



AGENDA

BOARD OF SUPERVISORS, COUNTY OF MONO STATE OF CALIFORNIA

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

Teleconference Only - No Physical Location

Regular Meeting October 20, 2020

TELECONFERENCE INFORMATION

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

Important Notice to the Public Regarding COVID-19

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

1. Joining via Zoom

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

To join the meeting by computer:

Visit <https://monocounty.zoom.us/j/93730001253>

Or visit <https://www.zoom.us/> click on "Join A Meeting" and use the Zoom Meeting ID 937 3000 1253.

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

To join the meeting by telephone:

Dial (669) 900-6833, then enter Webinar ID 937 3000 1253.

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

2. Viewing the Live Stream

If you are unable to join the Zoom Webinar of the Board meeting you may still view the live stream of the meeting by visiting http://monocounty.granicus.com/MediaPlayer.php?publish_id=759e238f-a489-40a3-ac0e-a4e4ae90735d

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

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

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

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

9:00 AM Call meeting to Order

Pledge of Allegiance

1. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

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

2. RECOGNITIONS - NONE

3. COUNTY ADMINISTRATIVE OFFICE

CAO Report regarding Board Assignments

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

4. DEPARTMENT/COMMISSION REPORTS

5. CONSENT AGENDA

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

A. Proposed Amendment to Southern Mono Healthcare District Conflict of Interest Code

Departments: Clerk of the Board, County Counsel

The 2020 amended conflict of interest code adopted by the Southern Mono Healthcare District requires approval by the Board of Supervisors, the code reviewing body.

Recommended Action: Approve amended conflict of interest code for the Southern Mono Healthcare District and provide any desired direction to staff.

Fiscal Impact: None.

B. Authority to Hire Health Program Manager/Public Health Nurse at Step B

Departments: Public Health

Authorize the Public Health Director to fill the Health Program Manager/Public Health Nurse position at Step B (82B).

Recommended Action: Authorize the Public Health Director to hire Ms. Lucia Niepagen at a B step in the position of Health Program Manager/Public Health Nurse.

Fiscal Impact: There is no impact to the County General Fund. The cost of this

position is currently budgeted in fiscal year 2020-21 through the approved budget. The fiscal impact for the remainder of fiscal year 2020-21 will be approximately \$104,767 consisting of \$62,158 in salary and \$42,609 in benefits.

C. Appointment to Tri-Valley Groundwater Management District

Departments: Clerk of the Board

The Mono County Tri-Valley Groundwater Management District (TVGMD) is requesting that the Board appoint Matt Doonan to fill the current vacancy on the Board of Directors created by Board Member Frank Ormiston leaving the Board before the term was complete. A letter from the TVGMD Board has been attached to this item requesting that Mr. Doonan be appointed through November 30, 2024. However, the Board's authority is only to appoint for the current term - which expires on November 30, 2020.

Recommended Action: Appoint Matt Doonan to fill the current vacancy on the Board of Directors of the Mono County Tri-Valley Groundwater Management Districted, effective October 20, 2020 and expiring November 30, 2020.

Fiscal Impact: None.

6. CORRESPONDENCE RECEIVED

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

A. Federal Energy Regulatory Commission (FERC) Letter re: Poole Powerhouse Penstock Repair

A letter from Frank L. Blackett, P.E., Federal Energy Regulatory Commission Regional Engineer, to James A. Buerkle, Southern California Edison Company Director of Generation, in response to a letter from Wayne Allen who submitted a Poole Penstock Repair Plan downstream of Rhinedollar Dam, which is part of the Lee Vining Creek Project, FERC Project No. 1388.

B. Federal Energy Regulatory Commission (FERC) Letter re: Status Update for Feasibility Study for Video Surveillance of Dams and Time Sensitive Emergency Action Plans (EAP)

A letter from Frank L. Blackett, P.E., Federal Energy Regulatory Commission Regional Engineer, to James A. Buerkle, Southern California Edison Company Director of Generation, in response to a letter from Wayne Allen who submitted a status update for installation of surveillance cameras and a plan and schedule to submit revised time sensitive EAPs for the dams and projects listed in the enclosure.

C. Wildlife Conservation Board (WCB) Letters re: Proposed Projects

Projects proposed to the Wildlife Conservation Board for its November 18, 2020,

Board Meeting that fall within the jurisdiction of Mono County: (1) Large tree mapping across the Sierra Nevada; and (2) Ansel Adams Wilderness Restoration.

D. Letter re: Mill and Wilson Creeks Water Management

A letter from Tim Bue to the Board regarding Mill and Wilson Creeks and DeChambeau Ponds water management.

7. REGULAR AGENDA - MORNING

A. Winter Outlook Briefings and Services Refresher

Departments: Sheriff

Item will start at 10:00 AM (30 minutes)

(Chris Smallcomb, NWS Reno) - Presentation by Chris Smallcomb of the National Weather Service in Reno regarding the winter outlook and services refresher.

Recommended Action: None, informational only.

Fiscal Impact: None.

B. Update on Wildfires and Review of Open Fire Ban

Departments: Sheriff, Public Works

20 minutes

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

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

Fiscal Impact: None.

C. Election Update and CTCL Grant Funding Approval

Departments: Elections

15 minutes

(Shannon Kendall, Clerk-Recorder-Registrar) - Update on November 3, 2020 General Election. Seeking Board of Supervisors approval of grant agreement with the Center for Tech and Civic Life (CTCL) and an increase in appropriations for the Elections FY 2020-21 budget (requires 4/5ths approval). Election offices can use the funds to cover certain 2020 expenses incurred between June 15, 2020 and December 31, 2020.

Recommended Action: Approve, and authorize the Mono County Clerk-Recorder-Registrar of Voters to sign the Grant Agreement with the Center for Tech and Civic Life for receipt of up to \$8,401.50 of unanticipated funding. Approve increase of \$8,402 in the Election's FY 2020-21 budget (requires 4/5ths vote).

Fiscal Impact: Up to \$8,401.50 in grant-funded reimbursement.

D. COVID-19 (Coronavirus) Update

Departments: CAO and Public Health

30 minutes

(Dave Wilbrecht, Acting CAO, Dr. Tom Boo, Mono County Health Officer) - Update on Countywide response and planning related to the COVID-19 pandemic, including reports from the Emergency Operations Center (EOC), Unified Command (UC), and the various branches of the EOC, including Community Support and Economic Recovery, Joint Information Center (JIC), and Public Health. Specific topics include, but are not limited to: Update on Community Financial Assistance Programs.

Recommended Action: None, informational only.

Fiscal Impact: None.

E. Employment Agreement with Tom Perry as Part-Time Building Official

Departments: Community Development

10 minutes

(Wendy Sugimura, Community Development Director) - Proposed resolution approving a contract with Tom Perry as part-time Building Official, and prescribing the compensation, appointment and conditions of said employment.

Recommended Action: Announce Fiscal Impact. Approve Resolution R20-____, approving a contract with Tom Perry as Building Official, and prescribing the compensation, appointment and conditions of said employment. Authorize the Board Chair to execute said contract on behalf of the County.

Fiscal Impact: Total cost of salary and benefits for FY 2020-21 is \$38,588, of which \$33,132 is salary, and was included in the Community Development Department's budget.

F. Letter re: Filling the Humboldt Toiyabe National Forest Law Enforcement Position

Departments: Community Development

15 minutes

(John Peters, Supervisor 4th District) - Letter to the Humboldt Toiyabe National Forest requesting that a vacant law enforcement position on the forest be filled.

Recommended Action: Approve, and authorize the Chair to sign, proposed letter.

Fiscal Impact: None.

G. Corrected Resolution Certifying the Tioga Inn Specific Plan Amendment #3 Final Subsequent Environmental Impact Report (FSEIR)

Departments: Community Development

5 minutes

(Wendy Sugimura, Community Development Director) - Corrected resolution certifying the Final Subsequent Environmental Impact Report for Tioga Inn Specific Plan Amendment #3. This resolution includes all changes directed by the Board at its October 14th meeting and supersedes and replaces Resolution R20-94 from October 14th which inadvertently omitted a portion of the Board's direction. Additional typographical/grammatical changes have been made for clarity.

Recommended Action: Adopt proposed Resolution R20-__ certifying the Tioga Inn Specific Plan Amendment #3 FSEIR and making required findings as set forth in the Resolution. Provide any desired direction to staff.

Fiscal Impact: None.

8. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

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

9. CLOSED SESSION

A. Closed Session - Labor Negotiations

CONFERENCE WITH LABOR NEGOTIATORS. Government Code Section 54957.6. Agency designated representative(s): Bob Lawton, Stacey Simon, Dave Butters, Janet Dutcher, and Anne Frievalt. 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). Unrepresented employees: All.

B. Closed Session - Existing Litigation

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION. Paragraph (1) of subdivision (d) of Government Code section 54956.9. Name of case: County of Mono v. Amerisourcebergen Drug Corp. Cardinal Health, McKesson Corporation, Purdue Pharma L.P., Purdue Pharma, Inc, The Purdue Frederick Co., Inc. et al., U.S. Dist. Court for Eastern California, Case No. 2:18-cv-00149-

MCE-KJN.

C. Closed Session - Exposure to Litigation

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

10. BOARD MEMBER REPORTS

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

ADJOURN



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

REGULAR AGENDA REQUEST

Print

MEETING DATE October 20, 2020

Departments: Clerk of the Board, County Counsel

TIME REQUIRED

**PERSONS
APPEARING
BEFORE THE
BOARD**

SUBJECT Proposed Amendment to Southern
Mono Healthcare District Conflict of
Interest Code

AGENDA DESCRIPTION:

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

The 2020 amended conflict of interest code adopted by the Southern Mono Healthcare District requires approval by the Board of Supervisors, the code reviewing body.

RECOMMENDED ACTION:

Approve amended conflict of interest code for the Southern Mono Healthcare District and provide any desired direction to staff.

FISCAL IMPACT:

None.

CONTACT NAME: Anne Frievalt

PHONE/EMAIL: 760-924-1707 / afrievalt@mono.ca.gov

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
Staff Report
SMHD Proposed Amended Conflict of Interest Code

History

Time	Who	Approval
10/16/2020 10:36 AM	County Administrative Office	Yes
10/14/2020 8:00 PM	County Counsel	Yes

10/16/2020 10:22 AM

Finance

Yes

County Counsel
Stacey Simon

Assistants
Christian E. Milovich
Anne L. Frievalt
Jason Canger

**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

Administrative Assistant
Vacant

To: Board of Supervisors
From: Anne Frievalt
Date: October 20, 2020
Re: Southern Mono Healthcare District
Amended Conflict-of-Interest Code

Recommended Action

1. Consider and approve amended conflict of interest code submitted by Southern Mono Healthcare District.
2. Provide any desired direction to staff.

Discussion

A. Overview

With respect to agency conflict of interest codes required under the Political Reform Act, the Mono County Board of Supervisors is the “code-reviewing body” for many local government agencies located within Mono County. (*See Gov. Code* § 82011.) In this item, we submit a proposed amended code for Southern Mono Healthcare District.

In general, the required contents of a conflict of interest code are addressed at *Government Code* section 87302. The Political Reform Act provides as follows:

“No Conflict of Interest Code or amendment shall be approved by the code reviewing body... if it:

- (a) Fails to provide reasonable assurance that all foreseeable potential conflict of interest situations will be disclosed or prevented;
- (b) Fails to provide to each affected person a clear and specific statement of his duties under the Code; or
- (c) Fails to adequately differentiate between designated employees with different powers and responsibilities.”

(*Gov. Code* § 87309.)

Further, “[e]ach agency shall submit a proposed conflict of interest code to the code reviewing body by the deadline established for the agency by the code reviewing body.” (*Gov. Code* § 87303.) Within 90 days of receipt of proposed amendments or revisions to a local government agency’s code, the code-reviewing body may approve the proposed code as submitted; revise the proposed code and approve it as revised; or return the proposed code to the agency for revision and resubmission within 60 days.” (*Id.*)

B. Proposed Amended Conflict of Interest Codes for Southern Mono Healthcare District

I reviewed the proposed amended conflict of interest code submitted by the Southern Mono Healthcare District, and it is my opinion that the proposed amendment complies with the Political Reform Act. Therefore, it is my recommendation that your Board approve the proposed code as submitted.

Fiscal Impact

None.

If you have any questions on this matter prior to your meeting, please call me at (760) 924-1707.

**CONFLICT OF INTEREST CODE
OF THE
SOUTHERN MONO HEALTHCARE DISTRICT**

REVISED AND ADOPTED,
AND EFFECTIVE,
September 17, 2020

CONFLICT OF INTEREST CODE
OF THE SOUTHERN MONO HEALTHCARE DISTRICT

Section 1. Conflict of Interest Code – Adopted and Revised.

The Political Reform Act (Government Code §§ 81000, *et seq.*) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted regulations (2 CCR § 18730) which contain the terms of a standard or model conflict of interest code. It can be incorporated by reference in an agency code, and after public notice and hearing, it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 CCR § 18730 (“The Model Code”) and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference.

Incorporation by reference of the terms of The Model Code, along with the designation of employees and the formulation of disclosure categories in the Appendices referred to below, constitute the adoption and promulgation of a conflict of interest code by the Southern Mono Healthcare District (“District”) within the meaning of Government Code § 87300 or the amendment of a conflict of interest code within the meaning of Government Code § 87306. The Model Code and the attached Appendices designating officials and employees and establishing disclosure categories shall constitute the Conflict of Interest Code (“Code”) of the District and are revised and adopted hereby. This Code amends and replaces all previous versions of conflict of interest codes of the District previously in effect.

Section 2. Statements of Economic Interest – Filing Officer.

Designated employees and Board members shall file their statements with the District, which will make the statements available for public inspection and reproduction as provided by law. Upon receipt of the statements of the Board and Chief Executive Officer, the District shall make and retain a copy and forward the originals of these statements to the Mono County Clerk for filing. Statements for all other designated officials and employees will be retained by the District.

Section 3. Purposes and Goals.

The general purpose and goal of this Code is to afford the public an honest and impartial government. More specifically, the Board wishes to achieve the following objectives via this Code:

- (1) To assure the independence, impartiality and honesty of public officials in District actions and decisions;
- (2) To inform citizens of the existence of personal economic interests which may present a conflict of interest between an official’s public trust and private gain;
- (3) To prevent public office from being used for personal gain, other than the remuneration provided by law;
- (4) To assure that District decisions and policy be made in the proper course according to the proper procedures and considerations;
- (5) To prevent special interests from unduly influencing District decisions and policy;
- (6) To assure to the extent possible that District decisions and policy reflect the public interest; and
- (7) To assure that no official will have economic interests which are in substantial conflict with the proper exercise of his official duties and powers.

Section 4. Further Definitions.

In addition to the generality of definitions contained in The Model Code, the following definitions shall apply:

“Board” shall mean the Board of Directors of the District.

“Bylaws” shall mean the Bylaws of the District as they now exist and may be amended or modified from time to time.

“Chief Executive Officer” shall include the administrator of Mammoth Hospital and the District.

“District” shall mean the Southern Mono Healthcare District, formerly known as the Southern Mono Hospital District.

“District Law” shall mean the Local Healthcare District Law as set forth in Division 23 of the Health & Safety Code, §§ 32000, *et seq.*, as it now exists and may be amended or modified from time to time.

“DNV” shall mean Det Norske Veritas, the accreditation body of the District.

“Facilities” shall mean a District healthcare facility, hospital, clinic, or other establishment operated by the District.

“Governing Board” shall mean the Board of Directors of the District.

“Healthcare District” shall mean the Southern Mono Healthcare District, formerly known as the Southern Mono Hospital District.

“Hospital” shall mean Mammoth Hospital.

Section 5. General Provisions.

(1) The Board, except as otherwise provided in the Code, may authorize any officer, or officers, or agent, or agents, to enter into any contract or execute any contract or execute any instrument in the name of and on behalf of the District, and such authority to bind the District by any contract or engagement or to pledge its credit or to render it liable for any purpose or in any amount. Such authority shall be pursuant to the District Law and the Bylaws, and as so authorized, may additionally be by resolution or noted in the minutes of the Board.

(2) The fiscal year of the District shall commence on the first day of July of each year and shall end on the last day of June of each year.

(3) The affairs and financial condition of the District shall be audited annually at the end of each fiscal year by a certified public accountant selected by the Board and a written report of such audit and appropriate financial statements submitted to the Board prior to completion of the first quarterly report of the year. Additional audits may be authorized as considered necessary or desirable by the Board. The annual audit report shall be reviewed and discussed by the Chief Executive Officer and the Board, and a summary of the results thereof shall be published in a newspaper of general circulation as provided for by law.

(4) The Code should be reviewed at least every two (2) years (*i.e.*, biannually) and revised as necessary.

(5) Any and all remedies provided by the Code, law, operation of law, or otherwise, shall be deemed to be cumulative, and the choice of implementation of any particular remedy shall not be deemed to be an election of remedies to the mutual exclusion of any other remedy provided.

(6) In the event any term or provision of the Code is deemed to be in violation of law, null and void, or otherwise of no force or effect, the remaining terms and provisions of the Code shall remain in full force and effect.

(7) The Code shall be interpreted under and shall be consistent with the laws of the State of California, the District Law, and the Rules and Regulations of DNV, if applicable to the governance and accreditation of the District.

(8) No waiver of any breach or violation of any term, provision, article, or section of the Code shall be construed as a waiver of any succeeding breach or violation of the same. The consent or approval of the District to or of any action or matter requiring consent or approval shall not be deemed to waive or render unnecessary any consent or approval of any subsequent or similar act or matter.

(9) Enforcement of any term, provision, article, or section of the Code shall be by proceedings at law or in equity against any persons or entities violating or attempting to violate the Code, either to restrain violation, compel compliance or action, or to recover damages.

(10) The District shall cause updated filings to be made upon the change in the roster of officers or directors of the Board as the same may occur from time to time with the California Secretary of State, County of Mono, and any other agency as may be applicable or required by law.

(11) Unless otherwise stated in the Code, or unless context otherwise requires, the definitions contained in the District Law shall govern the construction of the Code. Without limiting the generality of the foregoing, the masculine gender includes the feminine and neuter, the singular includes the plural, and the plural number includes the singular, and the word “person” includes a corporation or other legal entity as well as a natural person.

Adopted as revised at the Regular Meeting of the Board of Directors of the Southern Mono Healthcare District, September 17, 2020.

APPENDIX A
LIST OF DESIGNATED POSITIONS

<u>Job Title</u>	<u>Disclosure Category (ies)</u>
Member, Board of Directors	3, 4, 5, 6
Chief Executive Officer (“CEO”)	3, 4, 5, 6
Chief Financial Officer	3, 4, 5, 6
Chief Operations Officer	5, 7
Chief Information Officer	5, 7
Chief Medical Officer	5, 7
Chief Nursing Officer	5, 7
Facilities Services Manager	5, 7
Purchasing Manager	5, 7
Human Resources Manager	5, 8
CEO, as Trustee of Mammoth Hospital Employees’ Retirement Plan (403B)	5, 8
CEO, as Trustee of Mammoth Hospital Employees’ Deferred Compensation Plan (457b)	5, 8
CEO, as Trustee of Mammoth Hospital Employees’ 529 College Advantage Savings Plan	5, 8

Exempt Positions

Employees holding secretarial, clerical, or manual positions, and other officials whose financial interests could not be affected materially by any action, failure to act, or decision taken by them within the scope of their official duties shall not be required to file statements of financial interest.

APPENDIX B

LIST OF DISCLOSURE CATEGORIES

<u>Disclosure Category</u>	<u>Required Disclosure</u>
1	All interests in real property located in Mono and Inyo Counties, as well as investments, business positions and sources of income, including gifts, loans, and travel payments.
2	All investments, business positions and sources of income, including gifts, loans, and travel payments.
3	All interests in real property located in the District's jurisdiction.
4	Any source of gross income of \$500 or more.
5	Any reportable gift received from sources in the District's jurisdiction with a fair market value of \$50 or greater.
6	Any investments and business positions with sources* in the District's jurisdiction totaling \$2,000 or more at any time during the reporting period.
7	Any reportable investments, business positions and income from sources* in the District's jurisdiction that provide leased facilities, goods, equipment, vehicles, machinery, or services of the type utilized by the District.
8	Any reportable investments, business positions and income from sources* in the District's jurisdiction that provide leased facilities, goods, equipment, vehicles, machinery, or services of the type used by the designated position's area of authority.

* As used in Categories 5, 6, 7, and 8, "sources" refers to any entity located in, doing business in, planning to do business in, or which has done business during the prior two years in the District's jurisdiction.



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE October 20, 2020

Departments: Public Health

TIME REQUIRED

SUBJECT Authority to Hire Health Program
Manager/Public Health Nurse at Step
B

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

Authorize the Public Health Director to fill the Health Program Manager/Public Health Nurse position at Step B (82B).

RECOMMENDED ACTION:

Authorize the Public Health Director to hire Ms. Lucia Niepagen at a B step in the position of Health Program Manager/Public Health Nurse.

FISCAL IMPACT:

There is no impact to the County General Fund. The cost of this position is currently budgeted in fiscal year 2020-21 through the approved budget. The fiscal impact for the remainder of fiscal year 2020-21 will be approximately \$104,767 consisting of \$62,158 in salary and \$42,609 in benefits.

CONTACT NAME: Bryan Wheeler

PHONE/EMAIL: 760-924-1835 / bwheeler@mono.ca.gov

SEND COPIES TO:

Bryan Wheeler, Stephanie Butters

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download

[Staff Report](#)

History

Time

10/16/2020 10:37 AM

Who

County Administrative Office

Approval

Yes

10/14/2020 7:58 PM

County Counsel

Yes

10/16/2020 10:27 AM

Finance

Yes



MONO COUNTY HEALTH DEPARTMENT

Public Health

P.O. BOX 476, BRIDGEPORT, CA 93517 PHONE (760) 932-5580 • FAX (760) 932-5284
P.O. BOX 3329, MAMMOTH LAKES, CA 93546 PHONE (760) 924-1830 • FAX (760) 924-1831

Date: October 20, 2020
To: Honorable Board of Supervisors
From: Bryan Wheeler, Public Health Director
Subject: Authority to Hire at Step B

Recommendation:

Authorize the Public Health Director to fill the Health Program Manager/Public Health Nurse position at Step B (82B).

Discussion:

The Health Program Manager/Public Health Nurse is a current vacant position due to the promotion of the prior incumbent. Utilizing our current temporary public health employees, Lucia Niepagen has accepted to fill this position.

Ms. Niepagen possesses excellent qualifications for the position of Health Program Manager/Public Health Nurse. She is a nurse practitioner and has the expertise needed for this position. She has experience with seeing patients independently. Lucia is bilingual and has great customer service skills. Ms. Niepagen is also working on her doctorate degree as a nurse practitioner. Typically, a new employee is placed at Step A of a given salary range. In accordance with the Mono County Personnel System (MCPE), Board of Supervisors approval is required when an employee is hired above Step A. Given Ms. Niepagen's experience and qualifications, the department is requesting authorization to offer her employment at Step B of the salary range (Range 82) for this position.

Fiscal Impact:

There is no impact to the County General Fund. The cost of this position is currently budgeted in fiscal year 2020-21. The fiscal impact for the remainder of fiscal year 2020-21 will be approximately \$104,767 consisting of \$62,158 in salary and \$42,609 in benefits.

For questions regarding this item, please call Stephanie Butters at (760) 932-5587.

Submitted by: Stephanie Butters, Public Health Fiscal and Administrative Officer
Reviewed by: Bryan Wheeler, Public Health Director



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

REGULAR AGENDA REQUEST

Print

MEETING DATE October 20, 2020

Departments: Clerk of the Board

TIME REQUIRED

**PERSONS
APPEARING
BEFORE THE
BOARD**

SUBJECT Appointment to Tri-Valley
 Groundwater Management District

AGENDA DESCRIPTION:

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

The Mono County Tri-Valley Groundwater Management District (TVGMD) is requesting that the Board appoint Matt Doonan to fill the current vacancy on the Board of Directors created by Board Member Frank Ormiston leaving the Board before the term was complete. A letter from the TVGMD Board has been attached to this item requesting that Mr. Doonan be appointed through November 30, 2024. However, the Board's authority is only to appoint for the current term - which expires on November 30, 2020.

RECOMMENDED ACTION:

Appoint Matt Doonan to fill the current vacancy on the Board of Directors of the Mono County Tri-Valley Groundwater Management Districted, effective October 20, 2020 and expiring November 30, 2020.

FISCAL IMPACT:

None.

CONTACT NAME: Scheereen Dedman

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

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

<p>Click to download</p> <p> Letter</p>

History

Time	Who	Approval
10/16/2020 10:36 AM	County Administrative Office	Yes

10/15/2020 5:42 PM

County Counsel

Yes

10/16/2020 10:33 AM

Finance

Yes

**MONO COUNTY TRI-VALLEY GROUNDWATER
MANAGEMENT DISTRICT
POST OFFICE BOX 936
BENTON, CA. 93512**

October 8, 2020

Supervisor Stacey Corless, Chair
Mono County Board of Supervisors
Post Office Box 715
Bridgeport, California 93517

RE: Vacancy on Mono County Tri-Valley Groundwater Management District
Board of Directors

Dear Supervisor Corless:

The Tri-Valley Groundwater Management District met on Wednesday, October 7, 2020 to consider a replacement for the Board Director "B" position vacated earlier this year by Director Frank Ormiston due to illness. The District advertised for this position for some time.

We interviewed Matt Doonan and he was approved by the Board of Directors by the following vote:

Ayes: C. Mitchell, P. West, G. Bassett and M. Dunn
Noes: None
Absent: Moss
Abstain: D. Doonan

We recommend that the Board of Supervisors appoint Matt Doonan to the Mono County Tri-Valley Groundwater Management District for a four year term December 1, 2020 through November 30, 2024.

Thank you for your support of our District.

Sincerely,

Carol Ann Mitchell

Carol Ann Mitchell, Chair
Board of Directors

Cc: Shannon Kendall



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

REGULAR AGENDA REQUEST

Print

MEETING DATE October 20, 2020

TIME REQUIRED

SUBJECT

Federal Energy Regulatory
Commission (FERC) Letter re: Poole
Powerhouse Penstock Repair

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

A letter from Frank L. Blackett, P.E., Federal Energy Regulatory Commission Regional Engineer, to James A. Buerkle, Southern California Edison Company Director of Generation, in response to a letter from Wayne Allen who submitted a Poole Penstock Repair Plan downstream of Rhinedollar Dam, which is part of the Lee Vining Creek Project, FERC Project No. 1388.

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME: Queenie Barnard

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

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

<p>Click to download</p> <p> FERC Letter</p>
--

History

Time	Who	Approval
10/16/2020 10:37 AM	County Administrative Office	Yes
10/14/2020 8:00 PM	County Counsel	Yes
10/16/2020 10:24 AM	Finance	Yes

OCT - 8 2020

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

October 1, 2020

In reply refer to:
Project No. 1388-CA

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

Re: Work Authorization Request – Poole Powerhouse Penstock Repair, FERC Project
No. 1388

Dear Mr. Buerkle:

This is in response to a letter dated September 18, 2020 from Mr. Wayne Allen that submitted a Poole Penstock Proposed Repair Plan downstream of Rhinedollar Dam, which is part of the Lee Vinning Creek Project, FERC No. 1388. We have reviewed the submittal, and we have the following comments:

- 1) We note that you indicated that the location of the repair is approximately at Station 25+00. Provide information on the proposed repair location relative to the standpipe and pressure penstock pipe. Also include an assessment of the repair due to the potential for water hammer from a valve closure and if the repair meets the design pressure that the pipe was originally designed for.
- 2) A review of the ASME PCC-2 guidelines indicates that section 3.4.6 - Leaking Components, is more applicable to the current scenario than Section 3.4.5 - Repair Laminate Allowable Stresses Determined by Performance Testing. Please either provide justification for using section 3.4.5 only, or re-evaluate using section 3.4.6.
- 3) We noted that the proposed repair corrosion area is approximately 9x4 inch and the epoxy repair patch is available in 9x4 size. Please include the required overlap in accordance with Section 3.4.8 ASME PCC-2 guidelines.

- 4) Provide information as applicable, in accordance with Appendices I to VIII of ASME PCC-2 guideline. Additionally, provide data on the repair life, operating temperature for the proposed repair material and any unusual conditions or items that are important to document for future reference.

We appreciate your continued efforts in this aspect of the Commission's dam safety program. If you have any questions, please contact Mr. Rakesh Saigal at (415) 369-3317.

Sincerely,

A handwritten signature in cursive script that reads "Frank L. Blackett". The signature is written in black ink and is positioned above the printed name and title.

Frank L. Blackett, P.E.
Regional Engineer



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE October 20, 2020

TIME REQUIRED

SUBJECT

Federal Energy Regulatory
Commission (FERC) Letter re: Status
Update for Feasibility Study for Video
Surveillance of Dams and Time
Sensitive Emergency Action Plans
(EAP)

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

A letter from Frank L. Blackett, P.E., Federal Energy Regulatory Commission Regional Engineer, to James A. Buerkle, Southern California Edison Company Director of Generation, in response to a letter from Wayne Allen who submitted a status update for installation of surveillance cameras and a plan and schedule to submit revised time sensitive EAPs for the dams and projects listed in the enclosure.

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME: Queenie Barnard

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

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download

[FERC Letter](#)

History

Time	Who	Approval
10/16/2020 10:37 AM	County Administrative Office	Yes
10/14/2020 7:59 PM	County Counsel	Yes

10/16/2020 10:27 AM

Finance

Yes

RECEIVED

OCT 13 2020

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

OFFICE OF THE CLERK

October 2, 2020

In reply refer to:
Project Nos. See Enclosure

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

Re: Status Update for Feasibility Study for Video Surveillance of Dams and Time
Sensitive EAPs

Dear Mr. Buerkle:

This is in response to a letter dated May 9, 2019 from Mr. Wayne Allen that submitted a status update for installation of surveillance cameras and a plan and schedule to submit revised time sensitive EAPs for the dams and projects listed in the enclosure. The plan and schedule to address the comments in the April 3, 2019 D2SI letter and submit revised time sensitive EAPs by August 31, 2021 is acceptable.

We appreciate your continued efforts in this aspect of the Commission's dam safety program. If you have any questions, please contact Mr. Chris Wang at (415) 369-3366.

Sincerely,



Frank L. Blackett, P.E.
Regional Engineer

Enclosure

SCE Dams		
Project No.	Project Name	Dam Name
67	Big Creek No. 2a, No. 8, and Eastwood	Shaver Lake
67	Big Creek No. 2a, No. 8, and Eastwood	Balsam Meadow
67	Big Creek No. 2a, No. 8, and Eastwood	Florence Lake
120	Big Creek No. 3	Big Creek Dam 6
1388	Lee Vining Creek	Saddlebag Lake
1388	Lee Vining Creek	Tioga Lake Main
1388	Lee Vining Creek	Rhinedollar
1389	Rush Creek	Agnew Lake
1389	Rush Creek	Gem Lake
1390	Lundy	Lundy
1394	Bishop Creek	Bishop Intake 2
1394	Bishop Creek	Hillside Dam
1394	Bishop Creek	Sabrina
2017	Big Creek No. 4	Big Creek Dam 7
2085	Mammoth Pool	Mammoth Pool
2086	Vermilion Valley	Vermilion Valley
2175	Big Creek No. 1 and No. 2	Big Creek Dam 1
2175	Big Creek No. 1 and No. 2	Big Creek Dam 2
2175	Big Creek No. 1 and No. 2	Big Creek Dam 3



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

REGULAR AGENDA REQUEST

Print

MEETING DATE October 20, 2020

TIME REQUIRED

SUBJECT Wildlife Conservation Board (WCB)
Letters re: Proposed Projects

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

Projects proposed to the Wildlife Conservation Board for its November 18, 2020, Board Meeting that fall within the jurisdiction of Mono County: (1) Large tree mapping across the Sierra Nevada; and (2) Ansel Adams Wilderness Restoration.

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME: Queenie Barnard

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

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
Letters

History

Time	Who	Approval
10/16/2020 10:37 AM	County Administrative Office	Yes
10/14/2020 8:03 PM	County Counsel	Yes
10/16/2020 10:28 AM	Finance	Yes



GAVIN NEWSOM, Governor
NATURAL RESOURCES AGENCY
DEPARTMENT OF FISH AND WILDLIFE
WILDLIFE CONSERVATION BOARD
Mailing Address: P.O. Box 944209
Sacramento, California 94244-2090
www.wcb.ca.gov
(916) 445-8448
Fax (916) 323-0280

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

10/14/2020

LARGE TREE MAPPING ACROSS THE SIERRA NEVADA
MONO COUNTY
PROJECT ID: 2020114

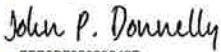
Dear Board Members:

The Wildlife Conservation Board (WCB), in addition to other responsibilities, carries out a program that includes the development of key information critical for effective future enhancement, restoration, or management of fish and wildlife habitat.

At this time, and in response to a request from Blue Forest Finance, Inc., WCB proposes to consider the allocation of funds for a grant to identify the locations of large Sierra Nevada trees, quantify their functional value, determine the effects of treatments on their distribution, and assess their variability under climate change. The project study area includes Alpine, Amador, Butte, Calaveras, El Dorado, Fresno, Inyo, Kern, Madera, Mariposa, Mono, Nevada, Placer, Plumas, Sierra, Tulare, Tuolumne, and Yuba counties. This proposal is presently scheduled for the November 18, 2020 Board meeting. An electronic copy of the Preliminary Agenda is available for your review at www.wcb.ca.gov under News and Announcements. A more complete description of each proposal will be contained in the final meeting Agenda, which will be available at www.wcb.ca.gov ten days prior to the Board meeting.

If you have any questions about this proposal or need additional information, please feel free to contact me at (916) 445-0137.

Sincerely,

DocuSigned by:

FFB2B729029842B
John P. Donnelly
Executive Director

Enclosure(s)

cc: The Honorable Andres Borgeas
The Honorable Frank Bigelow
The Honorable Jim Patterson
The Honorable Devon Mathis
ec: Leslie MacNair, Regional Manager
CDFW, Inland Deserts Region (6)

Mono County Board of Supervisors
Large Tree Mapping Across the Sierra Nevada
Project ID 2020114
Page Two

The Honorable Andres Borgeas
Member of the Senate
State Capitol, Room 3082
Sacramento, CA 95814-4900

The Honorable Frank Bigelow
Member of the Assembly
State Capitol, Room 4153
P.O. Box 942849
Sacramento, CA 94249-0005

The Honorable Jim Patterson
Member of the Assembly
State Capitol, Room 3132
P.O. Box 942849
Sacramento, CA 94249-0023

The Honorable Devon J. Mathis
Member of the Assembly
State Capitol, Room 2111
P.O. Box 942849
Sacramento, CA 94249-0026



GAVIN NEWSOM, Governor
NATURAL RESOURCES AGENCY
DEPARTMENT OF FISH AND WILDLIFE
WILDLIFE CONSERVATION BOARD
Mailing Address: P.O. Box 944209
Sacramento, California 94244-2090
www.wcb.ca.gov
(916) 445-8448
Fax (916) 323-0280

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

10/14/2020

ANSEL ADAMS WILDERNESS RESTORATION
MONO COUNTY
PROJECT ID: 2020125

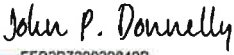
Dear Board Members:

The Wildlife Conservation Board (WCB), in addition to other responsibilities, carries out a program that includes the enhancement or restoration of fish and wildlife habitat.

At this time and in response to a request from Earth Island Institute, WCB proposes to consider a grant for restoration activities that will benefit approximately 1,300 acres of eastern Sierra montane meadows, subalpine meadows, and connected riparian zones and construct durable stream crossings over sensitive aquatic terrain in Ansel Adams Wilderness in Madera and Mono counties. This proposal is scheduled to be presented at the November 18, 2020, Board meeting. An electronic copy of the Preliminary Agenda is available for your review at www.wcb.ca.gov under News and Announcements. A more complete description of each proposal will be contained in the final meeting Agenda, which will be available at www.wcb.ca.gov ten days prior to the Board meeting.

If you have any questions about this proposal or need additional information, please feel free to contact me at (916) 445-0137.

Sincerely,

DocuSigned by:

FFB2B729029842B...
John P. Donnelly
Executive Director

Enclosure(s)

cc: The Honorable Andreas Borgeas

The Honorable Frank Bigelow

ec: Leslie MacNair, Regional Manager
CDFW, Inland Deserts Region (6)

**Mono County Board of Supervisors
Ansel Adams Wilderness Restoration
Project ID: 2020125
Page Two**

**The Honorable Andreas Borgeas
Member of the Senate
State Capitol, Room 3082
Sacramento, CA 95814-4900**

**The Honorable Frank Bigelow
Member of the Assembly
State Capitol, Room 4158
P.O. Box 942849
Sacramento, CA 94249-0005**



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE October 20, 2020

TIME REQUIRED

SUBJECT

Letter re: Mill and Wilson Creeks
Water Management

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

A letter from Tim Bue to the Board regarding Mill and Wilson Creeks and DeChambeau Ponds water management.

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME: Queenie Barnard

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

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download

[Letter](#)

History

Time	Who	Approval
10/16/2020 10:37 AM	County Administrative Office	Yes
10/15/2020 6:01 PM	County Counsel	Yes
10/16/2020 10:33 AM	Finance	Yes

From: Tim Bue <timmybue@gmail.com>

Sent: Thursday, October 15, 2020 11:46 AM

To: Bob Gardner <bgardner@mono.ca.gov>; Fred Stump <fstump@mono.ca.gov>; Jennifer Kreitz <jkreitz@mono.ca.gov>; John Peters <jpeters@mono.ca.gov>; Queenie Barnard <qbarnard@mono.ca.gov>; Stacy Corless <scorless@mono.ca.gov>

Subject: Official Correspondence: Mill and Wilson Creeks Water Management

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

Dear members of the Board of Supervisors,

I recently viewed the video from the 10/6/20 meeting discussion over the Mill/Wilson Creek water management issue. I would like to thank the Board for their many thoughtful comments. Personally, after viewing the meeting I am optimistic things can improve in the near future. I would like to offer just a few remarks that might help clarify the situation and move things further towards a solution.

In response to Jason Canger's apparent characterization of the Wilson Creek habitat as being created due to actions by the Los Angeles Department of Water and Power "leaving" their water in Wilson Creek, and that the habitat may have according to him been created relatively recently, I want to offer some historical clarifications.

As several members of the Board themselves mentioned, Wilson Creek has existed more or less in its current state, which is as an augmented ephemeral stream, for over a century. The ranch diversions off Mill Creek began in the late 1800's, and were already established when the Lundy Powerhouse was built in 1910-11. All of these things took place well before DWP first entered the Mono Basin.

As for DWP's past use of their water, those of us who have lived in the Mono Basin for decades still remember that not that long ago DWP was diverting Mill Creek water for irrigation of the Thompson Meadow, which is located directly north of the Mono Lake County Park. I believe sometime in the early 2000's, DWP ceased this practice, thus allowing more water to remain in Mill Creek's lower stretches. I am not sure how this past practice aligns with the idea that DWP was "leaving" their water in Wilson Creek.

I want to mention that so far lost in this discussion is the existence of Deer Creek. Deer Creek flows down the side of Lundy Canyon and enters Mill Creek directly below the Lundy Reservoir. This water therefore is separate from the flows into the reservoir, and the diversions to the powerhouse. Though this stream does not tend to carry a great amount of water, my understanding is it does help to maintain Mill's lower stretches. When there is talk about ratios between water in Mill and in Wilson, this flow has not been mentioned as additional Mill Creek flow.

I want to comment on some of the things that were said by the Forest Service. As I related in my previous letter, I worked for the Forest Service on the Mono Basin Scenic Area for twenty years. I knew well the various people who worked on the ranch and ponds over those years, and through them I became generally familiar with the way the project was managed. You may have noticed that Ranger Martin mentioned that he recently re-assigned the project to Mr. Torres from a different department. I believe this to be true. The people who were taken off the project had many years of experience managing the system. Mr. Torres himself admitted

he was new and unfamiliar with the project. Much of the difficulties that Mr. Torres described, such as the flooding that was brought up, I believe were avoided by the previous staff because they understood the system. I found it quite humorous that Mr. Torres said he needed to visit the project nearly every day in order to keep it running. If anyone has been paying attention to the Forest Service in recent years, they know they are spread thinner and thinner, and have been unable to dedicate enough staff time to far higher priorities than the DeChambeau project. The people who I saw managing the project in previous years did not have the time to visit it every day, but they also did not have the need. Considering the admitted lack of experience of the current USFS staff with this system, I have to question their focus on this “tampering”, as the main reason for their problems. As I mentioned in my previous letter, I observed in August that Wilson Creek at the USFS diversion point was so low it was about to dry out.

I want to express support for requesting that the Settlement Parties provide some kind of environmental review to explain their actions, as well as for the Forest Service potentially to improve their infrastructure. However, I find it concerning that the Forest Service has such an apparent current lack of knowledge about the project, despite the data, records, and other information that must be available to them after twenty years of management. I would caution that any findings presented by the Forest Service should be fully transparent in how they arrived at them, so it is ensured that their findings are the actual facts on the ground, and not just what is convenient to the Forest leadership.

I also want to express support for the idea of DWP agreeing to allow just enough of their water to flow in Wilson Creek to meet the associated habitat needs. It could be argued that DWP has an obligation to maintenance of all waterfowl habitat in the Mono Basin, since in the past they did so much to destroy it. This is particularly the case with the DeChambeauPonds, which are a restoration project associated with the Mono Lake Water Board Decision. For these reasons, though I understand the difficulties in making such a request, it is potentially an immediate and viable solution.

This possible dedication of water by DWP to Wilson Creek might not have to be a constant one. There are times when the County is irrigating its important property, and times when it is not. When it is not, perhaps the lower Wilson needs can be met. When the County is irrigating, perhaps DWP can simply add enough water to sustain the needs of those lower resources.

I am very grateful to the Board for continuing to look at this issue, and for listening to the ideas and information from myself and other members of the public. I do hope that something can be accomplished before next spring. I don't want to have to see the kind of habitat destruction I saw this year happen once again.

Sincerely,
Tim Bue
Mono City



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

REGULAR AGENDA REQUEST

Print

MEETING DATE October 20, 2020

Departments: Sheriff

TIME REQUIRED Item will start at 10:00 AM (30 minutes)

PERSONS APPEARING BEFORE THE BOARD Chris Smallcomb, NWS Reno

SUBJECT Winter Outlook Briefings and Services Refresher

AGENDA DESCRIPTION:

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

Presentation by Chris Smallcomb of the National Weather Service in Reno regarding the winter outlook and services refresher.

RECOMMENDED ACTION:

None, informational only.

FISCAL IMPACT:

None.

CONTACT NAME: Ingrid Braun

PHONE/EMAIL: 760-932-7549 / ibraun@monosheriff.org

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

<p>Click to download</p> <p> Presentation</p>

History

Time	Who	Approval
10/16/2020 10:36 AM	County Administrative Office	Yes
10/15/2020 6:04 PM	County Counsel	Yes
10/16/2020 10:22 AM	Finance	Yes



Anyone Ready for Snow Yet?

NWS Reno Winter Outlook

Chris Smallcomb
NWS Reno Meteorologist and PIO
(and Freakout Chart guy)
chris.smallcomb@noaa.gov

Summer into Early Fall - Hot, Dry, and Smoky.

Mammoth Mountain Ski Area Top of Sierra 1 2020-09-24 07:02:06



1,297

Peak PM2.5 AQI at Mammoth. Hazardous is 300.

#1

Warmest August + September at Bishop

10th

Driest Water Year - Bishop



More Summer Stats



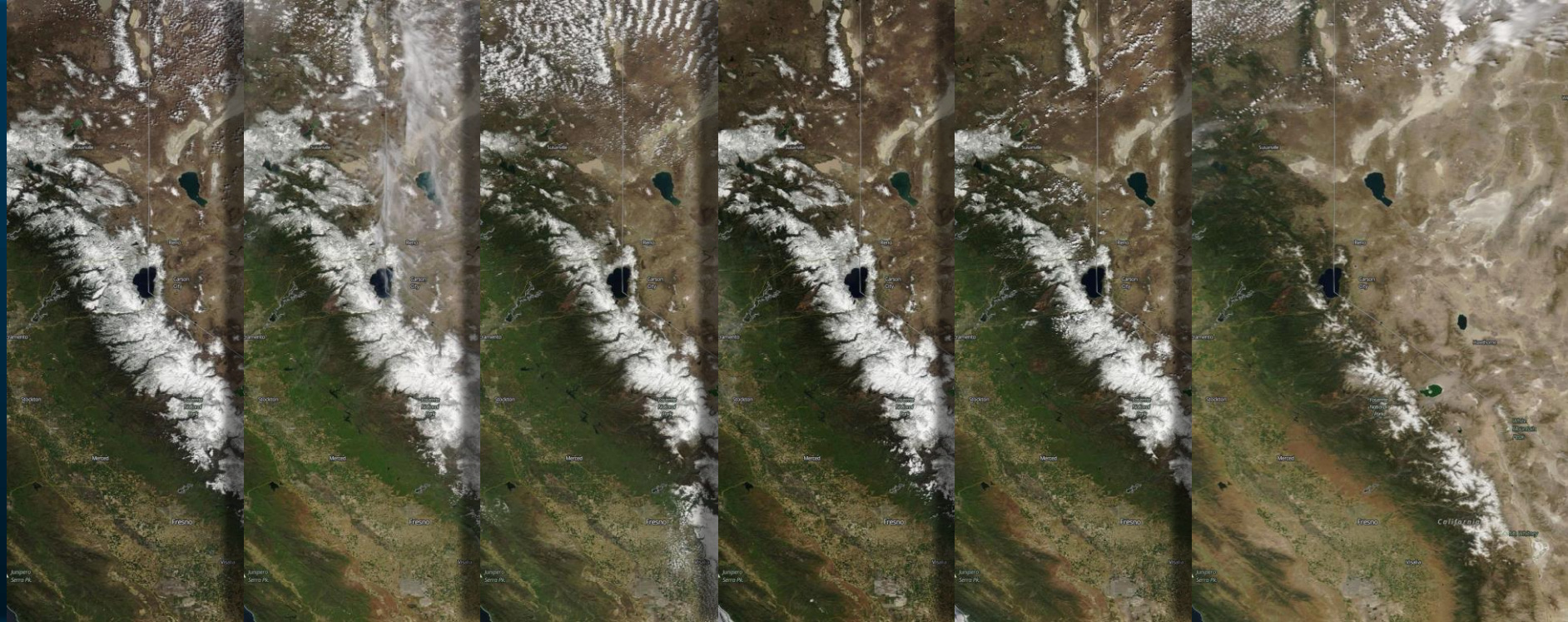
#2

*Warmest August + September
on Record at Reno & Tahoe City*

107

*New Hottest September
Temperature @ Bishop, 9/4*

Last Six Winters on April 1st - NASA Satellite View



2020

2019

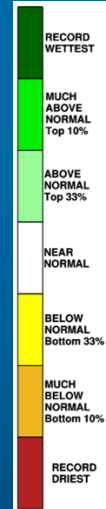
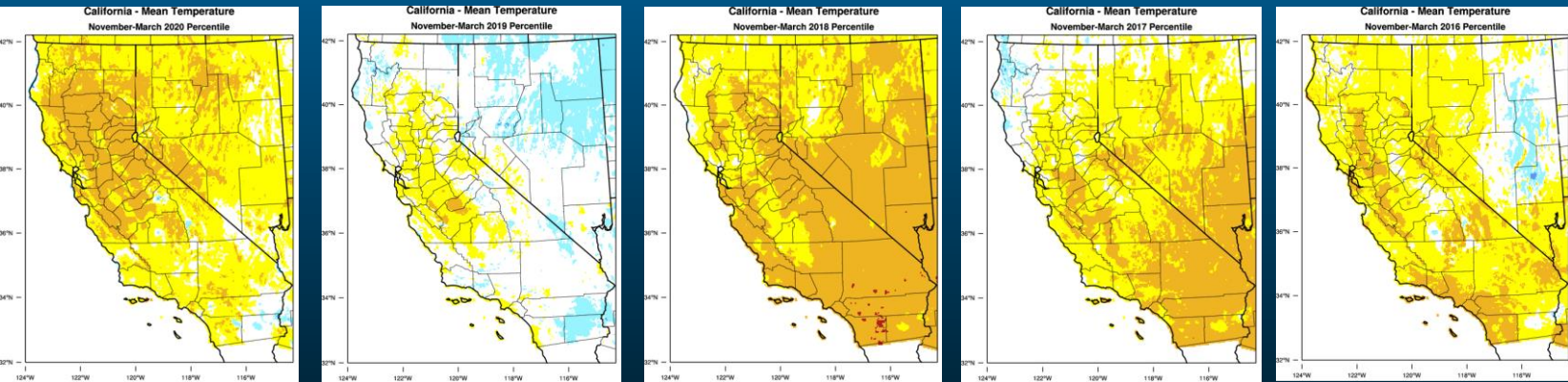
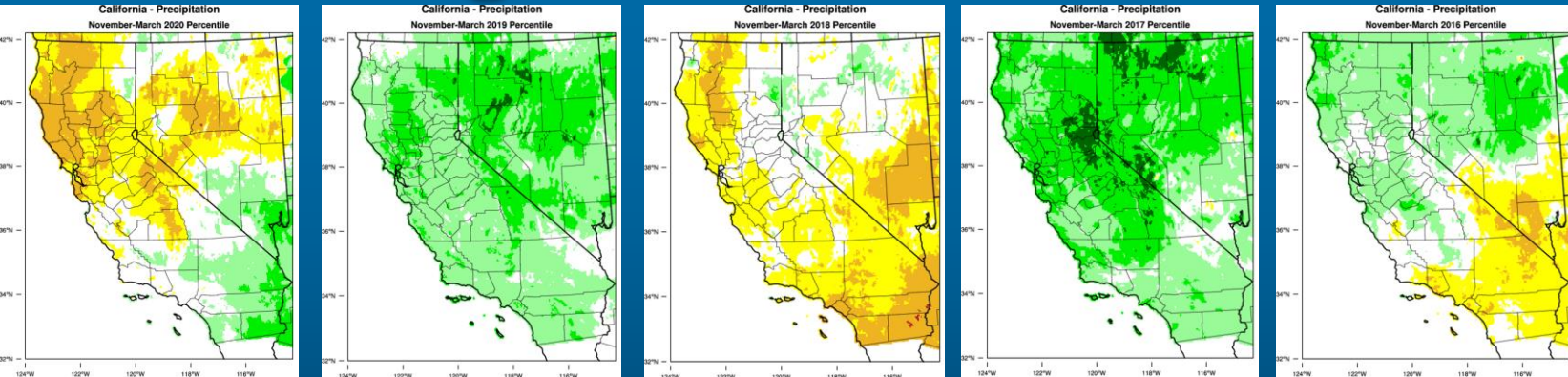
2018

2017

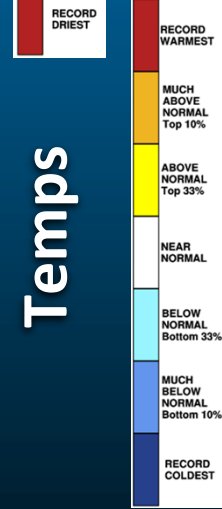
2016

2015

Data - Looking Back at the Past Five Winters



Precip



Temps

2019-20

2018-19

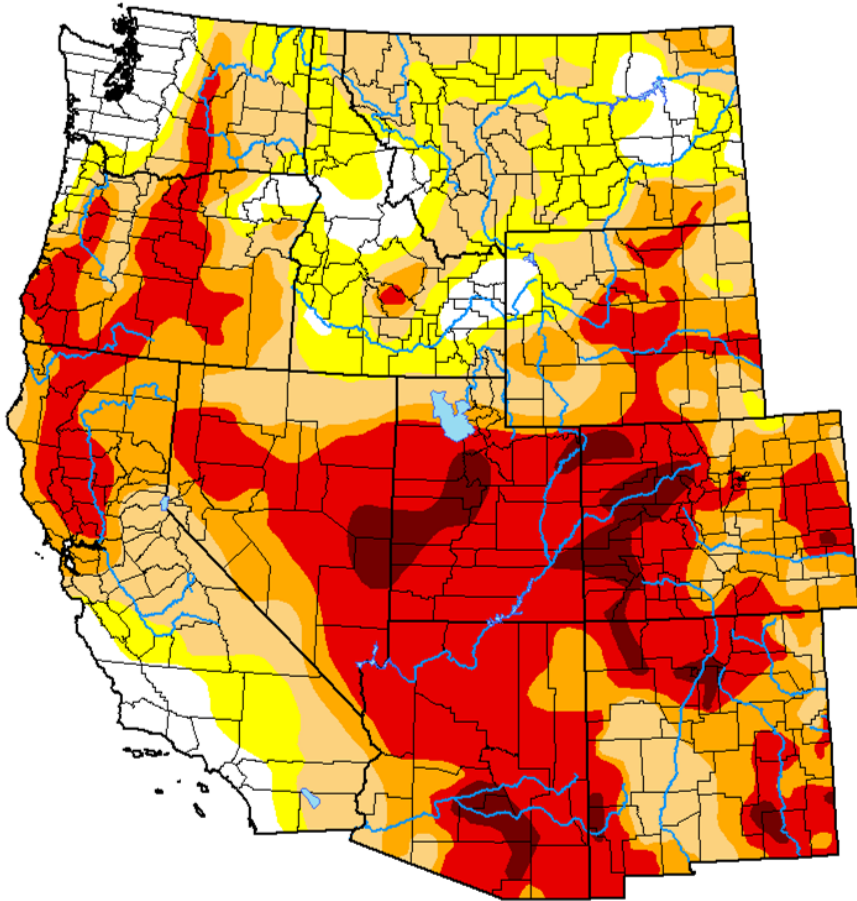
2017-18

2016-17

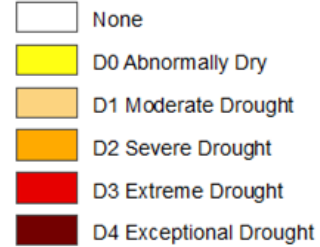
2015-16



After a Few Years Break, Drought is Now Back



Intensity:



The Drought Monitor focuses on broad-scale conditions. Local conditions may vary. For more information on the Drought Monitor, go to <https://droughtmonitor.unl.edu/About.aspx>

Author:

Brad Rippey
U.S. Department of Agriculture

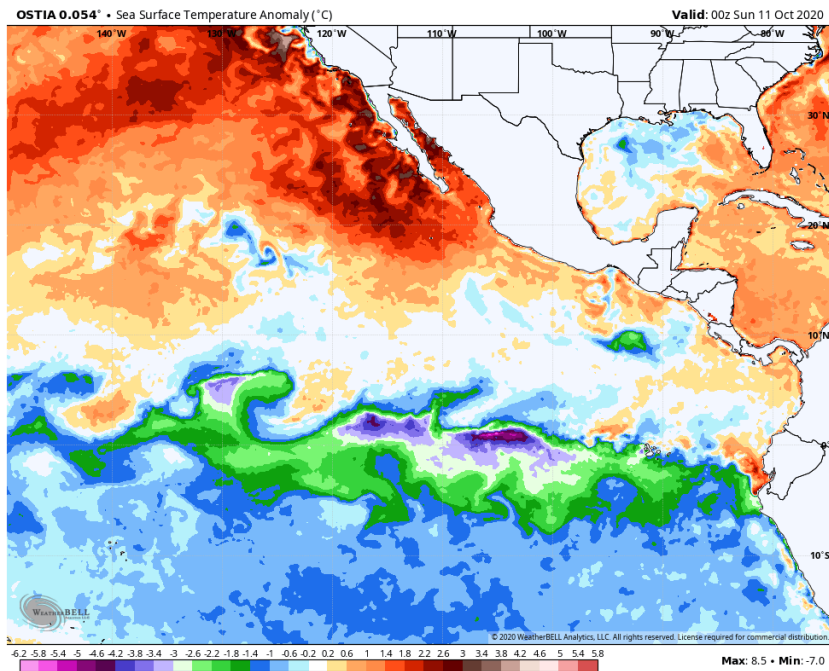


droughtmonitor.unl.edu

October 6

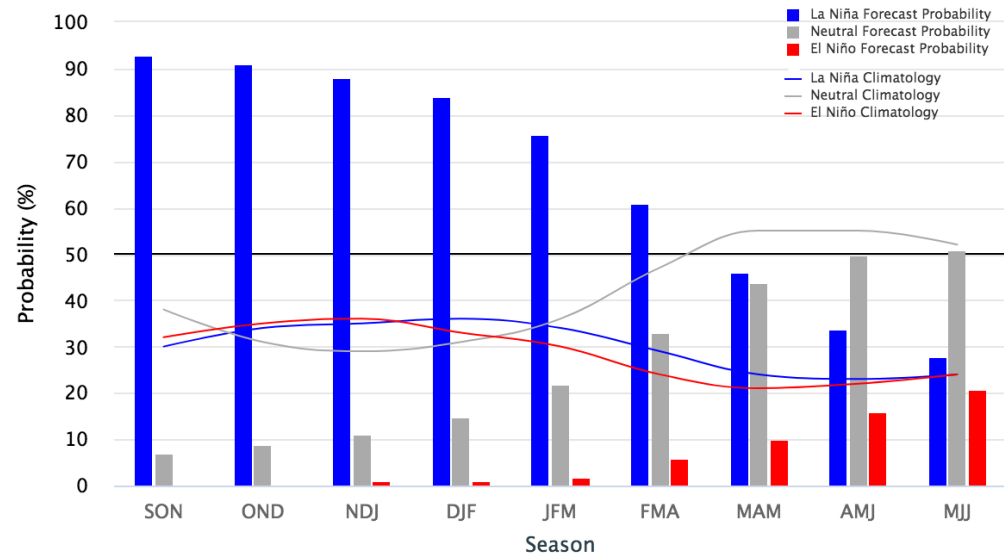


What's Going On With La Nina?



Early-October 2020 CPC/IRI Official Probabilistic ENSO Forecasts

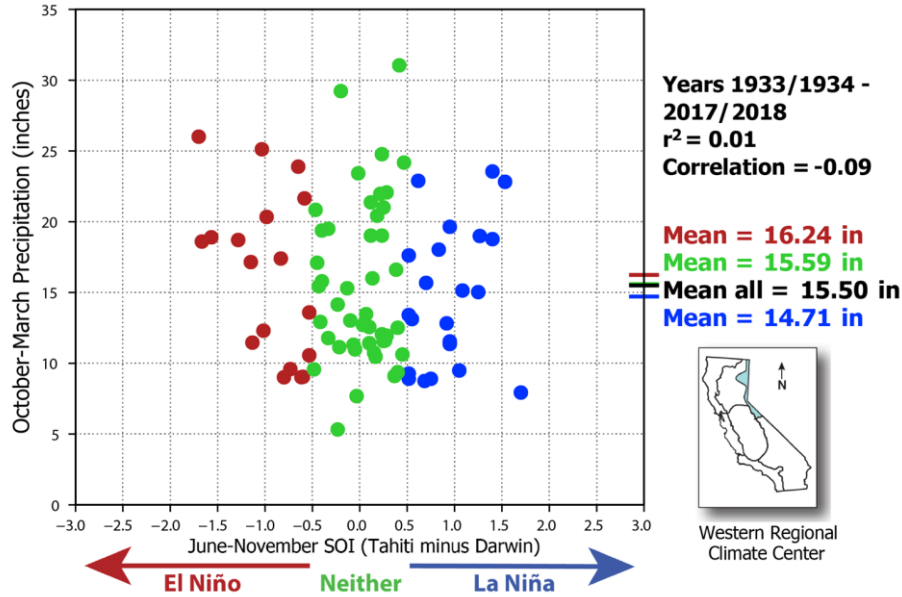
ENSO state based on NINO3.4 SST Anomaly
Neutral ENSO: -0.5°C to 0.5°C



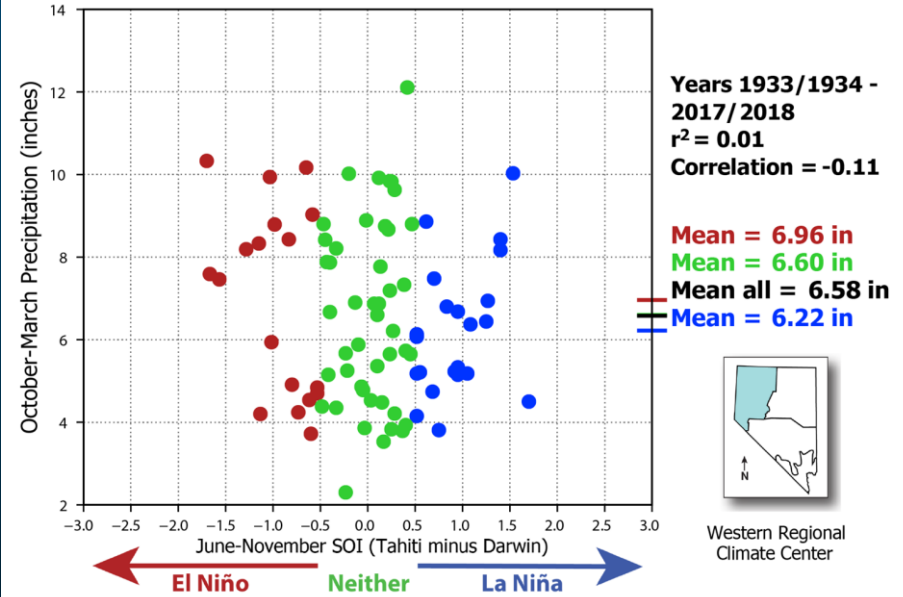
- Weak to moderate La Nina event heavily favored in tropical Pacific for this winter.
- Cooler than normal water over a large area = alterations to global weather patterns.

What Does That Mean for Our Winter?

CA Division 3 October-March Precipitation
(versus Southern Oscillation Index for prior year June-November)

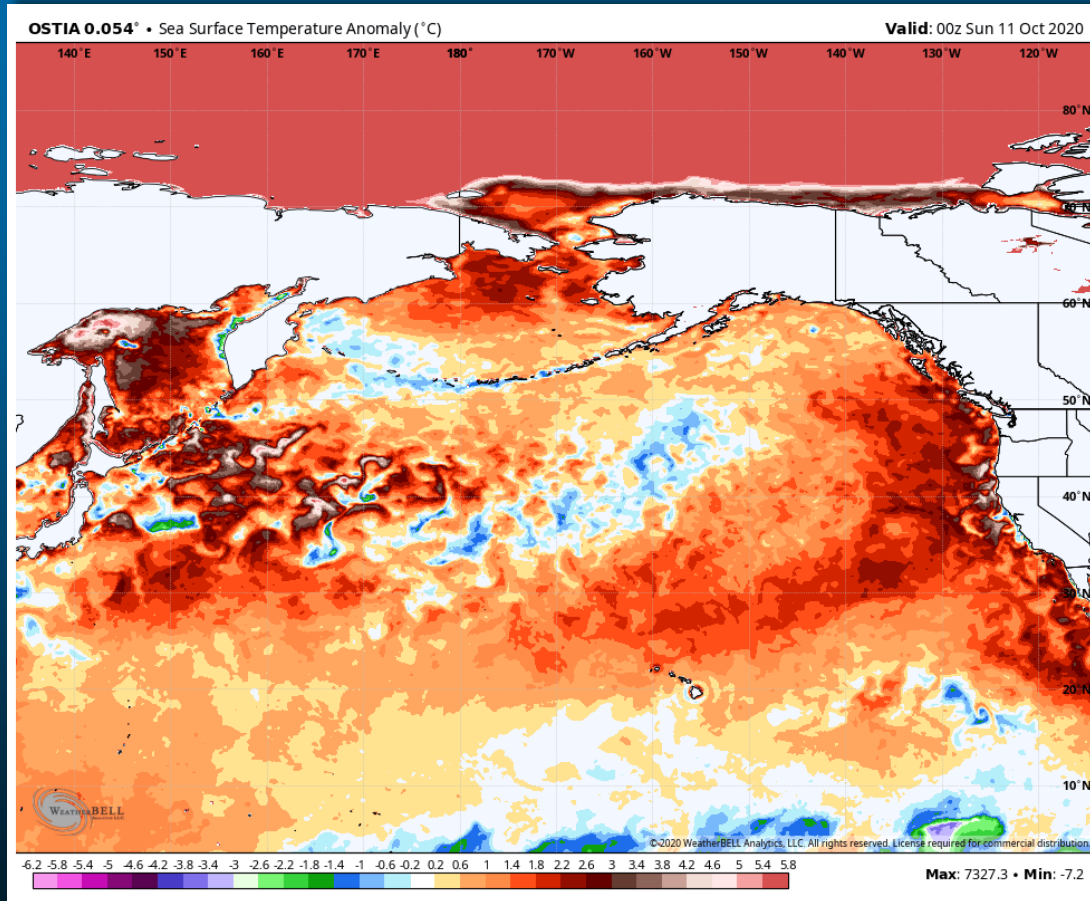


NV Division 1 October-March Precipitation
(versus Southern Oscillation Index for prior year June-November)



- El Niño or La Niña (ENSO) basically mean nothing for winter precipitation at our latitude.
- There's been some correlation with floods and weak La Niña's but not perfect rule of thumb.

Our Friend “The Blob” is Back

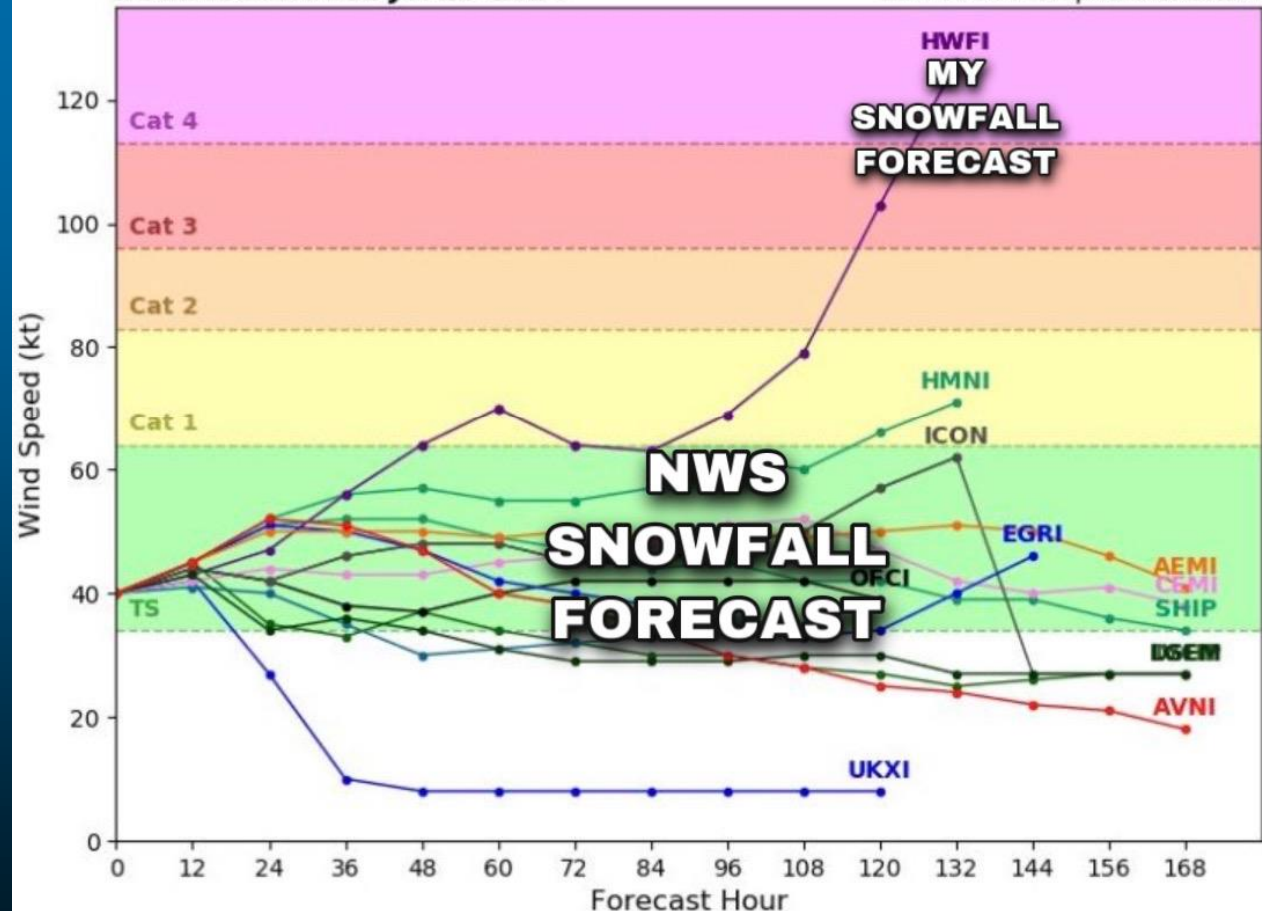


- Highly unusual warmth in NE Pacific ocean much of this year.
- Not connected to ENSO.
- Has been informally associated with drier than normal weather in CA/NV but no physical link yet established. Not perfect either - September 2016 was similar...
- More likely: Could help storms we do get to become **warmer** (higher snow lines) and/or **wetter** (warmer ocean water produces more humidity)

Potential Tropical Cyclone NINE Model Intensity Guidance

Initialized at 18z Jul 29 2020

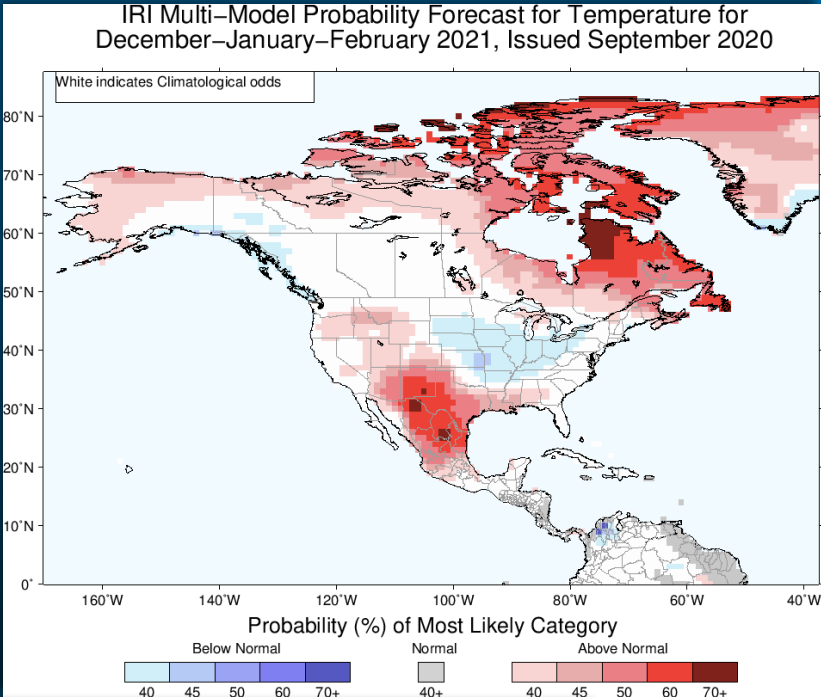
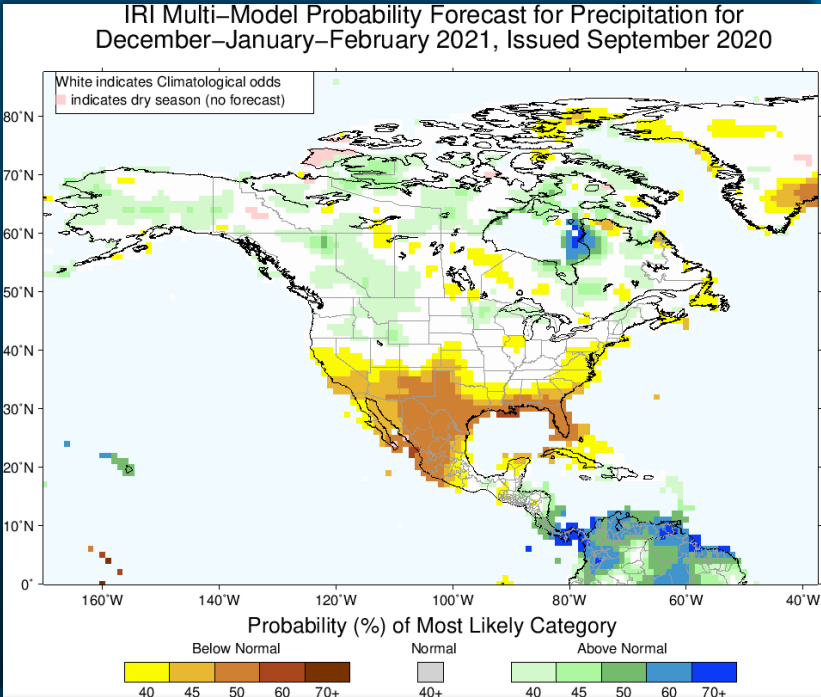
Levi Cowan - tropicaltidbits.com



So What Does
Weather
Twitter Say??

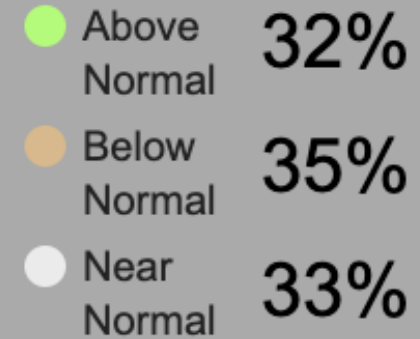
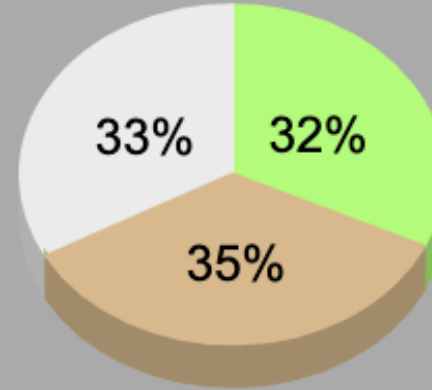
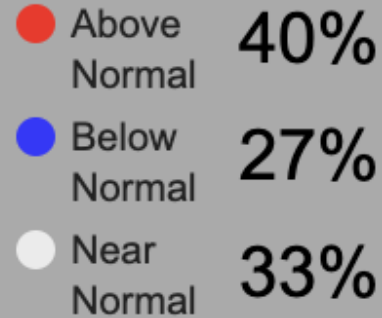
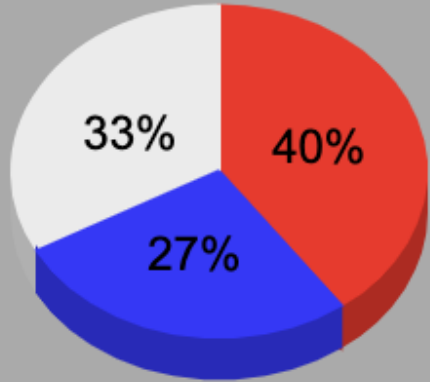


OK, What Do The Models Actually Show?



- Seasonal forecasts struggle in the Sierra and much of Nevada. Lack of ENSO relationship.
- Multi-model projections: lean dry but low confidence, anything goes on temperatures.

If You Like Pie (Charts)...



- More of a lean here toward warmer than normal for Dec-Jan-Feb as a whole.
- Virtually equal shots of dry, wet, and near-normal precipitation.

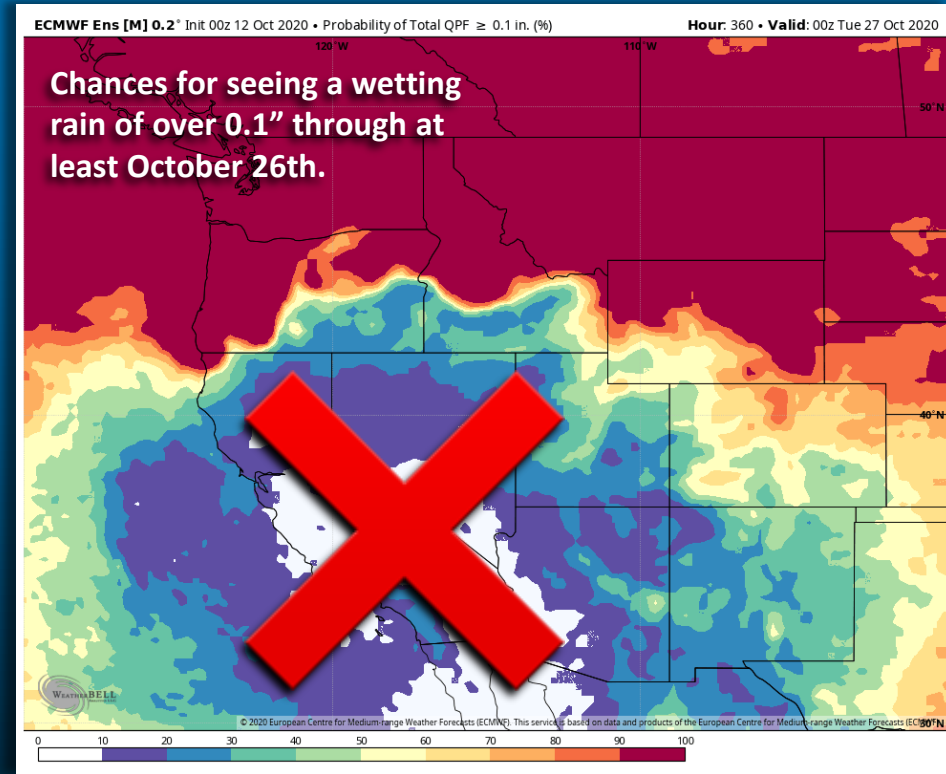
Typical First Wetting Rains - Coming Up??

October 8

Reno (0.1" or more)

October 4

Tahoe City (0.25" or more)



Spectrum of Predictability for Winter Weather

SUN	MON	TUE	WED	THU	FRI	SAT
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

2-3 Weeks: general regional trends (e.g. turning wet in the west towards Christmas)

5-8 Days: storm pattern taking shape (e.g. winter storm possible Christmas travel week)

2-4 Days: severity, character, locations affected (e.g. heavy snow pattern likely for Sierra, W Nevada)

1-2 Days: details on timing, rain vs snow, historic? (e.g. severe and prolonged travel disruptions for Sierra)



Scenarios We Freakout About - Winter Fires!?



WILDFIRE KNOWS
NO SEASON

LivingWithFire.info

FALL

Caughlin Ranch Fire November 2011



One week before Thanksgiving around midnight...

The Easy Parts

- Can usually see wind and low humidity events coming 3-5 days in advance.
- We know we're in a drought and/or dry spell in winter. We're watching vegetation.

The Tricky Parts

- May only be 1-2 days lead time knowing that the wind event will be intense enough to cause a major fire hazard.
- Convincing the public of the threat. It's winter - why do I need to worry about fire!?



Scenarios We Freakout About - Burn Scar Floods

The Easy Parts

- We know where the fire was and typically how “cooked” the soil is.
- Usually takes high intensity rainfall to cause problems. Typically more of a summer t-storm issue, but Narrow Cold Frontal Rainbands can trigger in winter.

The Tricky Parts

- Anticipating that brief high intensity rainfall with any meaningful lead time.
- Often debris flows & mudslides occur within minutes of rainfall - so little or no warning is the norm.



More Deets on Burn Scar Flooding



Flow on the Walker Fire burn scar, N Plumas County - July 2020

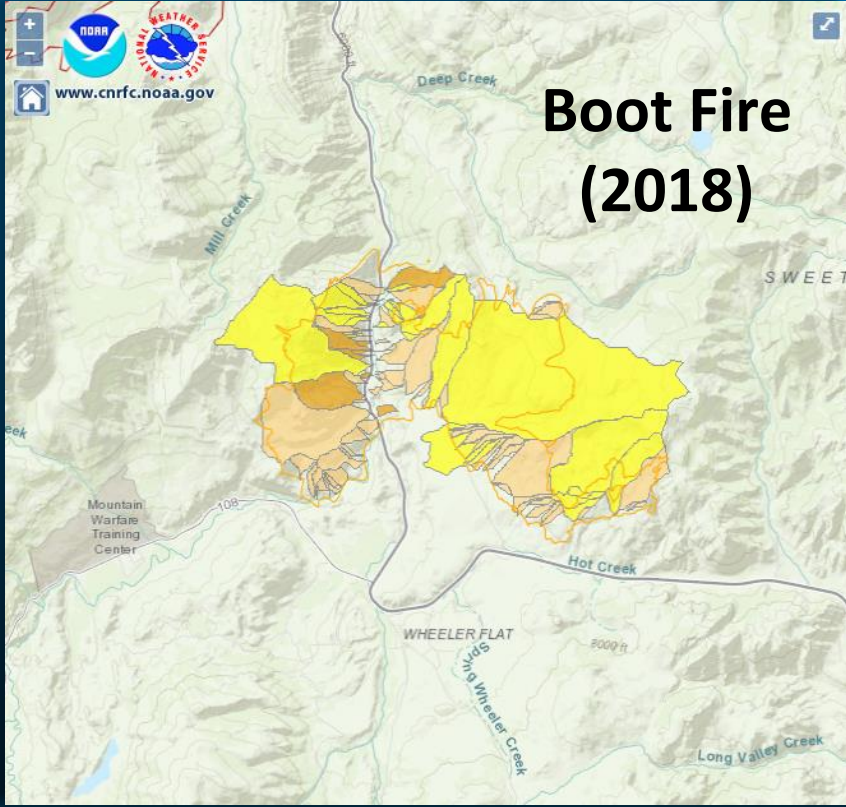
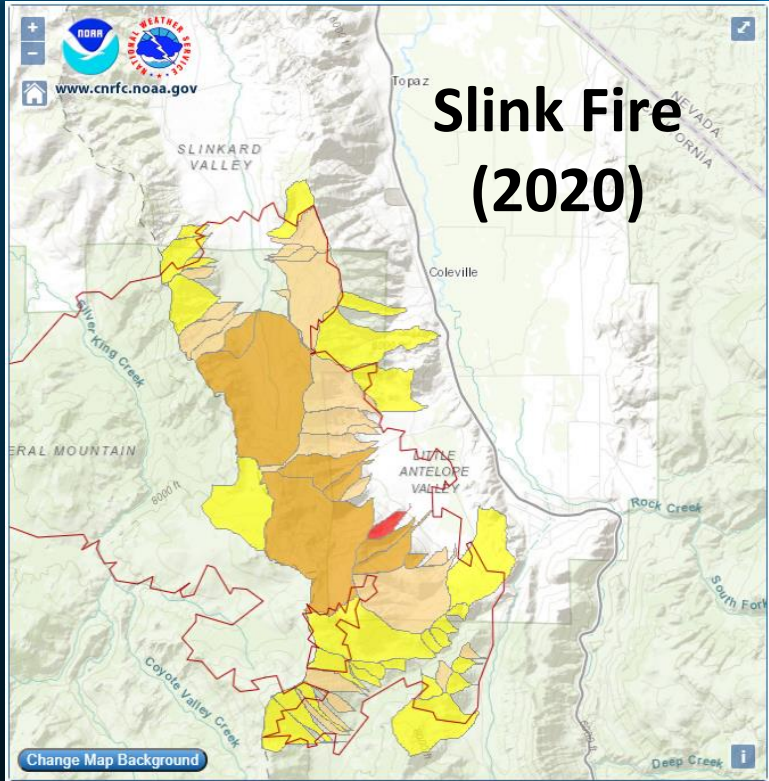
Soils Get Baked!

- **Low intensity burns** - fast moving grass and sage fires - minimal increase in flood risk.
- **High intensity burns** - such as plume dominated forest fires or pinon juniper - have much greater risk of flooding and debris flows especially in steep terrain.

When to Panic

- Each fire is different based on burn intensity, soils, and terrain slope. Thresholds vary.
- 0.5-1.0"/hour rate for higher risk burn areas.
- But, only 5-15 minutes of intense rainfall is enough. 0.25" in 15 mins used on many fires.

Mono County Specifics - Flood Risk Modeling



Debris Flow Probability

0-20%	20-40%	40-60%	60-80%	80-100%
-------	--------	--------	--------	---------

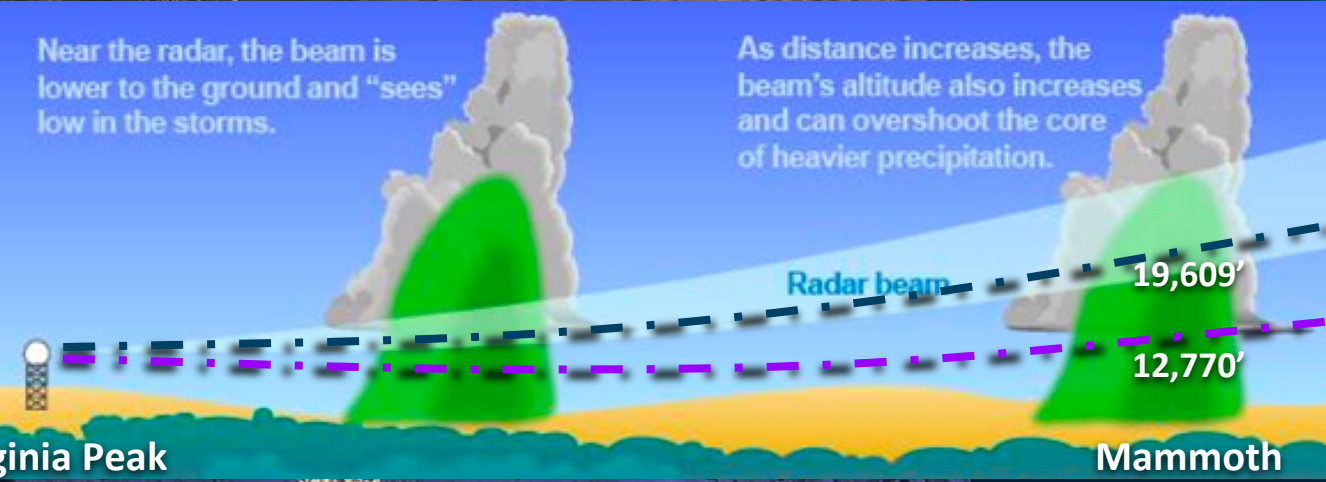
Likelihood of a debris flow in response to the design rainstorm with a peak 15-minute rainfall intensity of 24 mm/hr (0.94 in./hr).
Data courtesy USGS.

Source - California-Nevada River Forecast Center [website](http://www.cnrfc.noaa.gov)

Reno National Weather Service
Forecasting for the Sierra and western Nevada since 1905

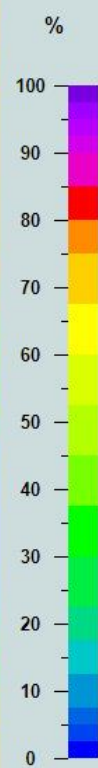
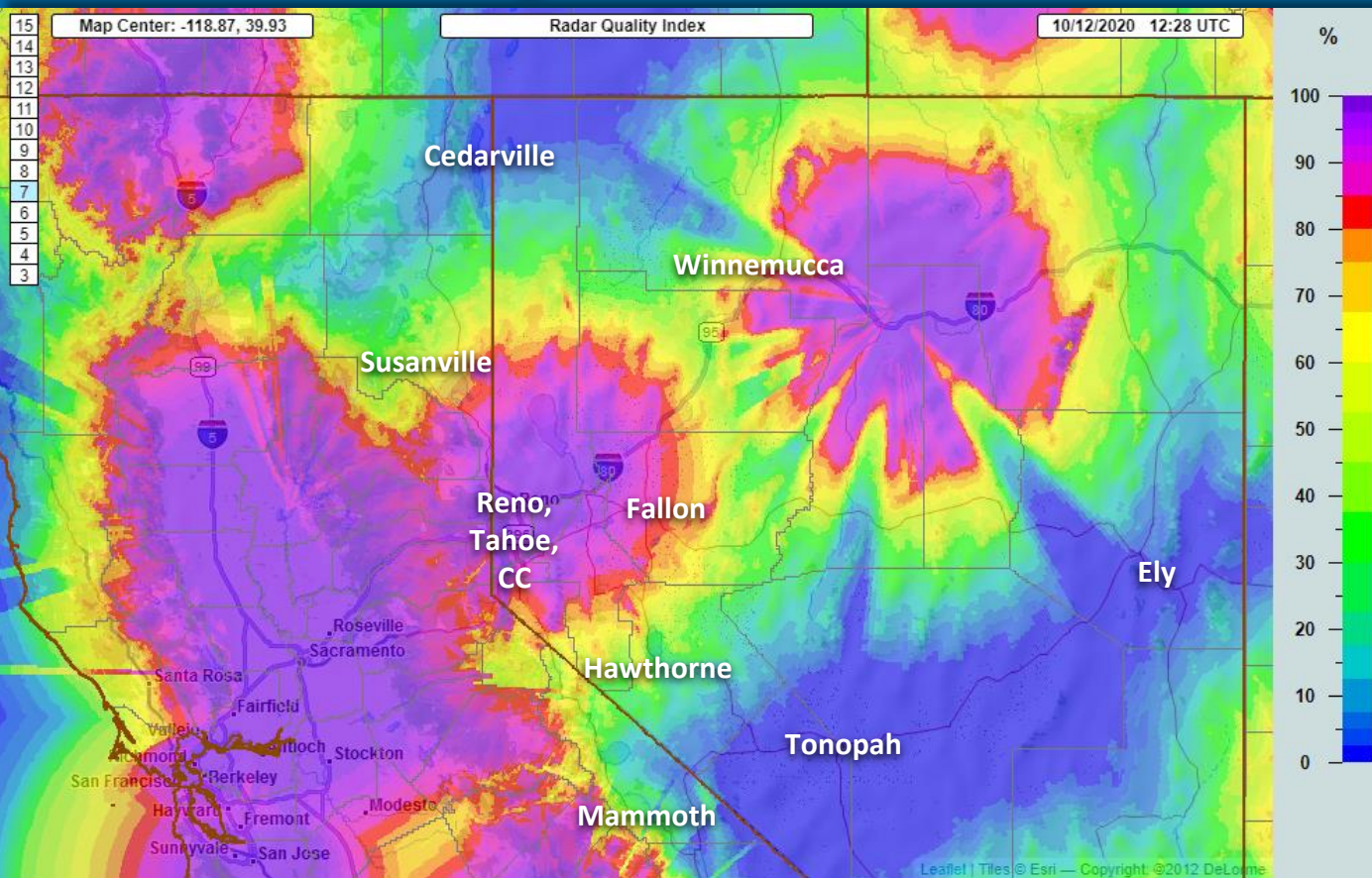


Radar Upgrade - Better Low Altitude Data



Axis-Virginia X:-149.77 Y:-9.19 Z:1.0 NSL:dslater:17.0h © Nevada Seismo Lab 2018/02/20 07:22:06.67

Still a Few Large Holes in Low-Altitude Coverage



Fantastic

Decent

It Will Do

Good Luck!



Thanks for Listening!



Chris Smallcomb

***NWS Reno Meteorologist and
PIO (and Freakout Chart guy)***

chris.smallcomb@noaa.gov

Reno National Weather Service
Forecasting for the Sierra and western Nevada since 1905





OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE October 20, 2020

Departments: Sheriff, Public Works

TIME REQUIRED 20 minutes

**PERSONS
APPEARING
BEFORE THE
BOARD**

Sheriff Braun, County Counsel Simon

SUBJECT Update on Wildfires and Review of
Open Fire Ban

AGENDA DESCRIPTION:

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

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

RECOMMENDED ACTION:

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

FISCAL IMPACT:

None.

CONTACT NAME: Stacey Simon

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

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

[Click to download](#)

No Attachments Available

History

Time	Who	Approval
10/16/2020 10:37 AM	County Administrative Office	Yes
10/14/2020 8:03 PM	County Counsel	Yes

10/16/2020 10:23 AM

Finance

Yes



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

REGULAR AGENDA REQUEST

Print

MEETING DATE October 20, 2020

Departments: Elections

TIME REQUIRED 15 minutes

**PERSONS
APPEARING
BEFORE THE
BOARD**

Shannon Kendall, Clerk-Recorder-
Registrar

SUBJECT Election Update and CTCL Grant
Funding Approval

AGENDA DESCRIPTION:

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

Update on November 3, 2020 General Election. Seeking Board of Supervisors approval of grant agreement with the Center for Tech and Civic Life (CTCL) and an increase in appropriations for the Elections FY 2020-21 budget (requires 4/5ths approval). Election offices can use the funds to cover certain 2020 expenses incurred between June 15, 2020 and December 31, 2020.

RECOMMENDED ACTION:

Approve, and authorize the Mono County Clerk-Recorder-Registrar of Voters to sign the Grant Agreement with the Center for Tech and Civic Life for receipt of up to \$8,401.50 of unanticipated funding. Approve increase of \$8,402 in the Election's FY 2020-21 budget (requires 4/5ths vote).

FISCAL IMPACT:

Up to \$8,401.50 in grant-funded reimbursement.

CONTACT NAME: Shannon Kendall

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

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
<input type="checkbox"/> Staff Report
<input type="checkbox"/> Grant Agreement

History

Time	Who	Approval
------	-----	----------

10/16/2020 10:38 AM	County Administrative Office	Yes
10/14/2020 7:59 PM	County Counsel	Yes
10/16/2020 10:22 AM	Finance	Yes



CLERK – RECORDER – REGISTRAR COUNTY OF MONO

P.O. BOX 237, BRIDGEPORT, CALIFORNIA 93517
(760) 932-5537 • FAX (760) 932-5531

Shannon Kendall
Registrar of Voters
(760) 932-5533
skendall@mono.ca.gov

TO: Honorable Board of Supervisors

FROM: Shannon Kendall, Clerk-Recorder-Registrar

DATE: October 20, 2020

Recommendation

Approve, and authorize the Mono County Clerk-Recorder-Registrar of Voters to sign the Grant Agreement with the Center for Tech and Civic Life for receipt of up to \$8,401.50 of unanticipated funding. Approve increase of \$8,402 in the Election's FY 2020-21 budget (requires 4/5ths vote).

Discussion

Thanks to a new \$250M investment, the Center for Tech and Civic Life expanded its COVID-19 Rural Grants Program to include every election jurisdiction in the U.S. Election offices can use the funds to cover certain 2020 expenses incurred between June 15, 2020 and December 31, 2020. These include the costs associated with the safe administration of the following election responsibilities:

Ensure Safe, Efficient Election Day Administration

- Maintain open in-person polling places on Election Day
- Procure Personal Protective Equipment (PPE) and personal disinfectant to protect election officials and voters from COVID-19
- Support and expand drive-thru voting, including purchase of additional signage, tents, traffic control, walkie-talkies, and safety measures

Expand Voter Education & Outreach Efforts

- Publish reminders for voters to verify and update their address, or other voter registration information, prior to the election
- Educate voters on safe voting policies and procedures

Launch Poll Worker Recruitment, Training & Safety Efforts

- Recruit and hire a sufficient number of poll workers and inspectors to ensure polling places are properly staffed, utilizing hazard pay where required
- Provide voting facilities with funds to compensate for increased site cleaning and sanitization costs
- Deliver updated training for current and new poll workers administering elections in the midst of a pandemic

Support Early In-Person Voting and Vote by Mail

- Expand or maintain the number of in-person early voting sites
- Deploy additional staff and/or technology improvements to expedite and improve mail ballot processing

Fiscal Impact

Up to \$8,401.50 in grant-funded reimbursement.



CENTER FOR
TECH AND
CIVIC LIFE

September 25, 2020

Mono County, California

Registrar of Voters

PO box 237

Bridgeport, CA 93517

Dear Shannon Kendall,

I am pleased to inform you that based on and in reliance upon the information and materials provided by Mono County, the Center for Tech and Civic Life (“CTCL”), a nonprofit organization tax-exempt under Internal Revenue Code (“IRC”) section 501(c)(3), has decided to award a grant to support the work of Mono County (“Grantee”).

The following is a description of the grant:

AMOUNT OF GRANT: \$8,401.50 USD

PURPOSE: The grant funds must be used exclusively for the public purpose of planning and operationalizing safe and secure election administration in Mono County in 2020 (“Purpose”).

Before CTCL transmits these funds to Grantee, CTCL requires that Grantee review and sign this agreement (“Grant Agreement”) and agree to use the grant funds in compliance with the Grant Agreement and with United States tax laws and the laws and regulations of your state and jurisdiction (“Applicable Laws”). Specifically, by signing this letter Grantee certifies and agrees to the following:

1. Grantee is a local government unit or political subdivision within the meaning of IRC section 170(c)(1).
2. This grant shall be used only for the Purpose described above, and for no other purposes.
3. Grantee has indicated that the amount of the grant shall be expended on the following specific election administration needs: Non-partisan voter education,

Personal protective equipment (PPE) for staff, poll workers, or voters, Poll worker recruitment funds, hazard pay, and/or training expenses, Temporary staffing, Vote-by-mail/Absentee voting equipment or supplies, and Election administration equipment. Grantee may allocate grant funds among those needs, or to other public purposes listed in the grant application, without further notice to or permission of CTCL.

4. Grantee shall not use any part of this grant to make a grant to another organization, except in the case where the organization is a local government unit or political subdivision within the meaning of IRC section 170(c)(1) or a nonprofit organization tax-exempt under IRC section 501(c)(3), and the subgrant is intended to accomplish the Purpose of this grant. Grantee shall take reasonable steps to ensure that any such subgrant is used in a manner consistent with the terms and conditions of this Grant Agreement, including requiring that subgrantee agrees in writing to comply with the terms and conditions of this Grant Agreement.
5. The grant project period of June 15, 2020 through December 31, 2020 represents the dates between which covered costs may be applied to the grant. The Grantee shall expend the amount of this grant for the Purpose by December 31, 2020.
6. Grantee is authorized to receive this grant from CTCL and certifies that (a) the receipt of these grant funds does not violate any Applicable Laws, and (b) Grantee has taken all required, reasonable and necessary steps to receive, accept and expend the grant in accordance with the Purpose and Applicable Law.
7. The Grantee shall produce a brief report explaining and documenting how grant funds have been expended in support of the activities described in paragraph 3. This report shall be sent to CTCL no later than January 31, 2021 in a format approved by CTCL and shall include with the report a signed certification by Grantee that it has complied with all terms and conditions of this Grant Agreement.
8. This grant may not supplant previously appropriated funds. The Grantee shall not reduce the budget of the Registrar of Voters (“the Election Department”) or fail to appropriate or provide previously budgeted funds to the Election Department for the term of this grant. Any amount supplanted, reduced or not provided in contravention of this paragraph shall be repaid to CTCL up to the total amount of this grant.
9. CTCL may discontinue, modify, withhold part of, or ask for the return all or part of the grant funds if it determines, in its sole judgment, that (a) any of the above terms and conditions of this grant have not been met, or (b) CTCL is required to do so to comply with applicable laws or regulations.
10. The grant project period of June 15, 2020 through December 31, 2020 represents the dates between which covered costs for the Purpose may be applied to the grant.

Your acceptance of and agreement to these terms and conditions and this Grant Agreement is indicated by your signature below on behalf of Grantee. Please have an authorized



CENTER FOR TECH & CIVIC LIFE
233 N. MICHIGAN AVE., SUITE 1800
CHICAGO, IL 60601
HELLO@TECHANDCIVICLIFE.ORG

representative of Grantee sign below, and return a scanned copy of this letter to us by email at grants@techandcivicliflife.org.

On behalf of CTCL, I extend my best wishes in your work.

Sincerely,



Tiana Epps Johnson

Executive Director

Center for Tech and Civic Life

GRANTEE

By: _____

Title: _____

Date: _____





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

REGULAR AGENDA REQUEST

Print

MEETING DATE October 20, 2020

Departments: CAO and Public Health

TIME REQUIRED 30 minutes

**PERSONS
APPEARING
BEFORE THE
BOARD**

Dave Wilbrecht, Acting CAO, Dr. Tom
Boo, Mono County Health Officer

SUBJECT COVID-19 (Coronavirus) Update

AGENDA DESCRIPTION:

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

Update on Countywide response and planning related to the COVID-19 pandemic, including reports from the Emergency Operations Center (EOC), Unified Command (UC), and the various branches of the EOC, including Community Support and Economic Recovery, Joint Information Center (JIC), and Public Health. Specific topics include, but are not limited to: Update on Community Financial Assistance Programs.

RECOMMENDED ACTION:

None, informational only.

FISCAL IMPACT:

None.

CONTACT NAME: Dave Wilbrecht, Dr. Tom Boo

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

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

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

History

Time	Who	Approval
10/16/2020 10:36 AM	County Administrative Office	Yes
10/15/2020 6:03 PM	County Counsel	Yes

10/16/2020 10:14 AM

Finance

Yes



OFFICE OF THE CLERK
OF THE BOARD OF SUPERVISORS

REGULAR AGENDA REQUEST

Print

MEETING DATE October 20, 2020

Departments: Community Development

TIME REQUIRED 10 minutes

**PERSONS
APPEARING
BEFORE THE
BOARD**

Wendy Sugimura, Community
Development Director

SUBJECT Employment Agreement with Tom
Perry as Part-Time Building Official

AGENDA DESCRIPTION:

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

Proposed resolution approving a contract with Tom Perry as part-time Building Official, and prescribing the compensation, appointment and conditions of said employment.

RECOMMENDED ACTION:

Announce Fiscal Impact. Approve Resolution R20-____, approving a contract with Tom Perry as Building Official, and prescribing the compensation, appointment and conditions of said employment. Authorize the Board Chair to execute said contract on behalf of the County.

FISCAL IMPACT:

Total cost of salary and benefits for FY 2020-21 is \$38,588, of which \$33,132 is salary, and was included in the Community Development Department's budget.

CONTACT NAME: Wendy Sugimura

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

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download

[Staff report](#)

[Resolution - Tom Perry Employment](#)

[Exhibit A - Employment Agreement](#)

History

Time	Who	Approval
10/16/2020 9:02 AM	County Administrative Office	Yes
10/15/2020 10:43 AM	County Counsel	Yes
10/8/2020 10:35 AM	Finance	Yes

Mono County Community Development Department

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

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

Date: October 20, 2020
To: Honorable Board of Supervisors
From: Wendy Sugimura, Community Development Director
Subject: Employee Agreement with Tom Perry as part-time Building Official

Recommended Action(s):

Approve Resolution #R_____, approving a contract with Tom Perry as Building Official, and prescribing the compensation, appointment and conditions of said employment. Authorize the Board Chair to execute said contract on behalf of the County.

Fiscal Impact:

Total cost of salary and benefits for FY 20-21 is \$38,588, of which \$33,132 is salary, and was included in the Community Development Department's budget.

Background:

A recruitment was open for the Building Official position in the Community Development Department from May 2016 through September 2017 with no qualified applicants. If the full-time position were hired, the salary (without benefits) would be approximately \$84,800. The recently completed salary survey has since reclassified this position to a higher salary rate.

Although Community Development staff was able to find solutions and to generally work around the absence of a Building Official, it reduced department efficiency overall and occasionally presented a critical roadblock for a given project. The preference has always been to find a viable candidate for Building Official, but as the recruitment was unsuccessful, alternative ideas were explored.

The alternative that was acted upon in September 2017 was an agreement with former Mono County Building Official Tom Perry, who now works as the Town of Mammoth Lake's full-time Building Official, to work eight hours per week for the County (in addition to his serving full time as Town Building Official), up to a total of 400 hours, and deal specifically with sensitive issues and determinations that require the analysis of a Building Official.

Discussion:

The County contract with Mr. Perry expired on September 26, 2020, and a new one-year contract back-dated to September 27, 2020, is being proposed with no changes. Mr. Perry has continued to fulfill his Building Official duties with the County since September 27.

As before, this agreement is similar to other County employee agreements but includes a 30-day termination clause that can be exercised by either party. This will allow the County or Mr. Perry to abandon the agreement should it prove to be unworkable for any reason. This arrangement has been developed in consultation with the Town Manager Dan Holler, who has requested quarterly check-ins with the County to assure the arrangement is not negatively impacting Mr. Perry's work for the Town. Should those check-ins identify problems that can't be solved, the agreement would necessarily be terminated.

This is the third year this contract arrangement has been in effect, and no conflicts or problems have been identified to date. Therefore, the Town and County have not held an official meeting within the last year on this issue, although the Town and County Community Development Department Directors did informally coordinate on the arrangement via phone call on September 29, 2020.

If you have any questions regarding this item, please contact me at (760) 924-1814 or wsugimura@mono.ca.gov.

Attachment:

1. Resolution approving employment agreement (attached as an exhibit) with Tom Perry



R20-__

**A RESOLUTION OF THE MONO COUNTY
BOARD OF SUPERVISORS APPROVING AN
EMPLOYMENT AGREEMENT WITH TOM PERRY
PRESCRIBING THE COMPENSATION, APPOINTMENT,
AND CONDITIONS OF SAID EMPLOYMENT**

WHEREAS, the Mono County Board of Supervisors has the authority under Section 25300 of the Government Code to prescribe the compensation, appointment, and conditions of employment of County employees;

NOW, THEREFORE, BE IT RESOLVED by the Mono County Board of Supervisors, that the Agreement Regarding the Part-Time Employment of Tom Perry, a copy of which is attached hereto as Exhibit A and incorporated herein by this reference as though fully set forth, is hereby approved and the compensation, appointment, and other terms and conditions of employment set forth in that Agreement are hereby prescribed and shall govern the employment of Tom Perry. The Chair of the Board of Supervisors shall execute said Agreement on behalf of the County.

//
//
//
//
//
//
//
//
//
//

1 **PASSED, APPROVED** and **ADOPTED** this 20th day of October, 2020, by the
2 following vote, to wit:

3 **AYES:**

4 **NOES:**

5 **ABSENT:**

6 **ABSTAIN:**

7
8
9 _____
10 Stacy Corless, Chair
11 Mono County Board of Supervisors

11 **ATTEST:**

11 **APPROVED AS TO FORM:**

12
13 _____
14 Clerk of the Board

13 _____
14 County Counsel

**EMPLOYMENT AGREEMENT OF TOM PERRY
AS PART-TIME BUILDING OFFICIAL FOR MONO COUNTY**

This Agreement is entered into this 20th day of October, 2020, by and between Tom Perry ("Mr. Perry") and the County of Mono ("County").

I. RECITALS

Mr. Perry is currently employed as the Building Official of the Town of Mammoth Lakes and as the part-time Building Official for Mono County. The County wishes to continue to employ Mr. Perry on a part-time basis to serve as its Building Official on the terms and conditions set forth in this Agreement and in accordance with the Mono County Building Official Job Description, provided such employment does not unduly conflict with Mr. Perry's responsibilities as the Building Official for the Town. Tom Perry wishes to continue such part-time employment with the County on said terms and conditions.

II. AGREEMENT

1. The term of this Agreement shall be September 26, 2020, until October 1, 2021, unless earlier terminated by either party in accordance with this Agreement.
2. Tom Perry shall continue to be employed by Mono County as its part-time Building Official, serving at the will and pleasure of the Community Development Director in accordance with the terms and conditions of this Agreement. Tom Perry accepts such employment. The Community Development Director shall be deemed the "appointing authority" for all purposes with respect to Mr. Perry's employment.
3. Mr. Perry shall be paid \$86.28 per hour and shall work 8 hours per week (on Fridays), up to 48 weeks per year. Mr. Perry shall coordinate with the Community Development Director to determine the 4 weeks in which he will provide no services to the County. In the event of an emergency, and upon mutual written agreement by Mr. Perry and the Community Development Director, Mr. Perry may work additional hours and/or weeks.
4. A determination has been made by the Public Employees Retirement System (PERS) that Mr. Perry's employment with the County is "overtime" and, as such, no retirement contribution by the parties related to such employment is required. However, in the event that determination is changed or payments are for any reason determined to be owed, Mr. Perry will pay the employee's share of any retirement contributions owed to PERS with respect to his employment for the County.

5. As a limited-hour part-time employee, Mr. Perry shall not earn or accrue paid leave time nor be entitled to the general benefits provided by the County to other management-level employees and described in the County's Management Benefits Policy, except that the County shall provide any compensation or benefits mandated by state or federal law.
6. Tom Perry understands and agrees that his receipt of compensation or benefits of any kind under this Agreement or under any applicable County Code provision or policy is expressly contingent on his actual rendering of personal services to the County. Should Mr. Perry cease rendering such services during this Agreement, then he shall cease earning or receiving any additional compensation or benefits until such time as he resumes rendering personal services; provided, however, that the County shall provide any compensation or benefits mandated by state or federal law.
7. The Community Development Director may terminate Tom Perry's employment at-will and without cause upon thirty days' written notice. In that event, this Agreement shall automatically terminate concurrently with the effective date of the termination. Mr. Perry understands and acknowledges that as an "at will" employee, he will not have permanent status nor will his employment be governed by the County Personnel System except to the extent that System is ever modified to apply expressly to at-will employees. Among other things, he will have no property interest in his employment, no right to be terminated or disciplined only for just cause, and no right to appeal, challenge, or otherwise be heard regarding any such termination or other disciplinary action the Community Development Director may, in his or her discretion, take during Mr. Perry's employment.
8. Mr. Perry may resign his employment with the County at any time and without cause, but shall endeavor to provide County with at least thirty days' written notice of such resignation. In that event, this Agreement shall automatically terminate concurrently with the effective date of the resignation, unless otherwise mutually agreed to in writing by the parties. Mr. Perry shall not be entitled to any severance pay or additional compensation of any kind after the effective date of such resignation.
9. This Agreement constitutes the entire agreement of the parties with respect to the employment of Tom Perry.
10. The parties agree that the Board of Supervisors' approval of this Agreement on behalf of the County is a legislative act and that through this agreement, the Board of Supervisors is carrying out its responsibility and authority under Section 25300 of the Government Code to set the terms and conditions of County

employment. It is not the parties' intent to alter in any way the fundamental statutory (non-contractual) nature of Tom Perry's employment with the County nor to give rise to any future contractual remedies for breach of this Agreement or of an implied covenant of good faith and fair dealing. Rather, the parties intend that Tom Perry's sole remedy in response to any failure by the County to comply with this Agreement shall be traditional mandamus.

11. Tom Perry acknowledges that this Agreement is executed voluntarily by him, without duress or undue influence on the part or on behalf of the County. Tom Perry further acknowledges that he has participated in the negotiation and preparation of this Agreement and has had the opportunity to be represented by counsel with respect to such negotiation and preparation or does hereby knowingly waive his right to do so, and that he is fully aware of the contents of this Agreement and of its legal effect. Thus, any ambiguities in this Agreement shall not be resolved in favor of or against either party.

III. EXECUTION:

This Agreement is executed on October 20, 2020.

EMPLOYEE

THE COUNTY OF MONO

Tom Perry

By: Stacy Corless
Board of Supervisors, Chair

APPROVED AS TO FORM

STACEY SIMON
County Counsel



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

REGULAR AGENDA REQUEST

Print

MEETING DATE October 20, 2020

Departments: Community Development

TIME REQUIRED 15 minutes

PERSONS APPEARING BEFORE THE BOARD John Peters, Supervisor 4th District

SUBJECT Letter re: Filling the Humboldt
Toiyabe National Forest Law
Enforcement Position

AGENDA DESCRIPTION:

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

Letter to the Humboldt Toiyabe National Forest requesting that a vacant law enforcement position on the forest be filled.

RECOMMENDED ACTION:

Approve, and authorize the Chair to sign, proposed letter.

FISCAL IMPACT:

None.

CONTACT NAME: April Sall

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

SEND COPIES TO:

asall@mono.ca.gov

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
Staff Report
Letter

History

Time	Who	Approval
10/16/2020 10:37 AM	County Administrative Office	Yes
10/14/2020 9:49 PM	County Counsel	Yes

Mono County Community Development Department

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

Planning Division

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

October 20, 2020

To: Honorable Mono County Board of Supervisors

From: April Sall, Planning Analyst on behalf of Supervisor John Peters, District 4

Re: Approve and authorize a letter to the Humboldt Toiyabe National Forest Supervisor regarding filling the law enforcement position

RECOMMENDATION

Approve and authorize the chair of the Board of Supervisors to send a letter on behalf of the Board of Supervisors encouraging the Humboldt Toiyabe National Forest (HTNF) Supervisor to fill the Law Enforcement Officer (LEO) position as soon as feasible.

FISCAL IMPACT

None.

BACKGROUND

As previously reported by Supervisor Peters, the Antelope Valley Regional Planning Advisory Committee (RPAC) approved, and the Bridgeport Valley RPAC directed, letters to the Board of Supervisors (BOS) requesting the County advocate for the Humboldt Toiyabe National Forest (HTNF) Supervisor to fill the Law Enforcement Officer (LEO) position (see Attachment 1).

DISCUSSION

The California portion of the HTNF only has one Law Enforcement Officer (LEO) position which has been vacant for most of this year and is proposed to remain vacant through next year. In conversations with local United States Forest Service (USFS) management staff, the issue is not decided at the local office and no timeframe for advertising the position was known at the time this staff report was written. The LEO position is considered significant for the stewardship of HTNF lands by the local communities in northern Mono County.

The RPACs letters request the Board of Supervisors authorize the Chair to sign a letter (see Attachment 1) advocating the HTNF LEO position be filled as soon as possible.

This staff report has been reviewed by the Community Development Department Director.

ATTACHMENTS:

1. Draft letter the HTNF Supervisor regarding the filling of the LEO position, with letters from the Antelope Valley and Bridgeport Valley RPACs attached



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

BOARD OF SUPERVISORS COUNTY OF MONO

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

October 20, 2020

Forest Supervisor William Dunkelberger
Humboldt-Toiyabe National Forest
1200 Franklin Way
Sparks, NV 89431

Dear Forest Supervisor Dunkelberger,

The Mono County Board of Supervisors is sending this letter on behalf of communities within the county (see attachments) that are concerned that the United States Forest Service (USFS) has not funded or filled the Humboldt Toiyabe National Forest (HTNF) Bridgeport Ranger District's Law Enforcement Officer (LEO) position for this year or next. We understand from conversations with local USFS management that this issue is not within local control and that responsibility for filling this LEO position rests at a regional and national level.

The Bridgeport Ranger District, the California portion of the HTNF and within Mono County, encompasses 1,300,000 acres and is heavily visited throughout the year. According to the USFS Perceptions of Law Enforcement and Investigation Study, USFS lands average one LEO per 420,000 acres, which would result in potentially three LEOs for the HTNF. Having none, as is currently the case and proposed to continue, is not acceptable or defensible.

Communities within Mono County feel that leaving the LEO position vacant is a breach of public safety and responsible government stewardship of our public lands. Given the additional pressures from the 2020 season of fires and high visitor use, our public lands such as the HTNF have increased impacts this year which also poses a threat to nearby state and private lands. For example, illegal fires can start wildfires that threaten nearby private property and degrade air quality.

We urge the USFS to fund and fill this position as soon as possible.

Thank you for your consideration.

Sincerely,

Stacy Corless, Chair of the Mono County Board of Supervisors

Enclosures:

1. Letter approved by the Antelope Valley Regional Planning Advisory Committee
2. Letter directed by the Bridgeport Valley Regional Planning Advisory Committee

ANTELOPE VALLEY

Regional Planning Advisory Committee

PO Box 347
Mammoth Lakes, CA 93546
760-924-1800 phone, 924-1801 fax
commdev@mono.ca.gov

PO Box 8
Bridgeport, CA 93517
760-932-5420 phone, 932-5431 fax
www.monocounty.ca.gov

October 1, 2020

John Peters, Mono County Board of Supervisors District 4
c/o Clerk of the Board
PO Box 715
Bridgeport, CA 93517

Re: RPAC supports the Humboldt Toiyabe National Forest filling the Bridgeport Ranger District Law Enforcement Officer position as soon as feasible

The Antelope Valley Regional Advisory Committee (RPAC) is concerned that the US Forest Service (USFS) has not funded or filled the Humboldt Toiyabe National Forest (HTNF) Bridgeport Ranger District's Law Enforcement Office (LEO) position for this year or next. We understand from conversations with local USFS management that this issue is not within local control and that responsibility for filling this LEO position rests at a regional and national level.

The Bridgeport Ranger District (BRD) encompasses 1,300,000 acres and is heavily visited throughout the year. There is on average, according to the USFS Perceptions of Law Enforcement and Investigation Study, one LEO per 420,000 acres of Forest Service Land. By this calculation, the BRD could potentially have three LEOs - having none is not acceptable or defensible.

We feel that leaving the LEO position vacant is a breach of public safety and responsible government stewardship of our public lands. This negligence also poses a threat to nearby state and private lands.

The Antelope Valley RPAC respectfully request the Board of Supervisors writes a letter urge the USFS to fund and fill this position as soon as possible.

We ask that the Board of Supervisors consider this request and thank you for your consideration.

Sincerely,



[Patti Hamic-Christensen \(Oct 2, 2020 11:14 PDT\)](#)

Patti Hamic-Christensen, Vice-Chair Antelope Valley RPAC






10.1.20 Letter to the BOS to fill the HTNF LEO position

Final Audit Report

2020-10-02

Created:	2020-10-02
By:	April Sall (asall@mono.ca.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAGjyal_XbWI0oQ11tAYoDvq4H5GNzIRhu

"10.1.20 Letter to the BOS to fill the HTNF LEO position" History

-  Document created by April Sall (asall@mono.ca.gov)
2020-10-02 - 2:59:52 AM GMT- IP address: 162.252.90.161
-  Document emailed to Patti Hamic-Christensen (pitenpat@yahoo.com) for signature
2020-10-02 - 3:00:19 AM GMT
-  Email viewed by Patti Hamic-Christensen (pitenpat@yahoo.com)
2020-10-02 - 6:10:49 PM GMT- IP address: 69.147.93.95
-  Document e-signed by Patti Hamic-Christensen (pitenpat@yahoo.com)
Signature Date: 2020-10-02 - 6:14:15 PM GMT - Time Source: server- IP address: 69.35.97.86
-  Agreement completed.
2020-10-02 - 6:14:15 PM GMT



BRIDGEPORT VALLEY

Regional Planning Advisory Committee

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

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

October 13th, 2020

John Peters, Mono County Board of Supervisors District 4
c/o Clerk of the Board
PO Box 715
Bridgeport, CA 93517

Re: RPAC supports the Humboldt Toiyabe National Forest filling the Bridgeport Ranger District Law Enforcement Officer position as soon as feasible

The Bridgeport Regional Advisory Committee (RPAC) is concerned that the US Forest Service (USFS) has not funded or filled the Humboldt Toiyabe National Forest (HTNF) Bridgeport Ranger District's Law Enforcement Office (LEO) position for this year or next. We understand from conversations with local USFS management that this issue is not within local control and that responsibility for filling this LEO position rests at a regional and national level.

The Bridgeport Ranger District (BRD) encompasses 1,300,000 acres and is heavily visited throughout the year. There is on average, according to the USFS Perceptions of Law Enforcement and Investigation Study, one LEO per 420,000 acres of Forest Service Land. By this calculation, the BRD could potentially have three LEOs - having none is not acceptable or defensible.

We feel that leaving the LEO position vacant is a breach of public safety and responsible government stewardship of our public lands. This negligence also poses a threat to nearby state and private lands.

The Bridgeport RPAC respectfully request the Board of Supervisors writes a letter urge the USFS to fund and fill this position as soon as possible.

We ask that the Board of Supervisors consider this request and thank you for your consideration.

Sincerely,

Jimmy Little, Chair Bridgeport RPAC (Letter will be signed on November 9th).



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

REGULAR AGENDA REQUEST

Print

MEETING DATE October 20, 2020

Departments: Community Development

TIME REQUIRED 5 minutes

**PERSONS
APPEARING
BEFORE THE
BOARD**

Wendy Sugimura, Community
Development Director

SUBJECT Corrected Resolution Certifying the
Tioga Inn Specific Plan Amendment
#3 Final Subsequent Environmental
Impact Report (FSEIR)

AGENDA DESCRIPTION:

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

Corrected resolution certifying the Final Subsequent Environmental Impact Report for Tioga Inn Specific Plan Amendment #3. This resolution includes all changes directed by the Board at its October 14th meeting and supersedes and replaces Resolution R20-94 from October 14th which inadvertently omitted a portion of the Board's direction. Additional typographical/grammatical changes have been made for clarity.

RECOMMENDED ACTION:

Adopt proposed Resolution R20-__ certifying the Tioga Inn Specific Plan Amendment #3 FSEIR and making required findings as set forth in the Resolution. Provide any desired direction to staff.

FISCAL IMPACT:

None.

CONTACT NAME: Wendy Sugimura

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

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

Click to download
Staff Report
Resolution
"Track changes" Version of Resolution

History

Time	Who	Approval
10/16/2020 10:37 AM	County Administrative Office	Yes
10/16/2020 9:28 AM	County Counsel	Yes
10/16/2020 10:29 AM	Finance	Yes

Mono County Community Development Department

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

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

October 20, 2020

To: Honorable Board of Supervisors

From: Wendy Sugimura, Director

Re: Corrected resolution certifying the Final Subsequent Environmental Impact Report (FSEIR) for Tioga Inn Specific Plan Amendment #3

Recommended Action:

Adopt proposed Resolution R20-__ certifying the Tioga Inn Specific Plan Amendment #3 FSEIR and making required findings as set forth in the Resolution. Provide any desired direction to staff.

Discussion:

At the Board's October 14, 2020, meeting on the Tioga Inn Specific Plan Amendment #3 and Final Subsequent Environmental Impact Report (FSEIR), staff hastily revised the resolution at the Board's direction to split project approval and FSEIR certification by removing language approving the project. After the meeting, staff discovered the California Environmental Quality Act (CEQA) Findings of Fact had inadvertently been removed with Exhibit A. To correct this deficiency, the Board is requested to act again to certify the FSEIR by approving the proposed revised resolution (Attachment #1).

A "track changes" version of the proposed resolution and CEQA Findings of Fact are provided (Attachment #2) to facilitate comparison and provide clarity of proposed edits, which are as follows:

- Exhibit A, containing the CEQA Findings of Fact, has been added with modifications to mitigation measures as directed by the Board and other clarifications.
- The changes in the two-page document entitled "Revisions Proposed for the Tioga Inn Specific Plan Amendment #3 & FSEIR for Incorporation into Section One of the Resolution" have been incorporated directly into Section One.
- Grammatical and formatting errors have been corrected.

As directed by the Board, effort will be directed toward the two remaining issues pertaining to the Kutzadika'a Tribe and Caltrans involvement in the pedestrian connection trail before the Specific Plan Amendment is returned to the Board for further consideration.

Please contact Wendy Sugimura (760-924-1814, wsugimura@mono.ca.gov) with any questions.

Attachments:

1. Resolution Certifying the Final Subsequent Environmental Impact Report for Tioga Inn Specific Plan Amendment #3 with Exhibits
2. "Track changes" version of resolution



RESOLUTION R20-__

**A RESOLUTION OF THE MONO COUNTY BOARD OF SUPERVISORS
CERTIFYING THE FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT
FOR TIOGA INN SPECIFIC PLAN AMENDMENT #3**

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

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

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

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

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

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

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

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

WHEREAS, the FSEIR was released on February 29, 2020, and, in response to public comment and suggestions, was re-titled as the Tioga Community Housing Project, and included the new Alternative

1 #6, which was accepted by the applicant and determined to be the new preferred alternative due to reduced
2 visual and other impacts, and included other project changes; and

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

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

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

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

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

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

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

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

SECTION TWO: Staff is authorized to make corrections to the SEIR that do not affect project
substance or meaning, such as grammatical and typographical errors, numbering corrections, formatting
changes, etc. and is directed to make the following changes to the SEIR:

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

1 B. Add: Each housing phase and building permit application (if filed separately from a complete phase) shall
2 receive a separate will serve letter from the applicable fire protection jurisdiction.

3 C. Add: The property owner voluntarily proposed and agrees to prefund an update to the Lee Vining Fire
4 Protection District (LVFPD) development impact fee structure (nexus study) in response to currently
5 unquantified LVFPD capital improvement needs. The cost associated with this development impact fee
6 structure update (nexus study) will be credited back to any outstanding LVFPD impact fees imposed on
7 the project as a result of this updated study. This obligation shall inure to any future property owner.

8 D. Add: The property owner voluntarily proposed and agrees to host a fundraising and recruiting event to
9 encourage donations and volunteers to support LVFPD. This obligation shall inure to any future property
10 owner.

11 E. Add: Mitigation monitoring and reporting is a project requirement under CEQA. The County requires that
12 costs associated with the implementation, monitoring and/or compliance with the Tioga Inn Community
13 Housing Specific Plan, which may be performed by staff or County contractors, shall be paid for by the
14 property owner.

15 F. Add the following species to the Plant Palette:

16 Tree	White Birch	<i>Betula Pendula</i>
17 Tree	Limber Pine	<i>Pinus Flexilis</i>
18 Tree	Ponderosa Pine	<i>Pinus Nigra</i>
19 Tree	Austrian Pine	<i>Pinus Ponderosa</i>
20 Tree	Colorado Spruce	<i>Picea P 'Dark Green & Blue'</i>
21 Tree	Colorado Spruce	<i>Picea Pungens 'Fat Albert'</i>
22 shrub	Red Twig Dogwood	<i>Cornus Sericea 'Bailey'</i>
23 groundcover	Hancock	<i>Symphoricarpos x Chenaultii</i>

24 G. Add Secondary Fire Access map:
25 ([https://monocounty.ca.gov/sites/default/files/fileattachments/planning_division/page/29999/tioga_in
26 n_secondary_fire_120_access.pdf](https://monocounty.ca.gov/sites/default/files/fileattachments/planning_division/page/29999/tioga_in_n_secondary_fire_120_access.pdf)).

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

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

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

K. Add: Automated External Defibrillator (AED) units shall be provided on the community housing site
in compliance with standards established by the American Heart Association, including use of a 3-

1 minute maximum response time to determine the required number of AED units and where the units
2 should be located on the project site.¹

- 3 L. Add: The property owner shall provide Mono County Public Health Department with monthly
4 measurements and recordings of static water levels, pumping water levels, pumping rates and pumped
5 volumes for the onsite wells. The monthly measurements shall be provided to the County for at least the
6 first year to establish a baseline; monitoring shall continue on at least a quarterly basis thereafter and results
7 provided to Mono County Public Health.
- 8 M. Add: If an emergency access road to US 395 is required by another agency with the authority to do so
9 and the necessary permitting and CEQA analysis has been completed by that entity, then the Specific
10 Plan may be modified by discretionary action of the Board to allow the road and to state: “other than
11 access to an emergency egress route and for authorized personnel to the parcels adjacent to US 395,
12 there shall be no access to the project from US 395.”
- 13 N. Incorporate the environmental impact analysis of Alternative 6 and Alternative 7 (as applicable to the
14 refined Alternative 7) from Attachment 5 to the staff report for the 6 August 2020 Board of Supervisors
15 meeting, including the Lines of Sight and Visibility Cones from Navy Beach and South Tufa Parking Lot
16 (Exhibits 3 and 4), and the “Refined Preferred Alternative: Alternative 7-Hybrid Plan” from Section III of
17 the staff report for the 13 October 2020 Board of Supervisors meeting.
- 18 O. Add: Mitigation Measure BIO 5.3(a-6) (Signage): Signage stating “Do Not Feed the Wildlife” shall be
19 posted on the road leading into the housing complex, at the entry to Vista Point Drive, and at the access
20 points from Vista Point Drive into the gas station, the hotel, and the full-service restaurant.
- 21 P. Refine Mitigation Measure BIO 5.3(a-4) (Badger and Fox Survey): A pre-disturbance denning badger
22 and denning fox survey shall be scheduled within three days prior to the start of vegetation and ground-
23 disturbing project activities. The survey will be performed by a qualified biologist. The survey will include
24 the entire area where disturbance will occur, as well as buffers of 500 feet in all directions. Survey results
25 will be reported to CDFW-Bishop, Mono County, and to the construction foreperson within 24 hours of
26 survey completion, in order to formulate avoidance measures. Unless modified in consultation with
27 CDFW, active badger or fox dens will be buffered by a minimum distance of 500 feet, until the biologist
28 finds that den occupation has ended. In the unlikely event that an active fox den that could be occupied by
29 Sierra Nevada red fox is found, ground-disturbing work at the project will be halted pending consultation
30 with CDFW regarding buffering and avoidance.
- Q. Refine Mitigation Measure POP 5.6(a-1) (Phasing Plan)

Mitigation Measure 5.6(a-1) (Phasing Plan). Development of the Tioga Community Housing Project shall be phased in accordance with the schedule below.		
Phase	# Units	Schedule
1	70	The 70 Phase I units, childcare facility, and grading for all three phases are authorized for construction upon submittal of a complete building permit application for the hotel to the Mono County Community Development Department.
2	30	Construction of the 30 Phase 2 units would begin when the phase 1 units reach an 80% occupancy rate (i.e., when 56 of the Phase 1

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

units are rented) and building permits have been issued for Phase 1. All Phase 2 units will be in the westernmost row of units.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- R. Add: Mitigation Measure SFTY 5.7(e-3) (Emergency Access to SR 120): The Gibbs Siphon Emergency Access Road onto SR 120 will include a 40-foot irrevocable easement from SCE to the property owner, shall be bladed annually to maintain full easement width, and shall be maintained to be passable by vehicles year round, to be recorded prior to issuance of project building permits.
- S. Add: Mitigation Measure SVCS 5.8(a-2) (Shuttle Service): A shuttle service shall be provided between the project site and Lee Vining, beginning when all Phase 1 units of the housing complex have received occupancy permits. The shuttle service will (1) be staffed by qualified drivers, (2) be equipped with ADA-compliant features, (3) follow established routes with regular minimum drop-off and pick-up times (including a minimum of 3 daily round trips during the operating season), and (4) begin the operating season, at minimum, each year no later than July 4, and end the operating season each year no sooner than Labor Day. The operating season may be expanded for additional periods as needed based on an annual survey of the Lee Vining community and Tioga Housing residents conducted by the property owner. The shuttle service will be free of charge and available for use by hotel guests, residents of the Community Housing Complex, and the public. If a pedestrian/bicycle trail is constructed between Lee Vining and the project site per MM SVCS 5.8(a-4), then shuttle operation frequency and duration may be reduced based on ridership demand subject to approval by the Community Development Director.
- T. Refine Mitigation Measure SVCS 5.8(a-4)(Pedestrian Safety): The establishment of a trail connection between the project site and Lee Vining was determined to be infeasible in the FSEIR because: the trail would ultimately lead pedestrians to a SR 120 at-grade crossing (creating the potential for conflicts with high-speed vehicles); requirement for action by other parties over whom the County and the property owner lack legal control (i.e., SCE and Caltrans) and which, until recently, were unwilling to cooperate; and for other reasons including uncertainty of funding costs not attributable to the project and ultimate implementation. Infeasible mitigation measures need not be analyzed under CEQA and may not be relied upon to conclude that an impact has been reduced to a less-than-significant level. In addition, a pedestrian trail has been documented as an existing need and the proposed project may only be held responsible for its proportional and incremental contribution.

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

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

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

- V. Add: Mitigation Measure AES 5.12(a,b-2) (Visual Screening & Landscaping): All landscaping shall be planted consistent with the Alternative 7 Landscape Concept Plan as soon as Phase 1 site grading is complete. A landscaping or restoration specialist approved by the County shall monitor tree health, screening efficacy and replacement requirements for the first 5-years of growth. The landscape/restoration specialist shall have authority to replace plantings as needed to attain within five years a goal of providing at minimum the number of trees shown on the Landscape Concept Plan.

None of the housing structures or housing parking areas shall be visible from public vantage points including (1) the shore of Mono Lake at South Tufa, (2) Navy Beach, (3) US 395 between the junction of Hwy 120 W and Test Station Rd. A housing structure or parking area is "visible" if any part of the buildings or parked vehicles or any reflection, glare, or other direct light from the housing or parked vehicles in the housing area at any time are clearly identifiable to the naked eye or with a high-quality 400 mm telephoto lens as used in the visual analysis.

Compliance with this mitigation measure shall be monitored by conducting visual inspections from each of the public vantage points listed above at least once each year for five years after certificate of occupancy is issued for Phase 1. The monitoring inspection shall be conducted during winter with at least one conducted after dark and one in the two hours after dawn from each vantage point.

The goal of the monitoring inspections shall be to develop a record of compliance with this standard from each vantage point and at varying times of potential high visibility including dawn, nighttime, and daytime. Documented observations of noncompliance with this standard from the public should be sent to the Code Enforcement Division for a response.

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

- (a) manufacturer-provided information showing fixture diagrams and light output levels. Mono County has indicated that the fixture type exceptions listed under Chapter 23.050.E (1, 2 and 3) will be prohibited in this project, and that only full cutoff luminaires with light source downcast and fully shielded, with no light emitted above the horizontal plane, are permitted. Furthermore, although lighting is not required for parking areas, roads and pedestrian walkways, Mono County will permit

1 safety lighting to be provided in the parking areas, roads and pedestrian walkways provided that such
2 lighting must meet all other applicable requirements of this Outdoor Lighting Plan (i.e., shielded,
3 down-directed, etc.) and may not exceed 10,000 lumens per acre maximum.² Kelvin color temperature
4 should be approximately 2300K, and temperatures over 3000K are prohibited. Safety lighting shall be
5 permitted only during the hours between 30 minutes following sunset, and 30 minutes prior to sunrise;
6 (b) pedestrian lighting is not required but, if provided, is limited to low-level bollard lights to limit light
7 impacts to the least necessary for public health and safety. Kelvin color temperatures over 3000K are
8 prohibited. Bollards shall be spaced a minimum of 10 to 15 feet apart³ on pedestrian pathways. The
9 height of bollard lighting shall not exceed 3.5 feet above grade and light sources shall be fully shielded
10 and not exceed 125 bollards at 1,000 lumens⁴;
11 (c) accent lighting shall be limited to residential lighting required by the building code for safety, and
12 any up-lighting shall be prohibited;
13 (d) the proposed location, mounting height, and aiming point of all outdoor lighting fixtures; and
14 (e) drawings for all relevant building elevations showing the fixtures, the portions of the elevations to
15 be illuminated, the illuminance level of the elevations, and the aiming point for any remote light
16 fixture.
17 (f) the Landscape Concept Plan outlined in MM AES 5.12(a,b-2) shall be applied to place trees and
18 landscaping to screen project structures and lighting, subject to the five-year monitoring plan and tree
19 replacement as needed, to screen direct light glare from offsite.

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

- 14 (a) A written narrative to demonstrate lighting objectives,
- 15 (b) Photometric data,
- 16 (c) A Color Rendering Index (CRI) of all lamps and other descriptive information about proposed
17 lighting fixtures,
- 18 (d) A computer-generated photometric grid showing foot candle readings every 10 feet within the
19 property or site, and 10 feet beyond the property lines, and/or
- 20 (e) Landscaping information to describe potential screening.

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

25 **SECTION THREE:** The Tioga Community Housing Project Final Subsequent EIR (FSEIR) has
26 been prepared for the Tioga Inn Specific Plan Amendment #3 in compliance with CEQA and the FSEIR
27 reflects the County's independent judgment and analysis. The Board of Supervisors further finds that the
28 FSEIR has been presented to, and reviewed by, both the Board and Planning Commission and, with the
29 refinements described in Section One of this Resolution, is adequate and complete for consideration by the
30 Board of Supervisors in making a decision on the merits of the Tioga Inn Specific Plan Amendment #3.

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

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

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

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

SECTION FIVE: The Board of Supervisors hereby certifies the Final SEIR with those modifications set forth in this Resolution.

SECTION SIX: This Resolution shall supersede and replace, in its entirety, Resolution R20-94_ adopted by the Board on October 14, 2020, which shall be of no further force or effect.

PASSED AND ADOPTED this 20th day of October 2020, by the following vote of the Board:

AYES :
NOES :
ABSENT :
ABSTAIN :

Jennifer Kreitz, Vice Chair

ATTEST:

APPROVED AS TO FORM:

Scheereen Dedman
Clerk of the Board

Stacey Simon
County Counsel

CEQA FINDINGS OF FACT
*For the proposed Tioga Community Housing/
 Tioga Inn Specific Plan Amendment #3 Project*

I. INTRODUCTION

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

- (a) *"No Lead Agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:*
 - (1) *Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.*
 - (2) *Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*
 - (3) *Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.*
- (b) *The findings required by subdivision (a) shall be supported by substantial evidence in the record.*
- (c) *The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subdivision (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.*
- (d) *When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.*
- (e) *The public agency shall specify the location and custodian of the documents or other material which constitute the record of the proceedings upon which its decision is based.*
- (f) *A statement made pursuant to Section 15093 does not substitute for the findings required by this section.*

TABLE OF CONTENTS		
SECTION	SECTION HEADING	PAGE
I	Introduction	1
II	FSEIR Background and Process	2
III	Significant Unavoidable Adverse Effects of the Project	3
IV	Administrative Record of Proceedings	3
V	Consideration of the Administrative Record	4
VI	Project Impacts that are Less than Significant	4
VI.A	Project Impacts that are Less than Significant and Do Not require Mitigation	4
VI.B	Project Impacts that are Less than Significant with Mitigation	5
VII	Environmental Impacts of the Project that are Significant, Adverse and Unavoidable	15
VIII	Conclusions	26

II. FSEIR BACKGROUND AND PROCESS

Preparation of the *Tioga Community Housing Project, Tioga Inn Specific Plan Amendment #3 Final Subsequent EIR* ('FSEIR') began with the distribution of a Notice of EIR Preparation (NOP) and scoping meeting during October 2016. Following review of the 33 NOP comment letters, the project proposal was modified to eliminate proposed changes to the previously-approved

hotel and full-service promontory restaurant, increase the proposed number of housing units, incorporate day care facilities, and change the distribution and acreage of open space areas.

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

Following close of the DSEIR public review period, the project was further modified in response to changes requested in the DSEIR comment letters.¹ Project modifications included a new Preferred Alternative 7 that was developed with the intent to lessen project impacts on scenic and visual resources, and to lessen project impacts associated with light and glare. The *Tioga Community Housing/ Tioga Inn Specific Plan Amendment #3 FSEIR* describes all project changes made since the DSEIR public review period ended, including the new Preferred Alternative 7.

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

III. SIGNIFICANT UNAVOIDABLE ADVERSE EFFECTS OF THE PROJECT

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

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

The new preferred Alternative 7-Hybrid Plan, in combination with other new project mitigation measures and requirements, will substantively lessen project impacts on aesthetic resources. Additional substantive efforts were made to lessen the significant cumulative project impacts on deer movement, the significant direct and cumulative project impacts associated with impacts on public services associated with unsafe pedestrian/cycling travel conditions between the project site and Lee Vining, and the significant unavoidable and adverse direct and cumulative impacts associated with vehicle turning movements at the SR 120/US 395 junction. However, despite concerted efforts, it was infeasible to reduce any of the significant project impacts to less than significant levels. Findings of Fact have been prepared to address each of the significant unavoidable adverse impacts identified above.

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

IV. ADMINISTRATIVE RECORD OF PROCEEDINGS

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

CONTENTS OF THE ADMINISTRATIVE RECORD
<p>(1) All project application materials.</p> <p>(2) All staff reports and related documents prepared by the respondent public agency with respect to its compliance with the substantive and procedural requirements of this division and with respect to the action on the project.</p> <p>(3) All staff reports and related documents prepared by the respondent public agency and written testimony or documents submitted by any person relevant to any findings or statement of overriding considerations adopted by the respondent agency pursuant to this division.</p> <p>(4) Any transcript or minutes of the proceedings at which the decision-making body of the respondent public agency heard testimony on, or considered any environmental document on, the project, and any transcript or minutes of proceedings before any advisory body to the respondent public agency that were presented to the decision-making body prior to action on the environmental documents or on the project.</p> <p>(5) All notices issued by the respondent public agency to comply with this division or with any other law governing the processing and approval of the project.</p> <p>(6) All written comments received in response to, or in connection with, environmental documents prepared for the project, including responses to the notice of preparation.</p> <p>(7) All written evidence or correspondence submitted to, or transferred from, the respondent public agency with respect to compliance with this division or with respect to the project.</p> <p>(8) Any proposed decisions or findings submitted to the decision-making body of the respondent public agency by its staff, or the project proponent, project opponents, or other persons.</p> <p>(9) The documentation of the final public agency decision, including the final environmental impact report, mitigated negative declaration, or negative declaration, and all documents, in addition to those referenced in paragraph (3), cited or relied on in the findings or in a statement of overriding considerations adopted pursuant to this division.</p> <p>(10) Any other written materials relevant to the respondent public agency's compliance with this division or to its decision on the merits of the project, including the initial study, any drafts of any environmental document, or portions thereof, that have been released for public review, and copies of studies or other documents relied upon in any environmental document prepared for the project and either made available to the public during the public review period or included in the respondent public agency's files on the project, and all internal agency communications, including staff notes and memoranda related to the project or to compliance with this division.</p> <p>(11) The full written record before any inferior administrative decision-making body whose decision was appealed to a superior administrative decision-making body prior to the filing of litigation.</p>

CEQA Guidelines §15074(c) requires that Findings must also specify the location and custodian of the administrative record. The administrative record of the *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3* project shall be maintained and shall be available for public review at 1290 Tavern Road, Mammoth Lakes, California. Project files shall also be available at the Bridgeport CDD office at 74 N. School Street, Bridgeport, California.

V. CONSIDERATION OF THE ADMINISTRATIVE RECORD

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

conclusions contained in the Findings and in the Final Subsequent EIR reflect Mono County's independent judgment and analysis.

VI. PROJECT IMPACTS THAT ARE LESS THAN SIGNIFICANT

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

1. **POPULATION, HOUSING, EMPLOYMENT.** No significant adverse impacts are foreseen for potential project impacts on Population, Housing or Employment. The project will not induce substantial unplanned population growth in an area, or adversely impact employment or living conditions, in Lee Vining, in the Mono Basin, or in Mono County as a whole, or displace substantial numbers of people or existing housing, necessitating the construction of replacement housing elsewhere. No Findings or Statement of Overriding Effects are required for these environmental factors.
2. **ENERGY AND UTILITIES.** No significant adverse impacts are foreseen for potential project impacts on Public Services, Energy and Utilities. The project will not create a need for new or modified governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any public services (police protection, schools, other public facilities, services and utilities). Further, the project will not result in a wasteful, inefficient, and/or unnecessary consumption of energy; or be served by a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs and fail to comply with federal, state, and local statutes and regulations related to solid waste, as discussed on DSEIR pages 5.8-7 through 5.7-13. Please see discussion in §VII for discussion of the significant and unavoidable adverse impacts on public services associated with increased foot traffic between the project site and Lee Vining.
3. **AIR QUALITY AND GREENHOUSE GASES.** No significant adverse impacts are foreseen for potential project impacts on Air Quality & Greenhouse Gases. The project will not conflict with or obstruct implementation of the applicable air quality plan or result in a cumulatively considerable increase of a criteria pollutant for which the project region is non-attainment, will not expose sensitive receptors to substantial pollutant concentrations, will not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people, will not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment, and will not conflict with an applicable plan, policy or regulation adopted to reduce greenhouse gas emissions. No Findings or Statement of Overriding Effects are required for these environmental factors.
4. **NOISE.** No significant adverse impacts are foreseen for potential project impacts on Noise. The project will not expose persons to or cause a permanent or temporary significant increase in ambient noise levels or result in noise levels exceeding adopted standards, will not expose persons to or generate excessive groundborne vibration or groundborne noise levels, and will not expose people residing or working in the project area to excessive noise levels for a project located in an airport land use plan or (where such a plan has not been adopted) within two miles of a public airport or public-use airport or a private airstrip. No Findings or Statement of Overriding Effects are required for these environmental factors.

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

1. **GEOLOGY AND SOILS.** With implementation of the mitigation measures outlined below and in FSEIR §6.5 (Mitigation Monitoring and Reporting Program), no significant adverse impacts are foreseen with respect to the potential for the project to directly or indirectly cause potential substantial adverse effects involving rupture of a known Alquist-Priolo earthquake fault, strong seismic ground shaking, seismic-related ground failure including liquefaction, and/or landslides, as discussed on DSEIR pages 5.1-7 through 5.1-11.
 - *Mitigation Measure GEO 5.1(a-1) (Soils): Site specific soils reports with appropriate recommendations for proposed improvements shall be made at the time that improvements are being designed.*

- *Mitigation Measure GEO 5.1(a-2) (Debris Flows): Debris flow mitigation (including debris/desilting/ retention basins and/or rip rap or other mitigative measures) shall be used in any canyon or gully areas where structures would be located.*
- *Mitigation Measure GEO 5.1(a-3) (Seismicity): Due to the project location in a zone of known active faulting, further geotechnical investigations shall be undertaken if soil removal and/or grading expose fault traces. This possibility shall be considered throughout the initial construction planning and earthwork phases.*
- *Mitigation Measure GEO 5.1(b) (Low Impact Development): The Low Impact Development Best Stormwater Management Practices Program outlined in Mitigation HYDRO 5.2(a-6) shall be implemented through the life of the Tioga Specific Plan.*
- *Mitigation Measure GEO 5.1(c) (Supplemental Geotechnical Studies): Additional geotechnical studies shall be prepared, prior to Grading and/or Building Permits approval, to examine subsurface soil and groundwater conditions on all project areas that were not analyzed as part of the 1993 Final EIR. Areas to be studied shall at a minimum include land underlying the workforce housing project, the propane tank storage area, the proposed site of the new water storage tank, and all areas that would be newly impacted by the proposed septic and wastewater treatment system.*

2. HYDROLOGY AND WATER QUALITY. With implementation of the mitigation measures outlined below and in FSEIR §6.5 (Mitigation Monitoring and Reporting Program), no significant adverse impacts are foreseen with respect to the potential for the project to directly or indirectly violate water quality standards or a water quality control plan, or sustainable groundwater management plan, or otherwise substantially degrade surface or groundwater quality; violate any wastewater treatment or discharge requirements or require new wastewater treatment facilities; substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume, or a lowering of the local groundwater table level that would impact the production rate of nearby wells, or jeopardize the sufficiency of water supplies to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years; or substantially alter drainage patterns in a manner that would result in substantial erosion, siltation, flooding or runoff or exceed existing or planned drainage systems; or place housing or structures in a 100-year flood hazard area as mapped on a Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map, or impede flood flows; or expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam, as discussed on DSEIR pages 5.2-15 through 5.2-30. No Findings or Statement of Overriding Effects are required for these impacts. Please see §VII for discussion of the significant and unavoidable adverse impacts associated with the potential for the project to expose people or structures to inundation by mudflow.

- *Mitigation Measure HYDRO 5.2(a-1) (Slope Restoration and Monitoring): The Shrubland Revegetation Plan requirements outlined in Mitigation BIO 5.3(a-1) shall be included as a condition of approval in the building permit issued by Mono County. Purposes of the revegetation plan are to control erosion, reduce offsite runoff flow, control weeds, sequester carbon, enhance aesthetic values and to provide forage and shelter for wildlife.*
- *Mitigation Measure HYDRO 5.2(a-2) (Buffer Zone and Exclusion Fencing): Buffer areas shall be identified and exclusion fencing shall be installed to protect surface water resources outside of the project area, and to prevent unauthorized vehicles or equipment from entering or otherwise disturbing surface waters outside the project area. Construction equipment shall be required to use existing roadways to the extent possible.*
- *Mitigation Measure HYDRO 5.2(a-3) (Minimal Vegetation Clearing): Vegetation clearing shall be kept to a minimum. Where feasible, existing vegetation shall be mowed so that after construction, the vegetation can reestablish more quickly and thereby help mitigate the potential for storm water impacts.*
- *Mitigation Measure HYDRO 5.2(a-4) (Spill Prevention and Response): Mitigation Measure HYDRO 5.2(a-7), which is detailed in Section VI.B.2 below, is designed to protect surface and groundwater quality through spill prevention and response measures features that will effectively reduce the surface and groundwater contamination. The County therefore finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental impact identified in DSEIR §5.2.*
- *Mitigation Measure HYDRO 5.2(a-5) (Onsite Storm Flow Retention): A comprehensive drainage study shall be developed which includes all phases of the project and implements the Low Impact Development Standards outlined in GEO 5.2(b). The project shall incorporate features to remove sediment from stormwater before it is discharged from the site. The project shall retain runoff from new impervious surfaces, and surfaces disturbed during construction. Retention shall be achieved by*

directing runoff to drywells or landscaped areas that provide infiltration. Sediment removal and retention systems shall be designed to accommodate all runoff resulting from a 20-year storm event of 1-hour duration. It must be demonstrated that the stormwater system is designed in such a way that when the retention capacity is exceeded, runoff leaves the site in keeping with pre-project drainage patterns, and will not cause the design capacities of any downstream drainage facilities to be exceeded.

- Mitigation Measure HYDRO 5.2(a-6) (Stormwater BMPs): In compliance with Mono County General Plan Appendix §25.010, the Low Impact Development Best Stormwater Management Practices Program (LID BMPP) provided herein shall be implemented throughout the life of the Tioga Specific Plan. Purposes of LID implementation are to keep polluted runoff water out of the rivers and lakes, use the chemical properties of soil and plants to remove pollutants from water, design subdivisions to clean their own stormwater rather than dumping it into streams or lakes, and preserve the natural water flow of the site beyond required codes and 'business-as-usual'. The measures to be implemented are shown below:

Low Impact Development Features of the Tioga Community Housing Project	
NATURAL DRAINAGE CONTROLS	Onsite flows will be carried in drainage conveyance facilities located along slopes and collection elements will be sited in natural depressions.
RUNOFF COLLECTION AND TREATMENT	Stormwater runoff will be collected into the new stormwater retention system, which is sized to accommodate a conservative infiltration rate of 5 minutes per inch. Treatment will be provided by bioswales located in the landscaped areas of the parking lot. Additional treatment facilities may be provided including placement of oil removal inserts in the inlets, or a separate oil treatment unit.
ONSITE FLOW RETENTION	Runoff and excess water will be maintained onsite up to the required 20-year storm design standard.
INFILTRATION	Use of rock swales & collection features to enhance filtration of pollutants.
RUNOFF SEPARATION	Channels and/or swales will be used to create a separate between roads and pedestrian paths.
ROAD DESIGN	Road improvements will be the minimum required for public safety and emergency access, and will continue to feature traffic calming features including curvilinear design, low speed limits, posted turn restrictions, high visibility internal signage.
CLUSTER DESIGN	Onsite uses will feature compact design layouts that preserve open space and natural vegetation, and minimize energy costs.
VEGETATION RETENTION	Mature vegetation will be preserved, and native bitterbrush vegetation lost to fire will be replanted and irrigated until established.
SCREENING	The layout of proposed uses, and the design of grading contours, will minimize offsite visibility of constructed elements.
WATER USE FOR LANDSCAPING	The project will comply with provisions of the Department of Water Resources Model Water Efficient Landscape Ordinance.

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

Spill and Leak Best Management Practices of the Tioga Community Housing Project	
SPIILLS	Ground surfaces at the gas station and housing area shall be regularly maintained in a clean and dry condition, including snow removal during winter months.
	Drip pans & funnels shall at all times be readily available to gas station customers & staff for use when draining or pouring fluids.
	At least 2 spill containment and cleaning kits shall at all times be readily available and properly labeled, with instructions, at all times for use by gas station customers and staff
	Kitty litter, sawdust or other absorbent material shall at all times be readily available to gas station staff & customers, with instructions that the absorbent material is to be poured onto spill areas, and then placed in covered waste containers for disposal. Wash down of spills shall be strictly prohibited.
LEAK CONTROLS	Drip pans & funnels shall at all times be accessible and readily available for use with stored vehicles.
	Drip pans shall be placed under the spouts of liquid storage containers.

TRAINING	<i>All gas station employees, as well as the housing manager, shall be trained on spill & leak prevention practices annually.</i>
	<i>Signage shall be posted on the gas station service islands requesting that customers properly use, recycle and dispose of materials.</i>
FUELING	<i>Wash down of paved surfaces at the gas station and housing area shall be prohibited in any areas that flow into storm drains.</i>
	<i>Signs shall at all times be posted advising gas station customers not to overfill or top-off gas tanks, and all gas pumps shall be outfitted with automatic shutoff fuel dispensing nozzles.</i>
	<i>Fuel-dispensing areas shall be swept daily or more often to remove litter and debris, with proper disposal of swept materials.</i>
	<i>Rags and absorbents shall at all times be readily available for use by gas station staff & customers in case of leaks and spills.</i>
	<i>Outdoor waste receptacles and air/water supply areas shall be checked by gas station employees on a daily basis to ensure that receptacles are watertight and lids are closed.</i>
WASTE TREATMENT PLANT	<i>WWTP BMPs shall at a minimum include (a) work areas, walkways and stairwells shall be maintained clear of loose materials and trash. (b) Spills such as grease, oil or chemicals shall be cleaned up immediately, (c) Combustible trash (such as paper, wood and oily rags) shall not be allowed to accumulate, (d) All chemicals and combustible liquids shall be stored in approved containers and away from sources of ignition and other combustible materials, (e) Oily rags shall be placed in metal containers with lids, (f) Adequate clearances shall be maintained around electrical panels, and extension cords shall be maintained in good conditions. Remote security scans shall be conducted on a daily basis, with weekly walk-through inspections, bi-annual site reviews, annual BMP plan oversight inspections, and reevaluation of the WWTP BMP plan no less than once every 5 years.</i>
WASHING	<i>No vehicle washing shall be permitted at the gas station or housing area unless a properly designed wash area is provided & designated on the project site.</i>
	<i>If a wash area is provided on the project site, it shall be located near a clarifier or floor sump, properly designed, paved and well-marked. Gas station employees (as well as the housing manager, if relevant) shall be trained in use and maintenance of the designated wash area. Washwaters shall be contained, cleaned and recycled.</i>
	<i>Detergents sold & used at the gas station shall be biodegradable and free of phosphates.</i>

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

Wastewater Treatment Plant permit approval process. Monitoring well locations and depths of well construction will be as proposed by a licensed hydrogeologist as part of a Work Plan for permitting of the WWTP, as reviewed and accepted by the Board.

- *Mitigation Measure HYDRO 5.2(b-6) (Nitrogen Removal): In the event that data from the groundwater monitoring wells show a sustained increase in groundwater salinity levels, nitrogen removal systems will be added to the package wastewater treatment system as needed to maintain baseline salinity levels in the underlying groundwater aquifer.*

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

- *Mitigation Measure BIO 5.3(a-1) (Shrubland Vegetation): Proponent shall prepare a Revegetation Plan for the purpose of returning all areas that are temporarily disturbed by the project to a condition of predominantly native vegetation. Mono County will review this plan for approval within 60 days of the start of project construction. The revegetation plan will, at a minimum, include locally derived seed or plants from the following list of species, in order to emulate remaining Great Basin Mixed Scrub on-site: Jeffrey pine, single-leaf pinyon, antelope bitterbrush, big sagebrush, mountain mahogany, desert peach, wild buckwheat (*Eriogonum microthecum*, *E. fasciculatum*, or *E. umbellatum*), yellow rabbitbrush, silvery lupine, chicalote, basin wildrye, and any of the regionally common needlegrasses. The Plan must also include methods and timing for planting, supplemental inputs including plant protection and irrigation using treated sewage effluent, success criteria that include a return to at least 50% of pre-project native vegetation cover within five years, and a monitoring and reporting program that includes annually collected revegetation progress data, data and trends summary, and photographs for transmittal to Mono County prior to December 1 of each of the first five years following project construction (or until all success criteria are attained). Monitoring data collection and reporting shall be performed by a qualified botanist who has been approved by Mono County. A map shall be included with the Revegetation Plan that shows the location of all areas that will be temporarily disturbed during grading and earthwork.*
- *Mitigation Measure BIO 5.3(a-2) (Rockcress Avoidance): The construction contractor shall be required to install temporary fencing along the western edge of the existing roadway where it approaches the Masonic rockcress population, in order to prevent accidental damage due to incursion by equipment. Fencing shall remain in place through the completion of all construction phases.*
- *Mitigation Measure BIO 5.3(a-3) (Nesting Bird Survey): A pre-disturbance nesting bird survey shall be conducted within seven days prior to the start of vegetation and ground-disturbing project activities, by a qualified biologist, if construction is scheduled to begin during the period March 15 – August 15. All potential nesting habitat within 200 feet (passerine birds) or 600 feet (raptors) from the project-related disturbance limits will be included in the survey. Survey results will be reported to CDFW, Bishop, Mono County, and to the construction foreperson within 24 hours of survey completion, in order to formulate avoidance measures. Appropriate measures (at a minimum including nest buffering and monitoring) will be decided in consultation with CDFW on a nest-by-nest basis.*
- *Mitigation Measure BIO 5.3(a-4) (Badger and Denning Fox Survey): A pre-disturbance denning badger and denning fox survey shall be scheduled within three days prior to the start of vegetation and ground-disturbing project activities. The survey will be performed by a qualified biologist. The survey will include the entire area where disturbance will occur, as well as buffers of 500 feet in all directions. Survey results will be reported to CDFW-Bishop, Mono County, and to the construction foreperson within 24 hours of survey completion, in order to formulate avoidance measures. Unless modified in consultation with CDFW, active badger or fox dens will be buffered by a minimum distance of 500 feet, until the biologist finds that den occupation has*

ended. In the unlikely event that an active fox den that could be occupied by Sierra Nevada red fox is found, ground-disturbing work at the project will be halted pending consultation with CDFW regarding buffering and avoidance.

- *Mitigation Measure BIO 5.3(a-5) (Pet Enclosure, Pet Leashing, Eviction for Noncompliance):* Tenants wishing to have pets shall be required to construct and pay for a fenced enclosure, as approved by property management, to prevent their pet(s) from entering undeveloped portions of the property and (unfenced) adjacent lands. The tenancy agreement for all units will include a common rule of leashing of all pets whenever they exit the housing units or fenced enclosure. Enforcement of the enclosure and leashing requirements shall continue through the life of the project; the penalty for violation of this regulation shall include eviction following two advisory noncompliance notices by the housing manager.
- *Mitigation Measure BIO 5.3(a-6) (Revegetation of Temporarily Disturbed Areas):* The following measures shall be provided for all project areas where temporary disturbance occurs due to earthwork and grading:
 - (a) *TOPSOILS:* During earthwork, topsoil that must be disturbed in relatively weed-free habitats will be removed to a depth of 12" and stockpiled at the margins of temporarily disturbed areas for reuse during replanting. Stockpiles will be used within one year of the completion of construction. During storage, topsoil will be armored to (a) minimize dust emissions, and (b) optimize survival of native seeds during replanting.
 - (b) *SCREENING:* Trees to be planted onsite for screening include native single leaf pinyon, Jeffrey pine, quaking aspen, and seeded mountain mahogany. Non-native Italian poplar sterile male transplants may be used in areas where rapid screening growth is desired. Screening trees will be planted densely to compensate for up to 50% mortality prior to maturation. Irrigation and plant protection will be provided as needed to attain optimal tree growth, tree health, and screening efficacy.
 - (c) *BITTERBRUSH:* Bitterbrush will be a chief component of the planting palette (see the shrubs listed on the amended Plant Palette (see Specific Plan Table 7-13), except adjacent to roads (SR 203 and US 395), where low-growing shrub will be planted to restore plant cover that allows drivers greater visibility of approaching deer. Within 250' of these roads, curl-leaf rabbitbrush and desert peach will be the only shrubs included in revegetation efforts.
 - (d) *SEED MIX ADJACENT TO ROADS:* The seed mix to be used adjacent to roads (including the protected corridor along US 395) shall consist of 1) curl-leaf rabbitbrush (*Chrysothamnus viscidiflorus*, 1-2 ft. maximum ht.) and 2) desert peach (*Prunus andersonii*, 2 ft.), both of which are fast-growing, and currently abundant on-site especially where the soil and vegetation has been disturbed.
 - (e) *WEED CONTROL:* Weed control will be practiced in all temporarily disturbed habitats. Soil stockpiles will be included in weed controls. As the most invasive weeds in the project area are annual species, annual control scheduling will include at least one control application prior to flowering and seed production. If an herbicide is used, it will be done by a licensed applicator. Weed control efficacy will be evaluated for the first five years following the completion of construction-related disturbance, during annual monitoring in fall.
 - (f) *MONITORING:* Landscape plantings shall be monitored over a period of 5 years by a qualified biologist. The progress of revegetation will be evaluated at the end of each growing season and reported with regard to attainment of success criteria: 1) after 5 years, at least six live native shrubs per 4 square meters or 10% total living shrub canopy cover will be present, 2) within screening areas, at least one live tree per 4 square meters will be present, 3) weeds will together establish less than 10% canopy cover in sampled 4 square meter quadrats. If it appears at the time of annual monitoring that any of these success criteria may not be met after 5 years, recommendations for specific remediations including re-planting or additional weed control will be provided in the annual monitoring report.
- *Mitigation Measure BIO 5.3(a-6) (Signage):* Signage stating "Do Not Feed the Wildlife" shall be posted on the road leading into the housing complex, at the entry to Vista Point Drive, and at the access points from Vista Point Drive into the gas station, the hotel, and the full-service restaurant.
- *Mitigation Measure BIO 5.3(d-1) (Shielding of Night Lighting):* Night lighting shall be shielded and in compliance with Chapter 23, Dark Sky Regulations, of the General Plan to maintain at existing levels the degree of darkness along the corridor of undeveloped vegetation between Tioga Inn developments and US395. Deer movements across the highway during spring will be facilitated by keeping this corridor open (no linear barriers, no brightly lit signs, no future devegetation or project development) so that movements will be deflected to the east and south of the new housing area rather than back across the highway.
- *Mitigation Measure BIO 5.3(d-2) (Burn Area Restoration):* All areas burned in 2000 within the property (14.8 acres, minus acres that are permanently converted to approved Tioga Specific Plan facilities) will be seeded using locally collected bitterbrush (*Purshia tridentata*), at a rate of 4 pounds/acre pure live seed. In addition, diverse shrubs and grasses with available locally collected seed (acceptable species are: antelope bitterbrush, big sagebrush, mountain mahogany, desert peach, wild buckwheat (*Eriogonum microthecum*, *E. fasciculatum*, or *E. umbellatum*), yellow rabbitbrush, silvery lupine, chicalote, basin wildrye, and any of the regionally common needlegrasses) will be spread, bringing the total application rate to 10 pounds/acre. Seeding will be performed just prior to the onset of winter snows in the same year that project construction

is initiated. If, after a period of five growing seasons has passed, a qualified botanist finds that total live cover provided by native shrub and grasses has not increased to 20% above that measured at adjacent (unseeded) burn scar areas, then the entire burn area will be seeded again as described above.

- *Mitigation Measure BIO 5.3(d-3) (Protected Corridor along US 395): Mule deer mortality along US 395 adjacent to the project site can be minimized by ensuring that the corridor between US 395 and all Tioga project elements (including the hotel, the full-service restaurant, and the workforce housing) remains entirely free of linear barriers, brightly lit signs, and new surface structures (excepting one new above-ground sewage/reclaimed water pump control structure with no more than 100' feet of building area), with no future devegetation of native plant materials. This mitigation measure applies only to lands owned by the project applicant and outside of the approved hotel and restaurant uses.*
- *Mitigation Measure BIO 5.3(d-4) (Waste Receptacles): All waste receptacles will be designed to prevent access by ravens and bears. Signs will be clearly posted informing of the need to secure trash, pets, and stored food from wildlife access. Rental agreements will include restriction against storage of trash or unsecured food items outside residences (including in vehicles) for any length of time.*

4. **CULTURAL RESOURCES.** With implementation of the mitigation measures outlined below and in FSEIR §6.5 (Mitigation Monitoring and Reporting Program), no significant adverse impacts are foreseen with respect to the potential for the project to cause a substantial adverse change in the significance of a prehistorical or historical resource; or directly or indirectly destroy a unique paleontological resource or site or unique geologic feature, or disturb any tribal cultural resources or sacred lands, or human remains including those interred outside of formal cemeteries; or cause substantial change in the significance of a tribal cultural resource, as discussed on DSEIR pages 5.4-6 through 5.4-11. It should be noted that CULT 5.4(a) is a voluntary measure by the applicant as no evidence of potential tribal cultural resources were found on site.

- *Mitigation Measure CULT 5.4(a) (Discovery of Archaeological Resources): Prior to initiation of any earthwork on the project site, the Mono Lake Kutzadika'a Tribe shall receive reasonable compensation in an amount equivalent to 50 hours of time and travel costs. The Tribe may use the 50 hours of compensated time for training of the onsite construction crew and/or for tribal monitoring, with the allocation of time to be at their discretion. Additionally, all construction plans that require ground disturbance and excavation shall contain an advisory statement that there is potential for exposing buried archaeological resources which would require implementation of the procedures described below. The interested Tribes shall be notified by postal mail and electronic mail no less than 10 days prior to the initiation of any grading or earthwork. Tribal monitors are invited to observe the work at any time, either as paid professionals within the 50-hour pre-discovery allotted compensation or as non-paid volunteers. In the event of the discovery of archaeological resources during construction, ground disturbance shall be suspended within a 200-foot radius of the location of such discovery until the area can be evaluated by Tribal cultural resource experts assisted by a qualified archaeologist. The selection of the archaeologist will be approved by Mono County, the Mono Lake Kutzadika'a Tribe, Bridgeport Indian Colony, and the project proponent. The Tribal cultural resource experts and the archaeologist shall be fairly compensated. Work shall not resume in the defined area until sufficient research and data collection are conducted to make a determination as to the significance of the resource. If the resource is determined to be significant and mitigation is required, the first priority shall be avoidance and preservation of the resource. All feasible recommendations of the Tribal cultural resource experts and archaeologist shall be implemented. Mitigation may include, but is not limited to, in-field documentation and recovery of specimens, laboratory analysis, preparation of a report detailing the methods and findings of the investigation, and curation at an appropriate collection facility. Evaluation and recommendations shall be developed in collaboration with the Kutzadika'a Indian Community of Lee Vining and the Bridgeport Indian Colony, and the tribes shall be responsible for determining who will monitor the subsequent ground disturbance. Post-discovery, the tribal monitor shall receive reasonable compensation² for time and travel costs, beyond the 50-hour limit allocated for pre-discovery monitoring.*
- *Mitigation Measure CULT 5.4(b) (Discovery of Paleontological Resources): All construction plans that require ground disturbance and excavation shall contain an advisory statement that there is potential for exposing buried paleontological resources. In the event of the discovery of paleontological resources during construction, ground disturbance shall be suspended within a 200-foot radius of the location of such discovery until the area can be evaluated by a qualified*

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

paleontologist. Work shall not resume in the defined area until the paleontologist conducts sufficient research and data collection to make a determination as to the significance of the resource. If the resource is determined to be significant and mitigation is required, the first priority shall be avoidance and preservation of the resource. All feasible recommendations of the paleontologist shall be implemented. Mitigation may include, but not limited to, in-field documentation and recovery of specimens, laboratory analysis, preparation of a report detailing the methods and findings of the investigation, and curation at an appropriate paleontological collection facility.

- *Mitigation Measure CULT 5.4(c,d) (Discovery of Human Remains): No evidence of Native American burials, which are considered Tribal Cultural Resources, was found in the project area. However, unmarked Native American graves may, potentially, be encountered during ground disturbance or excavation. Because no cultural tribal resources have been identified on the project site but the potential exists for subsurface resources that cannot be seen at this time, the interested Tribes shall be notified by postal mail and electronic mail no less than 10 days prior to the initiation of any grading or earthwork, and are invited to observe the work at any time without compensation. All construction plans that require ground disturbance and excavation shall contain an advisory statement that (1) there is potential for encountering human burials, (2) the Indian communities have been invited to observe the work at any time without compensation, (3) if human remains are encountered, all work shall stop immediately and the County shall be notified, and (4) that human remains must be treated with respect and in accordance with State laws and regulations. In the event of the discovery of human remains at any time during construction, by either project personnel or the Tribal monitor, ground disturbance shall be suspended within a 200-foot radius of the location of such discovery and the Kutzedika'a Indian Community of Lee Vining and the Bridgeport Indian Colony shall be notified. California Health and Safety Code §7050.5 stipulates that if human remains are discovered during project work, the specific area must be protected, with no further disturbance, until the county coroner has determined whether an investigation of the cause of death is required. If the human remains are determined to be those of a Native American, the coroner must contact NAHC by telephone within 24 hours. PRC §5097.98 states that NAHC must then notify the most likely descendant community, which then inspects the find and makes recommendations how to treat the remains. Both laws have specific time frames, and PRC 5097.98 outlines potential treatment options. Representatives of the most likely descendant community shall be responsible for determining who will monitor the subsequent ground disturbance. The tribal monitor shall receive reasonable compensation for time and travel costs involved in developing recommendations for and treating the remains, and for monitoring subsequent ground disturbance. Reasonable compensation shall include mileage at standard IRS rates, and an hourly fee (including monitoring and travel time) not to exceed \$40.*

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

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

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

Mitigation Measure 5.6(a-1) (Phasing Plan). Development of the Tioga Community Housing Project shall be phased in accordance with the schedule below.

Phase	# Units	Schedule
1	70	The 70 Phase 1 units, childcare facility, and grading for all three phases are authorized for construction upon submittal of a complete building permit application for the hotel to the Mono County Community Development Department.
2	30	Construction of the 30 Phase 2 units would begin when the phase 1 units reach an 80% occupancy rate (i.e., when 56 of the Phase 1 units are rented) and building permits have been issued for Phase 1. All Phase 2 units will be in the westernmost row of units.

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

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

8. TRAFFIC AND CIRCULATION. With implementation of the mitigation measures outlined below and in FSEIR §6.5 (Mitigation Monitoring and Reporting Program), no significant adverse impacts are foreseen with respect to the potential for the project to conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadways, bicycle and pedestrian facilities; conflict with CEQA §15064.3 Guidelines for Determining

the Significance of Transportation Impacts; result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that would result in substantial safety risks; or result in inadequate emergency access, as discussed on DSEIR pages 5.9-8 through 5.9-12. Please see Section VII for discussion of the significant and unavoidable adverse impacts associated with increased hazards due to a geometric design feature or incompatible uses.

- *Mitigation Measure TFFC 5.9(a-5) (Access Rights): The owner shall resolve SR 120 access right locations and widths pursuant to Caltrans' established Right-of-Way process.*
- *Mitigation Measure TFFC 5.9(a-6) (Encroachment Permit): An encroachment permit shall be obtained from Caltrans if the secondary access gate is located inside the Caltrans right-of-way.*
- *Mitigation Measure TFFC 5.9(a-7) (YARTS Access): The project plan shall incorporate a pedestrian pathway between the Community Housing area and the YARTS bus stop, and a pedestrian crosswalk at the Vista Point entry.*

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

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

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

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

- *Mitigation Measure AES 5.12(a,b-2) (Visual Screening & Landscaping): All landscaping shall be planted consistent with the Alternative 7 Landscape Concept Plan as soon as Phase 1 site grading is complete. A landscaping or restoration specialist approved by the County shall monitor tree health, screening efficacy and replacement requirements for the first 5-years of growth. The landscape/restoration specialist shall have authority to replace plantings as needed to attain within five years a goal of providing at minimum the number of trees shown on the Landscape Concept Plan.*

None of the housing structures or housing parking areas shall be visible from public vantage points including (1) the shore of Mono Lake at South Tufa, (2) Navy Beach, (3) US 395 between the junction of Hwy 120 W and Test Station Rd. A housing structure or parking area is "visible" if any part of the buildings or parked vehicles or any reflection, glare, or other direct light from the housing or parked vehicles in the housing area at any time are clearly identifiable to the naked eye or with a high-quality 400 mm telephoto lens as used in the visual analysis.

Compliance with this mitigation measure shall be monitored by conducting visual inspections from each of the public vantage points listed above at least once each year for five years after certificate of occupancy is issued for Phase 1. The monitoring inspection shall be conducted during winter with at least one conducted after dark and one in the two hours after dawn from each vantage point.

The goal of the monitoring inspections shall be to develop a record of compliance with this standard from each vantage point and at varying times of potential high visibility including dawn, nighttime, and daytime. Documented observations of noncompliance with this standard from the public should be sent to the Code Enforcement Division for a response.

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

1. **HYDROLOGY AND WATER QUALITY – Potential for Mudflows.** It has been determined that the proposed project would have a small but significant potential to exposure people and structures to adverse impacts resulting from a volcanic eruption and associated mudflows (if in winter). USGS monitors the Long Valley Caldera for volcanic earthquakes, which often provide an initial sign of volcanic unrest and may provide early warning of impending eruptions. However, no mitigation measures have been identified to reduce the risks of eruption-related mudflows to less than significant levels. This impact is considered to be significant, adverse and unavoidable.
 - a. **MITIGATION:** The previously presented Mitigation Measure GEO 5.1(a-2), shown again below, has been incorporated into the FSEIR to attenuate risk through the installation of desilting basins, rip rap and other measures to minimize mudflows and earthflows.
 - *Mitigation Measure GEO 5.1(a-2) (Debris Flows): Debris flow mitigation (including debris/desilting/ retention basins and/or rip rap or other mitigative measures) shall be used in any canyon or gully areas where structures would be located.*
 - b. **FINDINGS:** Based upon the entire administrative record, the Mono County Board of Supervisors finds:
 - i. **Facts and Reasoning that Support the Finding:** Numerous programs are in place to detect potential volcanic hazards and to attenuate risk in the event of volcanic activity and/or mudflows and earthflows. The USGS conducts ongoing monitoring to detect volcanic earthquakes (which often provide an initial sign of volcanic unrest and may provide early warning of impending eruptions). Additionally, the project includes multiple design features (desilting basins, rip rap and other measures) to reduce mudflows and earthflows. Volcanic hazards are not considered to be one of the most prevalent natural hazards in Mono County due to the uncertain timing and frequency of volcanic events, and due to ongoing monitoring. However, Lee Vining is located in an area of known volcanic risk, and thus potentially subject to mudflows associated with the rapid melting of heavy snowpacks during a volcanic eruption. Large mudflows, such as the one that occurred in 1989

in the Tri-Valley area, can be destructive, particularly at the mouths of canyons such as Lee Vining canyon. Although the chance of a volcanic eruption in any given year is very small, and although the eruption itself would likely be comparatively small, USGS does anticipate that future eruptions will occur in the Long Valley area. The potential for adverse impacts resulting from a volcanic eruption (and associated mudflows if in winter) is therefore considered to be potentially significant and unavoidable.

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

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

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

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

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

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

geometrics, and the presence of SCE facilities along Utility Road. Based on the foregoing, the creation of a dedicated deer passageway has been determined to be infeasible.

- ii. **Finding:** Even with implementation of the mitigation measures identified above, the potential remains for significant and adverse cumulative adverse on deer movement and on deer mortality in the project area. Specific economic, legal, social, technological, or other considerations as stated above make infeasible the implementation of additional mitigation measures or project alternatives identified in the FSEIR that would reduce the cumulative project impacts on deer migration and mortality to a less-than-significant level. The potential for adverse cumulative impacts on deer migration and mortality is therefore considered to be significant and unavoidable.

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

- a. **MITIGATION:** Mitigation Measures SVCS 5.8(a-3) and SVCS 5.8(a-4), shown below, have been incorporated into the FSEIR to reduce the impacts on public services associated with increased foot traffic between the project site and Lee Vining. Since unsafe foot traffic has been identified as an existing hazard, even the No Project alternative would result in continued significant unsafe pedestrian travel along area freeways, although the current extent of foot travel is lower than would occur with the project as proposed. However, while pedestrian traffic is expected to increase with the project, no data exists from the Mono County Sheriff, California Highway Patrol, Mono County, or Caltrans to conclusively determine that pedestrian safety incidents will increase. Instead, the determination of a significant impact on public services is based on an anecdotal comment by a credible source (the Mono County Sheriff) and the fact that no dedicated pedestrian connection currently exists, as well as anecdotal comments and concerns by residents and the public.

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

The property owner and County shall work collaboratively with SCE, Caltrans, and the local community to pursue future options for a pedestrian/bicycle connection to Lee Vining which include, but are not limited to, a safe crossing of SR 120 combined with (1) a trail across SCE property; and (2) an on-system sidewalk connector along SR 120 and US 395. If a feasible option is identified, a "fair share" cost attributable to the project will be calculated by the County

and contributed by the property owner, to be held in an account by Mono County, toward the design, CEQA analysis, and construction of the trail project. If the trail project is not approved by any public agency (including the County) with jurisdiction, then such funds shall be reimbursed to the property owner. The feasibility analysis of the connectivity trail project shall commence within six months of the Board of Supervisors' approval of the Tioga Inn Specific Plan Amendment #3.

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

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

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

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

4. **TRAFFIC AND CIRCULATION – Potential for Traffic and Circulation Hazards associated with the US 395/SR 120 Intersection during Midday Peak Housing Conditions (with or without the Project).** Based on analyses in the *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3 FSEIR*, and in DSEIR pages 5.9-11 to 5.9-12 and DSEIR Appendix L, it has been determined that the proposed project will contribute to deficient

operation and excess delays at the junction of US 395/SR 120 that impact eastbound vehicles on SR 120 making a left-turn onto northbound US 395 during mid-day peak season conditions.

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

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

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

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

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

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

The DSEIR also identified other less significant modifications including shuttle passes (Recommendation TFFC 5.9(a-1), Caltrans consideration of a designated Vista Point entry (Recommendation TFFC 5.8(a-2), Caltrans modifications to the parking apron around the project entry (Recommendation TFFC 5.9(a-3), and Caltrans relocation of the YARTS bus stop (Recommendation TFFC 5.9(a-4). All of the potential mitigation alternatives were considered during extensive discussions with Caltrans. Recommendation TFFC 5.9(a-4) was

discussed with YARTS. None of the potential modifications was found to be feasible by Caltrans, or by YARTS, at this time.

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

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

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

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

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

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

(b) pedestrian lighting is not required but, if provided, is limited to low-level bollard lights to limit light impacts to the least necessary for public health and safety. Kelvin color temperatures over 3000K are prohibited. Bollards shall be spaced a minimum of 10 to 15 feet apart⁵ on pedestrian pathways. The height of bollard

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

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

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

- lighting shall not exceed 3.5 feet above grade and light sources shall be fully shielded and not exceed 125 bollards at 1,000 lumens per bollard fixture⁶;*
- (c) accent lighting shall be limited to residential accent lighting required by the building code for safety, and any up-lighting shall be prohibited;*
 - (d) the proposed location, mounting height, and aiming point of all outdoor lighting fixtures; and*
 - (e) drawings for all relevant building elevations showing the fixtures, the portions of the elevations to be illuminated, the illuminance level of the elevations, and the aiming point for any remote light fixture.*
 - (f) the Landscape Concept Plan outlined in MM AES 5.12(a,b-2) shall be applied to place trees and landscaping to screen project structures and lighting, subject to the five-year monitoring plan and tree replacement as needed, to screen direct light glare from offsite.*

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

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

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

b. FINDINGS:

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

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

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

The project will be required to comply with all applicable requirements of the Mono County Outdoor Lighting Ordinance (Land Use Element, Ch. 23, best known as the 'Dark Sky Regulations'), and the Scenic Combining District (Land Use Element Ch. 8). The requirements associated with these adopted General Plan components will work with Mitigation AES 5.12(c-2) to further minimize project impacts on light and glare. It is anticipated that these mitigations and requirements will effectively eliminate direct views of project lighting from offsite locations. However, neither the regulatory requirements above nor the design modifications associated with Alternative 7 will fully eliminate the indirect 'glow' of lighting.

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

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

VIII. CONCLUSIONS

The Mono County Board of Supervisors has considered information contained in the FSEIR prepared for the proposed *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3* project, as well as the public testimony and record of proceedings in which the project was considered. Based on the foregoing findings and the information contained in the record, the Board of Supervisors hereby determines that:

1. All significant effects on the environment due to implementation of the proposed *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3* project (Alternative #7 – Hybrid Site Plan) have been eliminated or substantially lessened where feasible; and
2. There are at the present time no feasible alternatives to the proposed *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3* project (Alternative #7 – Hybrid Site Plan) that would mitigate or substantially lessen the significant impacts.

Exhibit B to Board of Supervisors Resolution R20-__

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

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

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

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



RESOLUTION R20-__

**A RESOLUTION OF THE MONO COUNTY BOARD OF SUPERVISORS
CERTIFYING THE FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT
FOR TIOGA INN SPECIFIC PLAN AMENDMENT #3**

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

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

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

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

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

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

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

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

WHEREAS, the FSEIR was released on February 29, 2020, and, in response to public comment and suggestions, was re-titled as the Tioga Community Housing Project, and included the new Alternative

1 #6, which was accepted by the applicant and determined to be the new preferred alternative due to reduced
2 visual and other impacts, and included other project changes; and

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

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

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

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

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

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

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

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

SECTION TWO: Staff is authorized to make corrections to the SEIR that do not affect project
substance or meaning, such as grammatical and typographical errors, numbering corrections, formatting
changes, etc. and is directed to ~~add-make~~ the following ~~changes~~ to ~~section 4 of~~ the SEIR ~~as applicable~~:

1 A. ~~Add:~~ ~~The~~ description, analysis, and plan sheets (full site concept plan, housing concept plan, and
2 landscaping concept plan) of the “Refined Preferred Alternative: Alternative 7-Hybrid Plan” from Section
3 III of the staff report for the 13 October 2020 Board of Supervisors meeting as the preferred alternative.

4 B. Add: Each housing phase and building permit application (if filed separately from a complete phase) shall
5 receive a separate will serve letter from the applicable fire protection jurisdiction.

6 C. Add: The property owner voluntarily proposed and agrees to prefund an update to the Lee Vining Fire
7 Protection District (LVFPD) development impact fee structure (nexus study) in response to currently
8 unquantified LVFPD capital improvement needs. The cost associated with this development impact fee
9 structure update (nexus study) will be credited back to any outstanding LVFPD impact fees imposed on
10 the project as a result of this updated study. This obligation shall inure to any future property owner.

11 D. Add: The property owner voluntarily proposed and agrees to host a fundraising and recruiting event to
12 encourage donations and volunteers to support LVFPD. This obligation shall inure to any future property
13 owner.

14 E. Add: Mitigation monitoring and reporting is a project requirement under CEQA. The County requires that
15 costs associated with the implementation, monitoring and/or compliance with the Tioga Inn Community
16 Housing Specific Plan, which may be performed by staff or County contractors, shall be paid for by the
17 property owner.

18 B-F. Add the following species to the Plant Palette:

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

19 C-G. Add Secondary Fire Access map:
20 ([https://monocounty.ca.gov/sites/default/files/fileattachments/planning_division/page/29999/tioga_in
21 n_secondary_fire_120_access.pdf](https://monocounty.ca.gov/sites/default/files/fileattachments/planning_division/page/29999/tioga_in_n_secondary_fire_120_access.pdf)).

22 D-H. Add: ~~The~~ Open Space-Support designation shall also permit construction and maintenance of a
23 permanent secondary emergency access road, to be located in the southwest quadrant of the Tioga site.

24 E-I. Eliminate the commercial propane service and relocate the propane tank to the Tioga sub-parcel east
25 of US 395, near the two existing Tioga wells. Screening of the propane tank will be provided, consistent
26 with the conceptual landscaping standards, which requires that screening trees and shrubs be planted to
27 provide a visual break of facility views as seen from the scenic highways.

28 F-J. Add: Onsite employees shall have first priority for vacant housing units, and rental practices shall
29 comply with the California Fair Employment and Housing Act (FEHA) and the federal Fair Housing
30 Act (FHA). In the event of a conflict with FEHA/FHA or a future grant award for project
implementation, the grant requirements and FEHA/FHA shall take precedence.

1 ~~G.K.~~ Add: Automated External Defibrillator (AED) units shall be provided on the community housing
2 site in compliance with standards established by the American Heart Association, including use of a 3-
3 minute maximum response time to determine the required number of AED units and where the units
4 should be located on the project site.¹

5 ~~H.L.~~ Add: The ~~applicant-property owner~~ shall provide Mono County Public Health Department with
6 monthly measurements and recordings of static water levels, pumping water levels, pumping rates and
7 pumped volumes for the onsite wells. The monthly measurements shall be provided to the County for at
8 least the first year to establish a baseline; monitoring shall continue on at least a quarterly basis thereafter
9 and results provided to Mono County Public Health.

10 ~~I.M.~~ Add: If an emergency access road to US 395 is required by another agency with the authority to do
11 so and the necessary permitting and CEQA analysis has been completed by that entity, then the Specific
12 Plan may be modified by discretionary action of the Board to allow the road and to state: “other than
13 access to an emergency egress route and for authorized personnel to the parcels adjacent to US 395,
14 there shall be no access to the project from US 395.”

15 ~~J.~~ Incorporate the description, analysis, and plan sheets (full site concept plan, housing concept plan, and
16 landscaping concept plan) of the “Refined Preferred Alternative: Alternative 7 Hybrid Plan” from Section
17 III of the staff report for the 13 October 2020 Board of Supervisors meeting as the preferred alternative.

18 ~~K.N.~~ Incorporate the environmental impact analysis of Alternative 6 and Alternative 7 (as applicable to the
19 refined Alternative 7) from Attachment 5 to the staff report for the 6 August 2020 Board of Supervisors
20 meeting, including the Lines of Sight and Visibility Cones from Navy Beach and South Tufa Parking Lot
21 (Exhibits 3 and 4), and the “Refined Preferred Alternative: Alternative 7-Hybrid Plan” from Section III of
22 the staff report for the 13 October 2020 Board of Supervisors meeting.

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

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

~~N.Q.~~ Refine Mitigation Measure POP 5.6(a-1) (Phasing Plan)

Mitigation Measure 5.6(a-1) (Phasing Plan). Development of the Tioga Community Housing
Project shall be phased in accordance with the schedule below.

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

<u>Phase</u>	<u># Units</u>	<u>Schedule</u>
<u>1</u>	<u>70</u>	<u>The 70 Phase I units, childcare facility, and grading for all three phases are authorized for construction upon submittal of a complete building permit application for the hotel to the Mono County Community Development Department.</u>
<u>2</u>	<u>30</u>	<u>Construction of the 30 Phase 2 units would begin when the phase 1 units reach an 80% occupancy rate (i.e., when 56 of the Phase 1 units are rented) and building permits have been issued for Phase 1. All Phase 2 units will be in the westernmost row of units.</u>

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

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

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

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

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

3 ~~R.U.~~ Add: Mitigation Measure AES 5.12(a,b) (Design Criteria): To be consistent with requirements of
4 Tioga Inn Specific Plan Amendment #3, all housing structures within the residential complex must at
5 a minimum conform to the following five criteria:

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

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

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

None of the housing structures or housing parking areas shall be visible from public vantage points
including (1) the shore of Mono Lake at South Tufa, (2) Navy Beach, (3) US 395 between the junction
of Hwy 120 W and Test Station Rd. A housing structure or parking area is "visible" if any part of the
buildings or parked vehicles or any reflection, glare, or other direct light from the housing or parked
vehicles in the housing area at any time are clearly identifiable to the naked eye or with a high-quality
400 mm telephoto lens as used in the visual analysis.

1 Compliance with this mitigation measure shall be monitored by conducting visual inspections from
2 each of the public vantage points listed above at least once each year for five years after certificate of
3 occupancy is issued for Phase 1. The monitoring inspection shall be conducted during winter with at
4 least one conducted after dark and one in the two hours after dawn from each vantage point.

5 The goal of the monitoring inspections shall be to develop a record of compliance with this standard
6 from each vantage point and at varying times of potential high visibility including dawn, nighttime, and
7 daytime. Documented observations of noncompliance with this standard from the public should be sent
8 to the Code Enforcement Division for a response.

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

- 13 (a) manufacturer-provided information showing fixture diagrams and light output levels. Mono
14 County has indicated that the fixture type exceptions listed under Chapter 23.050.E (1, 2 and 3) will
15 be prohibited in this project, and that only full cutoff luminaires with light source downcast and fully
16 shielded, with no light emitted above the horizontal plane, are permitted. Furthermore, although
17 lighting is not required for parking areas, roads and pedestrian walkways, Mono County will permit
18 safety lighting to be provided in the parking areas, roads and pedestrian walkways provided that such
19 lighting must meet all other applicable requirements of this Outdoor Lighting Plan (i.e., shielded,
20 down-directed, etc.) and may not exceed 10,000 lumens per acre maximum.² Kelvin color temperature
21 should be approximately 2300K, and temperatures over 3000K are prohibited. Safety lighting shall be
22 permitted only during the hours between 30 minutes following sunset, and 30 minutes prior to sunrise;
23 (b) pedestrian lighting is not required but, if provided, is limited to low-level bollard lights to limit light
24 impacts to the least necessary for public health and safety. Kelvin color temperatures over 3000K are
25 prohibited. Bollards shall be spaced a minimum of 10 to 15 feet apart³ on pedestrian pathways. The
26 height of bollard lighting shall not exceed 3.5 feet above grade and light sources shall be fully shielded
27 and not exceed 125 bollards at 1,000 lumens⁴;
- 28 (c) accent lighting shall be limited to residential lighting required by the building code for safety, and
29 any up-lighting shall be prohibited;
- 30 (d) the proposed location, mounting height, and aiming point of all outdoor lighting fixtures; and
- (e) drawings for all relevant building elevations showing the fixtures, the portions of the elevations to
be illuminated, the illuminance level of the elevations, and the aiming point for any remote light
fixture.
- (f) the Landscape Concept Plan outlined in MM AES 5.12(a,b-2) shall be applied to place trees and
landscaping to screen project structures and lighting, subject to the five-year monitoring plan and tree
replacement as needed, to screen direct light glare from offsite.

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

- (a) A written narrative to demonstrate lighting objectives,

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

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

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

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

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

SECTION THREE: The Tioga Community Housing Project Final Subsequent EIR (FSEIR) has been prepared for the Tioga Inn Specific Plan Amendment #3 in compliance with CEQA and the FSEIR reflects the County’s independent judgment and analysis. The Board of Supervisors further finds that the FSEIR has been presented to, and reviewed by, both the Board and Planning Commission and, with the refinements described in Section One of this Resolution, is adequate and complete for consideration by the Board of Supervisors in making a decision on the merits of the Tioga Inn Specific Plan Amendment #3.

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

SECTION FIVE: The Board of Supervisors hereby certifies the Final SEIR ~~as refined~~ with those modifications set forth in by Section One of this Resolution.

SECTION SIX: This Resolution shall supersede and replace, in its entirety, Resolution R20-94 adopted by the Board on October 14, 2020, which shall be of no further force or effect.

PASSED AND ADOPTED this 14~~20~~th day of October 2020, by the following vote of the Board:

- AYES :
- NOES :
- ABSENT :
- ABSTAIN :

Jennifer Kreitz, Vice Chair

ATTEST:

APPROVED AS TO FORM:

Scheereen Dedman
Clerk of the Board

Stacey Simon
County Counsel

CEQA FINDINGS OF FACT
*For the proposed Tioga Community Housing/
 Tioga Inn Specific Plan Amendment #3 Project*

I. INTRODUCTION

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

- (a) "No Lead Agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 - (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
 - (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
 - (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.
- (b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.
- (c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subdivision (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.
- (d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.
- (e) The public agency shall specify the location and custodian of the documents or other material which constitute the record of the proceedings upon which its decision is based.
- (f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

TABLE OF CONTENTS		
SECTION	SECTION HEADING	PAGE
I	Introduction	1
II	FSEIR Background and Process	2
III	Significant Unavoidable Adverse Effects of the Project	3
IV	Administrative Record of Proceedings	3
V	Consideration of the Administrative Record	4
VI	Project Impacts that are Less than Significant	4
VI.A	Project Impacts that are Less than Significant and Do Not require Mitigation	4
VI.B	Project Impacts that are Less than Significant with Mitigation	5
VII	Environmental Impacts of the Project that are Significant, Adverse and Unavoidable	15
VIII	Conclusions	26

II. FSEIR BACKGROUND AND PROCESS

Preparation of the *Tioga Community Housing Project, Tioga Inn Specific Plan Amendment #3 Final Subsequent EIR* ('FSEIR') began with the distribution of a Notice of EIR Preparation (NOP) and scoping meeting during October 2016. Following review of the 33 NOP comment letters, the project proposal was modified to eliminate proposed changes to the previously-approved

hotel and full-service promontory restaurant, increase the proposed number of housing units, incorporate day care facilities, and change the distribution and acreage of open space areas.

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

Following close of the DSEIR public review period, the project was further modified in response to changes requested in the DSEIR comment letters.¹ Project modifications included a new Preferred Alternative 7 that was developed with the intent to lessen project impacts on scenic and visual resources, and to lessen project impacts associated with light and glare. The *Tioga Community Housing/ Tioga Inn Specific Plan Amendment #3 FSEIR* describes all project changes made since the DSEIR public review period ended, including the new Preferred Alternative 7.

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

III. SIGNIFICANT UNAVOIDABLE ADVERSE EFFECTS OF THE PROJECT

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

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

The new preferred Alternative 7-Hybrid Plan, in combination with other new project mitigation measures and requirements, will substantively lessen project impacts on aesthetic resources. Additional substantive efforts were made to lessen the significant cumulative project impacts on deer movement, the significant direct and cumulative project impacts associated with [impacts on public services associated with](#) unsafe pedestrian/cycling travel conditions between the project site and Lee Vining, and the significant unavoidable and adverse direct and cumulative impacts associated with vehicle turning movements at the SR 120/US 395 junction. However, despite concerted efforts, it was infeasible to reduce any of the

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

significant project impacts to less than significant levels. Findings of Fact have been prepared to address each of the significant unavoidable adverse impacts identified above.

IV. ADMINISTRATIVE RECORD OF PROCEEDINGS

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

CONTENTS OF THE ADMINISTRATIVE RECORD
<p>(1) All project application materials.</p> <p>(2) All staff reports and related documents prepared by the respondent public agency with respect to its compliance with the substantive and procedural requirements of this division and with respect to the action on the project.</p> <p>(3) All staff reports and related documents prepared by the respondent public agency and written testimony or documents submitted by any person relevant to any findings or statement of overriding considerations adopted by the respondent agency pursuant to this division.</p> <p>(4) Any transcript or minutes of the proceedings at which the decision-making body of the respondent public agency heard testimony on, or considered any environmental document on, the project, and any transcript or minutes of proceedings before any advisory body to the respondent public agency that were presented to the decision-making body prior to action on the environmental documents or on the project.</p> <p>(5) All notices issued by the respondent public agency to comply with this division or with any other law governing the processing and approval of the project.</p> <p>(6) All written comments received in response to, or in connection with, environmental documents prepared for the project, including responses to the notice of preparation.</p> <p>(7) All written evidence or correspondence submitted to, or transferred from, the respondent public agency with respect to compliance with this division or with respect to the project.</p> <p>(8) Any proposed decisions or findings submitted to the decision-making body of the respondent public agency by its staff, or the project proponent, project opponents, or other persons.</p> <p>(9) The documentation of the final public agency decision, including the final environmental impact report, mitigated negative declaration, or negative declaration, and all documents, in addition to those referenced in paragraph (3), cited or relied on in the findings or in a statement of overriding considerations adopted pursuant to this division.</p> <p>(10) Any other written materials relevant to the respondent public agency's compliance with this division or to its decision on the merits of the project, including the initial study, any drafts of any environmental document, or portions thereof, that have been released for public review, and copies of studies or other documents relied upon in any environmental document prepared for the project and either made available to the public during the public review period or included in the respondent public agency's files on the project, and all internal agency communications, including staff notes and memoranda related to the project or to compliance with this division.</p> <p>(11) The full written record before any inferior administrative decision-making body whose decision was appealed to a superior administrative decision-making body prior to the filing of litigation.</p>

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

V. CONSIDERATION OF THE ADMINISTRATIVE RECORD

In adopting these Findings, Mono County as Lead Agency finds that the *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3 FSEIR* was presented to the Board of Supervisors, as the decision-making body of the County. The Board of Supervisors reviewed and considered the information in the *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3*

FSEIR prior to certifying the *Tioga Community Housing Project, Tioga Inn Specific Plan Amendment #3 FSEIR*. By these Findings, the Board of Supervisors ratifies, adopts, and incorporates the analyses, explanations, findings, responses to comments, and conclusions of the Final Subsequent EIR. The Board of Supervisors finds that the *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3 FSEIR* was completed in compliance with the California Environmental Quality Act. The information and conclusions contained in the Findings and in the Final Subsequent EIR reflect Mono County's independent judgment and analysis.

VI. PROJECT IMPACTS THAT ARE LESS THAN SIGNIFICANT

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

- 1. POPULATION, HOUSING, EMPLOYMENT.** No significant adverse impacts are foreseen for potential project impacts on Population, Housing or Employment. The project will not induce substantial unplanned population growth in an area, or adversely impact employment or living conditions, in Lee Vining, in the Mono Basin, or in Mono County as a whole, or displace substantial numbers of people or existing housing, necessitating the construction of replacement housing elsewhere. No Findings or Statement of Overriding Effects are required for these environmental factors.
- 2. ENERGY AND UTILITIES.** No significant adverse impacts are foreseen for potential project impacts on Public Services, Energy and Utilities. The project will not create a need for new or modified governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any public services (police protection, schools, other public facilities, services and utilities). Further, the project will not result in a wasteful, inefficient, and/or unnecessary consumption of energy; or be served by a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs and fail to comply with federal, state, and local statutes and regulations related to solid waste, as discussed on DSEIR pages 5.8-7 through 5.7-13. Please see discussion in §VII for discussion of the significant and unavoidable adverse impacts on public services associated with increased foot traffic between the project site and Lee Vining.
- 3. AIR QUALITY AND GREENHOUSE GASES.** No significant adverse impacts are foreseen for potential project impacts on Air Quality & Greenhouse Gases. The project will not conflict with or obstruct implementation of the applicable air quality plan or result in a cumulatively considerable increase of a criteria pollutant for which the project region is non-attainment, will not expose sensitive receptors to substantial pollutant concentrations, will not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people, will not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment, and will not conflict with an applicable plan, policy or regulation adopted to reduce greenhouse gas emissions. No Findings or Statement of Overriding Effects are required for these environmental factors.
- 4. NOISE.** No significant adverse impacts are foreseen for potential project impacts on Noise. The project will not expose persons to or cause a permanent or temporary significant increase in ambient noise levels or result in noise levels exceeding adopted standards, will not expose persons to or generate excessive groundborne vibration or groundborne noise levels, and will not expose people residing or working in the project area to excessive noise levels for a project located in an airport land use plan or (where such a plan has not been adopted) within two miles of a public airport or public-use airport or a private airstrip. No Findings or Statement of Overriding Effects are required for these environmental factors.

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

- 1. GEOLOGY AND SOILS.** With implementation of the mitigation measures outlined below and in FSEIR §6.5 (Mitigation Monitoring and Reporting Program), no significant adverse impacts are foreseen with respect to the potential for the project to directly or indirectly cause potential substantial adverse effects involving rupture of a known

Alquist-Priolo earthquake fault, strong seismic ground shaking, seismic-related ground failure including liquefaction, and/or landslides, as discussed on DSEIR pages 5.1-7 through 5.1-11.

- *Mitigation Measure GEO 5.1(a-1) (Soils): Site specific soils reports with appropriate recommendations for proposed improvements shall be made at the time that improvements are being designed.*
- *Mitigation Measure GEO 5.1(a-2) (Debris Flows): Debris flow mitigation (including debris/desilting/ retention basins and/or rip rap or other mitigative measures) shall be used in any canyon or gully areas where structures would be located.*
- *Mitigation Measure GEO 5.1(a-3) (Seismicity): Due to the project location in a zone of known active faulting, further geotechnical investigations shall be undertaken if soil removal and/or grading expose fault traces. This possibility shall be considered throughout the initial construction planning and earthwork phases.*
- *Mitigation Measure GEO 5.1(b) (Low Impact Development): The Low Impact Development Best Stormwater Management Practices Program outlined in Mitigation HYDRO 5.2(a-6) shall be implemented through the life of the Tioga Specific Plan.*
- *Mitigation Measure GEO 5.1(c) (Supplemental Geotechnical Studies): Additional geotechnical studies shall be prepared, prior to Grading and/or Building Permits approval, to examine subsurface soil and groundwater conditions on all project areas that were not analyzed as part of the 1993 Final EIR. Areas to be studied shall at a minimum include land underlying the workforce housing project, the propane tank storage area, the proposed site of the new water storage tank, and all areas that would be newly impacted by the proposed septic and wastewater treatment system.*

2. HYDROLOGY AND WATER QUALITY. With implementation of the mitigation measures outlined below and in FSEIR §6.5 (Mitigation Monitoring and Reporting Program), no significant adverse impacts are foreseen with respect to the potential for the project to directly or indirectly violate water quality standards or a water quality control plan, or sustainable groundwater management plan, or otherwise substantially degrade surface or groundwater quality; violate any wastewater treatment or discharge requirements or require new wastewater treatment facilities; substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume, or a lowering of the local groundwater table level that would impact the production rate of nearby wells, or jeopardize the sufficiency of water supplies to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years; or substantially alter drainage patterns in a manner that would result in substantial erosion, siltation, flooding or runoff or exceed existing or planned drainage systems; or place housing or structures in a 100-year flood hazard area as mapped on a Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map, or impede flood flows; or expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam, as discussed on DSEIR pages 5.2-15 through 5.2-30. No Findings or Statement of Overriding Effects are required for these impacts. Please see §VII for discussion of the significant and unavoidable adverse impacts associated with the potential for the project to expose people or structures to inundation by mudflow.

- *Mitigation Measure HYDRO 5.2(a-1) (Slope Restoration and Monitoring): The Shrubland Revegetation Plan requirements outlined in Mitigation BIO 5.3(a-1) shall be included as a condition of approval in the building permit issued by Mono County. Purposes of the revegetation plan are to control erosion, reduce offsite runoff flow, control weeds, sequester carbon, enhance aesthetic values and to provide forage and shelter for wildlife.*
- *Mitigation Measure HYDRO 5.2(a-2) (Buffer Zone and Exclusion Fencing): Buffer areas shall be identified and exclusion fencing shall be installed to protect surface water resources outside of the project area, and to prevent unauthorized vehicles or equipment from entering or otherwise disturbing surface waters outside the project area. Construction equipment shall be required to use existing roadways to the extent possible.*
- *Mitigation Measure HYDRO 5.2(a-3) (Minimal Vegetation Clearing): Vegetation clearing shall be kept to a minimum. Where feasible, existing vegetation shall be mowed so that after construction, the vegetation can reestablish more quickly and thereby help mitigate the potential for storm water impacts.*
- *Mitigation Measure HYDRO 5.2(a-4) (Spill Prevention and Response): Mitigation Measure HYDRO 5.2(a-7), which is detailed in Section VI.B.2 below, is designed to protect surface and groundwater quality through spill prevention and response measures features that will effectively reduce the surface and groundwater contamination. The County therefore finds that*

changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental impact identified in DSEIR §5.2.

- *Mitigation Measure HYDRO 5.2(a-5) (Onsite Storm Flow Retention): A comprehensive drainage study shall be developed which includes all phases of the project and implements the Low Impact Development Standards outlined in GEO 5.2(b). The project shall incorporate features to remove sediment from stormwater before it is discharged from the site. The project shall retain runoff from new impervious surfaces, and surfaces disturbed during construction. Retention shall be achieved by directing runoff to drywells or landscaped areas that provide infiltration. Sediment removal and retention systems shall be designed to accommodate all runoff resulting from a 20-year storm event of 1-hour duration. It must be demonstrated that the stormwater system is designed in such a way that when the retention capacity is exceeded, runoff leaves the site in keeping with pre-project drainage patterns, and will not cause the design capacities of any downstream drainage facilities to be exceeded.*
- *Mitigation Measure HYDRO 5.2(a-6) (Stormwater BMPs): In compliance with Mono County General Plan Appendix §25.010, the Low Impact Development Best Stormwater Management Practices Program (LID BMPP) provided herein shall be implemented throughout the life of the Tioga Specific Plan. Purposes of LID implementation are to keep polluted runoff water out of the rivers and lakes, use the chemical properties of soil and plants to remove pollutants from water, design subdivisions to clean their own stormwater rather than dumping it into streams or lakes, and preserve the natural water flow of the site beyond required codes and 'business-as-usual'. The measures to be implemented are shown below:*

Low Impact Development Features of the Tioga Community Housing Project	
NATURAL DRAINAGE CONTROLS	<i>Onsite flows will be carried in drainage conveyance facilities located along slopes and collection elements will be sited in natural depressions.</i>
RUNOFF COLLECTION AND TREATMENT	<i>Stormwater runoff will be collected into the new stormwater retention system, which is sized to accommodate a conservative infiltration rate of 5 minutes per inch. Treatment will be provided by bioswales located in the landscaped areas of the parking lot. Additional treatment facilities may be provided including placement of oil removal inserts in the inlets, or a separate oil treatment unit.</i>
ONSITE FLOW RETENTION	<i>Runoff and excess water will be maintained onsite up to the required 20-year storm design standard.</i>
INFILTRATION	<i>Use of rock swales & collection features to enhance filtration of pollutants.</i>
RUNOFF SEPARATION	<i>Channels and/or swales will be used to create a separate between roads and pedestrian paths.</i>
ROAD DESIGN	<i>Road improvements will be the minimum required for public safety and emergency access, and will continue to feature traffic calming features including curvilinear design, low speed limits, posted turn restrictions, high visibility internal signage.</i>
CLUSTER DESIGN	<i>Onsite uses will feature compact design layouts that preserve open space and natural vegetation, and minimize energy costs.</i>
VEGETATION RETENTION	<i>Mature vegetation will be preserved, and native bitterbrush vegetation lost to fire will be replanted and irrigated until established.</i>
SCREENING	<i>The layout of proposed uses, and the design of grading contours, will minimize offsite visibility of constructed elements.</i>
WATER USE FOR LANDSCAPING	<i>The project will comply with provisions of the Department of Water Resources Model Water Efficient Landscape Ordinance.</i>

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

Spill and Leak Best Management Practices of the Tioga Community Housing Project	
SPILLS	<i>Ground surfaces at the gas station and housing area shall be regularly maintained in a clean and dry condition, including snow removal during winter months.</i>
	<i>Drip pans & funnels shall at all times be readily available to gas station customers & staff for use when draining or pouring fluids.</i>
	<i>At least 2 spill containment and cleaning kits shall at all times be readily available and properly labeled, with instructions, at all times for use by gas station customers and staff</i>

	<i>Kitty litter, sawdust or other absorbent material shall at all times be readily available to gas station staff & customers, with instructions that the absorbent material is to be poured onto spill areas, and then placed in covered waste containers for disposal. Wash down of spills shall be strictly prohibited.</i>
LEAK CONTROLS	<i>Drip pans & funnels shall at all times be accessible and readily available for use with stored vehicles.</i>
	<i>Drip pans shall be placed under the spouts of liquid storage containers.</i>
TRAINING	<i>All gas station employees, as well as the housing manager, shall be trained on spill & leak prevention practices annually.</i>
	<i>Signage shall be posted on the gas station service islands requesting that customers properly use, recycle and dispose of materials.</i>
FUELING	<i>Wash down of paved surfaces at the gas station and housing area shall be prohibited in any areas that flow into storm drains.</i>
	<i>Signs shall at all times be posted advising gas station customers not to overfill or top-off gas tanks, and all gas pumps shall be outfitted with automatic shutoff fuel dispensing nozzles.</i>
	<i>Fuel-dispensing areas shall be swept daily or more often to remove litter and debris, with proper disposal of swept materials.</i>
	<i>Rags and absorbents shall at all times be readily available for use by gas station staff & customers in case of leaks and spills.</i>
	<i>Outdoor waste receptacles and air/water supply areas shall be checked by gas station employees on a daily basis to ensure that receptacles are watertight and lids are closed.</i>
WASTE TREATMENT PLANT	<i>WWTP BMPs shall at a minimum include (a) work areas, walkways and stairwells shall be maintained clear of loose materials and trash. (b) Spills such as grease, oil or chemicals shall be cleaned up immediately, (c) Combustible trash (such as paper, wood and oily rags) shall not be allowed to accumulate, (d) All chemicals and combustible liquids shall be stored in approved containers and away from sources of ignition and other combustible materials, (e) Oily rags shall be placed in metal containers with lids, (f) Adequate clearances shall be maintained around electrical panels, and extension cords shall be maintained in good conditions. Remote security scans shall be conducted on a daily basis, with weekly walk-through inspections, bi-annual site reviews, annual BMP plan oversight inspections, and reevaluation of the WWTP BMP plan no less than once every 5 years.</i>
WASHING	<i>No vehicle washing shall be permitted at the gas station or housing area unless a properly designed wash area is provided & designated on the project site.</i>
	<i>If a wash area is provided on the project site, it shall be located near a clarifier or floor sump, properly designed, paved and well-marked. Gas station employees (as well as the housing manager, if relevant) shall be trained in use and maintenance of the designated wash area. Washwaters shall be contained, cleaned and recycled.</i>
	<i>Detergents sold & used at the gas station shall be biodegradable and free of phosphates.</i>

- *Mitigation Measure HYDRO 5.2(b-1) (Wastewater Treatment): Upon installation of the new wastewater treatment system the existing septic tank will be properly decommissioned, and the existing leachfield will be used only for disposal of treated effluent during the winter months when effluent flows are at a minimum and the subsurface irrigation system is suspended due to freezing conditions. Leach field size will be determined by LRWQCB requirements, based on the application rate for the treated wastewater effluent.*
- *Mitigation Measure HYDRO 5.2(b-2) (Leachfield Percolation Standards): Percolation rates for the new leachfield shall be determined in accordance with procedures prescribed by LRWQCB. Where the percolation rates are faster than 5 MPI, the minimum distance to anticipated high groundwater shall be no less than 40 feet, based on information provided by the well logs drilled within 600' of the anticipated disposal location. Note that the criteria for achieving a minimum 40' distance to groundwater with percolation rates faster than 5 MPI was developed for effluent from septic systems, whereas project effluent from the wastewater treatment plant will be secondary treated and denitrified. Thus the required depth to groundwater may be modified during LRWQCB permitting.*
- *Mitigation Measure HYDRO 5.2(b-3) (Effluent Treatment Standards): The package plant shall be designed to produce a treated secondary denitrified effluent achieving a total nitrogen concentration of 10 mg/L. The treatment plant's performance goals for BOD, TSS, T-N, coliform, etc. shall meet the US EPA secondary treatment standards.*

- *Mitigation Measure HYDRO 5.2(b-4) (Title 22 Compliance): Operation of the proposed subsurface drip irrigation system will require either an approved Title 22 engineering report from Division of Drinking Water (DDW), or a letter from DDW stating that the project does not need to satisfy Title 22 criteria; the alternative leach field location shown on the Tioga Workforce Housing Concept Plan shall replace the proposed leachfield location if required for Title 22 Compliance.*
- *Mitigation Measure HYDRO 5.2(b-5) (Groundwater Quality Monitoring): At a minimum, the project will provide 1 upgradient and 2 downgradient monitoring wells, in locations and at depths to be established by the Lahontan Board during the Wastewater Treatment Plant permit approval process. Monitoring well locations and depths of well construction will be as proposed by a licensed hydrogeologist as part of a Work Plan for permitting of the WWTP, as reviewed and accepted by the Board.*
- *Mitigation Measure HYDRO 5.2(b-6) (Nitrogen Removal): In the event that data from the groundwater monitoring wells show a sustained increase in groundwater salinity levels, nitrogen removal systems will be added to the package wastewater treatment system as needed to maintain baseline salinity levels in the underlying groundwater aquifer.*

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

- *Mitigation Measure BIO 5.3(a-1) (Shrubland Vegetation): Proponent shall prepare a Revegetation Plan for the purpose of returning all areas that are temporarily disturbed by the project to a condition of predominantly native vegetation. Mono County will review this plan for approval within 60 days of the start of project construction. The revegetation plan will, at a minimum, include locally derived seed or plants from the following list of species, in order to emulate remaining Great Basin Mixed Scrub on-site: Jeffrey pine, single-leaf pinyon, antelope bitterbrush, big sagebrush, mountain mahogany, desert peach, wild buckwheat (*Eriogonum microthecum*, *E. fasciculatum*, or *E. umbellatum*), yellow rabbitbrush, silvery lupine, chicalote, basin wildrye, and any of the regionally common needlegrasses. The Plan must also include methods and timing for planting, supplemental inputs including plant protection and irrigation using treated sewage effluent, success criteria that include a return to at least 50% of pre-project native vegetation cover within five years, and a monitoring and reporting program that includes annually collected revegetation progress data, data and trends summary, and photographs for transmittal to Mono County prior to December 1 of each of the first five years following project construction (or until all success criteria are attained). Monitoring data collection and reporting shall be performed by a qualified botanist who has been approved by Mono County. A map shall be included with the Revegetation Plan that shows the location of all areas that will be temporarily disturbed during grading and earthwork.*
- *Mitigation Measure BIO 5.3(a-2) (Rockcress Avoidance): The construction contractor shall be required to install temporary fencing along the western edge of the existing roadway where it approaches the Masonic rockcress population, in order to prevent accidental damage due to incursion by equipment. Fencing shall remain in place through the completion of all construction phases.*
- *Mitigation Measure BIO 5.3(a-3) (Nesting Bird Survey): A pre-disturbance nesting bird survey shall be conducted within seven days prior to the start of vegetation and ground-disturbing project activities, by a qualified biologist, if construction is scheduled to begin during the period March 15 – August 15. All potential nesting habitat within 200 feet (passerine birds) or 600 feet (raptors) from the project-related disturbance limits will be included in the survey. Survey results will be reported to CDFW, Bishop, Mono County, and to the construction foreperson within 24 hours of survey completion, in order to formulate avoidance measures. Appropriate measures (at a minimum including nest buffering and monitoring) will be decided in consultation with CDFW on a nest-by-nest basis.*

- *Mitigation Measure BIO 5.3(a-4) (Badger and Denning Fox Survey): A pre-disturbance denning badger and denning fox survey shall be scheduled within three days prior to the start of vegetation and ground-disturbing project activities. The survey will be performed by a qualified biologist. The survey will include the entire area where disturbance will occur, as well as buffers of 500 feet in all directions. Survey results will be reported to CDFW-Bishop, Mono County, and to the construction foreperson within 24 hours of survey completion, in order to formulate avoidance measures. Unless modified in consultation with CDFW, active badger or fox dens will be buffered by a minimum distance of 500 feet, until the biologist finds that den occupation has ended. In the unlikely event that an active fox den that could be occupied by Sierra Nevada red fox is found, ground-disturbing work at the project will be halted pending consultation with CDFW regarding buffering and avoidance.*
- *Mitigation Measure BIO 5.3(a-5) (Pet Enclosure, Pet Leashing, Eviction for Noncompliance): Tenants wishing to have pets shall be required to construct and pay for a fenced enclosure, as approved by property management, to prevent their pet(s) from entering undeveloped portions of the property and (unfenced) adjacent lands. The tenancy agreement for all units will include a common rule of leashing of all pets whenever they exit the housing units or fenced enclosure. Enforcement of the enclosure and leashing requirements shall continue through the life of the project; the penalty for violation of this regulation shall include eviction following two advisory noncompliance notices by the housing manager.*
- *Mitigation Measure BIO 5.3(a-6) (Revegetation of Temporarily Disturbed Areas): The following measures shall be provided for all project areas where temporary disturbance occurs due to earthwork and grading:*
 - (a) TOPSOILS: During earthwork, topsoil that must be disturbed in relatively weed-free habitats will be removed to a depth of 12" and stockpiled at the margins of temporarily disturbed areas for reuse during replanting. Stockpiles will be used within one year of the completion of construction. During storage, topsoil will be armored to (a) minimize dust emissions, and (b) optimize survival of native seeds during replanting.*
 - (b) SCREENING: Trees to be planted onsite for screening include native single leaf pinyon, Jeffrey pine, quaking aspen, and seeded mountain mahogany. Non-native Italian poplar sterile male transplants may be used in areas where rapid screening growth is desired. Screening trees will be planted densely to compensate for up to 50% mortality prior to maturation. Irrigation and plant protection will be provided as needed to attain optimal tree growth, tree health, and screening efficacy.*
 - (c) BITTERBRUSH: Bitterbrush will be a chief component of the planting palette (see the shrubs listed on the amended Plant Palette (see Specific Plan Table 7-13), except adjacent to roads (SR 203 and US 395), where low-growing shrub will be planted to restore plant cover that allows drivers greater visibility of approaching deer. Within 250' of these roads, curl-leaf rabbitbrush and desert peach will be the only shrubs included in revegetation efforts.*
 - (d) SEED MIX ADJACENT TO ROADS: The seed mix to be used adjacent to roads (including the protected corridor along US 395) shall consist of 1) curl-leaf rabbitbrush (*Chrysothamnus viscidiflorus*, 1-2 ft. maximum ht.) and 2) desert peach (*Prunus andersonii*, 2 ft.), both of which are fast-growing, and currently abundant on-site especially where the soil and vegetation has been disturbed.*
 - (e) WEED CONTROL: Weed control will be practiced in all temporarily disturbed habitats. Soil stockpiles will be included in weed controls. As the most invasive weeds in the project area are annual species, annual control scheduling will include at least one control application prior to flowering and seed production. If an herbicide is used, it will be done by a licensed applicator. Weed control efficacy will be evaluated for the first five years following the completion of construction-related disturbance, during annual monitoring in fall.*
 - (f) MONITORING: Landscape plantings shall be monitored over a period of 5 years by a qualified biologist. The progress of revegetation will be evaluated at the end of each growing season and reported with regard to attainment of success criteria: 1) after 5 years, at least six live native shrubs per 4 square meters or 10% total living shrub canopy cover will be present, 2) within screening areas, at least one live tree per 4 square meters will be present, 3) weeds will together establish less than 10% canopy cover in sampled 4 square meter quadrats. If it appears at the time of annual monitoring that any of these success criteria may not be met after 5 years, recommendations for specific remediations including re-planting or additional weed control will be provided in the annual monitoring report.*
- *Mitigation Measure BIO 5.3(a-6) (Signage): Signage stating "Do Not Feed the Wildlife" shall be posted on the road leading into the housing complex, at the entry to Vista Point Drive, and at the access points from Vista Point Drive into the gas station, the hotel, and the full-service restaurant.*
- *Mitigation Measure BIO 5.3(d-1) (Shielding of Night Lighting): Night lighting shall be shielded and in compliance with Chapter 23, Dark Sky Regulations, of the General Plan to maintain at existing levels the degree of darkness along the corridor of undeveloped vegetation between Tioga Inn developments and US395. Deer movements across the highway during spring will be facilitated by keeping this corridor open (no linear barriers, no brightly lit signs, no future devegetation or project development) so that movements will be deflected to the east and south of the new housing area rather than back across the highway.*

- *Mitigation Measure BIO 5.3(d-2) (Burn Area Restoration): All areas burned in 2000 within the property (14.8 acres, minus acres that are permanently converted to approved Tioga Specific Plan facilities) will be seeded using locally collected bitterbrush (*Purshia tridentata*), at a rate of 4 pounds/acre pure live seed. In addition, diverse shrubs and grasses with available locally collected seed (acceptable species are: antelope bitterbrush, big sagebrush, mountain mahogany, desert peach, wild buckwheat (*Eriogonum microthecum*, *E. fasciculatum*, or *E. umbellatum*), yellow rabbitbrush, silvery lupine, chicalote, basin wildrye, and any of the regionally common needlegrasses) will be spread, bringing the total application rate to 10 pounds/acre. Seeding will be performed just prior to the onset of winter snows in the same year that project construction is initiated. If, after a period of five growing seasons has passed, a qualified botanist finds that total live cover provided by native shrub and grasses has not increased to 20% above that measured at adjacent (unseeded) burn scar areas, then the entire burn area will be seeded again as described above.*
- *Mitigation Measure BIO 5.3(d-3) (Protected Corridor along US 395): Mule deer mortality along US 395 adjacent to the project site can be minimized by ensuring that the corridor between US 395 and all Tioga project elements (including the hotel, the full-service restaurant, and the workforce housing) remains entirely free of linear barriers, brightly lit signs, and new surface structures (excepting one new above-ground sewage/reclaimed water pump control structure with no more than 100' feet of building area), with no future revegetation of native plant materials. This mitigation measure applies only to lands owned by the project applicant and outside of the approved hotel and restaurant uses.*
- *Mitigation Measure BIO 5.3(d-4) (Waste Receptacles): All waste receptacles will be designed to prevent access by ravens and bears. Signs will be clearly posted informing of the need to secure trash, pets, and stored food from wildlife access. Rental agreements will include restriction against storage of trash or unsecured food items outside residences (including in vehicles) for any length of time.*

4. CULTURAL RESOURCES. With implementation of the mitigation measures outlined below and in FSEIR §6.5 (Mitigation Monitoring and Reporting Program), no significant adverse impacts are foreseen with respect to the potential for the project to cause a substantial adverse change in the significance of a prehistorical or historical resource; or directly or indirectly destroy a unique paleontological resource or site or unique geologic feature, or disturb any tribal cultural resources or sacred lands, or human remains including those interred outside of formal cemeteries; or cause substantial change in the significance of a tribal cultural resource, as discussed on DSEIR pages 5.4-6 through 5.4-11. It should be noted that CULT 5.4(a) is a voluntary measure by the applicant as no evidence of potential tribal cultural resources were found on site.

- *Mitigation Measure CULT 5.4(a) (Discovery of Archaeological Resources): Prior to initiation of any earthwork on the project site, the Mono Lake Kutzadika'a Tribe shall receive reasonable compensation in an amount equivalent to 50 hours of time and travel costs. The Tribe may use the 50 hours of compensated time for training of the onsite construction crew and/or for tribal monitoring, with the allocation of time to be at their discretion. Additionally, all construction plans that require ground disturbance and excavation shall contain an advisory statement that there is potential for exposing buried archaeological resources which would require implementation of the procedures described below. The interested Tribes shall be notified by postal mail and electronic mail no less than 10 days prior to the initiation of any grading or earthwork. Tribal monitors are invited to observe the work at any time, either as paid professionals within the 50-hour pre-discovery allotted compensation or as non-paid volunteers. In the event of the discovery of archaeological resources during construction, ground disturbance shall be suspended within a 200-foot radius of the location of such discovery until the area can be evaluated by Tribal cultural resource experts assisted by a qualified archaeologist. The selection of the archaeologist will be approved by Mono County, the Mono Lake Kutzadika'a Tribe, Bridgeport Indian Colony, and the project proponent. The Tribal cultural resource experts and the archaeologist shall be fairly compensated. Work shall not resume in the defined area until sufficient research and data collection are conducted to make a determination as to the significance of the resource. If the resource is determined to be significant and mitigation is required, the first priority shall be avoidance and preservation of the resource. All feasible recommendations of the Tribal cultural resource experts and archaeologist shall be implemented. Mitigation may include, but is not limited to, in-field documentation and recovery of specimens, laboratory analysis, preparation of a report detailing the methods and findings of the investigation, and curation at an appropriate collection facility. Evaluation and recommendations shall be developed in collaboration with the Kutzadika'a Indian Community of Lee Vining and the Bridgeport Indian Colony, and the tribes shall be responsible for determining who will monitor the subsequent ground disturbance. Post-discovery, the*

tribal monitor shall receive reasonable compensation² for time and travel costs, beyond the 50-hour limit allocated for pre-discovery monitoring.

- *Mitigation Measure CULT 5.4(b) (Discovery of Paleontological Resources): All construction plans that require ground disturbance and excavation shall contain an advisory statement that there is potential for exposing buried paleontological resources. In the event of the discovery of paleontological resources during construction, ground disturbance shall be suspended within a 200-foot radius of the location of such discovery until the area can be evaluated by a qualified paleontologist. Work shall not resume in the defined area until the paleontologist conducts sufficient research and data collection to make a determination as to the significance of the resource. If the resource is determined to be significant and mitigation is required, the first priority shall be avoidance and preservation of the resource. All feasible recommendations of the paleontologist shall be implemented. Mitigation may include, but not limited to, in-field documentation and recovery of specimens, laboratory analysis, preparation of a report detailing the methods and findings of the investigation, and curation at an appropriate paleontological collection facility.*
- *Mitigation Measure CULT 5.4(c,d) (Discovery of Human Remains): No evidence of Native American burials, which are considered Tribal Cultural Resources, was found in the project area. However, unmarked Native American graves may, potentially, be encountered during ground disturbance or excavation. Because no cultural tribal resources have been identified on the project site but the potential exists for subsurface resources that cannot be seen at this time, the interested Tribes shall be notified by postal mail and electronic mail no less than 10 days prior to the initiation of any grading or earthwork, and are invited to observe the work at any time without compensation. All construction plans that require ground disturbance and excavation shall contain an advisory statement that (1) there is potential for encountering human burials, (2) the Indian communities have been invited to observe the work at any time without compensation, (3) if human remains are encountered, all work shall stop immediately and the County shall be notified, and (4) that human remains must be treated with respect and in accordance with State laws and regulations. In the event of the discovery of human remains at any time during construction, by either project personnel or the Tribal monitor, ground disturbance shall be suspended within a 200-foot radius of the location of such discovery and the Kutzedika'a Indian Community of Lee Vining and the Bridgeport Indian Colony shall be notified. California Health and Safety Code §7050.5 stipulates that if human remains are discovered during project work, the specific area must be protected, with no further disturbance, until the county coroner has determined whether an investigation of the cause of death is required. If the human remains are determined to be those of a Native American, the coroner must contact NAHC by telephone within 24 hours. PRC §5097.98 states that NAHC must then notify the most likely descendant community, which then inspects the find and makes recommendations how to treat the remains. Both laws have specific time frames, and PRC 5097.98 outlines potential treatment options. Representatives of the most likely descendant community shall be responsible for determining who will monitor the subsequent ground disturbance. The tribal monitor shall receive reasonable compensation for time and travel costs involved in developing recommendations for and treating the remains, and for monitoring subsequent ground disturbance. Reasonable compensation shall include mileage at standard IRS rates, and an hourly fee (including monitoring and travel time) not to exceed \$40.*

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

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

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

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

Mitigation Measure 5.6(a-1) (Phasing Plan). <i>Development of the Tioga Community Housing Project shall be phased in accordance with the schedule below.</i>		
Phase	# Units	Schedule
1	70	<i>The 70 Phase 1 units, childcare facility, and grading for all three phases are authorized for construction upon submittal of a complete building permit application for the hotel to the Mono County Community Development Department.</i>
2	30	<i>Construction of the 30 Phase 2 units would begin when the phase 1 units reach an 80% occupancy rate (i.e., when 56 of the Phase 1 units are rented) and building permits have been issued for Phase 1. All Phase 2 units will be in the westernmost row of units.</i>

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

- *Mitigation Measure SFTY 5.7(c) (Air Navigation Safety): The project shall comply with all applicable Federal Aviation Administration (FAA) regulations (i.e., Title 14, Chapter I, Subchapter E, Part 77).*
- *Mitigation Measure SFTY 5.7(d) (Encroachment Permit): An encroachment permit shall be obtained from Caltrans if the secondary access gate is located inside the Caltrans right-of-way.*
- *Mitigation Measure SFTY 5.7(e-1) (Fire Risk): The project shall incorporate the wildland fire protection measures listed below and detailed in the Community Wildland Fire Protection Plan – Home Mitigation section, CWPP pages 36-40 (or as updated), and in any other fire regulations (CalFire, PRC §4290/§4291, California Fire Code, etc.): Maintenance of adequate defensible space for all homes; Use of noncombustible materials for decks, siding and roofs; Screening or enclosing of open areas below decks and projections, to prevent the ingress of embers; Routine clearing of leaf & needle litter from roofs, gutters and foundations; Routine clearing of flammable vegetation away from power lines near homes; Routine clearing of weeds & flammable vegetation to at least 30’ from propane tanks; Use of fire and drought tolerant plantings, especially within 30-feet of homes, and avoidance of flammable ornamentals such as conifers; Routine thinning of vegetation along access roads and driveways; Provision of turnarounds at the end of all driveways and dead-end roads; Reflective address markers on all driveways and homes, and Receipt of a will serve letter from the Lee Vining Fire Protection District.*

- *Mitigation Measure SFTY 5.7(e-2) (Fire Hydrants): Multiple fire hydrants shall be provided on the project site, at locations that will enable all project elements to be reached with use of existing LVFPD water hoses. All hydrants shall feature a breakaway design feature wherein flows shut down if the hydrant is damaged.*
- *Mitigation Measure SFTY 5.7(e-3)(Emergency Access): The Gibbs Siphon Emergency Access Road onto SR 120 will include a 40-ft irrevocable easement from SCE to the property owner, shall be bladed annually to maintain full easement width, and shall be maintained to be passable by vehicles year round, to be recorded prior to issuance of project building permits.*

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

- *Mitigation Measure TFFC 5.9(a-5) (Access Rights): The owner shall resolve SR 120 access right locations and widths pursuant to Caltrans' established Right-of-Way process.*
- *Mitigation Measure TFFC 5.9(a-6) (Encroachment Permit): An encroachment permit shall be obtained from Caltrans if the secondary access gate is located inside the Caltrans right-of-way.*
- *Mitigation Measure TFFC 5.9(a-7) (YARTS Access): The project plan shall incorporate a pedestrian pathway between the Community Housing area and the YARTS bus stop, and a pedestrian crosswalk at the Vista Point entry.*

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

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

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

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

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

- **Mitigation Measure AES 5.12(a,b-2) (Visual Screening & Landscaping):** All landscaping shall be planted consistent with the Alternative 7 Landscape Concept Plan as soon as Phase 1 site grading is complete. A landscaping or restoration specialist approved by the County shall monitor tree health, screening efficacy and replacement requirements for the first 5-years of growth. The landscape/restoration specialist shall have authority to replace plantings as needed to attain within five years a goal of providing at minimum the number of trees shown on the Landscape Concept Plan.

None of the housing structures or housing parking areas shall be visible from public vantage points including (1) the shore of Mono Lake at South Tufo, (2) Navy Beach, (3) US 395 between the junction of Hwy 120 W and Test Station Rd. A housing structure or parking area is "visible" if any part of the buildings or parked vehicles or any reflection, glare, or other direct light from the housing or parked vehicles in the housing area at any time are clearly identifiable to the naked eye or with a high-quality 400 mm telephoto lens as used in the visual analysis.

Compliance with this mitigation measure shall be monitored by conducting visual inspections from each of the public vantage points listed above at least once each year for five years after certificate of occupancy is issued for Phase 1. The monitoring inspection shall be conducted during winter with at least one conducted after dark and one in the two hours after dawn from each vantage point.

The goal of the monitoring inspections shall be to develop a record of compliance with this standard from each vantage point and at varying times of potential high visibility including dawn, nighttime, and daytime. Documented observations of noncompliance with this standard from the public should be sent to the Code Enforcement Division for a response.

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

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

- a. **MITIGATION:** The previously presented Mitigation Measure GEO 5.1(a-2), shown again below, has been incorporated into the FSEIR to attenuate risk through the installation of desilting basins, rip rap and other measures to minimize mudflows and earthflows.
- *Mitigation Measure GEO 5.1(a-2) (Debris Flows): Debris flow mitigation (including debris/desilting/ retention basins and/or rip rap or other mitigative measures) shall be used in any canyon or gully areas where structures would be located.*
- b. **FINDINGS:** Based upon the entire administrative record, the Mono County Board of Supervisors finds:
- i. **Facts and Reasoning that Support the Finding:** Numerous programs are in place to detect potential volcanic hazards and to attenuate risk in the event of volcanic activity and/or mudflows and earthflows. The USGS conducts ongoing monitoring to detect volcanic earthquakes (which often provide an initial sign of volcanic unrest and may provide early warning of impending eruptions). Additionally, the project includes multiple design features (desilting basins, rip rap and other measures) to reduce mudflows and earthflows. Volcanic hazards are not considered to be one of the most prevalent natural hazards in Mono County due to the uncertain timing and frequency of volcanic events, and due to ongoing monitoring. However, Lee Vining is located in an area of known volcanic risk, and thus potentially subject to mudflows associated with the rapid melting of heavy snowpacks during a volcanic eruption. Large mudflows, such as the one that occurred in 1989 in the Tri-Valley area, can be destructive, particularly at the mouths of canyons such as Lee Vining canyon. Although the chance of a volcanic eruption in any given year is very small, and although the eruption itself would likely be comparatively small, USGS does anticipate that future eruptions will occur in the Long Valley area. The potential for adverse impacts resulting from a volcanic eruption (and associated mudflows if in winter) is therefore considered to be potentially significant and unavoidable.
 - ii. **FINDING:** Even with implementation of the mitigation measure and the programs identified above, the potential remains for significant adverse impacts related to volcanic eruptions and associated mudflows. Specific economic, legal, social, technological, or other considerations as stated above make infeasible the implementation of additional mitigation measures or project alternatives identified in the FSEIR that would reduce impacts associated with volcanic eruption and associated mudflows to a less-than-significant level. The potential for adverse impacts resulting from volcanic eruption and associated mudflows is therefore considered to be significant and unavoidable.

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

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

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

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

ii. **Finding:** Even with implementation of the mitigation measures identified above, the potential remains for significant and adverse cumulative adverse on deer movement and on deer mortality in the project area. Specific economic, legal, social, technological, or other considerations as stated above make infeasible the implementation of additional mitigation measures or project alternatives identified in the FSEIR that would reduce the cumulative project impacts on deer migration and mortality to a less-than-significant level. The potential for adverse cumulative impacts on deer migration and mortality is therefore considered to be significant and unavoidable.

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

a. **MITIGATION:** Mitigation Measures SVCS 5.8(a-3) and SVCS 5.8(a-4), shown below, have been incorporated into the FSEIR to reduce the impacts on public services associated with increased foot traffic between the project site and Lee Vining. Since unsafe foot traffic has been identified as an existing hazard, even the No Project alternative would result in continued significant unsafe pedestrian travel along area freeways, although the current extent of foot travel is lower than would occur with the project as proposed. However, while pedestrian traffic is expected to increase with the project, no data exists from the Mono County Sheriff, California Highway Patrol, Mono County, or Caltrans to conclusively determine that pedestrian safety incidents will increase. Instead, the determination of a significant impact on public services is based on an anecdotal comment by a credible source (the Mono County Sheriff) and the fact that no dedicated pedestrian connection currently exists, as well as anecdotal comments and concerns by residents and the public.

• **Mitigation Measure SVCS 5.8(a-3) (Shuttle Service Flexibility):** *A shuttle service shall be provided between the project site and Lee Vining, beginning when all Phase 1 units of the housing complex have received occupancy permits. The shuttle service will (1) be staffed by qualified drivers, (2) be equipped with ADA-compliant features, (3) follow established routes with regular minimum drop-off and pick-up times (including a minimum of 3 daily round trips during the operating season), and (4) begin the operating season, at minimum, each year no later than July 4, and end the operating season each year no sooner than Labor Day. The operating season may be expanded for additional periods as needed based on an annual survey of the Lee Vining community and Tioga Housing residents conducted by the property owner. The shuttle service will be free of charge and available for use by hotel guests, residents of the*

Community Housing Complex, and the public. If a pedestrian/bicycle trail is constructed between Lee Vining and the project site per MM SVCS 5.8(a-4), then shuttle operation frequency and duration may be reduced based on ridership demand subject to approval by the Community Development Director.

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

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

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

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

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

identified, Mitigation SVCS 5.8(a-4) would also ensure that a mechanism is established for a funding contribution by this project and additional studies as required to implement a trail connection between the project site and Lee Vining. However, although Mitigation SVCS 5.8(a-4) would create a viable evaluation process, it would not guarantee the outcome of feasibility studies or assure that a trail will eventually be constructed.

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

4. **TRAFFIC AND CIRCULATION – Potential for Traffic and Circulation Hazards associated with the US 395/SR 120 Intersection during Midday Peak Housing Conditions (with or without the Project).** Based on analyses in the *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3 FSEIR*, and in DSEIR pages 5.9-11 to 5.9-12 and DSEIR Appendix L, it has been determined that the proposed project will contribute to deficient operation and excess delays at the junction of US 395/SR 120 that impact eastbound vehicles on SR 120 making a left-turn onto northbound US 395 during mid-day peak season conditions.

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

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

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

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

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

day counts did not accurately reflect typical year-round conditions. Based on new shoulder season counts, taken at Caltrans' request, Caltrans suggested traffic should be considered a less than significant impact.

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

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

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

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

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

- a. **MITIGATION.** Mitigation Measure AES 5.12(c-2), shown below, has been incorporated as a project requirement with the intent to reduce impacts on light and glare associated with the project proposal.
 - *Mitigation Measure AES 5.12(c-2) (Outdoor Lighting Plan): An outdoor lighting plan must be submitted with the building permit application and approved by the Community Development Department before the building permit can be issued. The plan shall comply with Chapter 23 of the Mono County General Plan and provide detailed information including but not limited to:*
 - (a) *manufacturer-provided information showing fixture diagrams and light output levels. Mono County has indicated that the fixture type exceptions listed under Chapter 23.050.E (1, 2 and 3) will be prohibited in this project, and that only full cutoff luminaires with light source downcast and fully shielded, with no light emitted above the horizontal plane, are permitted. Furthermore, although lighting is not required for parking areas, roads and pedestrian walkways, Mono County will permit safety lighting to be provided in the parking areas, roads and pedestrian walkways provided that such lighting must meet all other applicable requirements of this Outdoor Lighting Plan (i.e., shielded, down-directed, etc.) and may not*

exceed 10,000 lumens per acre maximum.³ Kelvin color temperature should be approximately 2300K,⁴ and Kelvin color temperatures over 3000K are prohibited. Safety lighting shall be permitted only during the hours between 30 minutes following sunset, and 30 minutes prior to sunrise.

- (b) pedestrian lighting is not required but, if provided, is limited to low-level bollard lights to limit light impacts to the least necessary for public health and safety. Kelvin color temperatures over 3000K are prohibited. Bollards shall be spaced a minimum of 10 to 15 feet apart⁵ on pedestrian pathways ~~unless alternate spacing is required by public health and safety needs~~. The height of bollard lighting shall not exceed 3.5 feet above grade and light sources shall be fully shielded and not exceed 125 bollards at 1,000 lumens per bollard fixture⁶;
- (c) accent lighting shall be limited to residential accent lighting required by the building code for safety, and any up-lighting shall be prohibited;
- (d) the proposed location, mounting height, and aiming point of all outdoor lighting fixtures; and
- (e) drawings for all relevant building elevations showing the fixtures, the portions of the elevations to be illuminated, the illuminance level of the elevations, and the aiming point for any remote light fixture.
- (f) the Landscape Concept Plan outlined in MM AES 5.12(a,b-2) shall be applied to place trees and landscaping to ~~screen project structures and lighting, reduce direct light glare seen from offsite,~~ subject to the five-year monitoring plan and tree replacement as needed, ~~to screen direct light glare from offsite.~~

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

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

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

b. FINDINGS:

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

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

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

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

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

Combining District). Mono Basin is an important destination for photographers, and highly valued for its dark skies.

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

The project will be required to comply with all applicable requirements of the Mono County Outdoor Lighting Ordinance (Land Use Element, Ch. 23, best known as the 'Dark Sky Regulations'), and the Scenic Combining District (Land Use Element Ch. 8). The requirements associated with these adopted General Plan components will work with Mitigation AES 5.12(c-2) to further minimize project impacts on light and glare. It is anticipated that these mitigations and requirements will effectively eliminate direct views of project lighting from offsite locations. However, neither the regulatory requirements above nor the design modifications associated with Alternative 7 will fully eliminate the indirect 'glow' of lighting.

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

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

VIII. CONCLUSIONS

The Mono County Board of Supervisors has considered information contained in the FSEIR prepared for the proposed *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3* project, as well as the public testimony and record of proceedings in which the project was considered. Based on the foregoing findings and the information contained in the record, the Board of Supervisors hereby determines that:

1. All significant effects on the environment due to implementation of the proposed *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3* project (Alternative #7 – Hybrid Site Plan) have been eliminated or substantially lessened where feasible; and
2. There are at the present time no feasible alternatives to the proposed *Tioga Community Housing/Tioga Inn Specific Plan Amendment #3* project (Alternative #7 – Hybrid Site Plan) that would mitigate or substantially lessen the significant impacts.

Exhibit B to Board of Supervisors Resolution R20-__

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

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

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

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



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

REGULAR AGENDA REQUEST

Print

MEETING DATE October 20, 2020

TIME REQUIRED

SUBJECT Closed Session - Labor Negotiations

**PERSONS
APPEARING
BEFORE THE
BOARD**

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): Bob Lawton, Stacey Simon, Dave Butters, Janet Dutcher, and Anne Frievalt. 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). Unrepresented employees: All.

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME:

PHONE/EMAIL: /

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

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

History

Time

Who

Approval



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

REGULAR AGENDA REQUEST

Print

MEETING DATE October 20, 2020

TIME REQUIRED

SUBJECT Closed Session - Existing Litigation

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION. Paragraph (1) of subdivision (d) of Government Code section 54956.9. Name of case: County of Mono v. Amerisourcebergen Drug Corp. Cardinal Health, McKesson Corporation, Purdue Pharma L.P., Purdue Pharma, Inc, The Purdue Frederick Co., Inc. et al., U.S. Dist. Court for Eastern California, Case No. 2:18-cv-00149-MCE-KJN.

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME:

PHONE/EMAIL: /

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

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

History

Time

Who

Approval



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

REGULAR AGENDA REQUEST

Print

MEETING DATE October 20, 2020

TIME REQUIRED

SUBJECT Closed Session - Exposure to
Litigation

**PERSONS
APPEARING
BEFORE THE
BOARD**

AGENDA DESCRIPTION:

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

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

RECOMMENDED ACTION:

FISCAL IMPACT:

CONTACT NAME:

PHONE/EMAIL: /

SEND COPIES TO:

MINUTE ORDER REQUESTED:

YES NO

ATTACHMENTS:

[Click to download](#)

No Attachments Available

History

Time

Who

Approval