

October 10, 2017
Regular Meeting

Item # 1

**Opportunity for the
Public to Address the
Board**

Report to Mono County Board of Supervisors
Matters Re guarding Swauger Canyon / Devils Gate
Land use Designation

Peter Treadwell, James Ackles, Pamela Haas-Duhart

Mono County Board of Supervisors:

More than one year ago, the property owners and friends Swauger Canyon / Devils Gate came to this Board seeking assistance with a commercial logging enterprise operating in this area. Please be aware that on January first, of this coming year, the individual operating this wood business will qualify for a new Cal-Fire permit valid for the year 2018. We encourage the Board to find a means to curtail this venture continuing in the future. With this goal in mind we respectfully suggest the following ideas which we believe will prohibit commercial wood cutting in our are designated area zoned "Estate Residential".

1. The Mono County Board of Supervisors could strengthen the present land use designation language and preclude commercial logging by enforcing the narrative of the Mono County General Plan pertaining to Devils Gate / Swauger Canyon. (See Correspondence of Scott Burns to Pam Haas regarding Mono County General Plan.)
2. The Board of Supervisors may stipulate that dead, dying and diseased trees can continue to be cut by the permitted land owner according to Cal-Fire Guide lines. We suggest, however, that once a tree a is cut down, any processing for commercial sale must take place in an area zoned as industrial / commercial. This restriction would not pertain to home owners who cut wood for their own personal use.
3. The Board of Supervisors may choose to contact the California State Board of Forestry and solicit changes in their administrative regulations to allow local jurisdictions to participate in drafting rules and regulation not in conflict with local zoning. It is important to note, that this year the Board of Forestry will be conducting an extensive review and evaluation of rule 1038 B*. The time is opportune for Mono County to contribute their point of view to this effort.
4. The Board of Supervisors could prohibit the regular use of large commercial wood mills and industrial sized wood chippers for usage in residential areas. This would eliminate the ongoing nuisance of excessive noise.
5. Mono County may impose Bonds on the permit holder to protect the fragile one lane dirt roads consistent with Cal-Fire guide lines.
6. The County Board of Supervisors may direct the Planning Department to reconvene the Devils Gate / Swauger Creek Advisory Group to study this matter further.

*California Code of Regulations 1038 B

From: Pamela Haas <phaasplus2@aol.com>

To: ssimon <ssimon@mono.ca.gov>; alarsen <alarsen@mono.ca.gov>; jpeters <jpeters@mono.ca.gov>; sbums <sbums@mono.ca.gov>

Bcc: petetread <petetread@yahoo.com>; jimackles1 <jimackles1@aol.com>

Subject: Commercial buiness at Swager Creek and Devils gate

Date: Tue, Oct 3, 2017 4:21 pm

My name is Pamela J Haas-Duhart, property address 86336 Hwy 395 Bridgeport.

I purchased my property in late Nov of 1998 and moved in on May 1 of 1999. I was raised in the San Fernando Valley in the 40's and 50's when there was still ranching and farming. After raising my children I wanted to get back to my roots and move away from the commercialism of the city. I brought with me two pleasure horses so I could ride the National Forest which my property backs up to. In the Fall of 1999 Mr. Emory and Mr. Valdez spear headed a movement to change the zoning for Swauger and the Devils Gate area, requesting that the whole area be zoned strictly residential. Their reasoning for the request was that "someone" was going to start a commercial horse business. Their statements, which are a part of the boards minutes, were that having a commercial horse business would disrupt the tranquility of the area. They stated that the horses would disrupt the fragile nature of the road leading to the back of Swauger. They also were concerned that the sage brush would be disturbed, wild life would disappear and their quiet way of life would be destroyed. After several meetings and with the recommendation of the planning department, the board decided, in 2000 to change the zoning to Estate Residential. I spoke with the planer at the time and was told that this would allow for a small Cottage business but no commercial business.

We fast forward to 2015 when Mr. Emory decided that a commercial logging business would be a good idea, at least for him. Although I can only hear the noise when I visit Mr. Treadwell's, I am aware of the fact that Mr. Emory and or his family has purchased a 40 acre parcel at the front part of Swauger as well as Mr. Emory's purchase of several parcels on the west side of 395. When he starts his logging on those parcels I will be greatly impacted. With the commercial business our property values will decline and our property taxes will need to be lowered which will reduce the amount the county will receive. When we go to sell the property it will need to be disclosed that there is a commercial business operating in close proximity.

When I first moved to Devils Gate I would see so much wildlife. The deer would come close to the house and it gave me great peace to see them. Now it seems as though the only deer I see are dead on the highway. The wildlife are being driven out by the constant noise.

In 2015 when I contacted Code enforcement I became concerned with being told that a property owner can cut down every tree on their property if they wish. I thought that it was an unusual statement since, when I put my barn up, I was told I needed to plant trees.

In the 2000 rezoning and alignment I noticed that there were several other items addressed. I noticed that there were specifics about the fencing. You don't need a six wire barb wire to do anything but keep stock in or out. I also noticed that there are easements across the private property along Swauger for fishermen to be able to access Swauger Creek, but the residents and all the no trespassing signs are not allowing the fisherman to access the creek.

From: Pamela Haas
Sent: Wednesday, October 4, 2017 3:27 PM
Subject: Fwd: Swauger

Sent from my iPhone

Begin forwarded message:

From: Scott Burns <sburns@mono.ca.gov>
Date: October 4, 2017 at 2:38:21 PM PDT
To: Pamela Haas <phaasplus2@aol.com>
Subject: RE: Swauger

Pam:

Happened to see Keith Hartstrom yesterday after a number of years. Below are the policies that were integrated into the Mono County General Plan. Specifically 6.A.5 addresses fences and 6.F.1 addresses easements. Hope you are feeling better.

Scott

Swauger Creek

GOAL 6. Distribute and regulate residential land uses in a manner that minimizes impacts to natural resources, supports low-impact recreational uses on wildlands, and preserves and enhances agricultural resources and wildland recreational and research values in areas adjacent to rural residential uses.

Objective 6.A.

Provide for a sensitive pattern of future land development.

Policy 6.A.1. Future subdivisions in the planning area should recognize the inherent limitations of the land and the environment when determining appropriate parcel size and uses.

Action 6.A.1.a. Encourage minimum parcel sizes within the planning area based upon the sustainable carrying capacity of the land. The sustainable carrying capacity is to be formulated based upon Natural Resource Inventory maps and site visits by Area Planning Group members.

Action 6.A.1.b. Unless otherwise determined based on 1.1, encourage a minimum parcel size of 40 acres within the planning area.

Action 6.A.1.c. In assigning land use designations, indicate the minimum parcel size.

Action 6.A.1.d. Encourage consolidation of undersized parcels and/or land trades of same with public and private agencies interested in preservation of habitat (i.e., Nature Conservancy).

Action 6.A.1.e. Maintain liaison with USFS with regard to land trades that may affect planning.

Policy 6.A.2. Minimize the impacts of development.

Action 6.A.2.a. Encourage sustainable agricultural uses, both commercial and private through lobbying efforts and possible tax incentives.

Action 6.A.2.b. Restrict construction or improvement of roads within the planning area to the minimum necessary for access under the planned land use. Layout and construction of roads will be controlled by Natural Resource Inventory maps and site visits by Area Planning Group members.

Policy 6.A.3. Agricultural uses should be assigned an agricultural land use designation.

Policy 6.A.4. Forest clearing or cutting in old growth stands on west- or south-facing slopes on private lands shall not be permitted without careful demonstration of reforestation potential for similar vegetation or the benefits for wildlife habitat or other environmental stewardship purposes.

Policy 6.A.5. Encourage fence design to facilitate the migration and movement of wildlife, with particular attention given to sage grouse, deer migration routes, and protection of wildlife from highway traffic.

Policy 6.A.6. Preserve the rural and wilderness character while allowing cottage industries and agricultural uses.

Action 6.A.6.a. Restrict location and size of all signs, in conformance to the county Sign Regulations.

Action 6.A.6.b. Restrict commercial uses to those compatible with the goals and objectives for the area (examples of incompatible uses include trailer and mobile- home parks, service stations, mini marts, landfills. Compatible uses would include agriculture, small recreational touring facilities, etc.).

Objective 6.B.

Protect visual resources in the planning area.

Policy 6.B.1. Future development shall be sited and designed to be in scale and compatible with the surrounding natural environment.

Action 6.B.1.a. Develop design guidelines that ensure a minimum architectural standard that is compatible with the visual and scenic environment.

Action 6.B.1.b. Consider establishing a Design Review District for Swauger Canyon, in accordance with the provisions of the Land Development Regulations (LDR).

Action 6.B.1.c. Adopt the design guidelines for the Design Review District as part of CC&Rs and attach to deeds on all properties within the Design Review District.

Action 6.B.1.d. Encourage utility companies to develop an overall plan for the underground installation of all utilities within the planning area.

Policy 6.B.2. Protect areas identified as open viewsheds or significant viewsheds.

Action 6.B.2.a. Work with the Area Planning Group to identify open viewsheds and significant viewsheds and to develop specific design guidelines for those parcels.

Action 6.B.2.b. Assign Scenic Combining Land Use Designations and Land Development Regulations to such areas to protect scenic values.

Action 6.B.2.c. Parcels identified as having greater than 50% of their area within an open viewshed should be restricted to a minimum lot size of 80 acres.

Objective 6.C.

Maintain existing air quality throughout the planning area and discourage any action that could degrade that standard.

Policy 6.C.1. Maintain clear and pristine air quality in the planning area.

Action 6.C.1.a. Require all woodstoves installed in the area to be certified EPA Phase II, in conformance to policies in the Conservation/Open Space Element.

Action 6.C.1.b. Encourage use of renewable energy sources (wind, solar, hydro). Consult with appropriate agencies concerning tax incentive programs for the development of domestic renewable energy sources.

Policy 6.C.2. Minimize impacts of construction on air quality.

Action 6.C.2.a. Construction pads should be designed to minimize areas disturbed and construction-related traffic shall be restricted to limited and predefined access routes.

Action 6.C.2.b. Once construction is consolidated to the building site and adjacent regraded or otherwise disturbed lands are released from construction activities, revegetation and rehabilitation efforts shall be implemented, using appropriate seed mixtures or other suitable means such as jute mats or erosion-control netting. Within the area, perennial rye-grass mixtures have proved effective with proper site preparation, and seed sources are available.

Policy 6.C.3. Minimize impacts of roads on air quality.

Action 6.C.3.a. Development of new private roads should be limited to those necessary for access to private residences; shall comply with the Mono County Fire Safe Regulations; should consider how to minimize visual impact; the type of construction (drainage, culverts, road bases and finishes) should minimize dust and erosion problems. Construction on designated wet meadow areas should be prohibited.

Action 6.C.3.b. Discourage new general public travel roads throughout the planning area.

Action 6.C.3.c. Restrict the speed limits on all secondary roads to 25 mph.

Objective 6.D.

Improve water quality and maintain the existing stream-flow regime, in order for residents and visitors to enjoy a high quality of life.

Policy 6.D.1. Development shall demonstrate adequate service availability, including water supply, sewage disposal, and utilities, in a manner sensitive to the existing natural sewage disposal, is sufficient reason for development to be prohibited altogether.

Policy 6.D.2. Consider mapping of all permanent and ephemeral surface water sources within the planning area

Policy 6.D.3. Approve parcels of adequate size and location so that septic tank discharges and the various chemicals that development brings into an area do not contaminate either surface or ground water. Large parcel size and limited number of dwellings per parcel will help to ensure a high quality of water.

All existing and proposed building sites should be meticulously examined for septic tank and leach field suitability. Septic installations should not be permitted in wet meadow areas, in areas with a high water table, or on slopes in excess of 45%.

Policy 6.D.4. No net increase in runoff should be permitted. Future development projects shall provide a drainage and erosion control plan that complies with standards established by the Public Works Department.

Policy 6.D.5. Alternate methods of sewage treatment that are more compatible to the area than septic tanks, such as composting toilets, should be considered.

Objective 6.E.

Maintain and enhance wilderness habitat through conservation of energy.

Policy 6.E.1. Reduce overall consumption of all nonrenewable forms of energy, through conservation and use of renewable sources.

Action 6.E.1.a. All residential parcels shall be mapped for solar access sites.

Action 6.E.1.b. Use of superinsulation and passive solar construction for space heating in all structures should be encouraged through the use of tax or fee incentives.

Action 6.E.1.c. Non-solar building sites should be required to use superinsulation techniques to reduce heating loads and costs.

Action 6.E.1.d. Domestic water heating should be augmented through the use of:

- a. Batch solar heaters (or preheaters) on solar sites,
- b. Use of instantaneous water heaters (gas or electric) that will eliminate standing losses.

Action 6.E.1.e. A schedule of Energy Incentives should be formulated, in conjunction with Mono County, to implement this policy.

Policy 6.E.2. Encourage responsible production of renewable forms of energy.

Action 6.E.2.a. Promote use of renewable energy through tax and fee incentives, as in Policy 1.

Action 6.E.2.b. Discourage out-of-area sale of energy produced by any means.

Action 6.E.2.c. The Area Planning Group may develop a regional reforestation plan using only native tree species.

Objective 6.F.

Protect the recreational values in the area.

Policy 6.F.1. Establish area-wide pedestrian access to the waters of Swauger Creek; this has been accomplished in the Swauger Canyon area through the use of public easements, and should be extended to other areas if not already done.

Action 6.F.1.a. Fishing access to all sections of Swauger Creek should be encouraged on public and private lands.

Policy 6.F.2. Promote the safety of area residents and visitors.

Action 6.F.2.a. Consider amending Chapter 10.64, Firearm Discharge, of the Mono County Code to include private lands in the residential portion of the Swauger Creek Planning Area as a prohibited area for firearms discharge.

-----Original Message-----

From: Pamela Haas [<mailto:phaasplus2@aol.com>]

Sent: Sunday, October 01, 2017 6:42 PM

To: Scott Burns <sburns@monroecounty.gov>

Subject: Swauger

In 2000 the board of supervisors voted on the re-zoning of the Swauger Creek / Devils Gate area. At the same time they voted on the fencing and easements for Swauger Creek area. I have found reference to in in " amendments , Introgration of land use into zoning" . This was in the General Plan. Could you please send me the information which was voted on by the board As I stated, this was done in 2000. Keath Hartstrum was involved in it. I realize it is a ways back.

Thank you

Pam Haas-Duhart

Sent from my iPhone

1. Swauger road is an easement across private property. The easement allows for ingress and egress only. It does not allow for commercial use, without the permission of the property owner. Mr. Emory is using it for the road for commercial purposes without permission.
2. Mr. Emory has been seen hauling in large timber which was cut in another location. He cuts somewhere else and brings the wood in to his location at the end of Swauger to further cut, mill, chip, and process in some manner.
3. Fences do not follow general plan, or Fish and Wildlife regulations. Per general plan, fences are to be “designed for migration of wildlife, with particular attention given to sage grouse, deer migration routes”. None of the fences have the tags required by Fish and Wildlife. Fish and Wildlife have regulations as to how high the fences are to be and how far off the ground they are to be. Ranchers are required to follow the rules as well as the fact that Fish and Wildlife require the ranchers to have one of the lower wires smooth wire so the smaller animals can get through. I find it ironic that Mrs. Emory works for Fish and Wildlife but doesn't follow their regulations.
4. I would also like to point out that there are, in the general plan, easements across the properties along Swauger for “pedestrian access to the waters of Swauger Creek”. This may be in the general plan but the land owners do not

permit people on their land. This includes Mr. Emory's property. I will be on posting on social media that the properties may be crossed, and since there are no marked easements I guess people may cross were ever they choose to.

5. As far as noise goes, the general plan states "Preserve the county's quiet, rural atmosphere by maintaining existing ambient noise levels and preventing land uses from encroaching upon existing and planned land uses." "The County shall enforce the requirements in the Mono County Noise Ordinance."
6. When investigating someone you don't call them and let them know that you are going to show up to check them out. You also check all their properties even the ones on the west side of 395 where there is a storage container and I'm told a lean-to. Some people are good at hiding things.
7. The first formal complaints were made in 2015, the county did nothing. I firmly believe that if this had been in the Mammoth area this would have already been dealt with.

Policy 6.A.3. Agricultural uses should be assigned an agricultural land use designation.

Policy 6.A.4. Forest clearing or cutting in old growth stands on west- or south-facing slopes on private lands shall not be permitted without careful demonstration of reforestation potential for similar vegetation or the benefits for wildlife habitat or other environmental stewardship purposes.

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Action 6.B.2.c. Parcels identified as having greater than 50% of their area within an open viewshed should be restricted to a minimum lot size of 80 acres.

Objective 6.C.

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Action 6.E.2.c. The Area Planning Group may develop a regional reforestation plan using only native tree species.

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Action 6.F.1.a. Fishing access to all sections of Swauger Creek should be encouraged on public and private lands.

Policy 6.F.2. Promote the safety of area residents and visitors.

NOISE MEASUREMENT

Noise is measured using a variety of ratios, which account for both the magnitude of the noise and the time of day at which it occurs, in order to quantify human response and sensitivity to noise levels. A given level of noise may be more or less tolerable depending on the duration of exposure and the time of day during which the noise is experienced. For example, noise that occurs at night tends to be more disturbing than that which occurs during the day. Various noise measurement terms are explained in the following section.

Due to the relatively limited amount of traffic along our highway system, the community noise metric used in this Noise Element is worst case daily Leq (see the following section for definitions). State airport noise standards utilize the CNEL metric; compliance with those standards necessitates use of the CNEL metric. The Ldn is a simplification of CNEL. It divides the day into two weighted time periods, rather than the three used in CNEL, with no significant loss of accuracy.

NOISE MEASUREMENT TERMINOLOGY

Ambient Noise: The background noise level at a given location. The ambient noise level constitutes the normal or existing level of environmental noise at a given location and is a composite of sounds from many sources, near and far. Isolated, identifiable noise sources, such as airplanes and heavy trucks, are not taken into account, nor is noise produced by an item or items of equipment at the location and approximate time at which a comparison with the equipment noise is to be made.

A-Weighted Level: The sound level in decibels as measured on a sound level meter using the A-weighting filter. The A-weighting filter de-emphasizes the very low and very high frequency components of sound in a manner similar to the response of the human ear and correlates well with subjective reactions to noise. Designated dB(A) or dBA.

Community Noise Level Equivalent (CNEL): Used to characterize average sound levels over a 24-hour period, with weighting factors included for evening and nighttime sound levels. Leq values (equivalent sound pressure levels measured over a one-hour period - see below) for the nighttime period (10 p.m. to 7 a.m.) are reduced by 10 dBA in residential and agricultural areas, and by 5 dBA in commercial and industrial areas. For a given set of sound measurements, the CNEL value will usually be about 1 dB higher than the Ldn value (average sound exposure over a 24-hour period). In practice, CNEL and Ldn are often used interchangeably.

Day-Night Average Sound Level (Ldn): Average sound exposure during a 24-hour day, calculated from hourly Leq values, with the Leq values for the nighttime period (10 p.m. to 7 a.m.) decreased by 10 dB to reflect the greater disturbance potential from nighttime noises.

Decibel, dB: A unit of measurement describing the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals.

Equivalent Sound Level (Leq): The level of a steady-state sound that, in a stated time period and at a stated location, has the same sound energy as the time-varying sound (approximately equal to the average sound level). Leq is typically measured over 1-, 8-, and 24-hour sample periods. Leq measured over a one-hour period is called the hourly Leq or Leq(h).

Intrusive Noise: Noise that intrudes over and above the existing ambient noise at a given location. The relative intrusiveness of a sound depends upon its amplitude, duration, frequency, and time of occurrence, and tonal or informational content as well as the prevailing noise level.

L10: The A-weighted sound level that is exceeded 10% of the time. Similarly L50, L90, etc.

Noise Contours: Lines drawn about a noise source indicating equal levels of noise exposure (typically 45, 55, or 65 Ldn). Noise contours are used to establish land use planning criteria for noise.

Noisiness Zones: Defined areas within a community where the ambient noise levels are generally similar (within a range of 5 dB, for example). Typically, all

land uses where the exterior noise levels fall within the "unacceptable" range, new construction generally should not be undertaken.

In addition to the maximum allowable noise levels delineated above, the County implements additional noise regulations depending on the noise source and land use.

Noise Ordinance (Mono County Code, Chapter 10.16) — Defines limits for excessive noise and sets noise level limits for land uses.

Airport Land Use Compatibility Plans (ALUCP) for Bryant Field, Lee Vining Airport, and Mammoth Yosemite Airport — Regulate development with airport planning boundaries in order to minimize exposure to airport noise.

California Noise Insulation Standards (California Code of Regulations, Title 24) — Residential insulation standards implemented during the building process.

POLICIES

GOAL 1. Preserve the county's quiet, rural atmosphere by maintaining existing ambient noise levels and preventing incompatible land uses from encroaching upon existing and planned land uses.

Objective 1.A.

Protect the existing noise quality by ensuring noise compatibility.

Policy 1.A.1. The County shall consider the compatibility of proposed land uses and the noise environment when preparing or revising General Plan and community plan documents and when reviewing development proposals. Noise levels for proposed land uses should be consistent with the Maximum Allowable Noise Exposure by Land Use (Table 1); the total noise level resulting from new sources and ambient noise shall not exceed the standards in this Element and in the Mono County Noise Ordinance (Mono County Code, Chapter 10.16).

Action 1.A.1.a. Assess the frequency and severity of noise complaints during the annual General Plan review process.

Action 1.A.1.b. Revise the county Land Use Maps to show noise sources (e.g., highways, airports, helipads, industrial), as well as noise-sensitive areas (e.g., residential areas, schools, hospitals, libraries, certain natural areas, sensitive habitat, certain parks, recreational and cultural areas).

Action 1.A.1.c. Compliance with the standards in this Element and in the Mono County Noise Ordinance will substantially mitigate noise effects when applied to future projects, unless substantial new information indicates otherwise.

Policy 1.A.2. New development within Airport Planning Boundaries established in the Airport Land Use Compatibility Plans for Bryant Field Airport, Lee Vining Airport, and Mammoth Yosemite Airport shall comply with the requirements of those plans and shall be compatible with the noise levels identified in those plans.

Policy 1.A.3. As early as possible in the project design and review process, the County shall work with developers to attenuate noise impacts through the use of site planning, architectural layout, the use of noise reducing building materials, and other appropriate tools. Projects shall be designed to avoid short- and long- term noise impacts or reduce those impacts using the following methods, or similar methods, as appropriate.

- Avoid placement of noise-sensitive uses within noisy areas.
- Use open space as a buffer.
- Increase the distance between noise generators and noise-sensitive uses through the use of increased building setbacks and/or the dedication of noise easements.
- Place noise-tolerant land uses such as parking lots, maintenance facilities, and utility areas between noise generators and receivers.
- Use noise-tolerant structures, such as garages or carports, to shield noise-sensitive areas.

- Restrict the placement of multistory units within fixed distances of major roads unless setbacks are increased and additional insulation is used.
- Orient buildings so that the noise-sensitive portions of a project, including outdoor areas, are shielded from noise sources.
- Use berms and heavy landscaping to reduce noise levels.
- Use sound-attenuating architectural design and building features.
- Employ alternative technologies when appropriate that reduce noise generation (e.g., alternative pavement materials on roadways).

Policy 1.A.4. Where possible, less-intrusive noise mitigation (e.g., landscaped berms, open space buffers) should be encouraged rather than sound walls to preserve view corridors. Where the use of a sound wall cannot be avoided, require a combination of walls and earth berms to reduce noise and the use of vegetation or other visual screening methods to soften the visual appearance of the wall and further reduce noise.

Policy 1.A.5. Projects where existing and/or project-related noise levels exceed County noise standards shall provide a project-specific acoustical analysis as part of the project application. The analysis shall:

- a. be the responsibility of the applicant;
- b. be prepared by a qualified acoustical consultant;
- c. be subject to review and approval by Mono County;
- d. assess the existing noise environment in the general project vicinity;
- e. describe the noise generation potential of the proposed project within the project site and on surrounding areas and compare the noise generation potential of the project to the adopted standards in this Element and in the Mono County Noise Ordinance (Mono County Code, Chapter 10.16);
- f. recommend noise control measures to avoid or mitigate noise impacts and to ensure compliance with this Element and the Mono County Noise Ordinance; and
- g. outline a mitigation monitoring program that provides noise abatement for the project and that evaluates the effectiveness of proposed mitigation measures.

Policy 1.A.6. Incorporate the noise standards of adjacent jurisdictions into the evaluation of a proposed project when it has the potential to impact the noise environment of that jurisdiction.

Policy 1.A.7. The County shall work with applicable agencies and organizations, such as local and regional transit agencies and/or other jurisdictions, to address, regulate and/or minimize regional noise impacts, such as regional traffic noise and other sources of noise in the county.

Objective 1.B.

Protect the existing noise quality through abatement.

Policy 1.B.1. The County shall enforce the requirements in the Mono County Noise Ordinance (Mono County Code Chapter 10.16), which is being updated concurrently with this Element.

Action 1.B.1.a. Review the county Noise Ordinance (Mono County Code Chapter 10.16) annually and update as needed.

Policy 1.B.2. The County shall enforce State Noise Insulation Standards (California Administrative Code, Title 24) and Chapter 35 of the Uniform Building Code.

Policy 1.B.3. The County shall actively support the California Highway Patrol and Sheriff's Office in their enforcement of California Vehicle Code sections relating to vehicle noise emissions, including cars, off-road vehicles, and boats.

Policy 1.B.4. Regularly take noise data readings to update this Element and associated ordinances as necessary to ensure that noise abatement policies and procedures remain up-to-date and appropriate for noise sources in the county.

Policy 1.B.5. Provide sufficient resources within the county for effective enforcement of County codes and ordinances.

Objective 1.C.

October 10, 2017

Regular Meeting

Item # 11a

Community

Development

Forest Practices Act

Workshop

Forest Practice Rules



Swauger Canyon

Henry Herrera, Forester, CAL FIRE San Bernardino Unit (BDU)
Glenn Barley, Unit Chief, CAL FIRE BDU

Overview

- Forest Practice Rules (FPRs)
- CAL FIRE's role
- Timber Harvest Plans (THPs)
- Exemptions
- CEQA



June Lake

CAL FIRE Mission Statement and Vision

Mission: Serve and safeguard the people and protect the property and resources of California.

Vision: To be a leader in providing fire prevention and protection, emergency response, and natural resource protection services.



Forest Practice

- California Z' Berg-Nejedly Forest Practice Act of 1973-regulates logging on privately owned lands in California.
- Forest Practice Act ensures that logging is done in a manner that will preserve and protect wildlife, streams, plants, soil, archaeological resources and other values.

CAL FIRE's Role

- Enforce the California Forest Practice Act on all non-federal timberlands by ensuring compliance with the FPRs.
- Work with timberland owners to ensure good forest management.
- FPR violations are promptly acted upon. Enforcement actions range from violation notices requiring corrective actions, assessment of civil fines, and criminal proceedings through the court system.



Timber Harvest Plans-THPs

- THP-the environmental review document submitted by landowners to CAL FIRE outlining the timber that will be harvested, how it will be harvested, and the steps that will be taken to prevent damage to the environment.
- THPs are prepared by Registered Professional Foresters (RPFs).
- THPs are submitted to CAL FIRE.
- If the THP is complete, accurate, and in proper order then it is filed by CAL FIRE.
- After considering compliance with all FPRs, interagency recommendations, and public comments, CAL FIRE approves or denies the THP.

THPs

- Required for commercial operations and timberland conversions.
- CAL FIRE does not have the authority to deny a THP that is in compliance with the FPRs simply because it is unpopular with the public.
- CAL FIRE follows-up on approved THPs with site inspections and can shutdown operations, cite or fine the RPF, Licensed Timber Operator (LTO), and landowners if illegal operations are found.



THP Exemptions

- Persons who conduct certain types of timber operations are exempt from the THP preparation and submission requirements because restrictions on harvesting operations minimize potentially significant adverse effects on environmental resources.
- Restriction examples:
 - No tractor operations on slopes $>50\%$
 - No new road construction or reconstruction
 - No heavy equipment operations in a Watercourse Lake Protection Zone (WLPZ)

Exemption Examples

- 1038(B)- Harvesting Dead, Dying, or Diseased Trees and Fuelwood Exemption
- 1038(C)-150 Foot Fire Safe Clearance Exemption
- 1038(I)-Forest Fire Prevention Exemption



California Environmental Quality Act- CEQA

- Requires state and local agencies to identify the significant environmental impacts of their actions and to avoid or mitigate those impacts, if feasible.
- Levels of review:
 - Notice of Exemption
 - Negative Declaration-no significant effects
 - Mitigated Negative Declaration-significant effects mitigated
 - Environmental Impact Report-Alternatives, impacts of not doing project vs project impacts but will be avoided, mitigated, or offset.
- A THP is functionally equivalent to an EIR.

Additional Resources

- CAL FIRE Website:
http://calfire.ca.gov/resource_mgt/resource_mgt_forestpractice
- CAL FIRE Forester, Henry Herrera, RPF #2936
henry.herrera@fire.ca.gov, (909)881-6955
- Questions?



October 10, 2017
Regular Meeting
Item # 12a

Supervisor Stump
Board Report

BOB ALVARADO, Chair
FRAN INMAN, Vice Chair
YVONNE B. BURKE
LUCETTA DUNN
JAMES EARP
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CARL GUARDINO
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PAUL VAN KONYENBURG
JAMES MADAFFER
JOSEPH TAVAGLIONE

STATE OF CALIFORNIA

EDMUND G. BROWN Jr., Governor

SENATOR JIM BEALL, Ex Officio
ASSEMBLY MEMBER JIM FRAZIER, Ex Officio

SUSAN BRANSEN, Executive Director



CALIFORNIA TRANSPORTATION COMMISSION

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October 4, 2017

Mr. Scott Burns
Director
Mono County Community Development Department
& Local Transportation Commission
P.O. Box 347
Mammoth Lake, CA 93546

Director Burns,

On behalf of the California Transportation Commission, (Commission) we would like to thank you and your staff; particularly Gerry La Francois, for all your efforts regarding our recent Mono County Town Hall meeting. The lineup of presenters at the meeting was a testament to the relationships you and your team have built over many years. We were impressed with the speakers' breadth and depth of knowledge regarding issues in the Eastern Sierra. The presenters did an excellent job of answering questions and adapting their presentations to thoroughly inform not only our Commissioners, but everyone in attendance on the unique transportation issues in Mono County.

The tour provided spectacular views and substantive information regarding the transportation challenges and opportunities in rural areas. The inclusion of Eastern Sierra Transit and Mammoth Mountain staff on the tour provided both Commissioners and Commission staff with the opportunity to understand the working relationship between those agencies and the Mono Local Transportation Commission. In addition, please thank Sandy Hogan for the wonderful knowledge she imparted on the history of the area.

This event was truly memorable, you and your team's hard work putting it all together is very much appreciated. Thank you again for hosting the Commission.

Sincerely,


SUSAN BRANSEN
Executive Director

cc: Gerry La Francios