diem reimbursement rates and criteria for County employees.

4. Billing and Payment

Town shall pay County, without request or demand therefor, quarterly within thirty (30) days of the end of the quarters ending September 30, December 31, March 31, and June 30 of each year for the costs set forth in section 3.A. For the first fiscal year that this agreement is in effect, Town's quarterly payments shall be in the amount of \$11,056.97 each. Thereafter, each quarterly payment shall be ¼ of Town's 50% of County's Costs.

In addition to the amounts set forth above, County will invoice Town quarterly for travel and/or per diem expenses incurred in accordance with section 3.B. Said invoice shall be sent to Town within thirty (30) days of the end of each quarter and shall include travel and per diem expenses incurred during that quarter. Town will pay invoices within thirty (30) days of the date printed on the invoice.

5. Term of Agreement

This agreement commences on the date written above and shall remain in effect until terminated pursuant to the provisions of section 11 hereof.

6. Office Space, Supplies, Equipment, Etc.

The parties agree and understand that from time to time the GIS Coordinator may perform work or services at the offices of Town. In such cases,

Town shall provide office space, supplies, equipment (including computers and software as necessary), reference materials and telephone service as is necessary for the employee to provide the said services. The County is not obligated to reimburse or pay Town for any expense or cost incurred by Town in procuring or maintaining such items.

7. Property

- Personal Property of Town: Any personal property (e.g., protective or safety devices, badges, identification cards, keys, uniforms, vehicles, reference materials, furniture, appliances, etc.) provided by Town to the GIS Coordinator are, and at the termination of this agreement, remain the sole and exclusive property of Town. The GIS Coordinator will use reasonable care to protect, safeguard and maintain such items while they are in his possession.
- Data Ownership: In the course of providing work and services pursuant to this agreement, the GIS Coordinator will utilize data pertaining solely to Town which is developed and maintained by Town ("Town data"). This data will be maintained in files which are separate from data developed and maintained by County ("County data"). Town data is, and at the termination of this agreement shall remain, the sole and exclusive property of Town. Likewise, County data, including data pertaining to Town but developed by County (e.g., parcel boundary data) is, and at the termination of this agreement remains, the sole and exclusive property of County.
- Products of GIS Coordinator's Work and Services: Any and all databases, datasets, data compilations, maps, computer programs, computer disks, computer tapes, memory chips, audio-visual presentations, exhibits, reports, studies, patents, trademarks, copyrights, or intellectual properties of any kind, except those comprised solely of Town data that are created, produced, assembled, compiled by, or are the result, product, or manifestation of the GIS Coordinator's services or work under this agreement are, and at the termination of this agreement remain, the sole and exclusive property of County.

8. Defense and Indemnification

Town will defend, indemnify, and hold harmless Mono County, its agents, officers, and employees from and against all claims, damages, losses, judgments, liabilities, expenses, and other costs, including litigation costs and attorney's fees, arising out of or resulting from County's provision of GIS Coordinator services to Town pursuant to this agreement.

Mono County will defend, indemnify, and hold harmless Town, its agents, officers, and employees from and against all claims, damages, losses, judgments, liabilities, expenses, and other costs, including litigation costs and attorney's fees, arising out of or resulting from County's provision of GIS Coordinator services to Town pursuant to this agreement.

9. Public Records

Town understands and agrees that in the performance of this agreement, County may produce or come into possession of materials that constitute public

records, as that term is defined in Government Code Section 6252 (part of the California Public Records Act, hereafter "CPRA"). If County receives a request under the CPRA for a record comprised of Town data, then County will refer that request to the Town for determination by Town as to whether the record is subject to disclosure under the CPRA. Town shall defend, indemnify and hold County, its agents, officers, and employees harmless against any and all CPRA requests for Town data. In the event that County receives a request under the CPRA for a record comprised of County data, County shall, in its sole discretion, determine whether the record is subject to disclosure under the CPRA.

10. Nondiscrimination

During the performance of this agreement, neither Town nor County, nor their agents, officers, or employees shall unlawfully discriminate in violation of any federal, state, or local law, against any employee, or applicant for employment, or person receiving services under this agreement, because of race, religion, color, ancestry, national origin, physical handicap, medical condition, marital status, age or sex. County and Town and their agents, officers and employees shall comply with the provisions of the Fair Employment and Housing Act (Government Code section 12900, et. seq.), and the applicable regulations promulgated thereunder in the California Code of Regulations. Town and County shall also abide by the Federal Civil Rights Act of 1964 (P.L. 88-352) and all amendments thereto, and all administrative rules and regulations issued pursuant to said act.

11. Termination

This agreement may be terminated by either party without cause, and at will, by giving to the other party thirty (30) days written notice of such intent to cancel. Town shall pay County its fifty percent (50%) share of County Costs to employ the GIS Coordinator, on a pro rata basis, up to the date of actual termination.

12. Amendment

This agreement may be modified, amended, changed, added to, or subtracted from, by the mutual consent of the parties hereto, if such amendment or change is in written form, and executed within the same formalities as this agreement, and attached to the original Agreement to maintain continuity.

13. Notice

Any notice, communication, amendments, additions or deletions to this agreement, which the County or Town shall be required or may desire to make shall be in writing and may be personally served or sent by prepaid first class mail to the respective parties as follows:

Town of Mammoth Lakes, CA
Attn: Ray Jarvis
Public Works Director
PO Box 1609
Mammoth Lakes, CA 93546

Mono County, CA
Attn: Clay Neely

Information Technology Director
PO Box 556
Bridgeport, CA 93517

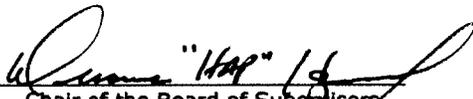
14. Entire Agreement

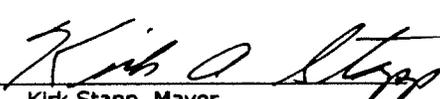
This Agreement contains the entire agreement of the parties, and no representations, inducements, promises, or agreements otherwise between the parties not embodied herein or incorporated herein by reference, shall be of any force or effect. Further, no term or provision hereof may be changed, waived, discharged, or terminated, unless the same be in writing executed by the parties hereto.

IN WITNESS THEREOF, THIS AGREEMENT SHALL BE DEEMED ENTERED INTO AS OF THE DATE FIRST WRITTEN ABOVE.

COUNTY OF MONO

TOWN OF MAMMOTH LAKES

By: 
Chair of the Board of Supervisors

By: 
Kirk Stapp, Mayor

Attachment B - Mono County's assessment of the Town's IT needs, dated July 2012.

Town of Mammoth Lakes IT Analysis and Recommended Plan:

Author: Clay Neely, Cameron Cary, and Kirk Hartstrom (Mono County IT)
Created on: 7/16/2012
Last Modified on: 7/26/2012

Strategic Horizon:

This plan is expected to cover the period from September 1, 2012 to ??????????????(depending on budget).

Purpose:

The purpose of this plan is to help the Town of Mammoth Lakes achieve a reliable IT Infrastructure that is manageable, efficient, and documented, with an on-going replacement strategy.

We will assess the Town's internal IT environment to identify strengths, weaknesses, opportunities, and threats.

Executive Summary – Technical Overview

The town of mammoth lakes IT services consists of 4 sites, with a total of about 7 servers, and 67 workstations.

Included in those totals is the Mammoth Lakes Police Department (MLPD) with two servers, and 14 workstations. Of all the sites – MLPD was the only one with an acceptable IT infrastructure.

In general – we found that the rest of the town's network and workstations to be borderline dysfunctional. Aging, poorly maintained servers, combined with low quality network equipment and aging workstations create an environment comparable to a ticking time bomb. It is an environment ripe for a major breakdown, and a complete halt of technology services and employee productivity.

In addition – there appears to be no documentation whatsoever of key elements of the town's infrastructure. The network environment, servers and backup strategies, and key software configurations should all be documented and maintained. Also an accurate workstation inventory and software licensing records are important to ensuring legal compliance, and making informed purchasing and maintenance decisions.

In simple terms, it is our recommendation that you replace just about everything you have with new equipment and then document and maintain that environment in a professional manner.

Because of time and budget constraints, this cannot happen overnight. However by diligent labor, a prioritized plan, and a realistic budget, we believe the Town of Mammoth lakes can reach a functional technology environment.

IT Strategy:

Considering the Town's financial condition, at the present time, we are taking a very conservative approach to our recommendations. Having said that, there is some equipment that needs to be replaced immediately.

Licensing:

Current Situation:

The town just purchased copies of Microsoft Office 2010 for a majority of desktops. The current installs of Windows XP, Windows 7, and server client access licenses (CALs) are unknown as no documentation system is in place. The penalties for purchasing inadequate CALs needed to use Microsoft products or any major software vendor products are very expensive. Each user on a network must possess a CAL in order to connect with a Microsoft file server or exchange server. The CALs are purchased on an honor system but Microsoft can randomly select sites for an audit.

Recommendation:

Cost \$4,104k / 2 Man Hours / High Priority

Purchase enough users CALs to access Windows Server 2008 and Exchange Server 2010. These CALs are a onetime expense for all users and allows installation of more current server operating systems on your network. Whether a user accesses one server or 5, the cost is the same but the CALs are mandatory. Connecting to a server without the proper CAL is illegal. Purchasing the server hardware and program is not enough by itself.

If you would like to start with current software (i.e exchange 2010, windows 2008) you are looking at Exchange 2010 CAL \$47.70 ea, Windows 2008 Cals \$20.70 ea. If you estimate 60 users for the Police, Road shop, Airport, and Town, that's a total of \$4,104 for users. This will insure that you are compliant with Microsoft and their licensing.

Servers:

Current Situation:

The Towns server room is inadequately air conditioned, dirty, and much too crowded to work in. All of this contributes to equipment failure. The Town has two hardware servers that are no longer under warranty coverage. The servers have been overloaded with Microsoft Exchange, Domain Controller, File server, and antivirus roles. Because of continuous failures, and lack of regular maintenance these need to be replaced and reconfigured ASAP. The town also has three other servers that have unknown limited roles on the network.

The Finance Server (IBM AS400) is old but is functioning at the present time. The server is three years old. The Town desires to replace the Finance system with a more modern and functional system. While this is an excellent goal it should not be a high priority given the condition of the Town's infrastructure. Without a solid infrastructure to support a new finance system it does not make a lot of sense to spend

limited resources in that direction.

Recommendation:

Exchange

Cost \$4,000 / 80 Man Hours / High Priority

Purchase a reconditioned server to replace the exchange server. Cost approximately \$4,000 including the Windows Server 2008 Standard OS. This is a resource intensive role, and should not be combined with a domain controller. The town currently has about 100GB of data in exchange. Setup the exchange server with a dedicated outgoing IP address to avoid black list potential from possible virus infected PCs on the network.

Fileserver

Cost \$700 / 80 Man Hours / High Priority

Use an old County Server (Dell 2950) to replace the file server and transfer files with permissions. Cost approximately \$700 for a one year maintenance agreement. This old County server would need to be replaced next year at a cost of approximately \$4,000. The town currently has about 100Gb of storage on its file server.

New Domain Controller

Cost \$500 / 40 Man Hours / High Priority

Setup a virtualized environment on the new exchange server physical box, and create a dedicated domain controller for the town network. Run another virtual environment on the additional new server purchased next year to support the second domain controller. This role is light on server resources, but crucial to the smooth operation of your network. Ideally there should be two domain controllers for redundancy. It should not be combined with Exchange but exist in its own instance. We recommend using a Microsoft Windows Server 2008 Standard OS at a cost of \$500.40 per server if all CALs have been purchased from above.

The current ci.mammoth-lakes.ca.us (CI) active directory domain appears to be corrupt. It may be best to build a new domain and transition all the workstations and servers into this new domain. This will be labor intensive, and involve touching each workstation. Maybe consider registering a shorter domain name (mammoth.ca.gov ?) as part of this transition.

Other Roles

Cost free / 160 Man Hours / Medium Priority

Other virtual servers may need to be created to host an antivirus server, print server, backup server, spam filter, SQL server, etc.

VMWare

Cost free / 40 Man Hours / High Priority

Our recommendation is to create a virtual server environment, with two physical hosts on reliable hardware, that can share these server roles. Once the environment is setup, you will need to transition everyone to the new domain & servers. The strategy is to use the unmanaged free version at no cost to the town while working towards budgeting \$4,500 towards a managed supported version in the future.

Battery Backup

Cost \$730 / 2 Man Hours / High Priority

Ensure that the servers are on an uninterruptible power supply (UPS) that will keep the system up during brief outages. The current UPS's have dead batteries. Replace the batteries, or purchase new units, and make sure they are functional. Consider installing software to automatically start a graceful shutdown on your servers in case of an extended outage. Cost for battery replacement is \$365 and a new unit is \$1,200

Backups

Cost \$1,400 / 4 Man Hours / High Priority

Setup a reliable backup solution. Utilize two NAS device with one stored off site for backups, as well as a archive schedule to recover accidentally deleted files. \$1,400

Documentation

Cost free / 4 Man Hours / Medium Priority

Documentation needs to be created and maintained on your server environment. It should include server roles, software applications and configuration, support and warranty information on the hardware and software. This documentation should be updated when changes are made to a system.

Replacement Schedule

Cost free / 4 Man Hours / Medium Priority

Develop a replacement schedule designed to refresh and maintain servers under warranty. Also budget for the current server OS and windows CALS.

Network:

Current situation:

The town currently has three unmanaged SNC 24 port switches. They also have a SonicWall firewall/router of unknown age or support status. Building wiring needs more drops and cleanup work.

Recommendation:

Upgrade Core Switches

Cost \$5,000 / 24 Man Hours / Medium Priority

Replace the three unmanaged 24 port core switches in the rack, with managed HP ProCurve switches, with lifetime support and gigabit speeds.

Battery Backup

Ensure that the core network equipment is on an uninterruptible power supply (UPS) that will keep the system up during brief outages. Something like a 1500 VA ups.

Replace Core Router & Firewall

Cost \$3,000 / 32 Man Hours / Low Priority

Replace the sonicwall device with a separate cisco router and firewall. Cisco 2801 Router, Cisco ASA 5510 firewall. What you have may work, however Mono County IT has no experience with SonicWall. At the very least, ensure that there is a hardware and software maintenance agreement on your current firewall.

Upgrade Remote Site Routers

Cost \$1,200 / 32 Man Hours/ Low Priority

Upgrade the routers at the Road Shop and Airport with Cisco professional routers. Also request public IP's from the site ISP, and monitor and maintain that network connection. Utilize these routers to create a site-to-site VPN for access to the town's file servers and exchange server.

Begin Monitoring Equipment

Cost free / 32 Man Hours/ Medium Priority

Utilize Orion Network Performance Monitor, MRTG, and Rancid to keep track of configurations on network equipment, interface statistics, and device outage notifications. Monitoring can done using existing county software and monitoring servers should you decide to work with the County.

Document Network

Cost free / 32 Man Hours / High Priority

Create a basic initial network diagram, document public IP addresses, switches, device configurations, and IP pools. Also include external DNS records, MX records, etc. Documentation should be ongoing, and should be updated anytime there is a change in the system.

Security:

Current situation:

Very limited and basic security in place. Domain controller is too unstable to implement any current standards. Users have administrator rights on their desktops. Antivirus software is weak.

Recommendation:

Password Policy

Cost free / 1 Man Hours / High Priority

Implement password policy – Passwords should be 10 characters long, complex, and should be changed every 30 days. Enforce this policy via Group Policy within the domain. Mono County's password policy is attached to this proposal.

Admin Rights

Cost free / 8 Man Hours / Medium Priority

Remove administrative credentials from desktops. This stabilizes the computing environment, reduces the infection rate and severity of viruses.

Antivirus

Cost \$2,220 / 32 Man Hours / Medium Priority

Implement a managed antivirus solution – Currently the town is using a free desktop antivirus software.

It is in the best interest of the town to use a managed software that can ensure that each desktop has current virus definitions, and can notify a network administrator if an infection occurs. Symantec Corporate Edition costs \$37 / user the first year and \$25 / user thereafter. With 60 users total, the costs will be \$2,220 the first year.

Desktops:

Current situation:

No replacement policy in place for desktops. PC's have aged past reliable years of service. No inventory, or software license tracking structure appears to be in place.

Recommendation:

Inventory

Cost free / 32 Man Hours / Medium Priority

Create an accurate PC Inventory. Purchase Asset Tags and label each PC.

Purchase 16 New Workstation

Cost \$16,000 / 64 Man Hours / Medium Priority

Analyze inventory and replace 25% of the oldest workstations this year. Consider RAM upgrades, or rebuild used machines if necessary to bring the rest of the workstations up to a functional level. Average refurbished tower with monitor and UPS power protection costs \$1,000.

Replacement Schedule

Cost free / 4 Man Hours / Medium Priority

Develop a replacement plan to continually phase out your oldest workstations and replace them with current technology. Using a 4 year cycle would be a solid middle of the road business practice.

Software Management:

Current Situation:

Installs are being done from a folder of disks – unsure if copies are allowed to be distributed or if they are in violation of licensing. No organized tracking structure in place.

Recommendation:

Cost \$2,200 / 32 Man Hours / Low Priority

Create a storage system per PC where licenses and software is tracked by asset tag number. Purchase a file cabinet and folders and begin organizing software by pc. We use a fireproof file cabinet. Cost \$2,200.

Evaluate the software installed and compliance with Microsoft's requirements. Create a budget to purchase required Client Access Licenses, Server Licenses, etc, to bring the Town into compliance.

Remote Site Notes:

Police:

Currently the MLPD has two servers with one main server about 3+ years old. There is one basic RIMS server running on an XP machine. There is a simple backup strategy in place.

Recommendation:

Cost \$200 / 24 Man Hours / Low Priority

A wall rack should be purchased at the MLPD to relocate network equipment and wiring needs to be cleaned up. The RIMS server should be upgraded to Windows 2003 server to insure a more reliable service with fewer restarts. Consider desktops in replacement schedule. A wall rack costs \$200.

Road Shop:

There are no servers located on premise. There is just one desktop PC.

Recommendation:

Cost \$700 / 4 Man Hours / High Priority

A RAID redundant NAS should be purchased at the road shop to act as a small file server until digital 395 is in place. Cost for such a device is \$700. Consider desktops in replacement schedule.

Airport:

QuickBooks is the main application used in this location with no real redundant backup running on an older PC.

Recommendation:

Cost \$125 / 2 Man Hours / High Priority

We suggest an external hard drive that automatically backs up throughout the day at the airport to ensure data integrity. Cost is \$125 for external device. Consider desktops in replacement schedule.

Cost Summary:

High Priority Estimated Costs: \$12,259

High Priority Estimated Hours: 287

Medium Priority Estimated Costs: \$23,220

Medium Priority Estimated Hours: 300

Low Priority Estimated Costs: \$ 6,600

Low Priority Estimated Hours: 120

Total Estimated Costs: \$42,079

Total Estimated Hours: 707



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE	May 7, 2013	DEPARTMENT	Information Technology
ADDITIONAL DEPARTMENTS	Town of Mammoth Lakes		
TIME REQUIRED	20 minutes	PERSONS APPEARING BEFORE THE BOARD	Ray Jarvis, Town of Mammoth Lakes; Nate Greenberg
SUBJECT	Request from Town of Mammoth Lakes for a Rule 20A Loan		

AGENDA DESCRIPTION:

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

Request from the Town of Mammoth Lakes for a Rule 20A Loan from Mono County's allocation for the purposes of undergrounding approximately 1,200' of a Southern California Edison power line along Main Street in Mammoth Lakes.

RECOMMENDED ACTION:

Adopt proposed resolution authorizing the CAO to enter into an agreement with the Town of Mammoth Lakes to loan the County's rule 20A allocation to the Town for the Main Street / Highway 203 undergrounding project. Direct County staff to work with Town of Mammoth Lakes to assist in moving the Main Street project forward. Further direct County staff to begin work on developing a Rule 20 project for Mono County.

FISCAL IMPACT:

No impact to General Fund; A loan of \$360,040 Rule 20A funds that are set aside by SCE.

CONTACT NAME: Nate Greenberg

PHONE/EMAIL: (760) 924-1819 / ngreenberg@mono.ca.gov

SUBMIT THE ORIGINAL DOCUMENT WITH
ATTACHMENTS TO THE OFFICE OF
THE COUNTY ADMINISTRATOR
PRIOR TO 5:00 P.M. ON THE FRIDAY
32 DAYS PRECEDING THE BOARD MEETING

SEND COPIES TO:
Finance. CAO.

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

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[Staff Report](#)

- [📄 Resolution](#)
 - [📄 Exhibit A](#)
 - [📄 Loan Options](#)
 - [📄 Town Agenda Bill](#)
 - [📄 SCE Cost Estimate Letter](#)
-

History

Time	Who	Approval
5/1/2013 3:39 PM	County Administrative Office	Yes
5/1/2013 3:10 PM	County Counsel	Yes
5/1/2013 2:57 PM	Finance	Yes



INFORMATION TECHNOLOGY
COUNTY OF MONO

P.O. BOX 7657 - MAMMOTH LAKES, CALIFORNIA 93546
(760) 924-1819 • FAX (760) 924-1801 • ngreenberg@mono.ca.gov

Clay Neely
Information Technology Director

Nate Greenberg
GIS Coordinator & Digital 395 Project Manager

To: Honorable Board of Supervisors

From: Nate Greenberg, GIS Coordinator & Digital 395 Project Manager
Ray Jarvis, Director of Public Works – Town of Mammoth Lakes

Date: April 24, 2013

Subject

This item is being brought upon request from the Town of Mammoth Lakes, who is interested in securing a loan from Mono County's Rule 20A allocation for the purposes of undergrounding approximately 1,200' of a Southern California Edison (SCE) power line along Main Street in Mammoth Lakes.

Recommendation

Adopt resolution authorizing the CAO to enter into an agreement with the Town of Mammoth Lakes to loan the County's rule 20A allocation to the Town for the Main Street / Highway 203 undergrounding project. Direct County staff to work with Town of Mammoth Lakes to assist in moving the Main Street project forward. Further direct County staff to begin work on developing a Rule 20 project for Mono County.

Discussion

Rule 20A is a ratepayer fund which is allocated to jurisdictions for the purposes of carrying out undergrounding projects with local utilities. The allocation does not come as direct dollars, rather the amount is an assignment of funds from the utility (SCE) budget to pay specifically for undergrounding costs. For a project to qualify for Rule 20A, the jurisdiction must have enough money to fund the undergrounding of at least 600 contiguous feet of power line.

Given the relatively small size of the Town and County, and the resulting small annual Rule 20A allocation amounts, the Town alone does not currently have enough allocation to complete this project. This project is the Town's highest priority undergrounding project because of the high concentration and prominence of overhead lines along Main Street between Mountain Boulevard and Minaret Road.

This undergrounding effort is a public-private partnership that includes Britannia Pacific Properties, Inc., who is developing the Mammoth View project located in the area of the existing overhead lines. This developer will be putting up the balance of the money required to complete the underground efforts, since the entities do not possess enough Rule 20A money to do so on their own.

Based on conversations with SCE, initial outreach done by Nate Greenberg to RPACs in 2012, and the County's Rule 20A allocation balance of approximately \$425,000, Mono County is not currently in a position to undertake an undergrounding project, nor would we be for at least five to seven years. Though loaning the Town Rule 20A money means that the County will not be able to conduct an undergrounding until approximately 2021, by partnering with the Town and pooling Rule 20A monies, an opportunity exists to complete the Main Street project, as well as another project within the unincorporated area of the County within a 10-15 year window.

Town and County staff met with Supervisors Alpers and Fesko (whose districts this project intersects) to discuss the loan request, and the impact to the County. During these meetings, the Town presented a Rough Order of Magnitude (cost) based on initial calculations and conversations with SCE as well as various loan repayment options for the County. The County indicated an interest in a loan repayment option that provided the fastest timeline to complete our own Rule 20 project (Loan Option #1).

Based on project cost numbers provided by SCE, the County would loan no more than \$360,040 to the Town. Should the actual cost be greater than the amount originally presented, the Town would return to the Board for an additional request. Should the actual amount be less, the remaining balance would be immediately transferred back to the County. Given the repayment structure, the County should be able to undertake its own Rule 20A project around 2021. If no project was pursued by the County, we would receive full repayment of our loan by 2028.

Fiscal Impact

No impact to General Fund; A loan of \$360,040 Rule 20A funds that are set aside by SCE will be made and later reimbursed.



RESOLUTION NO. R13-___

A RESOLUTION OF THE MONO COUNTY BOARD OF SUPERVISORS AUTHORIZING THE CAO TO ENTER INTO AN AGREEMENT WITH THE TOWN OF MAMMOTH LAKES TO LOAN THE COUNTY'S RULE 20A ALLOCATION TO THE TOWN FOR THE MAIN STREET/HIGHWAY 203 UNDERGROUNDING PROJECT.

WHEREAS, in the later part of 1967 the California Public Utilities Commission decided Case No. 8209 which established a program (commonly referred to as an "Undergrounding" Program); and

WHEREAS, Southern California Edison ("SCE"), through implementation of California Public Utilities Commission Rule 20A, makes allocations to cities and counties that may be applied to qualifying utility undergrounding projects; and

WHEREAS, the Rule 20A program provides that uncommitted funds in a county's undergrounding account may be transferred to a city or cities within a county with the County's approval; and

WHEREAS, some California counties have used their Rule 20A allocations to fund undergrounding projects in incorporated areas to assist funding priority projects for the region; and

WHEREAS, the Town of Mammoth Lakes ("Town") is the largest community in Mono County, and has identified its highest priority undergrounding project, consisting of approximately 1,200 feet of 12KV and 33KV power lines owned by Southern California Edison located along Main Street/Highway 203; and

WHEREAS, the project qualifies for Rule 20A funds, and has a private property owner committed to financially contribute matching funds to the project; and

WHEREAS, this section of Highway 203, which serves as both the Main Street for the Town of Mammoth Lakes and a gateway to Devils Postpile National Monument, Mammoth Mountain Ski Area, and the Lakes Basin Recreation Area, meets all project requirements to qualify for Rule 20A funds, including establishment of an underground utility district to prevent further overhead lines in the area; and

WHEREAS, the Main Street/Highway 203 undergrounding project is estimated to cost \$1.4 million, approximately \$900,000 of which will come from Rule 20A allocation, which is estimated to be approximately \$360,040 more than the Town's available Rule 20A allocations; and

WHEREAS, the estimated construction start date for this undergrounding project is May 2015; and

WHEREAS, the Town of Mammoth Lakes is estimated to have a balance of \$302,470 in its Rule 20A allocations on January 1, 2015; and

WHEREAS, Mono County has sufficient Rule 20A allocation available as a loan to the Town of Mammoth Lakes that will enable the Town to proceed with the Main Street/Highway 203 undergrounding project; and

WHEREAS, the Town of Mammoth Lakes has partnered with a property owner to obtain funding for the non-Rule 20A portion of this project through Rule 20B and Rule 20C; and

NOW, THEREFORE, BE IT RESOLVED THAT, the Mono County Board of Supervisors, hereby: authorizes the CAO to enter into an agreement with the Town of Mammoth Lakes to loan the County's Rule 20A allocation to the Town of Mammoth Lakes for the Main Street/Highway 203 undergrounding project with the following terms and conditions:

1. The Loan shall only be used for the Main Street/Highway 203 undergrounding project, which is located on the north side of Main Street/Highway 203, approximately 150 feet east of the Mountain Boulevard centerline to approximately 850 feet west of the Mountain Boulevard centerline (see Exhibit "A"), including the Main Street/Highway 203 street crossings of the overhead power lines.
2. The Loan amount shall not exceed the amount necessary to underground the minimum 600 feet of overhead utilities, as required by Rule 20A. Any SCE overhead lines that connect to the 600 feet are also required to be placed underground as part of Rule 20A. The estimated Loan amount is \$360,040 of County Rule 20A allocations. If it is determined that the allocation Loan amount would exceed \$360,040 of County Rule 20A allocations, the Loan shall be placed on the Board's agenda for consideration of the higher amount. The final amount will be known after design is completed by SCE.
3. The Town shall utilize its current Rule 20A allocation balance and annual allocations through January 1, 2015, totaling an estimated \$302,470. The Town shall mortgage Rule 20A allocations for five years (estimated to be \$237,490) to maximize the use of Town Rule 20A allocations for this undergrounding project.
4. The Town shall return the Loan after the Town's five year Rule 20A mortgage for this undergrounding project is fully amortized (anticipated on December 31, 2020). The preferred option is the Town mortgaging Rule 20A allocations to achieve earliest possible reimbursement to the County as follows:
 - a. If Mono County has a defined Rule 20A project, the Town shall mortgage its Rule 20A allocations to repay the majority of the Loan (estimated to be \$237,490) as feasible with SCE's requirements for mortgaging, anticipated in 2021. The remainder of the Loan (estimated to be \$122,550) shall be mortgaged in 2026 as feasible with SCE's requirements for mortgaging, for full reimbursement anticipated in 2026.

- b. If Mono County does not have a defined Rule 20A project, the Town shall provide annual transfers of its Rule 20A allocation until the Loan is repaid in full or mortgage Rule 20A allocations when a County project is defined. The latest the reimbursement would occur is anticipated to be 2028.
- 5. The Town shall not commit any of its annual Rule 20A allocations to any other projects so long as the allocation Loan has not been repaid.
- 6. The allocation Loan shall not accrue any interest.
- 7. The County agrees to request within sixty (60) days of written notification by the Town that SCE transfer up to \$360,040 of County Rule 20A allocations to the Town.
- 8. The Town agrees to request within sixty (60) days of completion of the Main Street/Highway 203 undergrounding project that SCE return any unused Rule 20A allocations to the County.

AND BE IT FURTHER RESOLVED, that the Board of Supervisors does hereby authorize the Town of Mammoth Lakes to utilize up to \$360,040 of the Rule 20A funds allocated by Southern California Edison to Mono County for the undergrounding of existing overhead facilities on Main Street/Highway 203 pursuant to the terms and conditions described herein.

PASSED AND ADOPTED this 7th day of May, 2013, by the following vote of the Board of Supervisors, County of Mono:

AYES :
 NOES :
 ABSENT :
 ABSTAIN :

 Byng Hunt, Chair
 Mono County Board Of Supervisors

ATTEST:

APPROVED AS TO FORM:

 Lynda Roberts, Clerk of the Board

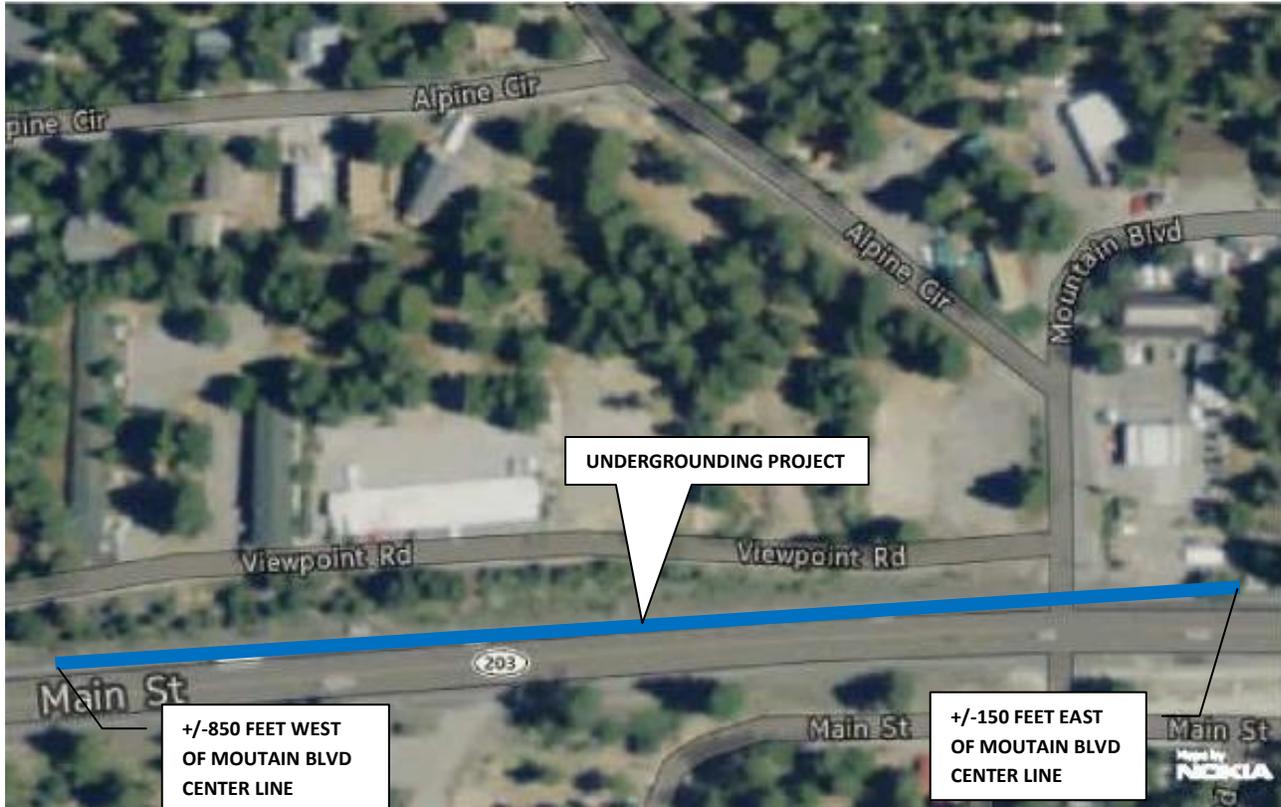
 Marshall Rudolph, County Counsel

EXHIBIT A

Main Street/Highway 203 Undergrounding Project

EXHIBIT A

TOWN OF MAMMOTH LAKES HIGHWAY 203 UNDERGROUNDING PROJECT LOCATION MAP



The blue line on the map above designates the location of the electric power lines and equipment that would be placed underground by this Project. The power lines, located in the Caltrans right-of-way on the north side of Highway 203 ("Main Street"), would be undergrounded, starting approximately 150 feet east of the Mountain Boulevard centerline and ending approximately 850 feet west of the Mountain Boulevard centerline. Verizon and Suddenlink would pay the cost to remove their lines from the SCE power poles and their lines in this location would be abandoned because customers can be served more conveniently from other locations.

RULE 20A LOAN REIMBURSEMENT
PREFERRED OPTION: MONO COUNTY HAS A DEFINED RULE 20A PROJECT

Year	TOML Allocations*	Rule 20A Allocation Transfers			Notes
		TOML	MONO	Project	
1/1/2012	\$ 159,976				Current TOML allocations as of 12/31/2012 Allocations credited at the 1st of each year
1/1/2013	\$ 47,498				
1/1/2014	\$ 47,498				
1/1/2015	\$ 47,498				
5/1/2015	<u>\$ (302,470)</u>	\$ (237,490)	\$ (360,040)	\$ 900,000	Construction start, TOML uses ~\$302K current allocation balance plus mortgages 5-years of allocation (2016-2020) for ~\$237K
1/1/2016	Mortgaged				
1/1/2017	Mortgaged				
1/1/2018	Mortgaged				
1/1/2019	Mortgaged				
1/1/2020	Mortgaged				
1/1/2021	Mortgaged	\$ (237,490)	\$ 237,490		If MONO has a defined project, TOML can mortgage up to 5 years of allocation to repay ~\$237 of the unamortized Mono County Rule 20A loan in 2021.
1/1/2022	Mortgaged				
1/1/2023	Mortgaged				
1/1/2024	Mortgaged				
1/1/2025	Mortgaged				
1/1/2026	Mortgaged	\$ (122,550)	\$ 122,550		If MONO has a defined project, TOML can mortgaged the remaining loan balance to repay the full loan amount in 2026.
1/1/2027	Mortgaged				
1/1/2028	Mortgaged				
Total Transfers	\$ (302,470)	\$ (597,530)	\$ -	\$ 900,000	

*Assumes no increase/decrease in current Rule 20A Town allocations

Agenda Item _____
May 1, 2013
File No. _____

AGENDA BILL

Subject: Direct Staff to Request a Rule 20A Allocation Loan from Mono County for the Main Street/Highway 203 Undergrounding Project

Initiated by: Ray Jarvis, Public Works and Transportation Director
Jen Daugherty, Associate Planner
Peter Bernasconi, Senior Associate Civil Engineer

BACKGROUND

The purpose of this agenda bill is to: 1) update Town Council (“Council”) with respect to the status of the Main Street/Highway 203 Undergrounding Project (“Project”) including the proposed Funding Partnership structure and 2) have Council consider approving the proposed Funding Partnership structure including directing staff to request that Mono County (“County”) loan the Town some of the County’s uncommitted Rule 20A allocations (“Rule 20A Loan”). The sole source of repayment of the Rule 20A Loan is the Town’s future Rule 20A allocations, not the General Fund.

Previous Council Action

In August 2012, the Council authorized staff to formally request from Southern California Edison (“SCE”) that its Rule 20A allocations, including mortgaging the maximum amount of future allocations as provided by the Public Utilities Commission (“PUC”), be used to fund the Project. However, SCE determined that the Town did not have enough current and future Rule 20A allocations to finance the minimum Project length required under Rule 20A guidelines. However, SCE provided staff examples of city/county¹ funding partnerships in which counties transfer some of their uncommitted Rule 20A allocations to cities located within their respective boundaries. This agenda bill proposes an option for Council to consider for County participation in the Project.

¹ For example, Kings County approved transferring \$641,718 of its uncommitted allocations to the City of Hanford on April 29, 2008, and Ventura County approved transferring up to \$1.2 million of Rule 20A allocation to the City of Oxnard in May 2003.

Main Street/Highway 203 Undergrounding Project

The Project consists of undergrounding approximately 1,200 feet of overhead power lines along the north right-of-way of Main Street/State Route 203 from Mountain Boulevard west towards Viewpoint Road². This is considered to be the Town's highest priority undergrounding project because of the heavy concentration and prominence of power poles and lines along the town's main thoroughfare. Furthermore, the Project will improve public safety and service reliability by reducing the potential of downed power lines caused by earthquakes, high winds, heavy snowfall and accidents.

Rule 20

The PUC regulates the Rule 20 Tariff that facilitates the undergrounding of overhead power lines and equipment. The Rule 20 Tariff consists of three elements:

1. Rule 20A funding is allocated to each jurisdiction (e.g., city or county) by PUC mandated ratepayer tariff. The allocated amount does not come as direct dollars; rather, the amount is an assignment of funds from SCE's capital budget to pay for undergrounding power lines and equipment. In addition, jurisdictions may mortgage up to five years of future allocations. Projects may only be approved for Rule 20A funding if certain criteria are met such as requiring that projects be located along an arterial or major collector road, that projects underground at least 600 contiguous feet of overhead power lines, and that the jurisdiction have enough Rule 20A allocations to fund 100% of the cost. No other funding sources are permitted except for transfers of uncommitted Rule 20A allocations from other entities such as counties.
2. Rule 20B funding is the amount provided by SCE as a subsidy towards a project to underground power lines. SCE pays the cost to remove the existing overhead system (lines and poles). The applicant, not SCE, pays the remaining cost. The Town will be the applicant for the Project, and the owner of the Mammoth View project ("Property Owner") is expected to fund the remainder under Rule 20C.

² This length does not include the road crossings and overhead utilities on the south side of Main Street/Highway 203 that would also be included in this Project as required by SCE.

3. Rule 20C funding is the amount provided by the private sector, usually property owners. Rule 20C private funding may provide the unsubsidized portion of a project using Rule 20B.

Rule 20A, B, and C are all proposed to be used to fund the Project.

Mammoth View Project and Undergrounding Participation

The Mammoth View project, located along Main Street/Highway 203, Mountain Boulevard and Alpine Circle, consists of a 54-room boutique hotel, 24 townhome condominiums, and 28 freestanding condominium cabin units on 5.51 acres. The project was approved by the Planning and Economic Development Commission in August 2011. Construction of the Mammoth View Project is targeted to start in May 2014.

Although the Town did not require the Property Owner to underground the Main Street power lines located within the State right-of-way that fronts the property as a condition of approval for the project, the Property Owner has voluntarily offered to contribute a portion of the funding for the Project if the Town can secure additional funding for the Project. In addition, the Property Owner is funding staff's time with respect to the Project, as well as participating in the funding for the undergrounding through Rule 20B and 20C (a funding breakdown is provided under Analysis/Discussion, below).

ANALYSIS/DISCUSSION

Funding Partnership

Estimated total Project cost is \$1.4 million and is beyond the resources of the Town. For the Project to move forward, the Town, County, SCE, and Property Owner all need to participate in funding the Project. The breakdown of proposed and estimated funding sources is listed below:

a. TOWN OF MAMMOTH LAKES - RULE 20A	\$ 540,000
b. MONO COUNTY - POTENTIAL RULE 20A LOAN	\$ 360,000
c. SOUTHERN CALIFORNIA EDISON - RULE 20B	\$ 125,000
d. <u>PROPERTY OWNER - RULE 20C</u>	<u>\$ 375,000</u>

TOTAL ESTIMATED PROJECT COST **\$ 1,400,000**

STAKEHOLDER	SOURCE OF FUNDS	LENGTH	AMOUNT	%
Town of Mammoth Lakes	Rule 20A		\$ 540,000	39%
Mono County	Rule 20A		360,000	26%
Subtotal Rule 20A		600'	\$ 900,000	64%
Southern California Edison	Rule 20B		\$ 125,000	9%
Property Owner	Rule 20C		375,000	27%
Subtotal Rule 20B/C		600'	\$ 500,000	36%
Total U/G Project Cost		1,200'	\$ 1,400,000	100%

Rule 20A: The Town's approximately \$540,000 in allocations that would be available by May 2015 is explained by the following:

- \$205,000 current allocations;
- \$95,000 additional allocations accruing at \$47,500 per year; and
- \$240,000 by mortgaging 5 years of future allocations.

The remaining \$360,000 of Rule 20A allocations is proposed to come from the Rule 20A allocation loan ("Rule 20A Loan") from Mono County. The County has current allocations of approximately \$430,000. Staff has had discussions with County staff and Supervisors to preliminarily discuss this request. While other counties have simply transferred Rule 20A allocations to a city located within its respective boundaries, Mono County is requesting that their participation be in the form of a loan. Since the Town would be mortgaging Rule 20A for five years as outlined above, the Town would reimburse the County after that mortgage is amortized (starting in 2021). Attachment 3 includes options for reimbursement to the County. These options reflect whether or not the County has a Rule 20A project ready at the time the Town's Rule 20A mortgage is amortized.

If the Rule 20A Loan is approved by the County, the target date to start undergrounding is May 2015.

If the County does not approve the Rule 20A Loan, the Town will not be able to use its Rule 20A allocation to fund the Project, and it's unlikely that the Project will be completed without some Town financial participation. An alternative funding option is to wait until the Town accrues the necessary balance of Rule 20A allocations to fund the entire Project; however, this would likely take at least 20 years.

Rule 20B and 20C: The remaining approximately \$500,000 cost of the Project would be funded by a combination of Rule 20B and Rule 20C money, with an estimated \$125,000 provided by Rule 20B SCE subsidy and \$375,000 provided by Rule 20C private funds from the Property Owner. An increase (or decrease) in the funds available from the SCE subsidy will affect, dollar-for-dollar, the amount the Property Owner would need to contribute.

Summary

Without funding help from the County, SCE, and Property Owner, the Town would not be in a position to fund the Project. The Town has an opportunity to underground a substantial section of overhead power lines in less than three years by using its Rule 20A allocations to leverage County, Property Owner, and SCE participation. In contrast, it would take the Town over 20 years to accumulate sufficient Rule 20A allocations to complete this Project assuming project costs did not increase and its allocations remained constant.

Next Steps

If Council directs staff to request the Rule 20A Loan from the County, the Board of Supervisors will discuss this request at their regular meeting on May 7, 2013. If the Board of Supervisors approves the Rule 20A Loan, staff will bring a resolution to Council to establish the Rule 20A undergrounding district, which will allow the Rule 20A process to proceed with SCE. SCE will then complete the design and cost for the Project, which includes both the Rule 20A and Rule 20B/C sections. The target start date for the Project is May 2015 and target completion date is December 2015.

OPTIONS ANALYSIS

Option 1: Direct staff to request the Rule 20A allocation loan from Mono County to fund a portion of the Main Street/Highway 203 undergrounding project.

Option 2: Modify the Rule 20A allocation loan terms and direct staff to request the Rule 20A allocation loan from Mono County under the new terms to fund a portion of the Main Street/Highway 203 undergrounding project.

Option 3: Do not direct staff to request the Rule 20A allocation loan from Mono County for the Main Street/Highway 203 undergrounding project.

Option 1 would allow the County Board of Supervisors to consider the Rule 20A Loan at their regular meeting on May 7, 2013. If the allocation loan is approved by the Board of Supervisors, staff will bring a resolution to the Town Council to establish the Rule 20A undergrounding district, which will allow the Rule 20A process to proceed with SCE and Project construction schedule to proceed.

Option 2 would allow the County Board of Supervisors to consider the Rule 20A Loan at their regular meeting on May 7, 2013 under new terms outlined by Council. If the Rule 20A Loan is approved by the County, staff will bring a resolution to Council to establish the Rule 20A undergrounding district, which will allow the Rule 20A process to proceed with SCE and Project construction schedule to proceed.

Option 3 would not allow the County Board of Supervisors to consider the Rule 20A Loan at their regular meeting on May 7, 2013. Alternative funding would need to be identified to fund and construct the Main Street/Highway 203 undergrounding project or the Project would be abandoned at this time.

VISION CONSIDERATIONS

The Project is consistent with the Town's Vision of being a premier year-round resort community and exceptional standards for design and development that complement and are appropriate to the "village in the trees" and mountain setting.

The Project also implements General Plan Policy C.3.F: *Underground utilities within the community.*

FINANCIAL CONSIDERATIONS

Staff time associated with the Project is funded by the property owner and developer of the Mammoth View Project. The property owner has provided a \$70,000 deposit to fund SCE's preliminary design and engineering work for the Project.

The use of Rule 20A funds, including mortgaging up to five years and then reimbursing the County for the loan, will utilize the Town's allocation until approximately 2028. The Town will start accumulating Rule 20A allocations again after the mortgage is amortized and County loan, if approved, is reimbursed.

No General Funds are proposed to be used for this undergrounding project.

STAFFING CONSIDERATIONS

The Community and Economic Development and Public Works staff time for this undergrounding project has been included in both Departments' Work Programs.

ENVIRONMENTAL CONSIDERATIONS

The undergrounding of utilities is Categorically Exempt from CEQA under §15302(d), Replacement or Reconstruction.

LEGAL CONSIDERATIONS

Both the Town Attorney and Mono County's legal counsel have reviewed the draft Board of Supervisor's Resolution approving the Rule 20A allocation loan and their changes have been incorporated.

RECOMMENDATION

Therefore, staff recommends that the Town Council choose Option 1 and direct staff to request the Rule 20A allocation loan from Mono County to fund a portion of the Main Street/Highway 203 undergrounding project.

Attachments

1. Main Street/Highway 203 Undergrounding Project Exhibit
2. Rough Order of Magnitude from SCE for the Rule 20A Portion of the Undergrounding Project
3. Mono County Rule 20A Loan Reimbursement Options
4. Draft Mono County Board of Supervisor's Resolution approving the Rule 20A Loan



April 9, 2013

Mr. Peter Bernasconi
Town of Mammoth
P.O. Box 1609
Mammoth Lakes, CA 93546

Subject: Rough Order of Magnitude Cost Estimate
Town of Mammoth – Proposed Rule 20A Undergrounding Project
Main Street (Hwy 203) W/O Mountain Blvd to pole # 2179741E as identified on UUD
2013-01

Dear Mr. Bernasconi,

Rule 20 Project Management has reviewed the proposed Rule 20A project in the Town of Mammoth on Main Street. The Rough Order of Magnitude estimate for the project is **\$900,000**, expressed in **2014** dollars. The estimated trench footage for the project is 1,260 feet and includes all mainline trenching as well as two street crossings. The cost of the project was escalated to the year 2014, which is the earliest anticipated year that construction can be scheduled. Should the City and SCE agree to proceed with the Rule 20A project, the scope of work and estimated cost of the project can be updated with greater accuracy after the final design is completed.

According to the California Public Utilities Commission (CPUC) Decision 01-12-009, SCE may mortgage a maximum of five years of a city's future Rule 20A annual allocations. For calendar year 2013, the City of Mammoth will receive an annual allocation of \$47,498, bringing the City's Rule 20A allocation balance to \$207,474. Projecting similar annual allocations for years 2014 the city will have an approximate balance of \$254,972. at the estimated start of construction in 2014. Given the ROM estimate of \$900,000, there is a short fall of approximately \$646,000. in allocations, the equivalent of a 13.5 year mortgage of future allocations, which falls outside the five year maximum mandated by the CPUC. SCE will review and update the estimate prior to the start of construction to ensure an adequate allocation balance still exists before proceeding with construction.

SCE's ability to proceed with this project is also dependent upon the annual CPUC approved budget for the Rule 20A program, providing the availability of capital funding and resources for the Rule 20A projects. Funding levels for the Rule 20A program may directly impact future allocations and the anticipated year of construction for this project.

The ROM estimate is based on the following assumptions:

- SCE has an available budget to proceed with the project.

- The City of Mammoth has accumulated an adequate allocation balance within the allowable mortgage limits.
- The City of Mammoth has established an underground utility district by resolution or ordinance for this project area.
- Trenching and pavement restoration will be performed based on SCE's trenching and paving standards.
- All other utilities will be participating and sharing joint trench costs to the extent technically possible.
- The City takes a lead role in the coordination and management of the other joint utilities in the project.
- If the City elects to add any streetlights beyond the quantity that currently exist or upgrade the standard replacement electrolier, those lights/upgrades would be installed at the City's expense.
- Construction will be performed during normal working hours. Necessary night work may affect the project estimate.
- All necessary permits to be issued by the city shall be issued on a no fee basis.
- The estimate assumes continued cooperation from property owners, tenants, joint utilities, and the City.

Please communicate the current estimate and the information included regarding allocations and assumptions to the appropriate city staff.

Thank you for your assistance in this matter and should you have any questions please feel free to call me at (760) 924-4811.

Sincerely,

Dan Brady
Local Public Affairs Region Manger

cc:
Tony Mathis, SCE Rule 20A Program Manager
Talisa Lee, SCE Rule 20A Project Management
Mark Nail, SCE Rule 20A Project Manager
Project Files

MAIN ST/HWY 203 UNDERGROUNDING PROJECT

TOWN OF MAMMOTH LAKES

COUNTY OF MONO

STATE OF CALIFORNIA

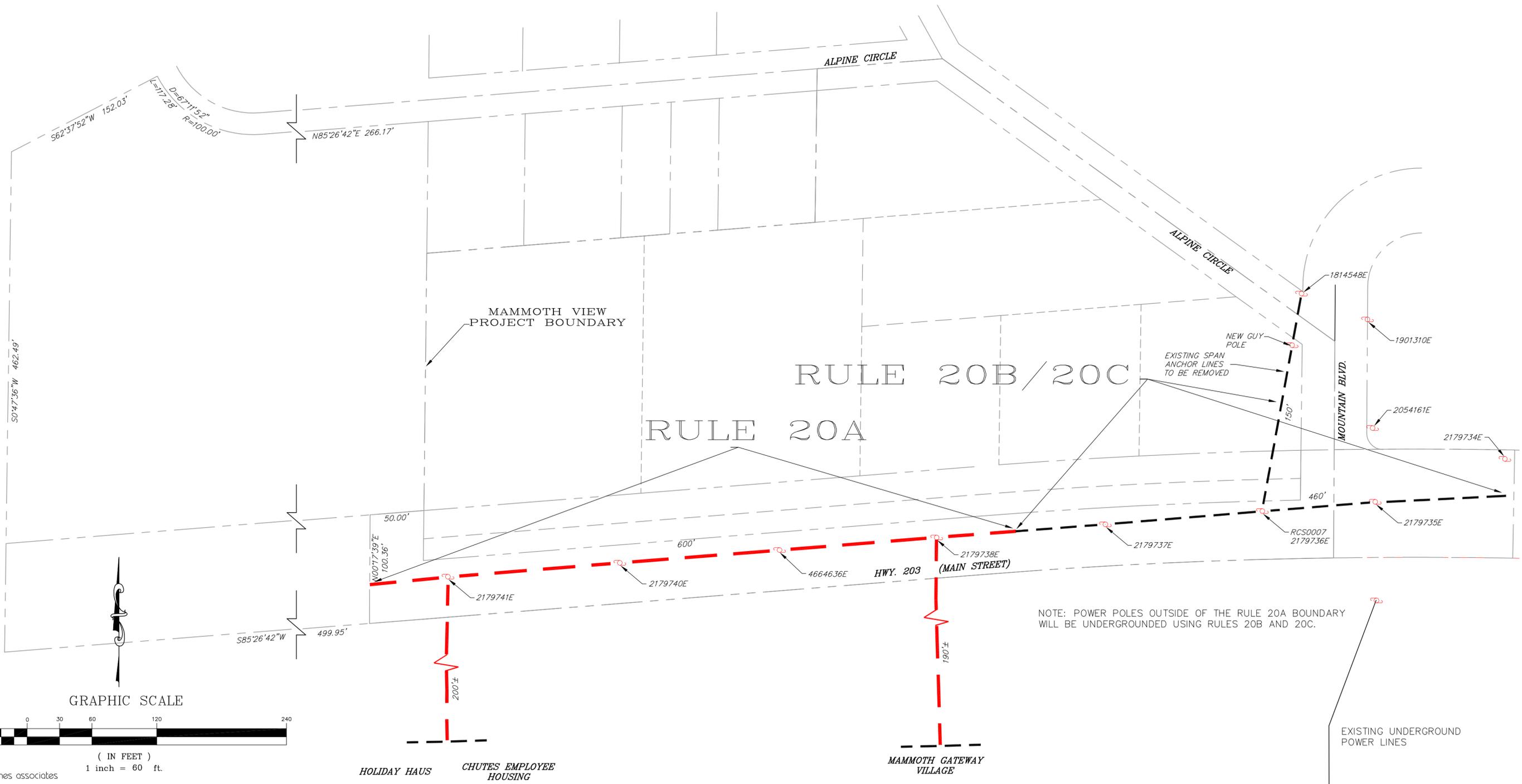
UNDERGROUNDING DISTRICT BOUNDARY=7.40 AC±

LEGEND



PROPOSED OVERHEAD TO UNDERGROUND CONVERSION PER RULE 20A
FUNDING FROM MONO COUNTY / TOWN OF MAMMOTH LAKES

PROPOSED OVERHEAD TO UNDERGROUND CONVERSION PER RULE 20B/20C
FUNDING FROM SCE / MAMMOTH VIEW



GRAPHIC SCALE

(IN FEET)
1 inch = 60 ft.

triad/holmes associates
JUN554.1.1

NOTE: POWER POLES OUTSIDE OF THE RULE 20A BOUNDARY WILL BE UNDERGROUNDED USING RULES 20B AND 20C.

EXISTING UNDERGROUND POWER LINES



Town of Mammoth Lakes

P.O. Box 1609

Mammoth Lakes, CA, 93546

Ph: (760) 934-8989

Fax: (760) 934-7493

May 2, 2013

To Whom It May Concern:

Minute Order

At the regular meeting of the Town Council of the Town of Mammoth Lakes held on Wednesday, May 1, 2013, it was approved by the Town Council to: Direct staff to request a Rule 20A Allocation Loan from Mono County for the Main Street/Highway 203 Undergrounding Project.

Jamie Gray
Town Clerk



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE	May 7, 2013	DEPARTMENT	Board of Supervisors
ADDITIONAL DEPARTMENTS			
TIME REQUIRED	15 minutes	PERSONS APPEARING BEFORE THE BOARD	Michael Ort, Praxis
SUBJECT	Digital 395 Report		

AGENDA DESCRIPTION:

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

In response to a request by the Board of Supervisors, Michael Ort of Praxis will give a progress report and status update about the Digital 395 project.

RECOMMENDED ACTION:

Provide direction to staff as desired.

FISCAL IMPACT:

None.

CONTACT NAME: Lynda Roberts

PHONE/EMAIL: 760-932-5538 / lroberts@mono.ca.gov

SUBMIT THE ORIGINAL DOCUMENT WITH
ATTACHMENTS TO THE OFFICE OF
THE COUNTY ADMINISTRATOR
PRIOR TO 5:00 P.M. ON THE FRIDAY
32 DAYS PRECEDING THE BOARD MEETING

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

[Click to download](#)

No Attachments Available

History

Time

Who

Approval

5/1/2013 2:44 PM	County Administrative Office	Yes
5/1/2013 2:24 PM	County Counsel	Yes
5/1/2013 2:33 PM	Finance	Yes



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE	May 7, 2013	DEPARTMENT	Board of Supervisors
ADDITIONAL DEPARTMENTS			
TIME REQUIRED	5 minutes	PERSONS APPEARING BEFORE THE BOARD	Supervisor Fred Stump
SUBJECT	Forest Fire Prevention Act, AB 350		

AGENDA DESCRIPTION:

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

The Forest Fire Prevention Exemption Act of 2013, AB 350, joint-authored by Assembly Members Bigelow and Wieckowski, would give private forest-land owners the tools necessary to protect forests from destructive fires by expanding the diameter of a tree stump exempted from the Forest Fire Prevention Exemption under the Timber Harvest Plan.

RECOMMENDED ACTION:

Discuss AB 350 and potentially authorize the Chair to sign a letter on support on behalf of the Mono County Board of Supervisors.

FISCAL IMPACT:

None.

LUNCH

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD on items of public interest that are within the subject matter jurisdiction of the Board. (Speakers may be limited in speaking time dependent upon the press of business and number of persons wishing to address the Board.)

CONTACT NAME: Lynda Roberts

PHONE/EMAIL: 760-932-5538 / lroberts@mono.ca.gov

SUBMIT THE ORIGINAL DOCUMENT WITH
ATTACHMENTS TO THE OFFICE OF
THE COUNTY ADMINISTRATOR
PRIOR TO 5:00 P.M. ON THE FRIDAY
32 DAYS PRECEDING THE BOARD MEETING

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download

- [Support Letter](#)
- [AB 350 support request](#)
- [AB 350 background](#)
- [Bill Language](#)

History

Time	Who	Approval
4/30/2013 4:09 PM	County Administrative Office	Yes
4/30/2013 12:50 PM	County Counsel	Yes
4/10/2013 12:06 PM	Finance	Yes



Larry Johnston □ District One Fred Stump □ District Two Tim Alpers □ District Three
Tim Fesko □ District Four Byng Hunt □ District Five

BOARD OF SUPERVISORS COUNTY OF MONO

P.O. BOX 715, BRIDGEPORT, CALIFORNIA 93517

(760) 932-5538 • FAX (760) 932-5531

Lynda Roberts, Clerk of the Board

May 7, 2013

The Honorable Wesley Chesbro – Chair
The Honorable Shannon L. Grove – Vice Chair
Assembly Natural Resources Committee
1020 N Street, Room 164
Sacramento, CA 95814

Re: Letter of Support for the Forest Fire Prevention Act, AB 350

Dear Assembly Members Chesbro and Grove

On behalf of Mono County, I am writing to request your support of the Forest Fire Prevention Act, AB 350, joint-authored by Assembly Members Bigelow and Wickowski, which expands the diameter of a tree stumps exempted from the Forest Fire Prevention Exemption.

While Mono County is not known for timber production, except on Federal Land, it does contain forested areas on private land that create a significant fire hazard potential to Communities inside the County. Active fuel management programs are under way in these communities but are hampered by current FFPE exemption restrictions. AB 350 would increase the scope of current FFPE exemptions allowing for greater hazard reduction activity by increasing the qualifying tree removal stump size to 28 inches in diameter with a potential to go to 34 inches. These exemptions would allow projects within the new exemption limits to avoid the expensive Timber Harvest Plan preparation costs thereby enabling greater and timelier on the ground fuel reduction activities. The fact that California has experienced two dry winters on a row only increases the need for fuel mitigation projects to proceed as expeditiously as possible.

Thank you for considering our input and please advise our Board of any additional support we can provide.

Sincerely,

Byng Hunt, Chair
Mono County Board of Supervisors

CC – Assembly Member Frank Bigelow
Assembly Member Bob Wieckowski

Assemblyman Frank Bigelow
5th Assembly District
California State Capitol, 4116
Sacramento, CA 95814
P: 916-319-2005 | F: 916-319-2105



Hello,

Assemblyman Frank Bigelow (R- O'Neals) and Assemblyman Bob Wieckowski (D-Fremont) have Joint Authored AB 350, The Forest Fire Prevention Exemption Act of 2013. This bipartisan effort comes at a critical time; forests are overgrown, the threat of wild fire is prevalent and the consequences could be catastrophic for wildlife, our ecosystems and Californians. AB 350 simply cuts the red tape to allow private forest land owners to do the much-needed work of clearing out deadwood, underbrush and other highly flammable materials that turn healthy forest fires disastrous.

According to the United States Forest Service, 550,000 acres of private timberland is still over-stocked and in need of thinning. Since the inception of the FFPE 10 years ago, only 8,000 acres of private forest land have been thinned to reduce the threat of rampant wild fires. While this is a step in the right direction, there is still much more that needs to be done.

Currently, the Forest Fire Prevention Exemption (FFPE) in the Timber Harvest Plan (THP) allows trees less than 18 inches at stump diameter to be cleared and in special circumstances trees less than 24 inches in stump diameter without forcing the landowner to spend upwards of \$40,000 to file a THP. Unfortunately, the current FFPE exemption has been under-utilized and adequate fire thinning has not been accomplished in California.

AB 350 would simply increase the diameter of the stump size under the FFPE exemption. Under AB 350, trees with a 28 inch stump diameter would qualify under the FFPE in most instances, and 34 inches where it is necessary to achieve the state's fuel reduction goals.

I am writing because I believe your organization and its members could benefit from this legislation, and I invite you to join our efforts in supporting our bill. Please find the fact sheet and language of the bill enclosed, along with a sample support letter.

Assemblyman Bigelow and Assemblyman Wieckowski are looking forward to working with your organizations to help private forest land owners, the environment and California industry with this legislation. Thank you for your consideration.

A handwritten signature in cursive script that reads "Frank Bigelow".

Assemblyman Frank Bigelow
Assemblyman, 5th Assembly District

AB 350 (Wieckowski and Bigelow) Forest Fire Prevention Act

EXISTING LAW

In response to the devastating wildfires that swept across Southern California in 2003, the legislature created the Forest Fire Prevention Exemption (FFPE) to the Timber Harvest Plan (THP) in order to incentivize landowners to engage in forest thinning projects intended to reduce the threat of wildfire and to lessen the intensity of wildfires.

Specifically, current law allows for trees less than 18 inches in stump diameter to be cleared and in special circumstances trees less than 24 inches in stump diameter to be cleared, without forcing the landowner to spend upwards of \$40,000 to file a THP. The pilot exemption was renewed twice by the legislature and made permanent last year without any concern expressed by the public and not a single "no" vote.

PROBLEM

Unfortunately over the last 10 years the program has not realized the legislative intent of achieving adequate fire thinning in the state. Since the law's passage thinning on private forest lands has dropped from 25,000 acres to less than 5,000 acres in 2008 and an average of only 800 acres have been thinned annually.

According to the U.S. Forest Service, 550,000 acres of private timberland is over-stocked and in need of thinning. Given the reality that 1/3 of the state is forestland; California cannot ignore this threat for economic and environmental reasons. From 2005-2011, 832,080 acres of California forestland were burned in wildfires, costing the state over \$1.2 billion in fire suppression costs. The total greenhouse gas emissions (CO₂ equivalent) from all forest fires from 2001-2008 is 142 million; the same emissions as 30 million cars driving for 1 year. In addition to the increasing burden on California taxpayers and the massive climate change impacts, inadequate forest thinning and the resulting forest fires destroy wildlife habitat, wildlife, pollute our air, and water.

SOLUTION

The reason that the FFPE has been underutilized over the past 10 years is that the 18 and 24-inch stump diameter limits in existing law do not enable a private landowner to engage in fire thinning projects that are economically feasible. AB 350 would raise the diameter of a tree that qualifies under the FFPE to 28 inches in most instances, and 34 inches where it is necessary to achieve the State's fuel reduction goals.

STATUS

- Introduced February 13th, 2013

FOR MORE INFORMATION

Ashley Medina

Office of Assemblymember Bob Wieckowski

Phone: (916) 319-2025

Email: AshleyMedina@asm.ca.gov

Katie Masingle

Office of Assemblymember Frank Bigelow

Phone: (916) 319-2005

Email: KatieMasingle@asm.ca.gov

Introduced by Assembly Members Wieckowski and Bigelow

February 13, 2013

An act to amend Section 4584 of the Public Resources Code, relating to forest resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 350, as introduced, Wieckowski. Timber harvesting plans: exempt activities.

The Z'berg-Nejedly Forest Practice Act of 1973 prohibits a person from conducting timber operations unless a timber harvesting plan prepared by a registered professional forester has been submitted to the Department of Forestry and Fire Protection. The act authorizes the State Board of Forestry and Fire Protection to exempt from those provisions of the act a person engaging in specified forest management activities, including, among other things, the harvesting of only trees less than 18 inches in stump diameter, measured at 8 inches above ground level. However, existing law permits the removal of trees less than 24 inches in stump diameter to achieve the goal of fuel reduction if the removal of any such tree is within 500 feet of a legally permitted structure, or in an area prioritized as a shaded fuel break in a community wildfire protection plan approved by a public fire agency, if the goal of fuel reduction cannot be achieved by removing only trees less than 18 inches in stump diameter.

This bill would, instead, exempt the removal of trees less than 28 inches in stump diameter, measured at 8 inches above ground level. However, the bill would permit the removal of trees less than 34 inches in stump diameter to achieve the goal of fuel reduction if the removal of any such tree is within 500 feet of a legally permitted structure, in an area prioritized as a shaded fuel break in a community wildfire protection plan approved by a public fire agency, if the goal of fuel reduction cannot be achieved by removing only trees less than 28 inches in stump diameter.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- P2 1 SECTION 1.
 Section 4584 of the *Public Resources Code* is
 2 amended to read:
 3 4584.
 Upon determining that the exemption is consistent with
 4 the purposes of this chapter, the board may exempt from this
 5 chapter, or portions of this chapter, a person engaged in forest
 6 management whose activities are limited to any of the following:
 7 (a) The cutting or removal of trees for the purpose of
 8 constructing or maintaining a right-of-way for utility lines.
 9 (b) The planting, growing, nurturing, shaping, shearing, removal,
 10 or harvest of immature trees for Christmas trees or other ornamental

11 purposes or minor forest products, including fuelwood.

12 (c) The cutting or removal of dead, dying, or diseased trees of
13 any size.

14 (d) Site preparation.

15 (e) Maintenance of drainage facilities and soil stabilization
16 treatments.

17 (f) Timber operations on land managed by the Department of
18 Parks and Recreation.

19 (g) (1) The one-time conversion of less than three acres to a
20 nontimber use. A person, whether acting as an individual or as a
21 member of a partnership, or as an officer or employee of a
22 corporation or other legal entity, shall not obtain more than one
23 exemption pursuant to this subdivision in a five-year period. If a
24 partnership has as a member, or if a corporation or other legal
25 entity has as an officer or employee, a person who has received
26 this exemption within the past five years, whether as an individual
27 or as a member of a partnership, or as an officer or employee of a
28 corporation or other legal entity, then that partnership, corporation,
29 or other legal entity is not eligible for this exemption. "Person,"
P3 1 for purposes of this subdivision, means an individual, partnership,
2 corporation, or other legal entity.

3 (2) (A) Notwithstanding Section 4554.5, the board shall adopt
4 regulations that do all of the following:

5 (i) Identify the required documentation of a bona fide intent to
6 complete the conversion that an applicant will need to submit in
7 order to be eligible for the exemption in paragraph (1).

8 (ii) Authorize the department to inspect the sites approved in
9 conversion applications that have been approved on or after January
10 1, 2002, in order to determine that the conversion was completed
11 within the two-year period described in subparagraph (B) of
12 paragraph (2) of subdivision (a) of Section 1104.1 of Title 14 of
13 the California Code of Regulations.

14 (iii) Require the exemption pursuant to this subdivision to expire
15 if there is a change in timberland ownership. The person who
16 originally submitted an application for an exemption pursuant to
17 this subdivision shall notify the department of a change in
18 timberland ownership on or before five calendar days after a change
19 in ownership.

20 (iv) The board may adopt regulations allowing a waiver of the
21 five-year limitation described in paragraph (1) upon finding that
22 the imposition of the five-year limitation would impose an undue
23 hardship on the applicant for the exemption. The board may adopt
24 a process for an appeal of a denial of a waiver.

25 (B) The application form for the exemption pursuant to
26 paragraph (1) shall prominently advise the public that a violation
27 of the conversion exemption, including a conversion applied for
28 in the name of someone other than the person or entity
29 implementing the conversion in bona fide good faith, is a violation
30 of this chapter and penalties may accrue up to ten thousand dollars
31 (\$10,000) for each violation pursuant to Article 8 (commencing
32 with Section 4601).

33 (h) Easements granted by a right-of-way construction agreement
34 administered by the federal government if timber sales and
35 operations within or affecting these areas are reviewed and
36 conducted pursuant to the National Environmental Policy Act of
37 1969 (42 U.S.C. Sec. 4321 et seq.).

38 (i) (1) The cutting or removal of trees in compliance with
39 Sections 4290 and 4291 that eliminates the vertical continuity of
40 vegetative fuels and the horizontal continuity of tree crowns for
P4 1 the purpose of reducing flammable materials and maintaining a
2 fuel break for a distance of not more than 150 feet on each side
3 from an approved and legally permitted structure that complies
4 with the California Building Standards Code, when that cutting or
5 removal is conducted in compliance with this subdivision. For
6 purposes of this subdivision, an "approved and legally permitted
7 structure" includes only structures that are designed for human
8 occupancy and garages, barns, stables, and structures used to
9 enclose fuel tanks.

10 (2) (A) The cutting or removal of trees pursuant to this
11 subdivision is limited to cutting or removal that will result in a
12 reduction in the rate of fire spread, fire duration and intensity, fuel
13 ignitability, or ignition of the tree crowns and shall be in
14 accordance with any regulations adopted by the board pursuant to
15 this section.

16 (B) Trees shall not be cut or removed pursuant to this
17 subdivision by the clearcutting regeneration method, by the seed
18 tree removal step of the seed tree regeneration method, or by the
19 shelterwood removal step of the shelterwood regeneration method.

20 (3) (A) Surface fuels, including logging slash and debris, low
21 brush, and deadwood, that could promote the spread of wildfire
22 shall be chipped, burned, or otherwise removed from all areas of
23 timber operations within 45 days from the date of commencement
24 of timber operations pursuant to this subdivision.

25 (B) (i) All surface fuels that are not chipped, burned, or
26 otherwise removed from all areas of timber operations within 45
27 days from the date of commencement of timber operations may
28 be determined to be a nuisance and subject to abatement by the
29 department or the city or county having jurisdiction.

30 (ii) The costs incurred by the department, city, or county, as the
31 case may be, to abate the nuisance upon a parcel of land subject
32 to the timber operations, including, but not limited to, investigation,
33 boundary determination, measurement, and other related costs,
34 may be recovered by special assessment and lien against the parcel
35 of land by the department, city, or county. The assessment may
36 be collected at the same time and in the same manner as ordinary
37 ad valorem taxes, and shall be subject to the same penalties and
38 the same procedure and sale in case of delinquency as is provided
39 for ad valorem taxes.

P5 1 (4) All timber operations conducted pursuant to this subdivision
2 shall conform to applicable city or county general plans, city or
3 county implementing ordinances, and city or county zoning
4 ordinances. This paragraph does not authorize the cutting, removal,
5 or sale of timber or other solid wood forest products within an area
6 where timber harvesting is prohibited or otherwise restricted
7 pursuant to the rules or regulations adopted by the board.

8 (5) (A) The board shall adopt regulations, initially as emergency
9 regulations in accordance with subparagraph (B), that the board
10 considers necessary to implement and to obtain compliance with
11 this subdivision.

12 (B) The emergency regulations adopted pursuant to
13 subparagraph (A) shall be adopted in accordance with the
14 Administrative Procedure Act (Chapter 3.5 (commencing with

15 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
16 Code). The adoption of emergency regulations shall be deemed to
17 be an emergency and necessary for the immediate preservation of
18 the public peace, health, and safety, or general welfare.

19 (j) (1) The harvesting of trees, limited to those trees that
20 eliminate the vertical continuity of vegetative fuels and the
21 horizontal continuity of tree crowns, for the purpose of reducing
22 the rate of fire spread, duration and intensity, fuel ignitability, or
23 ignition of tree crowns.

24 (2) The board may authorize an exemption pursuant to paragraph
25 (1) only if the tree harvesting will decrease fuel continuity and
26 increase the quadratic mean diameter of the stand, and the tree
27 harvesting area will not exceed 300 acres.

28 (3) The notice of exemption, which shall be known as the Forest
29 Fire Prevention Exemption, may be authorized only if all of the
30 conditions specified in paragraphs (4) to (10), inclusive, are met.

31 (4) A registered professional forester shall prepare the notice
32 of exemption and submit it to the director, and include a map of
33 the area of timber operations that complies with the requirements
34 of paragraphs (1), (3), (4), and (7) to (12), inclusive, of subdivision
35 (x) of Section 1034 of Title 14 of the California Code of
36 Regulations.

37 (5) (A) The registered professional forester who submits the
38 notice of exemption shall include a description of the preharvest
39 stand structure and a statement of the postharvest stand stocking
40 levels.

P6 1 (B) The level of residual stocking shall be consistent with
2 maximum sustained production of high-quality timber products.
3 The residual stand shall consist primarily of healthy and vigorous
4 dominant and codominant trees from the preharvest stand. Stocking
5 shall not be reduced below the standards required by any of the
6 following provisions that apply to the exemption at issue:

7 (i) Clauses 1 to 4, inclusive, of subparagraph (A) of paragraph
8 (1) of subdivision (a) of Section 913.3 of Title 14 of the California
9 Code of Regulations.

10 (ii) Clauses 1 to 4, inclusive, of subparagraph (A) of paragraph
11 (1) of subdivision (a) of Section 933.3 of Title 14 of the California
12 Code of Regulations.

13 (iii) Clauses 1 to 4, inclusive, of subparagraph (A) of paragraph
14 (1) of subdivision (a) of Section 953.3 of Title 14 of the California
15 Code of Regulations.

16 (C) If the preharvest dominant and codominant crown canopy
17 is occupied by trees less than 14 inches in diameter at breast height,
18 a minimum of 100 trees over four inches in diameter at breast
19 height shall be retained per acre for Site I, II, and III lands, and a
20 minimum of 75 trees over four inches in diameter at breast height
21 shall be retained per acre for Site IV and V lands.

22 (6) (A) The registered professional forester who submits the
23 notice shall include selection criteria for the trees to be harvested
24 or the trees to be retained. In the development of fuel reduction
25 prescriptions, the registered professional forester should consider
26 retaining habitat elements, where feasible, including, but not
27 limited to, ground level cover necessary for the long-term
28 management of local wildlife populations.

29 (B) All trees that are harvested or all trees that are retained shall
30 be marked or sample marked by or under the supervision of a

31 registered professional forester before felling operations begin.
 32 The board shall adopt regulations for sample marking for this
 33 section in Title 14 of the California Code of Regulations. Sample
 34 marking shall be limited to homogenous forest stand conditions
 35 typical of plantations.

36 (7) (A) The registered professional forester submitting the
 37 notice, upon submission of the notice, shall provide a confidential
 38 archaeology letter that includes all the information required by
 39 any of the following provisions that apply to the exemption at
 40 issue:

P7 1 (i) Paragraphs (2) and (7) to (11), inclusive, of subdivision (c)
 2 of Section 929.1 of Title 14 of the California Code of Regulations,
 3 and include site records if required pursuant to subdivision (g) of
 4 that section or pursuant to Section 929.5 of Title 14 of the
 5 California Code of Regulations.

6 (ii) Paragraphs (2) and (7) to (11), inclusive, of subdivision (c)
 7 of Section 949.1 of Title 14 of the California Code of Regulations,
 8 and include site records if required pursuant to subdivision (g) of
 9 that section or pursuant to Section 949.5 of Title 14 of the
 10 California Code of Regulations.

11 (iii) Paragraphs (2) and (7) to (11), inclusive, of subdivision (c)
 12 of Section 969.1 of Title 14 of the California Code of Regulations,
 13 and include site records if required pursuant to subdivision (g) of
 14 that section or pursuant to Section 969.5 of Title 14 of the
 15 California Code of Regulations.

16 (B) The director shall submit a complete copy of the confidential
 17 archaeological letter and two copies of all required archaeological
 18 or historical site records to the appropriate Information Center of
 19 the California Historical Resource Information System within 30
 20 days from the date of notice submittal to the director. Before
 21 submitting the notice to the director, the registered professional
 22 forester shall send a copy of the notice to Native Americans, as
 23 defined in Section 895.1 of Title 14 of the California Code of
 24 Regulations.

25 (8) Only trees less than ~~18~~ 28 inches in stump diameter,
 26 measured at eight inches above ground level, may be removed.
 27 However, within 500 feet of a legally permitted structure, or in an
 28 area prioritized as a shaded fuel break in a community wildfire
 29 protection plan approved by a public fire agency, if the goal of
 30 fuel reduction cannot be achieved by removing trees less than ~~18~~
 31 28 inches in stump diameter, trees less than ~~24~~ 34 inches in stump
 32 diameter may be removed if that removal complies with this section
 33 and is necessary to achieve the goal of fuel reduction. A fuel
 34 reduction effort shall not violate the canopy closure regulations
 35 adopted by the board on June 10, 2004, and as those regulations
 36 may be amended.

37 (9) (A) This subparagraph applies to areas within 500 feet of
 38 a legally permitted structure and in areas prioritized as a shaded
 39 fuel break in a community wildfire protection plan approved by a
 40 public fire agency. The board shall adopt regulations for the
 P8 1 treatment of surface and ladder fuels in the harvest area, including
 2 logging slash and debris, low brush, small trees, and deadwood,
 3 that could promote the spread of wildfire. The regulations adopted
 4 by the board shall be consistent with the standards in the board's
 5 "General Guidelines for Creating Defensible Space" described in
 6 Section 1299 of Title 14 of the California Code of Regulations.

7 Postharvest standards shall include vertical spacing between fuels,
 8 horizontal spacing between fuels, maximum depth of dead ground
 9 surface fuels, and treatment of standing dead fuels, as follows:

10 (i) Ladder and surface fuels shall be spaced to achieve a vertical
 11 clearance distance of eight feet or three times the height of the
 12 postharvest fuels, whichever is the greater distance, measured from
 13 the base of the live crown of the postharvest dominant and
 14 codominant trees to the top of the surface fuels.

15 (ii) Horizontal spacing shall achieve a minimum separation of
 16 two to six times the height of the postharvest fuels, increasing
 17 spacing with increasing slope, measured from the outside branch
 18 edges of the fuels.

19 (iii) Dead surface fuel depth shall be less than nine inches.

20 (iv) Standing dead or dying trees and brush generally shall be
 21 removed. That material, along with live vegetation associated with
 22 the dead vegetation, may be retained for wildlife habitat when
 23 isolated from other vegetation.

24 (B) This subparagraph applies to all areas not described in
 25 subparagraph (A).

26 (i) The postharvest stand shall not contain more than 200 trees
 27 over three inches in diameter per acre.

28 (ii) Vertical spacing shall be achieved by treating dead fuels to
 29 a minimum clearance distance of eight feet measured from the
 30 base of the live crown of the postharvest dominant and codominant
 31 trees to the top of the dead surface fuels.

32 (iii) All logging slash created by the timber operations shall be
 33 treated to achieve a maximum postharvest depth of nine inches
 34 above the ground.

35 (C) The standards required by subparagraphs (A) and (B) shall
 36 be achieved on approximately 80 percent of the treated area. The
 37 treatment shall include chipping, removing, or other methods
 38 necessary to achieve the standards. Ladder and surface fuel
 39 treatments, for any portion of the exemption area where timber
 40 operations have occurred, shall be done within 120 days from the
 P9 1 start of timber operations on that portion of the exemption area or
 2 by April 1 of the year following surface fuel creation on that
 3 portion of the exemption area if the surface fuels are burned.

4 (10) Timber operations shall comply with the requirements of
 5 paragraphs (1) to (10), inclusive, of subdivision (b) of Section
 6 1038 of Title 14 of the California Code of Regulations. Timber
 7 operations in the Lake Tahoe region shall comply instead with the
 8 requirements of paragraphs (1) to (16), inclusive, of subdivision
 9 (f) of Section 1038 of Title 14 of the California Code of
 10 Regulations.

11 (11) After the timber operations are complete, the department
 12 shall conduct an onsite inspection to determine compliance with
 13 this subdivision and whether appropriate enforcement action should
 14 be initiated.



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE	May 7, 2013	DEPARTMENT	Clerk of the Board
ADDITIONAL DEPARTMENTS			
TIME REQUIRED	15 minutes	PERSONS APPEARING BEFORE THE BOARD	Kenneth R. Brown
SUBJECT	Western Counties Alliance Public Land Update		

AGENDA DESCRIPTION:

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

Receive update from Ken Brown of WCA regarding Public Land Issues. Chairman Hunt is sponsoring this item.

RECOMMENDED ACTION:

None. Informational Only.

FISCAL IMPACT:

None.

CONTACT NAME: Shannon Kendall

PHONE/EMAIL: x5533 / skendall@mono.ca.gov

SUBMIT THE ORIGINAL DOCUMENT WITH
ATTACHMENTS TO THE OFFICE OF
THE COUNTY ADMINISTRATOR
PRIOR TO 5:00 P.M. ON THE FRIDAY
32 DAYS PRECEDING THE BOARD MEETING

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

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- [Info on per capita personal income](#)

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History

Time	Who	Approval
4/30/2013 4:14 PM	County Administrative Office	Yes
4/30/2013 1:48 PM	County Counsel	Yes
4/29/2013 8:10 PM	Finance	Yes



Western Counties Alliance

Date: April 11, 2013

To: Honorable Board of Supervisors

From: Western Counties Alliance

My name is Ken Brown. I am the Executive Director for Western Counties Alliance. Western Counties Alliance (WCA) is a non-profit organization established for the purpose of giving western counties greater influence on federal policies in support of well managed multiple use of the public lands and natural resources. Additionally, Western Counties Alliance supports a strong economic development process and a reasonable sensible environmental protection.

I would like to make a brief Public Lands Update at your Board of Supervisors meeting on May 7, 2013. The presentation would be informational only and would require no financial impact from Mono County.



Western Counties Alliance

Agenda

The Western Counties Alliance (WCA) is a non-profit organization established for the purpose of giving western counties greater influence on federal policies in support of well managed multiple use of the public lands and natural resources. Additionally, Western Counties Alliance supports a strong economic development process and a reasonable sensible environmental protection.

1. PILT
2. Secure Rural Schools
3. Geothermal
4. Sage Grouse
5. Wild Horse Burro
6. Public Land Transfer
7. Grazing Fees
8. Other Issues

**U.S. DEPARTMENT OF THE INTERIOR
PAYMENTS IN LIEU OF TAXES - FOR FISCAL YEAR 2012
SECTION 6902 PAYMENTS BY COUNTY**

CALIFORNIA

<u>LOCAL UNIT OF GOVERNMENT</u>	<u>ENTITLEMENT ACRES</u>	<u>PRIOR YEAR PAYMENTS</u>	<u>UNIT POPULATION</u>	<u>CEILING</u>	<u>ALTERNATIVE A</u>	<u>ALTERNATIVE B</u>	<u>EST PAYMENT TO COUNTY</u>
ALAMEDA COUNTY	870	\$0	50,000	\$3,324,500	\$2,149	\$296	\$2,149
ALPINE COUNTY	421,463	\$361,586	1,102	\$183,163	\$0	\$143,297	\$143,297
AMADOR COUNTY	87,412	\$237,925	38,000	\$2,928,280	\$0	\$29,720	\$29,720
BUTTE COUNTY	152,259	\$317,392	50,000	\$3,324,500	\$58,688	\$51,768	\$58,688
CALAVERAS COUNTY	140,289	\$148,112	45,000	\$3,195,450	\$198,402	\$47,698	\$198,402
COLUSA COUNTY	104,594	\$80,895	22,000	\$1,961,520	\$177,452	\$35,562	\$177,452
CONTRA COSTA COUNTY	2,285	\$0	50,000	\$3,324,500	\$5,644	\$777	\$5,644
COUNTY OF SAN DIEGO	490,830	\$104,890	50,000	\$3,324,500	\$1,107,460	\$166,882	\$1,107,460
DEL NORTE COUNTY	470,670	\$950,504	29,000	\$2,410,770	\$212,051	\$160,028	\$212,051
EL DORADO COUNTY	538,057	\$1,508,991	50,000	\$3,324,500	\$0	\$182,939	\$182,939
FRESNO COUNTY	1,524,212	\$1,037,297	50,000	\$3,324,500	\$2,287,203	\$518,232	\$2,287,203
GLENN COUNTY	217,973	\$254,713	28,000	\$2,369,640	\$283,680	\$74,111	\$283,680
HUMBOLDT COUNTY	495,159	\$787,797	50,000	\$3,324,500	\$435,246	\$168,354	\$435,246
IMPERIAL COUNTY	1,383,997	\$29,792	50,000	\$3,324,500	\$3,294,708	\$470,559	\$3,294,708
INYO COUNTY	5,504,456	\$348,219	18,000	\$1,713,600	\$1,365,381	\$1,713,600	\$1,713,600
KERN COUNTY	1,081,968	\$171,064	50,000	\$3,324,500	\$2,501,397	\$367,869	\$2,501,397
KINGS COUNTY	9,029	\$1,139	50,000	\$3,324,500	\$21,163	\$3,070	\$21,163
LAKE COUNTY	383,349	\$937,891	50,000	\$3,324,500	\$8,981	\$130,339	\$130,339
LASSEN COUNTY	1,649,942	\$1,461,648	34,000	\$2,722,720	\$1,261,072	\$560,980	\$1,261,072
LOS ANGELES COUNTY	709,179	\$551,696	50,000	\$3,324,500	\$1,199,976	\$241,121	\$1,199,976
MADERA COUNTY	506,338	\$416,368	50,000	\$3,324,500	\$834,287	\$172,155	\$834,287
MARIN COUNTY	78,713	\$0	50,000	\$3,324,500	\$194,421	\$26,762	\$194,421
MARIPOSA COUNTY	517,397	\$236,154	18,000	\$1,713,600	\$1,041,817	\$175,915	\$1,041,817
MENDOCINO COUNTY	303,306	\$259,380	50,000	\$3,324,500	\$489,786	\$103,124	\$489,786
MERCED COUNTY	35,536	\$433	50,000	\$3,324,500	\$87,341	\$12,082	\$87,341
MODOC COUNTY	1,734,159	\$1,251,746	10,000	\$1,163,200	\$0	\$589,614	\$589,614
MONO COUNTY	1,761,176	\$283,162	14,000	\$1,438,500	\$1,155,338	\$598,800	\$1,155,338
MONTEREY COUNTY	343,637	\$13,872	50,000	\$3,324,500	\$834,911	\$116,837	\$834,911
NAPA COUNTY	60,327	\$363	50,000	\$3,324,500	\$148,645	\$20,511	\$148,645
NEVADA COUNTY	205,364	\$287,805	50,000	\$3,324,500	\$219,444	\$69,824	\$219,444
ORANGE COUNTY	59,812	\$20,361	50,000	\$3,324,500	\$127,375	\$20,336	\$127,375
PLACER COUNTY	386,562	\$583,908	50,000	\$3,324,500	\$370,900	\$131,431	\$370,900
PLUMAS COUNTY	1,172,003	\$2,710,450	20,000	\$1,844,200	\$0	\$398,481	\$398,481
RIVERSIDE COUNTY	2,397,320	\$96,971	50,000	\$3,324,500	\$3,227,529	\$815,089	\$3,227,529
SACRAMENTO COUNTY	9,621	\$0	50,000	\$3,324,500	\$23,764	\$3,271	\$23,764
SAN BENITO COUNTY	102,895	\$4,508	50,000	\$3,324,500	\$249,643	\$34,984	\$249,643
SAN BERNARDINO COUNTY	8,405,181	\$163,076	50,000	\$3,324,500	\$3,161,424	\$2,857,762	\$3,161,424

**U.S. DEPARTMENT OF THE INTERIOR
PAYMENTS IN LIEU OF TAXES - FOR FISCAL YEAR 2012
SECTION 6902 PAYMENTS BY COUNTY**

CALIFORNIA

<u>LOCAL UNIT OF OF GOVERNMENT</u>	<u>ENTITLEMENT ACRES</u>	<u>PRIOR YEAR PAYMENTS</u>	<u>UNIT POPULATION</u>	<u>CEILING</u>	<u>ALTERNATIVE A</u>	<u>ALTERNATIVE B</u>	<u>EST PAYMENT TO COUNTY</u>
SAN FRANCISCO	2,364	\$0	50,000	\$3,324,500	\$5,839	\$804	\$5,839
SAN JOAQUIN COUNTY	2,178	\$0	50,000	\$3,324,500	\$5,380	\$741	\$5,380
SAN LUIS OBISPO COUNTY	438,959	\$13,238	50,000	\$3,324,500	\$1,070,991	\$149,246	\$1,070,991
SAN MATEO COUNTY	2,349	\$0	50,000	\$3,324,500	\$5,802	\$799	\$5,802
SANTA BARBARA COUNTY	716,243	\$28,049	50,000	\$3,324,500	\$1,741,071	\$243,523	\$1,741,071
SANTA CLARA COUNTY	1,811	\$0	50,000	\$3,324,500	\$4,473	\$616	\$4,473
SANTA CRUZ COUNTY	12	\$0	50,000	\$3,324,500	\$30	\$4	\$30
SHASTA COUNTY	997,509	\$1,499,322	50,000	\$3,324,500	\$964,525	\$339,153	\$964,525
SIERRA COUNTY	454,221	\$641,258	3,113	\$517,412	\$0	\$154,435	\$154,435
SISKIYOU COUNTY	2,557,278	\$3,483,733	45,000	\$3,195,450	\$0	\$869,475	\$869,475
SOLANO COUNTY	5,758	\$0	50,000	\$3,324,500	\$14,222	\$1,958	\$14,222
SONOMA COUNTY	21,475	\$771,062	50,000	\$3,324,500	\$0	\$7,302	\$7,302
STANISLAUS COUNTY	3,284	\$8	50,000	\$3,324,500	\$8,103	\$1,117	\$8,103
SUTTER COUNTY	2	\$0	50,000	\$3,324,500	\$5	\$1	\$5
TEHAMA COUNTY	448,233	\$864,891	50,000	\$3,324,500	\$242,245	\$152,399	\$242,245
TRINITY COUNTY	1,538,004	\$2,653,394	14,000	\$1,438,500	\$0	\$522,921	\$522,921
TULARE COUNTY	1,533,603	\$407,244	50,000	\$3,324,500	\$2,917,256	\$521,425	\$2,917,256
TUOLUMNE COUNTY	1,091,965	\$924,927	50,000	\$3,324,500	\$1,772,227	\$371,268	\$1,772,227
VENTURA COUNTY	578,526	\$25,124	50,000	\$3,324,500	\$1,403,835	\$196,699	\$1,403,835
YOLO COUNTY	31,263	\$77	50,000	\$3,324,500	\$77,143	\$10,629	\$77,143
YUBA COUNTY	47,428	\$103,646	50,000	\$3,324,500	\$13,501	\$16,126	\$16,126
TOTAL	43,919,805	\$27,036,081			\$36,833,926	\$14,774,821	\$40,204,312



Western Counties Alliance

SECURE RURAL SCHOOLS

COUNTY PAYMENTS FOR FY2008-2011 & PROJECTED FY2012 PAYMENT

CALIFORNIA

COUNTY	FY2008	FY2009	FY2010	FY2011	PROJECTED FY2012	TOTAL
BUTTE	832,565	749,308	675,302	536,109	502,736	3,296,020
**INYO	431,855	441,333	448,138	463,222	263,623	2,048,171
**MONO	482,239	497,593	505,152	523,258	303,064	2,311,306
**SAN BERNADINO	312,752	320,139	317,916	333,496	185,918	1,470,221

**25% 7-YEAR ROLLING AVERAGE PAYMENT

Information on how Bureau of Economic Analysis determines local area personal income. The following text is from an April 25, 2012 news release from BEA:

http://www.bea.gov/newsreleases/regional/lapi/lapi_newsrelease.htm

Personal income is the income received by all persons from all sources. Personal income is the sum of net earnings by place of residence, rental income of persons, personal dividend income, personal interest income, and personal current transfer receipts. Net earnings is earnings by place of work (the sum of wage and salary disbursements, supplements to wages and salaries, and proprietors' income) less contributions for government social insurance, plus an adjustment to convert earnings by place of work to a place-of-residence basis. Personal income is measured before the deduction of personal income taxes and other personal taxes and is reported in current dollars (no adjustment is made for price changes).

The estimate of personal income in the United States is derived as the sum of the county estimates; it differs slightly from the estimate of personal income in the national income and product accounts (NIPAs) because of differences in coverage, in the methodologies used to prepare the estimates, and in the timing of the availability of source data.

Per capita personal income is calculated as the personal income of the residents of a given area divided by the resident population of the area. In computing per capita personal income, BEA uses the Census Bureau's annual midyear population estimates.

The BEA web site also lists the following contacts at BEA: Jeffrey L. Newman (202) 606-9265 and Michael Paris (202) 606-9267 and an email address, reis@bea.gov



Western Counties Alliance

Geothermal Disbursements to Counties per Energy Policy Act of 2005

State	County	2010	2011	2012
California	Imperial County	\$65,750.81	\$39,377.20	\$16,657.36
	Inyo County	\$178,786.72	\$147,979.11	\$168,266.86
	Lake County	\$843,695.13	\$800,270.77	\$760,858.32
	Lassen County	\$13,302.63	\$12,231.70	\$14,229.55
	Mendocino County	\$750.00	\$750.00	\$750.00
	Mono County	\$33,369.06	\$34,256.68	\$23,512.05
	Siskiyou County	\$51,807.50	\$64,418.00	\$30,561.25
	Sonoma County	\$1,189,395.42	\$1,108,974.78	\$1,009,786.30
	California Total		\$2,376,857.27	\$2,208,258.24
Idaho	Bingham County	\$33.41	\$133.64	\$33.41
	Blaine County	\$0.00	\$404.50	\$404.40
	Bonneville County	\$40.09	\$160.36	\$40.09
	Camas County	\$0.00	\$305.50	\$305.50
	Canyon County	\$0.00	\$0.00	\$1,274.17
	Caribou County	\$425.75	\$750.50	\$425.75
	Cassia County	\$11,880.75	\$12,640.75	\$12,450.75
	Payette County	\$0.00	\$0.00	\$42,269.32
	Washington County	\$11,899.00	\$10,340.50	\$10,068.00
Idaho Total		\$24,279.00	\$24,735.75	\$67,271.49
Nevada	Churchill County	\$2,413,536.58	\$879,577.55	\$929,545.19
	Elko County	\$73,471.59	\$41,644.61	\$30,004.86
	Esmeralda County	\$380,625.38	\$73,612.30	\$58,738.15
	Eureka County	\$12,968.64	\$16,863.14	\$14,251.34
	Humboldt County	\$159,964.36	\$76,443.04	\$72,421.77
	Lander County	\$148,106.04	\$71,646.19	\$70,723.46
	Lyon County	\$3,903.20	\$6,626.15	\$8,249.00
	Mineral County	\$110,318.93	\$64,330.92	\$33,249.02
	Nye County	\$140,913.17	\$48,307.70	\$6,705.70
	Pershing County	\$545,197.39	\$117,130.93	\$93,006.31
	Washoe County	\$31,890.77	\$28,026.27	\$23,768.00
White Pine County	\$74,196.50	\$26,023.50	\$8,962.50	
Nevada Total		\$4,095,092.55	\$1,450,232.30	\$1,349,625.30
New Mexico	Dona Ana County	\$140.00	\$160.93	\$1,442.30
	Hidalgo County	\$1,410.54	\$7,037.75	\$4,669.82
	New Mexico Total	\$1,550.54	\$7,198.68	\$6,112.12
Oregon	Deschutes County	\$44,807.72	\$41,652.25	\$39,725.25
	Hood River County	\$0.00	\$2,028.00	\$2,028.00
	Lake County	\$31,673.75	\$31,674.27	\$31,673.73
	Oregon Total	\$76,481.47	\$75,354.52	\$73,426.98
Utah	Beaver County	\$106,143.36	\$79,443.10	\$77,219.88
	Iron County	\$19,416.00	\$1,267.50	\$1,267.50
	Juab County	\$87,976.50	\$37,913.74	\$74,910.35
	Millard County	\$61,250.87	\$44,269.11	\$39,348.35
	Utah Total	\$274,786.73	\$162,893.45	\$192,746.08

U.S. DEPARTMENT OF THE INTERIOR **BUREAU OF LAND MANAGEMENT**

National Wild Horse and Burro Advisory Board Member List (Updated April 5, 2013)

<p>Wild Horse and Burro Advocacy Ms. June Sewing Executive Director National Mustang Association P.O. Box 1367 Cedar City, UT 84720 mustangs@infowest.com Term expires: 1/27/2015</p>	<p>Public Interest Ms. Callie Hendrickson P.O. Box 837 Meeker, CO 81641 callie.whbab@gmail.com Term expires: 1/27/2015</p>
<p>Public Interest Ms. Julie Gleason 7100 W. Smoke Ranch Road #100 Las Vegas, NV 89128 rubyredhorse@gmail.com Term expires: 3/28/2014</p>	<p>Wild Horse and Burro Research Dr. Robert E. Bray 726 Eagle Street Woodstock, VA 22664 rebray@csupomona.edu Term expires: 3/28/2014</p>
<p>Humane Advocacy Mr. Timothy J. Harvey 56 Beebe River Road Campton, NH 03223 timotico@gmail.com Term expires: 3/08/2013</p>	<p>Livestock Management Mr. John Falen P.O. Box 132 Orovada, NV 89425 jlfalen@gmail.com Term expires: 03/11/2016</p>
<p>Natural Resources Management Mr. James Dale Stephenson Yakama Nation Wildlife, Range Vegetation Management Program P.O. Box 151 Toppenish, WA jstephen@yakama.com Term expires: 3/28/2014</p>	<p>Wildlife Management Mr. Rick E. Danvir 4251 Donegal Casper, WY 82609 rdanvir@ari-slc.com Term expires: 03/11/2016</p>
<p>Veterinary Medicine Dr. Boyd Spratling Starr Valley Route P.O. Box 27 Deeth, NV 89823 bspratling75@gmail.com Term expires: 01/27/2015</p>	

Biographies: [Click here to download biographies of advisory board members.](#)

TOPICS

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Advisory Board
Board Members
Meetings



U.S. Department of the Interior
Bureau of Land Management

Social Media



Livestream of WH&B Advisory Board
March 4 & 5

Wild Horse and Burro Advisory Board

Member Biographies

Mr. H. Paul Durbin – Chandler, Arizona

H. Paul Durbin, the Wildlife Management appointee, is a retired financial professional and member of the Arizona Desert Bighorn Sheep Society, Rocky Mountain Elk Foundation, the Nevada Bighorns Unlimited, the Wild Sheep Foundation and the Arizona Elk Society. Mr. Durbin earned his BS Degree in Finance and Accounting from the University of Colorado in 1968. He now lives in Chandler, Arizona, and is a lifelong hunter, angler, and outdoorsman who can appreciate the legacy and importance of the public lands. His experience as a Certified Public Accountant has given him a unique perspective on collaboration and issue resolution. Mr. Durbin brings a citizen's view point on wildlife management to the Board. Mr. Durbin was appointed on March 8, 2010.

Mr. Timothy J. Harvey – Campton, New Hampshire

Timothy J. Harvey, the Humane Advocacy appointee, lives in Campton, New Hampshire, and is the owner of Merry-Go-Round Pens, LLC, Western Safety Stirrups, LLC, and The Journey Horses Farm. Mr. Harvey has been a horse professional and experienced trainer for the past 20 years. He is also an established clinician and organizes training seminars and clinics for several top trainers. His specialties include colt starting and foundation training based on natural horsemanship and traditional vaquero type training. He is an innovator and operated a therapeutic riding program centered on fostering emotional well-being, primarily for abuse victims and people with anger management issues. His participation in the Chincoteague Island Wild Pony roundup from 1994 through 2006 gave him insight into wild horse issues. He took great care in implementing humane conditions for Chincoteague Ponies. Mr. Harvey was appointed on March 8, 2010.

Mr. Gary Zakotnik – Eden, Wyoming

Gary Zakotnik, the livestock appointee, is a rancher who lives in Eden, Wyoming. Mr. Zakotnik, who holds a Bachelor of Science degree in animal science from the University of Wyoming, owns a cattle operation in western Wyoming and has permits with the BLM in allotments that include wild horses. He has on-the-ground experience working with BLM allotment management plans, forage allocation, and rangeland monitoring to protect the land's resources. Mr. Zakotnik represents the voice of the producers across the west. He works hard to make sure that a fair and representative voice is put forth regarding the resources and management issues that many areas of the west are facing. Mr. Zakotnik was re-appointed on March 8, 2010.



Dr. Robert E. Bray – Woodstock, Virginia

Dr. Robert Bray, the research appointee, is Professor Emeritus of Animal and Veterinary Sciences at California State Polytechnic University, Pomona. Dr. Bray, who lives in Woodstock, Virginia, conducted research and outreach/extension education programs with the Montgomery Wild Mustang herd for 15 years while a professor in California. He provided a series of lectures on wild horse management as part of an introductory horse science course. He has 46 years of experience with horses, including management of three horse farms, as well as the owning, breeding, and showing of horses. While serving as a faculty member at California State Polytechnic University, Dr. Bray served in a three-way appointment, giving leadership to the outreach/extension program, teaching equine undergraduate classes, and conducting Equine research. He achieved success and respect from both the equine industry and his academic peers in all three areas. His work on the health and nutrition of wild horses is widely recognized and cited in scientific literature. Dr. Bray was appointed on March 28, 2011.

Mr. James Stephenson – Yakima, Washington

James Stephenson, the natural resource appointee, has been a big game biologist with the Yakima Nation in south-central Washington State for the past eight years. Mr. Stephenson received his BA in Zoology in 1965, and his MS in Wildlife Management in 1970 from Oregon State University. During his professional career he has worked on research and management of salmonids, endangered species, non-game species, wetlands, waterfowl, rare plants, big game, cattle grazing and management and research on wild horses. Mr. Stephenson is now responsible for overseeing the reservation's wild horse herd. In that capacity, he wrote a comprehensive plan for wild horse management on the reservation. Mr. Stephenson was raised in eastern Oregon, where he grew up working on cattle and sheep ranches and participating in wild horse roundups in the Alvord Desert and Harney County. Mr. Stephenson was appointed on March 28, 2011.

Ms. Julie Gleason – Las Vegas, Nevada

Julie Gleason, the general public appointee, lives in Las Vegas, Nevada and received her BS in Business Finance from the University of Nevada, Las Vegas. She also spent two semesters at Cal Poly Pomona participating on their horse show team and taking equine science classes in order to further her understanding of equine behavior. Ms. Gleason has served as wild horse and burro representative to the Resource Advisory Council (RAC) for the Mojave Southern Great Basin for the past five years. During that time, she worked with BLM's Las Vegas Field Office to secure funding for the development of a virtual adoption program, Mustang Makeover events, and trainer incentive programs. A lifetime horse person, Ms. Gleason served on the State of Nevada Commission for the Preservation of Wild Horses. During her time as a commissioner, the Mustang Heritage Foundation was formed. While with the commission she helped develop the Wild Horse Inmate Training facility in Carson City, Nevada. A native Nevadan, she developed an interest in wild horses and burros as a youth. Ms. Gleason has adopted and fostered several mustangs and currently has three which she rides. Ms. Gleason was appointed on March 28, 2011.

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**U.S. Department of the Interior
Bureau of Land Management
Wild Horse and Burro Program**

Ms. Callie Hendrickson – Grand Junction, Colorado

Callie Hendrickson, the general public appointee, is Executive Director, White River and Douglas Creek Conservation Districts based out of Meeker, Colorado. Ms. Hendrickson received her Associate of Applied Science degree in Horse Training and Management from Lamar Community College and her BBA in Marketing and Office Administration from Mesa State College in Grand Junction, CO. Her experience with raising, training, and showing horses gives her insight into equine care and management. Ms. Hendrickson has extensive experience in addressing public rangeland health concerns through her current position as well as past Executive Director of the Colorado Association of Conservation Districts. Her career is focused on natural resource policy development and education. She has significant expertise and experience with animal husbandry, natural resources, and working with people of diverse backgrounds. She has worked to improve natural resource conservation in Colorado through developing working partnerships. Ms. Hendrickson was appointed January 27, 2012.

Ms. June Sewing – Cedar City, Utah

June Sewing, from Cedar City, Utah, is the wild horse advocate appointee. Ms. Sewing is the Executive Director and Secretary for the National Mustang Association (NMA), for which she has worked since 1985. She worked along with her late husband, Richard Sewing, on the NMA for many years. Her current responsibilities include management of the association's wild horse sanctuary. Ms. Sewing has also served as the president of various charitable organizations, as trustee on the Cedar City hospital board for 20 years, and on a local committee dealing with the endangered Utah prairie dog. Ms. Sewing has received a Citizen Volunteer award from the Cedar City Chamber of Commerce, Board of Realtors, and Southern Utah University. Her reputation for being a hard worker and someone who gets the job done is a strong asset. Ms. Sewing has demonstrated good decision making in her activities with other organizations and has valuable on the ground familiarity with wild horses and wild horse issues through the NMA Sanctuary. Ms. Sewing was appointed January 27, 2012.

Dr. Boyd Spratling – Deeth, Nevada

Dr. Boyd Spratling, the veterinary medicine appointee, is actively engaged in the practice of large animal veterinary medicine in Elko County, Nevada, where he has lived since 1963. He has been involved in the practice of veterinary medicine since he graduated from Washington State University in 1975. He has extensive experience in equine veterinary practice including the management of large groups of horses on western rangelands. He has been very helpful including "hands-on" assistance with wild horse and burro health issues, both on and off the range, as well as providing background on issues related to fertility control and sterilization of the stallions. Dr. Spratling has twice served as President of the Nevada Veterinary Medical Association; he also serves on the Board of the Nevada Department of Agriculture. He is a highly respected large animal veterinarian in the West and is known for being an excellent listener who knows how to work well under contentious circumstances. Dr. Spratling was reappointed January 27, 2012.

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**U.S. Department of the Interior
Bureau of Land Management
Wild Horse and Burro Program**



BLM NEWS RELEASE

U.S. Department of the Interior • Bureau of Land Management • Washington, D.C., Office • 1849 C Street N.W. • Washington, D.C.

Bureau of Land Management
For immediate release: Wednesday, March 27, 2013

Contact: Tom Gorey
(202-912-7420)

BLM Announces Three Selections for National Wild Horse and Burro Advisory Board

The Bureau of Land Management announced today that the Secretaries of Interior and Agriculture have made selections for three positions on its National Wild Horse and Burro Advisory Board. Timothy J. Harvey of Campton, New Hampshire, has been re-appointed for the position representing Humane Advocacy; Rick Danvir of Evanston, Wyoming, has been appointed for the category of Wildlife Management; and John Falen of Orovada, Nevada, has been appointed for the position representing Livestock Management. Each individual will serve a three-year term on the Advisory Board.

Mr. Harvey, owner of the Merry-Go-Round Pens, LLC, Western Safety Stirrups, LLC, and Journey Horses Farm, has been a horse professional and experienced trainer for the past 20 years. An established clinician who organizes training seminars and clinics with several top trainers, Mr. Harvey specializes in colt starting and foundation training based on natural horsemanship and traditional vaquero (cowboy) training methods. Mr. Harvey is an innovator who has also operated a therapeutic riding program centered on fostering the emotional well-being of victims of abuse and people with anger-management issues.

Mr. Danvir is a professional wildlife biologist with a Bachelor of Science degree from Utah State University in Wildlife and an Associate of Applied Science degree in Fisheries and Wildlife Technology from State University of New York. Currently working with the Deseret Land and Livestock ranch – a northern Utah operation known for its multiple-use management of wildlife and domestic livestock – Mr. Danvir is Wildlife Manager for Deseret Western Ranches. Mr. Danvir is affiliated with several wildlife-related organizations, including the Utah Wildlife Board, the Cooperative Wildlife Management Unit Association, the Utah Foundation for Quality Resource Management, the Society for Range Management, the Center for Holistic Resource Management, and the Nature Conservancy.

Mr. Falen, a graduate of the University of Idaho with a Bachelor of Science degree in Animal Husbandry, is a longtime advocate of responsible wild horse management and has spent years dealing with wild horse issues, both on and off the range. He has 20 years' experience serving on numerous boards and committees regarding wild horse management, including the Mustang Heritage Foundation (MHF) and the Public Lands Council's Wild Horse and Burro Committee. A respected leader in the livestock community at both the state and national levels, Mr. Falen is Past President of the Public Lands Council and serves on the Board of Directors for the National Cattlemen's Beef Association. (Mr. Falen, a member of the MHF Board of Trustees, will recuse himself from issues concerning MHF, which is a BLM partner in promoting public adoptions of wild horses and burros.)

The nine-member National Wild Horse and Burro Advisory Board advises the BLM, an agency of the Interior Department, and the U.S. Forest Service, part of the Agriculture Department, on the management, protection, and control of wild free-roaming horses and burros on public lands and national forests administered by those agencies, as mandated by the 1971 Wild Free-Roaming Horses and Burros Act.

Members of the board, who represent various categories of interests, must have a demonstrated ability to analyze information, evaluate programs, identify problems, work collaboratively, and develop corrective actions.

The BLM manages more than 245 million acres of public land, the most of any Federal agency. This land, known as the National System of Public Lands, is primarily located in 12 Western states, including Alaska. The BLM also administers 700 million acres of sub-surface mineral estate throughout the nation. In Fiscal Year 2011, recreational and other activities on BLM-managed land contributed more than \$130 billion to the U.S. economy and supported more than 600,000 American jobs. The Bureau is also one of a handful of agencies that collects more revenue than it spends. The BLM's multiple-use mission is to sustain the health and productivity of the public lands for the use and enjoyment of present and future generations. The Bureau accomplishes this by managing such activities as outdoor recreation, livestock grazing, mineral development, and energy production, and by conserving natural, historical, cultural, and other resources on public lands.

–BLM–



Western Counties Alliance

The Western Counties Alliance (WCA) is a non-profit organization established for the purpose of giving western counties greater influence on federal policies in support of well managed multiple use of the public lands and natural resources. Additionally, Western Counties Alliance supports a strong economic development process and a reasonable sensible environmental protection.

Currently, there are public land laws and policies which treat public land states and counties as though they are second tier to the interests of their non-public land peers. Western Counties Alliance seeks to redress these inequities.

There is no more glaring inequity than the lack of tax base caused by the large holdings of tax exempt property owned by the federal government particularly in the west. Efforts to help ease these burdens can be achieved with the continuation of payments-in-lieu-of taxes (PILT) full funding on a permanent basis. Should the funding fail to continue the federal government should support the federal land to fall under the jurisdiction of states coupled with county government.



Western Counties Alliance

R.S. 2477

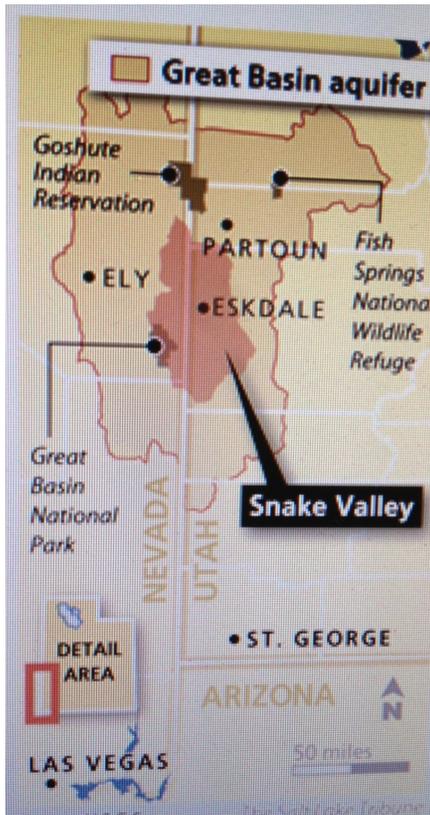
1. Revised Statute 2477 provided the Right-Of-Way for the construction of highways over public lands, not reserved for public uses, is hereby granted. Reserved areas are National Parks, Monuments, Wildlife Refuges, Indian Reservations and Military Installations. When the various forests were created in the early 1900's then those lands were classified as reserved.
2. R.S. 2477 was put into law by the congress on July 26, 1866 as part of the mining law. A primary purpose for 2477 was to help develop the west. R.S. 2477 is an access issue. Without access multiple use of public land would have been curtailed in the early days as well as today.
3. R.S. 2477 remained in effect for 110 years. Most of the transportation routes were established under its authority.
4. The R.S. 2477 grant was not a grant of land, but as a grant of an interest in land or a property right.
5. When the Federal Land Policy Management Act (FLPMA) was put into law by the congress on October 21, 1976, R.S. 2477 was repealed. Roads prior to 1976 were grandfathered in. Roads after 1976 required a permit.
6. In 2005, the 10th Circuit Court of Appeals rendered a very favorable decision relating to R.S. 2477. One of the best ways to resolved 2477 is to have the congress pass a law which would codify the ingredients of the 10th Circuit decision.



Western Counties Alliance

R.S. 2477 Rights-Of-Way Recognition Act

1. An R.S. 2477 Road is a valid public right-of-way providing that it appears on an official federal, state or local map published prior to October 21, 1976.
2. An R.S. 2477 right-of-way is valid for all routes across unreserved public land where a right of public travel was timely established under state law.
3. R.S. 2477 does not prevent a road initially constructed by the federal government from becoming an R.S. 2477 right-of-way.
4. R.S. 2477 does not require that roads lead to a definite destination in order to qualify as an R.S. 2477 road.
5. The R.S. 2477 term “public land not reserved for public uses” includes land subject to coal or other subsurface mineral or energy withdrawals.
6. State and local governments need not consult with or obtain permission from any federal agency prior to performing routine maintenance and repair on an R.S. 2477 roads, but must consult with the appropriate federal agency before performing road improvement projects.



Herbert rejects Snake Valley water pact with Nevada

Governor Gary Herbert on Wednesday announced he is rejecting a controversial deal that would have shared with Nevada rights to water in an aquifer beneath Snake Valley, sending some 21 billion gallons of water annually to Utah's western neighbor. "My decision was made as I visited with the good people who live in western Utah — those most affected by the outcomes," Herbert said. "I have also visited with local officials and county commissioners, even as recently as yesterday. A majority of local residents do not support the agreement with Nevada. Therefore, I cannot in good conscience sign the agreement because I won't impose a solution on those most impacted that they themselves cannot support." "I appreciate all who have engaged in good faith in this effort, particularly the state of Nevada, to find a mutually agreeable solution," he said. "The fact that I will not sign this agreement does not change our water priorities as a state. We will continue to do everything we can to protect Utah's water, protect individual water rights, and protect Utah's environment and way of life."

Late Wednesday afternoon in a prepared statement, the Southern Nevada Water Authority said it would evaluate its options in the wake of Herbert's decision. "We are disappointed that Governor Herbert has unilaterally chosen not to comply with a congressional directive to both his state and Nevada," it reads in part. "The negotiating team — which included Utah representatives that reflected the interests of both state and local stakeholders — invested three years in determining the most equitable way to divide Snake Valley's groundwater resources in a manner that provided the maximum level of protection for Utah's water users and environment while allowing Nevada to draw upon a water supply that originates within its own borders."

Millard County commissioners, environmental groups and some area water users — including the LDS Church — opposed the agreement, fearing a replay of the devastation Los Angeles visited upon California's Owens Valley in the 1920s. The export of any water could disrupt Snake Valley's hydrology and put its productive wetlands and ranches into a death spiral, they contended. Also of note, Snake Valley last year experienced its worst-on-record year of drought. "We have to give the governor all the credit in the world," said Millard County Commissioner Daron Smith. "He had a lot of people giving him advice. We know it was an extremely tough decision for him." Ranchers in Snake Valley and others throughout the area "appreciate him coming down here and visiting with us," Smith said. "We didn't think this was a good agreement. Nobody believes there is extra water out there." The agreement would divide the valley's water resources equally between the two states, annually allotting 66,000 acre-feet of water — more than 21 billion gallons — to each state. But many had felt that was unfair because Utah historically has been allocated more because most of the valley's arable land is on the Utah side of the state line.

The SNWA is a public agency hoping to secure and develop water rights in Snake Valley and four nearby valleys. This water would be sent to Las Vegas through a multibillion-dollar 285-mile pipeline the water authority plans to build.

Directed by Congress to work out a deal over Snake Valley water, Nevada and Utah hammered out a draft agreement almost four years ago, and it had been awaiting Herbert's signature almost since the day he took office. The agreement notes that 132,000 acre-feet can be extracted each year, but several observers believe that number is a political fiction and the actual water available could be far less. (An acre-foot, or 326,000 gallons, can support two to four homes' annual water use.) Utah's environmental community has been sharply critical of the agreement, saying it could dry up Snake Valley and send dust into the Wasatch Front, adding to its air pollution.

Rupert Steele, former chairman of the Confederated Tribes of the Goshute Indians, said he urged Herbert not to sign the agreement at community meetings last month. "The Goshute tribe was against the agreement because the [water-availability] study did not include the reservation," said Steele, who sat on the Snake Valley Water Advisory Board when he was chairman of the 566-member tribe. "Politically, they left us out because they didn't want to deal with us." He was not comfortable with the mitigation and monitoring plan because the impacts would be seen too late. "The effect isn't going to be felt until 10 years after the water is lowered," Steele said, noting that the tribe would have been left to fight the agreement alone.

Last month, in meeting with Snake Valley residents at meetings in EskDale and Partoun, Herbert and his advisers had said that without the accord, the administration feared SNWA would be free to apply for the valley's water rights and develop them without regard to Utah's interests. Officials noted the agreement obligates the water authority to wait 10 years before applying for the valley's water rights and requires both states to monitor groundwater discharge during this period from numerous springs and test wells. Callao rancher Cecil Garland praised Herbert for listening to those most affected despite pressure to sign the agreement. He called Herbert's decision "heroic." "I was elated to hear it," said Garland, who's relied on a combination of three irrigation wells in his 40 years of raising cattle and the hay to feed them in the Northern Snake Valley. "You can't have much of a farming and ranching operation without water," he said. "I feel strongly — 100 percent strongly — that we were about to lose our water."

By Christopher Smart, Judy Fahys
and Brian Maffly
The Salt Lake Tribune
Published: April 4, 2013 10:35AM

Judge rules largely in favor of Utah on rural roads dispute

Kane County and state hail ruling by federal judge in long-running dispute



Then-Kane County Commissioner Mark Habbeshaw at the intersection of Johnson Canyon Road and Skutumpah Road in the Grand Staircase National Monument in 2005, where the BLM and Kane County had placed conflicting signs. Kane County's sign, left, indicates OHV/ATV access, which the BLM disputes.

By Brooke Adams--The Salt Lake Tribune (First Published Mar 21 2013 06:13 pm)

A federal judge handed a landmark victory to Kane County and the state of Utah on Wednesday in a years-long dispute with the federal government over whether some rural routes should remain in use as roads, or if they should be closed to the public. In two decisions, U.S. District Judge Clark Waddoups found he had jurisdiction to hear Kane County's claim, gave parameters for "reasonable" right-of-way widths on some routes and determined that 12 of 15 routes in dispute were roads and therefore accessible by the public.

The distinction hinged on an 1866 law through which Congress sought to encourage development by allowing local jurisdictions to manage routes across public lands; the law was repealed in 1976 by Revised Statute 2477.

With the revision, Congress retained most remaining public lands and created the Bureau of Land Management. Pre-existing claims, however, were grandfathered in and considered valid as long as entities moved to claim them within a 12-year time frame. Waddoups determined that Kane County did so.

Kane County Commission Chairman Doug Heaton said Thursday the ruling vindicates the county in its fight to continue to travel what he described as historic thoroughfares. "We're confident the judge took great pains to get it right," he said. "We're excited the court has ruled in our favor."

Utah Gov. Gary Herbert and Attorney General John Swallow also hailed the decision, which Swallow said shows "these historic public roads have and will continue to belong to the people of Utah." Swallow said the federal government's refusal to recognize the routes as state and county roads had "damaged the economy and put motorists at risk" by impeding routine maintenance.

Melodie Rydalch, spokeswoman for the U.S. Attorney's Office, said the office was reviewing the decision and would not have further comment.

Heaton said the roads in question were in use for at least 10 years before 1976, and in some cases date back to the late 1800s. Kane County is made up of 65 percent federal land, Heaton said. "In order to access the public resources on these lands, you have to travel these roads." The legal battle was a "significant burden" financially, he said. "This is a tremendous vindication. We are simply reasserting the public's rights to travel these roads."

Of the 12 routes deemed roads, four are in the Grand Staircase-Escalante National Monument. The rest are on land managed by the Bureau of Land Management's Kanab office. Waddoups traveled all of the disputed routes with attorneys in the case over two days in December 2010. He presided over a trial in the case in August 2011 and took additional testimony in January 2012. Waddoups heard from county workers and local residents about how each route was used prior to 1976 and then how most were maintained later by the county. Waddoups noted, for example, that Upper Mill Creek was used prior to 1976 for "the apparent purposes of gathering firewood, cutting cedar posts, hunting and scouting for deer, gathering pine nuts, and general sightseeing."

One Kane County rancher recounted local lore of how John D. Lee cut timber and operated a saw mill in the area in the late 1800s, which led to the route's name. Similar uses were declared for most of the other disputed routes. The state and 22 of Utah's 29 counties have filed more than 20 lawsuits laying claim to more than 12,000 rights-of-way on public land.

"This tsunami of litigation threatens several national parks and monuments as well as iconic Utah wilderness landscapes," said Steve Bloch, litigation director for the Southern Utah Wilderness Alliance in an email. SUWA had filed an amicus brief in the case that focused primarily on whether Kane County asserted its claims in a timely manner. An appeal of the decision is likely, said David Garbett, SUWA attorney. Garbett said Utah and the counties were relying on RS 2477 to claim "dirt trails, cow paths and roads to nowhere as highways." "While undoubtedly some of these claims do encompass well-used and traveled and vital roads, those are roads no one is fighting over," Garbett said, but others are indistinct paths and meandering washes in critical wilderness quality lands.



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

REGULAR AGENDA REQUEST

Print

MEETING DATE	May 7, 2013	DEPARTMENT	Public Works - Solid Waste Division
ADDITIONAL DEPARTMENTS			
TIME REQUIRED	15 minutes	PERSONS APPEARING BEFORE THE BOARD	Tony Dublino
SUBJECT	Solid Waste - Update		

AGENDA DESCRIPTION:

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

Update on any developments relating to the County Solid Waste program.

RECOMMENDED ACTION:

None (informational only). Provide any desired direction to staff.

FISCAL IMPACT:

None.

CONTACT NAME: Tony Dublino

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

SUBMIT THE ORIGINAL DOCUMENT WITH ATTACHMENTS TO THE OFFICE OF THE COUNTY ADMINISTRATOR **PRIOR TO 5:00 P.M. ON THE FRIDAY 32 DAYS PRECEDING THE BOARD MEETING**

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download

[SW Update Staff](#)

History

Time	Who	Approval
4/30/2013 4:15 PM	County Administrative Office	Yes
4/30/2013 12:50 PM	County Counsel	Yes
5/1/2013 2:46 PM	Finance	Yes



MONO COUNTY DEPARTMENT OF PUBLIC WORKS SOLID WASTE DIVISION

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

May 7, 2013

TO: Honorable Mono County Board of Supervisors

FROM: Tony Dublino, Solid Waste Superintendent

RE: Solid Waste Program Update

RECOMMENDED ACTION:

No action required. Receive update and provide direction to staff.

BACKGROUND:

This item is in response to the Board's request for regular updates regarding the Solid Waste Program.

UPDATES:

Enterprise Fund:

The Solid Waste Enterprise Fund (SWEF) is nearing the end of the Fiscal Year, and appears to be on solid ground. Should the Fiscal Year end as currently projected, the SWEF will complete the year with a small reserve, for the first time since FY 07-08. This should enable a contribution to be made to the reserved closure accounts. At this time, it is not anticipated that the program will need the approved \$225,000 general fund loan.

Revenues have been at, or slightly above, projections in all areas. This can be attributed to the gate fee increase made effective Jan 1, 2013, and to cost cutting measures implemented over the last several years. Waste volumes have remained relatively static.

The program has avoided any dramatic overruns in expenses. While certain line items have exceeded budgeted amounts, others have come in below budget. The end result is a tightly balanced budget.

Parcel Fees:

The extension of the parcel fee in unincorporated Mono County and the related agreement with the Town of Mammoth Lakes for extension of the fee within the incorporated area will be coming before the Board on May 21st. The goal remains to develop a long-term parcel fee agreement with the Town, or other funding source, to ensure adequate funding for the closure of Benton Crossing Landfill.

Permitting:

Benton Crossing Landfill (BCLF): The recent approval of a Solid Waste Facility permit for BCLF was a milestone almost 10 years in the making. Today's correspondence includes a letter from CalRecycle, removing BCLF from the Inventory of Solid Waste Facilities Which Violate State Minimum Standards. The violation stemmed from elevated methane readings in a gas monitoring well that had inadvertently been placed next to a waste cell. The recent permit approval included relocation of that gas well, where normal methane readings have eliminated the violation.

This success with CalRecycle is good news, but it is not all good news at BCLF, where the County is currently contracting for additional groundwater investigation. The response is expected to get underway this summer, and the costs will be funded next FY.

Pumice Valley Landfill (PVLV): The permit process for PVLV has been delayed since 2005, after a permit application was submitted but was never signed by landowner LADWP. This permit was later put on hold in

order to provide the necessary resources to complete the permit at BCLF. Following completion last year, CalRecycle turned its attention to PVLf. As directed by a CalRecycle compliance schedule, the county updated the 2005 submittal, responded to comments, and submitted a draft application package on February 16, 2013.

As the Board understands, the county's solid waste program is in a state of transition and planning. Because the outcome of the planning process may change the county's solid waste need(s) relating to PVLf, there may be cause to change the closure plan in the future.

Unfortunately, LADWP does not appear satisfied with the 2005 plan. In their April 16, 2013 response to the submittal, LADWP requests (among other things) a long-term strategic plan justifying the submitted design and plan for PVLf, and requests an application for a Solid Waste Facility Permit that will not have to be changed again until 2029.

This is an impossible request given the CalRecycle deadlines. On the other hand, no application is complete without LADWP's signature (as was the case in 2005), so it remains to be seen how this issue will be resolved.

Respectfully Submitted,



Tony Dublino
Solid Waste Superintendent



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE	May 7, 2013	DEPARTMENT	Clerk of the Board
ADDITIONAL DEPARTMENTS	Public Works--Facilities Division		
TIME REQUIRED	15 minutes	PERSONS APPEARING BEFORE THE BOARD	Lynda Roberts and Joe Blanchard
SUBJECT	Status of Antique Clock in Board of Supervisors Chambers		

AGENDA DESCRIPTION:

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

The antique clock in the Bridgeport Courthouse Board Chambers needs to be repaired a second time since being restored. The Board will consider options pertaining to future efforts and expense to maintain the clock in working order.

RECOMMENDED ACTION:

Discuss options about continuing to maintain, and repair when necessary, the antique clock in the Bridgeport Courthouse Board Chambers. Provide direction to staff.

FISCAL IMPACT:

If the Board directs staff to take the clock to House of Clocks in Lodi for repair, the approximate cost will be \$100-\$200 (if it is not covered under warranty), and approximately \$250 for travel expenses.

CONTACT NAME: Lynda Roberts

PHONE/EMAIL: 760-932-5538 / lroberts@mono.ca.gov

SUBMIT THE ORIGINAL DOCUMENT WITH
ATTACHMENTS TO THE OFFICE OF
THE COUNTY ADMINISTRATOR
PRIOR TO 5:00 P.M. ON THE FRIDAY
32 DAYS PRECEDING THE BOARD MEETING

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download

[Antique Clock in Board Chambers](#)

[Exhibits A-G](#)

History

Time	Who	Approval
4/30/2013 4:13 PM	County Administrative Office	Yes
4/30/2013 12:48 PM	County Counsel	Yes
4/29/2013 9:47 AM	Finance	Yes



Larry Johnston □ District One Fred Stump □ District Two Tim Alpers □ District Three
Tim Fesko □ District Four Byng Hunt □ District Five

BOARD OF SUPERVISORS COUNTY OF MONO

P.O. BOX 715, BRIDGEPORT, CALIFORNIA 93517

(760) 932-5538 • FAX (760) 932-5531

Lynda Roberts, Clerk of the Board

To: Honorable Board of Supervisors

From: Lynda Roberts, Clerk of the Board

Date: May 7, 2013

Subject

Board of Supervisors' Chambers—Antique Clock

Recommendation

Discuss options about continuing to maintain, and repair when necessary, the antique clock in the Bridgeport Courthouse Board Chambers. Provide direction to staff.

Discussion

There is some question about whether or not to spend additional funds to repair the antique clock that hangs in the Board of Supervisors' Bridgeport meeting room. Following is pertinent information about the clock:

- Around 1994, the calendar parts were removed and some of the decorative trim was broken.
- The clock in the Board Chambers was repaired and restored in February of 2012 at a cost of \$4,600 (Exhibit A), and it appears to have had a minor repair in October of 2012 at a cost of \$50-\$100 (Exhibit B).
- Exhibit C shows an invoice dated November 11, 2010, for repair and restoration of an Ithaca Calendar Clock at a cost of \$1,950. However, there are two antique clocks that have been repaired and restored over the years: 1) the clock that hangs in the Board Chambers, and 2) a similar clock that hangs in the Courtroom across the hall. It is likely that the \$1,950 was for repair and restoration of the clock in the Courtroom.
- The clock in the Board Chambers is estimated to be worth \$20,000-30,000. Exhibit D shows a nearly identical clock that was recently sold at auction for \$20,400.
- A history of repairs is kept on a form posted inside the clock (under the frame).
- The clock in the Board Chambers may still be under warranty.
- On April 15, 2013, the person at House of Clocks who has repaired and restored both the clock in the Board Chambers and the clock in the Courtroom, confirmed the information provided herein via telephone.

History

The clock in the Board Chambers was manufactured by the Ithaca Calendar Clock Co., Ithaca, New York, in February of 1868. On November 7, 1881, the Board of Supervisors authorized the purchase of two office calendar clocks for the court rooms (Exhibit E). Exhibits F and G provide historical information about the Ithaca Calendar Clock Company and the restoration of the Bridgeport Court House.

Suggested Maintenance Alternatives

The following provides a list of suggested alternatives regarding maintenance of the antique clock:

1. Retain the clock in a non-working state for decorative purposes only.
2. Take the clock to the House of Clocks in Lodi for repair. Keep a copy of the repair form that is posted inside the clock to have documentation on file about the history of repairs.
3. Consider the following options and provide direction to staff:
 - a. Should the working clock be considered a valuable County asset and maintained as such? (i.e., to be repaired as needed)
 - b. Should a maximum amount of funding be allocated for yearly maintenance? Should the maximum include travel expenses?
 - c. Should the clock only be transported to Lodi for repairs when a County staff member is traveling to that vicinity for either business purposes, such as training, or personal reasons, thus removing the travel expense component?
 - d. Once the maximum maintenance budget has been spent, should the Board of Supervisors approve additional repairs for that year?
 - e. Should all repairs be approved by the Board of Supervisors on a case-by-case basis?

Fiscal Impact

If the Board directs staff to transport the clock to Lodi for repairs, the approximate cost will be \$100-\$200 for repairs (if not covered under warranty), and approximately \$250 for travel expenses.

House of Clocks, Inc.

208 S. School St.
Lodi, CA 95240

Invoice

Date	Invoice #
2/9/2012	

Bill To
Mono County Courthouse US Hwy 395 Bridgeport, CA 93517

Ship To

P.O. Number	Terms	Rep	Ship	Via	F.O.B.	Project
			2/9/2012			

Quantity	Item Code	Description	Price Each	Amount
	Repair-Non Txbl	job #237732; Clock repair-labor	1,600.00	1,600.00
	Repair-Non Txbl	calendar repair; restored case parts	1,250.00	1,250.00
	Repair-Non Txbl	case refinish	1,500.00	1,500.00
	Repair-Non Txbl	hands, weights, levers, springs	250.00	250.00
		Sales Tax	7.75%	0.00

It's been a pleasure working with you!			Total	\$4,600.00
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**MONO COUNTY PURCHASE ORDER AGREEMENT -
SERVICES**

By the signature of its Purchasing Agent appearing below, Mono County retains the services of House of Clocks, Inc (Contractor) to provide the services and associated materials, if any, for the prices or at the rates, and within the time period, specified below or in the attached quote:

Repair of antique clock in the Bridgeport Courthouse. \$4600.00.



Jim Arkens, Mono County Purchasing Agent

Dated: 2-10-2012 Purchase Order No. _____

Contractor's provision of such services and materials is subject to the terms and conditions set forth on the reverse side of this Agreement.

Send invoices to:

Mono County CAO
P.O. Box 696
Bridgeport, Ca 93517

Accepted:

Contractor


The House of Clocks

2.15.12
Date

P.O.# _____

Date _____

Mono County Purchase Order Agreement-Services

The Purchase Order Agreement ("PO") is made by and between the County of Mono ("County") and the party to which this PO is addressed ("Contractor"), effective as of the date set forth above.

1. Contractor shall provide to County all services and associated materials, if any, as described, for the compensation, and within the time period specified or referenced on the reverse side of this Agreement.
2. County shall make payment to Contractor for such services in accordance with the terms set forth herein within thirty (30) days after its receipt of an accurate, itemized written statement or invoice from Contractor.
3. Contractor shall comply with all applicable laws in the provision of services and associated materials, if any, pursuant to this PO. Further, Contractor shall obtain and maintain all such licenses and permits, or other authorizations, as are required for it to provide the services and associated materials, if any, as have been requested of it by County pursuant to this PO.
4. Contractor waives any right to, and shall deliver possession and title to County of, all publications, computer programs, inventions, or other property which result from the Contractor's performance of services pursuant to this PO unless otherwise expressly agreed in writing by County.
5. Contractor shall, and shall require its agents, officers and employees to, maintain the confidentiality of any and all proprietary, privileged, or otherwise confidential information in County's possession and obtained by Contractor et al. as the result of their performance of this PO, and shall refrain from disclosing or using such information except as necessary to provide the services and associated materials, if any, pursuant to this PO.
6. Contractor shall maintain workers' compensation insurance to the extent required by law, and shall maintain at least the minimum types and amounts of other insurance coverages as are usually and customarily maintained by persons or firms engaged in the provision of the same or similar type of services and associated materials, if any, as called for by this PO.
7. Contractor shall defend, indemnify, and hold harmless County, its agents, officers, employees and volunteers from and against any and all claims, liability, and other costs, including litigation costs and attorney's fees, arising out of or resulting from acts or omissions of Contractor, or Contractor's agents, officers, employees, or volunteers, or any person for whose acts or omission any of them may be liable, in the provision of services and associated materials, if any, hereunder. County agrees to defend, indemnify, and hold harmless Contractor and Contractor's agents, officers, and employees from and against any and all claims, liability, and other costs, including litigation costs and reasonable attorney's fees, arising out of or resulting from the active negligence or wrongful acts of County or County's agents, officers, employees, or volunteers in carrying out this PO.
8. Contractor shall prepare and maintain such records as may be required by law or this PO regarding the Contractor's provision of services and associated materials, if any, pursuant to this PO, and shall make such records available for inspection by County and other authorized entities and persons for reasonable requested audit or evaluation purposes.
9. Contractor shall refrain from, and require its agents, officers, and employees to refrain from, discriminating in violation of applicable federal or state law against any person in the course of providing services and associated materials, if any, pursuant to this PO.
10. Contractor shall provide to County all warranties for all materials provided pursuant to this PO which are impliedly or expressly provided by law or which the manufacturer customarily provides to purchasers or users.
11. This PO may be terminated by either party upon at least ten (10) days prior written notice. Contractor shall be entitled to payment for services and associated materials, if any, provided prior to its receipt of notice of termination in accordance with terms and condition of this PO.
12. This PO may be amended only by mutual written consent of the parties; it is intended as the entire agreement between the parties, superseding all previous agreements between them. If any portion of this PO is determined to be invalid, the remaining portions shall continue in full force and effect.
13. This PO is governed by California law. Venue for any legal proceeding arising out of or related to it shall be in Mono County, California. If either party initiates legal proceedings against the other party with respect to the PO, the non-prevailing party shall pay the prevailing party's costs and expenses (including reasonable attorney's fees).
14. The parties are independent contractors, and the employees, officers, and agents of one party shall not be deemed to be employees of the other party for any purpose.
15. Contractor's provision of services and associated materials, if any, pursuant to this PO shall constitute Contractor's agreement to its terms and conditions. County's issuance of this PO constitutes County's agreement to its terms and conditions.
16. Notwithstanding the above, this Purchase Agreement is subject to and incorporates herein the terms of such bid specifications, if any, issued by County concerning the services rendered by Contractor.



U.S BANCORP SERVICE CENTER
P. O. Box 6343
Fargo, ND 58125-6343



COUNTY OF MONO

EXHIBIT B

ACCOUNT NUMBER 4246-0400-1372-5157

STATEMENT DATE 10-22-12

TOTAL ACTIVITY \$ 150.00

"MEMO STATEMENT ONLY"
DO NOT REMIT PAYMENT

000011256 1 AT 0.374 106481835786415 P

RITA SHERMAN
COUNTY OF MONO
PO BOX 556
BRIDGEPORT CA 93517-0556

NEW ACCOUNT ACTIVITY

POST DATE	TRAN DATE	TRANSACTION DESCRIPTION	REFERENCE NUMBER	MCC	AMOUNT
10-22	10-20	HOUSE OF CLOCKS LODI CA PUR ID: 93517 TAX: 0.00	24755422294262941498085	5719	150.00

Repair Courthouse clock

1 CAO 3312



APPROVED ON 11 19 12
BY: *Jame M. Oak*

Default Accounting Code:

CUSTOMER SERVICE CALL 800-344-5696	ACCOUNT NUMBER 4246-0400-1372-5157		ACCOUNT SUMMARY	
	STATEMENT DATE 10-22-12	DISPUTED AMOUNT \$.00	PREVIOUS BALANCE	\$.00
SEND BILLING INQUIRIES TO: C/O U.S. BANCORP SERVICE CENTER, INC U.S. BANK NATIONAL ASSOCIATION ND P.O. BOX 6335 FARGO, ND 58125-6335	AMOUNT DUE \$ 0.00 DO NOT REMIT		PURCHASES & OTHER CHARGES	\$150.00
			CASH ADVANCES	\$.00
			CASH ADVANCE FEE	\$.00
			CREDITS	\$.00
			TOTAL ACTIVITY	\$150.00

EXHIBIT C

the HOUSE of CLOCKS, INC.

208 S. School St. Sacramento Area 260 Lincoln Center
 Lodi, CA 95240 (916) 441-0511 Stockton, CA 95207
 (209) 369-7961 (209) 951-1363

HOUSE OF CLOCKS
 208 S SCHOOL ST
 LODI, CA. 95240-3512

ORIGINAL I.D.: 801054000000228654300

HAINT #: 8002286543

PCARD *****5157 *

LE H: 001540 IHV: 000012

: NOV 11, 10 TIME: 12: 3

AUTH: 0379 3

CODE: 696

TAL \$1950.00

AGREE TO PAY ABOVE TOTAL AMOUNT
 ACCORDING TO CARD ISSUER AGREEMENT
 (PRINT AGREEMENT IF CREDIT VOUCHER)

CUSTOMER COPY

Customer's Order No. 233578 Date 11/11 2010

Sold to Sherman - Mono County Court

Address PO Box 086

City Bridgeport CA 93517

Job

QUAN.	DESCRIPTION	AMOUNT
	Repair & Reside	
	Calaca Calendar Clock	
	Calendar works	
	Repair	885.00
	Case Repair	150.00
	Clean & Polish	
	Cabinet	415.00
	Repair & Overhaul	
	Clockworks	500.00
77924		TAX
		TOTAL 1150.00

NO REFUNDS - STORE CREDIT ONLY

Received by: USA

THANK YOU. Please keep this copy for reference.

EXHIBIT D

Oak Ithaca Regulator No. 1

Auction: 2623M

Lot: 556

Sold for: \$20,400



Auction:

Science, Technology & Clocks - 2623M

Location:

Marlborough

Date / Time :

December 01, 2012 10:00AM

Description:

Oak Ithaca Regulator No. 1, Ithaca Calendar Clock Company, Ithaca, New York, no. 3565, August 1885, case with serpentine sides and conforming moldings, carved crest and lower pediment, 12-in. printed paper on zinc dials, the time dial with Roman numerals, the calendar dial marked *Ithaca Calendar Clock Company, Ithaca, New York*, Arabic days of the month, rolling day and month drums, eight-day, time-only, weight-powered, nickel-plated movement with sweep center seconds, powered by two weights and regulated by seconds-beating wooden rod and nickel-faced pendulum bob, ht. 72 in.

Note: "No. 365" and "8-85" are inscribed on the frame of the clock behind the surround board, in period graphite script.

Estimate \$10,000-15,000

Calendar dial with 1 1/2 x 3/8 in. missing section along lower edge between 15 and 16, tear around calendar hand, incised surround has a small piece re-glued at bottom.

offices in the Court House are being used for sleeping purposes and the Board not deeming it a safe practice or doing and fearing that the same might effect the Insurance on the building;

"It is ordered that no office or apartment of the Court House shall be used for sleeping in nor shall any person or persons be allowed to sleep therein except the Janitor of the building.

"It is further ordered that a copy of this order be served on each and every person found sleeping therein."

On November 7, 1881, Z. B. Tinkum "be and is hereby authorized and empowered to purchase four clocks for the Court House 2 #5 office calendars for Clerks and Sheriffs offices and 2 office calendar clocks for Court Rooms."

Charges in the total amount of \$992.96 were deducted from the Court House Fund on November 22, 1881.

"11/9	Z. B. Tinkum	Insurance	700.00
"11/9	Jno. Lynch	Labor	37.25
"11/9	C. B. Anton	Labor	8.89
"11/10	A. B. Stewart	Paint	56.30
"11/11	Mrs. A. C. McKinnon	Oil painting of old C H	75.00
"11/21	C. B. Anton	Labor	5.37
"11/21	Z. B. Tinkum	Freight on stationary	14.52
"11/22	A. B. Stewart	Paint	<u>95.63</u>
			992.96

On January 19, 1882, the Board of Supervisors directed that all bills on the Court House Fund were to be paid and the balance of funds transferred to the Contingency Fund.

The Clerk of the Board was authorized on February 28, 1882 to advertise the old court house and grounds for sale with the Board reserving the right to reject any or all bids.

Frank Wedertz reports in *Mono Diggings* that the

old courthouse, "former sold at public auction Severe, who hauled it t ing was used to store hay." The lot was later sold at public auction in October, 1887.

EXHIBIT E

In May, 1882 court furniture and rugs were sold to H. Sheavitt and A. U. Allen. Ben H. Miller, Clerk of the Board, purchase a chair formerly used in the court.

The following bills related to Court House use were paid May 6, 1882. A. Chapman received \$582.50 for painting the Court House. For materials purchased, A. J. Severe was paid \$46.25. T. W. Davies was repaid \$96.00 for furniture bought for the Court House. M. M. McDermot earned \$58.50 for mason work done on the Court House.

J. F. Crowell earned \$80.00 for work done on the Court House on August 10, 1-82.

Z. B. Tinkum was directed to purchase hoses, hooks, and ladders for the protection of the Court House on December 19, 1882.

Henry Donnell's request to serve as janitor for the Court House was rejected by the Board of Supervisors during their meeting held February 26, 1883.

February 27, 1883 the Board approved payment of \$13.62 to Tim Fong for doing the Court House laundry.

The Board took action to abate a nuisance in the Court House during their February 27, 1883 meeting.

"It appearing to the Board that a nuisance now exists by dogs being allowed to come inside the Court House, It is ordered that the janitor eject any and all dogs found inside the building."



[American](#) • [Gazo](#) • [Calendar](#) • [English](#) • [Austrian/Vienna](#) • [Tallcase](#) • [Ships](#) • [French](#) • [Novelty](#) • [Barometers](#) • [Miscellaneous](#)
[Clock Guy Home](#) • [Reference Library](#) • [Register With Us](#) • [FAQ](#) • [Newest Listings](#) • [Previous Page](#) • [Ordering](#) • [Contact Us](#)

Ithaca Calendar Clock Company

**Clockguy
Reference
Library**
(items shown
here are for
reference
purposes only)



Ithaca "Box Skeleton"

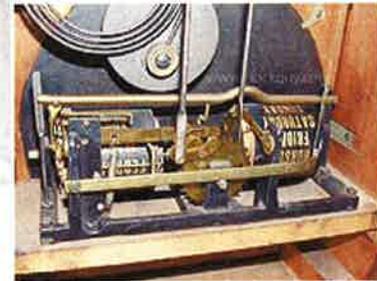
Around 1866, a new joint stock company was founded and the Ithaca Clock Company moved to a new factory location. By 1874, their business was booming, so they began construction on a new, three-story factory building into which they moved in June, 1874.

A Brief Overview:

Founded with very little initial capital in 1865, the Ithaca Calendar Clock Co. initially focused on manufacturing a clock to the specifications of a patents granted to Henry B. Horton on April 18, 1865 and August 28, 1866. It remained in business until March 14, 1917, during World War I, at which time its assets were sold at a public bankruptcy auction.



Ithaca "Melrose"



'The Rest of the Story...

Henry Horton patented some iron-front cases in 1866, which were among the first manufactured by Ithaca. The iron was cast at a local foundry in Ithaca, NY. The company used clock movements from E.N.Welch, Pomeroy, and Laporte Hubbell previous to 1890.

Ithaca made the calendar movements, assembled them with the clock movements and marketed their product from the New York location. It is reported that, based on a patented test mechanism created by Henry Horton and Merritt Wood and patented on July 11, 1867, that as many as 108 clocks could be tested in a single day!



The building honeymoon was short-lived, however, as it was consumed by fire on February 12, 1876. Shortly thereafter, the indomitable firm built a successor building that stands to this day.



The years of greatest prosperity for the Ithaca Company were between 1875 and 1900. By 1898, they added a floor-standing non-calendar clock to their offerings and subsequently manufactured these "grandfather" clocks for the next 20 years or so. These particular clocks employed inexpensive spring or weight-driven Connecticut-made movements.

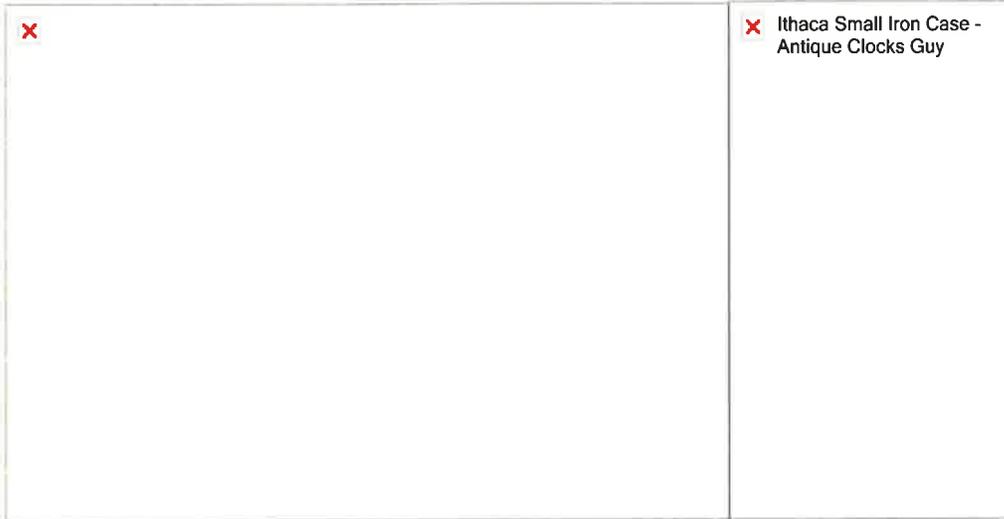
Over its 50-year period of existence, the company manufactured mantle and hanging calendar clock in a few dozen configurations that ranged between 16 and 72 inches in height. As was typical of the time, there were "theme and variations" on individual models, with some receiving minor cosmetic changes and others a complete revamping, even though the model name or number remained the same. That was intentional to confuse collectors of the present day and to drive up the price for the great-great-great... grandkids (or something like that!)



It is important for all collectors of American clocks to realize that many special-order clocks were made by not only the Ithaca Company, but also by the bevy of CT clockmakers. This accounts for the not-too-infrequent appearance of clocks for which there is no particular

documentation, yet the clock is a "straight-from-the-factory" model. This often causes consternation among collectors who have not previously experienced a "We'll-make-any-old-clock-you-want-if-you're-willing-to-pay". Among experienced collectors, it causes a frenzy of actions in an attempt to get their hands on a truly unique model, so don't turn away without a very careful look... it may be an undocumented treasure staring at you!

Ithaca calendar clocks remain in spectacularly high demand. Though they originally sold in a price range from around \$10 to \$60, they have become major investments for today's collectors. We are proud to occasionally have one of these amazing clocks available for our clients!



[More Ithaca Info](#)



Do you have a clock to sell? We'll [sell](#) it for you!
Are you seeking a clock? We'll [find](#) it for you!



Antique Clock Guy
The Clock Guy Antique Brokerage
A family-owned company
founded on the "3 Rs"
Respect, Responsibility, Reputation
NAWCC #35749 Since 1973

-Vista, CA-

[How To Contact Us](#)

© [1998-2008](#)

EXHIBIT G

MONO COUNTY COURTHOUSE

ITS FIRST

ONE HUNDRED YEARS

Dorothy Roberts
Arlene Reveal

COVER AND DRAWINGS

Kathy Rice

MONO COUNTY FRIENDS OF THE LIBRARY

1980



CHAPTER IV

COURTHOUSE CHANGES

Mono County Courthouse originally housed the entire spectrum of county departments and services. Often county offices were combined in one person who wore as many as three hats without even a clerk or secretary to assist him. The increase in services that citizens grew to expect from county government was slow to reach Mono County but it finally arrived in full bureaucratic splendor in the late 1940s. Mono County, which in the early 1900s had just as many citizens--and sometimes more--as now populate the county, demanded more services that could be housed in the courthouse without additions.

The earliest addition was made in the 1950s when the rooms presently housing the offices of the County Clerk and Recorder and County Auditor were added. At this same time a move was made to modernize various offices. In the zeal to conserve space, the beautifully carved, but bulky, solid wood counters were replaced with plywood counters with formica tops. Many old counters and wooden ornaments were consigned to the dump from which they were recovered by more appreciative townsfolk for various uses in their homes.

The Sheriff's Office was originally in the courthouse, although the jail and the Sheriff's home were located in the rear of the courthouse yard. This was the first office to be removed from the courthouse. The demands of modern law enforcement and incarceration resulted in the building of a separate Sheriff's Office and Jail in 1963.

Needs for adequate meeting space for the Board of Supervisors with room for observers to be seated resulted in additional construction. In 1965 the

Mono County Office of Education, the Mono County Library, the Welfare Department, the Road Department, and the Building and Planning Departments moved out of the courthouse into Annex No. 1 located behind and to the west of the original building.

In 1974 an addition was constructed on the north end of Annex No. 1 (instead of on the south end as originally planned), this addition housed the Mono County School Community Libraries which serves both schools and public library patrons in Mono County.

Also in 1974 with computers demanding an air-conditioned environment, the Board of Supervisors authorized the construction of Annex No. 2 directly behind the original courthouse. This building houses the County Auditor, Assessor, Treasurer, and auxiliary services.

In 1969 an historic addition was made to the courthouse grounds when the Board of Supervisors permanently located on the courthouse lawn, a cannon presented to Bridgeport by J. S. Cain in 1914. This cannon was manufactured in 1881 by J. Renault, a machinist in the Standard Mill in Bodie. It was named "The Irwin" after the Superintendent of the Standard Mill. This cannon was never fired until 1979 when pranksters alarmed the citizenry of Bridgeport in the early hours of July 4th by shooting it off. The cannon has since been rendered incapable of firing.

In 1974 on application for a grant from the federal government to preserve historic landmarks, Mono County was given funds to restore the courthouse to its original condition. Much skilled labor was expended to duplicate deteriorated windows, sills, and ornamentation which had been subjected to rigorous climatic changes for almost one hundred years. Great care was taken to duplicate the graining of the doors to match the original, a painting skill that had disappeared over the years. Extra sanding and blasting removed vestiges of the

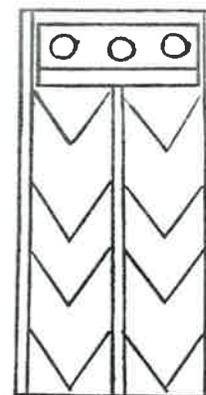
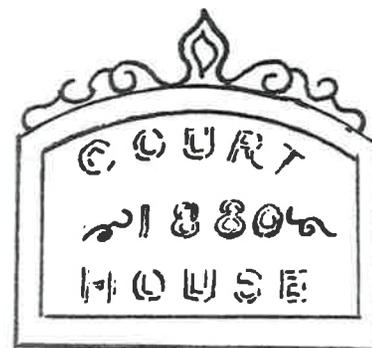
earlier coats of paint to give it a finished and perfect surface for the final painting. In the summer of 1980 an added coat of paint prepared our magnificent "lady"--the courthouse--for her one hundredth birthday.

Two bronze plaques flank the front entrance of the courthouse. The one to the left was dedicated by the Board of Supervisors about 1960 to honor the gift of the site of the courthouse by Amasa Foster Bryant and his wife, Eliza Scott Bryant. The plaque to the right of the front doors was dedicated at the 1965 Chapter meeting of E Clampus Vitus by that historical organization and the Mono County Board of Supervisors, denoting the courthouse as an historic building.

In 1979 the Board of Supervisors voted to install electronic chimes in the beautiful cupola on the roof of the courthouse. Since then the melodi notes during the day and the striking of the hours are constant reminders to residents as well as tourists of the heritage of Mono County the most particularly of that outstanding edifice, the Mono County Courthouse.

The "mother" courthouse has spawned three additional buildings to meet the demands of changing times, but still nobly and efficiently serves its primary purpose, a housing for the courts and a seat for county government.

With its green lawns, its lovely wrought iron fence erected shortly after the building, and its beautiful silver maple trees, the Mono County Courthouse stands as a tribute to the timeless taste of its architect, the foresight of the 1878-1882 Board of Supervisors, and the support of a populace of visionary pioneers.





OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE	May 7, 2013	DEPARTMENT	Clerk of the Board
ADDITIONAL DEPARTMENTS	Finance		
TIME REQUIRED	15 minutes	PERSONS APPEARING BEFORE THE BOARD	Lynda Roberts and Roberta Reed
SUBJECT	Publication of Mono County Notices		

AGENDA DESCRIPTION:

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

At their regular meeting of February 19, 2013, the Board of Supervisors directed staff to prepare a Request for Proposals for Publication of Legal Notices. The deadline for proposals to be submitted was Friday, March 29, 2013, 3:00 p.m. The County Clerk's Office received proposals from The Sheet and Mammoth Times. Both proposals were submitted timely and were complete, so are presented to the Board of Supervisors for their review.

RECOMMENDED ACTION:

Review the Request for Proposals for Publication of Legal Notices submitted by The Sheet and Mammoth Times, and consider awarding the bid for Fiscal Year 2013-14 as the Board desires. Provide direction to staff.

FISCAL IMPACT:

Will depend on Board action.

CONTACT NAME: Lynda Roberts

PHONE/EMAIL: 760-932-5538 / lroberts@mono.ca.gov

SUBMIT THE ORIGINAL DOCUMENT WITH
ATTACHMENTS TO THE OFFICE OF
THE COUNTY ADMINISTRATOR
PRIOR TO 5:00 P.M. ON THE FRIDAY
32 DAYS PRECEDING THE BOARD MEETING

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download

[Publication Bids Overview](#)

- [📄 Bid Comparison](#)
- [📄 The Sheet Bid](#)
- [📄 Sheet Bid pt 2](#)
- [📄 Times Bid](#)

History

Time	Who	Approval
4/30/2013 4:12 PM	County Administrative Office	Yes
4/30/2013 1:49 PM	County Counsel	Yes
4/30/2013 12:06 PM	Finance	Yes



Larry Johnston □ District One Fred Stump □ District Two Tim Alpers □ District Three
Tim Fesko □ District Four Byng Hunt □ District Five

BOARD OF SUPERVISORS COUNTY OF MONO

P.O. BOX 715, BRIDGEPORT, CALIFORNIA 93517

(760) 932-5538 • FAX (760) 932-5531

Lynda Roberts, Clerk of the Board

To: Honorable Board of Supervisors

From: Lynda Roberts, Clerk of the Board

Date: May 7, 2013

Subject

Request for Proposals for Publication of Legal Notices

Recommendation

Review the Request for Proposals for Publication of Legal Notices submitted by The Sheet and Mammoth Times, and consider awarding the bid for Fiscal Year 2013-14 as the Board desires. Provide direction to staff.

Discussion

At their regular meeting of February 19, 2013, the Board of Supervisors directed staff to prepare a Request for Proposals for Publication of Legal Notices. The deadline for proposals to be submitted was Friday, March 29, 2013, 3:00 p.m. The County Clerk's Office received proposals from The Sheet and Mammoth Times. Both proposals were submitted timely and were complete, so are presented to the Board of Supervisors for review. Attachment A is a comparison of the two bids.

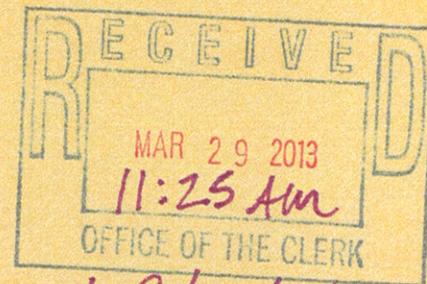
Fiscal Impact

Depends on the Board's action.

	The Sheet	Mammoth Times	Reviewer Note:
Bid Received	3/29/2013	3/29/2013	
Time	11:25am	11:45am	
Bids Opened	4/3/13 2:00pm	4/3/13 2:00pm	
Present: Lynda Roberts and Roberta Reed; No interested parties			
Day Published	Saturday	Thursday	
Lead Time	Tuesday-5:00pm	Tuesday-5:00pm	
Cost for Late Submittals	None	None	
Retractions	Do their best to accommodate	Wednesday-10:00am	
Mono County Circulation/week	4,800	3,140	Mammoth Times provided USPS certification of circulation
Total Circulation/week	6,000	4,200	
Communities	Walker/Coleville; Bridgeport; Lee Vining; June Lake; Mammoth Lakes; Crowley Lake, Sunny Slopes, Chalfant; Benton	Walker; Bridgeport; Lee Vining; June Lake; Mammoth Lakes, Crowley Lake; Tom's Place, Benton; Chalfant	Basically the same coverage
Holidays Observed	None	New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving & Christmas	
Cost - Column Inch			
Cost for Legal	\$ 10.00	\$ 2.00	These rates are for a column inch, not per line
Cost for Display	See rates listed below	\$ 7.23	Mammoth Times' charge of \$7.23 is per column inch (height x width x \$7.23)
Column Width	2.43 inches	1.625 inches	
2nd Publication Price	Same as above	Same as above	

Exhibit A (legal) cost per week	\$ 20.00	\$ 5.88	
Exhibit B (display) cost per week	\$342 color/\$258 B&W	\$300 color	The Sheet provided a copy of the actual ad they published; Mammoth Times' sample is a mock-up of what a color ad would look like
Display Rates for 1x			
Full Page	\$ 479.00	See note at right	Mammoth Times' charge of \$7.23 is per column inch (height x width x \$7.23) no additional charge for color
Full Page Color	\$ 636.00		
3/4 Page	\$ 372.00		
3/4 Page Color	\$ 497.00		
Mid-Full	\$ 321.00		
Mid-Full Color	\$ 426.00		
1/2 Page	\$ 275.00		
1/2 Page Color	\$ 359.00		
3/8 Page	\$ 225.00		
3/8 Page Color	\$ 288.00		
1/4 Page	\$ 155.00		
1/4 Page Color	\$ 197.00		
1/8 Page	\$ 89.00		
1/8 Page Color	\$ 118.00		
1/16 Page	\$ 54.00		
1/16 Page Color	\$ 74.00		
1/32 Page	\$ 31.00		
1/32 Page Color	\$ 46.00		
Proof of General Circulation	Case 16850/2009	Case 10314/1992	
County Business License	Lic. No: 3033	Lic. No: 2233	

Bid Proposal for Publication
of LEGM Notices, FY 2013-2014



L Richards

The Steer

Ted Carleton, Publisher
The Sheet, Inc.
P.O. Box 8088
Mammoth Lakes, CA 93546

March, 2013

Mono County Board of Supervisors
P.O. Box 715
Bridgeport, CA 93517

Honorable Members of the Board:

A couple of additional points for the Board's consideration in regard to bids for publication of legal notices.

The number one consideration, in my mind, is value for your constituents.

Value to your constituents, however, does not necessarily mean the cheapest price to government.

Let me explain. My bid is essentially an all-in bid for the citizens of Mono County. Whatever the government pays is the total bill for the citizenry, as The Sheet is a free newspaper.

Because the Mammoth Times charges for its publication, legal classifieds run in the Times require an additional fifty cent surcharge to any private individual who wishes to access "public" notices.

I urge you to calculate the total cost to the public when you make your bid award.

In this bid, The Sheet is holding 2011 prices for both legal classifieds and display ads.

Additionally ...

The Sheet prints vastly more newspapers than its competitor. This is not a small thing. Every paper printed costs money. You don't print extra copies (and lose money) just for the sake of telling people you print a lot of copies. You print more copies because there is *demand* for more copies.

The Sheet also adds value by its attention to detail, particularly in the area of design. Study the actual handiwork of both papers in producing Exhibit B. Design time runs \$35/hour at The Sheet. You were not charged an extra dime for that design. And we consistently provide that type of extra service at no additional cost. Compare The Sheet's handiwork to the Times's design of the same advertisement .

The Sheet is locally owned and does all its business within the State of California. The paper is printed in Lancaster, Calif., which is our closest California-based print facility.

Unlike its competitor, The Sheet followed previous Board direction to the letter and has distributed county-wide since the Board's decision to publish notices in both papers.

Most important, The Sheet is invested in the entire community. The Sheet was the paper which sent a reporter to Vermont to report on the June Lake Peer Resort Tour. That was a \$1,500 expenditure out of the Publisher's pocket. And as Supervisors Stump and Fesko can attest, The Sheet's Publisher traveled to attend candidate forums in Bridgeport and Swall Meadows. Didn't notice other media there.

As a privately owned company, The Sheet has the latitude and the will to make editorial and financial decisions that the typical out-of-state corporate bean counter won't make.

As I like to say, at The Sheet we spend money on content, not office furniture.

Thank you for your consideration.

Best,


**County of Mono
Request for Proposals for
Publication of Legal Notices**

Fiscal Year 2013-14

Dated: March 4, 2013

Sealed proposals must be submitted before **Friday, March 29, 2013 at 3:00 p.m.** to:

County of Mono
County Clerk-Recorder
Courthouse Annex I
Post Office Box 715
Bridgeport, CA 93517

Proposals will be publicly opened on:
Wednesday, April 3, 2013
In the Bridgeport County Offices

Contact: Lynda Roberts, County Clerk-Recorder/Clerk of the Board
(760) 932-5538
lroberts@mono.ca.gov

INTRODUCTION

The County of Mono is soliciting proposals for the provision of the publishing of legal notices for the County for a 12 month period, beginning July 1, 2013. For purposes of this RFP, the term "legal notice" includes government notices of all kinds and is not limited to those notices required by the law to be published. Upon selection of the most qualified, cost effective, and responsive adjudicated newspaper, the County will enter into a contract for services.

This Request for Proposal (RFP) describes the County's basic needs. You are encouraged to identify other services beyond these minimum required services which you can provide to address the County's needs and describe any progressive approaches that would reduce County costs and/or increase advertising efficiency and effectiveness.

1. GENERAL SPECIFICATIONS

- The County of Mono ("County") is seeking proposals for the publishing of legal notices from newspapers of **general circulation adjudicated in the County of Mono** (i.e. approved by a court for the publication of legal notices concerning the County).
- The contract prices for such publication may not exceed the customary rates charged by the newspaper for the publication of legal notices of a private character.
- Each bidder shall be held responsible for familiarizing themselves with conditions to be encountered and requirements of the specifications.
- Proposals must be made on the forms furnished by the County. (Note: Do not remove the specifications or any of the pages herein but submit as a complete package with any additional information you wish to provide.)
- The awarded contract will be reviewed and approved as to form by County Counsel prior to execution.
- The proposal and contract that may be awarded shall be valid from July 1, 2013 to June 30, 2014.
- The County of Mono reserves the right to evaluate the proposal based on several qualifications including circulation of the paper, days published, experience, samples, lead time, and cost.
- Each proposal must attach proof that the publication is an **adjudicated newspaper of general circulation within the County of Mono** as set forth in California Government Code Sections 6000-6008. This proof will become part of any contract awarded.
- Prices quoted on the proposal shall be in effect from the date of the proposal until June 30, 2014.
- In the event that the newspaper that is awarded the advertising contract for the County is unable to publish on the date required by the County, the County may choose an alternate newspaper in order to meet publication deadline/requirements.

- Advertisements and notices shall be placed in the body of the newspaper and shall be published for the number of days directed by the officer requiring such publication. Publishing of advertisements and other notices on a supplemental sheet to the newspaper will not be acceptable.
- One Affidavit of Publication will be required for each publication, to be delivered to the County within 30 days of the last publication of the item, along with an invoice for the publication.
- Official legal notices for the County will consist of printing and publishing such items as: Notice of Public Hearings, Ordinances, Request for Bid Notices, Election Notices, Notice of Meetings, and such other items as may be required by the County. Examples of County notices are attached as Exhibits "A" and "B."
- The publisher shall have the capability to receive typeset matter and proofs via email, and shall provide County an email address to be used for transmission of typeset matter.
- A current County business license is to be in effect during the term of the contract.
- The County reserves the right to reject any and all proposals, and to waive minor irregularities in any proposal.
- The County reserves the right to request clarification of information submitted, and to request additional information from the respondent.

Proposal for Publication of Legal Notices

Per line cost and column width for legal \$10/inch., OR ~ \$1/line. col. width = 2.43"

Per line cost and column width for display VARIABLE. SEE ATTACHED

Color ad - Per line cost and column width for display VARIABLE. SEE ATTACHED

Price for second publication (following week) SAME

Cost to publish Exhibit A as a legal notice: SEE ATTACHED / INVOICE

Cost to publish Exhibit B as a display ad: IT RAN AS 1/2 COLOR FOR \$342. COULD BE FLIPPED TO B&W FOR \$258. 2011 RATE CARD ATTACHED. WILL HOLD RATES FOR BID.

Submit proofs of the sample ads as part of your proposal.

Days of week published official publication date - Saturdays

Required lead time for publication:

Day TUESDAY Time 5 PM.

Extra cost for late submittals NONE

Required lead time for retractions or corrections WE DO OUR BEST TO ACCOMMODATE ANY REQUEST

Holidays observed SNOW, NONE

Total circulation ~ 6,000/week

County of Mono circulation ~ 4,800/week

Communities where circulated WALKER/COLETTES BRIDGEPORT, LEE VILLAG, JUNE LAKE, MAMMOTH LAKES, CRAWLEY LAKES, SUNNY SLOPES, CHALFANT, BAYRON

Declaration of Non-Collusion: The undersigned certifies (or declares) under penalty of perjury that this proposal is genuine and not sham or collusive, or made in the interest or on behalf of any person, firm, or corporation not herein named; that the contractor has not directly or indirectly induced or solicited any other contractor to put up a sham proposal, or any other person, firm, or corporation to refrain from bidding; and that the contractor has not in any manner sought by collusion to secure to himself/herself any advantage over other contractors.

Declaration of Adjudication: The undersigned certifies (or declares) under penalty of perjury that the named newspaper is adjudicated as a newspaper of general circulation in the County of Mono by the State of California (as defined by Government Code Section 6000, et. seq.).

Errors and Omissions. The undersigned understands and agrees that the County of Mono will not be responsible for any error or omission on the part of the undersigned in making this proposal.

Declaration of Non-Discrimination: In the performance of any contract pursuant to these specifications, the undersigned understands and agrees that it shall not discriminate against any employee or applicant for employment because of age, sex, marital status, physical handicap, race, color, religion, ancestry, or national origin. Contractor will take affirmative action to ensure the applicants are employed, and that employees are treated during employment without regard to their age, sex, marital status, physical handicap, race, color, religion, ancestry, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. Contractor shall post in a conspicuous place, available to employees and applicants for employment, notices setting forth the provisions of this Fair Employment Practices paragraph.

Declaration of Customary Rates: The undersigned certifies (or declares) under penalty of perjury that the above proposed rates do not exceed the customary rates charged by the newspaper for the publication of legal notices of a private character.

Proposal submitted by:

THE SHEET, INC.

Newspaper Name

P.O. Box 8088, Mammoth Lakes, CA 93546

Address

760-937-4613

Phone Number

760-923-5794

Fax Number

lundh@thesheetnews.com

E-Mail



Authorized Signature

TED CARLETON

Printed Name

TUBUSHER

Title

MARCH 27, 2013

Date

2011 RATE CARD



SIZE	ANNUAL	6 Mos.	3 Mos.	1 Mo.	1X	COLOR
FULL PAGE	\$430	\$438	\$446	\$450	\$479	\$157
3/4 PAGE	\$352	\$358	\$365	\$368	\$372	\$125
MID-FULL	\$279	\$294	\$305	\$318	\$321	\$105
1/2 PAGE	\$258	\$263	\$268	\$271	\$275	\$84
3/8 PAGE	\$205	\$209	\$214	\$217	\$225	\$63
1/4 PAGE	\$141	\$144	\$149	\$152	\$155	\$42
1/8 PAGE	\$79	\$81	\$84	\$86	\$89	\$29
1/16	\$44	\$46	\$49	\$52	\$54	\$20
1/32	\$23	\$25	\$27	\$30	\$31	\$15

CONTACT:

Ted Carleton 937.4613
Pamela Stayden 914.3261

jacklunch@yahoo.com
pamela@stayden.com

EXHIBIT "A"
Legal Notice

COUNTY OF MONO

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Board of Supervisors of the County of Mono will conduct a public hearing regarding the following proposed fees for Cottage Food Operations (CFO) Permits and Registration: specifically, \$81.00 for a Class A CFO registration and \$162.00 for a Class B CFO Permit. The public hearing will be held at 2:30 p.m. on Tuesday, February 19, 2013, during the Board's regular meeting in the Board of Supervisors Conference Room, 3rd Floor, Sierra Center Mall, 452 Old Mammoth Road, Mammoth Lakes, CA 93546. Any interested person who wishes to appear at the hearing shall be given an opportunity to make an oral or written presentation regarding the proposed fees. For more information, please contact Louis Molina, Mono County Environmental Health Director at (760) 924-1845.

PUBLIC NOTICES

Notice of Public Hearing

GREAT BASIN UNIFIED AIR POLLUTION CONTROL DISTRICT REVIEW OF 2013-2014 DISTRICT AND SB 270 BUDGETS AND ORDER

The Governing Board of the Great Basin Unified Air Pollution Control District will conduct a public hearing for the purpose of reviewing the District's annual budgets and proposed California Health and Safety Code Section 42316 order for the 2013-2014 fiscal year and providing the public with an opportunity to comment on the proposed budgets and order. The District has prepared a summary of its proposed total annual budget for the 2013-2014 fiscal year, including a schedule of fees and proposed order to be imposed by the District to fund its programs. It should be noted that a portion of the budget is funded through an order authorized by California Health and Safety Code Section 42316, which requires the City of Los Angeles to pay fees to the District based on an estimate of the actual costs to the District of its activities associated with the development of mitigation measures and related air quality analysis associated with the air quality impacts of the City of Los Angeles' water diversion, conveyance and storage activities. A copy of the budget summaries is available for inspection at the District office at the address shown below. The FY 2013-2014 District (non-SB 270) budget may include an automatic adjustment to permit fees to account for changes in the California Consumer Price Index. The budgets will not be adopted at the same meeting during which this public hearing is conducted. Rather, the Governing Board will consider adoption of the budgets at its next regular meeting, tentatively scheduled during May, 2013.

The public hearing will be conducted at a regular meeting of the District Governing Board to be held at 10:00 a.m. on Thursday, March 7, 2013, in the Mono County Supervisors Chamber in the Mono County Courthouse (second floor), Main Street, Bridgeport, California 93517. The public hearing on the District's total annual budgets and proposed order is set for 10:01 a.m. Written comments are invited, and should be addressed to Theodore D. Schade, Air Pollution Control Officer, Great Basin

Notice of Vacancy

BUILDING ADVISORY COMMITTEE/BOARD OF APPEALS

NOTICE IS HEREBY GIVEN that an unexpired term of office has become vacant on the Building Advisory Committee/Board of Appeals. The term of this office is for four (4) years, expiring on April 1, 2016. The Building Advisory Committee/Board of Appeals meets quarterly.

Interested parties should file an application with the Town Clerk on or before Monday, February 25, 2013 at 5:00 p.m. Application forms may be obtained at the Town Offices, Minaret Village Shopping Center; or by writing to P.O. Box 1609, Mammoth Lakes, CA 93546; or by phoning 9348989, ext. 267; or by visiting the Town's website at www.ci.mammoth-lakes.ca.us.

Dated: January 31, 2013

Jamie Gray, Town Clerk

TS # 2013-0026

Fictitious Business Name Statement The Following Person Is Doing Business As:

Toiyabe Motel
107045 US HWY 395
Walker, CA 96107

George Anderson
107045 US HWY 395
Walker, CA 96107

This business is conducted by an individual.

The registrant commenced to transact

Notice of Public Hearing

NOTICE IS HEREBY GIVEN that the Board of Supervisors of the County of Mono will conduct a public hearing regarding the following proposed fees for Cottage Food Operations (CFO) Permits and Registration: specifically, \$81.00 for a Class A CFO registration and \$162.00 for a Class B CFO Permit. The public hearing will be held at 2:30 p.m. on Tuesday, February 19, 2013, during the Board's regular meeting in the Board of Supervisors Conference Room, 3rd Floor, Sierra Center Mall, 452 Old Mammoth Road, Mammoth Lakes, CA 93546. Any interested person who wishes to appear at the hearing shall be given an opportunity to make an oral or written presentation regarding the proposed fees. For more information, please contact Louis Molina, Mono County Environmental Health Director at (760) 924-1845.

TS # 2013-0025

Department of Alcoholic Beverage Control

NOTICE OF APPLICATION FOR CHANGE IN OWNERSHIP OF ALCOHOLIC BEVERAGE LICENSE

To Whom It May Concern:
The Name of Applicant is:

DAVE HARRIS RONNEBERG

The applicant listed above is applying to the Department of Alcoholic Beverage Control to sell alcoholic beverages at:

**3325 MAIN ST
MAMMOTH LAKES, CA 93546**

EXHIBIT "B"
Display Ad with County Seal



MONO COUNTY REGISTRAR OF VOTERS

THANK YOU

to the following *election officers* who worked hard to make
the November 6, 2012 Presidential General Election run smoothly.

ANTELOPE PRECINCT

Mary Hussman
Michele Drewniany
Effie Hershey
John MacBride
Marlene Stewart

BRIDGEPORT PRECINCT

Donna Smyth
Nancy Alaniz
Sharon Stoddard

JUNE LAKE PRECINCT

Linda Rossier
Jean Dillingham
Barri Sue Gaudet
Laura Newland

LONG VALLEY PRECINCT

Joyce Rowan
Dorie Burleigh
Kim Czeschin
Rebecca Waters

MAMMOTH LAKES PRECINCTS

Kathryn Anderson
Greg Newbry
John Anderson
Richard Bailey
Carolyn Balliet
Cedar Barager
Lynn Blanche
James Clark
John Deinken
Mary Ann Dunigan
Susan Fontana
Thalia Hanson
Stephen Hine
Lewis Jones
Freda Lovell
Mary McDowell
Jane Nantz
Sarah Patrick
CD Ritter
Sylvia Sedillos
Zelpha Wallace
Rebecca Watkins
Elizabeth Wilbrecht
Wilma Wheeler

We appreciate your dedication

LYNDA ROBERTS
MONO COUNTY REGISTRAR

LINDA ROMERO
ASSISTANT REGISTRAR



Thank You

MONO COUNTY
REGISTRAR OF VOTERS

We appreciate your dedication.



LYNDA ROBERTS, MONO COUNTY REGISTRAR
LINDA ROMERO, ASSISTANT REGISTRAR

The following election officers worked hard to make the Nov. 6, 2012 Presidential General Election run smoothly.

ANTELOPE PRECINCT

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Michele Drowniany
Effie Hershey
John MacBride
Marlene Stewart

BRIDGEPORT PRECINCT

Donna Smyth
Nancy Alaniz
Sharon Stoddard

JUNE LAKE PRECINCT

Linda Rossier
Jean Dillingham
Barri Sue Gaudet
Laura Newland

LONG VALLEY PRECINCT

Joyce Rowan
Dorie Burleigh
Kim Czeschin
Rebecca Waters

**MAMMOTH LAKES
PRECINCTS**

Kathryn Anderson
Greg Newbry
John Anderson
Richard Bailey
Carolyn Balliet
Cedar Barager
Lynn Blanche
James Clark
John Deinken
Mary Ann Dunigan
Susan Fontana
Thalia Hanson
Stephen Hine
Lewis Jones
Freda Lovell
Mary McDowell
Jane Nantz
Sarah Patrick
CD Ritter
Sylvia Sedillos
Zelpha Wallace
Rebecca Watkins
Elizabeth Wilbrecht
Wilma Wheeler

The Sheet

THANK YOU!

*to the following election officers who worked hard to make
the November 6, 2012 Presidential General Election run smoothly.*



ANTELOPE PRECINCT

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Michele Drewniany
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Mary McDowell
Jane Nantz
Sarah Patrick
CD Ritter
Sylvia Sedillos
Zelpha Wallace
Rebecca Watkins
Elizabeth Wilbrecht
Wilma Wheeler

We appreciate your dedication

LYNDA ROBERTS
MONO COUNTY REGISTRAR

LINDA ROMERO
ASSISTANT REGISTRAR

Mammoth Times

FILED

DEC 28 2009

SUPERIOR COURT OF CALIFORNIA
COUNTY OF MONO

BY A. TRANUTOLO

SUPERIOR COURT FOR THE STATE OF CALIFORNIA
FOR THE COUNTY OF MONO

FRED (TED) CARLETON,

Petitioner.

CASE NO. 16850

FINDINGS AND ORDERS

The matter of the petition of Fred (Ted) Carleton, its editor and publisher, to have The Sheet adjudicated as a newspaper of general circulation came on for hearing pursuant to publication of the notice of hearing in the manner required by law. James S. Reed of Liebersbach, Mohun, Carney & Reed appeared for the Petitioner. Dana M. Crom of the Law Offices of Dana M. Crom, P.C., appeared on conference call for Respondent-Objector, Horizon Publications, dba Mammoth Times ("Respondent").

The petitioner was sworn and testified in support of the matters alleged in the petition. The matter was argued by counsel and duly submitted.

On the basis of the pleadings, including the declaration and testimony of the petitioner with respect to the subscription lists and distribution of The Sheet, the argument of counsel, and the authorities cited by counsel, the court finds and orders as follows:

FINDINGS

1. The Notice of Intention to Apply for Order Re Newspaper of General Circulation and the Petition for Order Adjudicating Petitioner as Newspaper of General Circulation (Gov't. Code § 6008) were published in a newspaper of general circulation (The Mammoth Times) and

1 proof of publication was duly filed with this court, all in the manner required by law. The
2 foregoing were also published in The Sheet and proof of publication was filed with this court.

3 2. Petitioner is a resident of the County of Mono and is the editor and publisher of
4 The Sheet. Petitioner seeks in his petition to have The Sheet adjudicated a newspaper of
5 general circulation.

6 3. The Sheet is a newspaper published for the dissemination of local news and
7 intelligence of a general character that has been established and published at regular intervals of
8 not less than weekly in this judicial district for in excess of three years preceding the date of
9 adjudication.

10 4. The Sheet has been published on a regular basis since May, 2003. In action
11 number 15894 filed in this court in 2006, petitioner applied to have The Sheet adjudicated a
12 newspaper of general circulation. This court found that since The Sheet had been published
13 only twice in a three week period in November, 2006, it could not be established that The Sheet
14 had been published at least weekly for the preceding three years. This court found that the
15 remaining requirements of Government Code section 6008 had been met.

16 5. The Sheet prints and distributes from 5000 to 6000 issues on a weekly basis.
17 The Sheet has a bona fide list of paying subscribers and a substantial distribution to paid
18 subscribers pursuant to agreements with those persons and entities:

19 a. With respect to advertisers, The Sheet agrees to deliver copies of The
20 Sheet to each advertiser on a regular weekly basis as part of the consideration for the placement
21 of advertisements. There are currently fifty-five paid advertisers.

22 b. Subscribers agree to pay ten dollars per year to The Sheet, which delivers
23 The Sheet to those subscribers on a regular weekly basis by delivering copies to Mammoth
24 Business Essentials. The latter places the copies in boxes maintained by the subscribers at that
25 entity's place of business in Mammoth Lakes. There are currently twenty-nine such
26 subscribers.

27 ///

28 ///

1 c. The Sheet maintains a list of regular subscribers who pay fifty dollars per
2 year for receiving a copy of each weekly issue of The Sheet. The copies are mailed on a
3 bi-weekly basis. There are currently one hundred subscribers on this list from Mono and Inyo
4 Counties. The Court overrules Respondent's objection that this biweekly mailing violates the
5 requirement of at least weekly publication.

6 d. By way of a notice placed in each weekly publication, The Sheet
7 specifically solicits paid subscriptions.

8 e. In addition, and as a means of securing the widest possible distribution
9 for the benefit of its advertisers and the general public, The Sheet places the remaining copies of
10 each published issue in racks and other public places within Mono and Inyo Counties. These
11 copies may be taken without payment.

12 f. The Sheet does not solicit donations or sponsors simply to provide funds
13 to cover the costs of publication and delivery, nor does it continue to send copies to subscribers
14 without payment after subscriptions lapse. The Sheet is a business operated for profit and its
15 subscribers (including its advertisers) are its revenue sources.

16 6. The Sheet has maintained a minimum coverage of local news and intelligence of
17 a general character of not less than 25% of its total inches during each of the three years
18 preceding the filing of the petition.

19 7. The Sheet's only office of publication is located within this judicial district.

20 8. Respondent is not collaterally estopped from raising the question of whether
21 petitioner has a bona fide list of paying subscribers and a substantial distribution list, the prior
22 order of this court notwithstanding. The Court rejects Respondent's argument that a free
23 publication cannot have a bona fide subscriber list, and overrules the objection based thereon.

24 9. The case cited as authority by Respondent, *In Re Establishment of THE*
25 *EUREKA REPORTER as a Newspaper of General Circulation* (2008) 165 Cal.App.4th 891, is
26 distinguishable. There the petitioner newspaper advertised itself exclusively as a "free
27 newspaper." It had a "Voluntary Pay Program" which is claimed established a list of bona fide
28 paid subscribers. The program consisted of its periodically inserting a letter among its pages

1 asking readers to "sponsor" the newspaper in the amount of \$15, \$25 or \$50 to "help cover the
2 expense of home delivery." Readers who did not contribute would nevertheless continue to
3 receive delivery as a "gift." The court opined that this program did not meet the statutory test.
4 The Sheet, on the other hand, does not solicit sponsors or gifts, it has paying subscribers of
5 different types pursuant to agreements with those subscribers, and it does not continue to deliver
6 issues as gifts after the subscription lapse.

7 10. Given the size of its distribution (5000 to 6000 issues weekly) in a county of the
8 population of Mono County, matters published in The Sheet appear to reach a substantial
9 portion of the populace. The addition of another newspaper of general circulation will be
10 beneficial to the public.

11 **ORDER**

12 1. The petition of Fred (Ted) Carleton, the editor and publisher of The Sheet is
13 granted.

14 2. The Sheet is hereby adjudicated a "newspaper of general circulation" within the
15 meaning of Government Code section 6008, all the requirements of that section having been
16 established.

17 3. Each party shall bear its own costs.

18
19 Dated: DEC 28 2000

20
21 By: EDWARD FORSTENZLER
22 Judge of the Superior Court
23
24
25
26
27
28

PROOF OF SERVICE

I served the foregoing document, on the date and at the place stated below, by depositing a copy thereof, enclosed in a sealed envelope(s), first class postage prepaid, in the United States mail, addressed to each party or to his attorney as follows:

JAMES REED
LIEBERSBACH, MOHUN, CARNEY & REED
P.O. BOX 3337
MAMMOTH LAKES, CA 93546

DANA M. CROM
ATTORNEY AT LAW
621 WEST LINE ST., STE. 110
BISHOP, CA 93514

At the time of service, I was at least 18 years of age, a United States citizen employed in the county where the mailing occurred, and not a party to the action. My business address is:

P.O. Box 1037, Mammoth Lakes, CA 93546

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on December 28, 2009, at Mammoth Lakes, California.

A. TRAMUTOLO

A. TRAMUTOLO, Deputy Clerk

Mammoth Times
501 Old Mammoth Rd #9
Mammoth Lakes CA 93546

County of Mono
County Clerk- Recorder
Courthouse Annex I
PO Box 715
Bridgeport CA 93517
re: RFP

FILED
MAR 24 2013
LYNDA ROBERTS
MONO COUNTY CLERK

11:45



501 Old Mammoth Road, #9, P.O. Box 3929 Mammoth Lakes, CA 93546

March 27, 2013

To Whom It May Concern:

Thank you for the opportunity to submit a bid for the County of Mono's legal notices, announcements, and display advertising.

In presenting a sound business proposal for Mono County's request for a bid, I'd like to present the two most important points when considering any publication to publish legal notices: price and verifiable circulation.

Price: The Mammoth Times' open rate is \$8.65 per column inch for legal publications. This last year, the Mammoth Times charged the County of Mono \$6.60 per column inch for its legal publications, without a contract.

As specified in the RFP, the Times is prepared to offer the following price for legal advertising printed in 7 pt. san serif type in columns 9 picas and 9 points wide (1.65 inches) for the 2013-14 year: **\$2.00 per column inch.**

This is the average inch cost the County has enjoyed in previous years.

For display advertising, the Mammoth Times is offering \$7.23 per column inch, more than 60% lower than standard open rates.

Circulation: The Mammoth Times prints 4,200 copies every week. The Times has significantly reexamined and adjusted its distribution over the past couple of years. The following is a breakdown of our current distribution:

In Mono County circulation: 3,140

Walker: 25

Bridgeport: 150

Lee Vining: 150

June Lake: 190

Mammoth Lakes: 2,480

Crowley Lake: 60

Toms Place: 10

Benton: 35

Chalfant: 40

Outside of Mono County: 1,060

Bishop: 160

Subscribers: 900

As a paid publication, the Mammoth Times can substantiate its circulation through an annual sworn statement of ownership with the Postal Service (USPS form 3526); a copy of which is attached.

Because our readers are happy to pay for a quality product, we are able to provide the number of picked up papers and the number of papers returned. The research and numbers provided within these audits proves there is nothing to support a print run more than 5,100. Anything more than that becomes wasteful.

Just because the Sheet claims to print "6,000 copies" does not mean more people are reading it. In fact, the Mammoth Times has received several faxes in the past two years by accident from the Sheet's printer and the print run was not 6,000. And even if the Sheet prints that many copies, for all we know, people pick up free publications and use them as fire starters without even glancing through the pages. According to a study conducted by the Newspaper Association of America, people who pay for a paper are going to read it.

Although I believe the Mammoth Times' price and verifiable circulation best serve Mono County's residents and wallet, I would also like to present other reasons the Mammoth Times should be awarded the County's bid:

Thursday publish date: As of April 18, the Mammoth Times will be published on Thursdays. This change will give Mono County (and other advertisers) an extra day of exposure with announcements that correlate to the immediate weekend, thus allowing readers an extra day to prepare and plan for such announcements.

Other publications: Under this bid, the price quoted for display advertising is the price the County of Mono will enjoy in ALL of our special publications. This includes our bi-monthly Mammoth Sierra Magazine, our two Welcome to the Eastern Sierra publications, Philanthropy Guide, among others. The Mammoth Times prides itself in offering a multitude of advertising options in a variety of publications depending on your needs.

Online viewing: All Mono County legals and classifieds are posted online at no additional charge.

Accountability: The Mammoth Times is a member of the California Newspapers Publishers Association (CNPA) and follows the Code of Ethics set forth by the Society of Professional Journalists. We do not use the paper as a soapbox and we do not fabricate, assume, or speculate. That is not journalism. Most recently, CNPA awarded the Mammoth Times with six awards in journalism in a California statewide contest.

The Mammoth Times belongs to a Publishing Group called Horizon Publications, and is one of 35 sister newspapers (including the Inyo Register). The Publishing Group offers legal, technical, and other business-related support. The Mammoth Times employs six full-time employees, two part-time employees, and several local contractors. We all are Mono County residents and taxpayers.

Newspaper of Record: The Mammoth Times celebrated its 25th birthday in December 2012. Mammoth Times employees take their jobs seriously. We realize our responsibility to our readers, to our advertisers, and to our community. Reporting the news becomes public record for future generations to read and research. We take great care to print accurate information and to print corrections when appropriate.

As the qualified and cost effective option, the Mammoth Times looks forward to serving the County of Mono in all of its needs as we have in the past.



Aleksandra Gajewski
Publisher and Editor
Horizon California Publications
Mammoth Times
P.O. Box 3929
501 Old Mammoth Rd. #9
Mammoth Lakes, CA 93546
760.934.3929

**County of Mono
Request for Proposals for
Publication of Legal Notices**

Fiscal Year 2013-14

Dated: March 4, 2013

Sealed proposals must be submitted before **Friday, March 29, 2013 at 3:00 p.m.** to:

County of Mono
County Clerk-Recorder
Courthouse Annex I
Post Office Box 715
Bridgeport, CA 93517

Proposals will be publicly opened on:
Wednesday, April 3, 2013
In the Bridgeport County Offices

Contact: Lynda Roberts, County Clerk-Recorder/Clerk of the Board
(760) 932-5538
lroberts@mono.ca.gov

INTRODUCTION

The County of Mono is soliciting proposals for the provision of the publishing of legal notices for the County for a 12 month period, beginning July 1, 2013. For purposes of this RFP, the term "legal notice" includes government notices of all kinds and is not limited to those notices required by the law to be published. Upon selection of the most qualified, cost effective, and responsive adjudicated newspaper, the County will enter into a contract for services.

This Request for Proposal (RFP) describes the County's basic needs. You are encouraged to identify other services beyond these minimum required services which you can provide to address the County's needs and describe any progressive approaches that would reduce County costs and/or increase advertising efficiency and effectiveness.

1. GENERAL SPECIFICATIONS

- ✓• The County of Mono ("County") is seeking proposals for the publishing of legal notices from newspapers of **general circulation adjudicated in the County of Mono** (i.e. approved by a court for the publication of legal notices concerning the County).
- ✓• The contract prices for such publication may not exceed the customary rates charged by the newspaper for the publication of legal notices of a private character.
- ✓• Each bidder shall be held responsible for familiarizing themselves with conditions to be encountered and requirements of the specifications.
- ✓• Proposals must be made on the forms furnished by the County. (Note: Do not remove the specifications or any of the pages herein but submit as a complete package with any additional information you wish to provide.)
- ✓• The awarded contract will be reviewed and approved as to form by County Counsel prior to execution.
- ✓• The proposal and contract that may be awarded shall be valid from July 1, 2013 to June 30, 2014.
- ✓• The County of Mono reserves the right to evaluate the proposal based on several qualifications including circulation of the paper, days published, experience, samples, lead time, and cost.
- ✓• Each proposal must attach proof that the publication is an **adjudicated newspaper of general circulation within the County of Mono** as set forth in California Government Code Sections 6000-6008. This proof will become part of any contract awarded.
- ✓• Prices quoted on the proposal shall be in effect from the date of the proposal until June 30, 2014.
- ✓• In the event that the newspaper that is awarded the advertising contract for the County is unable to publish on the date required by the County, the County may choose an alternate newspaper in order to meet publication deadline/requirements.

- ✓• Advertisements and notices shall be placed in the body of the newspaper and shall be published for the number of days directed by the officer requiring such publication. Publishing of advertisements and other notices on a supplemental sheet to the newspaper will not be acceptable.
- ✓• One Affidavit of Publication will be required for each publication, to be delivered to the County within 30 days of the last publication of the item, along with an invoice for the publication.
 - Official legal notices for the County will consist of printing and publishing such items as: Notice of Public Hearings, Ordinances, Request for Bid Notices, Election Notices, Notice of Meetings, and such other items as may be required by the County. Examples of County notices are attached as Exhibits "A" and "B."
- ✓• The publisher shall have the capability to receive typeset matter and proofs via email, and shall provide County an email address to be used for transmission of typeset matter.
- ✓• A current County business license is to be in effect during the term of the contract.
- ✓• The County reserves the right to reject any and all proposals, and to waive minor irregularities in any proposal.
- ✓• The County reserves the right to request clarification of information submitted, and to request additional information from the respondent.

**Proposal for
Publication of Legal Notices**

Per line cost and column width for legal \$2.00 PCI @ 1.625/pci
Per line cost and column width for display \$7.23 PCI @ 1.625/pci
Color ad - Per line cost and column width for display same
Price for second publication (following week) same
Cost to publish Exhibit A as a legal notice: \$5.88/per week
Cost to publish Exhibit B as a display ad: \$300 @ 1/2 H 6 c x 6.92 in

Submit proofs of the sample ads as part of your proposal.

Days of week published Thursdays

Required lead time for publication:

Day Tuesday Time 5 p.m.

Extra cost for late submittals None

Required lead time for retractions or corrections Wednesday 10 a.m.

Holidays observed New Years Day, Memorial Day, July 4th, Labor Day, Thanksgiving, Christmas.

Total circulation 4,200

County of Mono circulation 3,140

Communities where circulated walker, Bridgeport, Lee Vining,

June Lake, Mammoth Lakes, Crowley Lake,

Toms place, Benton, Chalfant

Declaration of Non-Collusion: The undersigned certifies (or declares) under penalty of perjury that this proposal is genuine and not sham or collusive, or made in the interest or on behalf of any person, firm, or corporation not herein named; that the contractor has not directly or indirectly induced or solicited any other contractor to put up a sham proposal, or any other person, firm, or corporation to refrain from bidding; and that the contractor has not in any manner sought by collusion to secure to himself/herself any advantage over other contractors.

Declaration of Adjudication: The undersigned certifies (or declares) under penalty of perjury that the named newspaper is adjudicated as a newspaper of general circulation in the County of Mono by the State of California (as defined by Government Code Section 6000, et. seq.).

Errors and Omissions. The undersigned understands and agrees that the County of Mono will not be responsible for any error or omission on the part of the undersigned in making this proposal.

Declaration of Non-Discrimination: In the performance of any contract pursuant to these specifications, the undersigned understands and agrees that it shall not discriminate against any employee or applicant for employment because of age, sex, marital status, physical handicap, race, color, religion, ancestry, or national origin. Contractor will take affirmative action to ensure the applicants are employed, and that employees are treated during employment without regard to their age, sex, marital status, physical handicap, race, color, religion, ancestry, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. Contractor shall post in a conspicuous place, available to employees and applicants for employment, notices setting forth the provisions of this Fair Employment Practices paragraph.

Declaration of Customary Rates: The undersigned certifies (or declares) under penalty of perjury that the above proposed rates do not exceed the customary rates charged by the newspaper for the publication of legal notices of a private character.

Proposal submitted by:

The Mammoth Times

Newspaper Name

501 Old Mammoth Road #9, Mammoth Lakes, 93546

Address

760-934-3929

Phone Number

760-934-3951

Fax Number

aleksandra@mammothtimes.com

E-Mail

Aleksandra Gajewski

Authorized Signature

Aleksandra Gajewski

Printed Name

Publisher

Title

3-28-13

Date

EXHIBIT "A"
Legal Notice

COUNTY OF MONO

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Board of Supervisors of the County of Mono will conduct a public hearing regarding the following proposed fees for Cottage Food Operations (CFO) Permits and Registration: specifically, \$81.00 for a Class A CFO registration and \$162.00 for a Class B CFO Permit. The public hearing will be held at 2:30 p.m. on Tuesday, February 19, 2013, during the Board's regular meeting in the Board of Supervisors Conference Room, 3rd Floor, Sierra Center Mall, 452 Old Mammoth Road, Mammoth Lakes, CA 93546. Any interested person who wishes to appear at the hearing shall be given an opportunity to make an oral or written presentation regarding the proposed fees. For more information, please contact Louis Molina, Mono County Environmental Health Director at (760) 924-1845.

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MT13-455 (3/29/13)

Advertising Receipt

Horizon California
PO Box 3929
Mammoth Lakes, CA 93546

Phone: 760-934-3929
Fax: 760-934-3951

Mono County Board of Superviso
Linda Romero
P.O. BOX 715
BRIDGEPORT , CA 93517

Acct #: 01100021
Ad #: 00026909
Phone: (760)932-5534
Date: 03/27/2013
Ad taker: Tiff Salesperson: NOSA

Sort Line: MT13-455

Ad Notes:

Classification: 320

Description	Total
2M Mammoth Times 03/29/2013	5.88
W Class Web Upsell 03/29/2013	0.00

Ad Text:

NOTICE OF PUBLIC HEARING
NOTICE IS HEREBY GIVEN that the Board of Supervisors of the County of Mono will conduct a public hearing regarding the following proposed fees for Cottage Food Operations (CFO) Permits and Registration: Specifically, \$81.00 for a Class A CFO registration and \$162.00 for a Class B CFO Permit. The public hearing will be held at 2:30 p.m. on Tuesday, February 19, 2013, during the Board's regular meeting in the Board of Supervisors Conference Room, 3rd Floor, Sierra Center Mall, 452 Old Mammoth Road, Mammoth Lakes, CA 93546. Any interested person who wishes to appear at the hearing shall be given an opportunity to make an oral or written presentation regarding the proposed fees. For more information, please contact Louis Molina, Mono County Environmental Health Director at (760) 834-1045

Payment Reference:

Total: 5.88
Tax: 0.00
Net: 5.88
Prepaid: 0.00
Total Due 5.88

EXHIBIT "B"
Display Ad with County Seal



MONO COUNTY REGISTRAR OF VOTERS

THANK YOU

to the following *election officers* who worked hard to make
the November 6, 2012 Presidential General Election run smoothly.

<p><u>ANTELOPE PRECINCT</u> Mary Hussman Michele Drewniany Effie Hershey John MacBride Marlene Stewart</p>	<p><u>MAMMOTH LAKES PRECINCTS</u> Kathryn Anderson Greg Newbry John Anderson Richard Bailey Carolyn Balliet Cedar Barager Lynn Blanche James Clark John Deinken Mary Ann Dunigan Susan Fontana Thalia Hanson Stephen Hine Lewis Jones Freda Lovell Mary McDowell Jane Nantz Sarah Patrick CD Ritter Sylvia Sedillos Zelpha Wallace Rebecca Watkins Elizabeth Wilbrecht Wilma Wheeler</p>
<p><u>BRIDGEPORT PRECINCT</u> Donna Smyth Nancy Alaniz Sharon Stoddard</p>	
<p><u>JUNE LAKE PRECINCT</u> Linda Rossier Jean Dillingham Barri Sue Gaudet Laura Newland</p>	
<p><u>LONG VALLEY PRECINCT</u> Joyce Rowan Dorie Burleigh Kim Czeschin Rebecca Waters</p>	

We appreciate your dedication

LYNDA ROBERTS
MONO COUNTY REGISTRAR

LINDA ROMERO
ASSISTANT REGISTRAR

MONO COUNTY REGISTRAR OF VOTERS THANK YOU!

*to the following election officers who worked hard to make
the November 6, 2012 Presidential General Election run smoothly.*



ANTELOPE PRECINCT

Mary Hussman
Michele Drowniany
Effie Hershey
John MacBride
Marlene Stewart

BRIDGEPORT PRECINCT

Donna Smyth
Nancy Alaniz
Sharon Stoddard

JUNE LAKE PRECINCT

Linda Rossier
Jean Dillingham
Barri Sue Gaudet
Laura Newland

LONG VALLEY PRECINCT

Joyce Rowan
Dorie Burleigh
Kim Czeschin
Rebecca Waters

MAMMOTH LAKES PRECINCTS

Kathryn Anderson
Greg Newbry
John Anderson
Richard Bailey
Carolyn Balliet
Cedar Barager
Lynn Blanche
James Clark
John Deinken
Mary Ann Dunigan
Susan Fontana
Thalia Hanson
Stephen Hine
Lewis Jones
Freda Lovell
Mary McDowell
Jane Nantz
Sarah Patrick
CD Ritter
Sylvia Sedillos
Zelpha Wallace
Rebecca Watkins
Elizabeth Wilbrecht
Wilma Wheeler

We appreciate your dedication

LYNDA ROBERTS
MONO COUNTY REGISTRAR

LINDA ROMERO
ASSISTANT REGISTRAR

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Mammoth Lakes, CA 93546

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Linda Romero
P.O. Box 715
Bridgeport , CA 93517

Acct #: 03101712

Ad #: 00026922

Phone: (760)932-5534

Date: 03/28/2013

Ad taker: Tiff **Salesperson:** S2

Sort Line: MONOCO LEGAL1/2H 4C

Ad Notes:

Classification:

Description	Total
2M Mammoth Times 04/05/2013	300.00

Ad Text:

Payment Reference:

Total: 300.00
Tax: 0.00
Net: 300.00
Prepaid: 0.00
Total Due 300.00

1 Robert F. Tyler, Jr., Esq. (State Bar No. 63055)
LANIUS & TYLER
2 2893 Sunrise Blvd., Suite 108
Rancho Cordova, CA 95742
3 (916) 631-0700

4 Attorneys for Petitioner

FILED

MAR 24 1992
RENN NOLAN
COUNTY CLERK, MONO COUNTY

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF MONO

11	IN RE THE MATTER OF THE)	No. 10314
12	ASCERTAINMENT AND)	
13	ESTABLISHMENT OF THE MAMMOTH)	ORDER ADJUDICATING THE
14	TIMES AS A NEWSPAPER OF)	MAMMOTH TIMES AS A NEWSPAPER
15	GENERAL CIRCULATION,)	OF GENERAL CIRCULATION
16)	
17	New Times Publishing Inc.,)	
18)	
19	Petitioner,)	Date: March 24, 1992
20)	Time: 1:30 p.m.
21)	

22 The Petition of NEW TIMES PUBLISHING, INC. to ascertain and
23 establish the standing of THE MAMMOTH TIMES as a newspaper of
24 general circulation, pursuant to Government Code §6008, came on
25 regularly for hearing in the above entitled Court on the 24th day
26 of March, 1992, the Honorable N. Edward Denton presiding. Lanus
27 & Tyler, by Robert F. Tyler, Jr., appeared on behalf of the
28 petitioner; no person or entity appeared to object or contest the
petition. Due notice of the time and place of hearing having been
given in the form and manner required by law and the evidence, both
oral and documentary, having been introduced, the Court considered
the verified Petition, having heard the testimony and examined the
evidence presented, and having found that the said newspaper, THE

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MAMMOTH TIMES, has been established and continuously printed for at least three years prior to the filing of the Petition herein within the meaning of Government Code section 6006, hereby finds that said newspaper qualifies and meets the requirements of both Government Code section 6008 as a newspaper of general circulation for the City of Mammoth Lakes, County of Mono, State of California.

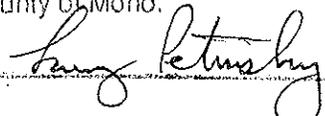
GOOD CAUSE THEREFOR APPEARING, it is hereby ordered and adjudicated that the MAMMOTH TIMES is a newspaper of general circulation within the meaning of Government Code §6008.

Dated: March 24, 1992.


N. EDWARD DENTON
JUDGE OF THE SUPERIOR COURT



The foregoing instrument is a full, true and correct copy of the original on file in this office.

Attest NOV 30 2010
The Superior Court of the State of California, in and for the County of Mono.

LARRY PETRISKY



Statement of Ownership, Management, and Circulation
(All Periodicals Publications Except Requester Publications)

1. Publication Title <p align="center">Mammoth Times</p>	2. Publication Number <table border="1" style="width:100%; border-collapse: collapse; text-align: center;"> <tr> <td style="width:12.5%; height: 20px;"> </td> <td style="width:12.5%; height: 20px;">1</td> <td style="width:12.5%; height: 20px;">-</td> <td style="width:12.5%; height: 20px;">9</td> <td style="width:12.5%; height: 20px;">7</td> <td style="width:12.5%; height: 20px;">0</td> <td style="width:12.5%; height: 20px;">7</td> </tr> </table>					1	-	9	7	0	7	3. Filing Date <p align="center">09/21/2012</p>
				1	-	9	7	0	7			
4. Issue Frequency <p align="center">Weekly</p>	5. Number of Issues Published Annually 	6. Annual Subscription Price \$64 - out of Area +38 - LOCAL										
7. Complete Mailing Address of Known Office of Publication (Not printer) (Street, city, county, state, and ZIP+4®) 501 Old Mammoth Rd, #9 PO Box 3929 Mammoth Lakes, CA 93546		Contact Person Tiffany Tyree Telephone (Include area code) 760.934.3929										

8. Complete Mailing Address of Headquarters or General Business Office of Publisher (Not printer)
 P.O. Box 3929
 Mammoth Lakes, CA 93546

9. Full Names and Complete Mailing Addresses of Publisher, Editor, and Managing Editor (Do not leave blank)

Publisher (Name and complete mailing address)
 Aleksandra Gajewski
 PO Box 3929
 Mammoth Lakes, CA 93546

Editor (Name and complete mailing address)
 Aleksandra Gajewski
 PO Box 3929
 Mammoth Lakes, CA 93546

Managing Editor (Name and complete mailing address)
 George Shirk
 PO Box 3929
 Mammoth Lakes, CA 93546

10. Owner (Do not leave blank. If the publication is owned by a corporation, give the name and address of the corporation immediately followed by the names and addresses of all stockholders owning or holding 1 percent or more of the total amount of stock. If not owned by a corporation, give the names and addresses of the individual owners. If owned by a partnership or other unincorporated firm, give its name and address as well as those of each individual owner. If the publication is published by a nonprofit organization, give its name and address.)

Full Name	Complete Mailing Address
Horizon California Publications, Inc, 1120 N. CARBON ST, #100 Marion, IL 62959	HORIZON PUBLICATIONS, INC, 1120 N. CARBON ST, #100 Marion, IL 62959

11. Known Bondholders, Mortgagees, and Other Security Holders Owning or Holding 1 Percent or More of Total Amount of Bonds, Mortgages, or Other Securities. If none, check box None

Full Name	Complete Mailing Address

12. Tax Status (For completion by nonprofit organizations authorized to mail at nonprofit rates) (Check one)
 The purpose, function, and nonprofit status of this organization and the exempt status for federal income tax purposes:
 Has Not Changed During Preceding 12 Months
 Has Changed During Preceding 12 Months (Publisher must submit explanation of change with this statement)

month Times

14. Issue Date for Circulation Data Below

9/21/2012

Nature of Circulation

Average No. Copies Each Issue During Preceding 12 Months

No. Copies of Single Issue Published Nearest to Filing Date

a. Total Number of Copies (Net press run)

4200

4200

b. Paid Circulation (By Mail and Outside the Mail)

(1) Mailed Outside-County Paid Subscriptions Stated on PS Form 3541 (include paid distribution above nominal rate, advertiser's proof copies, and exchange copies)

653

632

(2) Mailed In-County Paid Subscriptions Stated on PS Form 3541 (include paid distribution above nominal rate, advertiser's proof copies, and exchange copies)

215

198

(3) Paid Distribution Outside the Mails Including Sales Through Dealers and Carriers, Street Vendors, Counter Sales, and Other Paid Distribution Outside USPS®

3090

3074

(4) Paid Distribution by Other Classes of Mail Through the USPS (e.g., First-Class Mail®)

4

2

c. Total Paid Distribution (Sum of 15b (1), (2), (3), and (4))

3968

3906

d. Free or Nominal Rate Distribution (By Mail and Outside the Mail)

(1) Free or Nominal Rate Outside-County Copies included on PS Form 3541

3

7

(2) Free or Nominal Rate In-County Copies Included on PS Form 3541

(3) Free or Nominal Rate Copies Mailed at Other Classes Through the USPS (e.g., First-Class Mail)

(4) Free or Nominal Rate Distribution Outside the Mail (Carriers or other means)

100

100

e. Total Free or Nominal Rate Distribution (Sum of 15d (1), (2), (3) and (4))

103

107

f. Total Distribution (Sum of 15c and 15e)

4071

4013

g. Copies not Distributed (See Instructions to Publishers #4 (page #3))

100

100

h. Total (Sum of 15f and g)

4171

4113

i. Percent Paid (15c divided by 15f times 100)

95.13%

97%

16. Total circulation includes electronic copies. Report circulation on PS Form 3526-X worksheet.

17. Publication of Statement of Ownership

If the publication is a general publication, publication of this statement is required. Will be printed

Publication not required.

in the 9/21/2012 issue of this publication.

18. Signature and Title of Editor, Publisher, Business Manager, or Owner

Gregory...

Date

9/19/12

I certify that all information furnished on this form is true and complete. I understand that anyone who furnishes false or misleading information on this form or who omits material or information requested on the form may be subject to criminal sanctions (including fines and imprisonment) and/or civil sanctions (including civil penalties).



COUNTY LICENSE
COUNTY OF MONO – STATE OF CALIFORNIA
POST THIS LICENSE IN A CONSPICUOUS PLACE

2012/2013

License No. 2233

THE LICENSEE NAMED HEREON HAS PAID TO THE UNDERSIGNED TAX COLLECTOR THE AMOUNT SHOWN AND IS HEREBY LICENSED, UNDER PROVISIONS OF MONO COUNTY CODE FOR THE PERIOD EXPIRING ON THE DATE SHOWN, TO CARRY ON THE BUSINESS OR OCCUPATION SPECIFIED, AT THE LOCATION SHOWN (IN THE CASE OF A STATIONARY BUSINESS), OR TO OPERATE THE VEHICLE SPECIFIED. THIS LICENSE IS SUBJECT TO ANY SPECIAL CONDITIONS SHOWN AND IS VALID ONLY IN THE UNINCORPORATED TERRITORY OF MONO COUNTY.

LICENSEE, LOCATION-BUSINESS, OCCUPATION, OR VEHICLE

DBA MAMMOTH TIMES
1120 N. CARBON, STE 100
MARION IL 62959

July 1, 2012 DATE OF ISSUE

June 30, 2013 EXPIRATION DATE

\$35.00 FEE

BUSINESS PHYSICAL ADDRESS:

452 OLD MAMMOTH RD.
MAMMOTH LAKES CA 93546

ASSISTANT DIRECTOR OF FINANCE/TREASURER-TAX COLLECTOR

SPECIAL CONDITIONS

This LICENSE is granted subject to LICENSEE being in compliance with all applicable Federal, State, and County Ordinances and other permit requirements.

THIS LICENSE IS NOT TRANSFERABLE

BNC

Better Newspapers Contest

NEWSPAPER WINNERS 2012

DAILY NEWSPAPER WINNERS

Antelope Valley Press
Appeal-Democrat
Auburn Journal
Chico Enterprise-Record
Contra Costa Times
Daily Breeze
Daily News-Los Angeles
Daily Press
Daily Republic
Glendale News-Press
Imperial Valley Press
Las Vegas Review-Journal
Lodi News-Sentinel
Los Angeles Times
Marin Independent Journal

Merced Sun-Star
Porterville Recorder
Press-Telegram
Record Searchlight
San Francisco Chronicle
San Jose Mercury News
Santa Barbara News-Press
Santa Cruz Sentinel
Santa Maria Times
Santa Monica Daily Press
Star-News
The Bakersfield Californian
The Davis Enterprise
The Desert Sun
The Fresno Bee

The Hanford Sentinel
The Modesto Bee
The Monterey County Herald
The Napa Valley Register
The Oakland Tribune
The Press Democrat
The Press-Enterprise
The Record
The Salinas Californian
The Signal
The Tribune
The Union Democrat
The Union, Grass Valley
U-T San Diego
Ventura County Star
Visalia Times-Delta

WEEKLY NEWSPAPER WINNERS

Amador Ledger Dispatch
Big Bear Grizzly
Brentwood News-Antioch
Burbank Leader
Calaveras Enterprise
Chico News & Review
Chino/Chino Hills Champion
Claremont Courier
Concord Transcript
Del Norte Triplicate
Dispatch
Feather River Bulletin
Free Lance
Good Times
Grunion Gazette
Half Moon Bay Review
Healdsburg Tribune
Idyllwild Town Crier
La Canada Valley Sun
La Jolla Light
La Prensa
Lamorinda Weekly
Lincoln News Messenger
Loomis News
Los Altos Town Crier

Los Angeles Downtown News
Los Banos Enterprise
Los Gatos Weekly-Times
Mariposa Gazette
Metro Silicon Valley
Monterey County Weekly
Mountain Democrat
Mountain View Voice
New Times
North Bay Bohemian
North Coast Journal
Novato Advance
Novato Advance
Palo Alto Weekly
Pasadena Sun
Petaluma Argus-Courier
Placer Herald
Rancho Bernardo News Journal
Roseville Press-Tribune
Ross Valley Reporter
Sacramento Business Journal
Sacramento News & Review
San Francisco Bay Guardian
San Francisco Business Times
Santa Maria Sun

Saratoga News
SF Weekly
Sierra Star
Sierra Sun
Silicon Valley/San Jose Business Journal
Simi Valley Acorn
St. Helena Star
Tahoe Mountain News
Tehachapi News
The Acorn
The Almanac
The Ark
The Business Journal
The Cambrian
The Campbell Reporter
The Downey Patriot
The Intermountain News
→ The Mammoth Times ←
The Recorder
The Ripon Record
The Weekly Calistogan
The Windsor Times
Thousand Oaks Acorn
Twin Cities Times
Vida en el Valle

STUDENT NEWSPAPER WINNERS

High School

The Chronicle, Harvard-Westlake High School
The Gazette, Granite Bay High School
The Lancer, Thousand Oaks High School
The Olympian, Castro Valley High School

2-Year College

El Don, Santa Ana College
The Advocate, Contra Costa College
The Oak Leaf, Santa Rosa Junior College
The Renegade Rip, Bakersfield College
The Sun, Southwestern College
The Tempest, Solano College

4-Year College

Daily 49er, CSU Long Beach
Daily Sundial, CSU Northridge
Golden Gate Xpress, San Francisco State University
Los Angeles Loyolan, Loyola Marymount University
Spartan Daily, San Jose State University
The Daily Bruin, UCLA
The Orion, CSU Chico



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE	May 7, 2013	DEPARTMENT	Community Development - Planning Division
ADDITIONAL DEPARTMENTS			
TIME REQUIRED	20 minutes	PERSONS APPEARING BEFORE THE BOARD	Courtney Weiche
SUBJECT	Rock Creek Ranch Specific Plan Amendment and Tentative Tract Map Modification		

AGENDA DESCRIPTION:

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

Public hearing regarding proposed amendment to the Rock Creek Ranch Specific Plan and Tentative Tract Map 37-56 (Rock Creek Ranch) which would eliminate 5 density bonus lots within the subdivision, thereby reducing the total number of lots on the TTM from 60 to 55; eliminating the requirement that eleven lots be deed-restricted for an accessory dwelling unit; and making conforming changes to the Rock Creek Ranch Specific Plan.

RECOMMENDED ACTION:

Adopt proposed Resolution R13-___; accepting the EIR Addendum and approving Specific Plan Amendment 13-001 and Tentative Tract Map 37-56 Modification.

FISCAL IMPACT:

No fiscal impact.

CONTACT NAME: Courtney Weiche

PHONE/EMAIL: 760.924.1803 / cweiche@mono.ca.gov

SUBMIT THE ORIGINAL DOCUMENT WITH ATTACHMENTS TO THE OFFICE OF THE COUNTY ADMINISTRATOR
**PRIOR TO 5:00 P.M. ON THE FRIDAY
32 DAYS PRECEDING THE BOARD MEETING**

SEND COPIES TO:

cweiche@mono.ca.gov

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

[Click to download](#)

- [📄 Staff Report](#)
- [📄 Proposed Resolution](#)
- [📄 Attachment A Specific Plan Amendment](#)
- [📄 Attachment B Rock Creek Ranch Addendum](#)
- [📄 Approved Housing Mitigation Agreement](#)
- [📄 Planning Commission Resolution R13-01](#)
- [📄 Powerpoint](#)

History

Time	Who	Approval
5/1/2013 2:21 PM	County Administrative Office	Yes
5/1/2013 10:43 AM	County Counsel	Yes
5/1/2013 2:58 PM	Finance	Yes

Mono County Community Development Department

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

Planning Division

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

May 7, 2013

To: Mono County Board of Supervisors

From: Courtney Weiche, Associate Planner

Re: Rock Creek Ranch Specific Plan Amendment 13-001 & Tentative Tract Map 37-56 Modification

I. RECOMMENDATION

The Planning Commission recommends that the Board of Supervisors consider adoption of Resolution R13-__ taking the following actions:

Accept the EIR Addendum and approve Specific Plan Amendment 13-001 and Tentative Tract Map 37-56 Modification subject to the findings contained in Board of Supervisors Resolution R13-__.

II. PROJECT BACKGROUND

The Rock Creek Ranch Specific Plan, Tentative Tract Map (TTM) 37-56, and Final Environmental Impact Report (FEIR) were adopted by the Mono County Board of Supervisors on May 12, 2009. This approval established development standards for the Rock Creek Ranch site.

The Rock Creek Ranch site is a 55.4-acre parcel in the unincorporated community of Paradise in southern Mono County. The site is about 20 miles southeast of the town of Mammoth Lakes, 15 miles northwest of the city of Bishop, one mile west of US Highway 395, and one mile north of the Inyo/Mono county boundary. No commercial enterprises exist in the community of Paradise.

The approved project can be summarized as follows:

1. The Specific Plan established how various aspects of the single-family residential project will be built such as:
 - uses allowed within the project area;
 - lot constraints; and
 - building and lot disturbance areas.

Attached is the approved Rock Creek Ranch Specific Plan for review that lists all of the development requirements of the project.

2. The approved Tentative Tract Map 37-56 tentatively subdivides parcel (APN 026-330-002) into 60 market-rate parcels, five affordable housing parcels, and 11 deed-restricted parcels to require an accessory unit for a total of 60 parcels.

At the time of project approval, the Board of Supervisors elected Option D from the staff report as the preferred alternative to satisfy the Housing Ordinance requirements. Cognizant of the complexities and

specific circumstances of meeting the housing mitigation requirements for each development project, the ordinance allowed for alternative proposals and developer incentives to be analyzed and considered.

Option D allowed the applicant to request construction of the five affordable units on a schedule that would require one affordable unit to be constructed for every 10 lots sold in the development (instead of constructing the five units from and prior to the first market rate home certificate of occupancy). As a result, the condition of approval related to housing was revised to read:

#32. Affordable housing mitigation shall be provided and shall consist of: 1) an alternative mitigation proposal agreed upon by County and applicant that satisfies the criteria set forth in section 15.40.060 of the Code or such other requirement for alternative mitigation which the County may hereinafter adopt to which applicant agrees to be subject; or 2) Option D from the staff report. In the event of disagreement between applicant and the County regarding an alternative mitigation proposal, the matter may be subject to further review by the Planning Commission and/or the Board of Supervisors. A housing mitigation agreement shall be recorded with the county recorder and said agreement shall become a part of the recorded covenants, conditions, and restrictions (CCRs) that govern the use of the property.

Since the tentative tract map was approved, the County suspended the housing mitigation requirements of Mono County Code Chapter 15.40, including any requirements imposed as conditions of approval for the Tentative Map. The suspension arose in response to changed market conditions that have increased the stock of affordable housing within the county and reduced the need for housing mitigation. The applicant has since requested to modify the conditions of approval to reflect that the existing housing mitigation ordinance requirements are suspended. The County and subdivider entered into a Housing Mitigation Agreement in August of 2012 (see Attachment A) that acknowledges the suspension.

The approved Housing Mitigation Agreement stipulated the Board of Supervisors must approve an amendment to the Tentative Map and Specific Plan, requiring the elimination of the five ‘density bonus’ lots to be dedicated for affordable housing purposes, with the gross area of those lots divided amongst the remaining lots. A separate environmental review/analysis is required to amend the Tentative Tract Map and the Specific Plan to reflect the direction and approval of the recent Housing Mitigation Agreement.

II. TENTATIVE TRACT MAP 37-56 AMENDMENT

Tentative Tract Map 37-56 Amendment would eliminate the 5 affordable housing lots, with the gross area of those lots divided amongst the remaining lots. There is no substantial change to the roads, open space areas, or any other infrastructure originally approved in 2009.

If the Board chooses to approve the proposed changes to Tentative Tract Map 37-56, Resolution R13-__ makes the required findings.

III. SPECIFIC PLAN AMENDMENT 13-001

Specific Plan Amendment 13-001 would approve the minor changes to the text and exhibits reflecting the approved Housing Mitigation Agreement, which changes the maximum number of approved lots from 60 to 55.

If the Board chooses to approve the proposed changes to the Specific Plan, Resolution R13-__ makes the required findings.

IV. LAND TECHNICAL ADVISORY COMMITTEE

The LDTAC met April 16, 2012, to review and provide input on the project proposal. The LDTAC accepted the proposed modifications to the Tentative Tract Map and recommended moving forward with processing the permit, including making the necessary amendments to the Specific Plan.

V. PLANNING COMMISSION

The Planning Commission considered the item at a noticed public hearing on April 11, 2013. No comments were received and no members of the public were in opposition to the project. The Planning Commission motion directed staff to make the appropriate changes, which included refinement of the Tentative Tract Map findings and clarifying the 11 lots were no longer deed restricted to require an accessory unit. The Planning Commission adopted Resolution 12-001 recommending acceptance of the EIR Addendum and that the Board of Supervisors approve the Rock Creek Ranch Specific Plan Amendment and Tentative Tract Map 37-56 modification on a 4-1 vote. The Board of Supervisors is required to consider the Planning Commission recommendation at the public hearing and may approve, modify or disapprove the recommendation.

VI. ENVIRONMENTAL REVIEW

The Rock Creek Ranch Specific Plan Final Environmental Impact Report (EIR) was approved on May 12, 2009. An Addendum to the Final EIR has been prepared to satisfy environmental review requirements under CEQA.

CEQA Section 15164 (a) provides that “the lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.” The attached Addendum provides the required analysis and explains why a subsequent EIR is not applicable for this amendment.

VII. ENCLOSURES

- 1) Resolution R13-__
 - i) Attachment A: Specific Plan Amendment 13-001 in legislative format with Planning Commission changes
 - ii) Attachment B: Addendum to the Rock Creek Ranch FEIR
- 2) Planning Commission Resolution R13-01
- 3) Approved Housing Mitigation Agreement



RESOLUTION NO. R13-__

**A RESOLUTION OF THE MONO COUNTY BOARD OF SUPERVISORS
APPROVING ROCK CREEK RANCH SPECIFIC PLAN AMENDMENT 13-001 AND TENTATIVE
TRACT MAP 37-56 MODIFICATION**

WHEREAS, the Rock Creek Ranch Specific Plan was approved on May 12, 2009, by the Mono County Board of Supervisors; and

WHEREAS, the proposed map amendment would eliminate five lots and eliminate the requirement that eleven lots be deed restricted to require construction of an accessory dwelling unit from the previously approved tentative tract map; and

WHEREAS, the proposed Specific Plan Amendment 13-001 (attached hereto as Attachment A and incorporated by this reference) would make minor conforming changes and clarifications to the Rock Creek Ranch Specific Plan; and

WHEREAS CEQA Section 15164 (a) provides that “the lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred”; and

WHEREAS, Mono County has determined that an addendum to the Final Environmental Impact Report (FEIR) is the appropriate level of environmental review under CEQA guidelines sections 15162 and 15164 (as set forth in Attachment B, which is hereby incorporated by this reference) because none of the conditions described in Section 15162 have occurred; and

WHEREAS, the Mono County Board of Supervisors did, on May 7, 2013, hold a noticed and advertised public hearing to hear all testimony relevant to the Rock Creek Ranch Specific Plan Amendment 13-001 and Tentative Tract Map Modification;

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

That the Addendum to the Final Environmental Impact Report for Rock Creek Ranch is hereby approved and adopted.

BE IT FURTHER RESOLVED THAT having taken into consideration the recommendation of the Planning Commission, public comment, and all other evidence and testimony before it, the Mono County Board of Supervisors hereby approves Specific Plan Amendment 13-001, making minor conforming changes and clarifications to the Rock Creek Ranch Specific Plan, consistent with Tentative Tract Map 37-56 Modification, finding that:

A. The change in the Specific Plan is consistent with the text and maps of the General Plan because:

The changes to the Specific Plan are consistent with General Plan policies that direct the County to utilize the specific plan process for large-scale projects and of the Land Use Element to contain growth in and adjacent to existing community areas (LU Element Objective A, Policies 1, 2).

1 The adopted Specific Plan was found to be consistent with the General Plan when adopted in
2 2009. The proposed changes are reasonable and compatible with surrounding and proposed
3 development and do not alter the adopted Specific Plan in a manner that makes it inconsistent with
4 the text or maps of the General Plan.

5
6 B. *The site of the change in land use designation is suitable for the land uses permitted within that
7 land use designation because:*

8 The site is adjacent to existing residential development, has adequate infrastructure (utilities,
9 roads), and is suitable for the proposed residential uses (LU Element, Objective A, Policy 1,
10 Actions 1.2). The change does not significantly alter the adopted Specific Plan or change the land
11 use designation for the property.

12 C. *The change to the Specific Plan is reasonable and beneficial at this time because:*

13 The property land use designation is SP. The adopted SP was found to be consistent with the
14 General Plan when adopted in 2009. The proposed changes are reasonable and compatible with the
15 surrounding and proposed development and will help to clarify the regulations governing future
16 development of the property.

17 D. *The change to the Specific Plan will not have a substantial adverse effect on surrounding
18 properties because:*

19 An FEIR for the project was approved in 2009. None of the conditions described in CEQA
20 Guidelines Section 15162 calling for preparation of a subsequent EIR have occurred. The changes
21 are of a minor or insignificant nature and will not adversely affect surrounding properties.

22 **BE IT FURTHER RESOLVED THAT** the Mono County Board of Supervisors approves the Rock Creek
23 Ranch Tentative Tract Map 37-56 Modification, finding that:

- 24
- 25 1. The proposed modification is consistent with the county General Plan and with the Specific Plan
26 area because:
 - 27 a. The proposed changes are reasonable and consistent with surrounding and proposed
28 development and do not alter the adopted Map in a manner that makes it inconsistent with
29 the text or maps of the General Plan.
 - 30 2. The design and improvements of the proposed subdivision (as modified) are consistent with the
existing General Plan because:
 - a. The design meets standards for both the physical layout and density and no easements are
impacted. The changes do not significantly alter the adopted Specific Plan or change the
land use for the property.
 3. The site is physically suitable for the type of development proposed because:
 - a. The approximately 54.4 acre site is of sufficient size to allow the proposed development
and appurtenant open space areas.

b. The site is adjacent to existing roads and utilities and adjacent to the existing residential community of Paradise.

4. The site is physically suitable for the proposed density of development because:

a. The proposed changes decrease the density and available building area from the adopted Tentative Tract Map in 2009.

b. The site has suitable area and topography for the development of 55 lots.

5. The design of the subdivision or the proposed improvements (as modified) will not result in environmental damage or substantial impacts to fish or wildlife or their habitat because:

a. The project has been conditioned to require necessary infrastructure and these improvements have been analyzed in the 2009 FEIR.

b. Potential environmental impacts have been analyzed in the FEIR, certified in 2009. Mitigation measures have been in place to reduce potential impacts to less-than-significant levels where feasible. The proposed changes are not significant and do not increase the severity of any previously identified significant effects.

6. The design of the subdivision or type of improvements (as modified) is not likely to cause serious public health problems because:

a. Potential impacts to public health have been analyzed in the FEIR, certified in 2009 and mitigation measures have been in place to reduce potential impacts to less-than-significant levels where feasible. The proposed changes are not significant and do not increase the severity of any previously identified significant effects.

7. The design of the subdivision or type of improvements (as modified) will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision because:

a. There was no evidence in the 2009 EIR indicating that the design of the subdivision will have a substantial impact. Nor do the proposed changes conflict with easements acquired by the public for access through or use of the property.

b. The project proposes to provide paved roads for access to the proposed lots.

PASSED AND ADOPTED this 7th day of May, 2013, by the following vote of the Board of Supervisors, County of Mono:

AYES :

NOES :

ABSENT :

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ABSTAIN :

Byng Hunt, Chair

Attest

Clerk of the Board

Approved as to form

Stacey Simon
Assistant County Counsel

**ROCK CREEK RANCH SPECIFIC PLAN
SECTION 3: SPECIFIC PLAN AND PROJECT DESCRIPTION**

**Proposed Amendment #1
Dated 5/7/13**



LEAD AGENCY:

Mono County Planning Division
Post Office Box 347
Mammoth Lakes, CA 93546
Contact: Courtney Weiche 760.924.1803
cweiche@mono.ca.gov

SPECIFIC PLAN CONSULTANT:

Bauer Planning & Environmental Services, Inc.
220 Commerce, Suite 230, Irvine, CA 92602
Contact: Sandra Bauer ☐ 714.508.2522
sandra@bpesinc.com

PROJECT APPLICANT/OWNER:

C & L Development
Paradise, California
matthew.lehman@verizon.net

BACKGROUND

The Rock Creek Ranch Specific Plan and Tentative Tract Map 37-56 were approved by the Mono County Board of Supervisors on May 12, 2009. The approved project allowed for the 54.7-acre property to be subdivided into 60 lots, which included deed-restricting five lots for affordable housing and deed-restricting 11 lots for accessory dwelling units consistent with the Housing Mitigation Ordinance, which subsequent to project final map approval, was suspended by the Mono County Board of Supervisors. The applicant then entered into a Housing Mitigation Agreement with the Board of Supervisors on August 7, 2012 that removed the requirement to provide the five additional lots (given by the County as a density bonus to provide for affordable housing). A condition of the agreement required the applicant to amend the Tentative Tract Map and Specific Plan to reflect the reduction of lots to 55. In accordance with the California Environmental Quality Act, an addendum to the existing Specific Plan EIR is included as Exhibit A.

AMENDMENTS

Changes to the Specific Plan are as follows:

1. Deletions are indicated in ~~red strike through~~
2. Additions are indicated in **bold and underlined print**

Page 3-2

3.2 EIR PURPOSE, SCOPE AND OBJECTIVES

3.2.2 SCOPE OF THE PROPOSED PROJECT

Tentative Map 37-56 Approval: The applicant has submitted a Tentative Map for approval by the county as part of the overall project application. As depicted in **Revised (04.11.13) Exhibit 3-4**, the Tentative Tract Map sets forth the location and size of all **55** residential lots and open-space features, the alignment and dimensions of all access roads, and the placement of all utilities and services. ~~The proposal also incorporates eleven (11) of the primary lots will be permanently deed restricted to include an accessory ("granny") unit.~~

3.3 PROPOSED PROJECT ELEMENTS

3.3.1 RESIDENTIAL LOTS

The Tentative Tract Map (**Revised 04.11.13 Exhibit 3-4, noted above**) and the Specific Plan Map (**Revised 04.11.13 Exhibit 3-5**) depict the location of all **55** of the proposed lots within the project site. **Revised (04.11.13) Exhibit 3-4** shows the proposed layout of lots and building envelopes for Rock Creek Ranch. The building envelopes are used in place of setbacks to describe the area within which individual home improvements must be contained for each lot. Exhibit 3-7 shows the approved color palette.

Page 3-4

3.4 PROJECT PHASING

The applicant proposes to complete all site improvements in a single phase. Improvements would include grading of roads and infrastructure improvements to develop on-site water and drainage and wastewater treatment systems, installation of other utility systems (power, communication, etc.), and construction of the proposed recreational amenities (including the pond systems, trails, club house and other features). The applicant has prepared a timeline in which grading would be initiated approximately six months following completion of the CEQA review process (provided the EIR is certified by the Mono County Board of Supervisors), and construction of individual residential lot improvements would be undertaken about 12 months after close of the CEQA review. The schedule for buildout of the **55** single-family lots would depend on the rate at which the individual parcels are sold. Permitted land uses on all of the parcels would be governed by the Specific Plan, which reflects the uses described above. Any proposed change to the approved site uses would require County approval of an amendment to the Specific Plan, including additional environmental review if applicable under CEQA.

Page 3-4

3.6 ROCK CREEK RANCH SPECIFIC PLAN AND LAND USE PLAN CONCEPT

3.6.2 DESCRIPTION OF ROCK CREEK RANCH LAND USE PLAN

The tentative map for Rock Creek Ranch as a whole is shown in **Revised (04.11.13) Exhibit 3-4**. ~~As indicated, the residential parcels include—Of the lots, 11 will include a secondary unit, required as part of the—~~ **Four** public open-space parcels are located northwest, northeast, southwest and southeast of the site. These open-space areas will provide a buffer between site uses and existing land uses to the north, south, east and west, including the developed community of Paradise. The site also includes an internal private homeowners' recreation area with a clubhouse and interior trail system that will serve residents of Rock Creek Ranch. The Clubhouse/Recreation Room Site Plan is provided in Exhibit 3-8, a layout of the interior Clubhouse/Recreation Area floor plan is provided in Exhibit 3-9, and elevations for the Clubhouse/Recreation Area exterior are provided in Exhibit 3-10. The Homeowners Association will own and be responsible for management of the open-space lots and the recreation area. The project is served by a single access road (with an internal loop system) from Lower Rock Creek Road. The road provides direct access to each residential lot as well as easements and infrastructure improvements.

. Table 3-4 profiles the area to be set aside in Rock Creek Ranch for open space and infrastructure improvements (please note that all of the acreages are estimates that may be slightly modified as the utility specifications and design plans are finalized during subsequent stages of approval). As shown, the total area of dedicated open space is 25.8 acres. An estimated 6.1 acres will be used for various road, water, fuel and sanitation improvements, and approximately 23 acres will be set aside for residential lots. Exhibit 3-5, the Specific Plan Map, provides detailed diagrams of access improvements, water system improvements, and the package wastewater treatment plant.

Page 3-9

3.6.5 RESIDENTIAL DEVELOPMENT STANDARDS

The following residential site development standards shall apply:

- a. **Minimum Lot Area:** 10,000 square feet net.
- b. **Maximum Number of Residential Lots:** **55** lots.
- c. **Building Lot Width:** The minimum average lot width shall be 70 feet.
- d. **Building Lot Depth:** The minimum average lot depth shall be 100 feet
- e. **Building Height Limit:** 28 feet above the preconstruction existing grade at any given point of the site, inclusive of all utilities and ornamentation.
- f. **Maximum Lot Coverage:** Maximum lot coverage shall be 40%.
- g. **Maximum Landscape Coverage:** 15% of lot acreage, up to a maximum of 3,000 square feet.
- h. **Setbacks:** Structural improvements on each lot shall be confined to the building envelopes shown in **Revised Exhibit 3-4 (04.11.13)**.

Page 3-16

3.7 IMPLEMENTING REGULATIONS AND ORDINANCES

3.7.5 COUNTY ORDINANCE #06-06 WORKFORCE HOUSING REQUIREMENTS

.....

Since the Tentative Tract Map was approved, the County suspended the housing mitigation requirements of Mono County Code Chapter 15.40 (including section 15.40.060), and the Board indicated that the suspension is not inapplicable to housing mitigation requirements imposed as conditions of approval of tentative maps. The suspension was enacted in response to changed market conditions which have increased the stock of affordable housing within the county and reduced the need for housing mitigation, as described in the attached documents. Accordingly, through an approved Housing Mitigation Agreement, the subdivider proposed an alternative mitigation consistent with the County's current housing mitigation requirements and with Condition #32. (Note that Condition #32 was imposed in order to comply with Chapter 15.40 – and not as required mitigation under the California Environmental Quality Act (CEQA).)

The approved Housing Mitigation Agreement requires that its terms do not apply unless the Board of Supervisors approves an amendment to the Tentative Map (and corresponding amendments to the Specific Plan) which eliminates the five 'density bonus' lots. The gross area of the five density bonus lots are subsequently divided among the remaining 55 lots.

Attachment B

**Draft Addendum
to the
Rock Creek Ranch Specific Plan
Final Environmental Impact Report (FEIR)**

SCH #2004012014

Executive Summary

The Rock Creek Ranch Specific Plan was approved by the Mono County Board of Supervisors on May 12, 2009, along with a General Plan Amendment to change the Land Use Designation from Estate Residential to Specific Plan, approval of Tentative Tract Map 37-56, certification of the Final EIR, and adoption of the associated Mitigation Monitoring and Reporting Program.

The Rock Creek Ranch site is a 55.4-acre parcel in the unincorporated community of Paradise in southern Mono County. The purpose of the Rock Creek Ranch Specific Plan is to govern and regulate development standards and site uses. All future development on the site shall be consistent with requirements of the Specific Plan. The property is about 20 miles southeast of the town of Mammoth Lakes, 15 miles northwest of the city of Bishop, one mile west of US Highway 395, and one mile north of the Inyo/Mono County boundary.

The purpose of the current project is to make minor changes and non-environmentally significant modifications to the approved Specific Plan.

Addendum Determination

Mono County has determined that an Addendum to the Final Environmental Impact Report is the appropriate level of environmental review under CEQA. An Addendum is appropriate because the analysis shown in Table 1 below does not substantially change the project, which would require major revisions to the FEIR.

CEQA Section 15164 (a) provides that “the lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.” None of the conditions described in Section 15162 have occurred.

Section 15162 provides for the preparation of a subsequent EIR where:

- (1) Substantial changes are proposed in the project, which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified effects;
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;

- c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the measure or alternative; or
- d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment but the project proponent declines to adopt the mitigation measure or alternative.

Table 1: Review of findings under CEQA guidelines section 15162

SP Page #	Minor technical changes, clarifications and non-environmentally significant modifications	CEQA guidelines section 15162
Pg 3-2	Changes any reference of 60 lots total to 55; eliminating the five affordable housing lots, and 11 lots deed restricted to include an accessory unit. Also references the revised Exhibit 3-4 reflecting the change in number of lots.	<p>The gross area of the five density bonus lots is proposed to be divided amongst the remaining 55 lots. There is no other impact, except the minor change in some originally approved lot sizes.</p> <p>These technical items are not a substantial change, do not increase the severity of previously identified significant effects, or are not substantial new information.</p>
Pg 3-4	Changes any reference of 60 lots total to 55; eliminating the five affordable housing lots, and 11 lots deed restricted to include an accessory unit. Also references the revised Exhibit 3-4 reflecting the change in number of lots.	<p>The gross area of the five density bonus lots is proposed to be divided amongst the remaining 55 lots. There is no other impact, except the minor change in some originally approved lot sizes.</p> <p>These technical items are not a substantial change, do not increase the severity of previously identified significant effects, or are not substantial new information.</p>
Pg. 3-4	Changes “secondary unit” to “accessory unit”	<p>This is a grammatical correction that reflects the current term for an Accessory Unit, instead of Secondary Unit.</p> <p>This technical item is not a substantial change, does not increase the severity of any previously identified significant effects, or substantial new information.</p>
Pg 3-9	References the revised Exhibit 3-4 reflecting the change in number of lots.	This technical item is not a substantial change, does not increase the severity of any previously identified significant effects, or substantial new information.

Pg 3-16	Replaces the original language for the Housing Mitigation Ordinance requirements with the requirements of the approved Housing Mitigation Agreement	<p>The gross area of the five density bonus lots is proposed to be divided amongst the remaining 55 lots. There is no other impact, except the minor change in some originally approved lot sizes.</p> <p>This technical item is not a substantial change, does not increase the severity of any previously identified significant effects, or substantial new information.</p>
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The Approved Project

Board of Supervisors Resolution #R09-20

The approved Rock Creek Ranch Specific Plan and Tentative Tract Map permitted 60 residential lots, including five lots deed restricted for affordable housing and 11 lots deed restricted to include accessory dwelling units.

The Rock Creek Ranch site is a 55.4-acre parcel in the unincorporated community of Paradise in southern Mono County. The purpose of the Rock Creek Ranch Specific Plan is to govern and regulate development standards and site uses. All development on the site shall be consistent with requirements of the Specific Plan. The property is about 20 miles southeast of the town of Mammoth Lakes, 15 miles northwest of the city of Bishop, one mile west of US Highway 395, and one mile north of the Inyo/Mono county boundary.

Specific Plan Amendment 13-001 Project Description

The proposed Specific Plan and Tentative Tract Map amendment is required to reflect the approved Housing Mitigation Agreement (see Attachment A) which eliminates the requirement to provide 5 additional affordable housing lots and 11 lots deed restricted to include an accessory unit. The gross area of those lots is proposed to be divided amongst the remaining lots.

Attachments

- A. Housing Mitigation Agreement

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

Mono County Counsel
P.O. Box 2415
Mammoth Lakes, CA 93546

**HOUSING MITIGATION AGREEMENT BETWEEN
THE COUNTY OF MONO AND C & L DEVELOPMENT, INC.
FOR TENTATIVE TRACT MAP NO. 37-56**

The Parties to this Housing Mitigation Agreement ("Agreement") are the County of Mono ("County"), a political subdivision of the State of California, and C & L Development, Inc. ("Subdivider"), a California corporation.

This Agreement is entered into for the purpose of setting forth the housing mitigation requirements for the Rock Creek Ranch project ("Project") in accordance with the conditions of approval ("Conditions") for Tentative Tract Map No. 37-56 ("Tentative Map"), in particular Condition Number 32 which relates to housing mitigation requirements.

WHEREAS, Condition Number 32 requires Subdivider to provide housing mitigation in one of the following forms: (1) alternative mitigation as set forth in section 15.40.060 of the Mono County Code or which the County may adopt following Tentative Map approval and to which the Subdivider agrees to be subject; or (2) by constructing five affordable units on lots dedicated for that purpose, paying housing mitigation fees in the amount of \$59,082, and deed restricting eleven residences within the Project for secondary dwelling units; and

WHEREAS, Condition 32 further requires that a housing mitigation agreement be entered into and recorded between County and Subdivider which sets forth Subdivider's specific obligations with respect to housing mitigation for the Project; and

WHEREAS, since the Tentative Map was approved, the County has suspended the housing mitigation requirements of Mono County Code Chapter 15.40, including any requirements imposed as a condition of approval of a Tentative Map, in response to changed market conditions which have increased the stock of affordable housing within the County and to stimulate development and construction activity; and

WHEREAS, County and Subdivider now wish to enter into a housing mitigation agreement which complies with Condition Number 32 and sets forth the mutual understanding and agreement of the parties with respect to the provision of affordable housing by the Project;

NOW THEREFORE, in consideration of the mutual covenants, promises and obligations contained herein, the Parties agree as follows:

1. Provided that the Board of Supervisors has approved an amendment to the Tentative Map, and corresponding amendments to the Rock Creek Ranch Specific Plan, which eliminate the five lots dedicated for affordable housing purposes (with the gross area of those lots divided amongst the remaining lots), County and Subdivider agree that compliance by Subdivider with the following shall satisfy the requirements of Condition number 32 and shall constitute full and complete compliance with the County's housing mitigation requirements for the Project:

Secondary units shall be allowed on the property to the full extent authorized by the Mono County General Plan and/or applicable health and safety requirements, and shall not be otherwise prohibited or restricted.

2. This Agreement shall be recorded and is binding on Subdivider and its heirs, assigns and successors in interest of any kind or nature.

3. Subdivider shall defend, indemnify, and hold harmless County, its agents, officers, and employees from and against all claims, damages, losses, judgments, liabilities, expenses, and other costs, including litigation costs and attorney's fees, arising out of, resulting from, or in connection with, the County's acts or omissions with regard to this Agreement or the approval of any amendment to the Tentative Map as described herein.

4. This Agreement, and any deed restriction entered into pursuant hereto, constitutes the entire agreement of the Parties as to its subject matter. This Agreement may be amended only by written agreement executed by the Parties with the same formalities. No waiver of any provision of this Agreement shall constitute a waiver of any other provision or a continuing waiver of the waived provision. Any waiver shall be in a writing authorized by the Party granting the waiver.

5. This Agreement may be executed in counterparts, each of which shall be deemed an original and all of which constitute one and the same written instrument. This Agreement shall be governed by the laws of the State of California. The venue for actions based on this Agreement shall be the Superior Court of the State of California, County of Mono.

6. This Agreement is executed voluntarily by the Parties, without duress or undue influence on the part of or on behalf of any of them. The Parties acknowledge that each has been represented by counsel with respect to the negotiation and preparation of

this Agreement or that they have voluntarily waived the right to such representation. The Parties further acknowledge that they are fully aware of the contents of this Agreement and of its legal effect.

7. This Agreement shall be effective on the date it is executed by the Chair of the Mono County Board of Supervisors, provided the signatories of Subdivider have first executed the same and such signatures have been notarized.

COUNTY OF MONO

**C & L DEVELOPMENT
SUBDIVIDER**

Chair
Board of Supervisors

Matthew T. Lehman
[Member & Property Owner]

Annette Capurro
[Property Owner]

Randall Capurro
[Property Owner]

[Handwritten Signature]
Jason Moore
[Property Owner]

APPROVED AS TO FORM:

Mono County Counsel

State of California, County of ORANGE
Subscribed and sworn to (or affirmed) before me
on this 23rd day of July, 2012
by JASON MOORE
personally known to me or proved to me on the
basis of satisfactory evidence to be the person(s)
who appeared before me.

Signature: *[Handwritten Signature]*
NOTARY PUBLIC



this Agreement or that they have voluntarily waived the right to such representation. The Parties further acknowledge that they are fully aware of the contents of this Agreement and of its legal effect.

7. This Agreement shall be effective on the date it is executed by the Chair of the Mono County Board of Supervisors, provided the signatories of Subdivider have first executed the same and such signatures have been notarized.

COUNTY OF MONO

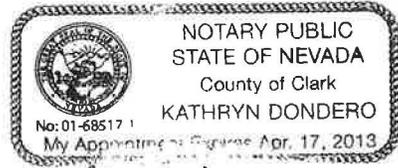
**C & L DEVELOPMENT
SUBDIVIDER**

Chair
Board of Supervisors

Matthew T. Lehman
[Member & Property Owner]

Signed before me this 10th day
of Sept, 2012 in
Clark County, State of Nevada

Annette Capurro
Annette Capurro
[Property Owner]



Kathryn Dondero
- for Annette only -

Deceased.
Randall Capurro
[Property Owner]

Jason Moore
[Property Owner]

APPROVED AS TO FORM:

Mono County Counsel

STATE OF NEVADA — DEPARTMENT OF HUMAN RESOURCES
DIVISION OF HEALTH — VITAL STATISTICS

CERTIFICATE OF DEATH

2012012893

STATE FILE NUMBER

TYPE OR PRINT IN PERMANENT BLACK INK

DECEDENT

IF DEATH OCCURRED IN INSTITUTION SEE HANDBOOK REGARDING COMPLETION OF RESIDENCE ITEMS

PARENTS

DISPOSITION

TRADE CALL

CERTIFIER

REGISTRAR

CAUSE OF DEATH

CONDITIONS IF ANY WHICH GAVE RISE TO IMMEDIATE CAUSE -> STATING THE UNDERLYING CAUSE LAST

1a. DECEASED-NAME (FIRST,MIDDLE,LAST,SUFFIX) Randall V CAPURRO		2. DATE OF DEATH (Mo/Day/Year) August 13, 2012		3a. COUNTY OF DEATH Clark	
3b. CITY, TOWN, OR LOCATION OF DEATH Las Vegas		3c. HOSPITAL OR OTHER INSTITUTION -Name(if not either, give street and number) The Heights of Summerlin LLC		3e. If Hosp. or Inst. Indicate DOA,OP/Emer. Rm. Inpatient(Specify) Inpatient	
4. SEX Male		5. RACE White (Specify)		6. Hispanic Origin? Specify No - Non-Hispanic	
7a. AGE-Last birthday (Years) 69		7b. UNDER 1 YEAR MOS DAYS		7c. UNDER 1 DAY HOURS MINS	
8. DATE OF BIRTH (Mo/Day/Yr) November 30, 1942		9a. STATE OF BIRTH (If not U.S.A., name country) Nevada		9b. CITIZEN OF WHAT COUNTRY United States	
10. EDUCATION 13		11. MARRIED, NEVER MARRIED, WIDOWED, DIVORCED (Specify) Married		12. SURVIVING SPOUSE (if wife, give maiden name) Annette B COMPAGNONI	
13. SOCIAL SECURITY NUMBER 530-26-3892		14a. USUAL OCCUPATION (Give Kind of Work Done During Most of Working Life, Even If Retired) Owner / Operator		14b. KIND OF BUSINESS OR INDUSTRY Insurance	
15a. RESIDENCE - STATE Nevada		15b. COUNTY Clark		15c. CITY, TOWN OR LOCATION Las Vegas	
15d. STREET AND NUMBER 1708 Bayonne Drive		15e. INSIDE CITY LIMITS (Specify Yes or No) Yes		16. FATHER/PARENT - NAME (First Middle Last Suffix) Louis J CAPURRO	
17. MOTHER/PARENT - NAME (First Middle Last Suffix) Genevieve DONDERO		18a. INFORMANT- NAME (Type or Print) Annette B CAPURRO		18b. MAILING ADDRESS (Street or R.F.D. No, City or Town, State, Zip) 1708 Bayonne Drive Las Vegas, Nevada 89134	
19a. BURIAL, CREMATION, REMOVAL, OTHER (Specify) Cremation		19b. CEMETERY OR CREMATORY - NAME Palm Crematory		19c. LOCATION City or Town State Las Vegas Nevada 89101	
20a. FUNERAL DIRECTOR - SIGNATURE (Or Person Acting as Such) BART BURTON SIGNATURE AUTHENTICATED		20b. FUNERAL DIRECTOR LICENSE 50		20c. NAME AND ADDRESS OF FACILITY Palm Mortuary-Cheyenne 7400 W Cheyenne Las Vegas NV 89129	
TRADE CALL - NAME AND ADDRESS					
21a. To the best of my knowledge, death occurred at the time, date and place and due to the cause(s) stated. (Signature & Title) SIGNATURE AUTHENTICATED JULIE WU MD			22a. On the basis of examination and/or investigation, in my opinion death occurred at the time, date and place and due to the cause(s) stated. (Signature & Title)		
21b. DATE SIGNED (Mo/Day/Yr) August 15, 2012		21c. HOUR OF DEATH 21:55		22b. DATE SIGNED (Mo/Day/Yr)	
21d. NAME OF ATTENDING PHYSICIAN IF OTHER THAN CERTIFIER (Type or Print)		22c. HOUR OF DEATH		22d. PRONOUNCED DEAD (Mo/Day/Yr)	
22e. PRONOUNCED DEAD AT (Hour)		23a. NAME AND ADDRESS OF CERTIFIER (PHYSICIAN, ATTENDING PHYSICIAN, MEDICAL EXAMINER, OR CORONER) (Type or Print) JULIE WU MD 3750 S. Jones Las Vegas, NV 89103		23b. LICENSE NUMBER 11544	
24a. REGISTRAR (Signature) NINETTE HARRINGTON SIGNATURE AUTHENTICATED		24b. DATE RECEIVED BY REGISTRAR (Mo/Day/Yr) August 16, 2012		24c. DEATH DUE TO COMMUNICABLE DISEASE YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
25. IMMEDIATE CAUSE (ENTER ONLY ONE CAUSE PER LINE FOR (a), (b), AND (c).)					
PART I					
(a) Cardiopulmonary arrest					
DUE TO, OR AS A CONSEQUENCE OF:					
(b) Dementia with Lewy body					
DUE TO, OR AS A CONSEQUENCE OF:					
(c)					
DUE TO, OR AS A CONSEQUENCE OF:					
(d)					
PART II OTHER SIGNIFICANT CONDITIONS-Conditions contributing to death but not resulting in the underlying cause given in Part 1.				26. AUTOPSY (Specify Yes or No) No	
27. WAS CASE REFERRED TO CORONER (Specify Yes or No) Yes					
28a. ACC., SUICIDE, HOMICIDE, UNDET. OR PENDING INVEST. (Specify)		28b. DATE OF INJURY (Mo/Day/Yr)		28c. HOUR OF INJURY	
28d. DESCRIBE HOW INJURY OCCURRED					
28e. INJURY AT WORK (Specify Yes or No)		28f. PLACE OF INJURY- At home, farm, street, factory, office building, etc. (Specify)		28g. LOCATION STREET OR R.F.D. No. CITY OR TOWN STATE	

STATE REGISTRAR

"CERTIFIED TO BE A TRUE AND CORRECT COPY OF THE DOCUMENT ON FILE WITH THE REGISTRAR OF VITAL STATISTICS, STATE OF NEVADA." This copy was issued by the Southern Nevada Health District from State certified documents as authorized by the State Board of Health pursuant to NRS 440.175.

NOT VALID WITHOUT THE RAISED SEAL OF THE SOUTHERN NEVADA HEALTH DISTRICT

Lawrence K. Sands, D.O., M.P.H.

Registrar of Vital Statistics

By:

Date Issued:

AUG 17 2012

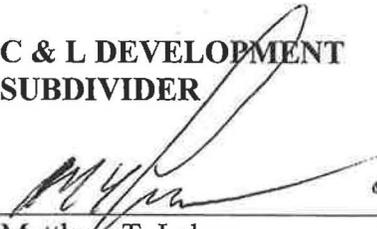
this Agreement or that they have voluntarily waived the right to such representation. The Parties further acknowledge that they are fully aware of the contents of this Agreement and of its legal effect.

7. This Agreement shall be effective on the date it is executed by the Chair of the Mono County Board of Supervisors, provided the signatories of Subdivider have first executed the same and such signatures have been notarized.

COUNTY OF MONO

Chair
Board of Supervisors

**C & L DEVELOPMENT
SUBDIVIDER**



Matthew T. Lehman
[Member & Property Owner] 9/18/2012

Annette Capurro
[Property Owner]

Randall Capurro
[Property Owner]

Jason Moore
[Property Owner]

APPROVED AS TO FORM:

Mono County Counsel

**SEE ATTACHED
NOTARIAL CERTIFICATE**

ACKNOWLEDGMENT

State of California
County of MONO

On September 18, 2012 before me, J.A. MARKHAM, NOTARY PUBLIC
(insert name and title of the officer)

personally appeared Matthew T. Lehman
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

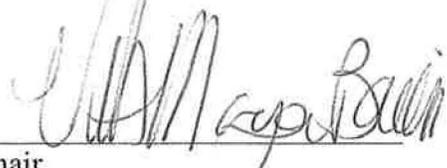
Signature J. A. Markham (Seal)



this Agreement or that they have voluntarily waived the right to such representation. The Parties further acknowledge that they are fully aware of the contents of this Agreement and of its legal effect.

7. This Agreement shall be effective on the date it is executed by the Chair of the Mono County Board of Supervisors, provided the signatories of Subdivider have first executed the same and such signatures have been notarized.

COUNTY OF MONO



Chair
Board of Supervisors

**C & L DEVELOPMENT
SUBDIVIDER**

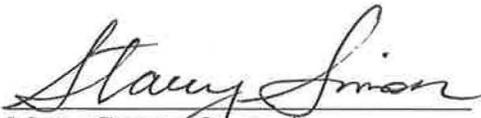
Matthew T. Lehman
[Member & Property Owner]

Annette Capurro
[Property Owner]

Randall Capurro
[Property Owner]

Jason Moore
[Property Owner]

APPROVED AS TO FORM:



Mono County Counsel



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RESOLUTION NO. R13-01

**A RESOLUTION OF THE MONO COUNTY PLANNING COMMISSION RECOMMENDING
APPROVAL OF ROCK CREEK RANCH SPECIFIC PLAN AMENDMENT 13-001
AND AMENDMENT TO TENTATIVE TRACT MAP 37-56**

WHEREAS, the Rock Creek Ranch Specific Plan and Tentative Tract Map were approved on May 12, 2009, by the Mono County Board of Supervisors; and

WHEREAS, the proposed Specific Plan Amendment 13-001 would make minor technical changes, clarifications and non-environmentally significant modifications to the Rock Creek Ranch Specific Plan; and

WHEREAS, the proposed map amendment would eliminate five lots from the previously approved map; and

WHEREAS CEQA Section 15164 (a) provides that “the lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred”; and

WHEREAS, Mono County has determined that an addendum to the Final Environmental Impact Report (FEIR) is the appropriate level of environmental review under CEQA guidelines sections 15162 and 15164 because none of the conditions described in Section 15162 have occurred; and

WHEREAS, the Mono County Planning Commission did, on April 11, 2013, hold a noticed and advertised public hearing to hear all testimony relevant to the Rock Creek Ranch Specific Plan Amendment 13-001 and Tentative Tract Map Amendment.

**NOW, THEREFORE, THE MONO COUNTY PLANNING COMMISSION DOES HEREBY
RESOLVE AS FOLLOWS:**

Having taken into consideration staff recommendations, public comment, and all other evidence and testimony before it, the Mono County Planning Commission recommends approval of Specific Plan Amendment 13-001 and Tentative Tract Map 37-56 Amendment, eliminating five lots from the Map and making conforming modifications to the Specific Plan to reflect the elimination of those lots, and finds that:

- A. The change in the Specific Plan and Tentative Tract Map, including the design and improvements, is consistent with the text and maps of the General Plan because:*

The changes to the Specific Plan are consistent with General Plan policies that direct the County to utilize the specific plan process for large-scale projects and of the Land Use Element to contain growth in and adjacent to existing community areas (LU Element Objective A, Policies 1, 2).

The adopted Specific Plan and Tentative Tract Map were found to be consistent with the General Plan when adopted in 2009. The proposed changes are reasonable and compatible with surrounding and proposed development and do not alter the adopted Specific Plan or Map in a manner that makes it inconsistent with the text or maps of the General Plan.

1 B. *The site of the proposed changes is physically suitable for the land uses permitted within the*
2 *Specific Plan and map because:*

3 The site is adjacent to existing residential development, has adequate infrastructure (utilities,
4 roads), and is suitable for the proposed residential uses (LU Element, Objective A, Policy 1,
5 Actions 1.2). The design meets standards for both the physical layout and density and no
6 easements are impacted. The changes do not significantly alter the adopted Specific Plan or change
7 the land use designation for the property.

8 C. *The change to the Specific Plan is reasonable and beneficial at this time and not likely to cause*
9 *serious public health problems because:*

10 The property land use designation is SP. The adopted SP was found to be consistent with the
11 General Plan when adopted in 2009. The proposed changes are reasonable and compatible with the
12 surrounding and proposed development and will help to clarify the regulations governing future
13 development of the property.

14 D. *The change to the Specific Plan and map will not have a substantial adverse effect on surrounding*
15 *properties or result in substantial environmental damage or injury to fish and wildlife or their*
16 *habitat because:*

17 An FEIR for the project was approved in 2009. None of the conditions described in CEQA
18 Guidelines Section 15162 calling for preparation of a subsequent EIR have occurred. The changes
19 are of a minor or insignificant nature and will not adversely affect surrounding properties.

20 **PASSED AND ADOPTED** this 11th day of April 2013, by the following vote of the Planning Commission,
21 County of Mono:

22 AYES : Scott Bush, Mary Pipersky, Dan Roberts, Rodger B. Thompson

23 NOES : Chris I. Lizza

24 ABSENT :

25 ABSTAIN :

26 _____
27 Dan Roberts, Chair
28 Mono County Planning Commission

29 ATTEST:

30 APPROVED AS TO FORM:

31 
32 _____
33 C.D. Ritter, Commission Secretary

34 
35 _____
36 Stacey Simon, Assistant County Counsel

37 Resolution R13-01/Rock Creek Ranch
38 Mono County Planning Commission
39 April 11, 2013

Rock Creek Ranch Specific Plan & TTM 37-56 Amendment

Board of Supervisors May 7, 2013

Background

- In May of 2009, the BOS approved TTM 37-56 to subdivide a 54 acre parcel, located in the community of Paradise, into 60 lots.
- At that time the Board also certified the FEIR and adopted the Rock Creek Ranch Specific Plan
- As part of the Conditions of Approval, the applicant was required to provide affordable housing that satisfied section 15.40.060 of the Mono County Code

Housing Requirement

Condition # 32 stated the subdivider had two different ways of satisfying the condition.

1. The first would require the Subdivider and the County to agree to housing mitigation which satisfies the criteria set forth in section 15.40 of the Mono County Code or *such other requirement for alternative mitigation which the County might subsequently adopt*
2. Or Option D from the staff report



Approved Housing Requirement

Option D was ultimately chosen, which required:

- 5 affordable units be constructed on the property
- 11 lots be deed restricted for accessory dwelling units

*Note the TTM included 5 “density bonus” lots to be dedicated for the affordable housing units.



Since the 2009 Approval...

The Board has suspended the housing mitigation requirements.

The suspension was enacted in response to changed market conditions which have increased the stock of affordable housing and reduced the need for housing mitigation as well as to spur economic activity.



Approved Housing Mitigation Agreement

- The applicant requested to modify the Conditions of Approval to reflect the existing housing mitigation ordinance requirements
- The County and subdivider entered into a Housing Mitigation Agreement in August of 2012 (included in Agenda Packet)
- The Agreement eliminated the requirement to dedicate 5 parcels for affordable housing and the 11 lots deed restricted to require an accessory unit

However the agreement does not apply unless the BOS approves:

1. An amendment to the Tentative Tract Map

- The gross area of the 5 density bonus lots has been divided among the remaining 55 lots

2. An amendment to the Specific Plan

- Eliminates any references to the 5 'density bonus' lots for affordable housing and the 11 deed restricted lots requiring an accessory unit
- A red-lined version of the amendments to the SP was included in the Board of Supervisors Agenda Packet

Environmental Review

An addendum to the RCR EIR has been prepared

CEQA Section 15164 (a) provides that “the lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.”

Planning Commission Recommendation

Accept the Addendum to the RCR Final EIR and approve the RCR Specific Plan Amendment & Tentative Tract Map 37-56 Modification subject to the findings contained in the Resolution R13-__.



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE	May 7, 2013	DEPARTMENT	Community Development - Planning Division
ADDITIONAL DEPARTMENTS			
TIME REQUIRED	20 minutes	PERSONS APPEARING BEFORE THE BOARD	Courtney Weiche
SUBJECT	General Plan Amendment 13-001, Double Eagle Resort Transient Rental Overlay District		

AGENDA DESCRIPTION:

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

Public hearing regarding proposed amendment to the General Plan Use Designation Maps to establish a Transient Rental Overlay District allowing nightly rentals in June Lake on four adjoining parcels (APNs 016-094-007, -008, -009, & 016-098-015).

RECOMMENDED ACTION:

The Planning Commission recommends adopting proposed Resolution R13-___, approving and accepting Addendum 13-01 to the Mono County General Plan EIR and approving General Plan Amendment 13-001 creating a Transient Rental Overlay District on four parcels in June Lake.

FISCAL IMPACT:

Potentially beneficial impact from additional Transient Occupancy Tax revenues.

CONTACT NAME: Courtney Weiche

PHONE/EMAIL: 760.924.1803 / cweiche@mono.ca.gov

SUBMIT THE ORIGINAL DOCUMENT WITH
ATTACHMENTS TO THE OFFICE OF
THE COUNTY ADMINISTRATOR
PRIOR TO 5:00 P.M. ON THE FRIDAY
32 DAYS PRECEDING THE BOARD MEETING

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

[Click to download](#)

- [📄 Staff Report](#)
- [📄 Proposed Resolution](#)
- [📄 Addendum](#)
- [📄 Planning Commission Resolution R13-03](#)
- [📄 PC Comment Letter Recieved 04.11.13](#)
- [📄 Chapter 25 Transient Rental Overlay District](#)
- [📄 Chapter 26 Transient Rental Standards and Enforcement](#)
- [📄 Attachment](#)

History

Time	Who	Approval
5/1/2013 2:20 PM	County Administrative Office	Yes
5/1/2013 10:49 AM	County Counsel	Yes
4/29/2013 8:17 PM	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

May 07, 2013

TO: Mono County Board of Supervisors

FROM: Courtney Weiche, Associate Planner
Nick Criss, Compliance Officer

RE: General Plan Amendment 13-001, Double Eagle Resort Transient Rental Overlay District in June Lake

RECOMMENDED ACTION

1. The Planning Commission has recommended approval of Resolution R13-__, accepting Addendum 13-01 to the Mono County General Plan EIR and approving General Plan Amendment 13-001.

BACKGROUND

The Board of Supervisors approved General Plan Amendment 12-001 in December 2012 that added Chapter 25, Transient Overlay Districts, and Chapter 26, Transient Rental Standards and Enforcement, to the Mono County General Plan Land Use Element. The intent of the amendment was to allow transient rentals within compatible residential neighborhoods to increase tourism opportunities and provide additional economic support to homeowners.

The creation of Chapters 25 & 26 provides a General Plan tool to allow transient rentals in specific neighborhoods through a General Plan Amendment application process for a Transient Rental Overlay District (TROD).

A TROD application requires that the shape of any proposed district be contiguous, compact and orderly. Factors used to determine compact and orderly include street-frontage sharing, adjoining yards, and existing characteristics that define residential neighborhood boundaries such as subdivision boundaries, major roads, natural features, large undeveloped parcels and commercial or civic land uses.

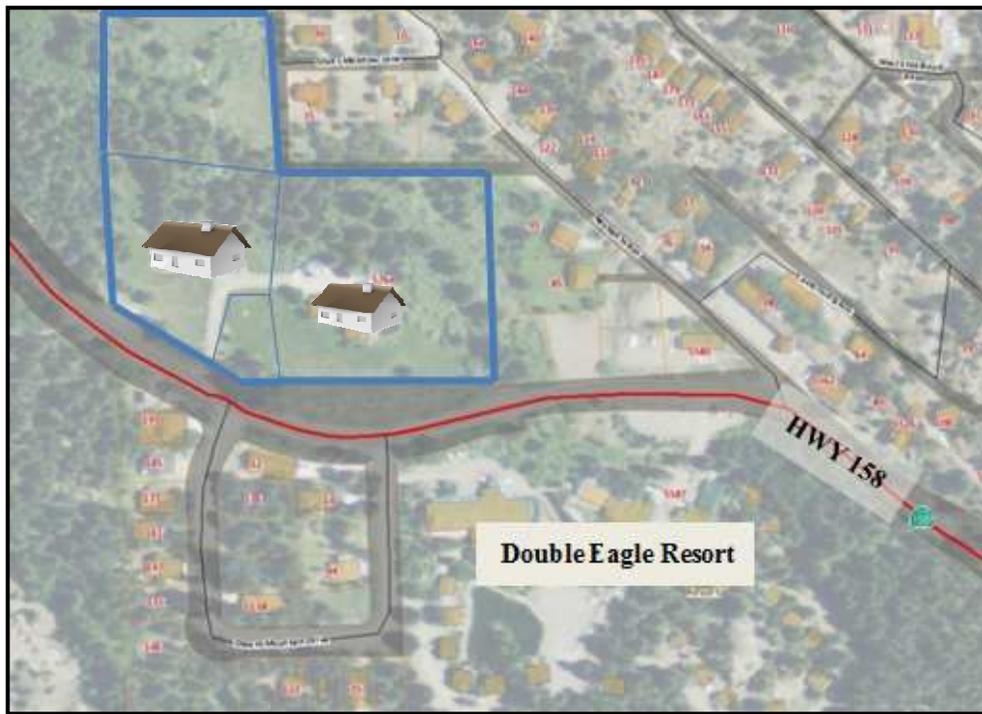
Chapter 26 provides regulations that ensure transient rentals meet minimum safety requirements, provide 24-hour local property management, allow for enhanced enforcement of unpermitted transient operators, and provide means for minimizing potential neighborhood conflicts such as parking and noise. If a Transient Rental Overlay District is approved, individual homeowners in the district would then be required to submit a Transient Rental application in conformance with the regulations specified in Chapter 26 before commencing short-term rentals.

GENERAL PLAN AMENDMENT 13-001(b) Double Eagle Resort

The proposed Transient Rental Overlay District is located in the Down Canyon area of June Lake along Highway 158 and includes four adjoining parcels (APNs 016-094-007, -008, -009 & 016-098-015). Two of the four parcels have existing homes, one primary residence and one guest house. The other two parcels are vacant with no structures. The Double Eagle Resort is located across Highway 158 and also adjoins other commercial uses that allow for transient rentals. Other surrounding land uses include Single-Family Residential to the north and east, with residences located a significant distance away from the two existing structures.

A Planning Commission public hearing notice was sent to adjoining property owners March 28, 2013. One letter of support was submitted, and no comment letters in opposition to the project were received. A Board of Supervisors public hearing notice was sent to adjoining property owners April 22; any comments received will be provided, and included, as part of the record at the hearing.

Project Location



LAND DEVELOPMENT TECHNICAL ADVISORY COMMITTEE

The LDTAC met February 20, 2013, to review and provide input on the project proposal. The LDTAC accepted the proposed Transient Rental Overlay District application and recommended moving forward with processing the permit.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission considered the item at a public hearing on April 11, 2013. Two residents of June Lake expressed their support for the General Plan Amendment and no adverse comments were received. The Planning Commission subsequently adopted Resolution 12-003 (see attachment) recommending acceptance of the EIR Addendum and that the Board of Supervisors approve GPA 13-001. The Board of Supervisors is required to consider the Planning Commission recommendation at the public hearing and may approve, modify or disapprove the recommendation.

GENERAL PLAN CONSISTENCY

The proposed general plan amendment is being processed in accordance with newly adopted General Plan procedures, and the proposal complies with existing General Plan, Countywide Policies:

Objective H Maintain and enhance the local economy.

Policy 5: Promote diversification and continued growth of the county's economic base.

Action 5.1: Encourage and promote the preservation and expansion of the county's tourist and recreation based economy.

CEQA COMPLIANCE

An addendum to the county General Plan EIR has been prepared for the proposed project. The impacts of the proposed project will not result in a substantive change to the number of significant effects, severity of

effects, or the feasibility and/or effectiveness of applicable mitigation measures or alternatives previously addressed in the General Plan EIR.

ATTACHMENTS

- Resolution R13 - __
- EIR Addendum 13-01
- Resolution R13-03 (Planning Commission)
- Planning Commission Comment Letter (04.10.13)
- Land Use Element – Chapter 25, Transient Overlay Districts
- Land Use Element – Chapter 26, Transient Rental Standards and Enforcement



RESOLUTION NO. R13-__

**A RESOLUTION OF THE MONO COUNTY BOARD OF SUPERVISORS
APPROVING GENERAL PLAN AMENDMENT 13-001, PLACING A
TRANSIENT RENTAL OVERLAY DISTRICT ON FOUR ADJOINING
PARCELS IN THE COMMUNITY OF JUNE LAKE**

WHEREAS, in accordance with General Plan requirements, the property owner has submitted a Transient Rental Overlay District application, which includes a request for General Plan Map Amendment (GPA); and

WHEREAS, the proposed General Plan Amendment 13-001 Permit will allow the owners of Assessor’s Parcel Numbers (APN) 016-094-007, -008, -009 & 016-098-015 to obtain a Vacation Home Rental Permit to rent out single-family residential homes on a transient or nightly basis (the “project”); and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA), an Addendum to the Mono County General Plan EIR has been prepared for the project pursuant to CEQA section 15164; and

WHEREAS, following publication in local newspapers and mailing to surrounding property owners of a public notice of the proposed action and hearing, the Board of Supervisors did on May 7, 2013, hold a public hearing to hear all testimony relevant to the proposed GPA.

NOW, THEREFORE BE IT RESOLVED THAT, in consideration of evidence and testimony presented at the public hearing, and the recommendation of the Mono County Planning Commission, and in accordance with Chapter 48 of the Land Use Element of the General Plan, the Board of Supervisors finds as follows with respect to the proposed GPA.

1. *The proposed land use designation overlay is consistent with the text and maps of this General Plan.*

The project promotes the following General Plan’s countywide policies: Objective D states the County should provide for commercial development to serve both visitors and residents; Policy 4 allows for the integration of small-scale commercial uses with associated residential uses; Objective H maintains and enhances the local economy; and Action 5.1 encourages and promotes the preservation and expansion of the county's tourist and recreation-based economy. The project provides for additional visitor lodging in support of the tourist-based economy by adding a transient rental overlay to the designated land use map of the General Plan and is thus consistent with the text and maps of the General Plan.

2. *The proposed land use designation overlay is consistent with the goals and policies contained within any applicable area plan.*

The project is located within the June Lake Planning Area and is in close proximity to other established lodging facilities. The June Lake Area Plan encourages providing a wide range of commercial and residential uses. The project provides for additional visitor lodging for the tourist-based economy by expanding the variety of lodging options within the June Lake Loop.

- 3. *The site of the proposed land use designation overlay is suitable for any of the land uses permitted within that proposed land use designation overlay.*

The project is not changing the underlying land use designation of Single-Family Residential (SFR), but is adding a Transient Rental Overlay District which will only allow the addition of nightly rentals in single family dwellings. Chapter 25 in the Mono County General Plan allows Transient Rental Overlay Districts to be applied to the SFR, RR, ER, MFR-L, and RMH land use designations. Chapter 26 in the Mono County General Plan requires that any homes being rented within the overlay district obtain a Vacation Home Rental Permit which will regulate parking, guide tenant occupancy, establish minimum health and safety requirements, and require 24-hour property management, among other things.

- 4. *The proposed land use designation overlay is reasonable and beneficial at this time.*

The proposal to create a Transient Rental Overlay District is reasonable because of the close proximity to other lodging establishments and is beneficial to the community's visitor-oriented economy by expanding the variety of lodging options within the June Lake Loop.

- 5. *The proposed land use designation overlay will not have a substantial adverse effect on surrounding properties.*

The application of Transient Rental Overlay District on Assessor's Parcel Numbers 016-094-007, -008, -009 & 016-098-015 will not create undue hardship on adjacent properties. Several adjacent or nearby properties are used for transient lodging. Single-family homes that are used seasonally or periodically by the owner, or are rented on a long-term basis, will still be used as single-family homes and in a manner that is not substantially different from how they would be used if they were occupied by full-time residents or long-term renters. The General Plan EIR analyzed land use designations at buildout assuming full-time occupancy. Transient rentals will have similar visual characteristics as a home having seasonally or full-time occupancy. Furthermore, homes used as rentals within the district are subject to more stringent restrictions than applicable to full-time owner-occupied residences or residences subject to long-term lease. Specifically, these include restrictions on occupancy based on the number of bedrooms, parking and the requirement for oversight through local property management. These measures in conjunction with local property management being available 24 hours to regulate noncompliant activities of tenants will minimize visual and noise impacts on surrounding properties.

NOW, THEREFORE, BE IT FURTHER RESOLVED THAT, having considered the environmental addendum and taken into consideration all evidence and testimony before it, the Mono County Board of Supervisors, in conformance with the Mono County General Plan, Chapter 48, Section 48.020, hereby: (1) approves and adopts Addendum #13-01; (2) finds that creation of the proposed Transient Rental Overlay district is consistent with the Mono County General Plan; and (3) approves General Plan Amendment 13-001 adding a Transient Rental Overlay District to the General Plan designated land use map for Assessor's Parcel Numbers: 016-094-007, -008, -009 & 016-098-015.

PASSED AND ADOPTED this 7th day of May 2013, by the following vote of the Board of Supervisors, County of Mono:

AYES :
 NOES :
 ABSENT :

DRAFT

1 ABSTAIN :

2 _____
Byng Hunt, Chair
3 Mono County Board of Supervisors

4 ATTEST:

APPROVED AS TO FORM:

5 _____
6 Lynda Roberts, Clerk of the Board

7 _____
8 Stacey Simon, Assistant County Counsel

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Mono County General Plan Land Use Amendment 13-001
GENERAL PLAN EIR ADDENDUM#13-01
State Clearinghouse #98122016
≈ April 11, 2013 ≈

INTRODUCTION AND DISCUSSION OF PROPOSED MODIFICATIONS

1. Transient Overlay Districts

Mono County has received an application to amend a General Plan Land Use Designation Map to establish a Transient Rental Overlay Districts (TROD) to allow for nightly rentals. GPA 13-001 would establish a TROD on four adjoining parcels (APNs 016-094-007, -008, -009, & 016-094-015) at June Lake.

A Vacation Home Rental Permit will be required in accordance with Chapter 26 of the Mono County General Plan before commencing rentals of any dwellings. Vacation Home Rental Permits will address and regulate traffic and parking, guide tenant occupancy, establish minimum health and safety requirements, and require 24-hour property management, among other things.

ENVIRONMENTAL REVIEW & CEQA PROVISIONS FOR PREPARATION OF AN ADDENDUM TO A FINAL EIR

In 2001, Mono County certified an Environmental Impact Report (EIR) in conjunction with the adoption/amendment of its General Plan (SCH # 98122016) (the “General Plan EIR”). The General Plan EIR analyzed the impacts of designating areas of the county as SFR, ER, RR, or RMH, and assumed full buildout and use of those properties for all allowed uses. It also addressed and analyzed the impacts associated with the development of accessory dwelling units. As discussed below, an addendum to the General Plan EIR is the appropriate level of environmental review for the proposed amendments, because none of the conditions set forth in CEQA Guidelines section 15162 exist.

The California Environmental Quality Act (CEQA §15164[a]) states:

“(a) The lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.”

In turn, §15162 states that preparation of a subsequent EIR is required where one or more of the following occurs:

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

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete shows any of the following:

(A) the project will have one or more significant effects not discussed in the previous EIR or negative declaration;

(B) significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.”

DISCUSSION OF IMPACTS

Establishing a Transit Rental Overlay District which would allow nightly rentals proposed in the aforementioned residential area (the “Project”) does not require major revisions to the General Plan EIR because it does not involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects; there are not substantial changes with respect to the circumstances under which the project is undertaken; and there is not new information of substantial importance, which was not known and could not have been known with the exercise of due diligence at the time the previous EIR was certified as complete which shows any of the following listed above under headings (3) (A) through (3) (D), for the following reasons:

1. The proposed Transient Rental Overlay District will not have a significant effect on the environment nor increase the severity of previously identified significant effects. The overlay district in June Lake consists of four adjoining lots, two containing single family homes and two that are vacant. The creation of a Transient Rental Overlay District (enables short-term rentals) but does not expand the types of structures allowed or the manner in which the vacant parcels can be developed in the future. Future development will be limited to the residential densities established in the underlying land use designation. Additionally, General Plan Land Use Element Chapter 26 further governs how transient rentals are to be conducted, which places much more-stringent regulations on rentals than that of a home occupied by a full-time resident.
2. Additionally, even following designation and permitting for transient rental use, there is no change to the underlying property use. Single-family homes that are now used seasonally or periodically by the owner, or are rented on a long-term basis, will still be used as single-family homes and in a manner that is not substantially different from how they would be used if they were occupied by full-time residents or long-term renters. The General Plan EIR analyzed land use designations at buildout assuming full-time occupancy. Since there is virtually no difference in the use of a home being occupied by a full-time resident and its use by household that rents the home on a short-term basis, the environmental impacts to the neighborhood and surrounding areas are no different. Transient rentals, due to the intermittent and temporary nature of their use, will not create any additional impacts on traffic or air and water quality. Furthermore, since the occupancy and parking will be much more narrowly regulated by a required property manager, the impacts on noise and street congestion will also be reduced. Accordingly, the impacts of the proposed project would not be increased beyond those analyzed in the General Plan EIR.

3. The establishment of Transient Rental Overlay Districts creates the possibility of a reduction in environmental impacts that exist at present, since transient uses would be subject to more-stringent restrictions than are applicable to full-time owner-occupied residences or residences subject to long-term lease. Specifically, these include restrictions on occupancy, parking and the requirement for oversight through local property management. Currently, there are no restrictions on how many occupants can use a single-family home, but the occupancy in homes used as transient rentals will be restricted by the number of bedrooms and/or any septic system limitations. Parking requirements will be site specific and will not only have to meet the General Plan residential parking standards, but will be limited to on-site parking only. These measures in conjunction with local property management being available 24 hours to regulate noncompliant activities of tenants will minimize visual and noise impacts far beyond residences having full-time occupancy.
4. The change to the regulations affecting the size and permitting requirements of accessory dwelling units will not cause an environmental impact. The change reduces the potential intensity of allowed development and environmental impacts on parcels less than one acre in size.

CONCLUSION

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

The information presented above indicates that the proposed General Plan Amendment does not represent a substantive change to the number of significant effects, severity of effects, or the feasibility and/or effectiveness of applicable mitigation measures or alternatives previously addressed in the General Plan EIR. Therefore, a subsequent EIR is not required because none of the conditions set forth in CEQA Guidelines section 15162 exist for this project.



RESOLUTION NO. R13-03

A RESOLUTION OF THE MONO COUNTY PLANNING COMMISSION RECOMMENDING APPROVAL OF GENERAL PLAN AMENDMENT 13-001, PLACING A TRANSIENT OVERLAY DISTRICT ON FOUR ADJOINING PARCELS AT JUNE LAKE

WHEREAS, in accordance with General Plan Requirements, the property owner has submitted a Transient Overlay District application for a transient rental, which includes a General Plan Map Amendment (GPA); and

WHEREAS, the proposed General Plan Amendment 13-001 in conjunction with a Vacation Home Rental Permit will allow the owners of Assessor's Parcel Numbers (APN) 016-094-007, -008, -009 & 016-098-015 to rent out single-family residential homes on a transient or nightly basis; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) an Addendum to the Mono County General Plan EIR pursuant to CEQA section 15164 has been prepared; and

WHEREAS, the Planning Commission did on April 11, 2013, hold a noticed and advertised public hearing to hear all testimony relevant to the General Plan Amendment.

NOW, THEREFORE BE IT RESOLVED THAT, in consideration of evidence and testimony presented at the public hearing and in accordance with Chapter 48 of the Land Use Element of the General Plan, the Planning Commission finds as follows with respect to the proposed GPA.

1. *The proposed land use designation overlay is consistent with the text and maps of this General Plan.*

The project promotes the following General Plan's countywide policies: Objective D states the County should provide for commercial development to serve both visitors and residents; Policy 4 allows for the integration of small-scale commercial uses with associated residential uses; Objective H maintains and enhances the local economy; and Action 5.1 encourages and promotes the preservation and expansion of the county's tourist and recreation-based economy. The project provides for additional visitor lodging and encourages tourist-based economy and is consistent with the text and maps of the General Plan.

2. *The proposed land use designation overlay is consistent with the goals and policies contained within any applicable area plan.*

The project is located within the June Lake Planning Area and is in close proximity to other established lodging facilities. The June Lake Area Plan encourages providing a wide range of commercial and residential uses. The project provides for additional visitor lodging for the tourist-based economy by providing a variety of lodging options within the June Lake Loop.

3. *The site of the proposed land use designation overlay is suitable for any of the land uses permitted within that proposed land use designation.*

The project is not changing the underlying land use designation of Single-Family Residential (SFR), but is adding a Transient Rental Overlay District which will only allow the addition of

1 nightly rentals in single family dwellings. Chapter 25 in the Mono County General Plan allows
2 Transient Rental Overlay Districts to be applied to the SFR, RR, ER, MFR-L, and RMH land
3 use designations. Chapter 26 in the Mono County General Plan requires that any homes being
4 rented within the overlay district obtain a Vacation Home Rental Permit which will regulate
parking, guide tenant occupancy, establish minimum health and safety requirements, and require
24-hour property management, among other things.

5 4. *The land use designation overlay is reasonable and beneficial at this time.*

6 The proposed change to add a Transient Rental Overlay District is reasonable because of the
7 close proximity to other lodging establishments and is beneficial to the community's visitor-
oriented economy by expanding the variety of lodging options within the June Lake Loop.

8 5. *The proposed land use designation overlay will not have a substantial adverse effect on*
9 *surrounding properties.*

10 The application of Transient Rental Overlay District on Assessor's Parcel Numbers 016-094-
11 007, -008, -009 & 016-098-015 will not create undue hardship on adjacent properties. Several
12 adjacent or nearby properties are used for transient lodging. Single-family homes that are used
13 seasonally or periodically by the owner, or are rented on a long-term basis, will still be used as
14 single-family homes and in a manner that is not substantially different from how they would be
15 used if they were occupied by full-time residents or long-term renters. The General Plan EIR
16 analyzed land use designations at buildout assuming full-time occupancy. Transient rentals will
17 have similar visual characteristics as a home having seasonally or full-time occupancy.
18 Furthermore, homes used as rentals within the district are subject to more stringent restrictions
than applicable to full-time owner-occupied residences or residences subject to long-term lease.
Specifically, these include restrictions on occupancy based on the number of bedrooms, parking
and the requirement for oversight through local property management. These measures in
conjunction with local property management being available 24 hours to regulate noncompliant
activities of tenants will minimize visual and noise impacts far beyond residences having full-
time occupancy.

19 **NOW, THEREFORE, BE IT FURTHER RESOLVED THAT**, having considered the
20 environmental addendum and taken into consideration all evidence and testimony before it, the Mono County
21 Planning Commission, in conformance with the Mono County General Plan, Chapter 48, Section 48.020,
22 hereby: finds that the proposed changes are consistent with the General Plan and recommends that the Board
of Supervisors approve General Plan Amendment 13-001 adding a Transient Overlay District to Assessor
Parcel Numbers: 016-094-007, -008, -009 & 016-098-015.

23 **PASSED AND ADOPTED** this 11th day of April 2013, by the following vote of the Planning Commission,
24 County of Mono:

25 AYES : Scott Bush, Chris I. Lizza, Mary Pipersky, Dan Roberts, Rodger B. Thompson
26 NOES :
27 ABSENT :
ABSTAIN :

28 _____
29 Dan Roberts, Chair
Mono County Planning Commission

30 Resolution R13-03
Mono County Planning Commission
April 11, 2013

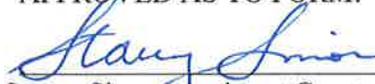
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ATTEST:



C.D. Ritter, Commission Secretary

APPROVED AS TO FORM:



Stacey Simon, Assistant County Counsel

CD Ritter

From: Connie A. Black <cblack@doubleeagle.com>
Sent: Wednesday, April 10, 2013 4:39 PM
To: CD Ritter
Subject: FW: General Plan Amendment for the Double Eagle Resort

RECEIVED
APR 10 2013
MONO COUNTY
Community Development

CD

This for the Planning Commission tomorrow morning at 10:00 Thanks Connie

-----Original Message-----

From: Igor [<mailto:igor@directv.net>]
Sent: Wednesday, April 10, 2013 3:35 PM
To: Connie Black
Subject: General Plan Amendment for the Double Eagle Resort

Connie,

Please pass the following message on to the appropriate people:

To the Mono County Planning Commission

We, Igor and Lee Vorobyoff, are residents at 35 Silver Meadow Lane, directly adjacent to the parcel for which the Double Eagle Resort is applying for General Plan Amendment 13-001(b)/Double Eagle Resort. Not only have we no objections to the amendment, but we also support it.

Sent from my iPad=

DEVELOPMENT STANDARDS

CHAPTER 25 – TRANSIENT RENTAL OVERLAY DISTRICT

Sections:

25.010	Intent.
25.020	Establishment of district.
25.030	Uses permitted.
25.040	Uses permitted subject to director review.
25.050	Uses permitted subject to use permit.
25.060	District requirements
25.070	Additional requirements.

25.010 Intent.

The transient rental overlay district is intended to provide additional tourism-based economic opportunities and homeowner economic stability by allowing a transient rental district to be overlaid on properties within residential neighborhoods exhibiting support for allowing transient rentals. The land use designation followed by the letters TR (e.g., SFR-TR) would indicate a transient rental overlay district.

25.020 Establishment of district.

The transient rental district may be overlaid on any residential neighborhood, parcel, or group of parcels meeting the requirements of 25.060, and having land use designation (s) of SFR, ER, RR, MFR-L or RMH. In addition to the requirements of this chapter, initiation and application of a transient rental overlay district shall be processed in the same manner as any land use redesignation (see Ch. 48, Amendments I. General Plan Map/Land Use Designation Amendments).

25.030 Uses permitted.

The following uses shall be permitted in the transient rental overlay district, plus such other uses as the commission finds to be similar and not more obnoxious or detrimental to the public safety, health and welfare:

- A. All uses permitted in the underlying land use designation.
- B. Where the principal use of the subject parcel(s) is single-family or multi-family residential the residence or any accessory dwelling unit on the parcel(s), may be rented on a transient basis subject to the requirements of 25.070.

25.040 Uses permitted subject to director review.

All uses permitted subject to director review in the underlying land use designation with which the transient rental overlay district is combined shall be permitted, subject to director review approval.

25.050 Uses permitted subject to use permit.

All uses permitted subject to use permitted in the underlying land use designation with which the transient rental overlay district is combined shall be permitted, subject to securing a use permit.

25.060 District requirements.

A. Overlay district area and overlay district formation noticing process:

A transient rental overlay district may be applied to one or more existing legal parcels, provided that at least one parcel within the district is developed with a single-family or multi-family residence.

Applicants are strongly encouraged to propose districts made up from three or more parcels and to communicate with all adjacent property owners before submitting an application.

Applications for transient overlay districts consisting of one or two parcels will require an overlay district formation noticing process prior to public hearing. Notice shall be provided to all property owners adjacent to the proposed transient overlay district and include a 20-day period for noticed property owners to request inclusion in the district.

B. Overlay District shape:

New transient rental overlay districts consisting of more than one parcel and district additions shall be contiguous, compact and orderly in shape as determined by the Planning Commission. Factors used to determine compact and orderly district shape include but are not limited to:

1. Street-frontage sharing
2. Adjoining yards
3. Existing neighborhood separation characteristics such as
 - a. Subdivision boundaries
 - b. Major roads
 - c. Natural features
 - d. Large undeveloped parcels
 - e. Commercial or civic land use

25.070 Additional requirements.

Any person or entity that leases, rents, or otherwise makes available for compensation, a single-family or multi-family residence located within a transient rental overlay district designated by this chapter, for a period of less than thirty (30) days, must first obtain a vacation home rental permit and comply with all applicable requirements of that permit, as set forth in Chapter 26, Transient Rental Standards and Enforcement.

Parcels located within conditional development zones (avalanche) shall not be allowed transient rentals during the avalanche season, November 1 through April 15.

DEVELOPMENT STANDARDS

CHAPTER 26 - TRANSIENT RENTAL STANDARDS & ENFORCEMENT

Sections:

- 26.010 Purpose and Findings.
- 26.020 Vacation Home Rental Permit.
- 26.030 Application and Issuance of a Vacation Rental Permit.
- 26.040 Standards and Requirements.
- 26.050 Rental Agreement and Owner Responsibility.
- 26.060 Compliance with Transient Occupancy Tax Requirements.
- 26.070 Enforcement.
- 26.080 Existing and Otherwise Permitted Rentals.
- 26.090 Unauthorized Rentals Prohibited.

26.010 Purpose and Findings.

- A. The purpose of this chapter is to implement procedures, restrictions, and regulations, and to provide for the payment of transient occupancy tax and applicable fees for the transient rental of properties within Transient Rental Overlay Districts designated pursuant to Chapter 25 of the Mono County General Plan and to provide enhanced enforcement tools to address unauthorized transient rentals countywide.
- B. The Board of Supervisors finds that allowing transient rentals within areas of the county designated for residential use will provide a community benefit by expanding the number and types of lodging available to visitors to Mono County, increasing the use of property within the county, and providing revenue to property owners so that the units may be maintained and upgraded.
- C. The Board of Supervisors also finds that the operation of transient rentals within residential communities should be regulated in order to minimize fire hazard, noise, traffic, and parking conflicts and disturbance to the peace and quiet. The Board further finds that current enforcement tools have been ineffective to address the illegal operation of transient rentals countywide, primarily because the penalty amount is easily offset by the revenue such uses generate.

26.020 Vacation Home Rental Permit.

Any person who rents a residential structure that is not a condominium (hereinafter "rental unit" or "property") within an area of the county designated as a transient overlay district on a transient basis shall comply with the provisions of this chapter, the Mono County General Plan, and any applicable area plans or specific plans. Transient rental of a private residence within a transient overlay district without a valid vacation home rental permit is a violation of this chapter.

26.030 Application and Issuance of a Vacation Home Rental Permit.

- A. Applicant. An applicant for a vacation home rental permit shall be either the owner of title to the subject property or his or her expressly authorized representative. The authorization shall be in writing and notarized.
- B. Application. An application for a vacation home rental permit shall be on a form that may be obtained from the Department of Finance or the Community Development

Department. The following requirements and approvals must be met and substantiated before a vacation home rental permit will be issued:

1. The rental unit must be located within an area of the county designated as a transient overlay district.
2. The rental unit must comply with the standards and requirements as set forth in section 26.040, and any other requirement provided by this chapter. An inspection to verify compliance with such requirements shall be the responsibility of the owner or designated property manager. The owner or property manager shall certify in writing, under penalty of perjury, the rental unit's conformance with such standards. Such certification shall be submitted to the Mono County Community Development Department prior to permit issuance.
3. The applicant must designate the management company or property manager for the rental unit who will be available on a 24-hour basis to address any problems that may be associated with the property or the transient users of the property. The management company or property manager must be duly licensed, and shall be in good standing with the County. Alternatively, the property owner may serve as the property manager.
4. The property must be certified by the Community Development Department as complying with parking requirements and any applicable land use regulations set forth in the Mono County General Plan.
5. A Mono County business license must be obtained and must remain active during all times that the property is used as a transient rental.
6. Any required fees must be paid in full.
7. A Mono County Transient Occupancy Certificate must be obtained from the Department of Finance and will be issued at the time the vacation home rental permit is issued and all conditions of approval have been met.

26.040 Standards and Requirements.

The following standards and requirements must be met in order to obtain a vacation home rental permit and to maintain that permit in good standing:

- A. Health and Safety Standards. The purpose of these standards is to establish minimum requirements to safeguard the public safety, health, and general welfare from fire and other hazards, and to provide safety to firefighters and emergency responders during emergency operations. These standards include without limitation:
 1. The address of the rental unit must be clearly visible.
 2. Carbon monoxide and smoke detectors must be installed and maintained in good operating condition in each bedroom, sleeping area, or any room or space that could reasonably be used as a sleeping area, and at a point centrally located in the corridor or area giving access to each separate sleeping room.
 3. All stairs, decks, guards, and handrails shall be stable and structurally sound.
 4. The rental unit shall be equipped with a minimum of one (1) 2A:10B:C type fire extinguisher with no more than seventy five (75) feet of travel distance to all portions of the structure; there shall be no fewer than one such extinguisher per

floor. Fire extinguishers shall be mounted in visible locations with the tops of the fire extinguishers mounted between three (3) and five (5) feet above the floor and shall be accessible to occupants at all times. California State Fire Marshal annual certification tags must be provided and be current on all extinguishers.

5. If there is a fireplace or solid-fuel barbecue, the rental unit shall be equipped with a minimum five-gallon metal container with a tight-fitting lid for ash removal. This container shall be clearly labeled and constructed to meet the purpose of containing ash. Instructions on the proper disposal of ash shall be stated in the rental agreement and clearly posted in the rental unit. The ash container shall not be placed on or near any furniture or other combustible material; ashes must be wet down thoroughly with water; the ash can must be stored outdoors with a minimum of three (3) feet clearance from building, porch, trees, and other combustible materials; the lid must remain on the ash container when in use.
6. Wall or baseboard heaters in the rental unit shall be in good working condition, and instructions on the proper use of these units shall be clearly stated in the rental agreement and posted in the rental unit.
7. Furniture and any other material that may be flammable shall be kept a minimum of 54 inches from any fireplace opening and 30 inches from any wall or floor heaters.
8. Flammable or hazardous liquid or materials, firearms, controlled substances, or any unlawful material shall not be stored in the rental unit.
9. The roof and grounds of the transient rental property shall be kept clear of accumulations of pine needles, weeds, and other combustible materials.
10. Any locking mechanism on exterior doors must be operable from inside the unit without the use of a key or any special knowledge. If the dwelling unit is greater than three thousand (3,000) square feet in area, two exit doors shall be required, each of which shall conform to this requirement.
11. All fixtures, appliances, furnaces, water heaters, space heaters, plumbing, wiring, electrical, propane or gas connections, doors, windows, lighting, and all parts of the structure and furnishings (interior and exterior) must be in operable working condition and repair.
12. If telephone service is available, there shall be a telephone connected to the local carrier and in working condition for use in the event of an emergency or to contact the owner or property manager. The phone shall be connected to the reverse 911 directory. If there is no telephone service available, then the rental agreement must so state.
13. Bedroom windows shall be operable and free of obstructions to allow for emergency escape and rescue.
14. There shall be at least one screened window per bedroom to allow for proper ventilation.
15. All utilities (electric, gas, water, sewage, etc.) shall be connected, in good operating condition, and connected to approved sources.
16. Any hot tubs, pools, and spas shall be fenced or equipped with a cover with locking mechanism, and shall be maintained in a safe and sanitary condition.

17. There shall be no evidence of pest infestations, and all firewood and other stored items shall be kept in a neat and clean condition.
18. Exits shall be kept free from storage items, debris or any impediments at all times.
19. No tree limbs are allowed within ten (10) feet of any chimney or flue openings.
20. Spark arresters of a minimum opening size of three-eighths (3/8) inch and a maximum opening size of one-half (1/2) inch shall be required on all fireplace flue openings.
21. If any applicable law, rule, or regulation enacted after the enactment of this Chapter imposes requirements more stringent than those set forth herein, such requirements shall apply.

B. Sign and Notification Requirements.

1. Exterior Sign and Notice. Each rental unit shall be equipped with one temporary exterior identification sign not to exceed 8 ½ by 11 inches in size that shall be posted as long as the unit is being rented on a transient basis. This identification sign shall be placed in a location that is clearly visible from the front entrance of the unit, and may be illuminated in a manner that does not conflict with any County exterior lighting standards or signage standards. This sign shall clearly state the following information in lettering of sufficient size to be easily read:
 - a. The name of the managing agency, agent, property manager or owner of the unit and the telephone number where said person or persons can be reached on a 24-hour basis.
 - b. The maximum number of occupants permitted to stay in the unit.
 - c. The maximum number of vehicles allowed to be parked on the property. A diagram fixing the designated parking location shall be included.
2. Interior Notice. Each rental unit shall have a clearly visible and legible notice posted within the unit adjacent to the front door that shall contain the same information set forth above, and shall additionally include the following:
 - a. Notification and instructions about the proper disposal of trash and refuse, including any bear-safe disposal requirements.
 - b. Notification and instructions concerning the proper use of any appliances, fireplaces, heaters, spas, or any other fixture or feature within the unit.
 - c. Notification that failure to conform to the parking, trash disposal and occupancy requirements for the rental unit shall be a violation of this Chapter and may result in immediate removal from the premises and administrative, civil or criminal penalty.
 - d. Notification that any violation of rules or regulations set forth in the Rental Agreement may be a violation of this Chapter and may result in immediate removal from the premises and administrative, civil or criminal penalty.

- e. Physical street address of the unit and emergency contact information consisting of 911, the property manager's phone number, and contact information of the local fire department and the Mono County Sheriff's Department.
- C. Occupancy. The maximum number of persons who may occupy the property as transient renters or their overnight guests shall be limited to two persons (2) per bedroom plus two (2) additional persons. In no event may the maximum occupancy exceed ten (10) persons in any rental unit unless the unit is certified and approved by the Mono County Building Official as meeting all applicable building standards for such occupancy. Additionally, occupancy may be further restricted by the limitation of the septic system serving the dwelling as determined by Mono County Environmental Health.
 - D. Parking. Parking requirements shall be based on the parking requirements set forth in the Mono County General Plan. Parking requirements for the rental unit shall be noticed in the rental agreement and posted on and in the unit. There shall be no parking allowed off-site or on-street, and parking on property owned by other persons shall be considered a trespass. A violation of this section may subject any person to administrative, civil and criminal penalty, including fines and towing of any vehicle, as authorized by state and local law.
 - E. Trash and Solid Waste Removal. A sufficient number of trash receptacles shall be available. Trash and other solid waste shall not be allowed to accumulate in or around the property and shall be removed promptly to a designated landfill, transfer station or other designated site. For purposes of this paragraph, promptly shall mean at least one time per week during any week that the unit is occupied, regardless of the number of days it is occupied. Any trash receptacles located outside a unit shall be in bear-proof containers and comply with County standards. Trash removal requirements for each rental unit shall be included in the rental agreement and posted on and in the property. Property management shall be responsible for the cleanup if the tenants do not properly dispose of trash in bear-proof containers.
 - F. Snow Removal. Snow removal from driveways, walkways, stairs, decks, and all exits and entrances shall be performed prior to each occupancy period, and during any occupancy period as needed to maintain the functionality of these areas. Snow removal from driveways, pathways, exits and entrances, and removal of snow, ice, and ice dams from roofs, decks, and stairs shall be performed in a timely manner as necessary to protect any person who may be using or visiting the rental unit.

26.050 Rental Agreement and Owner Responsibility.

- A. Rental Agreement. The temporary rental or use of each rental unit shall be made pursuant to a rental agreement. The rental agreement shall include, as attachments, a copy of this Chapter and the vacation home rental permit for the unit. Each rental agreement shall contain all required notices and shall specify the number of persons who may occupy the unit, parking requirements and number of allowed vehicles, trash disposal requirements, and include the telephone number of the person or persons to be notified in the event of any problem that arises with the rental. The agreement shall include the phone number, address, and contact information for the person responsible for renting the unit, and any other information required by the county. The rental agreement shall notify the renters that they may be financially responsible and personally liable for any damage or loss that occurs as a result of their use of the unit, including the use by any guest or

invitee. The property manager or owner shall keep a list of the names and contact information of the adult guests staying in the unit.

B. Owner Responsibility.

1. The owner, managing agency, and property manager shall be responsible for compliance with all applicable codes regarding fire, building and safety, health and safety, other relevant laws, and the provisions of this chapter.
2. An owner, managing agency, and/or property manager shall be personally available by telephone on a 24-hour basis to respond to calls regarding the conditions and/or operation of the unit. Failure to timely respond in an appropriate manner may result in revocation of the vacation home rental permit and business license.
3. The owner shall require, as a term of a written agreement with a management company or agent, that said agent comply with this chapter. The owner shall identify the management company or agent, including all contact and license information in the application for a vacation home rental permit, and shall keep this information current. Such agreement shall not relieve owner of its obligation to comply with this chapter.
4. The owner shall maintain property liability and fire insurance coverage in an appropriate amount and shall provide proof of such insurance to county upon reasonable request. Additionally, the owner shall defend, indemnify, and hold the county harmless from any and all claims, judgments, liabilities, or other costs associated with the property or the rental unit, or the rental thereof.
5. The owner, managing agency, property manager and guest shall comply with all lawful direction from any law enforcement officer, fire official, building official, or code compliance officer.
6. The owner shall be responsible for assuring that the occupants and/or guests of the rental property do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate any law. If an owner, property manager, or other agent of the owner is informed about any violation of this chapter, the owner, property manager, or owner's agent shall promptly take action and use best efforts to stop or prevent a recurrence of such conduct, including, when appropriate, calling law enforcement.

26.060 Compliance with Transient Occupancy Tax Requirements.

Each owner shall be responsible for obtaining a transient occupancy registration certificate and for complying with Chapter 3.28 of the Mono County Code. An owner may contract with a management company or property manager to collect, disburse, report, and maintain all records related to transient occupancy tax, but the owner remains responsible for any failure to collect, disburse, or accurately report such tax.

26.070 Enforcement.

- A. A violation of any provision of this chapter, and/or the renting of any property in a land use designation that does not allow for such transient rental, or without proper land use approvals, is subject to the General Penalty provisions and/or the Administrative Citation provisions set forth in Section 1.04.060 and Chapter 1.12 of the Mono County Code, respectively, and any other civil or administrative remedy allowed by law. Notwithstanding Section 1.12.030, the administrative fine for the

operation of any transient rental facility within a transient overlay district without a valid vacation home rental permit, or the operation of any transient rental facility in violation of applicable land use requirements in any other land use designation of the county shall be one thousand dollars (\$1,000) for the first violation and two thousand dollars (\$2,000) for a second or subsequent violation within three years. In addition to these penalty provisions, the failure to comply with any provision of this chapter may result in the suspension or revocation of the vacation home rental permit in accordance with subsection D below, or the suspension or revocation of the business license and/or transient occupancy registration certificate. The failure of a management company or property manager to comply with the provisions of this chapter may additionally result a finding that such management or company or property manager is not in good standing.

- B. An inspection and/or audit of each unit subject to this chapter, and any contract or agreement entered into in furtherance of, or to implement, this chapter, may be made at any reasonable time, and upon reasonable notice to confirm compliance with this chapter.
- C. Transient rentals may not be conducted if there are any code violations, stop-work orders, or other violation of law or regulation outstanding on the property.
- D. The following procedures shall be followed in conjunction with any proposed revocation or suspension of a vacation home rental permit.
 - 1. The County shall provide the property owner with a notice of proposed revocation or suspension stating the nature of the violation, whether revocation or suspension is proposed, and the date, time, and place of a hearing before a hearing officer, who shall be a Planning Commissioner appointed for this purpose by the County Administrative officer, will be held. The notice shall be served on the owner at least 10 business days prior to the date of the hearing by personal service or by certified mail, postage prepaid, return receipt requested to the address for such purpose provided on the vacation home rental permit application. Service by mail shall be deemed effective on the date of mailing.
 - 2. At the hearing, the hearing officer shall consider any written or oral evidence consistent with the following:
 - a. The contents of the County's file shall be accepted into evidence (except as to such portions of the file, if any, that contain confidential or privileged information); and
 - b. The notice of revocation or suspension shall be admitted as prima facie evidence of the facts stated therein.
 - 3. The hearing officer shall independently consider the facts of the case and shall draw his or her own independent conclusions.
 - 4. Upon conclusion of the hearing and receipt of information and evidence from all interested parties, the hearing officer shall render his or her decision affirming the revocation or suspension as proposed, modifying the revocation or suspension, or rejecting the revocation or suspension.
 - 5. If directed by the hearing officer, staff shall prepare a written decision reflecting the hearing officer's determination. Following approval of the written decision by the hearing officer, the clerk of the Planning Commission shall serve the written

decision on the property owner by certified mail, postage prepaid, return receipt requested.

6. The decision of the hearing officer shall be the final administrative action of the county, and the property owner shall be advised of his rights to challenge that decision in Superior Court pursuant to section 1094.5 of the Code of Civil Procedure and of the timelines in which such an action must be brought.
- E. Notwithstanding the foregoing, in the event the code compliance officer determines that suspension or suspension pending revocation of a vacation home rental permit is necessary for the immediate protection of the public health, safety, or welfare, such suspension may be made without prior hearing or determination by the hearing officer, upon the giving of such advance notice to the property owner as the code compliance officer deems reasonable given the nature of the violation and risks presented. The code compliance officer shall inform the property owner in writing of the duration of the suspension, the reasons therefor, the procedure and timelines for filing an appeal, in accordance with the following:
1. The property owner may appeal the suspension by filing an appeal with the clerk of the Planning Commission within 10 calendar days of the date the suspension or revocation takes effect. Such appeal shall also function as a hearing on revocation of the permit, if the suspension is made pending revocation. In the event the property owner does not appeal a suspension pending revocation within the time provided, then the suspension shall automatically become a revocation if notice of such was included in the notice of the suspension.
 2. The hearing shall be in accordance with the procedures set forth in section D above.
 3. The suspension shall remain in effect for the number of days provided by the code compliance officer, or until the appeal/revocation hearing is finally decided by the hearing officer, whichever occurs later, unless extended by the Board.
- F. When a vacation home rental permit is revoked pursuant to the procedures set forth in this chapter, a new vacation home rental permit may not be issued to the same property owner for a period of five years.

26.080 Existing and Otherwise Permitted Rentals.

Any lawful use of property as a transient rental occurring, or subsequently authorized, in a land use designation which permits such uses (or permits such uses subject to Use Permit or Director Review approval) without the application of a transient overlay district shall be exempt from the provisions of this chapter.

26.090 Unauthorized Rentals Prohibited.

The transient rental of any property, unit, or structure which is not within a designated transient overlay district or within a land use designation that permits such use and for which all necessary approvals have been granted, is prohibited. Any violation of this section shall be subject to the provisions of section 26.070, including the fines set forth therein.

General Plan Amendment 13-001 / Double Eagle Resort Transient Rental Overlay District

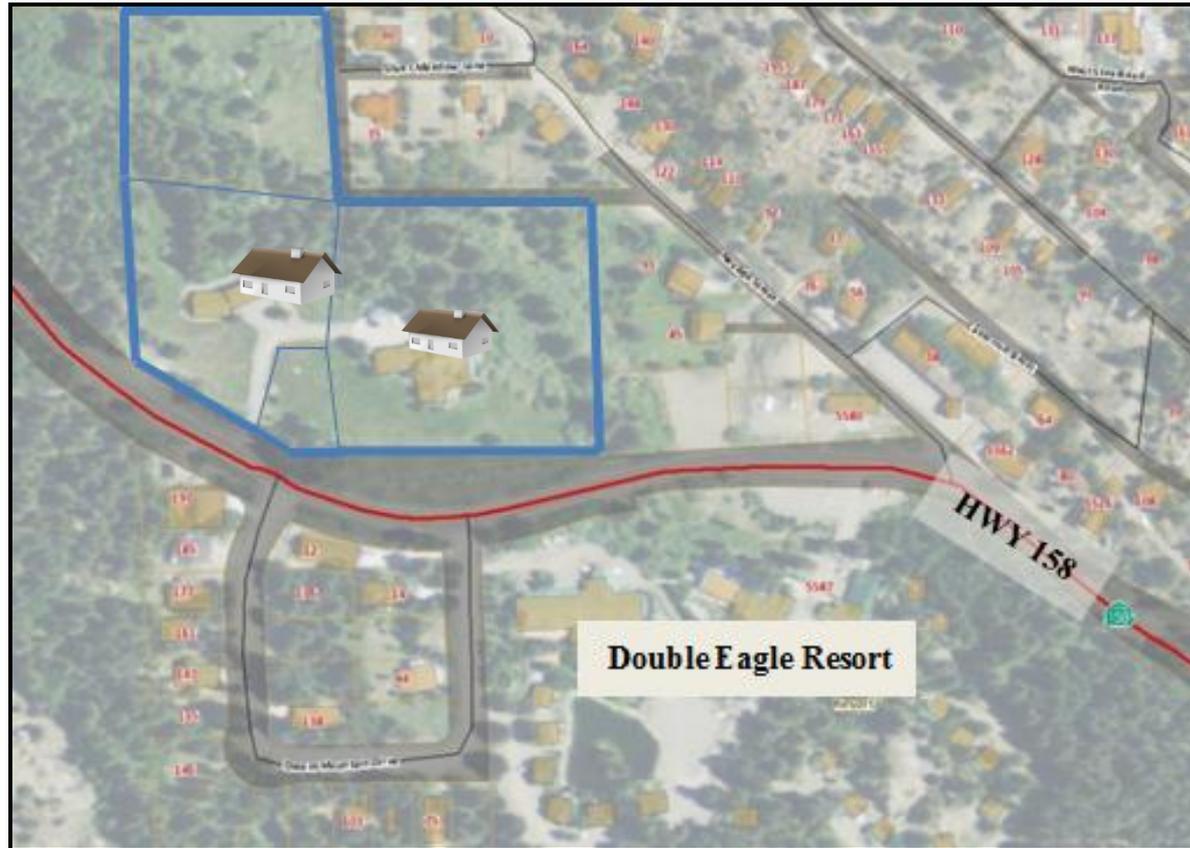
Board of Supervisors
May 7, 2013

Project Description

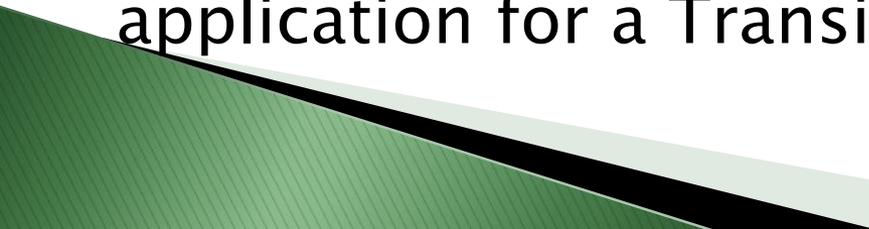
The proposed Transient Rental Overlay District is located in the Down Canyon area of June Lake along Highway 158 and includes four adjoining parcels

- Two parcels have existing homes (one primary residence and one guest house)
- The other two are vacant with no structures

Project Location



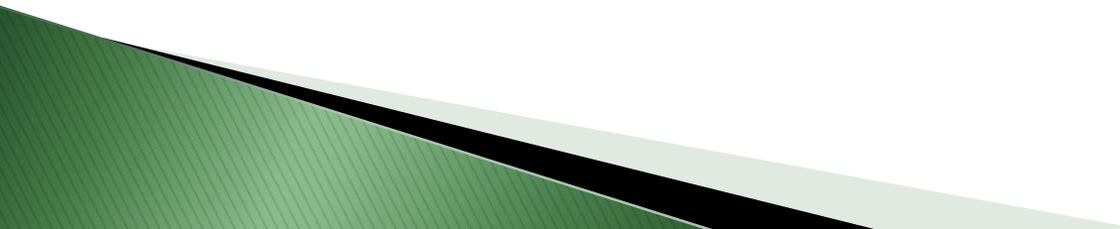
Background

- ▶ The BOS approved GPA 12–001 in Dec. 2012 adding Chap. 25, TROD, and Chap. 26 Transient Rental Standards and Enforcement
 - ▶ The intent of the amendment was to allow transient rentals within compatible residential neighborhoods to increase tourism opportunities & provide additional economic support to homeowners
 - ▶ It is a GP tool to allow transient rentals in specific neighborhoods through a General Plan Amendment application for a Transient Rental Overlay District
- 

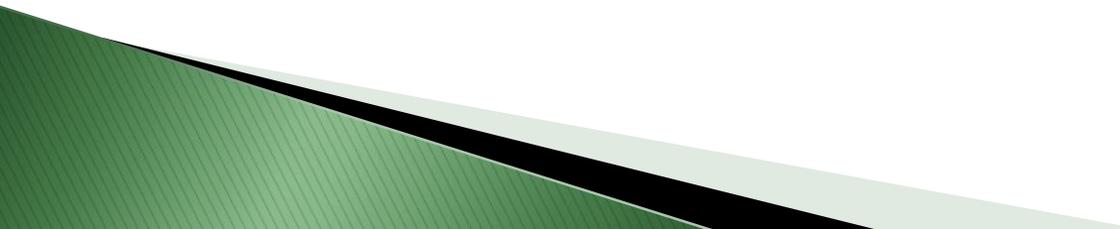
Chapter 26 Regulations

- ▶ Transient rentals must:
 - Meet minimum safety requirements
 - Provide 24 hr local property management
 - Minimize potential conflicts such as parking and noise
 - And others..
- ▶ If a TROD is approved, individual homeowners would then be required to submit a Transient Rental application in conformance with regulations specified in Ch. 26

Land Technical Advisory Committee

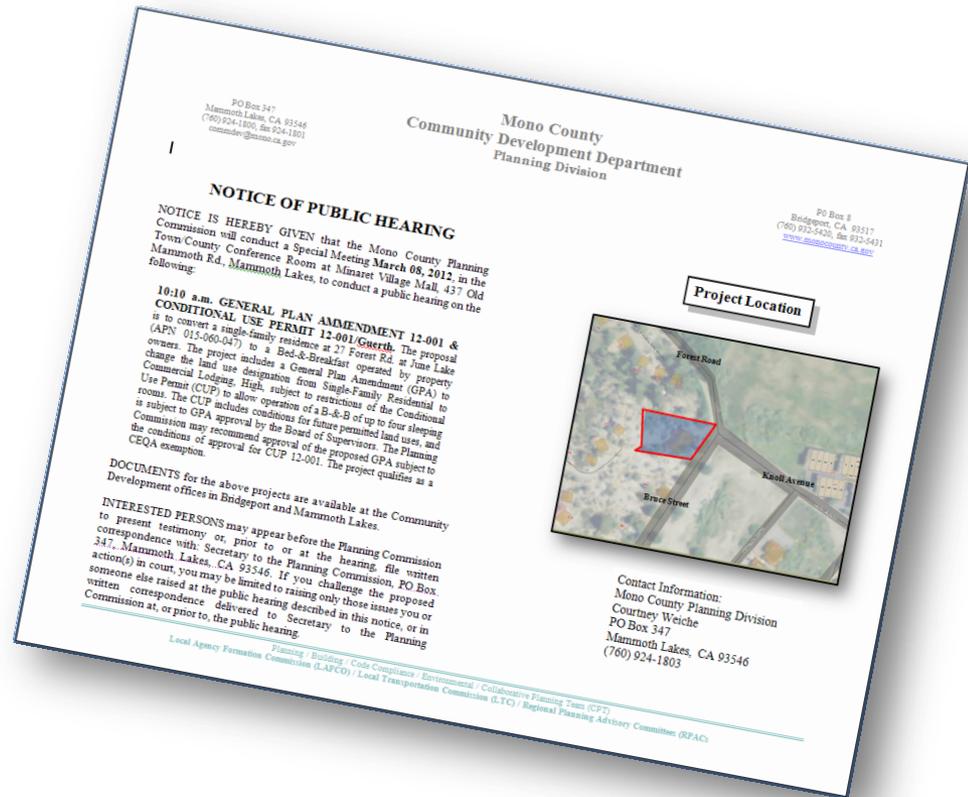
- ▶ Met on March 28, 2013 to review and provide input on the project proposal
 - ▶ LDTAC recommended moving forward with processing the permit
- 

Planning Commission

- ▶ Considered the item April 11, 2013
 - ▶ Two June Lake residents expressed support for the General Plan Amendment
 - ▶ PC recommended approval of the proposed project
- 

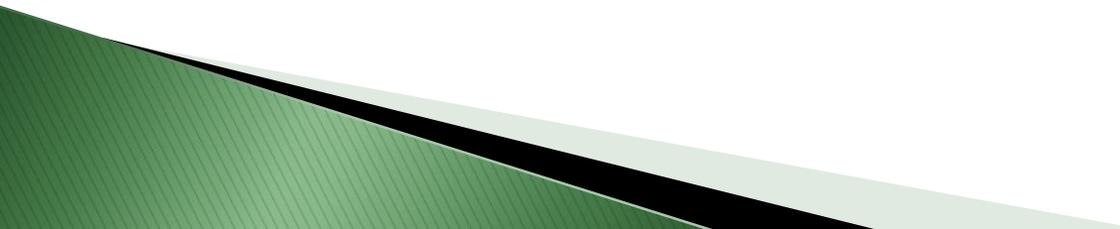
Noticing

- ▶ A notice of public hearing notice was sent to adjoining property owners and applicable agency's.



- ▶ To date, no comments have been received in opposition to the project
- ▶ One email in support of the project was received

Environmental Review

- ▶ An addendum to the county General Plan EIR has been prepared for the proposed project.
 - ▶ The impacts of the proposed project will not result in a substantive change...previously addressed in the General Plan EIR.
- 

Summary of Project Findings

▶ June Lake Area Plan

- The project provides for additional visitor lodging and encourages tourism by providing a variety of lodging options and is consistent with the text and maps of the General Plan.

▶ Countywide Policies

- **Objective H** Maintain and enhance the local economy.
 - Policy 5: Promote diversification and continued growth of the county's economic base.
 - *Action 5.1: Encourage and promote the preservation and expansion of the county's tourist and recreation based economy.*

Planning Commission Recommendation

Approve Resolution R13-__, accepting Addendum 13-01 to the Mono County General Plan EIR and approve General Plan Amendment 13-001





OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE	May 7, 2013	DEPARTMENT	Community Development - Planning Division
ADDITIONAL DEPARTMENTS	County Counsel		
TIME REQUIRED	1 hour	PERSONS APPEARING BEFORE THE BOARD	Brent Calloway, Mary Booher, Scott Burns
SUBJECT	Housing Mitigation Ordinance Workshop		

AGENDA DESCRIPTION:

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

Housing mitigation ordinance workshop.

RECOMMENDED ACTION:

Conduct workshop and provide any desired direction to staff.

FISCAL IMPACT:

No impact to general fund; an undetermined potential impact to the housing trust fund.

CONTACT NAME: Brent Calloway, Mary Booher

PHONE/EMAIL: 924-1809; 924-1807 / bcalloway@mono.ca.gov; mbooher@mono.ca.gov

SUBMIT THE ORIGINAL DOCUMENT WITH
ATTACHMENTS TO THE OFFICE OF
THE COUNTY ADMINISTRATOR
PRIOR TO 5:00 P.M. ON THE FRIDAY
32 DAYS PRECEDING THE BOARD MEETING

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download

- [Staff Report](#)
- [Attachment A](#)
- [Attachment](#)
- [Attachment](#)

- [Attachment](#)
- [Attachment](#)
- [Attachment](#)
- [Attachment](#)
- [Power Point](#)

History

Time	Who	Approval
4/30/2013 4:12 PM	County Administrative Office	Yes
4/30/2013 1:29 PM	County Counsel	Yes
4/30/2013 11:14 AM	Finance	Yes

Mono County Community Development Department

P.O. Box 347
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760-924-1800, fax 924-1801
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P.O. Box 8
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760-932-5420, fax 932-5431
www.monocounty.ca.gov

May 7, 2013

TO: Mono County Housing Authority

FROM: Brent Calloway, Associate Analyst
Mary Booher, Administrative Services Manager

RE: Housing Mitigation Ordinance workshop

RECOMMENDATION

Conduct workshop and provide desired direction to staff regarding update of the Housing Mitigation Ordinance.

FISCAL IMPACT

The fiscal impacts vary based on the direction given by the Board and the amount of development activity. All fiscal impact will be to the Mono County Affordable Housing Trust fund.

BACKGROUND

In June 2006, the Board of Supervisors approved Ordinance # 06-06 which added Chapter 15.40-Housing Mitigation Requirements to the Mono County Code to address a shortage of housing affordable to persons of low and moderate income. The ordinance reflected significant Board and staff efforts, including participation in housing studies, public outreach/discussions/workshops, review of peer jurisdictions requirements, and tailoring inclusionary requirements to local circumstances. Assistance was provided by McCormick and Associates, Charles Long and Associates, Andrea Clark of Mammoth Housing Inc and Kelly M. Koldus, who as part of her program to obtain a degree of Master of Urban and Regional Planning in the Department of Planning, Policy and Design at the University of California, Irvine prepared a 2004 report entitled "*Affordable Housing in Mountain Resort Towns: Policy recommendations for June Lake, Mono County, CA*" (attachment A). Ms. Koldus summarized the housing issue at the time by stating "large-scale resort development has had adverse effects by creating low-wage, low-skill jobs, while producing homes priced out of the reach of locals."

The Housing Mitigation Ordinance (HMO) requires an annual review of the mitigation requirements by the Housing Authority/Board of Supervisors. As part of that review in 2011, the Board of Supervisors approved ordinance # 11-07, suspending the provisions of Chapter 15.40 for two years. The suspension became effective 7/15/11 and will sunset 7/15/13, unless the Board of Supervisors acts to make changes.

The requirements of the Housing Mitigation ordinance are considered an impact fee, and are therefore subject to the laws guiding impact fees. What this means is that the County has the

burden to create a nexus between the fee and the impact, and that future development cannot be expected to fund the current deficiencies in the system.

In reviewing this ordinance, the Board has several options to consider.

Option 1- No Action: This option will result in the Housing Mitigation Ordinance becoming active again, in its current form, effective July 15, 2013.

Option 2- Extending the ordinance suspension for a set period of time: This would continue the suspension of the ordinance, which would prohibit the Board from imposing any of the ordinance requirements on any proposed projects.

Option 3- Modifying specific ordinance provisions: The various provisions of the ordinance are discussed in more detail below, with suggestions for potential modifications.

Option 4- Extending the suspension of specific ordinance provisions: The various provisions of the ordinance are discussed in more detail below, if the Board wishes to consider suspending specific provisions.

Option 5- Combining suspension of some provisions with modification of other provisions.

Option 6- Repealing the ordinance.

The provisions of the HMO are separated for Residential and Non-Residential projects. There are a variety of data points used in determining development impacts on affordable housing, and therefore the magnitude of mitigation requirements. These data points are one of the areas in which the HMO could be modified, and this could be done in a manner that responds to the market conditions and demands for housing. These data points will be discussed below.

Applicable to both non-residential and residential projects, is the application of a **fractional fee**. For example, currently the HMO requires one affordable unit for every 10 residential units developed in a subdivision. For a subdivision of 3-9 houses, the developer is required to pay 10% of the cost of an affordable unit for each unit constructed. Building costs of affordable units are based on a determination by the Mono County Building Division for "Habitable Space D", as required by the ordinance. Changes to other components of the requirement calculations would result in a corresponding change to the fractional fee. This ensures an equitable application of the requirements across developments of all sizes.

An important factor in any impact fee requirement is the nexus, or connection, between the fee and the impact of the development. Impact for affordable housing is measured in **Full Time Equivalent Employees (FTEE)**. Mono County relied heavily on the "Employee Housing Mitigation Support Study" (attachment B) prepared for San Miguel County, Colorado in December, 2002. Staff has contacted staff in San Miguel County, who have verified that this is still in use there today. For residential purposes, the calculations used in this report not only take into account the FTEE necessary to construct the house, spread over an average career of 40 years, but also the ongoing FTEE necessary to maintain the house. For non-residential projects, the report establishes projections for the number of FTEE given the size of the development and the nature of the business being housed.

Another important factor in an impact fee requirement is that the existing development should bear the cost of meeting current deficiencies, and new development is only responsible for

meeting the existing **level of service**. In San Miguel County, for example, the 2002 report determined that the "existing level of service" was 30%, since 30% of the employees working within the district boundaries were living in deed-restricted housing. Therefore, if a new commercial development was expected to create 10 jobs, the developer would be responsible to create 3 affordable units, based on the 30% level of service. In the HMO, the **Location Factor** is designed to meet the level of service analysis.

A **Location Factor** is applied to the provisions of the HMO for both types of projects. As defined by the ordinance, the Location Factor means "a factor that represents the cost of housing and need for affordable housing within a specific geographic region within Mono County that will be used in the calculation of housing mitigation requirements." The location factor is based on the average sales price by community in relation to the affordability level. The proposed adjustments to the location factor (shown below) are based on the following formula:

Non-residential Projects: The impact of non-residential projects is based on the FTEE created by the development, with the location factor applied. Currently, the Commercial impacts are assessed as follows:

1. Visitor accommodations (hotels, motels, inns, resorts, timeshares, etc)-based on the number of sleeping areas
 - a. 1-9 sleeping areas is exempt
 - b. 10-19 sleeping areas-fractional fee of 1/11 of an affordable unit
 - c. 20+ sleeping areas
 - i. 1 affordable unit for every 20 sleeping areas, and
 - ii. Fractional fee of 1/20 of an affordable unit for each additional unit.
2. Commercial-office, retail, food service, repair services, professional services, cultural activities, etc-based on square footage
 - <2,000 sf is exempt
 - a. 2,000-7,999 sf-fractional fee of 1/6,001 per square foot
 - b. >8,000 sf
 - i. 1 affordable unit for every 8,000 sf, and
 - ii. Fractional fee of 1/8,000 for each square foot for each additional square foot.
3. Industrial or service commercial-cottage industries, automobile repair shops, plumbing and construction services, manufacturing shops, etc-based on square footage.
 - a. <2,500 sf is exempt
 - b. 2,500-9,999 sf-fractional fee of 1/7,500 per square foot
 - c. >10,000 sf
 - i. 1 affordable unit for every 10,000 sf, and
 - ii. Fractional fee of 1/10,000 for each square foot for each additional square foot.
4. Storage and Warehouse
 - a. <5,000 sf is exempt
 - b. 5,000-19,999 sf-fractional fee of 1/15,000 per square foot
 - c. >20,000 sf
 - i. 1 affordable unit for every 20,000 sf, and
 - ii. Fractional fee of 1/20,000 for each square foot for each additional square foot.

The Board could choose to refine these categories, or change the thresholds for these calculations. Staff does not recommend going to the level of detail used in San Miguel County, as the administration of this would become rather burdensome.

The following non-residential projects are exempted from the requirements of the HMO (paraphrased). The Board could change these exemptions.

- Projects that produce less than 1 FTEE in any five year period.
- Schools and daycare facilities that are open to public enrollment.
- Non-recreational public facilities (libraries, museums, etc).
- Places of worship
- Substantially equivalent replacement of building destroyed by fire or natural disaster
- Multi-family apartment buildings that meet other affordable housing criteria
- Secondary housing units

In addition, the HMO allows developers to propose comparable alternatives to these requirements.

Residential Projects: The impact for residential projects is based on the FTEE of the construction as well as on-going maintenance costs, with the location factor applied. Based on the San Miguel County report, there is an exponential increase in the FTEE impact of larger homes, and this factor has been incorporated into our current calculation. The Mono County HMO is an inclusionary ordinance, expecting the affordable units to be part of the development, as opposed to being developed elsewhere.

1. Subdivision Requirements
 - a. 1-2 lot subdivision-exempt
 - b. 3-9 lot subdivision
 - i. fractional fee of 1/10 for each lot/unit (location factor applies), and
 - ii. Deed-restriction on 20% of the lots for a secondary unit or a fractional fee for 1/5 of a secondary unit (location factor applies)
 - c. 10+ lots
 - i. 1 affordable unit for every 10 lots/units, and
 - ii. Fractional fee of 1/10 for each additional unit (location factor applies), and
 - iii. Deed-restriction on 20% of the lots for a secondary unit or a fractional fee for 1/5 of a secondary unit (location factor applies)
 - d. Affordable units and secondary units must be built at the same time as the market rate units.
2. Condominium and Planned Developments
 - a. 1-2 condo units-subject to single-family residence requirements
 - b. 3-9 condo developments
 - i. fractional fee of 1/10 for each unit (location factor applies)
 - c. 10-14 units
 - i. 1 affordable unit for every 10 lots/units, and
 - ii. Fractional fee of 1/10 for each additional unit (location factor applies)
 - d. 15+ units
 - i. 1 affordable unit for every 10 lots/units, and
 - ii. Fractional fee of 1/10 for each additional unit (location factor applies), and
 - iii. 1 on-site manager or employee unit for every 15 units, and
 - iv. Fractional fee of 1/15 for each additional unit (location factor applies)
3. Multi-family units
 - a. <15 units-exempt if the following conditions are met
 - i. Allows for 1 owner-occupied unit
 - ii. Remaining units must be leased

- iii. Project must be deed-restricted to prevent conversion to condominiums
 - b. 15+ units
 - i. Allows for 1 owner-occupied unit
 - ii. Remaining units must be leased
 - iii. Project must be deed-restricted to prevent conversion to condominiums
 - iv. 1 on-site manager or employee unit for every 15 units, and
 - v. Fractional fee of 1/15 for each additional unit (location factor applies)
 - vi. Affordable units must be affordable at 80% Area Median Income (AMI)
- 4. Single Family Residential
 - a. Fee based on following components
 - i. House size
 - 1. <2,400 sf is exempt
 - ii. FTEE Factor-exponentially increases based on size of house above minimum
 - iii. Building cost
 - iv. Location factor

For subdivisions, the inclusionary units' size and affordability (based on AMI) are established in Table Y of the Ordinance. In addition, the HMO allows developers to propose comparable alternatives to these requirements for multi-family units and subdivisions. The Board could choose to make numerous changes in this area. Some points for consideration are:

- Changing the thresholds for the inclusionary and manager units. For example, the inclusionary threshold is 10%. Increasing this number will increase the impacts of the ordinance, while decreasing this number will decrease the impacts. The Board may want to index these levels to a market factor, such as number of housing units needed, as determined by the State of California Department of Housing and community development.
- Changing affordability requirements
 - For Subdivisions-Table Y
 - For multi-family units, 80% AMI
- For Single family residential
 - Change the threshold for square footage that is exempt. This could be indexed to a market factor, such as average home size over the past 5 years.
 - Change the FTEE factor calculation or exponential growth factor.

The following residential projects are exempted from the requirements of the HMO (paraphrased). The Board could change these exemptions.

- Multi-family units that provide at least 25% of the units at affordable rates. Project must be deed-restricted to maintain affordable units and prevent conversion to condominiums.
- Housing for agricultural workers
- Mobile Home Park development
- Replacement of a building damaged in fire or natural disaster, as long as the size is not increased.
- Any development that is being developed as an affordable housing project, as defined by state law.

In order for staff to draft the revisions for the Board to approve prior to the expiration of the current suspension, the first reading of the Ordinance will be scheduled for June 4th, with the second reading and approval scheduled for June 11th. Failure to meet these deadlines will result in the ordinance becoming effective, in its current form, as it is currently written (Option

1). If the Board wishes to implement any of the other options, and in order to meet these deadlines, staff needs specific direction from the Board on the following points:

- Which option does the Board wish to pursue
- If the Board selects Option 2, to extend the current suspension, how long does the Board wish to extend the suspension?
- If the Board selects Option 3 or Option 5, which provisions of the Ordinance does the Board wish to modify, and what modifications should be made? Possible areas for modification are:

LOCATION FACTOR ADJUSTMENT

For purposes of these calculations, an affordable unit is \$325,000. This is the average calculated by on-line affordability calculators, assuming the following factors:

- Area Median Income for 2013 (from state HCD)--\$79,600
- \$20,000 down payment
- Monthly debt payments of \$500
- Average between credit rating of 640-659 (3.66% APR) and credit rating of 720-759 (3.33% APR)

$$\frac{\$325,000 - \text{Median (or average) sales price for community for last 10 years (or since 2002)}}{\$325,000}$$

For purposes of calculating the location factor, staff recommends the Board approving one methodology, which will be updated annually. There are two options to consider. Attachment C shows the various combinations of these factors.

1. Using median sales price vs. average sales price. Median is the middle price of a range of numbers, while average is calculated by totaling all sales and dividing this by the number of sales. Use of median is less influenced by very low or very high sales, and staff recommends this as the most accurate reflection of the market.
2. Using the median (or average) for the past 10 years, for since we have been collecting the data in 2002, maybe increasing the range to 20 years. Using a longer time period will smooth the market fluctuations, but the data may not be relevant long-term is there is a significant, sustained change in the economy. Staff recommends using the 10 year median.

Assuming no other changes to the HMO calculations, Attachment D shows the impact of these changes.

MANUFACTURED HOMES:

Currently, staff does not apply the provisions of the HMO to manufactured homes, regardless of square footage. Staff recommends incorporating specific language exempting them, or direct staff to apply the provisions to all homes. As a result of this implementation interpretation, the square footage data discussed below does not include manufactured homes.

SQUARE FOOTAGE MINIMUM CHANGE:

Currently the residential square footage threshold to trigger the HMO requirements for a residential unit is 2,400 square feet. This was based on an analysis of the square footage of home leading up to the adoption of the ordinance. Based on a current analysis, this results in approximately 62% of the homes built not being subject to the HMO. The Board could adjust the percentile rate, thereby impacting the calculation of the HMO. Attachment E shows the

percent of homes that fall into the various percentiles. Attachment F shows how establishing a specific percentile would impact the HMO calculations, if all other factors remain the same.

Staff cautions the Board, that to establish a percentile based on historical data, that the result could be contrary to the intent of the HMO. If house sizes increase, which could result in fewer affordable homes, the threshold for application of the HMO would increase. Maintaining the existing format of a set square footage may have more impact in keeping homes smaller, and therefore more affordable.

OTHER CHANGES FOR CONSIDERATION:

- Change how building cost of affordable unit is determined from fractional fee calculations
- Change FTEE impacts of non-residential developments
- Change the types of projects that are exempt, both non-residential and residential
- Changing the thresholds for the inclusionary and manager units for residential projects. For example, the inclusionary threshold is 10%. Increasing this number will increase the impacts of the ordinance, while decreasing this number will decrease the impacts. The Board may want to index these levels to a market factor, such as number of housing units needed, as determined by the State of California Department of Housing and Community Development.
- Changing affordability requirements
 - § For Subdivisions-Table Y
 - § For multi-family units, 80% AMI
- For Single family residential
 - Change the threshold for square footage that is exempt. This could be indexed to a market factor, such as average home size over the past 5 years.
 - Change the FTEE factor calculation or exponential growth factor.
- If the board selects Option 4 or Option 5, which provisions of the Ordinance does the Board wish to suspend, and for how long.

This report has been reviewed by the community development director. If there are any questions regarding this staff report, please contact either Mary Booher at 932-5583 or Brent Calloway at 924-1809.

Acknowledgements

This Professional Report was a concerted effort to analyze data and related information from a number of sources. I would like to thank the following people, without whom this Professional Report could not have been written:

Scott Burns
Director, Mono County Community
Development Department



Jean-Daniel Saphores
Assistant Professor, UC Irvine

Victoria Basolo,
Assistant Professor, UC Irvine

Kenneth Chew
Associate Professor, UC Irvine



Stephen Higa, AICP
Senior Planner, City of Laguna Niguel



Executive Summary

Mono County, CA, has long been recognized as having a high quality-of-life, largely due to its location in California's Eastern Sierra Nevada. However, due to home prices outpacing wages, affordable housing is hard to come by for many residents, precluding employees from living in the same community they work in. Several housing policies are already in effect in Mono County and other mountain resort communities to create affordable housing, and others are being considered. This report analyzes those housing policies, with a specific focus on inclusionary housing ordinances. Recommendations include adopting an inclusionary housing ordinance for Mono County, as well as promoting the construction of second units, the adoption of a living wage, the creation of a Regional Housing Authority, and the transfer of land between private hands and public agencies such as the US Forest Service and the Los Angeles Department of Water and Power.

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Introduction

Affordable housing is an important issue in mountain resort towns across the American West, as property values have appreciated and wages have failed to keep up. Large-scale resort development has had adverse effects by creating low-wage, low-skill jobs, while producing homes priced out of the reach of locals. Communities are clambering for ways to maintain their quality of life in the face of these developments, and the availability of affordable and attainable housing is one of the main concerns. Many communities have adopted, and several more are considering adopting, inclusionary housing ordinances that encourage the construction of affordable housing units.

Objective

The objective of this Professional Report is to identify policies designed to provide affordable housing in June Lake, an unincorporated village in Mono County, California. This report will consider approaches used by other mountain resort communities, with a specific focus on inclusionary housing ordinances.

Purpose of the Study

This Professional Report is submitted in partial satisfaction of the requirements for the degree of Master of Urban and Regional Planning in the Department of Planning, Policy and Design at the University of California, Irvine. Therefore, it analyzes a real-

world planning problem in more depth and from a slightly more academic view than one might find in a staff report.

Audience

This report was written with several audiences in mind. Mono County's Community Development Department expressed interest in inclusionary housing ordinances and their applicability to the County, especially to June Lake. The report should also be of use to developers, local business owners, residents, and the planning community at large.

Organization of the Report

This report is divided into four sections. Each section begins with an introduction to the items covered as presented below:

 *Community Profile: Mono County and June Lake, CA* – This section of the report includes population estimates and identifies characteristics of Mono County and June Lake residents, including demographics, employment and income figures, housing conditions, and factors contributing to the lack of affordable housing.

 *Existing and Proposed Mono County Housing Policies* – A review of current housing policies in effect in Mono County, as well as policies under consideration. Documents analyzed include the Mono County General Plan and draft Housing Element, the June Lake Area Plan, and the draft Rodeo Grounds Specific Plan.

 *Comparison to Other Mountain Resort Communities' Housing Policies* – A review of policies and ordinances enacted in other jurisdictions, with a specific

focus on mountain resort communities and communities with inclusionary housing ordinances. Comparison communities include the Town of Vail and Summit County, both in Colorado.

Solutions and Opportunities: Policy Recommendations

Methodology

This report analyzes demographic data provided by the US Census Bureau and California Employment Development Department. It also reviews housing policies, especially inclusionary housing ordinances, enacted by mountain resort communities. Whenever possible, the ordinances effectiveness are gauged; however, as many inclusionary ordinances have been recently adopted, this is not always possible or practical. Cases were selected based on availability of materials on the World Wide Web.

Data Sources

The following sources provided data for the analysis of Mono County's housing policies:

-  Employment estimates from the California Employment Development Department;
-  Income limits for households from the Department of Housing and Urban Development;
-  Population estimates from the US Census Bureau;
-  Housing policies currently enacted and under consideration by the Mono County Community Development Department;

-  Geographic Information Systems (GIS) developed for Mono County;
-  Various planning documents from communities in the American West and Canada.

When these sources are referenced, it is noted in the text or adjacent to the table or graph containing the referenced information. Full references are included at the end of this report in the References section.

Acronyms and Definitions Used

The following definitions are applicable for the terms used in this report, unless otherwise noted.

Affordable Housing – “when the amount spent on rent or mortgage payments (excluding utilities) does not exceed 30% of the combined gross income of all household members. There is no single amount that is ‘affordable’. The term is not synonymous with low-income housing; households in lower- through middle-income ranges tend to have affordability problems in high-cost communities. Under most Federal programs for low-income housing, occupants pay 30% of their gross income for rent and utilities.”¹

Deed-Restriction – Deed restrictions are terms and conditions that are part of the deed to a property, and place limitations on how an owner may use your property. Deed restrictions have been used to limit rent in second units to affordable levels in many mountain resort towns as well as urban, suburban, and exurban areas.

Inclusionary Housing (IH) – Any housing program that requires market-priced housing development to include a certain percent of ‘affordable’ housing for lower-income ranges, and/or some other contribution to affordable housing. This may be achieved via

on-site construction, off-site construction, conversion of existing market-rate housing units to deed-restricted affordable housing, land conveyance, in-lieu fees, or other methods. Depending upon the community, IH programs are also known as ‘workforce’, ‘local resident’, or ‘community’ housing programs.

Income Ranges – The California Department of Housing and Community Development sets income brackets for the programs it administers based on Area Median Income (AMI), according to household size. For the purposes of this report, four specific income ranges are considered:

-  *Very Low-Income (VLI)*: includes households earning less than 50% of the AMI;
-  *Low-Income (LI)*: includes households earning 50-80% of AMI;
-  *Moderate-Income (MI)*: includes households earning 80-120% of AMI; and
-  *Above-Moderate Income (AM)*: includes households earning more than 120% of AMI.

These definitions apply only to California. For other jurisdictions discussed in this report, income ranges may vary and will be explained as appropriate in the text.

Mean - the average of a group of numbers, derived by adding all the data values and dividing them by the number of items

Median - the middle point in a data set; 50% of the data will be greater than this number, and 50% will be lower.

Overpayment - when a household or individual spends more than 30% of gross income on rent or mortgage payments

Transient Occupancy Tax (TOT) - a tax imposed by a jurisdiction upon travelers to the area, collected by hotel, bed and breakfast, and condominium operators. Many resort areas rely on TOT as well as sales tax to fund municipal coffers; the Town of Mammoth Lakes imposes a 12% TOT, based on the cost of lodging.

Community Portrait of Mono County

This section of the report includes population estimates and identifies characteristics of Mono County and June Lake residents, including demographics, employment and income figures, housing conditions, and factors contributing to the lack of affordable housing.

Location and Natural Features

Mono County is located on the eastern flank of the Sierra Nevada, along the California-Nevada border. The main highway providing year-round access is US 395, leading north 145 miles to Reno and south 300 miles to Los Angeles² (Figure 1). Located within the county are the Inyo and Toiyabe National Forests, Mono Basin National Forest Scenic Area, Devils Postpile National Monument, Bodie State Historic Park, and portions of Yosemite National Park and the Ansel Adams Wilderness. The Town of Mammoth Lakes is the only incorporated community with about 7,000 residents. The Mono County government oversees the unincorporated areas, including June Lake, Bridgeport, Crowley Lake, Bodie, Lee Vining, Benton, Convict Lake, Twin Lakes, Walker, Topaz, and Coleville. Mammoth Mountain Ski Area and June Lake Ski Areas are among the major employers.

Little land in Mono County is available for private development, as nearly 97% of Mono County's land area is controlled by public agencies such as the US Forest Service, the Bureau of Land Management, and the Los Angeles Department of Water and Power (Figure 2). Furthermore, much of the private land is steeply sloped, in wetlands, or is threatened by natural disaster such as wildfire, seismic and volcanic activity, avalanche, flooding and mudflow (Figures 3 and 4).

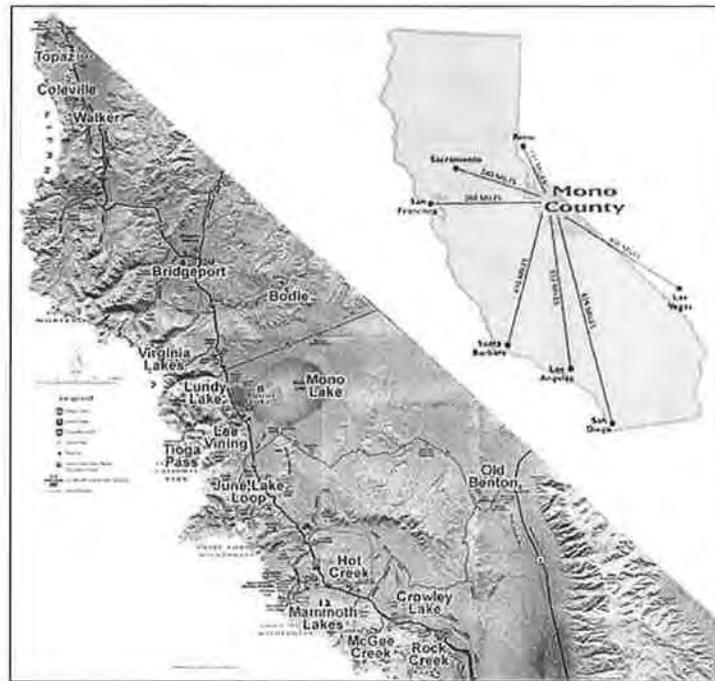


Figure 1: Vicinity Map of Mono County. Source: Mono County Film and Tourism Commission

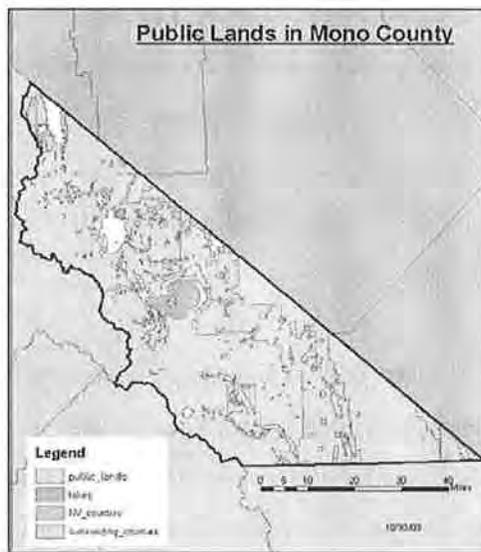


Figure 2: Public Lands in Mono County, CA. Green represents the public lands that comprise about 97% of Mono County's land area. Note the size of Mono Lake. Source: Mono County GIS.

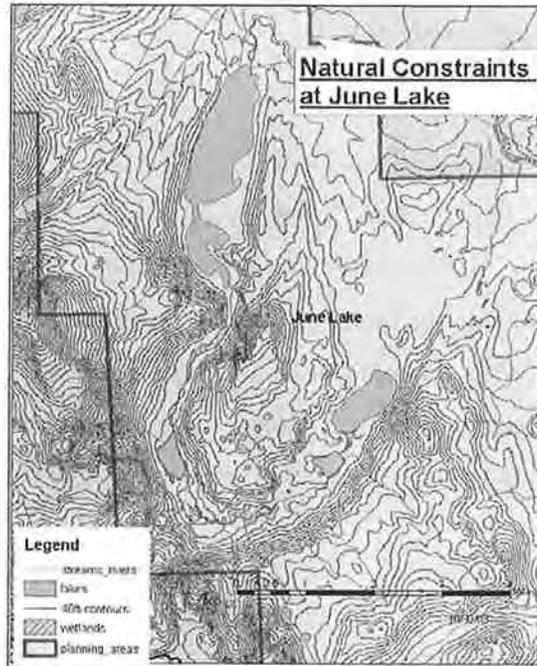


Figure 3: Natural Constraints on Development in the June Lake Loop. The red lines indicated 40-foot contours, blue is bodies of water, and green indicates wetlands. The June Lake Loop is located at the floor of a steeply sloped horseshoe canyon prone to rockfall and avalanche. Source: Mono County GIS.



Figure 4: A Vacant Lot in the June Lake Loop. This is an example of an undeveloped lot in Mono County. Aside from the boulders and steep slope, this parcel offers practically no possibility of on-site parking. Source: Author.

Population Demographics

The enumerated population of Mono County in 2000 was 12,853 persons³ (Figure 5), up from 8,577 in 1980. In 2000, 2,248 Mono County residents were Hispanic or Latino.⁴ In Mono County, 7,099 residents were born in California, and 1598 residents were foreign born; twelve hundred ten enumerated residents were not US citizens.⁵ In 2000, 4,599 residents lived in the same house as they did in 1995.⁶ Twenty-five percent of employed residents spend more than 30 minutes commuting to work from their home.⁷ Median household income in 1999 was \$44,992,⁸ while median family income was \$50,487.⁹

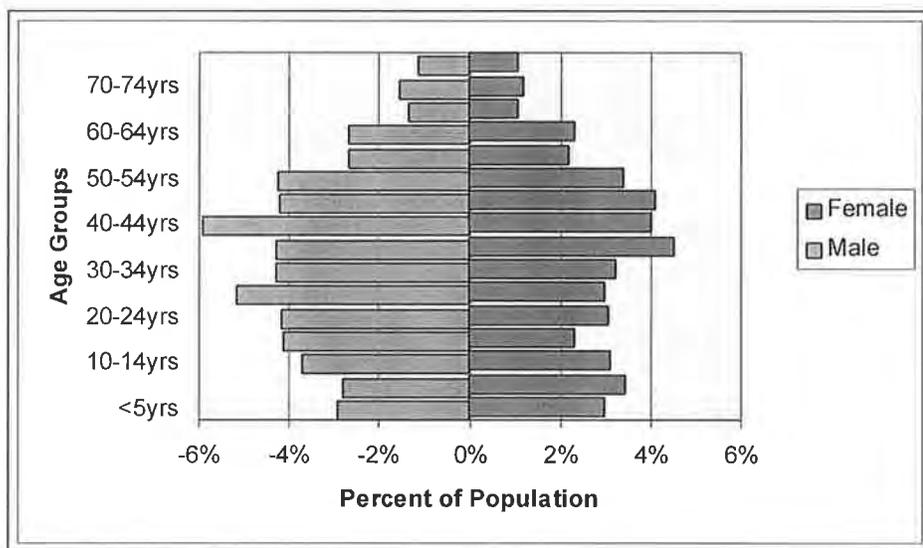


Figure 5: Population Pyramid for Mono County, 2000. Males make up a greater percent of the population compared to females; this disparity may be related to the abundance of construction jobs and positions in outdoor recreation in mountain communities. Source: US 2000 Census, SF3, P8.

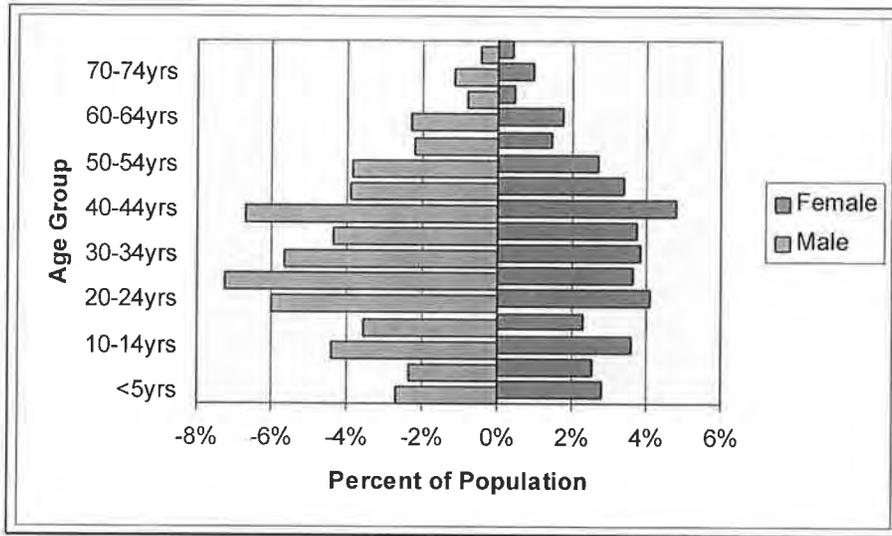


Figure 6: Population Pyramid for the Town of Mammoth Lakes, 2000. The concentration in age groups would indicate a large number of working-age adults; few have young children. Source: US 2000 Census, SF 3, P8

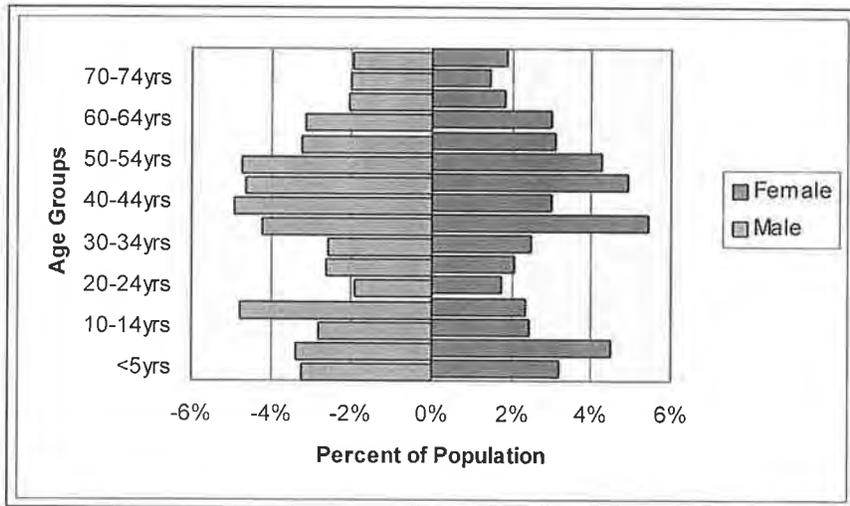


Figure 7: Population Pyramid for Unincorporated Mono County, 2000. Again, note the lack of young adults, compared to a large number of baby boomers and early retirees. Source: US 2000 Census, SF 3, P8

The community of June Lake has seen its resident population fall from 802 people (18% of the unincorporated population) in 1980, to 581 residents (11.24% of the unincorporated population) in 1990, and rise to 613 people (10.64% of the unincorporated population) in 2000¹⁰ (Figure 8). The village lies off SR 158, the June Lake Loop (Figures 9-11), and includes homes along the shores of June, Gull, and Silver

Lakes (Figures 12 and 13). Visitors have a range of activities to choose from, including hiking, biking, and trout fishing in summer, and skiing, snowshoeing, and snowmobiling in winter. The June Mountain Ski Area is a major, albeit seasonal, employer.

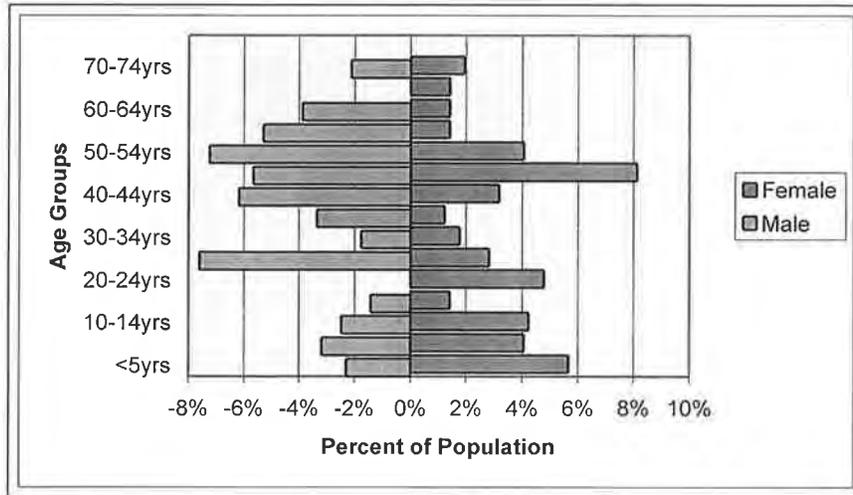


Figure 8: Population Pyramid for June Lake, 2000. Note the lack of male 20-24 year olds. This could indicate a lack of jobs or housing for young adults. Source: US 2000 Census, SF3, P8.

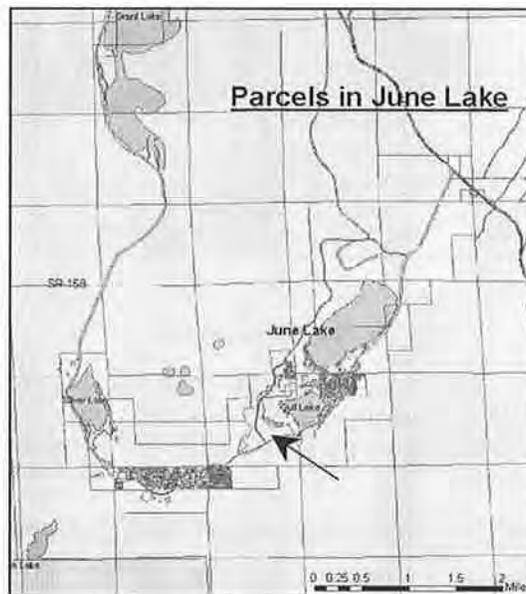


Figure 9: Vicinity Map of June Lake. Most of the private parcels in June Lake are clustered “Up Canyon” between June and Gull Lakes, and “Down Canyon” along Reversed Creek between Gull and Silver Lakes. The largest undeveloped private parcel (denoted by the arrow) is the 90-acre Rodeo Grounds. Source: Mono County GIS



Figure 10: Carson Peak Rising Above June Lake, as Viewed from Oh Ridge. Carson Peak (elev. 10,909 feet) dominates the June Lake ridgeline. Most 'up canyon' homes are located on the far lakeshore. Source: Author.



Figure 11: June Lake Business District. Local businesses catering to tourists cluster along SR 158, the June Lake Loop. Source: Author.



Figure 12: Typical Example of Older June Lake Residence. This home between June and Gull Lakes is of substandard construction and needs replacement. Source: Author.



Figure 13: Typical New Construction in June Lake. Many new homes are being built in June Lake amidst older development. Source: Author.

Trends in Real Estate Development

Mono County has an economy largely fueled by tourism, due to its Eastern Sierra location and year-round access. In 2000, 56% of all homes were maintained as vacation homes, second in the state only to Alpine County, with 68% (Figure 14). This is important because only 45% of all homes are occupied, and 88% of vacant units are for seasonal use.¹¹ Sixty-two percent of the homes in June Lake were vacation homes in 2000, which compares to 32% for unincorporated Mono County.

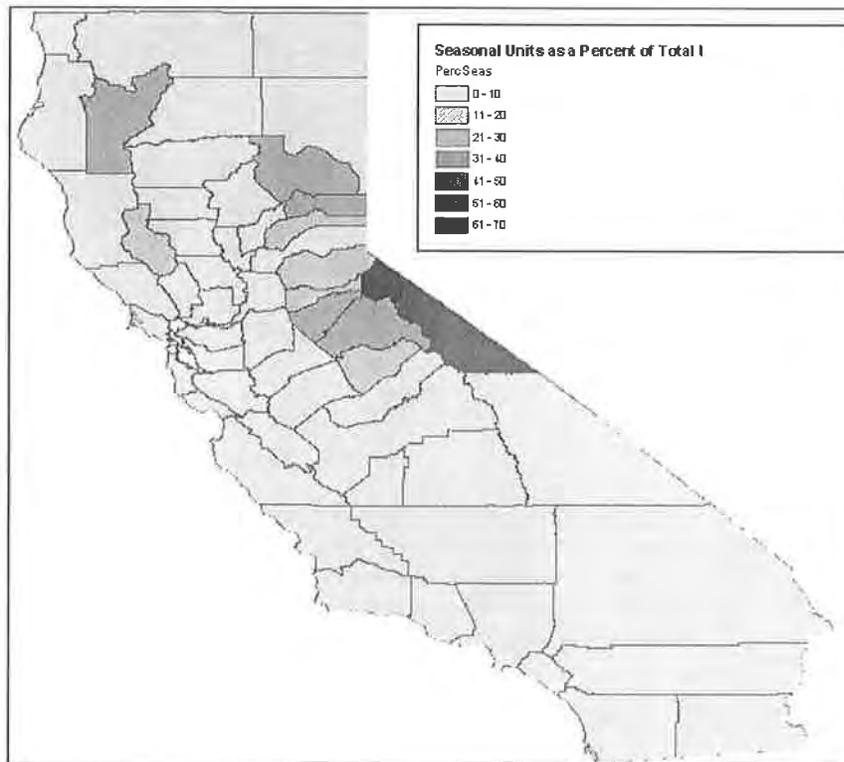


Figure 14: Seasonal Units as a Percent of Total Units in California Counties. Alpine County leads with 68%, followed by Mono County at 56%, Plumas County at 33%, Sierra County at 31%, and Trinity County at 30%. Note that all of these counties are in the Sierra region. Source: US 2000 Census, SF3, H6 and H8.

This trend is by no means a California anomaly. Second homes comprise a large share of the housing stock in many counties across America (Figure 15). Households headed by people 55-64 years old were most likely to own second homes in 1995, but little growth is anticipated as this population cohort ages and becomes less mobile. As the Baby Boomers approach retirement and inherit their frugal Depression-era parents' savings,¹² they are likely to purchase second homes of their own. Even so, Carliner (2000) expects that second homes will likely “remain a lucrative niche market for suppliers and localities providing the distinct products called for.”¹³

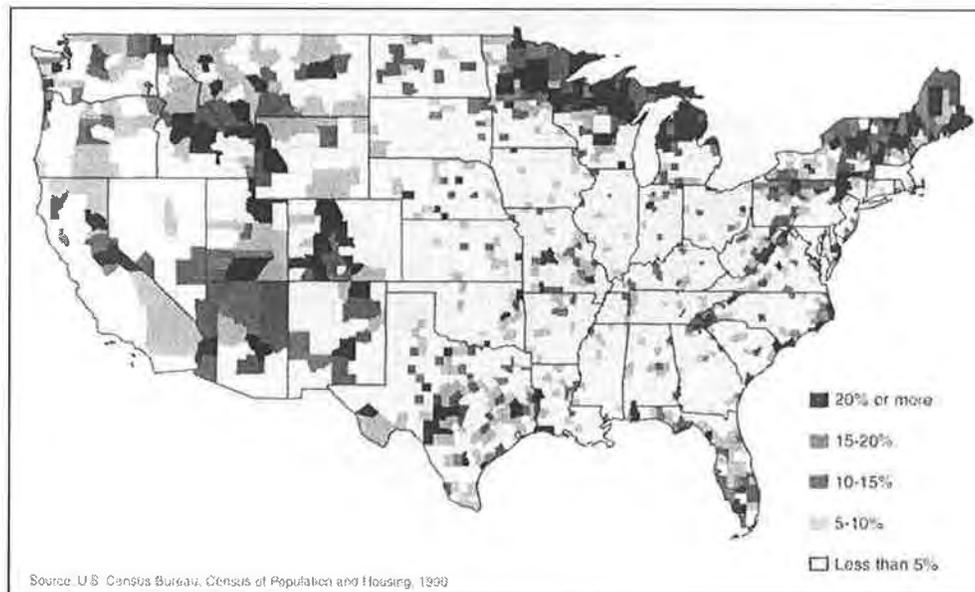


Figure 15: US Counties by Vacation Home Share of 1990 Housing Stock. In 8% of US counties, vacation homes comprise over 20% of the total housing stock. These homes are concentrated in near lakes and mountains, as evidenced by their proximity to the Rockies, Catskills, and Great Lakes. The 1990 US Census counted over 2.3 million second homes (approximately 5% of all homes), although other surveys indicate higher numbers. Source: Gutierrez (1999)

This impacts the housing market, driving up the cost of land and housing altogether, as second homeowners compete with locals for scarce resources (Figure 16). Second homeowners are more likely to be near retirement age and have more disposable incomes than local residents and members of the workforce, many of whom are employed in low wage tourism sector jobs.

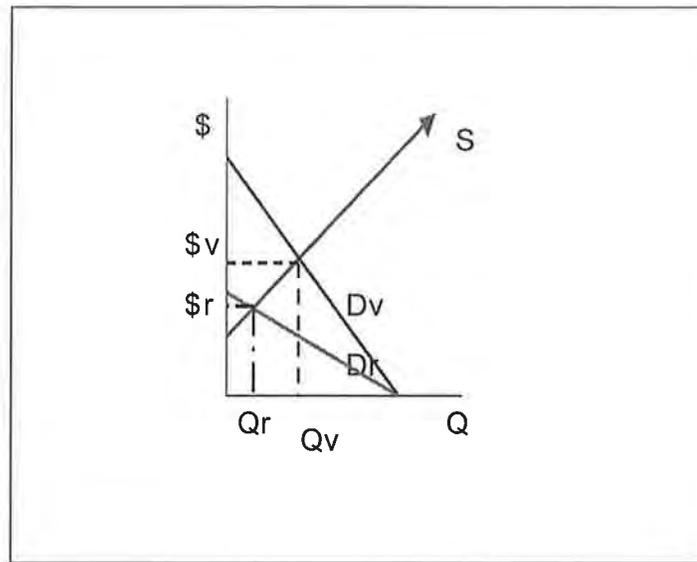


Figure 16: Housing Markets in Mono County. This graph demonstrates the interaction between supply of housing (red line) and housing demand. The purple line represents the demand from vacation home owners. The green line represents the demand from local residents. As their budgets are likely more constrained, locals have less purchasing power than vacation homeowners, and are thus crowded out of the market. Q_r represents the amount of housing provided at $\$r$ by the free market. Q_v represents the amount of housing provided at $\$v$ by the free market. $Q_r < Q_v$; $\$r < \v . Source: Author.

In 1996, Intrawest purchased 33% of the Mammoth Mountain and June Mountain Ski Areas, as well as all Mammoth Mountain's developable real estate.¹⁴ Their other holdings include Whistler, Copper Mountain, and Squaw Valley. As the leading developer of village-centered resorts in North America, Intrawest has enacted "Project Sierra", 240 acres of resort residential and commercial development (Figure 17). At the new Sunstone property in Mammoth Lakes, prices per square foot are about \$450, while at other resorts such as Aspen and Vail, prices range from \$600-800 a square foot.¹⁵

Intrawest is also planning on building a resort complex at June Mountain, between Gull and Silver Lakes, on the last remaining parcel in the June Lake Loop. This 90-acre parcel is known as the Rodeo Grounds, and Intrawest is proposing to build around 900 multi- and single-family residential units, as well as resort commercial space. Peak overnight populations within the Loop could be as high as 10,500 people, with 7000

skiers.¹⁶ Tourists may decide to purchase a second home in resort towns, becoming what Cross terms ‘amenity migrants’, their relationship to place defined by consumption.¹⁷



Figure 17: The Village at Mammoth. The Village opened in November 2003, and links the town directly to the ski resort via gondola, making it easy for visitors to leave their cars in town, access the slopes, and avoid parking hassles. Source: Author.

With over 8,500 short-term and vacation rental units, the bulk of the Town’s revenue comes from its 12% Transient Occupancy Tax (TOT).¹⁸ The Town is donating one percent of the TOT to the newly formed Mammoth Lakes Housing Authority for the production of deed-restricted affordable housing, and requires new commercial development to house 60% of its employees, with no in-lieu option.¹⁹

Population growth and real estate development in Mono County has been met with resistance from local residents. Cross (2000) finds that as growth lacks a clear and distinct beginning or end, it is even more disruptive to a community than natural disaster or massive redevelopment projects; this amorphous threat jeopardize residents’ sense of stability and identity with each new wave of migration.

Housing Affordability

In Mono County in 2000, there were 11,757 housing units,²⁰ yet only 5,163 households; of them, 1,360 were single-person households, and 596 were non-family households.²¹ Nearly 38% of all housing units were built in the 1970s²². In 1999, the median contract rent was \$574,²³ with 34% of renter households paying more than 30% of their income towards housing,²⁴ the common threshold for considering whether housing is affordable. Seventeen percent of renter households (n=343) paid over fifty percent of their income for housing, indicating a severe affordability crisis for Mono County residents. Affordability is an even more crucial issue for June Lake Residents; 59% of renters over paid more than 30% of their income for housing, and 38.3% (n=31) paid over fifty percent of their income for housing.²⁵ The following table (Figure 18) shows Fair Market Rents for Mono County:

0-BR FMR	1-BD FMR	2-BD FMR	3-BD FMR
\$ 506	\$ 607	\$ 807	\$ 1,123

Figure 18: 2003 Fair Market Rents for Mono County for Studio and One- to Three-Bedrooms. Fair Market Rents (FMRs) represent the 40th percentile of rents in the area, meaning that the cost of 40 percent of the rental housing in an area is lower than the FMR and 60 percent is higher. Source: California Budget Project (2003).

Figure 19 shows expenses and the necessary base wage of a typical household in the general region by size of household:

	Basic Family Hourly Wage	Housing/Utilities	Child Care	Transportation	Food
Single Adult	\$9.18	\$ 399	\$ -	\$ 290	\$ 190
Single-Parent Family	\$17.26	\$ 652	\$ 463	\$ 29	\$ 465
Two-Parent Family (One-Working)	\$17.63	\$ 652	\$ -	\$ 290	\$ 667
Two Working Parents	\$11.02	\$ 652	\$ 463	\$ 520	\$ 667
	Health Care	Misc.	Taxes	Monthly Total	Annual Total
Single Adult	\$ 271	\$ 173	\$ 268	\$ 1,592	\$ 19,104
Single-Parent Family	\$ 545	\$ 342	\$ 234	\$ 2,991	\$ 35,894
Two-Parent Family (One-Working)	\$ 703	\$ 422	\$ 321	\$ 3,055	\$ 36,665
Two Working Parents	\$ 703	\$ 422	\$ 391	\$ 3,820	\$ 45,845

Figure 19: Minimum Living Wage and Budget Breakdown, Mother Lode Region/ Region VI²⁶ (2003). The basic living wage for workers in the region is \$9.18 for a single adult, \$17.26 for a single-parent family, \$17.63 for a single-worker two-parent family, and \$11.02 for two working parents in 2003. Source: California Budget Project (2003).

In order to determine who qualifies for affordable housing and who is overspending on housing, it is important to define income brackets according to California’s Department of Housing and Community Development and the area median income (see Figure 20).

		June Lake	Total Unincorporated Area
Area Median Household Income:		48,214	\$45,325
Extremely Low Income (EMI)	0-30% of AMI	\$0-14,464	\$0-13,597
Very Low Income (VLI)	30-50%	\$14,464-24,107	\$13,597-22,662
Low Income (LI)	50-80%	\$24,107-38,571	\$22,662-36,260
Moderate Income (MI)	80-120%	\$38,571-57,856	\$36,260-54,390
Above Moderate Income (AM)	>120%	\$57,856+	\$54,390+

Figure 20: Income Brackets for Mono County, 2000. Source: US 2000 Census, SF3, P56

Figure 21 shows various jobs, their typical wages, and the income bracket they fall in.

Income Bracket	Occupation	Mean Annual Wage
Very Low	Bartender	\$16,735
	Housekeeper	\$17,509
	Retail Sales	\$20,961
	Travel Agents	\$22,144
Low	EMTs	\$27,961
	Construction Worker	\$29,776
	Firefighters	\$32,381
	Real Estate Agents	\$36,816
Moderate	Food Service Managers	\$41,248
	Kindergarten Teachers	\$48,300
	Urban Planners	\$49,534
	Police Officers	\$50,710

Figure 21: Examples of Occupations in Income Brackets for June Lake and Mono County. Data is based on composite mean wages for the “Mother Lode” region, comprised of Alpine, Amador, Calaveras, Inyo, Mariposa, Mono, and Tuolumne Counties. Source: California Employment Development Department²⁷

At Mammoth Mountain’s prevailing entry-level wage (\$8.40 an hour), an employee working full-time would earn \$1,344 a month,²⁸ and could afford to pay \$403 for housing; this is in the very low-income (VLI) range. However, due to the seasonal nature of the business, it is not always certain that an employee will accrue forty hours a week, or work five days. Therefore, a seasonal employee’s earnings are likely to be less than \$1,300 a month. Furthermore, only one-fifth of Mammoth Mountain’s 2,500 employees work year-round.²⁹

Increasingly, jobs in the service sector are being filled by immigrants, both documented and undocumented. However, they seldom live in employee housing, and instead must commute great distances. Mammoth Mountain Ski Area has about 500 employee apartments; according to Duhigg³⁰, a three-bedroom apartment goes for \$650. The following map³¹ (Figure 22) shows the locations of Mammoth employee housing.

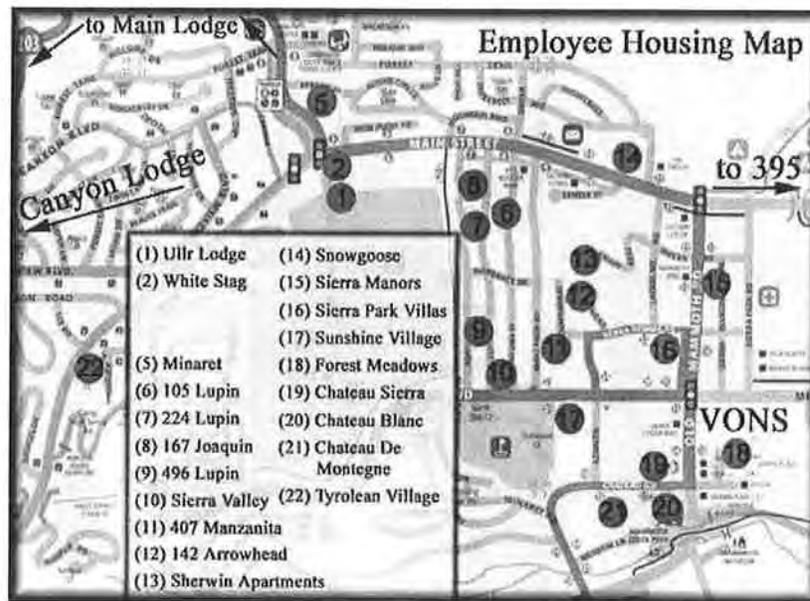


Figure 22: Employee Housing for Mammoth Mountain Ski Area. Employee rents range from \$5-15 a night per person, or \$150-450 a month at 22 properties scattered throughout town. Source: Mammoth Mountain Ski Area

The impacts of rising housing costs in the face of wage stagnation cause “down valley” syndrome:³² workers can no longer afford to live in the communities in which they work, and are forced to commute long distances. Jeff Berman of Ski Areas Citizens Coalition says, “Many of these immigrants have to live over an hour away from where they work.... Subsidized housing is reserved for college students taking a winter off.”³³ Affordable housing in Mono County can be found in outlying areas such as Antelope and Chalfant Valleys, where it is possible to purchase a lot, drill a well, and install a manufactured home for a fraction of the cost of purchasing a single-family home or condominium in Mammoth Lakes or other village areas. Others choose to live in Bishop and drive over forty miles each way up US 395 over the Sherman Summit (elev. 7000), making for a harrowing and lengthy commute in inclement weather.

Existing and Proposed Mono County Housing Policies

The authority to enact zoning and other land use laws is granted by the ‘police power’ clause of the Tenth Amendment of the United States Constitution. Courts have held that housing policies such as inclusionary housing are an appropriate use of the police power, in that housing shortages are detrimental to the public health, safety and welfare.³⁴ Thus, the federal government began its involvement in housing assistance by building housing projects, but in recent years its focus has shifted to tenant-based assistance programs. Tenant-based assistance programs, such as Section 8 vouchers, have been lauded for their portability, but one inherent problem remains: if a housing market is tight, the problem of affordability is exacerbated by shortage of available units. Since the 1970s, the burden of planning for the housing needs of low- and moderate-income households has been devolved to local jurisdictions. While some jurisdictions have ‘planned’ for these needs, few have actually been able to build the needed homes utilizing the free market alone.

The Sierra Business Council makes several recommendations for Sierra Nevada counties: encourage the construction of second units on existing single-family dwellings, encourage the construction of a broad mix of housing types, establish a non-profit Housing Authority, allow mixed-use development, and take advantage of federal and state tax credits for affordable housing.³⁵ Mono County has adopted several of these policies, but they have not been able to induce developers to build affordable housing. Current Mono County housing policies include the *General Plan* and *June Lake Area Plan: June Lake 2010*. A draft *Rodeo Grounds Specific Plan* is under consideration. These policies are analyzed below.

Mono County General Plan: 2003 Draft Housing Element

California state law requires each city and county to adopt a comprehensive long-term General Plan setting forth objectives, principles, standards, and plan proposals, for the future physical development of the city or county development of the jurisdiction.³⁶ General Plans shall include elements addressing land use, circulation, housing, conservation, open space, noise, and safety.³⁷ Housing Elements shall be updated and certified by the California Department of Housing and Community Development every five years. Mono County is in the process of updating their Housing Element.

A new California law requires local governments with a second-unit ordinance to ministerially consider second-unit applications in order to encourage the development of second units, and housing element law has been clarified to allow identification of realistic capacity for second-units in addressing a locality's share of regional housing need³⁸. Second units, also known as granny flats, caretaker units, or accessory units, can be important sources of affordable housing in communities such as those in Mono County, as they make the most use out of scarce resources (land and infrastructure) while increasing the tax base.

Another State Law³⁹ requires that communities grant density bonuses of at least 25% to housing developers if 20% of the units are reserved for lower- income households, or if 10% are reserved for very low-income households, if the units are deed-restricted affordable for no less than thirty years.

The draft Housing Element recommends that the County establish a regional housing authority to oversee the production and management of affordable housing units, either directly or through public-private partnership. Other affordable housing policies include

pursuing land exchanges of existing seasonal housing units located on public lands in order to convert them to year-round occupancy, and developing sweat equity homes for first-time buyers.

The draft Housing Element specifies that all employee housing units shall be appropriate for families, and not be dormitory-style. This indicates a preference for year-round residential housing, as seasonal workers tend to be young and unmarried without children. Still, dormitories are valid forms of employee housing, and should be included as an option to make the policy flexible.

Two important policies are considered in the draft Housing Element. One states, “affordable housing in Mono County shall be inclusionary.”⁴⁰ The other contemplates requiring employee housing units on- or off-site for single-family residences exceeding a certain floor area threshold⁴¹. The current plan requires one employee housing unit for every 10-50 units of large lodging projects, and one employee housing unit for every 50 units thereafter.

June Lake Area Plan: June Lake 2010 (1991)

In accordance with California state law, area plans must be internally consistent with the General Plan, and shall be adopted in the same manner. The purpose of the area plan is to adapt broad County policies to the needs of the community. The first comprehensive *June Lake Area Plan* was adopted in 1974 in response to an imminent development moratorium threatened by Lahontan Regional Water Quality Control Board and as a requirement of a sewer construction grant application. This plan sought to balance the preservation of the area’s scenic beauty with the development of the June Lake Loop’s recreational and community facilities, and planned for a peak overnight population of 10,500.

In 1982, the Mono County General Plan was amended to allow for increased densities in the West Village, main Village, and Down Canyon regions, and the process of updating the plan began in 1985, under the guidance of the June Lake Citizens Advisory Committee. This revised plan envisions a peak overnight population of 12,500. It focuses on development opportunities for 500 acres of private property within the June Lake Loop, although the June Lake Planning Area encompasses the area north of Deadman Creek and south of the Mono Basin National Forest Scenic Area. The plan includes elements addressing community development, open space and conservation, circulation, safety, tourism, and recreation. A major impediment to development within the June Lake Loop is inadequate internal circulation. Many of the “streets” providing access to residential lots are substandard in width or grade and are not County-maintained. Therefore, the plan calls for density bonuses for covered off-street parking spaces.⁴²

The plan envisions June Lake developing into a moderately-sized, self-contained, year-round community.⁴³ The plan expects that June Lake’s tourism-based economy will be stimulated by the development of year-round recreational facilities; these facilities will complement the diversity of businesses in the June Lake Loop, and enhance June Lake’s scenic and natural assets. Development should be concentrated in existing community areas, and should be designed to have minimal environmental and scenic impacts. Land trades are being arranged; in exchange for developable lands from public agencies such as the US Forest Service, private landowners have relinquished environmentally sensitive or undevelopable parcels. These will most likely occur in the areas of Pine Cliff, Silver Lake Meadow, and the steep southern slopes overlooking June Lake Village. Some of these trades will be to gain suitable sites for community facilities such as elementary schools and health care clinics, neither of which are currently present in the Loop.

The June Lake Village is slated to become a mixed-use area with small scale office, commercial, and rental residential uses, while the West Village and Rodeo

Grounds are planned for local and vacation residential, recreational facilities, and commercial nodes providing full-service lodging, food and beverage services, and the like. This area will ultimately be governed by an approved Specific Plan balancing housing, recreational and entertainment facilities. The Down Canyon area will remain primarily single-family residential, although some parcels would be able to accommodate accessory units such as granny flats or caretaker units.

The main planning problem faced by June Lake is that the small resident population (613 people in 2000)⁴⁴ does not provide a stable economic foundation. Planners need to balance the needs of residents against those of the visitors, although these may not be mutually exclusive. At the time the plan was updated, community sentiment was that housing and lodging facilities are oriented to second homeowners and tourists rather than local residents' needs. Coupled with the lack of developable parcels of land and the pre-dominance of single-family homes, these conditions lead to a lack of affordable and varied housing supply. Relatively low wages and some of the highest land prices in Mono County further exacerbate the affordable housing problem. Furthermore, there is currently insufficient winter season lodging for present and expected visitors. However, resort development at the Rodeo Grounds to support the June Mountain Ski Area may increase the Loop's economic base to self-sufficient numbers, as well as provide housing for many of the resort employees. Aside from developing the Rodeo Grounds, the plan encourages infill and redevelopment of the June Lake Loop by increasing allowed densities and mixed-use zoning designations.

The June Lake Plan is due for revision, especially as the impacts of second and 'trophy' homes on the community have not been addressed in detail recently. The mountain village character and rural identity of the June Lake Loop must be protected, and new development should be consistent and integrated in its design.

Rodeo Grounds Specific Plan (2003 Draft)

The *June Lake Area Plan* specifies that the Rodeo Grounds Specific Plan shall accommodate 25% of June Mountain's anticipated peak period work force, based on a 7000-skier-at-one-time buildout figure. A 10-units per acre density is anticipated, although a higher density may be approved if consistent with the general intent of the *Area Plan* via the specific plan process and environmental impact report certification.

Intrawest Corporation submitted a draft *Rodeo Grounds Specific Plan* in 2003 for the ninety-acre parcel bisected by North Shore Boulevard across from the June Mountain parking lot at the intersection of SR 158 (see Figure 9). The proposal includes a primary resort node with several lodge buildings for short-term commercial lodging in the form of hotel and condominiums, as well as retail and conference facilities. This area may be connected to the June Mountain parking lot via a chairlift or gondola, reducing pedestrian crossings on SR 158. The remainder of the Rodeo Grounds will be developed as residential, including single-family attached and detached units, as well as multi-family apartments and condominiums. These homes will be used as short-term vacation rental units, vacation homes, and primary residences. The latest proposal includes 777 market-rate housing units; 563 units will be in the Resort node. Sixty employee units are planned in the North East and West MDR zoning districts. These employee units shall be approximately 1000 square feet, with thirty units per building.

This plan is still under conceptual review, and will require extensive environmental impact studies before the entitlement process is completed. It will likely be several years before construction begins on the Rodeo Grounds parcel. Unless other developers construct enough affordable housing for June Lake, it will likely fall on Intrawest's shoulders to provide housing for a large share of their employees, or other local residents.

Inclusionary Housing

One approach to ensure that affordable units are constructed in Mono County is an inclusionary housing (IH) ordinance. The US Department of Housing and Urban Development (HUD) considers housing affordable if a household spends no more than 30% of their income on housing. Rhee (2003) states “aggressive local response is necessary to avert the threats posed by the housing crisis to the environmental, social, and economic health of the region – namely sprawl, heightened inequality in real incomes and overcrowding – which in turn can create a drag on economic development.”⁴⁵

While many programs have been called IH, IH ordinances usually require a developer to include a percentage of housing units that are considered affordable for families with very low-, low-, and moderate-incomes; in return, the developer is granted incentives, such as density bonuses, allowing more housing units per acre than the normal zoning regulations would typically allow.⁴⁶ Alternately, an in-lieu fee is collected, or land is donated, allowing the local jurisdiction to provide affordable housing off-site.

Smart growth policies often include IH ordinances in order to create integrated communities, whereas traditional exclusionary zoning practices tend to segregate a community based on income. Urban growth boundaries have an uncertain effect on providing affordable housing, for while they create more dense development, they artificially restrict the supply of developable land, thus raising the cost of housing.

The first IH programs were enacted in major metropolitan areas of the Eastern Seaboard. New Jersey’s entry into IH policy stems from a series of state Supreme Court hearings known as the *Mount Laurel* decisions. The courts found that the town of Mount Laurel failed to zone for more affordable housing and thus was responsible for income

and racial segregation in violation of the due process and equal protection clauses of the US and New Jersey Constitutions. These cases were groundbreaking, as until then the judiciary had not played an important role in the affordable housing debate.

The first *Mount Laurel* decision in 1975 found that zoning was being used to discriminate against and exclude all but the wealthy. However, the decision made no policy recommendations or specific guidance.⁴⁷ The 1983 *Mount Laurel II* decision established a procedure to provide low- and moderate-income housing. Some recommended policies included lower-income density bonuses and mandatory set-asides, as well as ‘builder’s remedies,’ granting zoning relief to developers.

While IH had been found in New Jersey prior to the *Mount Laurel* decisions, one can directly attribute its sudden appearance to the *Mount Laurel* decisions, as well as the passage of the 1985 New Jersey Fair Housing Act.⁴⁸ The Council on Affordable Housing (COAH) was created in 1985 as part of the Fair Housing Act to administer the fair-share program. COAH determined the fair-share obligations of all municipalities and then certified affordable-housing plans. These plans must also inventory existing housing stock ripe for rehabilitation and conversion to affordable housing.⁴⁹

The *Mount Laurel* decisions came at a time of unprecedented growth in New Jersey. Thus, IH became a “virtually obligatory element of municipal compliance”⁵⁰ with fair-share allocations of affordable housing. The laws enacted in New Jersey do provide for alternatives to building on-site IH; however, these alternatives are so costly and arduous that the production of IH is central to most localities’ affordable housing fair-share implementation process.⁵¹

Between 1986 and 1999, about 12,000 affordable units were developed under IH programs at an average of one-third the cost of buying new housing.⁵² However, since the housing market has cooled off due to recessions, development has tapered off. This indicates that a major weakness of IH programs is that they are driven by the market; if

few large projects are being built, even fewer affordable units will be built. If New Jersey wants to maintain production, their IH programs will have to set lower unit thresholds or require a larger ratio of affordable units to market-rate units.

Montgomery County, MD, is credited with maintaining one of the largest and longest-running IH programs in the United States. Its 'Moderately Priced Dwelling Unit Program,' begun in 1973, led to the production of over 10,000 units by 1997.⁵³ Projects containing more than 50 multi-family units must set aside 12.5-15% of those units at prices affordable to households earning 50-80% of the area median income.⁵⁴ Rental units are rent-restricted for 20 years, while owner-occupied units are regulated for 10 years. In return, developers enjoy a 20% density bonus. The county Housing Authority reserves the right to purchase up to one-third of the affordable units, which it may use to subsidize households. It is a mandatory program without alternatives such as in-lieu fees.

As Montgomery County's IH program had an early inception, over 6,000 of the units developed as affordable are reaching the point where they are no longer rent- or deed-restricted.⁵⁵ While these units are now available at market-rate, some policymakers assume that because these units offer fewer amenities they will remain somewhat affordable, but there is no guaranteed outcome. This would suggest that future policymakers should incorporate long-term affordability restrictions in order to ensure a future supply of affordable housing.

Other communities have adopted IH ordinances. For example, in California over the past thirty years, 100 jurisdictions have enacted IH programs. In the next section, this report will analyze various mountain resort communities' affordable housing policies, especially those communities with inclusionary requirements. Jurisdictions find IH attractive because affordable housing is provided with little or no financial costs to local governments, creating income-integrated communities, and contributing to less sprawl due to density bonuses and live-work units. However, negative features include the shift of the cost of providing affordable housing to other groups in society, breaking up

pockets of poor and ethnic enclaves, and more development through growth inducement.⁵⁶

Comparison of Other Mountain Resort Communities' Housing Policies

The following analyses focus on mountain resort jurisdictions with tourism- or service-based economies, primarily in California's Sierra Nevada region and in the Rocky Mountains. Many of these communities have adopted or are drafting inclusionary housing ordinances, while some have eschewed inclusionary housing in favor of a more laissez-faire approach to providing affordable housing to local residents and workers. Each case considers the following:

1. Brief community portrait,
2. Affordability of housing and the factors influencing housing affordability,
3. Extant and proposed housing policies and reports (such as Housing Elements of General/Comprehensive Plans, housing needs assessments, and inclusionary housing policies), and
4. Which policies might provide a model for unincorporated Mono County.

Many resort communities share common characteristics such as relative isolation due to geography and a high degree of natural amenities, whether they are beaches, forests, mountains, or desert oases. Resort towns from Honolulu to Hilton Head also face similar challenges of nurturing a sense of community for local residents in the face of growing numbers of tourists and second homeowners. If these communities hope to retain the attractions that enticed visitors and residents alike, then they must react quickly, seek to abate the negative impacts of past development and mitigate future impacts; otherwise, resort towns run the risk of "enjoy[ing] a brief moment in the sun followed by tattered remains."⁵⁷ The demographics of resort communities that fail to provide affordable housing could resemble those of the third world: the very rich, the

heavily subsidized poor, and transient populations of tourists and seasonal workforces; the middle class, young families, and essential community service personnel will have been dislocated into neighboring areas.⁵⁸

CALIFORNIA

All cities and counties in California are required to have a General Plan, and each General Plan must have a Housing Element subject to certification from the State's Department of Housing and Community Development⁵⁹. These Housing Elements must establish housing objectives, policies, and programs in response to community housing conditions and needs, and must be updated every five years.

The predominance of lower wage jobs in the retail and service sectors coupled with rapid population growth due to migration and natural increase has created significant pressure among housing markets.⁶⁰ In response, several communities in California, from Sonoma County to Los Angeles, have adopted inclusionary housing over the past thirty years. The requirements for each program run the gamut: some are voluntary while others are mandatory, and some have very low in-lieu fees while some require on-site construction.

This section looks at the following Sierra resort jurisdictions: City of South Lake Tahoe, Town of Truckee, Placer County, Nevada County, Calaveras County, and Mariposa County. These communities were chosen for their rural mountain resort character, high rates of seasonal homes, and availability of documents. Many of these communities were founded during the Gold Rush and capitalize on their history and natural resources through tourism.

City of South Lake Tahoe

The City of South Lake Tahoe is at the southern tip of Lake Tahoe, America's largest alpine lake, near the Nevada border high in the Sierra Range. It lies in El Dorado County; nearby towns include Stateline/Zephyr Cove in Douglas County, Nevada. Resorts near the City are Heavenly Ski Resort, Homewood Mountain Resort, Kirkwood Mountain Resort, and Sierra-at-Tahoe. According to Duhigg (2004), as many as 10,000 Latinos live in the Tahoe area, and as many as 95% are undocumented; "most of the local Latinos don't call in sick after a big snowfall, at least in part because they don't ski. ... 'That's for gringos. Rich gringos.'"

	Population	Median Hhld. Income	Median Rent	% of Renters Paying >30% of Income for Housing	% of Renters Paying >50% of Income for Housing	% of Homes That are for Seasonal Use
City of South Lake Tahoe	23,720	\$34,707	\$642	39.9%	18.2%	27%

Figure 23: 2000 Demographics for City of South Lake Tahoe. Source: US Census Bureau (2000)

The City of Lake Tahoe largely defers to the Tahoe-Regional Planning Agency (TRPA) for affordable housing-related policy. TRPA was established in 1969⁶¹ upon Congressional ratification of a bi-state compact between California and Nevada, with the aim of protecting the famed water quality of the Lake. TRPA has established a two-step development process: securing development rights, and receiving an allocation. Development rights may be transferred between parcels, while allocations are parcel- and person-specific. Only a set amount of allocations are available in any given year, so as to limit the impacts of development on the Lake and the Lake communities, and the amount of site coverage may vary depending on soil characteristics, slopes, presence of water, and other factors.⁶²

Due to TRPA's lengthy and somewhat arduous development process, many illegal second units were built in recent decades. Recognizing the importance of these units as an important source of affordable housing for many lower income workers and their families, the City has devised an amnesty procedure for legalizing the units,⁶³ with the aim of preventing further illegal construction. However, certain criteria must be met, the most important being that the unit must be deed-restricted as affordable with a maximum rent based on 60 percent of the AMI adjusted for the size of family appropriate for the size of the unit. A City Building Inspector will assess the illegal unit, making sure that the unit has independent living facilities, and will provide the owner with a correction list that must be addressed before the legalization of the unit, ensuring that the unit is not substandard or of shoddy construction.

If an illegal second unit was constructed prior to 1975, it will be considered exempt from the TRPA Code of Ordinances, and will be grandfathered in. Units built between 1975 and 1984 will be required to receive a bonus unit, in lieu of development rights, from the City's 820 allocations. Units built since 1984 must meet existing TRPA Code of Ordinances as if they were new construction projects, and will pay double fees as penalty for not obtaining proper permits. If a unit does obtain an allocation and meets all applicable codes for a legitimate unit, the unit need not be deed-restricted. However, as allocations are scarce, it is rather unlikely that this will occur. The City realizes that if these second units are not legalized, their elimination and abatement would aggravate the current acute housing shortage.

The City of South Lake Tahoe has a zone designated for the development of affordable housing, and its density is measured by persons per unit rather than the conventional units per acre.⁶⁴ There is also a 'conversion ordinance'⁶⁵ in the works to convert existing tourist accommodations into residential units with the approval of a conditional use permit and other development criteria; however, as the number of non-

conforming properties are large, it is unlikely this will result in the creation of many affordable units.

Town of Truckee

The Town of Truckee is the largest community near the north end of Lake Tahoe, and lies on Interstate 80, the main highway between the Bay Area and Sacramento and Reno, NV. Nearby ski resorts include Tahoe Donner, Squaw Valley USA, Sugar Bowl, Alpine Meadows, Granlibakken, Homewood Mountain Resort, Northstar, Mt. Rose and Diamond Peak. 65% of the homes in Truckee have owners with out-of-town addresses, implying that these properties are either rentals or used exclusively as second homes.⁶⁶

	Population	Median Hhld. Income	Median Rent	% of Renters Paying >30% of Income for Housing	% of Renters Paying >50% of Income for Housing	% of Homes That are for Seasonal Use
Town of Truckee	13,967	\$58,848	\$893	43.9%	13.7%	45

Figure 24: 2000 Demographics for Town of Truckee. Source: US Census Bureau (2000).

The Town views the rapid escalation of housing prices as a function of the Town's popularity among second homeowners and buyers seeking investment properties,⁶⁷ as most population growth has come from migration, especially among recent retirees. The 45-54 age group saw a 148% growth rate from 1990 to 2000, while the Town itself grew 52%. Coupled with a service-based economy with many low-skill, low-wage jobs, this created a tight housing market where all but the highest income groups have difficulty finding affordable housing.

The housing stock of Truckee is dominated by single-family residences (83%) and condominiums. Even so, the Town has a large proportion of multi-family housing than

the rest of Placer County. In 2001, the average sales price of a home in Truckee was \$355,397, more than double the affordable home price at median income, \$166,525.⁶⁸ Only 11% of owners are low- or moderate-income. Renters earning below the median income fared no better: average rents were 40-95% higher than fair market rents for the unit size. Tenant-based housing assistance in the form of Section 8 vouchers have had a limited effect as voucher recipients are unable to find a landlord willing to rent at fair market rates. Of the three apartment complexes in Truckee (with a combined total of 286 units), all have considerable waiting lists. None of these apartments can accommodate large families. Therefore, rental or for-purchase housing is affordable to only the highest income brackets; all persons at all income levels compete for the limited housing supply of for-sale and rental housing. The effect of this shortage may be even greater on moderate-income families, as few programs deliver assistance to these income groups.

Fifty-eight percent of the jobs in Truckee are in the service and retail sales sectors; these jobs pay on average \$17,202 and \$24,497, respectively.⁶⁹ Many of these jobs are exclusive to the ski season, and pay \$7 an hour. At this wage, full-time workers earn about \$1280 a month, so an affordable rent would be \$384. When the *Housing Needs Assessment* was done in 2002, no rental housing units were advertised at this low of a rent.

The gaming industry is an important employer, either in Nevada or on Indian lands, and while it is not seasonal these positions experience high turnover.⁷⁰ Ski resorts employ thirty percent of the 4000 area employees, so it is crucial to understand what these employers offer in terms of housing and wages. Few ski resorts offer housing assistance to its employees. Northstar provides access to over sixty affordable units, and Placer County will build a ninety-six unit affordable project called Sawmill Heights, where Northstar employees and other area residents will pay affordable rents.⁷¹ Sugar Bowl provides housing for 145 employees and provides a \$148 a month housing stipend. Donner Ski Ranch provides employees with housing or a \$300-400 stipend,⁷² while the others offer no assistance. Northstar and Sierra-at-Tahoe offer a “rental reward” of ten

free lift tickets for landlords renting to their employees.⁷³ The Town will continue to encourage employers to help employees obtain affordable housing by offering roommate referrals, security deposit assistance, and incentives to owners to rent to seasonal employees, while the Town focuses on affordability issues and their abatement.⁷⁴

Truckee commissioned a study of seasonal employees in the spring of 2003⁷⁵ in order to determine their level of housing need. The average survey respondent lived in a single-family home in the Truckee area with non-related housemates, claimed Truckee was their permanent place of residence, and was between 18-30 years old. Many stayed in Truckee year-round, working construction or other-tourism oriented jobs. Over 34% were full-time college students. Forty-eight percent lived in overcrowded homes with more than one person per room. The respondents' two most imperative issues were housing affordability and the size of security deposits, although common concerns included finding roommates, commuting long distances, and that their seasonal employment made them unattractive tenants. Over 53% of respondents overpaid for housing, and most were young, single, and without children. This would suggest that single-room occupancy or dormitory style-housing would be acceptable.

Of the employers surveyed, 63% said that affordable housing had significant impacts on their being able to recruit and retain seasonal employees, and 25% provided housing. More than 1,500 full time and 690 part time employees were seasonal. Many employers rent older hotels or entire apartment complexes for seasonal employees. If large dormitories were constructed for seasonal employees, they could be used as summer camps or other short-term lodging in the off-season.⁷⁶

The new *Truckee 2025: General Plan* recognizes that housing affordability has become the most pressing issue in town; a worker must earn \$46,000 a year in order to afford a three-bedroom apartment, whereas median income at the time of writing was \$49,600⁷⁷. Truckee believes that the most critical element of housing affordability is density: the more homes per acre, the more affordable they become. The Town General

Plan debates whether minimal densities for residential development should be set, as opposed to the maximum densities in the current development standards. Meanwhile, the town may focus on employer-sponsored housing, although most major resorts lie outside of the town limits. The Town has considered restricting the size and amenities of new housing units in an attempt to make them more affordable, but these restrictions may seriously limit the achievement of the “highest and best” use of residentially zoned parcels.

Truckee’s Town Council has made affordable housing a top priority, as existing voluntary programs and policies have failed to produce affordable units. Truckee’s *Housing Needs Assessment* recommends the adoption of a mandatory inclusionary housing ordinance, as these programs have a proven track record of creating on the ground units in various communities, from urban areas to resort towns. The current voluntary inclusionary program has failed to produce affordable units at the current level of need. Fifty-eight percent of new rental units should be made affordable to low- and moderate-income households. However, some of the community feels that this is a “Robin Hood” approach and is akin to social engineering, and will increase the level of regulation and bureaucracy. To combat NIMBYism, the Town would prefer to call its inclusionary program a “workforce housing strategy” rather than stigmatize it as ‘low-income’ when the reality is that most of the town’s residents overspend on housing.⁷⁸ The Town may allow the conversion of existing market-rate units to deed-restricted affordable units an option.⁷⁹

The *General Plan* allows the Town to ask large projects creating more than one hundred jobs to provide housing mitigation, but an explicit jobs-housing linkage fee is still under consideration.⁸⁰ However, this is unlikely to have much effect as few resorts are within Town limits.⁸¹ Other strategies include fee waivers, reduced development standards, and encouraging second units. Density bonuses are viable incentives as they have minimal costs to the Town and to the developer, but as these are already mandated

by State law and are essentially voluntary, these types of programs have not provided a great deal of affordable housing.⁸²

Rent control is an attractive option in concept, but high administration costs are anticipated;⁸³ there are fears in Truckee that rent control may stifle housing production, and that rent control does not guarantee that lower income groups will benefit, as there are not income limitations in these programs.

Another option considered by Truckee is the restriction of housing for transient occupancy, i.e. short-term rentals, primarily in the ski season. It is anticipated that direct costs to the Town would be few, and that it would ultimately increase the amount of long-term rental housing without requiring new development.⁸⁴

Truckee's general plan proposes that a 'growth management system' be instituted, giving processing preference to affordable housing projects or projects with affordable components.⁸⁵ This sort of system works best in housing markets where housing demand constantly outstrips development of new housing stock. At the time the plan was written, demand exceeded supply; if this condition prevails, a growth management system could be effective. Other methods include development impact and permit fee reductions, waiver of parking and other design requirements, and permit processing streamlining.

The Town of Truckee has a redevelopment agency, and currently 20% percent of the tax increment revenues must be set-aside for affordable housing development in accordance with State mandates. The Town could require that a greater proportion of these funds be used for the production of affordable housing; direct costs would be low, but then private developers will have to meet other criteria in order to gain contracts, such as pay prevailing wages.⁸⁶

Truckee has considered increasing their transient-occupancy tax (TOT) in order to develop affordable housing,⁸⁷ so that the impact of tourism and second homes on the

housing market is mitigated. However, this could deter visitors from vacationing in Truckee altogether, and therefore having negative impacts on the local tourism-based economy. Another tax-related policy includes exempting affordable housing from property transfer taxes so as to mitigate the impacts of these taxes on the affordability of the housing units.

Ultimately, Truckee realizes that it must cooperate with other regional governments such as Placer and Nevada Counties, and participate in a regional Housing Authority in order to increase the supply of affordable housing for local residents and workers,⁸⁸ especially seasonal ski employees.⁸⁹

Placer County

Placer County spans from the outskirts of Sacramento to the shores of Lake Tahoe and the Nevada border, and straddles the Sierra Nevada. Incorporated cities include Roseville, Lincoln, Rocklin, Loomis, Auburn, Foresthill, Colfax, Tahoe City, and Kings Beach, with Interstate 80 running the length of the county.⁹⁰ Tourist attractions include gold mining towns, whitewater rafting on the American River, historical sites pertaining to the Overland Trail and first Transcontinental Railroad and five world-class ski resorts; half of the county is part of a National Forest or State Park. Squaw Valley and Alpine Meadows ski resorts are among the county's major employers. The new Thunder Valley Indian casino opened in June 2003, creating nearly 2000 jobs.⁹¹ Placer County is the fastest growing county in California, and among the fastest in the county.⁹² In 2000, only 20.5% of single-family homes sold were affordable at median income, and in 1990, over 75% of workers in the very-low-income bracket overpaid for housing.⁹³

	Population	Median Hhld. Income	Median Rent	% of Renters Paying >30% of Income for Housing	% of Renters Paying >50% of Income for Housing	% of Homes That are for Seasonal Use
Placer County	248,399	\$57,535	\$780	39.2%	22.2%	9%

Figure 25: 2000 Demographics for Placer County. Source: US Census Bureau (2000).

A major problem in providing affordable housing for seasonal tourism is the lack of non-local public funding. While federal and state funds are available to house migrant agricultural workers, no funding is available for seasonal tourism workers.⁹⁴ Single-room occupancy or dormitory housing would suffice for these populations, as many are young, single, and childless.

In the valley portions of the County, housing is being produced at record paces, but nearer Lake Tahoe, development is strictly controlled by the Tahoe Regional Planning Agency (TRPA).⁹⁵ Interagency cooperation is an absolute imperative, as the Lake Tahoe region falls into the jurisdiction of two state, five counties, and one interstate compact. While an acre of vacant land suitable for multi-family residential development may cost \$100,000 in many parts of the county, the same parcel would cost over 1 million in the Tahoe Basin.⁹⁶ Furthermore, community sentiment runs so high against affordable housing in some areas that landowners refuse to sell parcels to nonprofit housing developers. Impediments to the production of affordable housing in the Tahoe Region include maximum annual limits on housing development, density limitations for multi-family units, and the fact that once deed restrictions expire, these housing units must obtain unit allocations.⁹⁷ Two studies on the effect of development restriction on the affordability of housing in the Tahoe Basin have not persuaded TRPA to amend its regulations.

The County is dedicated to working with TRPA in order to strengthen developer incentives for low-income housing within the Tahoe Basin,⁹⁸ as well as relax

development codes for affordable housing, including allowing construction to occur during the October-May development moratorium season. These agencies need to reevaluate the prohibition of second units within the Basin, as many illegal units have been built and are an important source of affordable rental housing. Placer County may adopt an amnesty program in order to legalize bootlegged second units within the basin (see discussion of the City of South Lake Tahoe's legalization program).

Several ski resorts offer housing assistance to its employees. Northstar provides access to over sixty affordable units, and Placer County will build a ninety-six unit affordable project called Sawmill Heights, where Northstar employees and other area residents will pay affordable rents.⁹⁹ Four projects in the development entitlement process (Resort-at-Squaw Creek I and II, Lahontan, and Village-at-Squaw Valley) will be approved on the condition that it provides employee housing.¹⁰⁰

An employee housing ordinance was drafted in 2003¹⁰¹ requiring new Sierra developments to provide housing for 50% of housing demand (i.e. employees) generated by each project. The Employee Housing Program hopes to create 225 very-low-income affordable units and 250 very-low income units.¹⁰² The ordinance assumes that the following employment is generated by each 1000 square feet of development: two for service, recreational, and retail, 1.66 for industrial, five for office; one employee is generated for every three units of transient lodging and time share, while outdoor recreation and resorts shall calculate their rates independently.¹⁰³ The number of units shall be determined at a rate of 1.45 employees per household, or one per studio apartment, two per one bedroom, three per two bedroom, or based on individual calculations.

Small businesses with less than five full-time employees shall be exempt from these requirements, as will inclusionary projects with half low- and very low-income or thirty percent moderate-income housing.¹⁰⁴ Residential and lodging projects with less than ten units shall pay an in-lieu fee rather than construct housing, while others have the option

of building on- or off-site units deed-restricted for thirty years, dedicating land, or paying in-lieu fees. Large projects must submit a Housing Mitigation Plan, bearing a reasonable relationship to the income of the employees generated. In exchange, developers will receive incentives such as fee waivers or deferrals, relaxed development standards, reduced deed-restriction time frames, streamlined and expedited permit processing, and density bonuses. In-lieu fees will be dedicated to the construction of affordable housing within five years of their receipt.

Placer County first adopted a voluntary IH policy program in 1992.¹⁰⁵ Developers by and large did not elect to take part, and affordable production was minimal. By April 2003 a mandatory inclusionary ordinance was drafted.¹⁰⁶ The project threshold is six units, and many other forms of affordable housing development are exempt. Alternates to on-site construction include off-site housing, dedication of land for housing to be built by others, and payment of an in-lieu fee. However, the incentives to construct on-site housing include fee waivers and deferrals, modification of public works and planning development standards, streamlining and priority processing, and density bonuses. This IH ordinance seems to adopt a multi-faceted approach to providing affordable housing to Placer County residents. However, as it has been shown, IH ordinances only work when development actually occurs. It is important that Placer County sets an appropriate in-lieu fee in order to encourage on-site housing construction, and that the in-lieu fee bears some relation to the true cost of providing affordable housing units. Public-private partnerships will play an integral role in the provision of affordable housing to the County's employees and residents.

Other housing policies include requiring housing redevelopment in North Lake Tahoe and Auburn to include 15% at rates affordable to very low-, low-, and moderate-income households. An infill incentive ordinance is another approach to providing affordable housing in Placer County.¹⁰⁷ All county-owned surplus land will be evaluated to determine site suitability for workforce housing, and if practical, the land will be rezoned for high-density multi-family residences.

Nevada County

Nevada County is located in the Sierra Nevada, and includes the towns of Rough and Ready, Truckee, Penn Valley, Grass Valley, and Nevada City.¹⁰⁸ Outdoor recreation opportunities include Tahoe National Forest and the South Yuba River. Ski resorts are major employers of county residents. In 1990, 38% of renter households were low-income and overspent for housing.¹⁰⁹ Fourteen percent of the housing stock (n=6094) was vacant and used as vacation homes. In the eastern mountainous portion of the county, there are more than two houses per person due to the high incidence of vacation homes.¹¹⁰ Half of these units are near Truckee.

	Population	Median Hhld. Income	Median Rent	% of Renters Paying >30% of Income for Housing	% of Renters Paying >50% of Income for Housing	% of Homes That are Vacant for Seasonal Use
Nevada County	92,033	\$45,864	\$746	43.6%	18.7%	14%

Figure 26: 2000 Demographics for Nevada County. Source: US Census Bureau (2000).

In recent years, Nevada County's economy has transformed from natural-resource-based to tourism-based, and its population has quadrupled in the last fifty years.¹¹¹ Rapid growth, gentrification, and inflation have brought a steady stream of visitors and amenity migrants, visitors who end up residing or purchasing second homes in order to take advantage of the high quality-of-life Nevada County has to offer. Unfortunately, the County was largely subdivided and developed prior the adoption of any guiding planning documents such as a General Plan or Zoning Code.¹¹² In the 1960s, two large gated communities, Lake Wildwood and Lake of the Pines, were developed in by Boise Cascade, resulting in the construction of 5,400 high-density homes.

A Housing Element Workshop was held on June 5, 2003,¹¹³ and resident participants discussed how 78% of the housing being built is for higher-income brackets, rather than starter homes for lower-income families. Community concerns about affordability led to the recommendation that deed restrictions be set for fifty-five years, but other felt that deed-restrictions led to blight. In-lieu fees were not favored as they put the onus on the County to provide affordable units rather than developers. It seems that while the community recognizes the need for workforce housing, NIMBY sentiments may hamper efforts to provide affordable housing.

Nevada County has adopted an inclusionary housing ordinance requiring 10% affordable housing built on- or off-site for all subdivisions or projects with more than twenty parcels or dwelling units.¹¹⁴ These projects will be eligible for a density bonus. Other strategies Nevada County will use to promote affordable housing are to reduce permit fees for affordable and senior housing projects, streamline the ministerial review process for multi-family residential projects with up to 24 units.¹¹⁵

Mariposa County, CA

Mariposa County is located on the western slope of the Sierra Nevada in Central California, and contains most of Yosemite National Park, including the Yosemite Valley and Mariposa Grove, and portions of the Stanislaus and Sierra National Forests; gateway towns include Wawona, El Portal, Fish Camp, Coulterville, Buck Meadows, and Mariposa. Half of the land area is owned by public agencies such as the National Park Service, National Forest Service, and Bureau of Land Management. The Merced River provides opportunities for whitewater rafting, and the Badger Pass Ski Area attracts many visitors. Extractive industries include mining and logging, while pastures and vineyards dot the foothills in some areas of the County. The Silvertip Resort was approved in December 2003 to build nearly two hundred units of lodging, with twenty employee-

housing units proposed.¹¹⁶ The County’s economy is largely dependent on tourism, with most employment in government, retail sales, and services,¹¹⁷ and the General Plan Trinity of concerns is composed of economy, character and housing.

The County’s population grew 30% between 1980 and 1990, and at 20% between 1990 and 2000, mostly due to in migration.¹¹⁸ Personal income is well below state medians due to a high percent of retirees and a lack of high paying jobs, and retirement income and pensions remain one of the largest sources of income in the county. Forty percent of all households are very-low- and low-income.

	Population	Median Hhld. Income	Median Rent	% of Renters Paying >30% of Income for Housing	% of Renters Paying >50% of Income for Housing	% of Homes That are for Seasonal Use
Mariposa County	17,130	\$34,626	\$502	30.6%	12.4%	19%

Figure 27: 2000 Demographics for Mariposa County. Source: US Census Bureau (2000).

Although half of the multi-family rental housing stock is publicly owned or assisted rental development, more than 972 lower- and moderate-income affordable units are needed to meet demand. In 2003, the rental vacancy rate was essentially zero as less than 10 rentals units were available on the open market, and most rental units of quality construction have waiting lists. Over 100 affordable units have been constructed in five multi-family projects since 1995, with deed-restrictions ranging from five to thirty years.¹¹⁹ One project was funded and subsidized through a federal HUD loan, while others utilized low-income housing tax credits. In 2003, thirty households in Mariposa County received Section 8 tenant-based housing assistance.

Mariposa County has a fairly lax second unit policy, as most residential zoning districts permit two dwelling units per parcel. Many homeowners have constructed cabin-style second units, but rather than offer them as long-term rentals as the policy

intended, rent them to tourists on a short-term basis.¹²⁰ Therefore, an important source of affordable rental housing is lost to seasonal visitors.

The *General Plan* recommends that the County take a more proactive approach in order to provide affordable housing: therefore, the County shall ‘promote’ programs and policies rather than merely ‘encourage’ affordable housing production, such as manufactured housing, higher density rental housing, and attached ownership units such as duplexes, town homes, condominiums.¹²¹ There are over 2,000 mobile homes in the County, and their quality of construction have increased their popularity in recent years.

Badger Pass Ski Area is California’s oldest ski area, and is run by the Yosemite Concession Services Corporation a wholly owned subsidiary of Delaware North, which also provides other concessions such as lodging, food, and tours in the Yosemite Valley year-round. Employee housing consists of double- or triple-occupancy tent cabins and dormitories, and cost about \$13-17 per person per week.¹²² Currently, there are 1,691 employee beds in Yosemite National Park for the National Park Service, concessionaires, and their families, which is owned and provided at low cost to employees by the federal government.¹²³

Yosemite National Park attracts about 4 million visitors each year, and the Yosemite Valley Plan is near approval.¹²⁴ This plan will emphasize visitor lodging in the Valley that is unique to a traditional national park experience, meaning fewer motel-like rooms and more rustic cabin-type accommodations, constructing out-of-Valley parking lots in order to reduce potential land development, and habitat restoration. Implementation of the new Yosemite Valley Plan could result in the removal and relocation of 588 employee beds from the Valley to elsewhere in El Portal and Foresta by the year 2008,¹²⁵ meaning longer travel times to work, shopping, and recreation for many Valley employees, and less time to enjoy the County’s amenities. The County aims to collaborate with the National Park Service and concessionaires in order to address mutual

housing issues and opportunities to achieve County housing goals, policies, and objectives.

COLORADO

All municipalities in Colorado are delegated the authority to extend municipal boundaries and to prepare and adopt a comprehensive plan for the physical development of the municipality.¹²⁶ Colorado has experienced rapid growth in the last half of the twentieth century, and tourism has breathed new life into mining towns throughout the Rockies. The predominance of lower wage jobs in the retail and service sectors coupled with rapid population growth due to migration and natural increase and high second homeownership rates has created significant pressures among housing markets. In response, several resort and rural communities in Colorado have adopted inclusionary, local resident, or workforce housing. The requirements for each program run the gamut: some are relatively simple while others involve residency restrictions and preference for certain classes of workers, some have very low in-lieu fees, some require on-site construction, while others some have no in-lieu fees at all.

This section looks at the following Colorado resort jurisdictions: the Towns of Basalt, Breckenridge, Frisco, Vail, and Telluride, the City of Aspen, and Eagle, Summit, Pitkin, La Plata, and San Miguel Counties. These communities were chosen for their rural mountain resort character, high proportions of seasonal homes, and availability of documents. Many of these communities were founded as mining towns and continue to capitalize on their history and natural resources through tourism. These 'New West' resort economies depend on outside sources of capital beyond local control in order to function: good weather, investor confidence, continual growth, cheap private vehicle and

air transportation, large amounts of baby-boomer disposable income, and the current tax structure favoring homeownership.¹²⁷

Town of Basalt, City of Aspen, and Pitkin County

Located high in the west central segment of Colorado’s Rocky Mountains, Pitkin County includes five ski resorts: Aspen Mountain, Snowmass, Buttermilk, Aspen Highlands, and Sunlight ski resorts.¹²⁸ Most development, such as the towns of Basalt, Glenwood Springs, and Aspen, is strung along the floor of the Roaring Fork Valley. Pitkin County has the nation’s lowest exemptions to tax-paying households ratio (155:100),¹²⁹ indicating few children. It also has the highest average interest income per household (\$10,700) and second highest average dividend income (\$6,425) for the 2001 tax year.

	Population	Median Hhld. Income	Median Rent	% of Renters Paying >30% of Income for Housing	% of Renters Paying >50% of Income for Housing	% of Homes That are Vacant for Seasonal Use
Pitkin County	14,872	\$53,750	\$947	36.3%	30%	27%
City of Aspen	5,807	\$59,375	\$947	43%	30%	28%
Town of Basalt	2,675	\$67,200	\$1300	36.7%	14.4%	7%

Figure 28: 2000 Demographics for Pitkin County, City of Aspen, and Town of Basalt. Source: US Census Bureau (2000).

Up to 75% of Aspen’s workforce lives outside of City limits in towns like El Jebel, Carbondale, and Basalt.¹³⁰ There are over 1400 deed-restricted local resident housing units¹³¹, but non-housing living expenses tend to be 20% higher than in metropolitan areas. Aspen Ski Company purchased 26 housing units for employees in 1999, and built

152 employee beds at the Snowmass Lodge and Club in 2000; the company actively promotes the use of mass transit by the workforce and visitors alike.¹³² Aspen has an innovation program that promotes summer tourism and houses winter seasonal employees at the same time. Two apartment complexes are used to house any area full-time employee in winter, and are used as accommodations for summer music camp attendees.¹³³

The Town of Basalt is located in Pitkin County at the junction of the Frying Pan and Roaring Fork Rivers, near Aspen Mountain, Snowmass, Buttermilk, Aspen Highlands, and Sunlight ski resorts.¹³⁴ In the last six years of the 1990s, housing prices in Basalt rose 90%.¹³⁵

As the Town's citizens do not want the community to become segregated along income lines, all new residential developments must integrate 'meaningful' affordable housing on-site.¹³⁶ If on-site housing is impractical, existing market rate housing may be converted to deed-restricted housing, or off-site housing shall be constructed elsewhere in or near to the Town. Furthermore, all new commercial development shall pay a housing mitigation fee of fifty cents per square foot, and all new commercial development, expansion, or remodels over 1000 square feet shall provide affordable housing for twenty percent of the full-time employees generated. No mention is made of in-lieu fees, but development-processing fees may be waived.

The City of Aspen and Pitkin County have formed a joint Aspen Pitkin Housing Authority in order to provide affordable housing to its residents and workers. The primary source of new affordable housing is the Aspen Citizen Housing Guidelines.¹³⁷ In order to qualify for Aspen/Pitkin's local resident housing program, a person must be a current full-time employee or have retired after a minimum for four years of employment in the County. The applicant must also intend to occupy the unit as a primary residence, and must not already own any developed real estate or mobile home in the Roaring Fork River watershed, which includes parts of Eagle, Garfield, Gunnison and Pitkin Counties.

Furthermore, ‘emergency workers’ such as firefighters, mountain rescue, police officers, emergency medical technicians, ambulance drivers, and social service workers receive priority for rental units. All applicants are placed in a lottery pool; a resident received more lottery entries based upon length of County residency. In for-rent local resident housing, roommates are permitted so long as they are full-time, qualified employees.

Under the growth management regulations adopted by the City of Aspen, at least sixty percent of the bedrooms in a residential subdivision must be in deed-restricted affordable housing units.¹³⁸ The City also has an “Affordable Housing Zone,” in which the developer must provide a mix of at least 70% deed-restricted units versus 30% maximum market rate units. Aspen Pitkin Housing Authority permits dormitory accommodations for seasonal employees provided no more than eight employees share living facilities, and that each person has at least 150 square feet.¹³⁹ As deed-restricted units are meant to be occupied, the maximum vacancy period between tenants is forty-five days.¹⁴⁰ Housing mitigation options include on- or off-site development, deed-restriction of existing market rate units, conveyance of lands, or in-lieu fees;¹⁴¹ for-sale units with one- to two-bedrooms and family-oriented units affordable for middle- and moderate-incomes are preferred unit types, and receive priority processing.

Town of Vail and Eagle County

Eagle County lies in west central Colorado, surrounded by the White River National Forest; Interstate 70 is the major transportation corridor east to Denver and west to Grand Junction. Vail Mountain is the largest employment draw for the County, while the communities of Gypsum, Eagle, Wolcott, Red Cliff, Mintum, and Avon dot the valley floor.¹⁴² Only 38% of Vail employees live in Vail, and the rest commute from far down valley.¹⁴³ Vail Resort properties include Beaver Creek near the Town of Avon, Vail Mountain, and several residential properties within Vail proper. Over the past ten years, Vail Resorts has invested over \$125 million in upgrades, renovations, and new

development in its quest to become ‘THE premier mountain resort’ community in North America.¹⁴⁴ In Vail, the proportion of second homes to the total housing stock may be as high as 75%.¹⁴⁵

	Population	Median Hhld. Income	Median Rent	% of Renters Paying >30% of Income for Housing	% of Renters Paying >50% of Income for Housing	% of Homes That are Vacant for Seasonal Use
Eagle County	41,659	\$62,682	\$1007	34.6%	14.8%	27%
Town of Vail	4,500	\$56,680	\$934	31.6%	8.4%	54%

Figure 29: 2000 Demographics for Eagle County and the Town of Vail. Source: US Census Bureau (2000).

Both the Town of Vail and Vail Mountain recognize that more employees must be able to live in the town they work in.¹⁴⁶ The goal is to house 62% of the resort and town’s employees, and 1600 new beds are needed. Vail Mountain houses approximately 1000 employees, as does Beaver Creek.¹⁴⁷ The Town of Vail has enacted an Employee Housing Program that has helped ninety local residents purchase homes;¹⁴⁸ there are nearly 250 deed-restricted affordable rental and for-sale units in the Town. Many of these homes are built on land leased from the Town for one dollar a year. Residents may qualify for these homes by working at least thirty hours a week all year at a licensed Eagle County business, demonstrate that at least seventy-five percent of their income is earned at an Eagle County business, and not already own market-rate housing or live in employee housing. The applicant must prequalify with a mortgage lender, and intend to use the home as their primary residence. Recent retirees can apply if they are sixty years or older and worked full-time for the last five years. Affordable housing units are allocated on a lottery basis whenever units become available. Further resort development will require the construction of employee housing units.

Another program devised to provide affordable housing for Eagle County and Town of Vail employees and residents is the County's Inclusionary Housing Requirements.¹⁴⁹ New residential projects over four units and new non-residential must provide local resident, very low or low income housing for ten percent of the project's units or for the housing need generated by the project either by providing inclusionary housing or an employee/housing linkage fee.¹⁵⁰ Housing may be provided either by on- or off-site construction, conveyance of land capable of accommodating 150% of the required local resident housing, or in-lieu fees. The logic behind this program is that there are 1.2 jobs per Eagle County resident, each household has an average of 1.92 employees, and because there are nearly two employees per occupied unit, a business generating eight employees per thousand square feet of floor area would need 3.5 housing units. This hypothetical employer would need to provide the equivalent of 0.35 housing units in order to mitigate against the housing impact of economic development.

Town of Breckenridge, Town of Frisco, and Summit County

Summit County is located in central Colorado, and Interstate 70 provides the major east-west highway link with Denver. Communities include Breckenridge, Dillon, Frisco, Montezuma, Snake River, Heeney, and Silverstone.¹⁵¹ A large part of the county lies within the bounds of the Arapaho National Forest, while the Green Mountain Reservoir, Lake Dillon, and Blue and Snake Rivers provide many recreation opportunities. There are four world-class ski resorts in the County: Keystone, Arapaho Basin, Breckenridge, and Copper Mountain.

Summit County has one of the lowest exemptions to tax-paying household rates in the nation (166:100) in 2001, indicating very few children in relation to households.¹⁵² Fifty-five percent of the County's total housing stock (n=13,339) was vacant and for seasonal use, with slightly more than one house per household, although the average household size is 2.5 persons. Between 1990 and 2000, home prices in Summit County

grew 18% annually, and the median price of a home grew 200% between 1990 and 2000; Breckenridge’s median home price saw an incredible 344% increase from \$154,000 in 1990 to \$683,950 in 2000.¹⁵³ In 2001, 45% of all current units listed for sale cost more than \$700,000.¹⁵⁴

	Population	Median Hhld. Income	Median Rent	% of Renters Paying >30% of Income for Housing	% of Renters Paying >50% of Income for Housing	% of Homes That are for Seasonal Use
Summit County	23,548	\$56,587	\$874	33.6%	11.7%	55%
Town of Frisco	2,365	\$62,267	\$1025	23%	6.1%	57%
Town of Breckenridge	2366	\$43,938	\$858	45.6%	12.9%	69%

Figure 30: 2000 Demographics for Summit County, Town of Frisco, and Town of Breckenridge.
Source: US Census Bureau (2000).

Of an estimated 18,304 workers in the County, 68% are in the service and retail sectors.¹⁵⁵ Median salaries for most ski resort jobs are less than \$30,000 a year. Both Vail Resorts ski mountains offer employee housing: Breckenridge offers housing to 350 employees in apartment-style quarters, while Keystone houses over 1100 employees¹⁵⁶. Intrawest’s Copper Mountain purchased a Club Med building for employee housing with 500 beds; the cheapest housing option is \$80 a week double occupancy with five meals included.¹⁵⁷ Both Copper Mountain and Keystone must provide housing for 40% of their full-time employees and 60% of their seasonal workers during the peak ski season; seventy-five percent must be housed onsite.¹⁵⁸

The multi-family rental housing market in Summit County consists of six apartment complexes totaling 462 units, while approximately 1,200 other units were rented in 2001.¹⁵⁹ All 78 of the Blue River Apartments are deed-restricted affordable to 60% of the area median income. Mountain Creek’s thirty units serve very low-income

households earning less than fifty percent of the area median income, and were financed through the Rural Development/Farmers Home Administration. Villa Sierra Madre was built by the Denver Archdiocese and serves families earning below 60% of the area median income, and was financed through the federal HUD Low Income Housing Tax Credit (LIHTC) Program. Pinewood was also developed under LIHTC, and 19 of its 76 units are deed-restricted. Vail Resorts built the 180-unit Breckenridge Terrace for employee housing; a one-bedroom apartment rents for \$425 a month. By 2001, 511 affordable or seasonal units had been constructed or were in the permitting process.

In a 2001 countywide survey, nearly twenty-five percent of renters were forced to move within the last three years because the unit was rented or sold, although this figure may not account for the conversion of long-term rentals to short-term vacation rentals.¹⁶⁰ Seventy-six percent of the employers surveyed believed that housing was among the most serious problems faced in the county, and that their employees were unhappy with low wages due to high housing costs. The majority of respondents felt that the burden of providing affordable housing should fall on the shoulders of the local government, large employers, and private developers rather than on taxpayers. Respondents favored providing affordable housing to families with children and essential workers if a local resident or inclusionary housing program were implemented.

While many subdivisions with a high percent of local residents have second units on their properties supplementing their income, newer homes and homeowners do not have second units as they do not need the income stream.¹⁶¹ Summit County's major policy recommendations include promoting second unit construction and requiring employee housing be built along with new resort and commercial development. This will reduce commuting times for workers who live in Summit County, and provide opportunities for workers who commute from outside the County to move closer to their place of work. However, a survey of employers in Summit County revealed that they would prefer to offer assistance with down payments to all other forms of housing assistance.¹⁶²

The Town of Frisco has formulated its own housing policies to guard against the effects of second homes on the community. Frisco's Housing Task Force feels that Frisco is losing its 'funkiness' and appeal as a desirable community, and that a certain 'critical mass' of local working residents is needed in order to sustain Frisco's businesses and sense of community.¹⁶³ In order to maintain a sense of opportunity and to allow members of the workforce to become vested community members, Frisco will work with the Summit County Housing Authority, form public-private partnerships, promote second units and infill development, and acquire developable land on which to build affordable and attainable housing. Although households with incomes in the range of 120-180% of the area median income have largely been neglected by affordable and inclusionary housing policies, Frisco's policy recognizes the need for housing for this income group. Between 2000 and 2002, the Town set forth a goal to build affordable housing on town land near the elementary school, as well as establish a cabin infill program and create an attainable housing district. Mid-term policy strategies include constructing a rental housing project akin to Breckenridge's Pinewood Apartments, purchasing existing market-rate properties for deed-restriction, and establishing a jobs/housing mitigation program. A longer-term plan goal is to build a mixed-use project at the Summit Transit Center.

The Town of Breckenridge adopted its own *Affordable Housing Strategy* in 2000.¹⁶⁴ The report estimates that 39.8% of households in the Upper Blue Basin surrounding Breckenridge pay more than 30% of their income for housing, and that between 1990 and 1997, wages increased 35% while median rent increased 87% and the median price of for-sale housing increased 121%. In 2000, more than 400 affordable units were needed in order to 'catch-up' with demand, and nearly 300 more affordable units were needed in order to keep pace with demand. The 'catch-up' policies adopted in the *Affordable Housing Strategy* include identifying developable parcels, creating opportunities for employers to address the housing needs of their employees, funding down-payment and mortgage assistance programs, strengthening the second units program, augmenting the housing fund, and waiving density requirements for affordable

housing. The ‘keep-up’ policies include annexing developable parcels and the transfer of density development rights, as well as affordable housing requirements imposed on new residential and commercial development.

La Plata County

La Plata County is located near the Four Corners of Utah, Arizona, New Mexico and Colorado on Colorado’s Front Range, and Durango is the major town, nestled in the Animas River Valley. Mesa Verde National Park and San Juan National Forest provide recreational opportunities, while the Durango and Silverton Narrow Gauge Railway is a living piece of history.¹⁶⁵ Durango Mountain Resort (formerly Purgatory) and Silverton Mountain Ski Area are local ski resorts, doubling as mountain bike meccas during summer.

	Population	Median Hhld. Income	Median Rent	% of Renters Paying >30% of Income for Housing	% of Renters Paying >50% of Income for Housing	% of Homes That are for Seasonal Use
La Plata County	43,941	\$40,159	\$655	42.6%	22.1%	12%

Figure 31: 2000 Demographics for La Plata County. Source: US Census Bureau (2000).

La Plata County suffers from ‘down valley’ syndrome as much as other Colorado counties: affordable housing and cheap land is found farthest away from regional centers, so many homeowners have long commutes, and the maintenance and ownership of automobiles represents a large expenditure as a percent of income.¹⁶⁶ Growth rates were a steady 3% for most of the 1990s.¹⁶⁷ This growth has led to an exponential increase in land and housing prices, but the economy is driven by low wage service sector employment due to tourism. This has compromised many households ability to afford housing, especially among long-time and coming-of-age residents. In 1998, fifty-four

percent of Durango families and fifty-one percent of families in unincorporated areas did not have sufficient incomes to qualify to purchase a home.

The County has decided to pursue both regulatory housing policies such as inclusionary exactions levied as a condition of approval, and incentive-based policies such as fee waivers, density bonuses and tax credits.¹⁶⁸ Durango Mountain Resort will be required to provide housing for one-third of its employees by building one employee housing unit for every ten market-rate residential units and every twenty thousand square feet of commercial floor area.¹⁶⁹ The County established a Revolving Loan Fund, which in 1996 provided a \$125,000 loan for twelve deed-restricted apartments in a complex in Durango, and is interested in establishing a countywide housing authority.

Town of Telluride and San Miguel County

Telluride is the county seat of San Miguel County, and lies on the southern half of the Western Slope of the Rocky Mountains. It is surrounded by public lands, and lies in a box canyon with one road providing access. Until the 1970s, it was a ghost town, and then resort development began and real estate prices soared.¹⁷⁰ Uranium mines operated well into the 1980s. Telluride has a strong arts community that balances the ski industry in summer. About half of the County's population lives in the towns of Telluride and Mountain Village.¹⁷¹ The county estimates that 940 workers commuted into the county to work from outside of the county, and that the main reason for their commute is the lack of affordable housing. These commuters expressed a preference for for-sale single-family and mobile homes, while most of the affordable housing produced in San Miguel County, Telluride, and Mountain Village in recent years has been multi-family units. In a survey of employers, 57% believed the lack of affordable housing was one of the more serious problems in the region, and 32% believed it was the most serious problem faced in San Miguel County.

	Population	Median Hhld. Income	Median Rent	% of Renters Paying >30% of Income for Housing	% of Renters Paying >50% of Income for Housing	% of Homes That are for Seasonal Use
San Miguel County	6,594	\$48,514	\$811	40%	18.6%	57%
Town of Telluride	2058	\$51,938	\$1030	39.7%	14.1%	37%

Figure 32: 2000 Demographics for San Miguel County and Town of Telluride. Source: US Census Bureau (2000).

There are concerns about the sustainability of resort development and a tourism-based economy among the Telluride community.¹⁷² Small-acreage ‘ranchette’ development began in the 1990s, and several vacation and trophy homes were built as tourism began to overtake mining and agriculture as the driving economic force. Community members have expressed concern about the influence of second homeowners on local housing markets and social fabric, and seek to limit the negative effects of resort development by requiring caretakers units in second homes in order to provide local residents and workers affordable housing near their place of work. A San Miguel County Commissioner, Art Goodtimes states “nothing is more destructive to the social fabric of the community than absentee owners who don’t participate, don’t even live in town most of the year. We have to keep homes occupied, and encourage housing niches for all our classes of residents if the vitality of the community is to be preserved.”¹⁷³

The Town of Telluride adopted affordable housing guidelines in 1994, with the latest revision occurring in January 2002.¹⁷⁴ The Town set its income affordability standard at \$2,083 per month per bedroom, and workers are ineligible if they exceed incomes of \$5,000 per month per bedroom. For a one-bedroom affordable rental housing unit, the maximum gross rent allowed is \$1.66 per square foot of floor-area, but this drops to \$1.48 per square foot for two-bedroom units and \$1.36 per square foot for three-

or more bedroom units. Therefore, a 500 square foot one-bedroom apartment could be rented for \$863 per month, well below the Town's 2000 median rent (\$1030). Affordable for-sale housing may be sold at no more than \$227.64 per square foot of floor area for one-bedroom, \$216.21 per square foot for two-bedrooms, and \$186.25 per square foot for three- or more bedrooms units. The in-lieu payment was set at \$70.45 per square foot, as this is the amount needed to bridge the gap between what the housing market provides and what the lower-income population of Telluride can afford to pay for housing.

San Miguel County conducted a *Housing Needs Assessment and Trends Analysis* in 2000; employers indicated a preference for constructing affordable units for their employees over all other forms of housing assistance, such as subsidizing rents and leasing existing housing for employees.¹⁷⁵ The County recognizes potential demand for three-bedroom or larger rental units, which are not currently being produced due to financing difficulties. The survey indicates that while the mean rent for a one-bedroom unit in 2000 was \$650 per month, nearly 37% of all one-bedroom units rented for less than \$500 per month due to the sheer number of deed-restricted one-bedroom units. When presented with a choice of housing alternatives such as mined-use housing above retail, live/work units and caretaker/second units, respondents preferred second units, and expressed little interest in co-housing or single-room occupancy housing with shared kitchen facilities. Given this, San Miguel County should look into the feasibility of a more proactive second-unit ordinance.

OTHER REGIONS OF THE WEST

Resort Municipality of Whistler, British Columbia, Canada

The Resort Municipality of Whistler is located 78 miles north of Vancouver and 38 miles north of Squamish along the Sea-to-Sky Highway in the Canadian province of British Columbia. The 2010 Winter Olympic and Paralympic Games will be held in Vancouver, and several events will be held at the Whistler Blackcomb resort¹⁷⁶. Whistler's cost-of-living is an estimated 20% higher than in other British Columbia towns¹⁷⁷.

	Population	Median Hhld. Income	Median Rent	% of Renters Paying >30% of Income for Housing	% of Renters Paying >50% of Income for Housing	% of Homes That are for Seasonal Use
Whistler	8,896	C\$58,906	C\$1169	-	-	-

Figure 33: 2001 Demographics for Whistler, BC. Source: Statistics Canada (2001)

In 2002, approximately 13,500 people worked in Whistler, 41% of whom were males age 18-24¹⁷⁸. The workforce has grown between one and two percent annually since 2000, yet for the 2001-2002 ski season, three hundred positions went unfilled, perceived by employers as due to a lack of available, affordable housing. The ski resort of Whistler Blackcomb is the largest ski resort in North America, and consistently places at the top of several 'best ski resort' lists every year. The resort is owned by Intrawest, who has interest in June and Mammoth Mountain Ski Areas in California's Eastern Sierra as well as properties in Lake Tahoe, Colorado, and across Canada and Europe.¹⁷⁹ While development in some ski resort towns has led to sales to second homeowners, the focus in Whistler has always been on keeping beds 'hot', occupied, and on the rental market.¹⁸⁰

In 1986, the Resort Municipality enacted a bylaw requiring new businesses to mitigate their impact on the jobs-housing balance by providing housing for a certain percent of their employees.¹⁸¹ Before a building permit for new construction or change of use or a business license for commercial, industrial, or lodging is issued, the landowner must pay an employee-housing fee to the Municipality so that employee housing can be constructed in order to mitigate the housing impacts of the new development. The bylaw assumes that one full-time employee is generated by 50 square meters of commercial, 250 square meters of industrial, or 5 guest rooms of lodging development. Alternately, the employer can construct employee housing or pay someone else to build housing. These employee beds must be deed-restricted at least ten years.

In 2002, 10,600 workers lived in Whistler, and 3,825 workers lived in employee housing.¹⁸² Even so, 48% of Whistler's workforce overspent on housing, and 22% spent more than forty percent of their income on housing. Four out of ten large employers assisted their employees' quest to find housing. Half of the employee housing in 2002 was owner-occupied, while the other half was for rent. The goal for 2003 was to increase the number of employee beds to 4,800. About thirty percent of Whistler's workforce lives outside of the town, as real estate prices are lower and transportation linkages are improving in Squamish and Pemberton.

Teton County and the City of Jackson, Wyoming

Teton County is located in northwestern Wyoming, and includes the communities of Jackson Kelly, Moose, Moran, Wilson and Teton Village. Nearby attractions include Grand Teton and Yellowstone National Parks, Bridger-Teton and Caribou/Targhee National Forests, Gros Ventre and Jedediah Smith Wilderness Areas, and the Snake River. Ski resorts include Snow King, Jackson Hole Mountain Resort, and Grand Targhee Summer and Ski Resort. Prior to 1983, the nearest airports were Salt Lake City,

UT, Billings, MT, or Denver, CO. The arrival of commercial flights in 1983 increased accessibility by tourists and second homeowners,¹⁸³ and contributed to the real estate boom.

The City of Jackson is located in northwestern Wyoming in Teton County, lying in the long mountain valley known as Jackson Hole.¹⁸⁴ The gateway to Grand Teton is just minutes outside of town, and Jackson provides most of the rental housing in the County; it fears it may become the de facto dumping ground for affordable housing in the County.¹⁸⁵ Between 1970 and 1990, although the town's housing supply had more than doubled to almost 2200 units, it no longer comprised even one-third of the total County housing unit inventory of 7060 units.¹⁸⁶ In the early 1990s, real estate prices rose at 11.5% a year while wages rose at only 4% a year, making housing less affordable every year. Almost all of the jobs in Teton County pay less than median income.¹⁸⁷

Teton County had the second highest mean 2001 adjusted gross income in the nation after Marin County, Ca, with \$117,729.¹⁸⁸ It also had the highest average dividend income (\$10,460) and sixth highest average interest income (\$8,298). If one follows the general rule that a household can afford to purchase a house valued at 250-300% of its annual income, housing in Teton County ceased to be affordable in 1986.¹⁸⁹ In 1999, the average job in Teton County paid \$21,000 a year, while the average single-family home sold for over \$775,000.¹⁹⁰ A 2002 study found that the amount of subsidy per employee needed to bridge the gap between income and housing affordability was \$44,798,¹⁹¹ as by 2000, the median price of a single-family home was approximately 959% of median annual income levels.

	Population	Median Hhld. Income	Median Rent	% of Renters Paying >30% of Income for Housing	% of Renters Paying >50% of Income for Housing	% of Homes That are for Seasonal Use
City of Jackson	8,800	\$47,757	\$717	31.2%	11.2%	3%
Teton County	18,251	\$54,614	\$707	26.8%	8.7%	21%

Figure 34: 2000 Demographics for City of Jackson and Teton County. Source: US Census Bureau (2000).

A significant number of former Jackson Hole residents have been displaced out of Jackson and Teton County into outlying neighboring communities but continue to work in Jackson Hole. Teton Valley, Idaho and Alpine, Bondurant, and Pinedale, Wyoming are attractive because housing costs 20-40% less than in Jackson.¹⁹² The proportion of Teton Valley, Idaho residents commuting to work elsewhere in 1980 was 15%; by 1990, the proportion had risen to 30%. In 2000, one third of Teton County employees did not live in the County, although some of this is due to undocumented workers.¹⁹³ While housing is cheaper in these communities, workers must commute long distances in inclement weather through avalanche-prone highway corridors such as Teton Pass (elevation 8431 feet) and the Hoback River canyon. The preponderance of second homes and exclusive subdivisions coupled with workforce displacement has led to social disintegration, as people are less likely to attend community events or volunteer in local community service groups.¹⁹⁴

A 1989 survey found that 63% of employers in Jackson Hole felt that the lack of affordable housing affected their business, while a 1991 survey found that 97% of employers felt that housing was a critical or difficult problem for seasonal summer employees; 80% felt this was a critical or difficult problem for winter seasonal employees, and 71% felt it was critical or difficult for year-round lower income employees.¹⁹⁵ Summer seasonal employees could conceivably be housed at affordable rates in private campgrounds, as many summer workers come to Jackson Hole as much to

experience nature as to earn money.¹⁹⁶ Currently, Mongolian-style yurts and tepees are important seasonal housing in the Kelly and Wilson areas; however, as these forms of housing do not meet a strict interpretation of the building and safety code, no efforts will be made to expand their use.¹⁹⁷

Net long-term rental units actually decreased in some years due to change of occupancy by management companies. For instance, in 1984 the Jackson Hole Racquet Club offered a housing mix of 55% long-term rentals and 45% short-term vacation rentals, while in 1991 only 13% of the units were for long-term rental. Furthermore, little rental housing was built during the 1980s, resulting in a large discrepancy between housing supply and demand.¹⁹⁸ The Cottonwood Park and Rafter J subdivisions were initially priced at rates affordable for area residents, but as the projects neared build out prices escalated as up to sixty percent of the new homes were purchased for seasonal vacation use by non-residents. People who were able to purchase low-cost housing prior to the real estate boom are precluded from moving because there is no 'next step up' housing they can afford. This stagnates the housing market, as people are forced to live in their original starter home rather than move occasionally to a slightly more expensive home.

Currently, there are four different providers of affordable housing for Teton County employees: the Teton County Housing Authority, the Jackson Hole Community Housing Trust, Habitat for Humanity, and private sector deed-restricted units.¹⁹⁹ Nearly three hundred units had been built or were in the permitting process by 2002. In May 2001, voters approved a sales tax benefiting the County's Housing Authority, which aims to provide over three hundred affordable units by 2007.

A Community Housing Forum was held in May of 2000, and participants indicated that they would like to see third-story affordable housing over the existing two-story commercial buildings found in downtown Jackson,²⁰⁰ a real-estate transfer tax in order to alleviate the externalities imposed by second homeownership, progressive building

permit fees based upon floor area to reflect the disproportionate effects of larger home sizes, and increasing the inclusionary housing requirement from 15% to 30% or even 50% affordable.

The new amendments to the Affordable Housing Sections of Teton County's development code set a goal of providing housing that is affordable to 70% of the County's workforce and families.²⁰¹ At this rate, there is a current need for nearly five hundred affordable housing units.²⁰² Separate regression equations have been specified to determine affordable housing demand generated by long-term residential and other residential projects. The County has determined that the rate of full-time employment generation of residential development is a function of the size of the unit, and whether it is a long-term rental property or other sort of tenancy.

All new development is subject to the County's inclusionary program,²⁰³ unless new single-family homes with less than 3,000 square feet of floor area are deed-restricted as affordable, existing single-family homes are remodeled or added onto up to 3000 square feet of floor area, or working ranches, mobile home parks, agricultural employee housing, or institutional residential is proposed. All non-exempt projects must submit a housing mitigation plan demonstrating affordable housing need generated by the project and proposed method of mitigation, whether it be by on- or off-site construction, land conveyance, conversion of existing market-rate units, or in-lieu fees of \$16,684 per employee in the case of fractional demand. All planned resort master plans must include a housing element addressing affordable housing demand and provide the corresponding units. Employers in sectors that pay more than \$2,500/month are not required to provide housing. Seasonal employers have the option of building on- or off-site residential units rented at affordable rates to seasonal employees, and at market-rates the rest of the year.

The City of Jackson recognized the need for the production of affordable housing cannot be met by a single 'Big Bang' type of solution. The City resolved to actively promote flexible floor-area-ratios and accessory units, waive or reduce fees on affordable

projects, grant density bonuses, and zone more land for multi-family residential uses, while funding affordable programs through bed taxes and cash in-lieu fees.²⁰⁴ A promising policy tool is flexible Floor Area Ratio (FAR). For instance, if a FAR of 2,400 square feet is allowed on a certain parcel, then a developer could build a 2,400 square foot single-family home, two 1,200 square foot units in a duplex, or three 800 square foot units apartments.²⁰⁵ The City feels that a small, five hundred square foot single-family residences is a market niche deserving serious consideration. While mobile and manufactured homes have been used in rural areas as an affordable homeownership solution, they have uncertain legal status in Teton County and Jackson, as both jurisdictions prohibit them outside of a mobile home park. However, as land prices have escalated at 15.7% a year between 1986-1993, it is not profitable to operate a mobile home park.²⁰⁶ The development and land codes must be revised to alleviate this ambiguity and to be consistent with actual versus projected housing demands.

Town of Whitefish, Montana

The Town of Whitefish is located in Flathead County, in the northwest corner of Montana, sixty miles south of the Canadian border and 120 miles east of the Idaho border. Within its bounds lie Big Mountain Ski and Summer Resort, Glacier National Park, the National Bison Range, and the Bob Marshall Wilderness.²⁰⁷ Big Mountain Resort was slated to build ten affordable one- and two-bedroom housing units in the summer of 2003, renting for \$350-560 a month; another twenty may be built according to demand. This housing was called for in Big Mountain's master plan adopted in 1991.²⁰⁸

	Population	Median Hhld. Income	Median Rent	% of Renters Paying >30% of Income for Housing	% of Renters Paying >50% of Income for Housing	% of Homes That are for Seasonal Use
Town of Whitefish	4,991	\$33,038	\$502	35.9%	13.5%	11%

Figure 35: 2000 Demographics for the Town of Whitefish. Source: US Census Bureau (2000).

In 1996, Whitefish’s Master Plan set forth various goals and recommendations for affordable housing, yet to date none have adequately been met. The town does not believe voluntary inclusionary housing programs are effective, as evidenced from the number of communities in America that have made their inclusionary housing ordinances mandatory after voluntary programs failed to produce sufficient affordable housing. Whitefish is working on a mandatory workforce-housing program,²⁰⁹ the first of its kind in Montana, and will seek federal and foundation funding. This will allow Whitefish’s workforce to live nearer their jobs, reducing commuting times, absenteeism, job turnover and employee training costs.

Whitefish’s proposed workforce housing program will apply to all developments over five units, but the percent that must be affordable has yet to be determined. The town prefers that housing be constructed on-site, but allows for ‘exclusionary’ off-site housing and in-lieu fees.²¹⁰ The Town would also like to see a program to assist qualified homeowners with down payments. Whitefish argues that people who can afford to buy homes under current market conditions will continue to do so, and that making housing affordable to the general workforce will increase the property tax base to the benefit of all Whitefish residents. The inclusionary requirement will probably not shift development to unincorporated county lands, as Whitefish’s amenities and infrastructure are too attractive

Whitefish has anticipated criticisms that affordable housing programs are charitable, but argues that financial motivation should drive affordable housing,²¹¹ as the

less a household spends on housing, the more the household will spend on other goods such as health care, education, and entertainment closer to home, thereby benefiting local merchants. The Town stresses that many critical members of the workforce are lower-income earners who have prioritized fulfilling and socially useful careers over high pay, such as nurses, teachers, firefighters, police officers, and retail sales clerks. Instead of viewing a workforce-housing program as charity, it should be seen as “correcting dislocations created by the current American economic model.” The Town believes that if NIMBY sentiments prevail, sprawl is imminent, souring this ‘last best place’. Whitefish believes,

“If we fail to adopt a housing program, or if we have a voluntary program, we will surely be like those other communities that procrastinated and failed to adopt a program that is effective....The Planning Board sees no reason to believe Whitefish’s uniqueness offers any indication that a soft housing program, dependent on some as yet unobservable goodwill, public spiritedness or economic incentive, will do much of anything to solve our housing problems and strengthen our town.”²¹²

The Town’s approach to workforce housing is unique in Montana, but as development pressure increased it is likely that other jurisdictions will follow suit. What will be important for the success of these inclusionary housing programs is whether they will be enacted in a timely manner before the lack of affordable housing reaches crisis proportions.

City of Ketchum, Idaho

The City of Ketchum is near the nation’s first destination ski resort, Sun Valley, built in 1936 by Count Felix Schaffgosch and Union Pacific Chairman Averrell Harriman²¹³, although the Guyer Hot Springs Resort attracted visitors from across the country when it opened in the 1880s. Ketchum also was a boom and bust mining town at the turn of the century, and Ernest Hemingway was a famous resident. The town is located in the Wood River Valley in Blaine County, and is nearly surrounded by the Challis and Sawtooth

National Forests and Sawtooth Wilderness. Mount Baldy is the ski mountain and rises 3400 feet above the valley floor to an elevation of 9150 feet.

	Population	Median Hhld. Income	Median Rent	% of Renters Paying >30% of Income for Housing	% of Renters Paying >50% of Income for Housing	% of Homes That are for Seasonal Use
City of Ketchum	2,996	\$45,457	\$794	38.7%	19.7%	40%

Figure 36: 2000 Demographics for City of Ketchum. Source: US Census Bureau (2000).

According to the Community Housing Section of the City of Ketchum’s *Comprehensive Plan*,²¹⁴ employers in the Wood River Valley have a difficult time maintaining a dependable workforce due to high housing costs in the region. Ketchum prefers to call affordable housing “community housing”, as practically the entire resident population is in need of affordable housing. While in absolute numbers there appears to be plenty of housing in Ketchum, there is a mismatch in what the market is producing and what local residents can afford to pay.

Due to high land costs, low income and affordable housing cannot be developed via market forces alone. For example, between 1996 and 1997, the median price of a single-family home in Blaine County jumped 32%. The focus of Ketchum’s community housing policies is creating affordable homeownership opportunities for renters who would rather own and would qualify to purchase a home prices under \$200,000. Due to private redevelopment, Ketchum actually lost affordable units in 1999; small, older houses are replaced with high end and moderate commercial and residential development.

The Ketchum Housing Commission and the Blaine County Housing Authority adopted housing guidelines in 1998 in order to establish a framework for identifying housing policies and to set standards for the development of affordable housing in the region. Regional cooperation with the Cities of Sun Valley, Hailey, and Bellevue as well

as other jurisdictions will be needed to produce an effective affordable housing for the residents and workforce. These communities need to find a way to preserve affordable housing stock, such as out-right purchase for deed-restriction.

In the event of resort expansion, on-site housing shall be provided for seasonal employees, and future consideration for service units for condominium complexes will be undertaken. The City currently provides housing for some of its employees, and is committed to continuing this program in the future. A major obstacle to providing affordable housing is funding, so Ketchum will explore funding sources such as real estate transfer tax, local option tax, revenue bonds, incremental tax financing, in-lieu fees, tax exempt land trust, impact fee schedule, and transfer of development rights.

In 2004, the Blaine-Ketchum Housing Authority revised their *Community Housing Guidelines* to reflect the important role local employers can play in providing affordable community housing.²¹⁵ In any one development, a local employer could initially purchase up to 30% of the units for its employees, and could potentially retain 40% of the affordable units for employees if suitably qualified buyers cannot be found. The new guidelines also specify in-lieu fee formulas based on the number of housing units required, or by the number of employees generated by a development. If a housing development is proposed, the developer may be able to pay \$70,000 per units required under the Community Housing Guidelines. For instance, if a 40-unit development is proposed, and 12 of those units (30%) are required to be affordable Community Housing units, the developer could pay \$840,000 in-lieu of onsite development. In the case of commercial development, a developer must pay \$35,000 per full-time employee that is required to be housed. These programs are a step in the right direction if Blaine-Ketchum intends to provide affordable community housing.

City of Hailey, Idaho

Hailey is in the Wood River Valley in Blaine County alongside Ketchum, but it is not a resort town itself. Only 6% of housing units (n=151) were vacant, and only 2.5% of the housing units are for seasonal units. Rather, Hailey is home to much of the Valley workforce. The town grew slowly until the real estate and resort development boom of the 1980s, and since the first Comprehensive Plan was adopted, the town population has tripled.²¹⁶ Higher cost housing has been developed in Ketchum, Sun Valley, and lands in the north and center areas of unincorporated Blaine County, leading to increased demand for community housing in the rest of the valley. Even so, there is an unmet demand for another 300 affordable units in Hailey.

	Population	Median Hhld. Income	Median Rent	% of Renters Paying >30% of Income for Housing	% of Renters Paying >50% of Income for Housing	% of Homes That are for Seasonal Use
City of Hailey	6,083	\$51,347	\$708	35.4%	15.6%	2.6%

Figure 37: 2000 Demographics for City of Hailey. Source: US Census Bureau (2000).

Hailey already provides a large portion of the Wood Valley's de facto workforce housing, and is wary of establishing a true workforce or inclusionary housing policy.²¹⁷ The City would like to be a compact walkable community, and will encourage development within the original town site while recognizing the substandard character of many vacant lots. The City would like to avoid clustering affordable housing in any one project or neighborhood, and would rather that affordable units were spread throughout the community. Meanwhile, Hailey will cooperate with the Blaine-Ketchum Housing Authority and their *Community Housing Guidelines*.²¹⁸

Summary of Findings

Of the 22 jurisdictions examined in this section, several different methods were used to provide affordable housing for lower-income workers and residents. Many jurisdictions had some form of inclusionary housing for new residential and commercial development. Others are still trying to understand their housing crises in order to devise effective methods of providing affordable housing. Figure 39 shows key demographic indicators of housing affordability across jurisdictions: population, median household income, median rent, and the percent of renters paying more than 30% and 50% of their income for housing. The statistics for Mono County have been included.

Comparison of Other Mountain Resort Communities

	Population	Median Hhld. Income	Median Rent	% of Renters Paying >30% of Income for Housing	% of Renters Paying >50% of Income for Housing	% of Homes That are for Seasonal Use
City of South Lake Tahoe	23,720	\$34,707	\$642	39.9%	18.2%	27%
Town of Truckee	13,967	\$58,848	\$893	43.9%	13.7%	45
Placer County	248,399	\$57,535	\$780	39.2%	22.2%	9%
Nevada County	92,033	\$45,864	\$746	43.6%	18.7%	14%
Mariposa County	17,130	\$34,626	\$502	30.6%	12.4%	19%
Pitkin County	14,872	\$53,750	\$947	36.3%	30%	27%
City of Aspen	5,807	\$59,375	\$947	43%	30%	28%
Town of Basalt	2,675	\$67,200	\$1300	36.7%	14.4%	7%
Eagle County	41,659	\$62,682	\$1007	34.6%	14.8%	27%
Town of Vail	4,500	\$56,680	\$934	31.6%	8.4%	54%
Summit County	23,548	\$56,587	\$874	33.6%	11.7%	55%
Town of Frisco	2,365	\$62,267	\$1025	23%	6.1%	57%
Town of Breckenridge	2366	\$43,938	\$858	45.6%	12.9%	69%
La Plata County	43,941	\$40,159	\$655	42.6%	22.1%	12%
San Miguel County	6,594	\$48,514	\$811	40%	18.6%	57%
Town of Telluride	2058	\$51,938	\$1030	39.7%	14.1%	37%
Whistler (2001)	8,896	C\$58,906	C\$1169	-	-	-
City of Jackson	8,800	\$47,757	\$717	31.2%	11.2%	3%
Teton County	18,251	\$54,614	\$707	26.8%	8.7%	21%
Town of Whitefish	4,991	\$33,038	\$502	35.9%	13.5%	11%
City of Ketchum	2,996	\$45,457	\$794	38.7%	19.7%	40%
City of Hailey	6,083	\$51,347	\$708	35.4%	15.6%	2.6%
Mono County	12,853	\$44,992	\$682	34%	17%	50%
Town of Mammoth Lakes	7094	\$45,325	\$715	35.6%	16.5%	28%
Unincorporated Mono County	5759	\$44,570	\$567	38.6%	25.8%	53%
June Lake	613	\$48,214	\$647	30.5%	4.3%	62%

Figure 38: Summary Table of 2000 Demographics for Study Areas. Source: US Census Bureau (2000), Statistics Canada (2001).

Solutions and Opportunities

Mono County has tried several voluntary affordable housing programs, such as the density bonus, mixed use zoning, and second units, and has used Community Block Development Grants to rehabilitate homes and Community Reinvestment Act funds for affordable housing. Yet housing prices have continued to outpace wages. The market has failed to provide adequate and affordable housing to lower income families. Now it seems that mandatory inclusionary housing is the surest way of constructing affordable housing on a large scale.

Even if unlimited public funding was available, Rhee (2003) states, “publicly subsidized housing cannot realistically be expected to meet all, or even the majority of, the need for lower and moderate income housing.”²¹⁹ She sees the availability of local funding, land use regulations and policies lowering the risk of providing affordable housing, and carrot & stick incentives as three crucial elements. Her recommendation to provide affordable housing are to establish a housing trust with permanent funding, establish a jobs-housing linkage fee, increase local redevelopment agency tax increment set-asides for housing, establish sponsored limited equity co-ops, and housing element reform to encourage affordable housing. Other options include leveraging a transient occupancy tax (TOT), offering incentives to build second units, and establishing a living wage. In order to increase the chances of success, a multi-faceted approach to alleviating the affordable housing crisis should be adopted. The affordable housing program that Mono County adopts should contain both regulatory policies such as mandatory inclusionary housing, as well as incentives such as density bonuses and tax credits.

Inclusionary Housing Ordinance

IH has primarily been used by urban and suburban jurisdictions, but that does not preclude its use in non-urban regions. Because IH ensures a mix of housing for households of all income levels, growing rural areas can adopt IH programs as a preventative measure.²²⁰ This is especially true in areas with large numbers of second-homes and tourism-related growth, such as mountain resort towns in the Eastern Sierra.

In a recent report by the National Housing Conference, a new survey reports that 107 cities and counties (one-fifth of all California jurisdictions) have adopted inclusionary housing programs, with varying program components and levels of success.²²¹ The study concludes with recommendations that local governments adopt IH ordinances with a high percentage (~15% is realistic) of homes required to be affordable, targeting very-low-, low-, and moderate-incomes, requirements for both rental- and for-sale housing, developer incentives such as relaxed design standards, and flexible yet appropriate alternatives to on-site construction that would provide for at least the same amount of affordable housing.

It is important to remember that as IH policies are “simultaneously market-driven and subject to the vagaries of local and state political conditions, [and] susceptible to pressure from both directions,”²²² they are best used in conjunction with a comprehensive housing policy strategy that include input from transportation and economic development planners, as well as the community at large.

Calavita, Grimes, and Ballach (1997) stress that “IH, from a political standpoint, is either a response to the outside (i.e., state) pressure or the product of concerns indigenous to the generally affluent suburbs in which it is being used.”²²³ IH is preferable to many municipalities because it places the burden of providing affordable housing on developers, and is a fairly low cost policy for the County. The constitutionality of IH programs was recently affirmed in the case *Homebuilders of*

Northern California v. City of Napa (2001), whereby California courts held that IH is an appropriate use of the police power granted by the Tenth Amendment of the United States Constitution, that IH does not constitute a taking of private property for public use without just compensation as prohibited in the Fifth Amendment, and that IH is in accordance with the due process and equal protection clauses of the Fourteenth Amendment.²²⁴

IH programs that have proved more palatable to developers include cost-offset policies providing financial assistance and regulatory relief.²²⁵ These programs typically include relief from zoning and design requirements, expedited permit processing, and impact fee waiver or deferrals. Funding may come from bonds, CDBG grants, and favorable lending terms. However, depending on the political and economic climate of the community, IH may still be unacceptable to developers with clout, as occurred in Stockton, CA. IH also loses favor when market demand shifts away from multifamily projects towards traditional, detached single-family dwellings. Affordable units are less easily camouflaged in single-family neighborhoods, and cost-offsets may not be effective.

Calavita, Grimes, and Ballach (1997) find that “the stronger the market, the more comfortable the developer is likely to be in moving forward” with IH production when assumptions and projections predict that market-rate units will cost-offset the affordable units.²²⁶ In California, where the moderate-income range is between 80-120% of the area’s median income, cost-offsets mean that developer can build IH units and still make a tidy profit.²²⁷ However, in New Jersey, where moderate income is defined as 50-80% of area median income, developers are more likely to lose money on each affordable unit. This has limited the success of New Jersey IH programs in hard economic times. During the recession in the early 1990s, California jurisdictions with IH programs found them hard to implement.²²⁸ Unfortunately, times of recession and economic downturn are precisely when the need for affordable housing is greatest. Therefore, a successful housing policy will not rely on IH alone to meet its affordability needs.

Despite the modest achievements of IH programs, IH is seen as among the best and most cost-effective means of integrating neighborhoods and providing affordable housing. Program difficulties should be seen not as indicative of the failure of IH, but rather the political will to enforce regulations. Therefore, in many capacities, IH is largely a symbolic policy. Until a variety of affordable housing policies are integrated into a comprehensive plan addressing affordable housing, regional fair-share requirements will not be met.

Non-profit Regional Housing Authority

Mono County is interested in forming a Regional Housing Authority in order to run a housing program for lower income families using federal, state, local, or private funds. The Housing Authority could offer two main forms of assistance: tenant-based or project-based. Tenant-based assistances supplements a renter's income by providing a voucher to help bridge the gap between what they can afford to pay and what is a Fair Market Rent. This allows a voucher recipient to choose a housing unit with a unique mix of amenities, such as being near work, family or childcare. However, in areas such as June Lake where Fair Market Rents are high and the housing market has very low vacancy (albeit artificially), voucher recipients may be unable to find willing landlords to rent from, even though they will have a guaranteed rent stream. Therefore, vouchers will have to be marketed heavily in order to be successful.

Project-based assistance takes the form of building housing units and deed-restricting them as affordable. However, in Mono County it is unlikely that a large project could be built due to the lack of developable private parcels. If this option is pursued, a land exchange between private landowners and the US Forest Service or other public agency must occur.

The Town of Mammoth Lakes established a Housing Authority in late 2003 to oversee the construction of housing on land conveyed by Dempsey, a major golf course resort developer in the Town. The Town intends to issue housing bonds in order to construct a 48-unit multi-family housing project on Old Mammoth Road.²²⁹ The Town is in the process of updating their General Plan; the County and Town should work together closely so that their policies will be complementary rather than conflicting.

Other non-profit organizations concerned with affordable housing could be encouraged, as in Jackson, Wyoming. The Jackson Hole Community Housing Trust and Habitat for Humanity groups have increased the supply of decent affordable housing, and present a working model of feasible non-governmental organizations.²³⁰

Second Units

A promising source of new affordable housing is development of second units accessory to single-family dwellings. Amendments to State law with regards to second units have created a legal climate conducive to the development of second units by private homeowners.²³¹ Second units can provide a significant supply of affordable housing, increase the tax base, and create rent streams for homeowners. Mono County is considering adopting an ordinance requiring homes over a certain floor area to provide caretakers units, as many large ‘trophy’ homes have been built recently that stand empty most of the year. Limitations of the effectiveness of second units in Mono County, and especially June Lake, is that many lots have narrow frontages or buildable areas, and site coverage is restricted due to snow storage requirements. Homeowners who purchased their homes before the real estate boom may not have the capital available to construct a second unit, although rent streams from these second units could be used to finance their construction. Mono County should consider an aggressive marketing campaign for second unit construction, as well as offer incentives such as fee waivers or low-interest

loans. If a developer is unable to build employee-housing units on-site, perhaps they could build a second unit on a willing private residence or above existing commercial space, either at a 1:1 or higher ratio.

Jobs-Housing Linkage Fee

Jobs-housing linkage fees have been established in Aspen, Jackson Hole, Whistler and other mountain resort towns, and are common in other areas of the country such as Sonoma County, CA.²³² However, they require extensive studies to gauge appropriate fees, to determine the ratio of employees to business area, and to determine the gap in housing. Jobs-housing linkage fees are useful when areas are considerably built out for residential, or when commercial development is outpacing residential development.

Transient Occupancy Tax

The Town of Mammoth Lakes leverages a 12% transient occupancy tax on all short-term lodging and campgrounds.²³³ Many resort communities have come to rely on bed and sales taxes to provide funding for community services, which could have major impacts on public coffers in the event of economic downturn.²³⁴ Resort communities must expand their tax bases in order to meet demand for services from tourists as well as the needs of the workforce. Mono County collected about \$200 million in sales tax and \$50 million in hotel occupancy taxes in the late 1990s. Other important sources of funding will be development impact and processing fees, but they have failed to keep pace with the market. Furthermore, property and sales tax revenues are not keeping pace with income tax, the major source of revenue for the State. Mono County has discussed increasing the transient occupancy and sales taxes levied on visitors, as well as updating

impact fees on an annual basis to reflect inflation and market activity. The County should use these approaches until a broader tax base can be established or an alternate source of funds is found.

Living Wage

A living wage is that at which a worker can afford basic needs such as shelter, food, clothes, health care, education, transportation, and discretionary funds, enough that they may fully participate in society and "live with dignity."²³⁵ Most living wage ordinances require firms receiving public funds, either in the form of a contract or subsidy. Some policymakers and citizen advocates believe that public dollars should not be used to subsidize businesses that pay survival-level wages, as in addition to the initial subsidy amount, additional social services such as food stamps, emergency medical, and housing are required to provide for their underpaid workers.²³⁶

It would seem that minimum wages would have an adverse effect on employment figures, but several researchers have challenged that assumption. Employers can offset their increased labor costs by improving efficiency, raising prices, or changing cost of other non-labor capital inputs.²³⁷ Examples of successful local minimum wage programs include high-cost, service-based San Francisco, suggesting that jurisdictions can absorb minimum wage increases with little negative employment effects. Rather, research shows that with a higher minimum wage, turnover is reduced and overall work performance increases.

Rather than directly subsidize housing, the County could enact a living wage, perhaps indexed to the California's Budget Project annual report on minimum living wages.²³⁸ The 2003 family hourly wage for single adults was \$9.18, \$17.26 for single-parent families, \$17.63 for single-worker two-parent family, and \$11.02 for two working

parents. However, all these figures assume full-time, year round employment, and many Mono County jobs are less than full-time and are seasonal. An increase in income would allow each wage earner to spend the money as they choose in order to maximize their quality-of-life, whether it be on better housing, health care, education, or other basic needs.

Attainable Housing Assistance

Most housing policies discussed in this report aim to assist lower-income households earning less than 120% of the Area Median Income. A truly comprehensive housing policy should include assistance to households earning between 120 and 180% of the area median income, as these households may also find housing unaffordable or unattainable. Attainable housing programs for these households could include down payment assistance, or location-efficient mortgages that allow a household to increase the amount of their home loan if their home is nearer their job and their commuting costs are less significant than if they lived far from their job.²³⁹

Endnotes

- ¹ Summit County (2001)
- ² Mono County (1991)
- ³ US 2000 Census, SF3, P1
- ⁴ US 2000 Census, SF 3, P7
- ⁵ US 2000 Census, SF 3, P21
- ⁶ US 2000 Census, SF 3, P24
- ⁷ US 2000 Census, SF 3, P26
- ⁸ US 2000 Census, SF 3, P53
- ⁹ US 2000 Census, SF 3, P77
- ¹⁰ US 2000 Census, SF 3, P1
- ¹¹ US 2000 Census, SF, H6 and H8
- ¹² Carliner (2002)
- ¹³ Carliner (2002)
- ¹⁴ Intrawest (2004c)
- ¹⁵ Intrawest (2004b)
- ¹⁶ Mono County (1991)
- ¹⁷ Cross (2000)
- ¹⁸ Mammoth Lakes Visitor Bureau (2004)
- ¹⁹ Town of Truckee (2003)
- ²⁰ US 2000 Census, SF 3, H3
- ²¹ US 2000 Census, SF 3, P10
- ²² US 2000 Census, SF 3, H34
- ²³ US 2000 Census, SF 3, H56
- ²⁴ US 2000 Census, SF 3, H69
- ²⁵ US 2000 Census, SF 3, H69. Block Group 5 of Census Tract 1 is used for these calculations.
- ²⁶ Mother Lode Region/ Region VI are analogous to Alpine, Amador, Calaveras, Inyo, Mariposa, Mono, and Tuolumne Counties.
- ²⁷ California Employment Development Department (2003).
- ²⁸ $(\$8.40/\text{hour}) \times (40 \text{ hours/week}) \times (4 \text{ weeks/month}) = \$1344/\text{month}$ gross wages. If affordable housing is considered to be 30% of monthly wages, then $(\$1344/\text{month}) \times (0.3) = \403 . If a working couple shared a one-bedroom apartment, they could afford \$806/month.
- ²⁹ Duhigg (2004)
- ³⁰ Duhigg (2004)
- ³¹ Mammoth Mountain Ski Area (2004)
- ³² California Planning Roundtable (2001)
- ³³ Duhigg (2004)
- ³⁴ National Housing Conference (2004): p.32
- ³⁵ Sierra Business Council (1997)
- ³⁶ California Government Code Section 65300
- ³⁷ California Government Code Section 65302
- ³⁸ California Assembly Bill 1866
- ³⁹ California Government Code
- ⁴⁰ Mono County (2003)
- ⁴¹ Mono County (2003)
- ⁴² Mono County (1991) *June Lake Area Plan: June Lake 2010* p.III-48,-49. The density bonuses are available to projects with at least 50% covered parking, at a rate of 1 bonus unit per 2 covered parking spaces over 50% in the Commercial, Mixed Use, Commercial Lodging Moderate and High, Multi-Family Residential Moderate and High, so long as the density does not exceed a maximum of 26 units per acre for residential, 60 units per acre for commercial lodging

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- ⁴³ Mono County (1991)
⁴⁴ US 2000 Census, SF3
⁴⁵ Rhee (2003) p. iv
⁴⁶ Higgins (2002)
⁴⁷ Calavita, Grimes, & Ballach (1997) p.115
⁴⁸ Calavita, Grimes, & Ballach (1997) p. 116
⁴⁹ Calavita, Grimes, & Ballach (1997) p. 119
⁵⁰ Calavita, Grimes, & Ballach, (1997): p. 126
⁵¹ Calavita, Grimes, & Ballach, (1997): p.112
⁵² Burchell et. al., (2000): p. 4
⁵³ Calavita, Grimes, & Ballach, (1997: p. 112
⁵⁴ Burchell et. al., (2000): p. 4
⁵⁵ Brown, (2001): p.5
⁵⁶ Burchell et. al. (2000): pp. 5-9
⁵⁷ Teton County (2002b)
⁵⁸ Urban Land Institute (2000)
⁵⁹ California Government Code Section 65302.
⁶⁰ Town of Truckee (2002)
⁶¹ Tahoe Regional Planning Agency (2004)
⁶² City of South Lake Tahoe (2004)
⁶³ City of South Lake Tahoe (2001)
⁶⁴ City of South Lake Tahoe (2004)
⁶⁵ City of South Lake Tahoe (2004)
⁶⁶ Town of Truckee (2002)
⁶⁷ Town of Truckee (2002)
⁶⁸ Town of Truckee (2002)
⁶⁹ Town of Truckee (2002); wages derived from data for Colusa, Glenn, Lassen, Modoc, Nevada, Plumas, Sierra, Siskiyou, Tehama, and Trinity Counties
⁷⁰ Town of Truckee (2002)
⁷¹ Town of Truckee (2002)
⁷² Town of Truckee (2003)
⁷³ Town of Truckee (2003)
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Employee Housing Mitigation Support Study

Prepared for:

San Miguel County

Prepared by:

RPI Consulting

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FINAL DRAFT

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EXECUTIVE SUMMARY

Introduction

RPI was contracted by San Miguel County in 2002 to determine an affordable housing impact fee to be imposed on new development permits in the unincorporated County.

This fee is based on a number of complex calculations but essentially represents an answer to seven basic questions:

1. How many employees are generated by what types of development – i.e. residential & non-residential?
2. What is the current level of service – i.e. how many employees working in the R-1 School District are living in deed-restricted housing?
3. What mitigation rate will allow the County to maintain its current level of service?
4. How much subsidy is needed per employee to construct employee housing units?
5. How much credit should developers receive for future payment towards employee housing – e.g. through the earmarked Telluride & Mountain Village sales taxes?
6. Taking the first five components into consideration, what is a fair and equitable fee structure?
7. Given the fee schedule, how much cash flow should the County expect to receive over time for employee housing?

This report is divided into two sections. Section I is separated into eight parts and is meant to convey information with a minimum clutter of complex calculations and methodologies. Section II is comprised of appendices which contain much of the technical information regarding the actual calculations used to derive the fee schedules and detailed explanations of methodologies.

Legal Authority

Counties have the implied powers necessary to carry out powers that are expressly delegated.¹ The power to impose employee housing mitigation fees stems from three sources of authority: planning and land use statutes, the impact fee statute, and the statute allowing counties to impose discretionary conditions on development

¹ *Beaver Meadows v. Board of County Commissioners*, 709 P.2d 928, 932 (Colo. 1985).

approvals. Because the County's analysis in support of housing mitigation so thoroughly demonstrates the relationship between the need for housing and the number of employees generated per square foot of new development, and because the fee will be calculated on the basis of the actual square footage of an individual development, the housing mitigation fee also satisfies the more stringent statutory requirement for discretionary conditions on development approvals. Please see the Legal Authority section for a more detailed discussion of the legal justification for this reports proposed fee structure.

Need

The collision of a growing job market and an increasingly expensive housing market has created a basic supply and demand imbalance between workers and housing. The number of jobs created in San Miguel county have grown by 9.3% per year between 1990 and 2000. Earnings per job have increased concurrently climbing 36% over the same time period. These earnings are, however eclipsed by a simultaneous 274% increase in the sale price of free market single family homes and a 127% increase in free market condominiums. In other words, home prices have increased 7 times and condominiums 4 times, faster than locals buying power.

Consequently, even with 30% of the workforce living in deed restricted housing, 27% of San Miguel County households are cost burdened by housing payments. This market is directly contributing to 2,200 workers commuting into the county for work. The 2000 Housing Needs Assessment Survey determined that commuting is having a major adverse impact on the performance of employees.

Employment Generation & Mitigation Rate

Employment generation refers to the number of employees resulting from a particular type of development of a specific size. Developing a vacant piece of land nearly always results in the need for additional employees that were not needed previously. For example, if a developer builds a new gas station/convenience store where none existed before, new employees will be required. Both residential and non-residential land uses generate employment.

A Boulder area consulting firm (RRC Associates) has been building a survey database over the past decade to establish employment generation rates for various non-residential land uses (e.g. restaurants, medical offices, etc.). RRC also established employee generation rates for residential land uses specifically for San Miguel County at large.

Residential land uses generate employees both during the construction phase and after the house is built. Once a house is built, it requires employees for ongoing maintenance and services such as landscaping, cleaning, interior decorating, etc. The RRC study determined an exponential relationship between the size of homes and the amount of employment they generate. In other words, larger homes generate the need for more employees than do smaller homes.

To calculate an impact fee, a mitigation rate must be determined. The mitigation rate establishes the percentage of employees generated by development for which the developer will be required to provide housing (or cash in lieu of) in order to maintain current service levels.

Negotiated settlements have yielded significant production of employee housing in recent years through the PUD process (e.g. Lawson Hill, Mountain Village) and accessory dwelling units are also contributing somewhat to the employee housing stock. However, the majority of development over the past 10 years has been dispersed residential occurring in existing platted subdivisions, on older legal parcels, or on 35+ acre tracts. With the exception of Aldasoro subdivision (yielding 11 deed-restricted units) the examples noted above, and several dispersed accessory dwelling units, much of the residential development occurring in unincorporated San Miguel County has not mitigated for employee housing.

Because most of the development is occurring outside of the subdivision process, applying employee housing mitigation requirements at development permit will capture the impacts of this more common development. Adoption of the impact fee schedule proposed in this report will result in a mitigation rate of 30% (based on the existing level of service).

Subsidy

As discussed previously, San Miguel County housing costs are rising faster than employees' earning power. Underlying this trend is a steady inflation of hard and soft development costs in addition to rising land costs. Consequently, developing employee housing in San Miguel County requires significant subsidies and all of the recent affordable housing projects undertaken in the County have required subsidies.

Establishing a housing mitigation fee requires understanding how much each employee housed in employee housing requires in subsidy. RPI's examination of recent employee housing projects reveals a weighted average subsidy per employee of \$46,013. That is, \$46,013 must be spent to cover the costs of housing a single employee to make that unit affordable.

Credits

Credits are an important component of impact fee calculations because they recognize that developers may will be paying some money towards employee housing through local government fees and taxes other than the impact fee. A properly constructed credit identifies these payments and credits them as payment toward the fee. This eliminates the possibility of "double dipping" and ensures an accurate and equitable fee is being charged for a developers fair share. The fee schedule proposed in this report reflects a credit to developers who would pay money towards employee housing through earmarked sales taxes levied by Mountain Village and the Town of Telluride. It is appropriate to credit these revenue sources

because the level of service designation is considered County wide (within the R-1 school district)—consequently the crediting mechanism should be considered in this same context.

Fee Structure

The fee schedule is progressive through time and reflects the costs of both the construction and post construction components of employee generation (it also reflects the integration of appropriate credits). The following table outlines the fees for gross rounded square footages for simplicity. The actual fees will be based on a formula integrated into the code. For example, the fee for a house of 1253 sq. ft. will be slightly higher than for the 1000 sq. ft. home listed in the table.

Fee Schedule for various sized homes by year						
Sq. Ft.	2002	2003	2004	2005	2006	2007
1000	\$ 1,330	\$ 1,405	\$ 1,476	\$ 1,541	\$ 1,597	\$ 1,652
2000	\$ 1,835	\$ 1,986	\$ 2,127	\$ 2,258	\$ 2,369	\$ 2,480
3000	\$ 2,532	\$ 2,759	\$ 2,970	\$ 3,166	\$ 3,333	\$ 3,499
4000	\$ 3,494	\$ 3,796	\$ 4,078	\$ 4,340	\$ 4,561	\$ 4,783
5000	\$ 4,821	\$ 5,198	\$ 5,551	\$ 5,878	\$ 6,155	\$ 6,432
6000	\$ 6,652	\$ 7,105	\$ 7,528	\$ 7,921	\$ 8,253	\$ 8,586
7000	\$ 9,178	\$ 9,707	\$ 10,201	\$ 10,659	\$ 11,047	\$ 11,435
8000	\$ 12,665	\$ 13,269	\$ 13,833	\$ 14,357	\$ 14,800	\$ 15,243
9000	\$ 17,475	\$ 18,155	\$ 18,790	\$ 19,379	\$ 19,878	\$ 20,376
10000	\$ 24,113	\$ 24,869	\$ 25,574	\$ 26,228	\$ 26,782	\$ 27,336
11000	\$ 33,272	\$ 34,103	\$ 34,879	\$ 35,599	\$ 36,208	\$ 36,818
12000	\$ 45,911	\$ 46,817	\$ 47,663	\$ 48,449	\$ 49,113	\$ 49,778
13000	\$ 63,349	\$ 64,331	\$ 65,248	\$ 66,099	\$ 66,819	\$ 67,539

Cash Flow

Rather than attempting to project the rate of residential and non-residential construction based on size or type, RPI employed a historical trend cash-flow analysis. RPI applied building permits issued in the unincorporated County for the years 1997-2001 to the fee structures offered in this support study.

This analysis shows the quantity of impact fee revenue San Miguel County might have collected for those years if it had adopted this fee structure in 1997. This historical knowledge, when combined with the current fee schedules yields a reasonable estimate for future revenues. Part VII provides three additional scenarios which include projections if the county were to exempt households of certain sizes from paying the employee housing impact fee.

Cash Flow Projections	
Scenario 1. Fee Applies to All Residences	
1997	\$ 232,583
1998	\$ 194,041
1999	\$ 287,515
2000	\$ 341,300
2001	\$ 289,629
Total	\$ 1,345,068

Recommendations and Considerations

As outlined in detail in this report, RPI recommends adoption of the impact fee schedule based on the existing 30% service level and consequently a 30% mitigation rate. This fee schedule will begin building revenue that the county may leverage or use to cooperate on future employee housing projects. It is important to note that the level of service (30%) and consequently the mitigation rate (30%) are dynamic and should be updated over time to reflect changes. As more employee housing projects are built, it is likely that the key numbers (i.e. level of service and mitigation rate) will increase—particularly if the local jurisdictions develop a major employee housing project. It is also likely that the subsidy will increase over time as the cost of developing projects rises. When these numbers rise (level of service, mitigation rate, & subsidy costs), the fee's will also rise. Consequently, RPI recommends that this fee schedule be updated every two years at a minimum.

San Miguel County should take into consideration the fact that currently 74% of employees live within the County. And while an impact fee alone cannot serve to maintain this percentage, the county should seriously consider undertaking a long range employee housing plan to maximize the number of locally residing employees. This plan would include a target number of units to be constructed annually, identify and recommend revenue sources to fund construction, appropriate unit mixes (e.g. single family homes, apartments, etc.), identify building sites, timeframes, etc.

SECTION I

Part I. Legal Authority

Note: The Legal Authority section was prepared for RPI by Barbara M. Green of Sullivan/Green/Seavy L.L.C.

As political subdivisions of the state, counties have only those powers granted to them by the legislature.² Counties also have the implied powers necessary to carry out those powers that are expressly delegated.³ The power to impose employee housing mitigation fees stems from three sources of authority: planning and land use statutes, the impact fee statute, and the statute allowing counties to impose discretionary conditions on development approvals.

Planning and Land Use Statutes: Authority to Mitigate Impacts to Housing

County planning statutes require counties to develop a master plan for development.⁴ Master plans may include, among other things: “Projections of population growth and housing needs to accommodate the projected population for specified increments of time.”⁵ Counties also may plan for the “general character, location and extent of ... housing developments, whether public or private; the existing, proposed or projected location of residential neighborhoods; and sufficient land for future housing development for the existing and projected economic and other needs of all current and anticipated residents ...”⁶

The provisions of a master plan may be implemented through zoning and subdivision regulations.⁷ Under the county zoning authority, counties may regulate, among other activities, the uses of buildings and land for trade, industry, residence, recreation, public activities, or other purposes.⁸

Counties also have general power to regulate land use and development under the Local Government Land Use Control Enabling Act.⁹ Counties may plan for and regulate the use of land by regulating “the location of activities and developments which may result in significant changes in population density ...”¹⁰ They may also regulate “the use of land on the basis of the impact thereof on the community or surrounding areas.”¹¹ Thus, counties have the authority to plan for the provision of adequate housing, to regulate the use of structures and land for residential uses, and to regulate the use of land based on the impact to the county.

² Board of County Commissioners of Douglas County v. Bainbridge, Inc., 929 P.2d 691, 699 (Colo. 1997).

³ Beaver Meadows v. Board of County Commissioners, 709 P.2d 928, 932 (Colo. 1985).

⁴ C.R.S. § 30-28-106

⁵ § 30-28-106(3)(a)(X).

⁶ § 30-28-106(3)(a)(VII).

⁷ See C.R.S. Section 30-28-110-113 and Section 30-28-133, 136-137.

⁸ § 30-28-113(1).

⁹ C.R.S. Section 29-20-101 *et seq.*

¹⁰ § 29-20-104(1)(e).

¹¹ § 29-20-104(1)(g).

Impact Fee Authority

In 2001 the legislature adopted SB 15 which gives counties and municipalities authority to assess impact fees to fund “expenditures by such local government on capital facilities needed to serve new development.”¹²

The bill defines “capital facility” as follows:

As used in this section, the term “capital facility” means any improvement or facility that: (a) is directly related to any service that a local government is authorized to provide; (b) has an estimated useful life of five years or longer; and (c) is required by the charter or general policy of a local government pursuant to a resolution or ordinance.
§ 29-20-104.5(4)

Under this definition, housing is a capital facility if it is directly related to a service that the County is authorized to provide. As discussed earlier, the county land use planning and zoning statutes give counties the authority to plan for projected housing needs and to regulate the use of structures and land for residential purposes. (A much more specific grant of authority to address the need for housing is found in the County Housing Authority Act.¹³)

Assuming that employee housing is a service that the County is authorized to provide (see discussion of planning and land use statutes, above), the housing impact fee can only be used to invest in a capital facility “directly related” to providing that service. Assessment of a fee to construct housing or infrastructure to serve needed housing should satisfy this requirement.

The impact fee statute also requires that the impact fee be based on a quantification of the “reasonable impacts of proposed development on existing capital facilities” and that it be set at a level “no greater than necessary to defray such impacts directly related to proposed development.” What is directly related is not defined by the statute, however in a recent Colorado Supreme Court decision, the Court made it clear that a local government does not need to engage in an individualized assessment of each development to determine the reasonableness of the fee.¹⁴ It appears that the impact fee must be directly related to the cumulative impacts of development in the community, not to a particular development proposal.¹⁵ The documentation contained in the Employee Housing Impact Study of the number of employees generated by residential and commercial land uses and the percentage of

¹² § 29-20-104.5(1)

¹³ § 29-4-501 *et seq.*

¹⁴ *Krupp v. Breckenridge Sanitation District*, 19 P.3d 687 (Colo. 2001).

¹⁵ See White, “A Municipal Perspective on Senate Bill 15: Impact Fees,” 31 Colo. Law. 5 (May 2002)

employees requiring housing assistance in the County is more than adequate to support the relationship between the fee and the impacts to employee housing caused by new development in the County.

The impact fee statute also restricts when a fee may be imposed.

No impact fee or other similar development charge shall be imposed on any development permit for which the applicant submitted a complete application before the adoption of a schedule of impact fees or other similar development charges by the local government pursuant to this section. No impact fee ... shall be collected before the issuance of a development permit for such development activity. Nothing in this section shall ... prohibit ... deferring collection of an impact fee ... until the issuance of a building permit. § 29-20-104.5(6)

Under this section, the County may impose the fee at the time of building permit even where the subdivision has been previously approved so long as a complete building permit application has not been submitted before a fee schedule has been adopted.

Discretionary Conditions of Development Approval

In addition to the specific statutory authority to impose impact fees for capital facilities, counties have authority to condition land use approvals by requiring a developer to dedicate property to the public, pay money or provide services.¹⁶ Certain statutory requirements are triggered by such conditions when imposed on an “individual and discretionary basis.”¹⁷ The statutory requirements applicable to this type of condition are more stringent than the requirements applicable to impact fees because they are imposed on a case-by-case basis depending upon the impacts of an individual project rather than on a legislatively adopted fee schedule. Counties have used this discretionary authority to impose conditions on new development for many years based on the general authority of the land use statutes. An example of a discretionary condition would be the requirement that a developer pave a particular stretch of the road specifically impacted by traffic from the project.

According to the statute, a discretionary condition must be based on “duly adopted standards that are sufficiently specific” to demonstrate that the condition is rational

¹⁶ See, e.g., *Beaver Meadows v. Board of County Comm'rs*, 709 P.2d 928 (Colo. 1985).

¹⁷ C.R.S. Section 29-20-203(1).

and consistent.¹⁸ Examples of standards include paving width and thickness for roads or acres of park land per residential unit.

The statute sets up a two-part test to measure the validity of the condition. First, there must be an essential nexus between the dedication or payment and a legitimate local government interest, and second, the dedication or payment is roughly proportional in both nature and extent to the impact of the proposed use or development of such property.¹⁹

To satisfy the first prong of the test, the condition must relate directly to a legitimate governmental objective. Assuming that providing housing is a legitimate County objective then a requirement to dedicate land or pay a mitigation fee must relate directly to providing employee housing.

To satisfy the second prong of the test, the amount of the dedication of land or payment of money must be roughly proportional to the impact of the development. In the context of a housing dedication or fee, the County must demonstrate impacts to employee housing caused by that particular development and that the amount of the dedication or fee is proportionate to the extent and degree of that impact.

The employee housing fee being considered by the County is not really a discretionary condition because it would be based on a legislated formula applicable to broad classes of development. Nevertheless, it is likely to satisfy the statutory test for discretionary conditions imposed on development so long as the County land use code clearly includes a requirement that new development mitigate a certain percentage of employee housing needs caused by a particular development. The background study clearly shows a relationship between the square footage of construction and the need for employee housing, and the total fee assessed against the development is roughly proportionate to the cost to offset the need for housing caused by the development. Thus, the methodology used by the County to justify the imposition of housing mitigation is more than adequate to support a mitigation requirement under the statutory discretionary condition authority even if it were found not to qualify as an impact fee under the impact fee statute.

Conclusion and Recommendations

Assuming that counties have the statutory authority to address the need for employee housing, the employee housing mitigation process under consideration probably satisfies both the statutory requirements applicable to impact fees and to discretionary conditions on land use approvals. As an impact fee, the fees collected can be used only for capital facilities as that term is defined by statute. The County must incorporate the requirement to pay the fee into its land use regulations and a fee schedule must be adopted by resolution.

¹⁸ § 29-20-203(2).

¹⁹ § 29-20-203(1).

Because the County's analysis in support of housing mitigation so thoroughly demonstrates the relationship between the need for housing and the number of employees generated per square foot of new development, and because the fee will be calculated on the basis of the actual square footage of an individual development, the housing mitigation fee also satisfies the more stringent statutory requirement for discretionary conditions on development approvals. Thus, if a court were ever to decide that counties cannot assess employee "impact fees," the County would still have the authority to calculate the actual impact to employee housing caused by a development proposal and to require the developer as a condition of approval to mitigate that impact.

The following recommendations should be considered when adopting an employee housing mitigation system:

1. Ensure that providing employee housing is a clearly articulated goal in the County Master Plan.
2. Amend the development permit sections of the County land use regulations to require that all new development mitigate impacts to employee housing needs as a condition of approval.
3. Adopt a fee schedule by resolution. Include within the resolution the purposes for which the fee may be used. Note that if the County intends that the fee constitute a statutory impact fee, then it can be used solely for capital facilities.
4. As the amount of fee is calculated for a development project, provide supporting documentation of the amount of square footage that was applied to determine the total fee.
5. Include language in the County land use regulations that allows the County to require employee housing mitigation in addition to the amount of any flat fee if evidence shows that the particular development will generate a greater need for employee housing than will be mitigated by the fee.
6. Include language in the County land use regulations that provides an administrative appeal process for the housing mitigation fee or other mitigation requirement.
7. If the County chooses to impose a legislatively adopted impact fee and to require mitigation of impacts to housing needs on a case-by-case basis, the total of both requirements cannot exceed the actual impact of the project to employee housing (i.e. no double dipping).
8. Avoid any system that would regulate rental rates to avoid violating the prohibition against rent control used to invalidate a portion of the Telluride affordable housing program.²⁰

²⁰ See *Telluride v. Lot Thirty-Four Venture*, 3 P.3d 30 (Colo. 2000).

Part II. Demonstration of Need

Employee Housing in San Miguel County

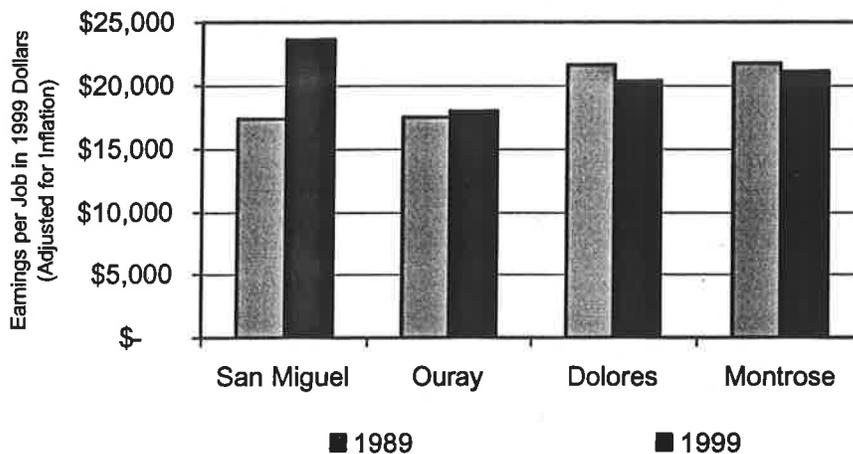
For nearly two decades affordable housing has been an issue for San Miguel County. The collision of a growing job market and an increasingly expensive housing market has created a basic supply and demand imbalance between workers and housing.

This section demonstrates the need both for employee housing and the need to charge land developers an impact fee for creating employee housing.

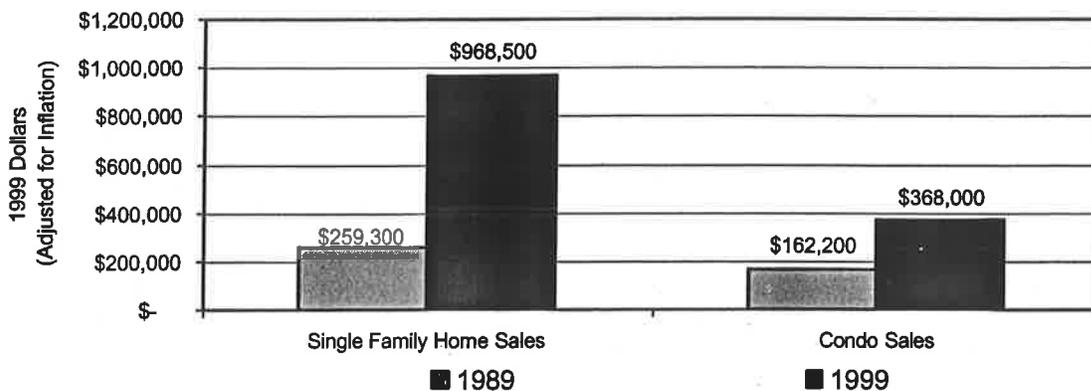
Past Trends & Existing Conditions: Jobs, Income & Labor Demand

Amenity development and resort activity combined to create 9.3% annual job growth between 1990-2000. Earnings per job have climbed even more rapidly, and eclipse the earnings growth of every other County in the region (see **figure 1**).

Figure 1. Earnings per Job for San Miguel County and Nearby Counties



However, San Miguel County's 36% increase in *real* earnings per job (i.e. adjusted for inflation) during the 1990's is overshadowed by a simultaneous 274% increase in median free market single family home sale prices and a 127% increase in median free market condominium prices (1999 dollars). Median single family home prices have grown more than 7 times faster than earnings per job and condominium prices have grown at nearly 4 times the rate of locals' buying power. **Figure 2** demonstrates this increase in housing sale price dollars (adjusted for inflation).

Figure 2. Median Single Family Home and Condominium Sale Prices, R-1 School District

It is difficult for employees filling new jobs to find housing for purchase or afford rents in a housing market experiencing this kind of inflation. Increased pressure on the housing stock has driven prices upwards to such an extent that even with 30% of the workforce living in deed restricted housing (see **Figure 2**), 27% of San Miguel County households are cost burdened by their housing payments²¹. Expensive housing is directly contributing to the 2,200 daily commuters coming into the County to work in 2002. Many of these workers commute from Ouray, Montrose, and Dolores Counties.

San Miguel County and its municipalities are not yet built-out and State economists and demographers are projecting continued positive employment growth accompanying future development²².

Commuting

If employee housing does not keep pace with employment growth, more commuting will result and the working resident population will become an ever-diminishing proportion of the total population of San Miguel County²³. In fact, the number of commuters should be expected to increase by 250% in the next 15 years without an accompanying increase in employee housing. These commuters will account for approximately one-half of the total workforce if current trends continue.

County housing policy 2-2901 states that it is the County's intention to alleviate "overcrowding, excessive commuting, and social instability." Increased commuting traffic puts strain on both the viability of the workforce and the transportation infrastructure.

²¹ 2000 San Miguel County Housing Needs Assessment, Pg. 79. Households are cost burdened when they spend more than 30% on their housing payments.

²² <http://dola.colorado.gov/demog/Economy/cbeffl.cfm>

²³ Population types that could tend to decrease the proportion of working residents include: commuters, part-time residents, and tourists. Population is used to mean all of the people in the County at any single time.

Between 1987 and 1999, traffic on highway 145 at Illium Road more than doubled²⁴ and further disperses onto County Roads and Town Streets creating the need for capacity related road improvements and increased maintenance at the State, County, and Municipal levels. Increased traffic flows on roads not designed to handle these volumes often necessitates expensive (and sometimes undesirable) road expansions.

The 2000 Housing Needs Assessment identified several problems related to commuting that affect the long term viability of the workforce. 62% of employers in San Miguel cited the lack of affordable housing as adversely affecting the performance of their employees. A majority of the survey group cited tardiness from long commutes as a major problem, and most employers also concluded that high worker turnover, related to long commutes, is a major problem.

An increasing proportion of commuters into San Miguel County can also adversely affect other communities. Bedroom communities such as Ridgway, Placerville, and Rico are forced to shoulder the increased public service and facility demands driven by population growth that was originally fueled by job growth in San Miguel County. Bedroom communities rarely reap the benefits of the commercial activity employing their residents.

For these reasons, and many others not mentioned in this abbreviated description of the employee housing problem, San Miguel County, the Towns of Telluride and Mountain Village and many communities throughout the West with similar conditions, have undertaken programs to increase the supply of housing at prices that local employees and their families can afford.

Part III. Employment Generation & the Mitigation Rate

Employment Generation

Employment generation refers to the quantity of employees resulting from a particular type of development of a specific size. Developing a vacant piece of land nearly always results in new labor force demand (i.e. need for additional employees that were not needed previously). For example, if a developer builds a new gas station/convenience store where none existed before, new employees will be required to operate this convenience store. Residential and non-residential land uses alike generate employment.

Determining the employment generation by differing development types is a critical component of determining an employee housing impact fee schedule.

²⁴ According to the CDOT traffic count database (<http://www.dot.state.co.us/>), traffic at South Fork Road (Illium Road) increased from 1950 average daily trips in 1987 to 4202 average daily trips in 1999.

Non-Residential Employment Generation Rates

RRC Associates, a Boulder based consulting firm, has been building a database for the past decade that consists of the results of several employer surveys aimed at establishing employment generation rates for various non-residential land uses. Four of the surveys used to build the database were conducted in San Miguel County and Telluride, and the rest were based in high-amenity/resort regions that share many characteristics with San Miguel County.²⁵

The high number of responses increases confidence and statistical significance. The table of employment generation used in this analysis is based on the merged database and comes from a 2001 report²⁶ conducted for the Town of Telluride. RPI has analyzed the RRC report and determined that it meets all reasonable tests of significance and the generation numbers are considered to be accurate and based on the best information now available.

Figure 3. Non-Residential Employee Generation

Type of Use	2001 Composite Database FTEs per 1000 Sq. Ft.
Restaurant/Bar	6.5
Education	2.3
Finance/banking	3.3
Medical profession	2.9
Other professional services	3.7
Personal services	1.3
Real estate/property management	5.9
Retail	3.3
Recreation/ amusements	5.3
Utilities	2.9
Overall	4.4
Lodging/hotel	0.3/unit

Residential Employment Generation

Like non-residential, residential development also generates employees. In addition to the spike of employment generated during the construction phase, the residence generates a demand for on-going maintenance and services such as property management, condominium and homeowners associations, landscaping, employees hired directly by the homeowner, minor carpentry, housekeeping, houseplant care, hot tub maintenance, etc.

25 Chaffee County: 1994, Copper: 2001, Eagle County: 1990, 1996, 1999, Estes Park: 1991, 1999, Frisco: 1998, Gunnison County: 1992, 1998, Keystone: 2001, Pitkin County: 1991, Routt County : 1990, San Miguel County: 2000 (plus Telluride 2001), Snowmass Village: 1999, Summit County: 1990, 2001, Telluride: 1993, 1996, Composite of Pitkin, Eagle, and Garfield Counties: 1998, Blaine County, ID: 1990, 1996

²⁶ The report is called Telluride 2001 Employment Generation Ratios and is available through the Telluride Town Manager's Office.

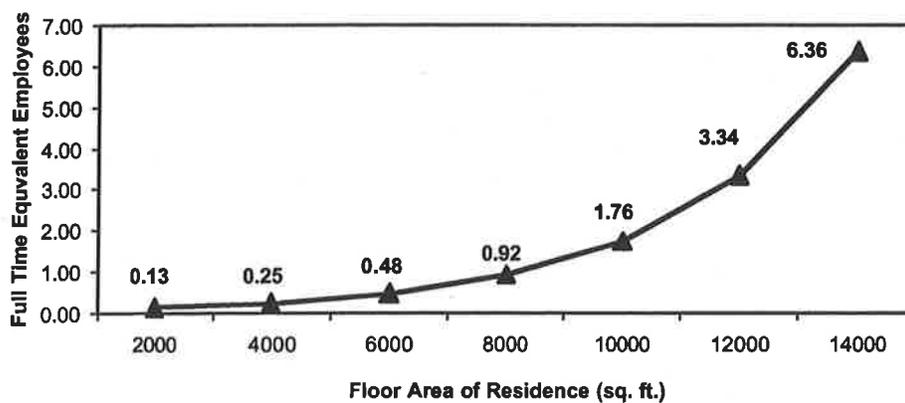
The December 2000 report by RRC Associates and The Housing Collaborative entitled *Residential Job Generation Study* (available from the San Miguel County Planning Office) provides statistically sound quantitative information regarding the amount of employment residential development generates both during construction and for ongoing maintenance and services. The data used in the analysis are based on a notably large survey (2,792 responses) conducted by RRC in 4 high-amenity, resort communities: San Miguel County, Gunnison County, Breckenridge/Upper Blue region, and Teton County, WY. As noted previously, RPI has deemed the methodology sound and all necessary adjustments are addressed. For example, RRC analysts designed the survey and the analysis so that they would not include work conducted by the occupants of the home in the employment generation figures.

The RRC report finds that as house size increases, so does the employment generation; both during construction and afterwards for ongoing maintenance & services for the residence. Two reports recently conducted in Pitkin County²⁷ found a similar positive relationship between the size of the residence and the employment generated. This finding makes intuitive sense because a larger homes will simply require more employees, particularly if the house is used to capacity on a regular basis. Naturally, a larger home takes more time and resources to build and maintain and will therefore generate additional employees. Ongoing maintenance and services might include minor carpentry, interior decorating, etc.

Ongoing Maintenance and Residential Services:

The RRC study finds a positive exponential relationship between the size of homes and the employment they generate.

Figure 4. Job Generation Curve for Ongoing Residential Maintenance and Services



The curve in **figure 4** is based on an exponential relationship outlined in **Appendix 4**. This curve establishes the statistical relationship between house size and employee generation. Clearly, larger residences generate more employees than smaller ones.

²⁷ *Residential Construction Workforce Dynamics* (1999) and *Post-Construction Residential Workforce Dynamics* (1999), both conducted and written by Gabe Preston.

See the Residential Job Generations (RRC) study for methods, data, and other details.

Construction

The RRC study concludes that the construction of each 1000 ft. of the total floor area of the average home requires 4.4 FTE/years. One FTE/year is equivalent to one full-time employee (approximately 2,000 hrs/year) working for 1 year. In order to convert this figure into a permanent full-time equivalent employee (FTE- the standard unit used when estimating residential employee demand), RPI divided the FTE years by 40 (average career length) to obtain total FTEs.

Figure 5 outlines the number of FTE's generated during the construction phase of residences for a sampling of square footages. Again, it is clear that residences with more square footage generate more employees than those with less square footage.

Figure 5. Residential Floor Area and FTE's

Floor Area (Sq. Ft.)	FTE's
2,000	0.22
4,000	0.44
6,000	0.66
8,000	0.88
10,000	1.1
12,000	1.32
14,000	1.54

Current Mitigation Rate

The employee housing mitigation program currently employed by the County is a percentage-based approach that applies to subdivision or multi-family development within the R-1 School District. The regulations require that 15% of all residential units in new subdivisions or multi-unit developments with 7 or more units be deed-restricted. The regulations also require that commercial development provide housing for 15% of the employees generated by the development.

A percentage based housing mitigation rate is appropriate given the nature of the employee housing issue because it provides a straightforward approach to achieving the goal of maintaining working locals living in the County. Under a percentage based mitigation system each new development, whether it be a home, a convenience store, or a commercial warehouse is required to provide housing (or cash in lieu for housing) for a certain percentage of the employees it generates. The current housing mitigation system is failing to produce enough housing to cover the needs of the workforce generated by economic activity in San Miguel County.

The current housing mitigation system, originally adopted in 1990, has produced 11 deed-restricted units, enough housing for approximately 16 employees²⁸.

With an increase of nearly 3,300 jobs countywide in the last decade, there is no doubt that economic activity in the unincorporated County has generated more than 16 new employees during the 1990's. This is partly due to the fact that residential mitigation is required under the current Code only when a property is subdivided into 7 or more lots under the County's subdivision regulations (i.e. not for 35 acre subdivisions). However, the current mitigation rate (15%), legislated in 1990 neither fits the needs of today's market nor reflects the level of commitment to employee housing by San Miguel County, the Towns of Telluride and Mountain Village, the San Miguel County Housing Authority, the West Central Housing Development Organization, the R-1 School District, or private sector developers that have developed deed restricted housing.

Part IV. Employee Housing Mitigation Rate

The Mitigation Rate

The mitigation rate determines the percentage of employees generated by development for which the developer will be required to provide housing (or cash in lieu of) in order to maintain current service levels (i.e. 30% living in deed restricted housing). For example, if a developer builds a convenience store that is expected to generate 3 new employees that developer will be required to mitigate for 30% (or approximately 1) of those new employees. I

Currently, 30% of the employees working in the R-1 School District boundaries live in deed-restricted housing. See **Appendix 1** for a full description of the calculations/data summarized in **figure 6**. This is a crucial proportion because fundamentally, an impact fees is a tool to charge new development its fair share of its impact on a physical asset provided by a local government. The most durable and fair impact fees only charge new development to maintain existing "levels of service", which in the case of affordable housing is expressed as the proportion of the workforce living in deed restricted housing. Therefore, the County is fully justified in charging new development for its share of the cost of maintaining this proportion, but is essentially limited from requiring that developers provide housing or cash for housing for more than 30% of the employees they generate until the observed proportion increases. Such an increase would have to be accomplished using avenues other than impact fees.

The County's current 15% mitigation system, while it may have been appropriate for the circumstances in 1990, will likely contribute to an erosion of the current proportion of the local resident workforce living in deed-restricted housing. That is to say, in addition to the problem of only mitigating for new subdivisions (of which

²⁸ The unincorporated County actually contains 191 deed restricted units, most of which originated under the affordable housing PUD regulations. The 11 mitigation units were units built in the Aldasoro Subdivision.

there are few), the mitigation from each subdivision development will fall short of the existing service level by 15%. Unmitigated development will contribute to a proportionate decline in the working resident population living in employee housing (and thus in San Miguel County) over time.

This method utilizes existing affordable housing (+ land dedicated to affordable housing) and employees housed as a baseline for service levels. This methodology ensures that 30% of all new employees generated by development in the County will be mitigated (i.e. fee revenue will be used to build employee housing for them).

Because 30% of the total number of employees generated by San Miguel County's job market are housed in deed restricted housing provided by various jurisdictions in the county, the level of service is 30%. To maintain this number (as a percentage of the total workforce) of employees living in deed restricted housing requires that the all new developments mitigate for 30% of all new employees generated. Again, in other words, if a new business is developed on a vacant piece of land that generates 3 new employees, that business will be required to mitigate (i.e. provide employee housing or cash in lieu) for approximately 1 of those employees.

The level of service and mitigation rates are crux numbers in impact fee calculations but are not static and may change over time. For example, if employee demand were to remain the same or decline, and simultaneously more employee housing units were to be built (perhaps paid for by a grant or other revenue such as a dedicated mill), the level of service would increase. Thus the overall fee schedule would increase. RPI recommends that this fee schedule be evaluated and updated every two years at a minimum.

Figure 6. Existing Employee Housing Service Level

Deed Restricted Units in R-1 School District	968
Employees in Deed Restricted Units	1,549
R-1 School District Employed Persons Demand	5,140
% of Labor Force in Deed Restricted Units	30%

Part V. Subsidy

As discussed in Part I, San Miguel County housing costs are rising faster than employees' earning power. Underlying this trend is a steady inflation of hard and soft development costs in addition to rising land costs. Consequently, developing employee housing in San Miguel County requires significant subsidies.

All of the recent employee housing projects have required subsidies. Employees are unable to cover the total development costs of projects with mortgages or rents that are affordable. The gap is widening between the costs of developing housing and employees' ability to pay for the development of this housing. Types of subsidies

typically include cash contributions from local governments, land donations (by local governments or the school district), and State grants (primarily HOME funds). In order to establish a housing mitigation fee, RPI closely examined the budgets of 4 recent employee housing projects covering the range of income categories. Budget information was obtained directly from the entities involved in developing the projects: Town of Telluride, San Miguel County, Mountain Village, Western Central Housing Development Organization, and Telluride School District R-1. Land value information was obtained from the development entities for all projects with the exception of Village Court²⁹. **Figure 7** summarizes the results of this analysis.

Figure 7. Subsidy Analysis

	Wilkin Court	Village Court Expansion	Rio Vistas II	School District Four-Plex	Total
Project Development Cost	\$ 2,405,692	\$ 7,198,000	\$ 1,504,000	\$ 498,000	\$ 11,605,692
Cash Subsidy	\$ 105,000	\$ 600,000	\$ 500,000	\$ -	\$ 1,205,000
Land Subsidy Value	\$ 700,000	\$ 3,402,400	\$ 508,100	\$ 200,000	\$ 4,810,500
Waived Fees	\$ 5,200	\$ 336,200	\$ 62,000	\$ -	\$ 398,200
True Cost	\$ 3,210,692	\$ 11,536,600	\$ 2,574,100	\$ 698,000	\$ 18,019,392
Total Subsidy	\$ 805,000	\$ 4,338,600	\$ 1,070,100	\$ 200,000	\$ 6,413,700
Units	13	66	10	4	93
Subsidy per Unit	\$ 61,923	65,736	\$ 107,010	\$ 50,000	\$ 69,000
Weighted Average Subsidy per Unit	\$ 69,020				

The weighted average subsidy per unit is \$69,000. The average weighs the mean based on the number of units at each subsidy per unit rate, and is therefore the most accurate expression of the mean subsidy per unit.

The per unit subsidy divided by the target employees per housing unit for employee housing in San Miguel County (@ 1.5 employees/ unit), yields:

$$\text{Per Employee Subsidy} = \$46,013$$

That is, on average, each employee requires \$46,013 in subsidy in order to make a housing unit affordable. Once the number of employees generated by a development is determined (part II) and the number of those employees to be mitigated is established (30% - part IV) it is multiplied by the per employee subsidy. The resulting product reveals the base fee. This base fee is then modified by the credit discussed in the next section (part VI).

Part VI. Credit For Housing Sales Tax

Credits are an important component of impact fee calculations because they recognize that developers may have/will be paying some money towards employee

²⁹ Land value information was not available for the land upon which the 66 unit expansion was built, so RPI analysts calculated the average land cost per unit (\$51,552/Unit) for the 3 other projects and multiplied this by 66 units to get the estimated land value of land required for the Village Court Expansion.

housing through local government fees and taxes other than the impact fee. A properly constructed credit identifies these payments and credits them as payment toward the fee. This eliminates the possibility of “double dipping” and ensures an accurate and equitable fee is being charged for a developers fair share.

Because the housing programs employed by Telluride, Mountain Village, and San Miguel County are all targeted at housing employees working in the R-1 School District, some of the employees generated by activity in unincorporated portion of the R-1 school district (the area to which the housing impact fee will apply) will undoubtedly live in Telluride or Mountain Village employee housing. Both Telluride and Mountain Village currently possess a .5% sales tax earmarked for affordable housing that can be used to build housing or pay off housing related debt. Therefore, a portion of employees generated by activity in the unincorporated County could reside in housing funded, in part, by the earmarked sales taxes in Telluride and Mountain Village.

The need for a credit arises from the fact that occupants of new residences in the unincorporated portion of the R-1 school district will be required to pay their share of the cost of housing the employees they generate, but they are also likely to buy retail goods in Telluride and Mountain Village, and will likely pay into the earmarked housing funds in both Towns. As stated above, some of this sales tax revenue may be allocated to pay for housing for a certain portion of the employees generated by activity in the unincorporated portion of the R-1 school district. In order to avoid a double-mitigation situation in which developers are charged an impact fee and a sales tax to build housing for the same portion of employees, RPI has calculated an employee housing sales tax credit.

The first step in calculating the credit is to determine what portion of the sales taxes revenues are generated by the residential population³⁰ in the unincorporated County, and how much housing this revenue could produce in the future. RPI recommends that the affordable housing sales tax credit be based on retail spending and taxation 10 years into the future. Crediting for sales tax revenues any farther into the future may result in over-crediting. San Miguel County has no authority over municipal housing and tax policies and the sales taxes could be abolished or re-allocated regardless of County action. See **Appendix 3** for a detailed discussion of the methodology for establishing the credit amount.

The most straightforward way to address the credit is to subtract it directly from the per employee subsidy. The credit amounts to a \$276 discount to the per employee subsidy.

Figure 8. Subsidy Discounted for Telluride Sales Tax Credit

Credited Subsidy per Unit	\$ 68,610
Credited Subsidy Per Employee	\$ 45,740

³⁰ The population occupying residences, vs. lodging units, day visitors, etc.

Other Credits/Exemptions

Development in any subdivision/PUD that was approved under the current land use code that was previously required to deed restrict lots or units to meet the housing mitigation requirements (in the existing code) should be exempt from the requirements of this fee structure (i.e. paying the employee mitigation fee). Aldasoro may be the only such development that is exempt under this provision.

If the County decides to adopt measures requiring mitigation for additions (i.e. additions to existing structures or re-models that would add square footage) to existing residences, they may want to exempt properties that had previously been required to produce ADU's (to exceed the 5000 sq. ft. threshold) from the requirements of this fee structure (i.e. paying an employee mitigation fee).

Part VII. Fee Schedule

Residential Development Employee Housing Mitigation Fee Schedule

Fee Schedule

The total FTEs generated by ongoing services and maintenance were calculated using the formula established by RRC³¹ (see Part II.). Construction FTEs, also described in the Employment Generation section, were calculated by multiplying the sq. ft. (1,000's) by the construction employment generation rate established by RRC (in FTE/years) and divided by a 40-year career length. Finding the ongoing maintenance and service FTE's *required to be mitigated at a 30% mitigation rate* is a matter of multiplying the FTEs generated by 30% (in **figure 9**, column 3 multiplied by 30% equals column 6).

Finding the construction FTEs required to be mitigated at a 30% rate is considerably more complicated. Once the unit is built, it requires maintenance and services in perpetuity. However, construction firms can build a certain amount of square-footage one year and move on to the next year without increasing employee numbers. Thus, it is necessary to approach the construction component of the impact fee in terms of how each residential unit contributes to overall growth in construction employees. The result is a construction mitigation rate that starts at a low rate and increases each year over time. See **Appendix 2** for a full description of the construction mitigation rate through 2010. The FTEs to be mitigated in **figure 9** are the product of the FTEs generated, multiplied by the 2003 mitigation rate (1.5%).

³¹ $\gamma = .070174e^{.000322^*a}$

Figure 9. 2003 Employees to be Mitigated Under the 30% Mitigation Rate by Sq. Ft.

Sq. Ft.	FTEs Generated (maint./services)	FTEs Generated (construction)	FTEs Mitigated (maint./services)	FTEs Mitigated (construction in 2003)	Total FTEs Mitigated (2003)
1,000	0.10	0.11	0.03	0.002	0.031
2,000	0.13	0.22	0.04	0.003	0.043
3,000	0.18	0.33	0.06	0.005	0.060
4,000	0.25	0.44	0.08	0.007	0.083
5,000	0.35	0.55	0.11	0.008	0.114
6,000	0.48	0.66	0.15	0.010	0.155
7,000	0.67	0.77	0.20	0.012	0.212
8,000	0.92	0.88	0.28	0.013	0.290
9,000	1.27	0.99	0.38	0.015	0.397
10,000	1.76	1.1	0.53	0.017	0.543
11,000	2.42	1.21	0.73	0.018	0.745
12,000	3.34	1.32	1.00	0.020	1.023
13,000 +	4.61	1.43	1.38	0.021	1.405

Applying this process through the year 2007 results in an employee mitigation by square footage under the 30% mitigation approach summarized in **figure 10**.

Figure 10. FTEs Required to be Mitigated by Residence Sq. Ft. Under 30% approach

Sq. Ft.	2002	2003	2004	2005	2006	2007
1,000	0.03	0.03	0.03	0.03	0.03	0.04
2,000	0.04	0.04	0.05	0.05	0.05	0.05
3,000	0.06	0.06	0.06	0.07	0.07	0.08
4,000	0.08	0.08	0.09	0.09	0.10	0.10
5,000	0.11	0.11	0.12	0.13	0.13	0.14
6,000	0.15	0.16	0.16	0.17	0.18	0.19
7,000	0.20	0.21	0.22	0.23	0.24	0.25
8,000	0.28	0.29	0.30	0.31	0.32	0.33
9,000	0.38	0.40	0.41	0.42	0.43	0.45
10,000	0.53	0.54	0.56	0.57	0.59	0.60
11,000	0.73	0.74	0.76	0.78	0.79	0.80
12,000	1.00	1.02	1.04	1.06	1.07	1.09
13,000 +	1.38	1.41	1.43	1.44	1.46	1.48

Having established the number of employees to be mitigated, calculating the fee is simply a matter of multiplying the number of employees to be mitigated by the per employee subsidy, credited for Telluride sales tax. The entire fee calculation formula follows:

$$\text{Fee} = \{ [(.070174e^{.000322 \cdot \text{sq. ft.}}) * (\text{mitigation rate})] + [(\text{sq. ft.} * .0044) * (\text{mitigation rate for that yr.})/40] * (\text{Per Employee Subsidy} - \text{Credit}) \}$$

↑
maintenance-
services FTEs

↑
construction FTEs

Figure 11 summarizes the fees for the 30% mitigation approach in 1000 sq. ft. increments through 2007.

Figure 11. Residential Development Employee Housing Mitigation Fee 1000 sq. ft. Intervals for 30% Mitigation Approach.

Sq. Ft.	2002	2003	2004	2005	2006	2007
1000	\$ 1,329	\$ 1,404	\$ 1,475	\$ 1,540	\$ 1,595	\$ 1,651
2000	\$ 1,833	\$ 1,984	\$ 2,125	\$ 2,256	\$ 2,367	\$ 2,477
3000	\$ 2,530	\$ 2,756	\$ 2,967	\$ 3,164	\$ 3,330	\$ 3,496
4000	\$ 3,491	\$ 3,793	\$ 4,074	\$ 4,336	\$ 4,557	\$ 4,779
5000	\$ 4,817	\$ 5,194	\$ 5,546	\$ 5,873	\$ 6,150	\$ 6,427
6000	\$ 6,646	\$ 7,099	\$ 7,522	\$ 7,914	\$ 8,246	\$ 8,578
7000	\$ 9,170	\$ 9,699	\$ 10,192	\$ 10,650	\$ 11,037	\$ 11,425
8000	\$ 12,654	\$ 13,258	\$ 13,821	\$ 14,344	\$ 14,787	\$ 15,230
9000	\$ 17,460	\$ 18,139	\$ 18,773	\$ 19,362	\$ 19,860	\$ 20,358
10000	\$ 24,092	\$ 24,847	\$ 25,551	\$ 26,205	\$ 26,759	\$ 27,312
11000	\$ 33,243	\$ 34,074	\$ 34,848	\$ 35,568	\$ 36,177	\$ 36,785
12000	\$ 45,871	\$ 46,776	\$ 47,621	\$ 48,406	\$ 49,070	\$ 49,735
13000	\$ 63,294	\$ 64,275	\$ 65,191	\$ 66,041	\$ 66,761	\$ 67,480

Non-Residential Development Employee Housing Mitigation Fee Schedule

RRC Associates has been building a database for the past decade that consists of the results of several employer surveys aimed at establishing employment generation rates for various non-residential land uses. Four of the surveys used to build the database were conducted in San Miguel County and Telluride, and the rest were based in high-amenity/resort regions that share many characteristics with San Miguel County.

Figure 12. Inventory of Surveys Constituting RRC's Merged Employer Database:

<ul style="list-style-type: none"> • Chaffee County: 1994 • Copper: 2001 • Eagle County: 1990, 1996, 1999 • Estes Park: 1991, 1999 • Frisco: 1998 • Gunnison County: 1992, 1998 • Keystone: 2001 • Pitkin County: 1991 	<ul style="list-style-type: none"> • Routt County: 1990 • San Miguel County: 2000 (plus Telluride 2001) • Snowmass Village: 1999 • Summit County: 1990, 2001 • Telluride: 1993, 1996 • Composite of Pitkin, Eagle, and Garfield Counties³²: 1998 • Blaine County, ID: 1990, 1996
--	--

The high number of responses increases confidence and statistical significance. The table of employment generation used in this analysis is based on the merged database and comes from a 2001 report³³ conducted for the Town of Telluride when the Town was evaluating their employment generation figures.

³² Source: Healthy Mountain Communities surveys of 1997/98 season

³³ The report is called Telluride 2001 Employment Generation Ratios and is available through the Telluride Town Manager's Office.

Figure 13 lists the per 1000 sq. ft. FTE generation rates from the RRC study and calculates the fee at the 30% mitigation level.

Figure 13. FTE Generation Rates for Non-Residential Development

Type of Use	2001 Composite Database FTEs per 1000 Sq. Ft.	Fee per 1000 sq. ft. @ 30% Mitigation
Restaurant/Bar	6.5	\$ 89,193
Education	2.3	\$ 31,561
Finance/banking	3.3	\$ 45,283
Medical profession	2.9	\$ 43,910
Other professional services	3.7	\$ 39,794
Personal services	1.3	\$ 50,771
Real estate/property management	5.9	\$ 17,839
Retail	3.3	\$ 80,960
Recreation/amusements	5.3	\$ 45,283
Utilities	2.9	\$ 72,727
Overall	4.4	\$ 39,794
Lodging/hotel	0.3/unit	\$ 60,377

Part VIII. Cash Flow Projections

Rather than attempting to project the rate of residential and non-residential construction based on size or type, RPI employed a historical trend cash-flow analysis. RPI applied building permits issued in the unincorporated County for the years 1997-2001 to the fee structures offered in this support study. It should be noted that there are some limited portions of the County in which building permits are not required-- these areas are outside of the R-1 School District. This analysis shows the quantity of impact fee revenue San Miguel County might have collected for those years if it had adopted this fee structure in 1997. This historical knowledge, when combined with the current fee schedules yields a reasonable estimate for future revenues.

The cash-flow assumes that all development would have chosen to pay cash instead of providing housing for the employees generated. The revenues also assume an inflation adjustment to the fee revenue based on the increase in the Denver/Boulder CPI during that time period.

The cash flow analysis accounts for the mitigation level 30% and possible exemption thresholds. San Miguel officials have expressed an interest in the possibility of exempting residences below various size thresholds. RPI has created cash flow analyses for four scenarios: 1) all residences charged the fee, 2) residences less than or equal to 1000 square feet are exempted, 3) residences 1800 sq. ft. and less are exempted (the size threshold for building permit discounts), and 4) residences of less than 3000 sq. ft. are exempted.

Figure 14. Cash Flow Scenarios

Scenario 1. Fee Applies to All Residences	
1997	\$ 232,583
1998	\$ 194,041
1999	\$ 287,515
2000	\$ 341,300
2001	\$ 289,629
Total	\$ 1,345,068
Scenario 2. Fee Applies to Residences > 1000 sq. ft.	
1997	\$ 217,615
1998	\$ 184,253
1999	\$ 282,760
2000	\$ 339,582
2001	\$ 282,357
Total	\$ 1,306,567

Scenario 3. Fee Applies to Residences > 1800 sq. ft.	
1997	\$ 203,718
1998	\$ 168,533
1999	\$ 197,030
2000	\$ 314,626
2001	\$ 250,754
Total	\$ 1,134,660
Scenario 4. Fee Applies to Residences > 3000 sq. ft.	
1997	\$ 171,517
1998	\$ 142,358
1999	\$ 162,350
2000	\$ 290,975
2001	\$ 213,068
Total	\$ 980,269

C.R.S. 29-20-104.5 (5) states:

A local government may waive an impact fee or other similar development charge on development of Low or Moderate income housing or employee housing as defined by the local government.

While this language clearly enables the County to waive fees on employee housing, it is important that the definition of employee housing in the waiver is consistent with other County policies. While San Miguel could clearly waive deed restricted employee housing, it is advisable that the fee revenue waived for free market housing under a certain size threshold be made up with other funds (e.g. general fund

revenues). For the three exemption thresholds in the cash flow analysis above, the total amount of revenue the County would need to make up is contained in **figure 15**.

Figure 22. Amount of Revenue Waived at Each Exemption Threshold

Size	Revenue needed from other sources
< = 3000 sq. ft.	\$ 72,725
< = 1800 sq. ft.	\$ 41,847
< = 1000 sq. ft.	\$ 7,465

SECTION 2

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Appendix 1: Mitigation Rate Method, Percentage of R-1 School District Workforce Living in the Deed Restricted Housing

This appendix contains general description of the mitigation and level of service methodologies, followed by a series of equations leading to the conclusion that 30% of the employees working in the R-1 School District currently reside in deed-restricted housing. Following the equations are detailed derivations, explanations, and data sources of the components of the equations.

Methodology

RPI collected the most up-to-date existing (i.e. built) deed restricted housing and developable land owned by entities intending to develop employee housing. The parcels of land were converted into land-housing unit equivalents (land unit equivalents) based on value and the total units were multiplied by the estimated employees per dwelling unit to yield the number of employees living in Deed Restricted housing. RPI then divided the number of employees living in deed restricted housing in the R-1 School District by the workforce employed in the R-1 School District. This yields the percent of total workforce living in deed restricted housing.

Equations

Where,

$$\text{Employees Living in DRH} = (\# \text{ of Existing DRH Units} + \text{Land Unit Equivalent}) * \text{Employees per Unit}$$

And,

$$\text{San Miguel County Labor Force Demand} * (\text{R-1 School District Jobs} / \text{San Miguel County Jobs})$$

$$= \text{Labor Force Demand in R1 School District}$$

$$\% \text{ of workforce Living in the Deed Restricted Housing} = \text{Employees Living in DRH} / \text{Labor Force Demand}$$

Derivations of the Components of The Equations

Number of Deed Restricted Units

RPI analysts obtained the current number of deed restricted units by asking housing and planning officials in San Miguel County, Town of Telluride, and Mountain Village to update the inventory contained in the 2000 San Miguel County Housing Needs Assessment. Based on the most up to date inventories, the number of existing deed restricted units in each jurisdiction is presented in **figure 1**.

Figure 1. Deed Restricted Housing Inventory

Jurisdiction	Existing Units
Unincorporated County	191
Town of Telluride	220
Town of Mountain Village	463
Total	874

Land Unit Equivalent Units

Land costs constitute a large portion of the true cost of providing employee housing. In the process of calculating the subsidy RPI gathered information with which to calculate the land cost per unit for four recent employee housing projects as well as the per unit total subsidy. Dividing the per unit land cost by the total subsidy for each project yields the proportion of the total subsidy attributed to land costs. The average for the four projects used throughout this report is 78%.

Figure 2. Land Cost / Total Subsidy for Four Recent AH Projects

	Wilkin Court	Village Court Expansion	Rio Vistas II	School District Housing
Land Cost Per Unit	\$ 53,846	\$ 51,552	\$ 50,810	\$ 50,000
Subsidy Per Unit	\$ 61,923	\$ 65,736	\$ 107,010	\$ 50,000
Land Cost/Total Subsidy	87%	78%	47%	100%
Average Land Cost/Total Subsidy	78%			

The town of Telluride owns land that can accommodate 45 units, the County owns land designated for housing to accommodate 62 units, and WCHDO possesses land enough to accommodate 13 units. Because land costs make up 78% of the total subsidy for an employee housing unit, owning land to accommodate Y units is equal to having already subsidized Y units x 78%. In a sense, these land unit equivalents (summarized in **figure 3**) are deed-restricted units “in the bank”.

Figure 3. Land Unit Equivalents

Entity	Land-Unit Equivalents
Unincorporated County	49
Town of Telluride	35
WCHDO	10
Total	94

The functional total of deed restricted units in San Miguel County is presented in **figure 4**.

Figure 4. Total Deed Restricted Units

Existing Deed Restricted Units	874
Land Unit Equivalents	94
Total Deed Restricted Units	968

Employees per Residential Unit

The labor force participation rate (calculated by dividing the 2000 Census San Miguel labor force by the 2000 Census population) multiplied by the average household size (also obtained from 2000 Census) yields the average employees per household in San Miguel County.

Figure 5. Employees per Residential Unit - San Miguel County 2000

Labor Force Participation Rate	71%
Average Household Size	2.2
Employees per Housing Unit	1.6

Labor Force Demand

2000 Labor Force Demand is calculated in the following steps:

1. RPI began with job estimates and 5 year incremental projections from 1990-2015.³⁴
2. Analysts then divided jobs by a multiple job holding rate (1.2 for 2000) available from Demography Section projection worksheets to obtain employed persons demand.
3. Employed persons demand was adjusted upwards to account for local the unemployment rate (3.4% in year 2000).

2000 Labor Force Demand = 5,884

Labor Force Demand is generated by incorporating the projected 2000-2001 and 2001-2002 San Miguel County job growth rates into the 2000 labor force demand calculated above.

R-1 School District Labor Force Demand

Detailed 4-digit SIC level ES202 employment data contain a zip code field. Subtracting the Norwood and Egnar zip codes from the database leaves an area

³⁴ <http://dola.colorado.gov/demog>

roughly equivalent to the R-1 School District. It is important to note that ES202 jobs do not count proprietors, and so the Demography Section adjusts ES202 accordingly - jobs in **figure 6** reflect this adjustment. This method revealed that 90% of the jobs in San Miguel County are located in the R-1 School District while the other 10% are located mostly in the West end of the County.

Figure 6. R1 and R2 School District Breakdown

Area	ES202 Jobs	Percent of Total	Adjusted Jobs
R2 School Dist	461	10%	720
R1 School Dist.	4,064	90%	6,344
Entire County	4,525	100%	7,064

Final Calculation

Figure 7 reveals the total number and percentage of workforce living in deed restricted housing – San Miguel County 2002.

Figure 7. Percent of Workforce Housed in Deed Restricted Housing – San Miguel County 2002

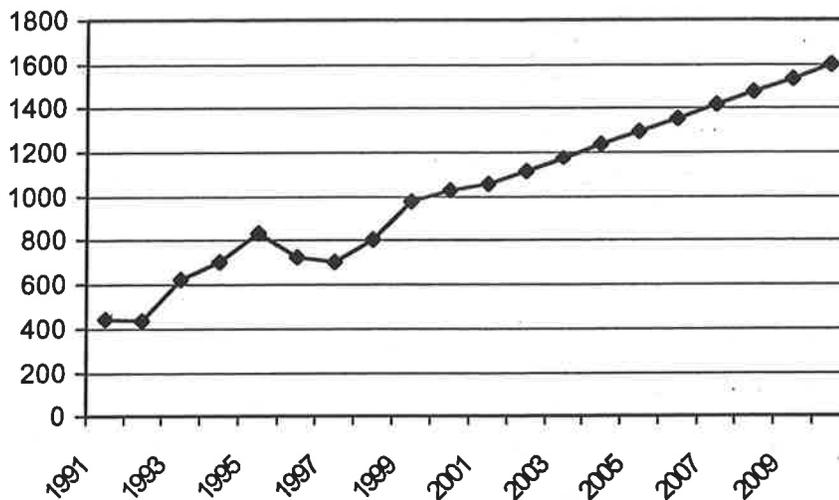
Deed Restricted Units in R-1 School District	968
Employees in Deed Restricted Units	1,549
R-1 School District Employed Persons Demand	5,140
% of Workforce in Deed Restricted Units	30%

Appendix 2: Construction Employee Generation Rates and Mitigation Rates

Once a unit is built, it requires maintenance and services in perpetuity. However, construction firms can build a certain amount of square footage one year and move on to build the next year without necessarily increasing employee numbers. Thus, it is obligatory to approach the construction component of the impact fee in terms of how each residential unit contributes to overall growth in construction employees.

The construction industry is producing job growth in San Miguel County. While the number of jobs is prone to fluctuations, the average annual change exceeded 10% for 1990-2000. A least squares projected trend line results in 1600 total jobs by 2010.

Figure 8. San Miguel County Construction Employment Growth



As construction employment grows, so will the number of construction employees needing housing given the 30% and 43% mitigation rates discussed in appendices 1 & 2. Consequently, an increasing number of new employees will need to be mitigated each future year (see black portion of bars in **figure 9**).

The quantity of employees to be mitigated each year divided into the total employees represents the construction mitigation rate for each year projected. The result is a construction fee structure sufficient to provide housing for one year for 30% of new employees. We assume that the existing 30% of R-1 School District employees living in deed restricted housing maintain their units, this results in a total mitigation of 30% each year. **Figures 9** and **10** summarizes the future mitigation rates for construction employees in the fee structure for the 30% mitigation rates.

Figure 9. Construction Employees Employee Housing Needs Projection - 30% Mitigation Rate

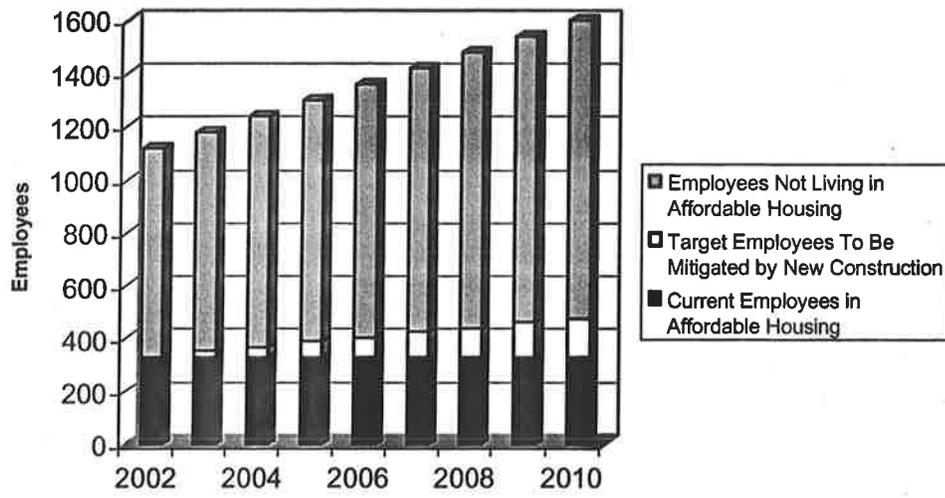


Figure 10. Construction Mitigation Rate Through 2010 – 30% Mitigation Rate

Year	Mitigation Rate
2002	0.0%
2003	1.5%
2004	2.9%
2005	4.2%
2006	5.3%
2007	6.4%
2008	7.3%
2009	8.2%
2010	9.0%

Appendix 3: Determining the Percentage of Second Quarter Expenditures Attributable to the Unincorporated County Residential Population & Explanation of Credit Methodology

According to lodging occupancy studies conducted by Telluride and Mountain Village Visitor Services, the lodging occupancy during the second quarter has averaged 21% from 1997-2002, which applied to the current lodging unit base (1323 units) means that there are approximately 282 units occupied during the off-season. According to the 2000 Census the Unincorporated County and Incorporated portions of the County have 1,979 and 3,218 units respectively. Assuming that spending is proportionate to the number of units in each category, the unincorporated County housing units account for 57% of the second quarter spending.

Figure 11. Local Spending and Occupancy Rates

Off-Season Occupancy Rate	21%
Off-Season # Occupied Lodging Units	282
Unincorporated Housing Units	1,979
Incorporated Housing Units	3,218
% of Off Season Spending by Unincorporated County	57%

In order to ensure that tourist spending was not attributed to the residential population, second quarter ('off-season') tax revenues were used as the baseline measure of the residential population spending³⁵. 1990-2001 quarterly taxable sales data for the Town of Telluride³⁶ allowed RPI to project the taxable sales attributable to the residential population ten years into the future³⁷. To estimate the number of employees for which this revenue is projected to provide housing, RPI divided the projected revenue for each year by the subsidy (adjusted for inflation over time).

³⁵ Second quarter spending was multiplied by 4 to obtain the residential population spending.

³⁶ CO Dept. of Revenue

³⁷ using as least squares linear projection

Figure 12. Telluride Affordable Housing Sales Tax Projections for Resident Population Spending

	Revenue Generated	Employees Housed
2003	\$ 340,466	7.2
2004	\$ 357,600	7.4
2005	\$ 374,734	7.5
2006	\$ 391,867	7.6
2007	\$ 409,001	7.8
2008	\$ 426,135	7.9
2009	\$ 443,269	7.9
2010	\$ 460,402	8.0
2011	\$ 477,536	8.0
2012	\$ 494,670	8.1
Total	4,175,681	77.4

Quarterly sales tax revenues for Mountain Village were also adjusted to second quarter levels to avoid including tourists in the revenue projections. Mountain Village only recently adopted a sales tax in 1999, so historic sales tax revenues lacked the robustness necessary for establishing a trend line. Instead of a trend line, RPI averaged the housing revenue generated by the resident population for 99-2002 and projected this average into the future using an inflation. The total revenue for 2003-2012 was divided by the subsidy per employee (adjusted for inflation) to estimate the total employees for which the tax could provide housing (17 FTEs).

Figure 13. Mountain Village Affordable Housing Sales-Tax Projections for Resident Population Spending

	Revenue Generated	Employees Housed
2003	\$ 91,015	1.94
2004	\$ 91,103	1.89
2005	\$ 91,103	1.84
2006	\$ 91,281	1.79
2007	\$ 91,192	1.74
2008	\$ 91,369	1.70
2009	\$ 91,369	1.65
2010	\$ 91,547	1.60
2011	\$ 91,458	1.55
2012	\$ 91,606	1.50
Total	\$ 913,044	17

From this point, the calculations for Telluride and Mountain Village are parallel. Colorado Demography Section employment projections adjusted to reflect only employment in the R-1 School District (see **Appendix 1**) yielded a total of 1,384 new employees between 2003-2012. Under a 30% mitigation rate, 374 employees will need housing. Therefore, Telluride's sales tax could construct a maximum of 20.8% of the units needed by development in the R-1 School District over the next 10 Years while resident population expenditures in Mountain Village could meet as much as 4.5% of the need in the next ten years.

Figure 14. Credit Discount

	Telluride	Mountain Village
# Employees Mitigated by Sales Tax	77	17
# of Employees Needing Mitigation	374	374
Percent Mitigated 10 years	20.8%	4.5%
Percent of Employees in Unincorporated County	13%	13%
Percent Unincorporated Employees Living in Town	31%	25%
Percent Sales Tax Revenue Generated by Households	57%	57%
Credit Discount	0.5%	0.1%

According to the 2000 HNA, 13% of San Miguel County employees work in the unincorporated areas.³⁸ This means that if Telluride and Mountain Village houses employees proportionate to their origin of generation, only 13% of the employees in Telluride housing will work in the unincorporated area. Of the employees working in unincorporated areas 31% actually live in Telluride and 25% live in Mountain Village. Finally, 57% of the second quarter (off-season) revenue is generated by the unincorporated County resident population, with the remainder generated by tourists and incorporated residents. Mathematically, the way to integrate these proportions is to multiply them (see **figure 14**).

This .5% discount expresses the percentage of unincorporated employees in the R-1 School District that area likely to get an affordable housing unit in Telluride and similarly with the .1% discount for Mountain Village. By discounting the sum of these percentages (.6%) from the employee subsidy, the County would avoid possible double charging to mitigate employees.

³⁸ Pg. 29. the Varies/multiple category was spread proportionately throughout the other categories.

Appendix 4. Exponential relationship defined by RRC (explaining figure 5 Section I)

The following exponential relationship calculated by RRC using a non-linear regression:

$$Y = .070174e^{.000322*a}$$

Where,

Y = FTEs generated

And,

a = the sq. ft. of floor area
e = 2.718 Napier's constant

Goodness of fit and statistical significance (R^2 and F Statistic, respectively) were cited by RRC as follows:

$$R^2 = .94$$

$$F = 66.1$$

The exponential formula offers a useful tool for calculating Y employees for any sq. ft. of floor area (a).

Appendix 5: Implementation & Recommended Changes to the Current Code

The adoption of the fee structure presented in this report has some significant implications for the current County land use code. Following is a summary of the general code revisions RPI recommends.

- I. *Subdivisions:* Amend employee housing requirements for residential development to reflect the employee generation basis of the fee structure. This will require the elimination of the 1 deed restricted unit in 7 ratio in the subdivision regulations as the basis for mitigating for impacts on employee housing.
- II. *Commercial Development:* Change non-residential employment generation rates and mitigation rates to those used in this analysis.
- III. *Building Housing in Lieu of Fee:* If the County wishes to allow a developer of a PUD/Subdivision to build housing on-site or in some other suitable location to meet their development's housing mitigation requirements (both subject to County approval), the development approval should specify the maximum square footage of residences and the maximum square footage of non-residential uses by type so that the County may base the housing mitigation requirements on the maximum buildout of the development. The development of employee housing should also be phased with the buildout of the free market development to ensure that the housing impacts are mitigated at the same pace at which they occur.
- IV. *Deed Restrictions:* As part of the adoption of this fee structure, the County is obligated to adopt deed restrictions that include income/price limits and minimum occupancy requirements applicable to all employee housing units.
- V. *Accessory Dwelling Units:* The residential development fee structure presented in this report is based on the relationship between housing mitigation required and the size of residences. Consequently the current ADU requirement at the 5,000 sq. ft. threshold is incongruent with the basis of the fee structure in presented in this report and therefore should be eliminated.
- VI. *Redevelopment:* The County may want to include provisions in fee code language that requires housing mitigation for additions to existing structures and redevelopment of a lower employment generation use to a higher employment generation use.
- VII. *Independently Calculated Employee Generation:* The County might consider allowing an independent employee generation calculation for non-residential developments to be reviewed by a County fee administrator.
- VIII. *Exemptions:* Considerations for exempting homes at a square footage threshold
- IX. *Practical Considerations:* When & how to calculate the fee.

- X. *Updating the Fee Schedule:* What components need to be periodically updated and how often should they be updated.

The following sections consider the above points in more detail.

I. Subdivisions: Implications for the Current Employee Housing Mitigation Requirements

If the fee schedule presented in this report is adopted, a request for development permit in the R-1 School District will trigger the housing mitigation requirement--NOT at the subdivision of parcels into residential lots (as the existing code requires).

Consequently, the proposed fee structure will apply to all residential development and be due at the time of building permit³⁹, regardless of whether the proposed residential development is located on a new subdivision lot, a lot in a subdivision several decades old, a 35+ acre parcel, a patented mining claim, or a legal un-platted parcel.

This much broader applicability will generate a stream of employee housing production or revenue that more closely meets the needs generated by new development in the R-1 School District. This is due to the fact that formal subdivision application with 6 lots or more (subdivisions with less than 6 lots are exempt from the requirements under the current code), have been rare in San Miguel County over the last decade.

Current mitigation requirements for residential subdivisions, originally adopted in 1990, have produced 11 deed-restricted units, enough housing for approximately 16 employees⁴⁰. The employee housing impact fee cash-flow projections presented in this report suggest that the County might have produced enough housing for as many as 70 employees in the same time period had this fee schedule been in place over the same time period.

In order to have consistent, straightforward mitigation requirements for residential development, RPI recommends that the County eliminate current residential subdivision housing requirements (1 in 7 ratio of deed restriction) and defer the housing mitigation requirements until the owner of each lot seeks to obtain a development permit to build a home.

Commercial Development: Implications for the existing Housing Mitigation Requirements

The approach for mitigating commercial development presented in this report is essentially the same as current regulations. However, three notable differences exist.

³⁹ If the applicant chooses to build housing to mitigate their development's affordable housing impacts (subject to County approval), the applicant would have to consent to some form of binding agreement with the County outlining the type of unit, the deed restriction or covenants, and the time of completion of the unit.

⁴⁰ The unincorporated County actually contains 191 deed restricted units, most of which originated under the affordable housing PUD regulations. The 11 mitigation units were units built in the Aldasoro Subdivision.

1. Updated employee generation rates
2. A doubling of the 15% mitigation rate to a 30% mitigation rate
3. Ability to collect fee at the development permit stage rather than at platting of a new development

The non-residential employee generation research presented in this report reveals that generation rates are approximately 50% higher than the San Miguel County Code currently presumes (see Part III, non-residential employment generation rates).

Also, the current code requires developers to mitigate for 15% of employees. This study demonstrates that the County is justified in requiring non-residential development to provide housing or cash for 30% of the employees it generates.

Finally, where employee housing mitigation for non-residential development now applies only to plattings of new development, the proposed system will include a trigger for housing mitigation at development permit. This will allow the County to require mitigation for redevelopment, expansion, change of use, and other non-residential development resulting in additional employment generation occurring outside of the formal PUD/subdivision process.

Because the mitigation rate will be doubled, employment generation rates increased by 50%, and applicability broadened, a non-residential employee housing mitigation system presented in this report will yield significantly more housing than does the current system.

III. Building Housing in Lieu of Fee: Developers Option

San Miguel County may want to continue to allow subdivision/PUD applicants the option of meeting their development's mitigation requirements by construction employee housing on site or in another suitable location.

If the developer chooses to build employee housing instead of paying the fee (subject to County approval), that approval will need to specify the maximum size of the homes and non-residential uses by size/type so that the County can calculate the maximum number of employees the development will generate. This, in-turn, will allow a determination of the minimum amount of employee housing the developer will be required to build. The County may also consider designing a phasing mechanism requiring developers to build employee housing in pace with the buildout of the subdivision (e.g. a requirement that x employee housing units be built before the next y free market units receive a development permit).

IV. Deed Restriction: Implications for the current R-1 Deed Restriction

While the County's R-1 existing deed restriction still has merits and has served County residents well to this point, the current housing climate warrants deed restrictions with price limits and occupancy requirements.

As noted in the 2000 Housing Needs Assessment, housing carrying the R-1 Deed Restriction is generally more affordable than free market housing. However, deed-restricted units' prices are rising.

One notable example is the Two Rivers project in which units were originally sold for \$130,000 in 1995-1996 and are now selling in the \$210,000-\$220,000 range, affordable only to the upper end of middle income households (100%-120% AMI). If appreciation continues at this rate, Two Rivers units will only be affordable to upper income households (120%+ AMI) in the future. It is not unusual for larger single-family homes with the R-1 deed restriction to sell for over \$400,000, which, while significantly cheaper than the same class of home without the R-1 deed restriction, is still out of reach for most local resident households⁴¹.

Deed restricted rental units are more affordable than free market rents, but deed restricted rents can be high, with 10% of the deed restricted rental units edging over \$1,200 per month in the year 2000 (affordable to households in the upper-middle income category with at least 100% AMI)⁴². The lower price of rents in deed restricted vs. free market units reflects a combination of rent limits on existing units in the Telluride Region as well as the type of units (more multifamily and condominiums) and occupancy restrictions.

Given the mitigation program proposed in this report, mitigation requirements can be met in two ways, both of which require additional regulation not currently contained in the R-1 Deed Restriction:

1. Public Sector Projects: Developers pay a fee to the County based on the employment to be generated that development. The County then ensures that these revenues are used to produce employee housing.
2. Private Sector Mitigation: Developers commit to producing employee housing either on-site or elsewhere in the R-1 School District subject to County approval.

Public Sector Projects

Recent affordable housing projects led by the County, Telluride, Mountain Village, and Western Central Housing Development Organization are governed by price/income restrictions or targets (Rio Vistas 2, Village Court Expansion, and Wilkin Court). These restrictions are due to a combination of State requirements for projects using HOME funds and the conclusion by most employee housing producing entities that price restrictions are critical to the long-term viability of the employee housing stock.

⁴¹ The 2000 Housing Needs Assessment concludes that 68% of County households are income categories below the 120% AMI threshold.

⁴² 2000 HNA pg. 63

The County, upon collecting fee revenue to produce employee housing, has an obligation to ensure that the housing remains affordable for its economic life. The most effective way to achieve this level of assurance is to integrate price and income thresholds into the deed restrictions (covenants).

Private Sector Mitigation

As with County expenditures of fee revenues, employee housing built in lieu of the fee (by developers) should remain affordable for their economic life. Again, price and income thresholds are the most effective mechanism.

A concern with private sector mitigation is that while the units may be produced, they may not be rented or sold to qualified employees. They may be used for other purposes or sit vacant.

This concern is particularly acute with smaller scale developments (e.g. one single family home receiving County approval to construct a deed restricted unit with price and income limits). Evidence gathered in an informal survey conducted by the San Miguel County Regional Housing Authority in the late 1990's suggests that Accessory Dwelling Units with the R-1 Deed restriction in the unincorporated County were less than 40% occupied. Imposing occupancy requirements (e.g. unit is not allowed to remain vacant for more than 90 days and shall be leased for no less than 6 months at a time) would likely raise the occupancy rates, particularly if accompanied with enforcement.

V. Accessory Dwelling Units: Implications for the current system

In some zone districts, San Miguel County Code requires one accessory dwelling unit bound by the R-1 deed restriction for single-family residences greater than 5000 sq. ft.. Adoption of the fee schedule proposed in this study requires that the County shift individual residential unit mitigation from a threshold based approach to an employment generation based approach.

Under the current fee structure, a house of 5000 sq. ft. is required to provide housing or a fee for housing (.11 FTEs in the year 2003). One ADU will provide housing for more than .11 FTEs, but the R-1 deed restriction is not restrictive enough to ensure that it is affordable and occupied by a qualified employee working in the R-1 School District.

A better means of achieving the outcome sought in the original ADU requirement threshold may be allowing developers of single family homes to build an accessory unit on site (or on a suitable off-site location in the R-1 School District) subject to price and income restrictions as well as occupancy requirements as discussed above. Again, this would represent a building in lieu of the fee.

It is important to note that while developers would have the option to build employee housing in lieu of the fee, they would NOT be eligible for a credit (a single

employee housing unit for a single residence will likely more than compensate for the employment generation). For example, a developer of a 5000 sq. ft. single family home may opt, with the County's approval, to build an ADU with tighter deed restrictions capable of housing 1.5 FTEs while under the fee structure in this study, they are required to provide either housing or cash for .11 FTEs. This should not give this developer a bank of 1.39 FTEs from which to draw for future development. Development of the ADU is optional and as such does not warrant the granting of any special credits.

The County could continue to allow ADU's with the current R-1 deed restriction (subject to special review) in certain zone districts, but these units should not constitute mitigation without a deed restriction containing occupancy requirements and income/price limitations.

VI. Redevelopment: Additions and Conversions of Use

Because employment generation increases proportionate to increases in floor area of both residential and non-residential developments, the County may want to consider including a provision addressing additions to existing structures. Such a provision would simply require mitigation for the employees generated by the proposed total square footage (including addition) minus the employment generation of the existing structure. For example, a homeowner seeking to build an addition increasing house size from 3,000 to 8,000 sq. ft. (in 2003, a 3000 sq. ft. house would be required to mitigate for .06 FTEs, but an 8,000 sq. ft. house would be required to mitigate for .28 FTEs. In this case the homeowner would be required to mitigate for .22 FTEs.)

If a developer seeks to convert one land use to another with higher employment generation rates, the County may require mitigation based on the increase in FTE's. For example, conversion of a 1,000 sq. ft. retail establishment with a generation rate of 3.3 FTEs per 1,000 sq. ft. to a restaurant with a generation rate of 6.5 FTEs per 1,000 sq. ft., the development results in a net increase in FTEs and additional mitigation would be warranted.

VII. Independently Calculated Employee Generation: Non-Residential Development

Commercial activity can take many forms, the non-residential employment generation rates contained in this study may not always best represent the employment levels generated by basic development types in San Miguel County. Furthermore, developers may often propose development for which the County has no established employment generation rates, such as ski area expansions which are not necessarily tied to increases in floor area. In such cases, the best solution may be to allow the developer to submit an independent employment generation calculation that would then be reviewed by a County fee administrator.

VIII. Exemption or Discount for Smaller Residences

In preliminary meetings regarding this report, County Commissioners expressed interest in investigating the possibility and implications exempting or discounting the

employee housing mitigation fee for smaller residential units. Interest in such an exemption or discount is driven by the intuitive, informal knowledge that smaller homes tend to be more affordable than larger luxury units and furthermore, are more likely to be occupied by local working residents. The purpose of this analysis is to provide empirically based information useful to the Commissioners when considering exemptions for smaller residences. The analysis is focused on answering the following questions:

1. Are smaller residential units affordable in the context of the San Miguel County income structure?
2. If so, what is the size threshold, below which, residential units are affordable in the context of the San Miguel County income structure?
3. To what degree will homes below such a size threshold serve as housing for local employees?

Affordability of Smaller Residential Units

The County Commissioners passed a resolution in 1997 granting a 25% discount on the primary building permit fee for homes constructed 1,800 sq. ft. or less. This was based on the finding of an informal analysis conducted by the building department⁴³ that newly constructed homes of this size were usually affordable in the context of the 1997 market. In addition, single-family units in Lawson Hill, an affordable housing P.U.D. are limited to 1800 sq. ft. of above ground floor area under the P.U.D. approvals. The existence of the 1800 sq. ft. threshold as the limit for affordably sized units in the County in current policies and approvals led RPI analysts to begin the analysis by looking at this threshold.

2001-2002 real estate sales data from the San Miguel County Assessor's Office⁴⁴ for all residential units for the unincorporated County and unincorporated portions of the R-1 School District were analyzed by sale price, size, status (deed restricted or not), and affordability relative to the income structure of San Miguel County stated as the percentage of the Area Median Income limits defined by H.U.D. Given a 30 year mortgage an interest rate of 7.5%, and invoking the H.U.D. standard that affordable housing payments should be no more than 30% of the total household income -- a household with 120% AMI⁴⁵ can afford no more than a \$245,000 house with \$1,720 per month mortgage payments.

⁴³ November 13, 2002 Memo from Gary Hodges, Building Official, to Planning Director Mike Rozycki

⁴⁴ Extracted and formatted by Telluride Consulting

⁴⁵ 120% of AMI was chosen as the income threshold because affordable housing projects in the County to date have not targeted income groups above 120% AMI. Furthermore, the 2000 Housing Needs Assessment sets 120% of AMI as the upper limit for middle income households, as does H.U.D. in many contexts. In other words, households with greater than 120% AMI are in the upper income category.

Figure 15. Analyzing Affordability of Homes 1800 sq. ft. or Less and 1000 sq. ft. or Less

	Less Than or = to 1000 sq. ft.	Less Than or = to 1800 sq. ft.
% of <u>Free Market Units</u> in Unincorporated R-1 School District Selling at Prices Affordable to Households 120% AMI or Less	87%	54%
% of <u>Deed Restricted Units</u> in Unincorporated R-1 School District Selling at Prices Affordable to Households 120% AMI or Less	100%	90%
% of <u>All Units</u> in Unincorporated R-1 School District Selling at Prices Affordable to Households 120% AMI or Less	92%	68%

Figure 15 summarizes an analysis of the percentage of free market units, deed restricted units, and a combination of both that sold for prices affordable for households 120% or less of AMI for two size thresholds, 1800 sq. ft. and 1000 sq. ft..

54% of the free market units sold within the unincorporated R-1 School district were affordable to 120% AMI or less. Conversely 46% of the units in this size range were affordable only to households with greater than 120% AMI. The 2000 Housing Needs Assessment concludes that 32% of households in the County have incomes greater than 120% AMI⁴⁶. This means that the proportion of affordable 1800 sq. ft. (or less) units sold on the free market is very close to the proportion of households in the County that are in the middle and upper income brackets (i.e. greater than 120% of AMI).

While the sale prices of free market units less than 1,800 sq. ft. sold in the R-1 School District during 2001-2002 approximately mirror San Miguel County's middle and upper income groups' buying power, still, only about half of these units are "affordable" (if affordable is defined as affordable to middle income households or lower -- i.e. 120% AMI or less). In other words, about half of the units in this size category are not affordable to households that are most in need of affordable housing.

In order to achieve a higher level of affordability (defined as affordable to households with 120% AMI or less), the exemption threshold for free market units would need to be set at 1000 sq. ft.. 87% of free market units 1000 sq. ft. and less sold at prices affordable to households with 120% AMI or less. 85% of these units were condos, and the other 15% were single-family residences.

This real estate analysis was based on the sale of all units, new or pre-owned. The average price per square foot of free market units sold in the R-1 school district for 2001-2002 was \$235 per square foot (includes land). Newer units will almost certainly be more expensive. However, as the units age, it appears that the current

⁴⁶ pg. 87

conditions in the market will render a certain portion of these units affordable to working families and households over time. Furthermore, low cost modular units widely available in today's market will also allow those who can afford the land to build relatively inexpensive new homes.

To What Degree Do Smaller Units in the R-1 School District Serve as Employee Housing?

This is an important question because if residential units below 1800 sq. ft. do in fact serve as employee housing, the County could exempt them from the employee mitigation fee on the basis that they contribute more employees to the workforce than they demand. However if the contrary is true, the County could still exempt them from the fee, but will be obligated to make up for the exempted fees with other revenue.

Houses and condos in a resort region can be used as vacation homes; itinerant homes (used for 3-9 months per year, but not year-round); short-term rentals (booked and managed by property management companies as lodging units); retiree homes (used by migrant retirees who tend to have other residences as well); time share (fractionally owned vacation homes); get-away cabins (often located on mining claims in the far reaches of accessible private land) and probably many other non-traditional uses of the housing stock.

The problem is that affordability to local incomes does not necessarily mean that the housing will be purchased and used by employees and their families or housemates. A newly constructed free market home or condo in the size range under consideration might easily convert to one of the uses where not occupied by individuals contributing to the workforce.

Conclusions

The 1800 sq. ft. threshold is a reasonable exemption or discount threshold from the employee housing mitigation fee so long as the owner deed restricts the unit to the R-1 deed restriction. In addition to ensuring that the units would be used as housing for local employees and their families or housemates, units in this size range with the R-1 deed restriction are nearly all (90%) affordable to middle income and lower income households.

If Commissioners seek to exempt units below a certain size threshold unconditionally (i.e. without an R-1 deed restriction requirement), 1000 sq. ft. is a more affordable exemption threshold because units in this size range nearly all (87%) sell at prices affordable to households with 120% AMI or less.

Unconditionally exempting units below the 1800 sq. ft. threshold would mean that approximately half of the exempted units would be affordable only to households in the upper income bracket (i.e. greater than 120% AMI). This may not be consistent with the County's affordable housing goals.

Because free market unit (regardless of size) has the potential to be used for something other than a primary residence for a working local, the County should obligate itself to make up for the exempted fee revenue from other funds if the exemption is not tied to an R-1 deed restriction. According to **figure 22** (Cash Flow Analysis section - main body of the report) the County will have to relinquish approximately \$42,000 per year to subsidize an unconditional 1800 sq. ft. exemption threshold and \$7000-8000 at an unconditional 1000 sq. ft. exemption threshold. High growth years might increase these amounts. Again, these subsidies will not need to be made if the exemptions are tied to a deed restriction. Also, the subsidies will be lower if the County decides to only exempt a portion (e.g. 25%) of the fee.

IX. Practical Considerations when Charging Fee

When to Charge the Fee

The specific language of the State statutes granting local governments the ability to charge impact fees (CRS 29-20-103 thru 104.5) specifically states that impact fees apply to development permits. Practically speaking, it may be more efficient for the County to collect the fee when the County collects building permit fees. One way to accomplish this is to require applicants to sign an agreement at the development permit stage requiring that they will pay the employee housing impact fee when the other building permit fees are due.

How to Calculate the Residential Fee

The fee consists of two components, the ongoing maintenance and services component and the construction component. The fee calculation formula follows:

$$\{ [(0.070174e^{0.000322 * \text{sq. ft.}}) * (\text{mitigation rate})] + [(\text{sq. ft.} * .0044) * (\text{mitigation rate for that yr.})] / 40 \} \\ * (\text{Per Employee Subsidy} - \text{Credit}) \\ = \text{Fee}$$

Where $e = 2.718$ Napier's constant

The general formula can be simplified for ease of calculation. Since the mitigation rate for construction increases each year, here is a simplified fee calculation formula for 2003-2007:

2003	Fee = $\{ [(0.02106 * 2.718^{0.000322 * \text{sq. ft.}})] + [(\text{sq. ft.} * .000066)] / 40 \} * (\$ 45,740)$
2004	Fee = $\{ [(0.02106 * 2.718^{0.000322 * \text{sq. ft.}})] + [(\text{sq. ft.} * .000128)] / 40 \} * (\$ 45,740)$
2005	Fee = $\{ [(0.02106 * 2.718^{0.000322 * \text{sq. ft.}})] + [(\text{sq. ft.} * .000185)] / 40 \} * (\$ 45,740)$
2006	Fee = $\{ [(0.02106 * 2.718^{0.000322 * \text{sq. ft.}})] + [(\text{sq. ft.} * .000233)] / 40 \} * (\$ 45,740)$
2007	Fee = $\{ [(0.02106 * 2.718^{0.000322 * \text{sq. ft.}})] + [(\text{sq. ft.} * .000282)] / 40 \} * (\$ 45,740)$

How to Calculate the Non-Residential Fee

Sq. Ft. of Development * (Employee Generation Rate for Development Type/1000) * 30% * \$45,740 Where the Employee Generation Rate is based on the table below:

Type of Use	2001 Composite Database FTEs per 1000 Sq. Ft.
Restaurant/Bar	6.5
Education	2.3
Finance/banking	3.3
Medical profession	2.9
Other professional services	3.7
Personal services	1.3
Real estate/property management	5.9
Retail	3.3
Recreation/amusements	5.3
Utilities	2.9
Overall	4.4
Lodging/hotel	0.3/unit

X. Updating Components of the Fee Structure

Two components of the fee structure need to be evaluated and updated every two years:

The *mitigation rate* can change over time as employment trends change and as more employee housing is developed. If the County produces an increase in the level of service, then the fee should be raised accordingly (e.g. if a large employee housing project is developed).

The *per employee subsidy*, that is, the gap (in dollars) between the cost of producing affordable housing for an employee and what that employee can afford to pay for the housing is subject to change as well. Recent trends suggest that the subsidy is rising. The County should monitor the subsidy every two years in light of the cost of new employee housing projects and wage/income trends.

The fee structure should also be updated if there is reason to believe that a significant increase in the LOS has occurred

Attachment C
 Summary of Location Factors
 Assuming affordable house is \$325,000 based on AMI of \$79,600
 Using 10 year median of sales data

County Area	Current Location factor	median sales price	new location factor
Conway North	19%	\$ 225,000.00	0%
Mono Basin	49%	\$ 290,000.00	0%
June Lake	100%	\$ 451,000.00	39%
Tri-Valley	38%	\$ 258,500.00	0%
Paradise	94%	\$ 375,000.00	15%
Long Valley	100%	\$ 565,000.00	74%
Swall Meadows	100%	\$ 530,000.00	63%

Using 2002-current median of sales data

County Area	Current Location factor	median sales price	new location factor
Conway North	19%	\$ 222,000.00	0%
Mono Basin	49%	\$ 290,000.00	0%
June Lake	100%	\$ 440,000.00	35%
Tri-Valley	38%	\$ 250,000.00	0%
Paradise	94%	\$ 375,000.00	15%
Long Valley	100%	\$ 545,000.00	68%
Swall Meadows	100%	\$ 525,000.00	62%

Using 10 year average of sales data

County Area	Current Location factor	average sales price	new location factor
Conway North	19%	\$ 241,465.32	0%
Mono Basin	49%	\$ 282,868.00	0%
June Lake	100%	\$ 465,843.51	43%
Tri-Valley	38%	\$ 265,736.69	0%
Paradise	94%	\$ 416,322.58	28%
Long Valley	100%	\$ 571,907.80	76%
Swall Meadows	100%	\$ 570,281.30	75%

Using 2002-current average of sales data

County Area	Current Location factor	average sales price	new location factor
Conway North	19%	\$ 237,613.09	0%
Mono Basin	49%	\$ 279,615.69	0%
June Lake	100%	\$ 453,308.51	39%
Tri-Valley	38%	\$ 259,834.21	0%
Paradise	94%	\$ 401,600.00	24%
Long Valley	100%	\$ 550,987.10	70%
Swall Meadows	100%	\$ 554,233.69	71%

Attachment D

Location Factor Changes Examples

County Area	Current	10 Yr Median	All-year Median	10 Yr Average	All-year average
2500 square foot home					
Conway North	\$ 60.00	\$ -	\$ -	\$ -	\$ -
Mono Basin	\$ 154.00	\$ -	\$ -	\$ -	\$ -
June Lake	\$ 314.00	\$ 122.00	\$ 110.00	\$ 135.00	\$ 122.00
Tri-Valley	\$ 119.00	\$ -	\$ -	\$ -	\$ -
Paradise	\$ 295.00	\$ 47.00	\$ 47.00	\$ 88.00	\$ 75.00
Long Valley	\$ 314.00	\$ 232.00	\$ 213.00	\$ 239.00	\$ 220.00
Swall Meadows	\$ 314.00	\$ 198.00	\$ 195.00	\$ 235.00	\$ 223.00
3000 square foot home					
Conway North	\$ 427.00	\$ -	\$ -	\$ -	\$ -
Mono Basin	\$ 1,100.00	\$ -	\$ -	\$ -	\$ -
June Lake	\$ 2,245.00	\$ 876.00	\$ 786.00	\$ 965.00	\$ 876.00
Tri-Valley	\$ 853.00	\$ -	\$ -	\$ -	\$ -
Paradise	\$ 2,110.00	\$ 337.00	\$ 337.00	\$ 629.00	\$ 539.00
Long Valley	\$ 2,245.00	\$ 1,661.00	\$ 1,527.00	\$ 1,706.00	\$ 1,572.00
Swall Meadows	\$ 2,245.00	\$ 1,414.00	\$ 1,392.00	\$ 1,684.00	\$ 1,594.00
3500 square foot home					
Conway North	\$ 913.00	\$ -	\$ -	\$ -	\$ -
Mono Basin	\$ 2,355.00	\$ -	\$ -	\$ -	\$ -
June Lake	\$ 4,806.00	\$ 1,874.00	\$ 1,682.00	\$ 2,067.00	\$ 1,874.00
Tri-Valley	\$ 1,826.00	\$ -	\$ -	\$ -	\$ -
Paradise	\$ 4,518.00	\$ 721.00	\$ 721.00	\$ 1,346.00	\$ 1,153.00
Long Valley	\$ 4,806.00	\$ 3,556.00	\$ 3,282.00	\$ 3,653.00	\$ 3,364.00
Swall Meadows	\$ 4,806.00	\$ 3,028.00	\$ 2,980.00	\$ 3,605.00	\$ 3,412.00
4000 square foot home					
Conway North	\$ 1,520.00	\$ -	\$ -	\$ -	\$ -
Mono Basin	\$ 3,920.00	\$ -	\$ -	\$ -	\$ -
June Lake	\$ 8,000.00	\$ 3,120.00	\$ 2,800.00	\$ 3,440.00	\$ 3,120.00
Tri-Valley	\$ 3,040.00	\$ -	\$ -	\$ -	\$ -
Paradise	\$ 7,520.00	\$ 1,200.00	\$ 1,200.00	\$ 2,240.00	\$ 1,920.00
Long Valley	\$ 8,000.00	\$ 5,920.00	\$ 5,440.00	\$ 6,080.00	\$ 5,600.00
Swall Meadows	\$ 8,000.00	\$ 5,040.00	\$ 4,960.00	\$ 6,000.00	\$ 5,680.00

Attachment E
Square Footage analysis

Average SF

Last 10 years	2172
all years	2189

80th percentile

last 10 years	2919
all years	2900

70th percentile

last 10 years	2694
all years	2697

approximate 62nd percentile-current threshold

last 10 years	2400
all years	2413

60th percentile

last 10 years	2355
all years	2356

50th percentile

last 10 years	2147
all years	2153

Attachment F

Square Footage threshold change

County Area	Current	60th percentile	70th percentile	80th percentile
2500 square foot home				
Conway North	\$ 60.00	\$ 86.00	\$ -	\$ -
Mono Basin	\$ 154.00	\$ 221.00	\$ -	\$ -
June Lake	\$ 314.00	\$ 451.00	\$ -	\$ -
Tri-Valley	\$ 119.00	\$ 171.00	\$ -	\$ -
Paradise	\$ 295.00	\$ 424.00	\$ -	\$ -
Long Valley	\$ 314.00	\$ 451.00	\$ -	\$ -
Swall Meadows	\$ 314.00	\$ 451.00	\$ -	\$ -
3000 square foot home				
Conway North	\$ 427.00	\$ 458.00	\$ 217.00	\$ 57.00
Mono Basin	\$ 1,100.00	\$ 1,181.00	\$ 560.00	\$ 148.00
June Lake	\$ 2,245.00	\$ 2,410.00	\$ 1,143.00	\$ 303.00
Tri-Valley	\$ 853.00	\$ 916.00	\$ 434.00	\$ 115.00
Paradise	\$ 2,110.00	\$ 2,265.00	\$ 1,075.00	\$ 284.00
Long Valley	\$ 2,245.00	\$ 2,410.00	\$ 1,143.00	\$ 303.00
Swall Meadows	\$ 2,245.00	\$ 2,410.00	\$ 1,143.00	\$ 303.00
3500 square foot home				
Conway North	\$ 913.00	\$ 950.00	\$ 668.00	\$ 482.00
Mono Basin	\$ 2,355.00	\$ 2,449.00	\$ 1,724.00	\$ 1,243.00
June Lake	\$ 4,806.00	\$ 4,998.00	\$ 3,518.00	\$ 2,536.00
Tri-Valley	\$ 1,826.00	\$ 1,899.00	\$ 1,337.00	\$ 964.00
Paradise	\$ 4,518.00	\$ 4,698.00	\$ 3,307.00	\$ 2,384.00
Long Valley	\$ 4,806.00	\$ 4,998.00	\$ 3,518.00	\$ 2,536.00
Swall Meadows	\$ 4,806.00	\$ 4,998.00	\$ 3,518.00	\$ 2,536.00
4000 square foot home				
Conway North	\$ 1,520.00	\$ 1,562.00	\$ 1,240.00	\$ 1,026.00
Mono Basin	\$ 3,920.00	\$ 4,028.00	\$ 3,198.00	\$ 2,647.00
June Lake	\$ 8,000.00	\$ 8,219.00	\$ 6,526.00	\$ 5,401.00
Tri-Valley	\$ 3,040.00	\$ 3,123.00	\$ 2,480.00	\$ 2,053.00
Paradise	\$ 7,520.00	\$ 7,726.00	\$ 6,134.00	\$ 5,077.00
Long Valley	\$ 8,000.00	\$ 8,219.00	\$ 6,526.00	\$ 5,401.00
Swall Meadows	\$ 8,000.00	\$ 8,219.00	\$ 6,526.00	\$ 5,401.00



ORDINANCE NO. ORD06- 06

**AN ORDINANCE OF THE MONO COUNTY BOARD OF SUPERVISORS
ADDING CHAPTER 15.30 TO TITLE 15 OF THE MONO COUNTY CODE
ENACTING HOUSING MITIGATION REQUIREMENTS**

WHEREAS, the Board of Supervisors finds that the County of Mono has a shortage of housing that is affordable to many residents who work and reside in Mono County as a result of sharply rising housing costs over the past several years, the increase in second homes; and

WHEREAS, wages for workers residing in Mono County have not kept pace with the increase in housing costs. As a result, employees in the lower, moderate, and even upper-moderate income ranges cannot afford to reside in proximity to work centers, have been forced to move greater distances from their places of employment, or have moved from the area entirely. This has decreased the pool of workers necessary to meet the needs of businesses and communities within Mono County. It has also increased commuting time to places of employment and contributes to substandard living conditions for workers and their families that earn low and moderate income levels; and

WHEREAS, requiring developers of land to mitigate the impact of development projects on the availability of workforce and affordable housing, either directly or through the payment of fees, dedication of land, or similar means, is reasonable and necessary to offset the impact of the development which has resulted in a decrease of land available for workforce housing, and for persons with low and moderate levels of income, a demonstrative increase in the price of housing, and an increase in the need for workers within the county; and

1 **WHEREAS**, Despite the availability of state and county incentives, there has
2 been little or no market development of residential housing affordable to households
3 earning very low, low, moderate, and even upper-moderate income levels and no other
4 reasonable means to meet this need for workforce and affordable housing are available;
5 and

6 **WHEREAS**, A requirement that new development mitigate these impacts by the
7 development of affordable housing units, the payment of fees, or similar means is
8 reasonable and necessary to improve the health, safety and general welfare of the
9 citizens of Mono County; and

10 **WHEREAS**, Recognizing that different regions within the county experience
11 separate and distinct needs for affordable housing, different mitigation requirements
12 will apply to most appropriately address the needs of the different communities; and

13 **WHEREAS**, These mitigation conditions will not result in a negative impact on
14 the overall development of housing or impose a barrier that will prevent persons with
15 lower and moderate levels of income from purchasing housing;
16

17 **NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF**
18 **MONO ORDAINS** as follows:

19 **SECTION ONE:** That title 15 of the Mono County Code is amended by the
20 addition of a new Chapter 15.40 entitled "Housing Mitigation Requirements" and will
21 read as set forth in Exhibit "A" attached hereto and incorporated herein by this reference

22 **SECTION TWO:** This ordinance shall become effective 30 days from the date of
23 its adoption and final passage, which appears immediately below. The Clerk of the
24 Board of Supervisors shall post this ordinance and also publish the ordinance in the
25 manner prescribed by Government Code section 25124 no later than 15 days after the
26 date of this ordinance's adoption and final passage. If the Clerk fails to so publish this
27 ordinance within said 15 day-period, then the ordinance shall not take effect until 30
28 days after the date of publication.

1 **APPROVED AND ADOPTED** this 13th day of June, 2006, by the following vote:

2 **AYES** :**Supervisor Bauer, Farnetti, Hazard, Hunt.**
3 **NOES** :**None.**
4 **ABSTAIN** :**None.**
5 **ABSENT** :**None.**
6 **VACANT** :**District #4.**


TOM FARNETTI, Chairman
Board of Supervisors
County of Mono

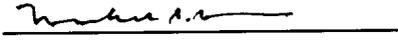
7
8 **ATTEST:**

APPROVED AS TO FORM:

9 **CHRISTY ROBLES**
10 **ACTING CLERK OF THE BOARD**

MARSHALL RUDOLPH
COUNTY COUNSEL

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Exhibit A

Chapter 15.40

Housing Mitigation Requirements

Sections:

- 15.40.010 Purpose
 - 15.40.020 Definitions
 - 15.40.030 Housing Trust Fund
 - 15.40.040 Non-Residential Development Project Housing Impact Fees
 - 15.40.050 Residential Development Project Inclusionary Requirements
 - 15.40.060 Alternatives
 - 15.40.070 Single Family Residence Mitigation Fees
 - 15.40.080 Developer Incentives
 - 15.40.090 Exempt Projects
 - 15.40.100 Procedure
 - 15.40.110 Occupancy and Availability of Affordable Units
 - 15.40.120 Serial or Sequential Development Prohibited
 - 15.40.130 Enforcement
 - 15.40.140 Annual Review
 - 15.40.150 Appeal, Waiver and Adjustment
 - 15.40.160 Severability
-
- 15.40.010 Purpose/Findings.

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

Requiring developers of land to mitigate the impact of development projects on the availability of workforce and affordable housing, either directly or through the

payment of fees, dedication of land, or similar means, is reasonable and necessary to offset the impact of the development which has resulted in a decrease of land available for workforce housing, and for persons with low and moderate levels of income, a demonstrative increase in the price of housing, and an increase in the need for workers within the county. Despite the availability of state and county incentives, there has been little or no market development of residential housing affordable to households earning very low, low, moderate, and even upper-moderate income levels and no other reasonable means to meet this need for workforce and affordable housing are available.

A requirement that new development mitigate these impacts by the development of affordable housing units, the payment of fees, or similar means is reasonable and necessary to improve the health, safety and general welfare of the citizens of Mono County. Recognizing that different regions within the county experience separate and distinct needs for affordable housing, different mitigation requirements will apply to most appropriately address the needs of the different communities. These mitigation conditions will not result in a negative impact on the overall development of housing or impose a barrier that will prevent persons with lower and moderate levels of income from purchasing housing.

15.40.020 Definitions

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

A. "Affordable Unit" means a housing unit which is required to be built, sold, and/or restricted pursuant to the requirements under this chapter. For purposes of determining the fractional fee required pursuant to this chapter, the designated size of an affordable single-family unit, including an affordable condominium unit and an affordable unit required for non-residential projects, is determined to be twelve hundred (1200) square feet (excluding garage and secondary dwelling unit); the designated size of an affordable multi-family unit or manager's unit is one thousand (1000) square feet; and the designated size of a secondary unit is six hundred-forty (640) square feet.

B. "Building Cost" means the cost per square foot of building a single family residence in Mono County as determined by the Mono County Building Division for "Habitable Space D," or as determined by resolution of the Board of Supervisors.

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

E. "Dwelling Unit" means any structure or portion thereof designed or used as residence or sleeping quarters of a household, including a caretaker unit.

F. "Full-Time Equivalent Employee" ("FTEE") means a full-time employee or combination of part-time employees whose work constitutes a total of 2,080 hours of

annual employment generated by residential and non-residential development. In general, a full-time employee employed for an entire year equals one FTEE, a full-time employee employed on a seasonal basis equals one-half FTEE, and a part-time employee employed on an annual basis equals one-half FTEE. When an "employee generation calculation" results in seasonal or part-time employees, those employees shall be combined to form FTEEs.

G. "Household" means one or more individuals who occupy one dwelling unit as a single housekeeping unit, whether or not related by blood or marriage.

H. "Housing Fund" means the County of Mono Affordable Trust Fund established pursuant to this Chapter.

I. "Housing Mitigation Fee" means any fee established pursuant to this chapter.

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

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

L. "Location Factor" means a factor that represents the cost of housing and need for affordable housing within a specific geographic region within Mono County that will be used in the calculation of housing mitigation requirements.

M. "Market Rate Unit" means a dwelling unit in a residential development project that is not an affordable unit.

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

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

P. "Residential development project" means a project for the construction or placement of any residential dwelling unit in a permanent location, or the subdivision of land which is planned, designed, or used for development of residential dwelling units

within the following General Plan land use designations: rural residential, estate residential, single-family residential, multi-family residential, or any other area where residential dwelling units may be developed.

Q. "Secondary Housing Unit" shall mean a dwelling unit located on the same parcel as a principal unit and as defined pursuant to Chapter 16 of the Land Use Element of the Mono County General Plan.

R. "Sleeping Area" means any bedroom, loft, or other space that can be equipped with beds, foldout sofas, or other similar sleeping furniture within a visitor accommodation/transient occupancy facility.

15.40.030 Housing Trust Fund

A. There is hereby established the Mono County Affordable Housing Trust Fund (the "Housing Fund"). Any and all fees collected pursuant to this Chapter, together with any other funds received by grant or otherwise for the purpose of furthering the development of affordable housing within the County of Mono, shall be deposited into the Housing Fund.

B. The Housing Fund shall be administered by the Mono County Housing Authority subject to any direction provided by the Board of Supervisors and the provisions of this chapter.

15.40.040 Requirements For Non-Residential Projects

A. Affordable Housing Mitigation requirements shall be imposed on developers of non-residential development projects based on the Full-Time Equivalent Employment generation created by the proposed use. The mitigation requirements shall be determined pursuant to Table Z of this Chapter.

B. Developers of non-residential development projects shall construct or acquire one affordable unit, or pay a fractional housing mitigation fee, based on the type of development project as defined below. The affordable unit may be offered for sale or may be a rental unit and shall be deed-restricted as provided in Section 17.60.110 of this chapter. A fee shall be paid for any fractional units ("the fractional amount"). The fee shall be based on the fractional amount multiplied by the Building Cost multiplied by the designated size of one affordable unit multiplied by the location factor: Fractional amount x Building Cost x 1200 x location factor. The affordable units shall be constructed or acquired on-site if allowable by the Mono County General Plan, or if not allowable on-site, the unit(s) shall be constructed or acquired off-site in the community where the development project is located.

1. Visitor Accommodations. Developers of any visitor accommodation, including but not limited to hotels, motels, inns, resorts, timeshares, and other development projects designed for the use of transient occupancy by visitors, shall provide one affordable unit for every twenty (20) sleeping areas provided by the project multiplied by the location factor. Any visitor accommodation project that results in the development of nine or fewer sleeping areas is exempt from the provisions of this chapter. Developers of ten (10) and up to nineteen (19) sleeping areas shall be required to pay a fractional fee where each sleeping area is determined to have a fractional value of one-eleventh of an affordable unit multiplied by the location factor. Developers of more than 20 sleeping areas shall pay a fractional fee in addition to providing one affordable unit for every 20 sleeping areas developed where each sleeping area is determined to have a fractional value of 1/20 of an affordable unit multiplied by the location factor.

2. Commercial. Developers of commercial projects, including but not limited to office and retail space, restaurants and other food services, facilities for repair services, professional services, and facilities for cultural and religious activities, shall provide one affordable unit for every eight thousand (8,000) square feet of commercial space developed multiplied by the location factor. Commercial development projects less than two thousand (2,000) square feet shall be exempt from the provisions of this chapter. Commercial development projects of two thousand (2000) square feet and up to and including seven thousand nine hundred and ninety-nine (7,999) square feet shall pay a fractional fee where each square foot is determined to have a fractional value of 1/6001 of an affordable unit multiplied by the location factor. Commercial development projects that are greater than eight thousand (8,000) square feet shall pay a fractional fee in addition to providing any required affordable unit(s) where each square foot is determined to have a fractional value of 1/8000 of an affordable unit multiplied by the location factor.

3. Industrial or Service Commercial. Developers of industrial and service commercial projects, including but not limited to facilities to be used for cottage industries, automobile repair shops, plumbing and construction services, manufacturing shops, and similar facilities, shall provide one affordable unit for each ten thousand (10,000) square feet of industrial or service commercial space developed multiplied by the location factor. Industrial or service commercial projects that are less than twenty-five hundred (2,500) square feet are exempt from the provisions of this chapter. Industrial and service commercial projects of twenty five hundred (2500) square feet and up to and including nine thousand nine hundred and ninety-nine (9,999) square feet shall pay a fractional fee where each square foot is determined to have a fractional value of 1/7500 of an affordable unit multiplied by the location factor. Industrial and service commercial projects greater than ten thousand (10,000) square feet shall pay a fractional fee in addition to providing any required affordable unit(s) where each square foot is determined to have a fractional value of 1/10,000 of an affordable unit multiplied by the location factor.

4. Storage and Warehouse. Each storage and warehouse project shall provide one affordable unit for each twenty thousand (20,000) square feet of storage or warehouse space developed multiplied by the location factor. Storage and warehouse projects less than five thousand (5,000) square feet are exempt from the provisions of this chapter. Storage and warehouse projects of five thousand (5000) square feet and up to and including nineteen thousand nine hundred and ninety-nine (19,999) square feet shall pay a fractional fee where each square foot is determined to have a fractional value of 1/15,000 of an affordable unit multiplied by the location factor. Industrial and service commercial projects greater than twenty thousand 20,000 square feet shall pay a fractional fee in addition to providing any required affordable unit(s) where each square foot is determined to have a fractional value of 1/20,000 of an affordable unit multiplied by the location factor.

C. Special Fees and Exemptions. The following non-residential development projects are exempt from the housing mitigation requirements set forth in this chapter:

1. Non-residential projects producing less than one (1) FTEE in any five-year period.
2. Public and private elementary and secondary schools.
3. Nursery school and daycare facilities that are open to public enrollment.
4. Public libraries, art galleries, museums, and other non-recreational public facilities.
5. Churches and other places of worship.
6. Any building which is destroyed or damaged by fire or natural catastrophe so long as the square footage of the building is not increased as a result of the repair, rebuilding, or restoration of the damaged building.
7. Multi-family apartment buildings that are deed-restricted to require working resident occupancy or other approved affordable housing criteria.
8. Secondary housing units as defined in Chapter 16 of the Land Use Element of the Mono County General Plan.

D. Developers of non-residential development projects may propose to the Community Development Department and the Planning Commission comparable alternatives to these requirements in lieu of construction or acquisition of affordable units or payments of all or a portion of the housing mitigation fee.

15.40.050 Residential Development Projects Inclusionary Requirements.

A. Single-Family Subdivisions. All residential development projects shall provide an affordable housing unit for each ten (10) lots or housing units developed, and shall pay a fee in lieu of providing any fractional units. The size, design, and location of inclusionary units shall be consistent with the Mono County General Plan, applicable

specific plans, and other county ordinances and building standards. Compliance may be accomplished by the developer alone or in combination with others, including without limitation the Mono County Housing Authority or a nonprofit housing corporation. The housing mitigation requirements set forth herein shall be based upon the size and location of the project.

1. Inclusionary Requirements.

a. Developers of residential subdivisions consisting of the creation of two units or lots shall not be required to meet any housing mitigation requirements.

b. Developers of residential subdivisions consisting of the creation of three (3) and up to and including nine (9) lots shall pay a fractional fee whereby the fractional unit is to be calculated where each lot is determined to have a fractional value of 1/10th of an affordable unit multiplied by the location factor.

c. Developers of residential subdivisions consisting of the creation of ten or more lots or housing units shall provide an inclusionary unit on-site for every ten lots or units created and shall pay a fee in lieu of providing a fractional inclusionary unit where each lot is determined to have a fractional value of 1/10th of an affordable unit multiplied by the location factor. The inclusionary unit(s) provided shall be sold at an affordable level as provided in Table Y.

d. In addition to building an affordable unit and paying affordable unit fractional fees, developers of each residential subdivision consisting of three (3) or more lots shall be required to deed-restrict twenty percent (20%) of the lots developed multiplied by the location factor to require the building of a secondary dwelling unit at the same time as the primary residence is constructed, and shall pay a fee in lieu of providing a fractional deed-restricted lot unit where each lot is determined to have a fractional value of 1/5th of a secondary unit multiplied by the location factor. Any lot designated to require a secondary dwelling unit will not be issued a building permit unless the plans submitted show an approved secondary dwelling unit and a certificate of occupancy shall not be issued unless the secondary dwelling unit has been constructed in an approved manner.

e. The construction of the on-site units shall be located within the same subdivision and within the boundaries of the project, shall be compatible in exterior appearance with the market rate units being

developed in the project, and shall be dispersed throughout the residential development to the extent feasible and as provided in the housing mitigation agreement. Placement of any required secondary unit deed-restricted lots or units shall be dispersed throughout the residential development to the extent feasible and as provided in the housing mitigation agreement. The affordable units must contain a similar number of bedrooms as the market rate units but may be smaller than market rate units as determined in the housing mitigation agreement and as provided in Table Y. The interior amenities within an affordable unit or secondary dwelling unit may differ from the interior amenities in a market rate unit, and may be required to include EPA II wood stoves, energy efficient amenities, and other cost-efficient amenities as provided in the housing mitigation agreement.

f. The on-site units and secondary dwelling units must be built at the same time as market rate units and a certificate of occupancy will not be issued as to any unit until the affordable unit(s) are completed and issued a certificate of occupancy.

B. Multi-Family Subdivisions, Projects and Condominiums.

All multi-family projects and condominium developments in Mono County shall meet the housing mitigation requirements set forth herein, based upon the size and location of the project.

1. Condominiums and Planned Developments.

a. Condominium subdivisions consisting of the creation of two (2) or fewer units shall not be subject to the provisions of this chapter other than as provided in section 15.40.070 for any specific condominium unit.

b. Condominium subdivisions consisting of the creation of three (3) and up to and including nine (9) units shall pay a fractional fee whereby the fractional unit is to be calculated where each unit is determined to have a fractional value of 1/10th of an affordable unit multiplied by the location factor.

c. Condominium subdivisions consisting of the creation of ten or more units shall provide an inclusionary unit on-site for every ten units created and shall pay a fee in lieu of providing a fractional inclusionary unit where each unit is determined to have a fractional value of 1/10th of an affordable unit multiplied by the

location factor. The inclusionary unit(s) provided shall be sold at an affordable level pursuant to Table Y.

d. In addition to the inclusionary requirements above, condominium subdivisions consisting of the creation of fifteen (15) or more units shall construct or provide an on-site manager's or employee unit for every additional (15) units developed and shall pay a fee in lieu of providing a fractional inclusionary unit where each unit is determined to have a fractional value of 1/15th of an affordable unit multiplied by the location factor.

e. The interior amenities within an affordable condominium unit may differ from the interior amenities in a market rate unit, and may be required to include EPA II wood stoves, energy efficient amenities, and other cost-efficient amenities as provided in the housing mitigation agreement.

2. Multi-Family Units.

a. A project consisting of the development of fewer than fifteen (15) duplexes, triplexes or other form of multi-family project not developed as a condominium or planned development project, where with the exception of one owner-occupied unit all other units will be leased as rental units, shall be exempt from the requirements of this chapter. The project must be deed-restricted to prevent the conversion to condominiums to be subject to the provisions of this section, or will otherwise be subject to section 15.40.050.B.i., above.

b. A project consisting of the development of fifteen (15) or more duplexes, triplexes or other multi-family project not developed as a condominium project or planned development, where with the exception of one owner-occupied unit all units will be leased as rental units, shall construct or provide an on-site manager's unit for the use of managers or other employees of the project, or provide an affordable unit, for every fifteen (15) units developed and shall pay a fee in lieu of providing a fractional inclusionary unit where each unit is determined to have a fractional value of 1/15th of an affordable multi-family unit multiplied by the location factor. Each affordable unit required to be constructed pursuant to this section shall be affordable to persons earning 80% or less of the AMI. The project must be deed-restricted to prevent the conversion to condominiums to be subject to the provisions of this section, or will otherwise be subject to section 15.40.050.B.i., above.

15.40.060 Alternatives

The County will consider and may approve alternative mitigation proposals in those circumstances where it can be demonstrated by the developer that the alternative proposal meets the purpose of this chapter and provides a greater housing benefit to the community than would otherwise be attained through building affordable dwelling units or the payment of fees in accordance with this Chapter. Developers may submit an alternative plan with the designated processing fee to the Community Development Department. Initial approval of such an alternative proposal will be made by the Community Development Department and thereafter approved by the Planning Commission, and will be subject to final review and approval by the Board of Supervisors. Alternatives that will be considered include, but are not limited to, land dedication, off-site housing, conversion of existing housing, and payment of in lieu fees.

15.40.70 Single Family Residence Housing Mitigation Fees.

Developers of Single Family residences shall pay a Housing Mitigation Fee in an amount set forth in Table X based on the square footage of the single family dwelling, the FTEE factor, building cost, and location factor. The first twenty-three hundred and ninety-nine (2399) square feet shall be exempt from this requirement. This fee shall be paid prior to the issuance of a building permit. The gross floor area of any attached garage and/or any attached or detached secondary housing unit shall not be included in the calculation of square footage for the purposes of this section.

15.40.80 Developer Incentives.

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

1. Density Bonus. A density bonus incentive pursuant to the California Density Bonus Law will be provided for any project that meets the criteria set forth in Government Code section 65915, as that section may be amended or replaced from time to time. The County may consider an additional density bonus upon request of the developer when such request can be accommodated within the parameters of the Mono County General Plan or any applicable specific plan.
2. Fee Waiver or Deferral. The payment of County fees required under this Chapter may be deferred until the certificate of occupancy is issued. Further, a developer may apply for a fee reduction or waiver when the developer can

demonstrate that substantial evidence exists that a waiver or reduction of any fee is necessary to allow the developer to meet the requirements of this section, and/or when a developer proposes to substantially exceed the requirements of this Chapter. A developer of a residential subdivision who builds affordable units in amounts that exceed the requirements of this Chapter may apply for a waiver of assessments for any applicable County maintained road maintenance and snow removal services that would otherwise be required.

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

15.40.90 Exempt Projects.

A. In addition to any projects deemed exempt as provided elsewhere in this Chapter, the following projects are exempt from the provisions of this Chapter:

1. Multi-family units that will be rented to permanent residents of Mono County or persons employed within Mono County, and that provide at least twenty-five percent (25%) of the available units to persons falling within the HUD affordable housing guidelines. To be eligible for this exemption the project must be deed-restricted to prevent the conversion of the multi-family units into condominiums and to ensure that the affordable units remain within the affordable housing guidelines.
2. Residential development for agriculture workers.
3. Mobile Home Park development.
4. Any building that is replaced or repaired as a result of fire or other catastrophic damage or loss so long as the square footage is not increased.
5. Any development that is being developed as an affordable housing project as defined by state law.

15.40.100 Procedure.

Housing Mitigation Agreement. The developer, the holder of any deed of trust or other lien holder on the property, and the Community Development Director or his or her designee shall execute a Housing Mitigation Agreement prior to the recordation of the parcel map or subdivision map, in the case of subdivisions, and prior to the issuance of building permits in the case of all other development. The Developer's entry into the Housing Mitigation Agreement shall be a condition of approval for any tentative parcel or final map. The executed Housing Mitigation Agreement shall be recorded by the county recorder at the time of the recording of any final or parcel map or at the time of the issuance of any building permit. The Housing Mitigation Agreement shall include, but not be limited to, the following:

1. A complete description of the development project;
2. The specific method of compliance with the requirements of this Chapter;
3. Any such matters as may be determined appropriate by the developer and/or the County.

15.40.110 Occupancy and Availability of Affordable Units

The occupancy and continuing availability of inclusionary units shall be provided for in the following manner:

A. For Sale Inclusionary Units. Inclusionary units that will be for sale shall be subject to the following conditions and restrictions:

1. Eligible Participants. Only full-time Mono County residents or employees working within Mono County meeting eligibility requirements specified by the Board of Supervisors by resolution shall be eligible to purchase affordable units.
2. Restrictions on Use and Resale. The affordable housing units developed pursuant to this Chapter shall be subject to resale restrictions, deed restrictions, and other requirements specified by the Board of Supervisors by resolution.
3. Sales Price and Transfer. The initial maximum purchase price shall be set by the Community Development Director. Restrictions will run with the property and be observed by subsequent owners.
4. Restriction on Use of Unit. The unit must be occupied by the owner of the unit as their primary residence and may not be leased or

rented without the express approval of the Community Development Director or his designee; or, if the unit is administered by the Mono County Housing Authority, by that entity. A secondary housing unit developed as a requirement pursuant to this Chapter may be rented in an amount determined by the affordable housing guidelines as defined by state law or the Mono County Housing Authority.

5. Term of Restrictions. The restrictions set forth in this section shall remain in effect in perpetuity.

6. Covenants, Conditions, and Restrictions. Any Covenants, Conditions, and Restrictions ("C, C & Rs") required for approval of any subdivision shall include all of the requirements of this Chapter and shall be recorded. Additional Conditions that may be required include provisions that the owner of an affordable unit must pay all property taxes in a timely manner, may not refinance the unit without the express written approval of the Community Development Director and only when any deed of trust is subordinate to the CC&Rs, that the owner must maintain the property in good condition, and comply with all local land use requirements. The CC&Rs shall provide, in addition to any other enforcement remedies, that they may be enforced by the County at the County's sole discretion as to any condition imposed by the County.

15.40.120 Serial or Sequential Development Prohibited.

Developers may not avoid the requirements of this Chapter by developing projects in a serial or sequential manner. Development of property owned by a developer or his or her successor in interest that is contiguous to any other development subject to this chapter shall be deemed to be one single project for the purposes of this Chapter when the subsequent development occurs within five (5) years of any prior development and when the combined development becomes subject to the requirements of this Chapter.

15.40.130 Enforcement.

A. The Community Development Department/Mono County Housing Authority shall be responsible for monitoring and enforcing the provisions of this Chapter. Any violation of this Chapter may be enforced in any manner permissible by law and shall constitute a violation of the Mono County Code and may be enforced as provided in Section 1.04.060 and Chapter 1.12 of the Mono County Code.

B. Owners and occupants of property subject to the restrictions and requirements of this Chapter shall permit County employees to inspect the property upon two business days advance written notice. Owners of property subject to the restrictions pursuant to this Chapter shall retain all records related to compliance with the obligations and restrictions of this Chapter, the Housing Mitigation Agreement and/or the C, C&Rs for a

period not less than five years, and shall make such records available to County employees for inspection and copying upon five business days advance written notice.

15.40.140 Annual Review

The provisions of this Chapter, the Affordable Housing Guidelines, and any resolutions adopted to further the purposes of this Chapter shall be reviewed annually by the Mono County Housing Authority and the Community Development Director or his or her designee, and an annual report and accounting shall be provided to the Board of Supervisors evaluating the policies set forth in this Chapter and their effects.

15.40.150 Appeal, Waiver, and Adjustment

A developer of any project subject to the requirements of this Chapter may appeal to the Board of Supervisors for a reduction, waiver, or adjustment of any of the provisions or requirements contained in this Chapter. Any such appeal shall be based upon the absence of any reasonable relationship or nexus between the impact of the development and either the inclusionary requirement or the amount of the fee charged. Based on substantial evidence, and a finding of good cause, the Board of Supervisors may adjust or waive any provision or requirement contained in this Chapter.

Any appeal must be in writing and filed with the County Clerk/Recorder and served on the Community Development Director not later than ten (10) days before the first public hearing on any discretionary approval or permit for the development, or if no discretionary permit is required, or if the action complained of occurs after the first public hearing on such permit or approval, then the appeal shall be filed within ten (10) days after payment of the fees objected to. The appeal shall set forth in detail the factual and legal basis for the claim of waiver, reduction, or adjustment. The Board of Supervisors shall consider the appeal within sixty (60) days after the filing of the appeal. The appellant shall bear the burden of producing substantial evidence to support the appeal, which shall include providing comparable technical information to support appellant's position. The decision of the Board of Supervisors shall be final.

15.40.160 Severability

The provisions of this Chapter are intended to be severable, and in the event any provision or requirement provided for under this Chapter is determined to be invalid or unenforceable, the remainder of the Chapter shall remain in effect.

Table X

Large Single Family Fee - Based on House Size

Fee = (House Size - 2399) x 1.00625 (FTEE Factor) exponentially raised by the House Size/1000 x Bldg Cost x Location Factor

<u>Example Size</u>	<u>FEE</u>
Up to 2400 sf	\$0
2500 sf	\$314
3000 sf	\$2,245
4000 sf	\$8,000
5000 sf	\$16,296
6000 sf	\$27,159
7000 sf	\$56,678
8000 sf	\$60,726
9000 sf	\$75,384
10000 sf	\$96,752

(Housing Ordinance Calculator to be used to determine fee.)

Table Y

<u>Required Family Units</u>	<u>Type Required (minimum size)</u>
1	1 - 1200 sf, 2BR @120% AMI
2	1 - 1200 sf, 2BR @120% AMI 1 - 1200 sf, 3BR @100% AMI
3	1 - 1200 sf, 2BR @120% AMI 1 - 1200 sf, 3BR @100% AMI 1 - 1200 sf, 3BR @ 80% AMI
4	1 - 1200 sf, 2BR @120% AMI 1 - 1200 sf, 3BR @100% AMI 1 - 1200 sf, 3BR @ 80% AMI 1 - 1500 sf, 3BR @150% AMI
5	1 - 1200 sf, 2BR @120% AMI 1 - 1200 sf, 3BR @100% AMI 1 - 1200 sf, 3BR @ 80% AMI 1 - 1500 sf, 3BR @150% AMI 1 - 1800 sf, 3BR @200% AMI
6	1 - 1200 sf, 2BR @120% AMI 1 - 1200 sf, 3BR @100% AMI 1 - 1200 sf, 3BR @ 80% AMI 1 - 1500 sf, 3BR @150% AMI 1 - 1800 sf, 3BR @200% AMI 1 - 1500 sf, 4BR @120% AMI
7	1 - 1200 sf, 2BR @120% AMI 1 - 1200 sf, 3BR @100% AMI 1 - 1200 sf, 3BR @ 80% AMI 1 - 1500 sf, 3BR @150% AMI 1 - 1800 sf, 3BR @200% AMI 1 - 1500 sf, 4BR @120% AMI 1 - 1500 sf, 4BR @100% AMI
8	1 - 1200 sf, 2BR @120% AMI 1 - 1200 sf, 3BR @100% AMI 1 - 1200 sf, 3BR @ 80% AMI 1 - 1500 sf, 3BR @150% AMI 1 - 1800 sf, 3BR @200% AMI 1 - 1500 sf, 4BR @120% AMI 1 - 1500 sf, 4BR @100% AMI

- 1 - 1500 sf, 4BR @ 80% AMI
- 9
- 2 - 1200 sf, 2BR @120% AMI
 - 1 - 1200 sf, 3BR @100% AMI
 - 1 - 1200 sf, 3BR @ 80% AMI
 - 1 - 1500 sf, 3BR @150% AMI
 - 1 - 1800 sf, 3BR @200% AMI
 - 1 - 1500 sf, 4BR @120% AMI
 - 1 - 1500 sf, 4BR @100% AMI
 - 1 - 1500 sf, 4BR @ 80% AMI
- 10
- 2 - 1200 sf, 2BR @120% AMI
 - 2 - 1200 sf, 3BR @100% AMI
 - 1 - 1200 sf, 3BR @ 80% AMI
 - 1 - 1500 sf, 3BR @150% AMI
 - 1 - 1800 sf, 3BR @200% AMI
 - 1 - 1500 sf, 4BR @120% AMI
 - 1 - 1500 sf, 4BR @100% AMI
 - 1 - 1500 sf, 4BR @ 80% AMI
- 11
- 2 - 1200 sf, 2BR @120% AMI
 - 2 - 1200 sf, 3BR @100% AMI
 - 2 - 1200 sf, 3BR @ 80% AMI
 - 1 - 1500 sf, 3BR @150% AMI
 - 1 - 1800 sf, 3BR @200% AMI
 - 1 - 1500 sf, 4BR @120% AMI
 - 1 - 1500 sf, 4BR @100% AMI
 - 1 - 1500 sf, 4BR @ 80% AMI
- 12
- 2 - 1200 sf, 2BR @120% AMI
 - 2 - 1200 sf, 3BR @100% AMI
 - 2 - 1200 sf, 3BR @ 80% AMI
 - 2 - 1500 sf, 3BR @150% AMI
 - 1 - 1800 sf, 3BR @200% AMI
 - 1 - 1500 sf, 4BR @120% AMI
 - 1 - 1500 sf, 4BR @100% AMI
 - 1 - 1500 sf, 4BR @ 80% AMI
- 13
- 2 - 1200 sf, 2BR @120% AMI
 - 2 - 1200 sf, 3BR @100% AMI
 - 2 - 1200 sf, 3BR @ 80% AMI
 - 2 - 1500 sf, 3BR @150% AMI
 - 2 - 1800 sf, 3BR @200% AMI
 - 1 - 1500 sf, 4BR @120% AMI
 - 1 - 1500 sf, 4BR @100% AMI
 - 1 - 1500 sf, 4BR @ 80% AMI

14 2 - 1200 sf, 2BR @120% AMI
 2 - 1200 sf, 3BR @100% AMI
 2 - 1200 sf, 3BR @ 80% AMI
 2 - 1500 sf, 3BR @150% AMI
 2 - 1800 sf, 3BR @200% AMI
 2 - 1500 sf, 4BR @120% AMI
 1 - 1500 sf, 4BR @100% AMI
 1 - 1500 sf, 4BR @ 80% AMI

15 2 - 1200 sf, 2BR @120% AMI
 2 - 1200 sf, 3BR @100% AMI
 2 - 1200 sf, 3BR @ 80% AMI
 2 - 1500 sf, 3BR @150% AMI
 2 - 1800 sf, 3BR @200% AMI
 2 - 1500 sf, 4BR @120% AMI
 2 - 1500 sf, 4BR @100% AMI
 1 - 1500 sf, 4BR @ 80% AMI

16 2 - 1200 sf, 2BR @120% AMI
 2 - 1200 sf, 3BR @100% AMI
 2 - 1200 sf, 3BR @ 80% AMI
 2 - 1500 sf, 3BR @150% AMI
 2 - 1800 sf, 3BR @200% AMI
 2 - 1500 sf, 4BR @120% AMI
 2 - 1500 sf, 4BR @100% AMI
 2 - 1500 sf, 4BR @ 80% AMI

17 3 - 1200 sf, 2BR @120% AMI
 2 - 1200 sf, 3BR @100% AMI
 2 - 1200 sf, 3BR @ 80% AMI
 2 - 1500 sf, 3BR @150% AMI
 2 - 1800 sf, 3BR @200% AMI
 2 - 1500 sf, 4BR @120% AMI
 2 - 1500 sf, 4BR @100% AMI
 2 - 1500 sf, 4BR @ 80% AMI

Additional requirement to be determined on a similar basis.

Table Z (applies to non-residential projects)

<u>Use</u>	<u>FTEE Generation Rate</u>
Visitor Accommodations (includes motels, hotels, fractional ownerships, and other visitor accommodations except condominiums)	0.2 / sleeping area
Commercial (includes retail, office, restaurant, etc.)	0.5 / 1000 sf
Industrial / Service Commercial	0.4 / 1000 sf
Storage / Warehouse	0.2 / 1000 sf
Other	Determined by Community Development Director

**MONO COUNTY
GENERAL PLAN HOUSING ELEMENT
FINAL ENVIRONMENTAL IMPACT REPORT (FEIR)**

SCH # 98122016

**ADDENDUM #2
HOUSING ORDINANCE TITLE 15**

MAY 2006

Prepared by:

**Mono County Community Development Department
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(760) 924-1800, (760) 924-1801 fax**

I. INTRODUCTION

The proposed project (proposed Housing Ordinance Title 15 of the Mono County Code) is part of the implementation program outlined in the Mono County Housing Element, which calls for development of implementing devices such as ordinances and other similar housing related or promulgation measures. The Housing Ordinance applies countywide to the unincorporated area of Mono County, California. Following its adoption, the Housing Ordinance will help guide the development of affordable work force housing in new development projects throughout the county.

An addendum to the Mono County General Plan Land Use Amendments Final Environmental Impact Report (FEIR) is proposed for this project as allowed by Section 15164 (a) of the CEQA Guidelines:

- (a) "The Lead Agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred."

The Mono County General Plan Land Use Amendments FEIR was previously certified on November 14, 2000 (Board of Supervisors Resolution 00-82).

II. PROJECT DESCRIPTION

The proposed ordinance will require developers of land to mitigate the impact of development projects on the availability of workforce and affordable housing, either directly or through the payment of fees, dedication of land, or similar means, necessary to offset the impact of the development which has resulted in a decrease of land available for workforce housing, and for persons with low and moderate levels of income, a demonstrative increase in the price of housing, and an increase in the need for workers within the county. Despite the availability of state and county incentives, there has been little or no market development of residential housing affordable to households earning very low, low, moderate, and even upper-moderate income levels and no other reasonable means to meet this need for workforce and affordable housing are available.

A requirement that new development mitigate these impacts by the development of affordable housing units, the payment of fees, or similar means is reasonable and necessary to improve the health, safety and general welfare of the citizens of Mono County. Recognizing that different regions within the county experience separate and distinct needs for affordable housing, different mitigation requirements will apply to most appropriately address the needs of the different communities. These mitigation conditions will not result in a negative impact on the overall development of housing or impose a barrier that will prevent persons with lower and moderate levels of income from purchasing housing. Moreover, the ordinance neither imposes nor requires changes in the land use designations or densities in any area of the county.

The ordinance has four main components as follows:

- Non-residential project developers will be required to mitigate housing effects of their projects based on the number of Full-Time Equivalent Employees created. Non-residential projects include visitor accommodations, commercial, industrial/service commercial, and storage/warehousing;
- Single-family project developers will be required to mitigate housing effects of their projects based on the number of lots proposed in the development. The affordable housing units generated will generally be required to be constructed within the proposed development as inclusionary housing.
 - Multi-family and condominium project developers will be required to mitigate housing effects of their projects based on the number of units proposed in the development. The affordable housing units generated will generally be required to be constructed within the proposed development as inclusionary housing.

- Proposed large single-family homes (2400 sf or larger) will pay an exponentially increasing fee based on the exponentially increasing number of employees generated by larger homes.

III. IMPACT ANALYSIS

The proposed housing implementation ordinance will not result in additional potential adverse environmental impacts beyond those already analyzed in the Final Environmental Impact Report (FEIR) for the existing Housing Element and Land Use Element of the Mono County General Plan. This determination is based on the following findings:

- The proposed ordinance is consistent with the Mono County Land Use Element and Housing Element. Future housing development will occur in the areas identified for residential development in the Land Use Element and at the densities identified in the Land Use Element, all consistent with the Housing Element.
- The overall build-out figures for residential development have not changed from the levels identified in the Land Use Element.
- Proposed housing implementation requirements of the ordinance are consistent with the existing Housing Element.
- Due to the small-scale nature of much of the housing development in Mono County, large-scale expansion of public and private services is not needed as a result of housing ordinance implementation. Large-scale projects will require further review in compliance with CEQA.
- No changes are proposed in Housing Element demographic, economic, and housing data due to the housing ordinance and the Mono County Master Environmental Assessment (MEA), that forms the setting for the General Plan EIRs, will not be affected.

DECISION NOT TO PREPARE A SUBSEQUENT EIR

The CEQA Guidelines require the preparation of a subsequent EIR if one or more of several conditions are met; an addendum is required if none of the conditions requiring a subsequent EIR has occurred but minor changes are necessary to the original EIR. The decision not to prepare a subsequent EIR for the amendment of the Mono County Housing Element was based on an analysis of the conditions requiring a subsequent EIR and the determination that none of those conditions applied to the amendment of the Housing Element; i.e.,

- (1) There are no substantial changes in the proposed Housing Element that will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
- (2) There are no substantial changes with respect to the circumstances under which the project is undertaken that will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
- (3) There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified, that shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous EIR; or

- (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
or
- (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
- (D) Mitigation measures or alternatives that are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Housing Mitigation Ordinance

2013 Update
Mary Booher
Scott Burns
Brent Calloway

Housing Mitigation Ordinance

- Background
- Options
- Detailed components

HMO Background

- Ordinance #06-06
- *Affordable Housing in Mountain Resort Towns: Policy Recommendations for June Lake, Mono County, CA*
- Suspension by Ordinance 11-07
- Suspension sunsets 7/15/13

HMO Options

1. No Action
2. Extending the suspension for a set period of time
3. Modifying specific provisions
4. Extending the suspension of specific provisions
5. Combination of modifying some provisions and suspending other provisions
6. Repealing the ordinance

Detailed Components

- Fractional Fee
- Full Time Equivalent Employees (FTEE)
- Location Factor
- Thresholds triggering the HMO
 - Size of home
 - Size of project
 - Size of development
- Exemptions

Fractional Fee

- Current basis
 - Residential-1 unit for every 10 units
 - Condominium and Planned Developments
 - 1 Unit for every 10 units
 - 1 on-site manager unit for every 15 units
 - Multi-family units
 - One on-site manager unit
 - Remaining units must be leased
 - Project is deed-restricted
 - <15 exempt above conditions are met
 - >15 units-above conditions plus
 - 1 on-site manager/employee unit for every 15 units
 - Affordable units are based on 80% AMI

Fractional Fee (continued)

- Visitor accommodations-1 unit for every 20 sleeping areas
- Commercial-1 unit for every 8,000 sf
- Industrial/Service Commercial-1 unit for every 10,000 sf
- Storage/Warehouse-1 unit for every 20,000 sf

FTEE

- San Miguel County report as basis
- Residential-average FTEE necessary to build and maintain home for 40 years
 - Reflected through exponential factor in calculator
- Non-residential-based on the type of development and expected jobs created by development

Current Location Factor

- | | |
|--------------------|------|
| • Conway and North | 19% |
| • Mono Basin | 49% |
| • June Lake | 100% |
| • Tri-Valley | 38% |
| • Paradise | 94% |
| • Long Valley | 100% |
| • Swall Meadows | 100% |

Elements of Location Factor

- Area Median Income (AMI)-\$79,600 (2013 AMI from State HCD)
- Affordable unit value
- Median sales price vs average sales price
- 10 year median (or average) vs all data available (currently 11 years) up to 20 years of data

Area Median Income

- Updated annually by State of California Department of Housing and Community Development
- Threshold used for qualification for grant-funded Homebuyer Assistance programs
- Referred to in Table Y of HMO

Affordable Unit Value

- \$325,000 affordable calculation assumes
 - annual AMI from HCD
 - \$20,000 down payment
 - Monthly debt payments of \$500
 - Average of interest rates
 - Credit score of 640-659 (3.66% APR)
 - Credit score of 720-759 (3.33% APR)
- \$325,000 – median sales price for last 10 years
\$325,000

Sales Price Data

- Median vs Mean
- 10 year data vs all data, up to 20 years

Thresholds triggering HMO Residential

- Subdivision-first two lots are exempt (still subject to SFR requirements)
- Condo/Planned Developments-
 - First two units are exempt (still subject to SFR)
- Multi-family units
 - <15 exempt if conditions are met
- SFR units less than 2,400 sf
- Has not been applied to Manufactured Homes

Thresholds triggering HMO non-residential

- Visitor accommodations
 - 1-9 sleeping units is exempt
- Commercial
 - <2,000 sf is exempt
- Industrial/Service Commercial
 - <2,500 sf is exempt
- Storage/Warehouse
 - <5,000 sf is exempt

Exemptions Residential

- Multi-family in which at least 25% of units are affordable. Must be deed restricted.
- Housing for agricultural workers
- Mobile Home Park development
- Replacement of building damaged in fire or natural disaster, as long as size is not increased
- Any development that meets state definition of an affordable housing project.

Exemptions Non-Residential

- Projects that produce less than 1 FTEE in any five year period
- Schools & daycare facilities that are open to public enrollment
- Non-recreational public facilities (libraries, museums, etc)
- Places of worship
- Substantially equivalent replacement of building destroyed by fire or natural disaster
- Multi-family apartment buildings that meet other affordable housing criteria
- Secondary housing units

Next Steps

- Further Board review on May 21st
- First reading of Ordinance-June 4th
- Second reading and adoption of Ordinance-June 11th
- Publication of Ordinance
- Effective date of action-July 15th