

# D & S Waste Transfer Station Specific Plan

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## **Executive Summary**

The D & S Waste Transfer Station Specific Plan establishes the land development program for a 33.65-acre parcel located approximately 7.5 miles northeast of Mono City, CA (Assessor's Parcel Number [APN] 013-210-028-000), within the unincorporated area of Mono County. Through the General Plan Amendment (GPA) process, the land use designation of this parcel is being converted from Industrial (I) to Specific Plan (SP) and a Scenic Combining District (S-C) is being overlaid on the project parcel. The SP designation requires the creation of a Specific Plan, which is fulfilled by this document.

APN 013-210-028-000 has previously been approved for a municipal solid waste transfer station as part of D & S Waste's operations (see Use Permit [UP] 21-007). UP 21-007 permitted the site as a transfer facility to temporarily house municipal solid waste and approved the construction of an 8,000-square-foot (sf) metal waste storage and maintenance warehouse to temporarily house municipal solid waste, equipment, and vehicles. Also permitted under UP 21-007 were the installation of a subterranean truck scale, development of gravel approaches to the new warehouse, and construction of berms to shield the existing and new project features. Municipal solid waste can remain on site for up to 48 hours before transfer, with no septic waste and no permanent waste remaining on site. Waste brought to the site originates in Mono County and is transferred to a certified waste facility, e.g., Lockwood, Fallon, and/or Hawthorne, Nevada. The facility will not be open to the public and is used solely by D & S Waste.

As part of UP 21-007 and GPA 22-02—which converted the parcel's land use designation of Resource Management (RM) to the current Industrial (I) designation—an Initial Study (IS) checklist and Negative Declaration (ND) were prepared during the environmental review process. Because no substantial changes are being made to the project, baseline has not changed, and no new impacts are anticipated, the 2022 ND fulfills California Environmental Quality Act (CEQA) requirements and will be recertified for the project. Project documents can be found online at <https://www.monocounty.ca.gov/planning/page/ds-transfer-station> or at the Mono County Community Development Department Office, 1290 Tavern Road, Mammoth Lakes, CA 93546.

## **I. Introduction & Background**

### ***A. Background***

The D & S Waste Transfer Station Specific Plan (the Plan) applies to a 33.65-acre parcel located at 7937 State Route 167 (SR 167) near Mono City, California (APN 013-210-028-000) and constitutes the Land Use Regulation governing the development of the area, hereinafter to be referred to as the “D & S Waste Transfer Station.”

Since 1974, the site has been used for limited waste management equipment storage. D & S Waste acquired the site in 2007. In 2010, a metal storage building was erected in the northeastern portion of the parcel. In 2021, D & S Waste submitted a use permit application to utilize the property as a municipal solid waste transfer facility, which was approved in November 2022 (see Attachment 1). UP 21-007, as approved, contains a condition of approval which states, “Approval of Use Permit 21-007 is contingent upon approval of the General Plan Amendment to change the land use designation to Industrial (I).” The General Plan Amendment required to change the parcel’s land use designation from Resource Management (RM) to Industrial (I) was approved by the Mono County Board of Supervisors in December of 2022 (see Attachment 2).

Another condition of approval for the parcel’s Use Permit states the following:

*30. Within two years of issuance of the use permit, the County shall initialize a General Plan Amendment to change the land use designation of the parcel to Specific Plan and craft a Specific Plan limiting the uses to those proposed in the subject Use Permit for consideration of approval.*

The Mono County Community Development Department began work on the Specific Plan in October 2024 and sent out tribal notices regarding the project on November 4, 2024.

California Government Code § 65507 authorizes a legislative body to adopt an ordinance or resolution requiring that a Specific Plan be prepared when it is in public interest to do so. The purpose of the Specific Plan designation is “to provide for planned development in areas outside existing communities, or on large parcels of land within or adjacent to existing communities. The Specific Plan designation may also be applied to an area to provide direction for potentially conflicting or incompatible land uses.” Mono County has applied this authority to Specific Plans for outlying parcels, including the D & S Waste Transfer Station site.

In order to adopt the Plan, the land use designation of the property must first be modified from Industrial (I) to Specific Plan (SP). In addition, because of the sensitive visual nature of the parcel and proximity to the Mono Basin National Forest Scenic Area, a Scenic Combining District (S-C) overlay, also applied by GPA, is proposed. Before considering adoption of the Plan, the Mono County Board of Supervisors (the Board) must hold a public hearing to consider the project. Prior to the Board’s public hearing, the Plan will be presented to the Mono County Planning Commission who will make a recommendation on adoption of the project to the Board. If adopted, the Plan would constitute the Governing Land Use Regulation of the parcel consistent with Use Permit 21-007 (Attachment 1). The uses proposed and approved in Use Permit 21-007 include construction of an 8,000 sf (80’ x 100’ x 30’) metal waste storage and management warehouse to temporarily house municipal solid waste, installation of an 840 sf (70’ x 12’) subterranean truck scale, development of gravel approaches to the new metal warehouse, construction of berms shielding the project features, and operation as a transfer facility to temporarily house municipal solid waste for up to 48 hours.

## *B. Regulatory Setting*

### State law

California Government Code §§ 65450-65457 (see Attachment 3) contain requirements for the contents of a Specific Plan. This Plan meets all applicable provisions of California Government Code §§ 65450-65457.

### Mono County Authorization

Specific plans can be proposed by the Board of Supervisors or a private developer and become the presiding land use designation upon approval. The property owner proposed the project description and the Mono County Board of Supervisors directed staff to prepare the D & S Waste Transfer Station Specific Plan to limit the uses to those approved in Use Permit 21-007; the proponent (Mono County) is responsible for the costs of preparation and review, while the property owner is responsible for any costs associated with project construction.

The GPA to change the parcel's land use designation (LUD) has been processed consistent with Mono County General Plan Land Use Element (MCGP LUE) Chapter 48, Amendments. The Plan shall have no force or effect until the GPA to change the project parcel's land use designation from I to SP/S-C is adopted by the Mono County Board of Supervisors, at which time, UP 21-007 shall be incorporated by reference and the SP shall take precedence in the event of any conflicts. In other words, upon adoption of GPA 26-01 by the Mono County Board of Supervisors, the Specific Plan shall be in full force and effect in addition to UP 21-007, with the SP superseding the UP in the event of a conflict.

## *C. Relationship of the Specific Plan to the General Plan*

The Mono County General Plan states that Specific Plans are intended to function as implementation mechanisms for the General Plan and establish goals, policies, implementation measures, development standards, land use, and zoning for an area. A specific plan must be consistent with the General Plan and, once adopted, become a part of the General Plan.

The SP land use designation is intended to provide for planned development in areas outside existing communities, or on large parcels of land within or adjacent to existing communities. The SP designation may also be applied to an area to provide direction for potentially conflicting or incompatible land uses, or to "plan for future land uses in the vicinity of, and access routes serving" surface mining operations (Public Resource Code § 2764).

Permitted uses will be determined by the Specific Plan in accordance with Government Code § 65451 (see Attachment 3) and applicable provisions of the Mono County General Plan, ordinances, and the Mono County Code. Development standards (e.g., building densities, site disturbance/lot coverage, setbacks, etc.) will also be determined by the Specific Plan. Any details or issues not covered by the development guidelines or regulations of the Plan shall be subject to the regulations or standards set forth in applicable sections of the Mono County General Plan; County Code; Grading Ordinances; other adopted ordinances, codes or policies of the County; and UP 21-007.

The MCGP LUE also contains policies specific to the Mono Basin planning area. The Plan describes the project's consistency with Mono Basin planning area policies.

#### *D. Noticing and Public Comment*

Approval of specific plans and general plan amendments require a public hearing, noticed in conformance with state law. For both specific plans and general plan amendments, California law requires publication once in a newspaper of general circulation, notice to any person who has filed a written request, notice by mail to property owners within 300' of the project, and notice to each local agency expected to provide water, sewage, streets, roads, schools or other essential facilities or services (including fire protection) to the project. The Planning Commission hearing regarding the Specific Plan was noticed by first class mail to surrounding property owners within 300' feet of the project site on February 6, 2026. Newspaper notice of the Planning Commission hearing was published in the February 7, 2026, edition of The Sheet. The Board of Supervisors hearing to consider adoption of the Specific Plan was noticed by first class mail to surrounding property owners on (tbd), and newspaper notice was published in the (tbd) edition of (tbd).

Notice to local tribes is required under SB 18, which calls for local governments to consult with Native American tribes before making certain planning decisions. SB 18 applies to General Plan Amendments and Specific Plans, among other projects. Notice was sent to all tribes noted by the Native American Heritage Commission on November 4, 2024, and a follow up courtesy notice advising of the February Planning Commission meeting and anticipated March 2026 Board of Supervisors meeting was sent on January 23, 2026. No requests for consultation have been received as of the date of publication.

Another law, AB 52, requires public agencies to consult with tribes during the CEQA process. However, AB 52 applies only to projects for which a Notice of Preparation, Notice of Mitigated Negative Declaration or Notice of Negative Declaration is filed. The 2022 Negative Declaration was noticed subject to AB 52 and as no changes are being made, new AB 52 noticing is not required.

*Table 1. Noticing*

SB 18 tribal notice	November 4, 2024
Courtesy tribal notice advising of Planning Commission and Board of Supervisor meeting dates	January 23, 2026
Planning Commission public hearing notice mailed to surrounding property owners (10-day notice required)	February 6, 2026
Planning Commission public hearing newspaper notice published (10-day notice required)	February 7, 2026
Board of Supervisors public hearing notice mailed to surrounding property owners (20-day notice required)	tbd
Board of Supervisors public hearing newspaper notice published (20-day notice required)	tbd

#### *E. Issues addressed in the Plan*

The Plan identifies the type of uses that may take place on the property and the development standards that apply. The Plan provides for operation as a municipal solid waste transfer station while restricting the property from heavier industrial uses which are typically permissible under the Industrial land use designation. Of particular concern were aesthetics, tribal cultural resources, noise, and hazardous materials from solid waste.

## II. Location, Plan Purpose, Existing Land Use Designation

### A. *Project location*

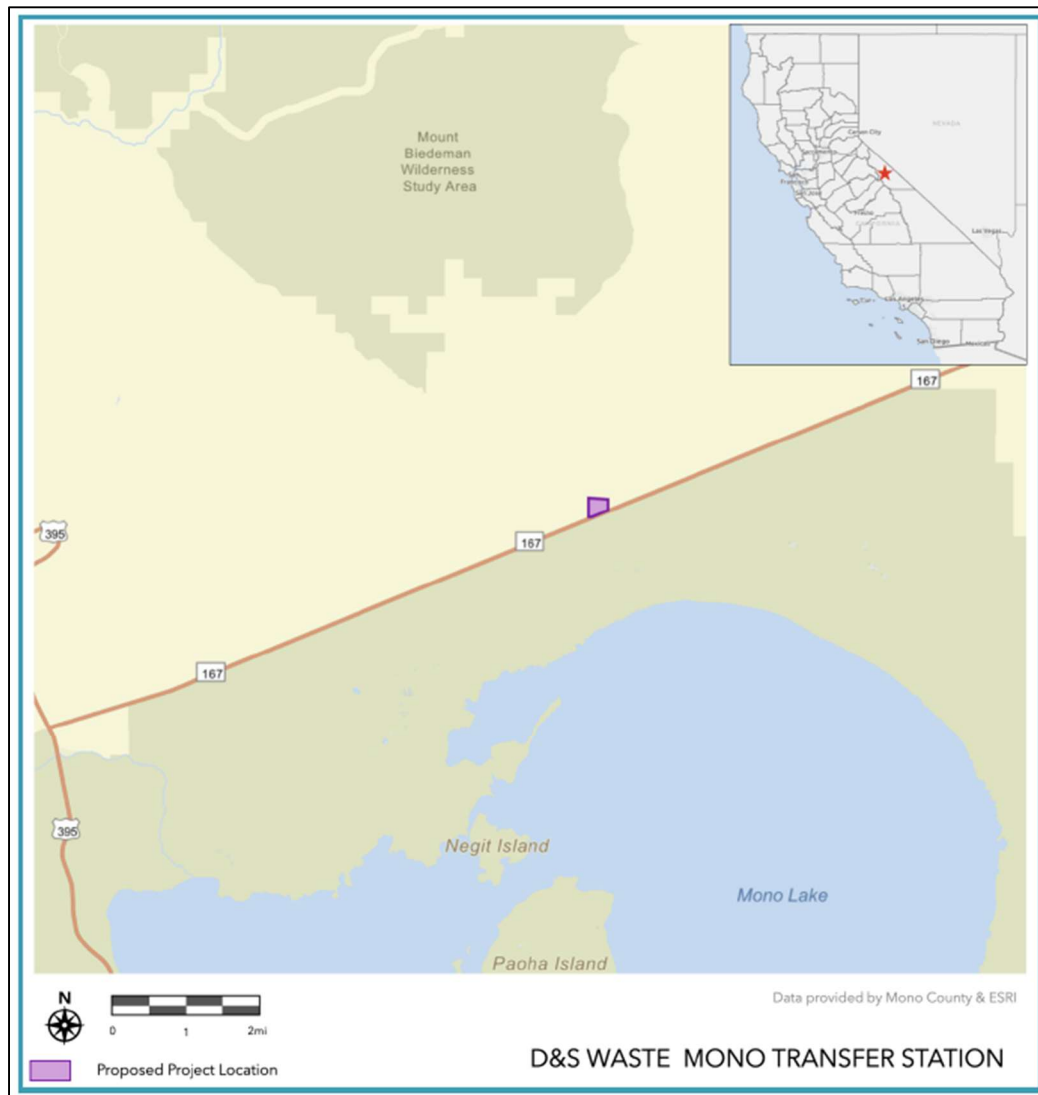
The D & S Waste Transfer Station Specific Plan site is in the Mono Basin planning area of Mono County, California, as shown in Figure 1 below. The rural community of Mono City is approximately 7.5 miles to the east/southeast, and the town of Mammoth Lakes is approximately 32 miles south of the project site. The project site encompasses one 33.65-acre parcel on SR 167.

**Assessor's Parcel Number (APN):** 013-210-028

**Address:** 7937 SR 167, Lee Vining, CA 93541

**Latitude, Longitude:** 38.088828, -119.023836

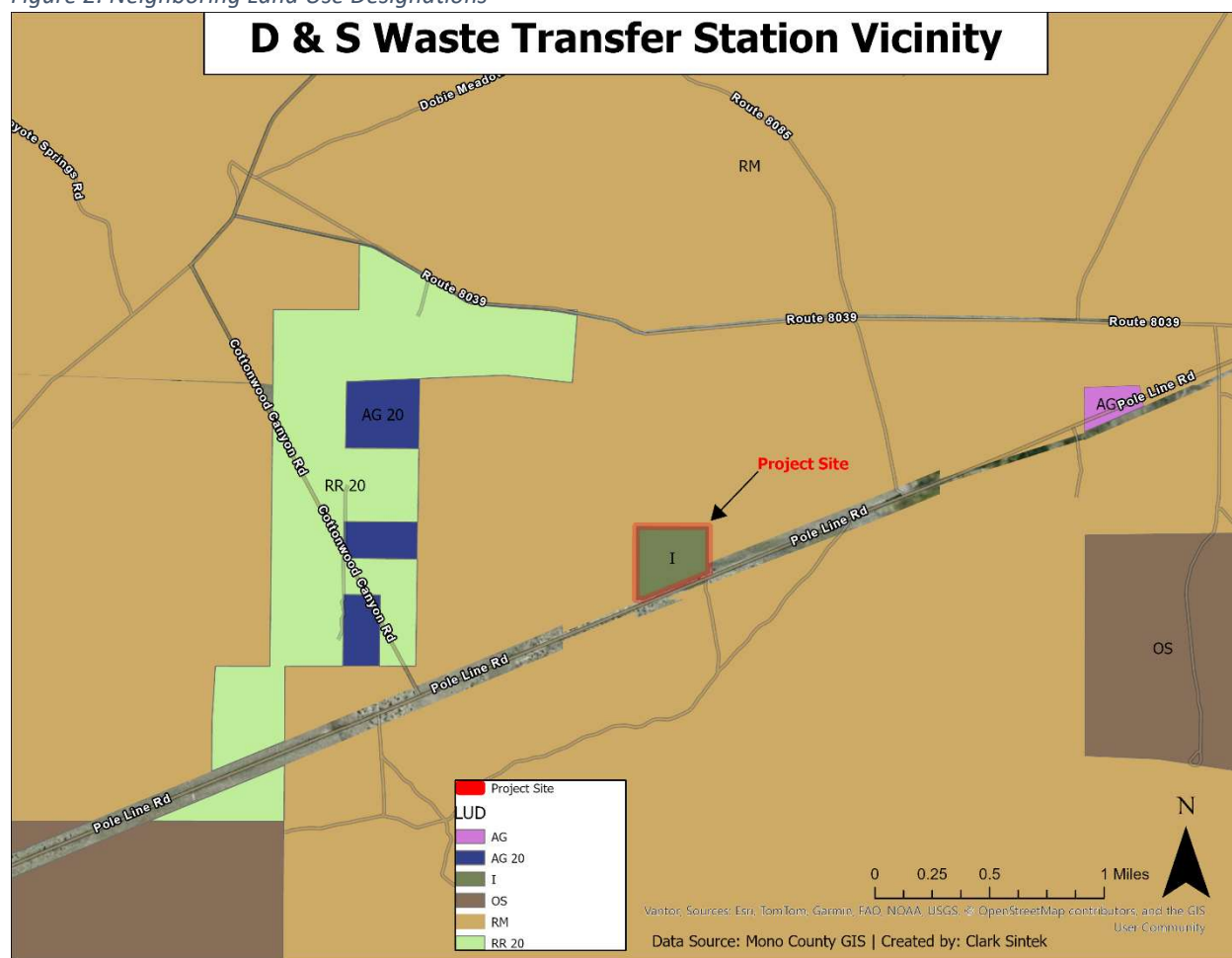
*Figure 1. Project Vicinity*



Surrounding the project site are a mix of privately and publicly owned parcels, most of which have Resource Management (RM) land use designations (see Figure 2). A 508.55-acre parcel divided by SR 167

lies to the northwest, north, northeast, east, southeast and south of the project parcel. The parcel is designated Resource Management (RM) and owned by the Bureau of Land Management. To the west, a 40-acre parcel and a 10.16-acre parcel, both designated RM, are owned by a private party and developed with a single-family residence in the northwest corner of the northern parcel. West of the aforementioned privately owned parcels is a 310.31-acre parcel, also designated RM, which is undeveloped and owned by the Inyo National Forest. Further west from the parcel owned by the Inyo National Forest, approximately 0.75 miles from the project site, are several privately owned parcels, some of which are undeveloped and some of which contain single-family homes. These parcels are designated either Rural Residential-20 (RR-20) or Agriculture-20 (AG-20).

Figure 2: Neighboring Land Use Designations



### B. Specific Plan Purpose Statement

The primary objectives of the Plan are to:

- 1) Ensure the compatibility of the municipal solid waste transfer station site with adjacent land use designations by prohibiting heavier industrial uses at the project site;
- 2) Allow for use as a municipal solid waste transfer station in a manner consistent with State and local regulations; and
- 3) Protect visual and other resources surrounding the project site.



The purpose of these regulations is to provide for development and use of the D & S Waste Transfer Station site in a manner that reflects the spirit and intention of the Mono County General Plan, UP 21-007, and GPA 26-01. A central objective of these documents is to provide for municipal solid waste transfer station activities on the property while restricting the heavier industrial uses permitted in the Industrial land use designation.

### *C. Existing Land Use Designation*

The existing land use designation (LUD) is Industrial (I)<sup>1</sup> but, in order for this SP to be in force and effect, GPA 26-01 changing the parcel's LUD to Specific Plan (SP) and Scenic Combining District (S-C) must be enacted. The Industrial land use designation potentially allows for uses beyond UP 21-007, which was not the intention of the previous approvals, and so the LUD change combined with this specific plan limits uses to those approved in the use permit and protects the scenic quality of the area.

## **III. Project Description**

### *A. General Plan Amendment: Modification of Land Use Designation from I to SP/S-C*

The land use designation of the subject parcel must be amended from Industrial to Specific Plan (SP) and Scenic Combining (S-C) District, for the Plan to be valid. The modification allows municipal solid waste transfer station activities while eliminating the expansion of activities and heavier industrial uses that are typically permitted in the Industrial land use designation (e.g., petroleum refining and metal smelting) to ensure the transfer station is compatible with surrounding properties and uses.

### *D. The Specific Plan Project Description*

#### Existing Uses

Prior to the approval of UP 21-007, the existing uses of the parcel consisted of the following:

*Table 2: Uses Existing Prior to UP 21-007*

Facility Components	Footprint/Size	Dimensions
Metal Warehouse #1	2,400 sf	40 feet x 60 feet
Office building with Bathroom	150 sf/one room	10 feet x 15 feet
Two (2) Fuel Tanks	1,800 gallon/500 gallon	--
Three (3) Propane Tanks	500 gallons each	--
Portable Toilets	--	--
Generator	--	--
Water Well	--	--

<sup>1</sup> The subject parcel's land use designation was previously changed from Resource Management (RM) to Industrial (I) by GPA 22-02 on December 13, 2022.

Facility Components	Footprint/Size	Dimensions
Septic Tank & Leach Field	--	--
Solar panels and control boxes	--	--
Gravel road	--	--

UP 21-007, which permitted the site as a transfer facility to temporarily house municipal solid waste for up to 48 hours, was approved at the November 17, 2022, Planning Commission meeting. Uses approved under UP 21-007 are outlined below in Table 2. As of the date of the Plan, these facility components are under construction.

*Table 3: Uses Approved Under UP 21-007*

Facility Components	Footprint/Size	Dimensions
Metal Warehouse #2 (metal waste storage and management building)	8,000 sf	80 feet x 100 feet x 30 feet
Subterranean Truck Scale	840 sf	12 feet x 70 feet
Gravel approaches to Metal Warehouse #2		
Berms to shield project features		4 to 12 feet tall/57 feet wide

Figure 3. Site Plan

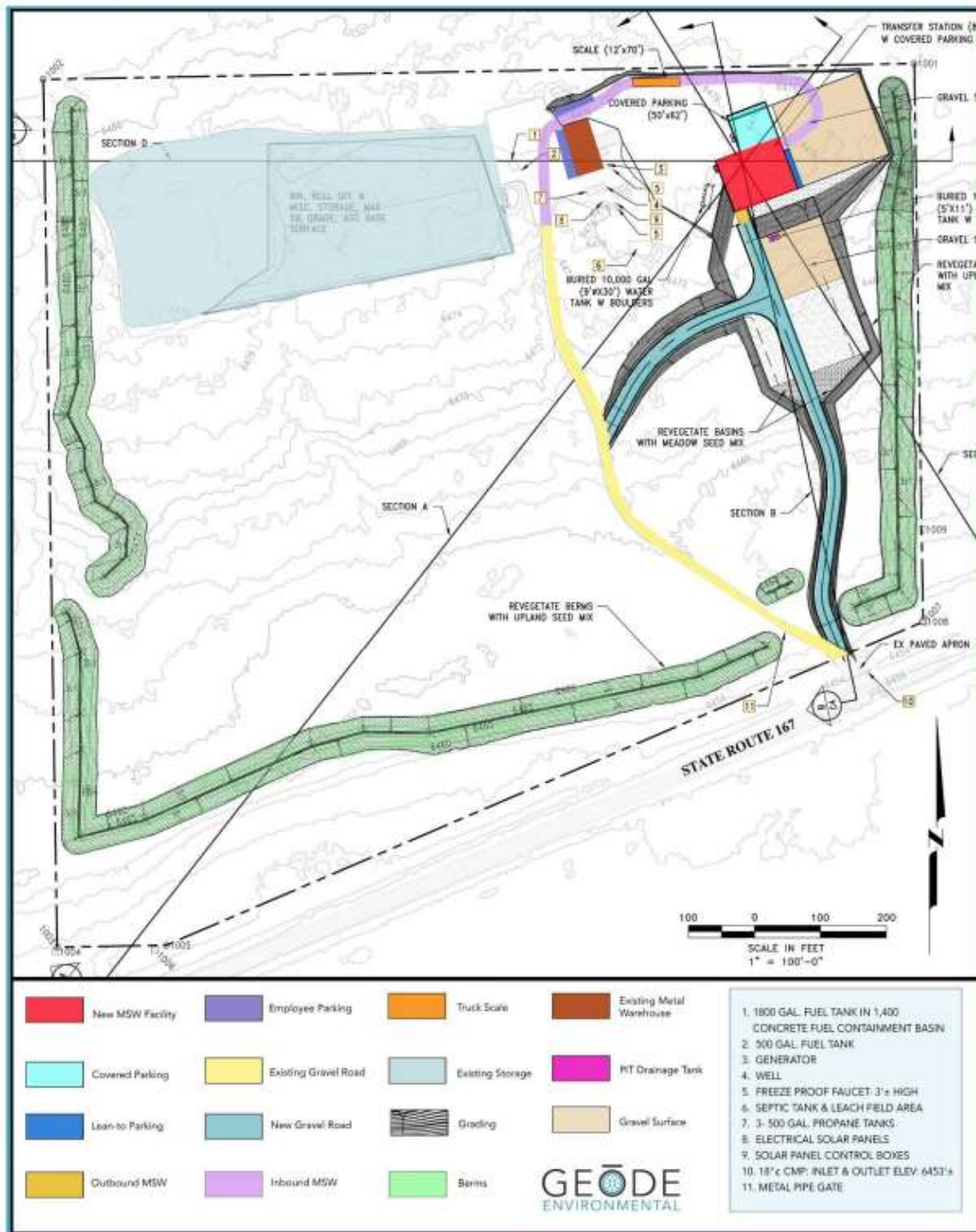
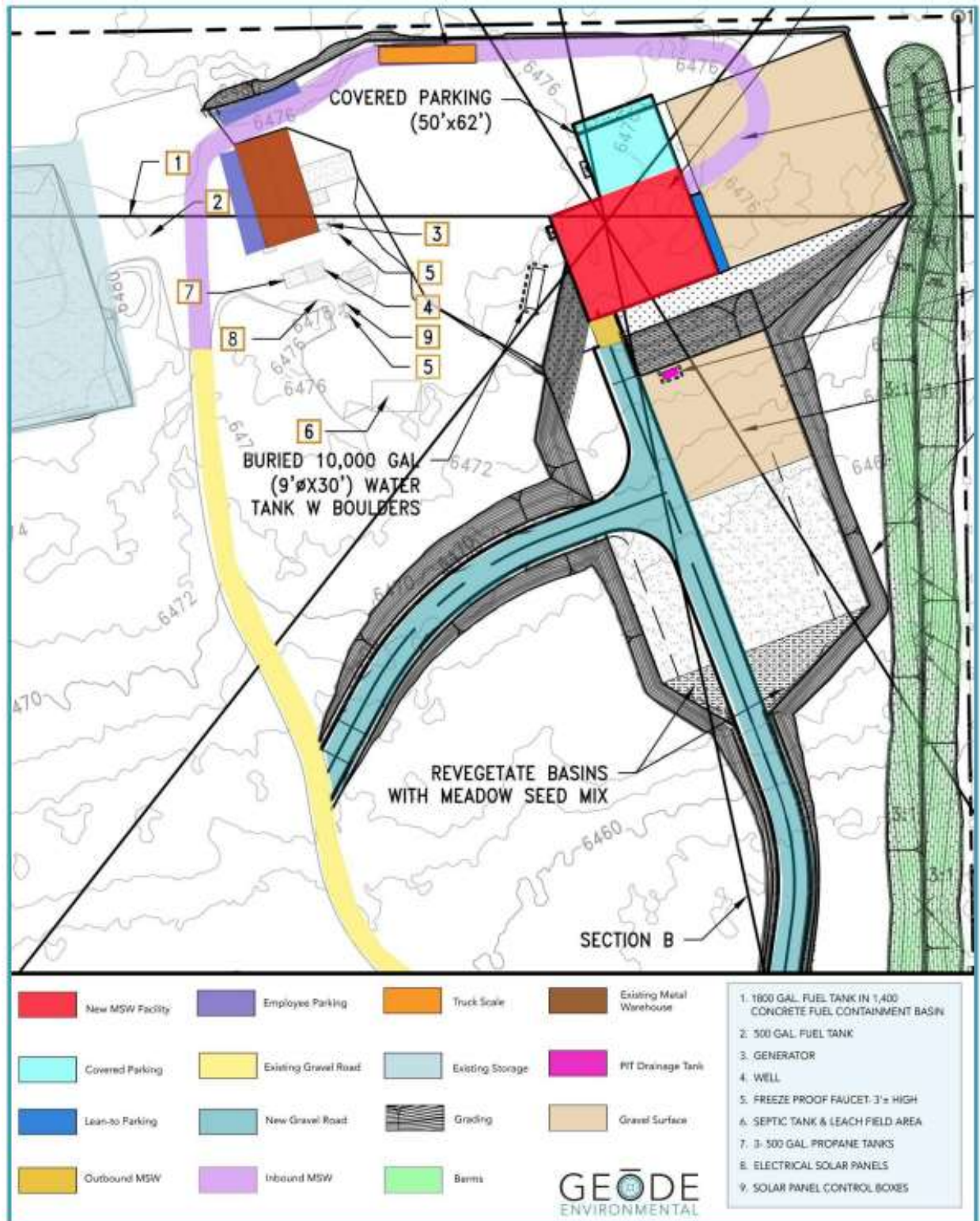


Figure 4. Project Site Detail



As shown above in Figures 3 and 4, the existing metal warehouse is in the northeast corner of the parcel. The new metal warehouse and subterranean truck scale will also be in the northeast corner of the parcel, to the east and north of the existing warehouse.

In addition to the uses depicted in Figures 3 and 4, portable toilets are stored in the outdoor storage area of the project site. The extent to which the storage of portable toilets is permitted under UP 21-007 and GPA 22-02 is not clear. The Plan clarifies this use by permitting the storage of empty portable toilets at the project site and limiting the number of portable toilets stored at the project site to no more than the number that will fit in the Existing Storage area (see Figure 3) while maintaining the standards regarding visually offensive land uses in MCGP LUE Chapter 8 and consistency with the 2022 Negative Declaration. Visibility of the portable toilets must fit within the visual impact analysis of the 2022 ND, specifically pages 23-26 and 33-37.

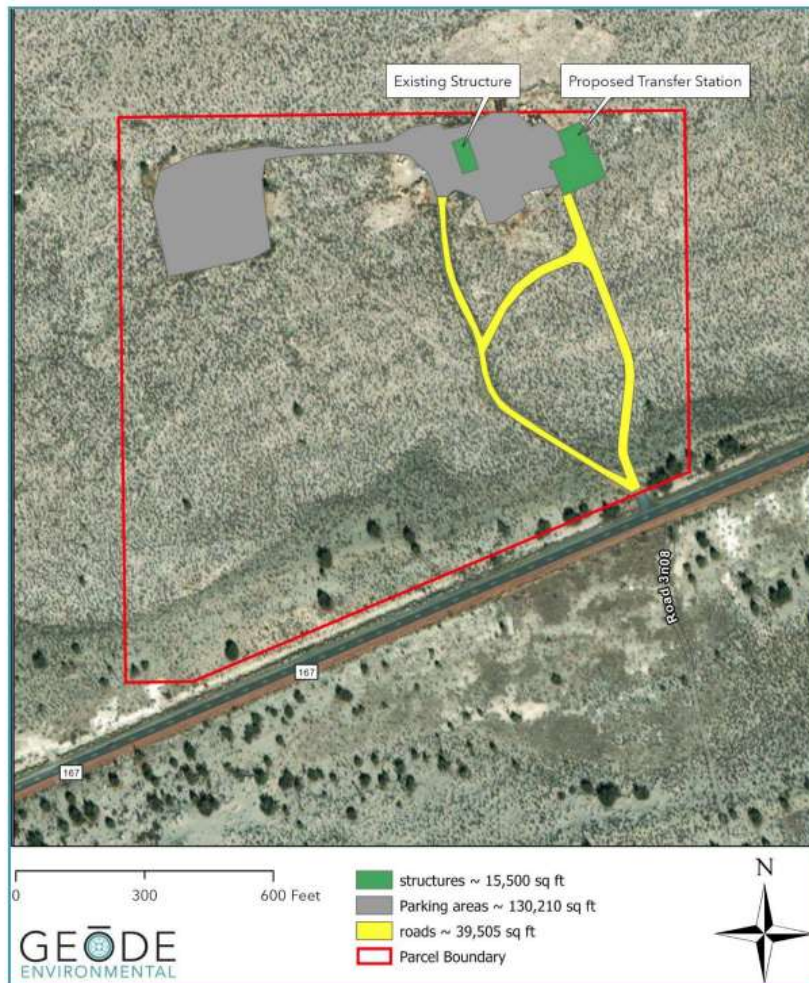
The facility will not be open to the public and will solely be used by D & S Waste employees.

#### Existing Access

The project site is accessible via an unpaved access road that extends from SR 167 to the north into the subject parcel, splitting into two roads which continue to the western and northwestern sections of the project site, as shown in Figure 5.



Figure 5. Existing Access



Once construction is complete, the project site will contain approximately 3,888 linear feet (~0.74 miles) of gravel roads.

### E. Environmental Review

The environmental setting is comprehensively covered in the Initial Study/Negative Declaration (IS/ND) that was prepared for the project's 2022 Use Permit and General Plan Amendment. The IS/ND was completed in September 2022, certified by the Mono County Board of Supervisors on December 13, 2022, and published on the California Office of Planning and Research CEQA Submit website on December 21, 2022 (SCH# 2922120540). The IS/ND found no potentially significant impacts relating to the project.

The project description has been revised to include storage of portable toilets within the outdoor storage area and not visible from offsite. The proposed project does not expand the outdoor storage space and the toilets are not visible from off the parcel, and therefore baseline is no different than the 2022 ND and no new impacts occur. The 2022 IS/ND will be recertified with the adoption of this specific plan and is incorporated into the Plan by reference and available at the following webpage:

[https://monocounty.ca.gov/sites/default/files/fileattachments/planning\\_division/page/32468/ds\\_is\\_9.1.22.pdf](https://monocounty.ca.gov/sites/default/files/fileattachments/planning_division/page/32468/ds_is_9.1.22.pdf).

## IV. Land Use Designation Regulatory Provisions

Terms used in this Specific Plan shall have the same definition as given in Chapter 2 of the MCGP LUE, unless specified otherwise herein. If any portion of these regulations is declared by judicial review to be invalid in whole or in part, such decision shall not affect the validity of the remaining portions.

### *A. Intent*

The "SP" designation is intended to provide for planned development in areas outside existing communities, or on large parcels of land within or adjacent to existing communities. The Specific Plan designation may also be applied to an area to provide direction for potentially conflicting or incompatible land uses, or to "plan for future land uses in the vicinity of, and access routes serving" surface mining operations (Public Resource Code § 2764).

The S-C, scenic combining, district is intended to regulate development activity in scenic areas outside communities in order to minimize potential visual impacts. Use of the S-C district is encouraged in areas adjacent to and visible from designated scenic highways as well as in other important scenic areas. This district may be overlaid on any designation.

### *B. Permitted Land Uses*

Permitted uses under the Plan have been determined by the Specific Plan in accordance with Government Code § 65451, Use Permit 21-007, and applicable provisions of the Mono County General Plan, the Land Development Regulations, and the Mono County Code.

### *C. Specific Plan Land Uses*

#### Permitted uses

- The following uses, which were approved under Use Permit 21-007:
  - Operation as a municipal solid waste transfer station in compliance with the project description, with municipal solid waste remaining on the project site for no more than 48 hours.
  - Berms must be constructed to shield existing and new project features and to protect the existing viewshed. These berms shall be 4' to 12' feet tall and 57' wide to protect the view along the western, southern, and eastern parcel boundaries. The berms shall be landscaped with native botanicals to create continuity with the natural landscape.
  - Construction of an 8,000-square foot metal waste storage and management warehouse to temporarily house municipal solid waste, equipment and vehicles. Vehicles stored on site must be operable; no storage of inoperable vehicles is permitted.
  - Installation of a 12' x 70' subterranean truck scale.
  - Graveled vehicular access to the new building.
  - Storage of portable toilets within outdoor storage areas which are adequately screened to prevent view of the portable toilets from off site.<sup>2</sup>

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<sup>2</sup> Clarification of UP 21-007 – the permitting of this use was previously not clear under UP 21-007 and should be considered a new use permitted in the Specific Plan.

#### Uses subject to a Director Review Permit

- Minor alterations which are exempt from CEQA and involve no expansion of square footage, disturbed area, increased density, or addition or intensification of use(s).
- Minor alterations involving the expansion of square footage which are exempt from CEQA and the purpose of which is to reduce project impacts and/or meet mandated safety requirements.

#### Uses permitted subject to a Specific Plan Amendment

- Caretaker unit (one per district).
- Heavy vehicle storage and maintenance.
- Waste processing and household hazardous waste management.
- Accessory buildings and uses.
- Any expansion of uses involving new square footage or disturbed area.
- Any new uses other than those stated herein as a permitted use or use subject to a Director Review Permit.

#### *D. Development Standards*

Development standards (e.g., building densities, site disturbance/lot coverage, setbacks, etc.) have been determined by the Specific Plan in accordance with Government Code § 65451, Use Permit 21-007, and applicable provisions of the Mono County General Plan, the Land Development Regulations, and the Mono County Code.

- Minimum parcel size: 10,000 sf
- Minimum district area: 30 acres, except upon making a finding that a location is dependent on a specific resource.
- Minimum lot dimensions: 75' width and 100' depth.
- Maximum lot coverage: 15%.
- Minimum setbacks: CalFire Minimum Fire Safe Regulation setbacks are required (currently 30 feet on all sides; however, current regulations may be superseded by future state law amendments). The metal warehouse approved by UP 21-007 must be setback a minimum of 80 feet from SR 167.
- Density: Residential uses are not permitted, with the exception of one caretaker unit in the district, subject to a specific plan amendment.
- Maximum building height: 30'
- Visual Standards: A Scenic Combining District has been overlaid on the project parcel (MCGP LUE Chapter 8) with General Plan Amendment 26-01. SR 167 is a County-designated scenic highway and, therefore, compliance with MCGP LUE § 08.040 is required due to the project parcel's proximity to the Mono Basin National Scenic Area. The metal warehouse shall be painted consistent with the color palette approved in UP 21-007, including Kelly Green (for the main building), Sage Green (for the trim, main doors, and vehicle doors), and Sandstone Beige (on the roof and along the edges and siding). All other structures shall comply with Chapter 8 of the MCGP LUE, Scenic Combining District & State Scenic Highway.
- Screening: Screening shall be required consistent with the project description and MCGP LUE Chapter 8, and/or when the character of the proposed use and the size and location of the building site are such as to require screening.



*E. Projects exempt from additional environmental documentation.*

Permitted uses listed within the Plan shall be allowed without additional environmental documentation. Uses subject to a discretionary Director Review permit must qualify as exempt from CEQA and must not trigger an exception to exemptions (CEQA § 15300.2).

Any uses not listed in the Plan are not permissible unless a Specific Plan Amendment is approved with the appropriate accompanying environmental documentation.

*F. Regulations and Ordinances implementing the Plan.*

Approval of the GPA and Specific Plan requires a public hearing and recommendation from the Mono County Planning Commission, followed by adoption by the Mono County Board of Supervisors at a public hearing.

Implementing permitted uses as described by the Plan requires nondiscretionary building permits, as applicable. Additional permits may be required, such as well and/or septic, encroachment, grading, etc.

Any details or issues not covered by the development guidelines or regulations of this Specific Plan shall be subject to the regulations or standards set forth in applicable sections of the Mono County General Plan; County Code; Grading Ordinances; UP 21-007; and other adopted ordinances, codes, or policies of the County. Any conflicts with existing code shall be resolved by adopted regulations in this order: Federal law, State law, General Plan, Specific Plan, Mono County Code, other adopted regulations including UP 21-007.

Construction shall comply with all applicable provisions of the California Building Code and the mechanical, electrical, plumbing and other codes related thereto as administered by Mono County and other agencies with jurisdiction over the project.

*G. Financing measures necessary for implementation*

None. Financing the project is the responsibility of the owner(s)/applicant(s).

## **V. Specific Plan Policies and Implementation Measures**

*A. Land Use*

**Goal 1. Provide for development and use consistent with the intent and limits of Use Permit 21-007 to minimize environmental and community impacts by prohibiting heavier industrial uses at the project site.**

Implementation measure 1.a. This specific plan is not in force and effect until a General Plan Amendment changing the land use designation of the parcel from Industrial (I) to Specific Plan/Scenic Combining District (SP/S-C) has been approved and enacted.

Implementation measure 1.b. The regulations require site design and site planning standards consistent with Mono County policies governing development, the protection of natural resources, and community character in the Mono Basin planning area.

Implementation measure 1.c. The development footprint and project construction shall substantially comply with the project description and site plan as described in this Specific Plan and the adopted IS/ND.

Implementation measure 1.d. Project implementation shall substantially comply with the approved site plan and specific plan standards. No alternative development standards shall be permitted unless such standards are approved via mechanisms described in this Plan.

Implementation measure 1.e. The development standards contained in the Plan and in the Mono County General Plan, Mono County Code, and local requirements such as UP 21-007, and any other applicable federal and state regulations, such as the Occupational Safety and Health Administration (OSHA) and Public Resources codes, shall regulate all development at the D & S Waste Transfer Station property.

Implementation measure 1.f. Any details or issues not covered by the development guidelines or regulations of this Specific Plan shall be subject to the regulations or standards set forth in applicable sections of the Mono County General Plan, County Code, Grading Ordinances, and other adopted ordinances, codes or policies of the County.

Implementation measure 1.g. Unless otherwise stated in this Specific Plan, the project shall comply with all Mono County General Plan requirements and Mono County Building Division, Environmental Health, and Public Works Department requirements.

Implementation measure 1.h. The project shall be permitted to receive no more than 150 tons of solid municipal waste per day. All waste shall originate in Mono County. Wastes from any single delivery shall not be stored on the property for more than 48 hours, and all waste storage shall be confined to the metal warehouse.

Implementation measure 1.i. All leachate water that has percolated through the municipal solid waste shall be hauled offsite with the solid waste and remediated. Additionally, the leachate from the existing septic system holding tank shall be pumped and hauled offsite and remediated. The landowner shall work with Mono County's Environmental Health Department to ensure the wastewater holding tank and septic system are in full compliance with Title 14 of the Mono County Code, which regulates water and sewer issues.

Implementation measure 1.j. Portable toilets shall be emptied, rinsed, and cleaned offsite prior to being stored on the project site. The portable toilets shall not be emptied into the septic tank existing at the project site.

Implementation measure 1.k. The project shall obtain and maintain required permits from the Mono County Environmental Health Department, and all waste types shall be approved by Environmental Health. The project shall comply with all applicable state and federal solid waste requirements, including, but not limited to, the California Integrated Waste Management Act of 1989, which requires at least 50 percent of waste produced on the site be recycled, reduced, or composted.

Implementation measure 1.l. The project shall obtain and comply with the applicable permit requirements of all trustee and responsible agencies.

Implementation measure 1.m. The project shall obtain and comply with the applicable permit requirements of all trustee and responsible agencies.

Implementation measure 1.n. The Planning Commission may revoke the rights granted by a Specific Plan, and the property affected thereby shall be subject to all of the provisions and regulations of the Land Use Designations and Land Development Regulations applicable as of the effective date of revocation. Such revocation shall include the failure to comply with any condition contained in the Specific Plan or the violation by the owner or tenant of any provision pertaining to the premises for which such Specific Plan was granted. Before revocation of any permit, the Commission shall hold a hearing thereon after giving written notice thereof to the permittee at least 10 days in advance of such hearing. The decision of the Commission may be appealed to the Board of Supervisors in accordance with Mono County General Plan Land Use Element Chapter 47, Appeals, and shall be accompanied by an appropriate filing fee.

Implementation measure 1.o. This Specific Plan shall become effective fifteen (15) days following the issuance of the Director's decision. This decision may be appealed within ten (10) days by filing a written notice of appeal with the Secretary of the Planning Commission. If an appeal is filed, the Specific Plan will not be issued until the appeal is considered and a decision is rendered by the Board of Supervisors.

## *B. Aesthetics*

### **Goal 2. Maintain the agricultural, rural, and open space aesthetic and character of the Mono Basin.**

Implementation measure 2.a. The project shall comply with the standards set forth in Chapter 8 of the MCGP LUE including, but not limited to, the policies contained in § 08.040 regarding state scenic highway standards.

Implementation measure 2.b. Outdoor lighting shall comply with MCGP LUE Chapter 23 and be fully shielded and downward directed, with a preferred LED lighting temperature of 2700K. In no event shall the light temperature exceed 3000K. Inasmuch as the southern project boundary adjoins SR 167, a County-designated Scenic Highway, project lighting shall also fully comply with a lighting requirements contained in Chapter 8 of the MCGP LUE, including the provisions which prohibit glare, require proper maintenance, minimize allowed contrast in lighting levels, require full cut-off luminaires with the light source downcast and fully shielded, and prohibit light trespass onto neighboring properties or the public right of way.

Implementation measure 2.c. Exterior colors of the metal warehouse shall be consistent with the color palette approved under UP 21-007: Kelly Green (for the main building), Sage Green (for the trim, main doors, and vehicle doors), and Sandstone Beige (for the roof and along the edges of siding), all of which must have non-reflective surfaces.

Windows shall also be non-reflective. All other structures shall comply with Chapter 8 or the MCGP LUE, Scenic Combining District & State Scenic Highway.

Implementation measure 2.d. Berms shall be constructed around the west, south and east site perimeters in order to protect the existing viewshed. Berms at the project site shall comply with the following standards:

- i. Berms shall be four to twelve feet in height, and approximately 57 feet in width. Total berm length on the three perimeters shall not exceed 3,500 feet.
- ii. Weed control shall be practiced in all temporarily disturbed habitats. Invasive plant species shall be removed from the screening berms as needed. If an herbicide is used, it will be done by a licensed applicator, approved by the County and funded by the developer. Weed controls will be monitored by the County-approved biologist, and repeated annually until the native landscape plantings are established as described in Implementation Measure 2.d.iii below.
- iii. Landscaping on the new berms shall consist of plant materials that are native to the Mono Basin. The berms shall be hydroseeded with a locally-sourced native seed mix, covered with paper mulch to retain moisture, and irrigated three to six times a day for a period of no less than six months. The landscape plantings shall be monitored over a period of five years by a qualified County-approved biologist. The progress of revegetation will be evaluated by the biologist at the end of each growing season and reported with regard to attainment of success criteria: 1) after five years, at least six live native shrubs per four square meters or ten percent total living shrub canopy cover will be present, and 2) weeds will together establish less than ten percent canopy cover in sampled four square meter quadrants. If it appears at the time of annual monitoring that either of these success criteria may not be met after five years, recommendations for specific remediations including re-planting or additional weed control will be provided in the annual monitoring report.

Implementation measure 2.e. Portable toilets must be stored in the Existing Storage area depicted in Figure 3 of the Plan and shall not be visible from off site in compliance with the 2022 Initial Study/Negative Declaration (IS/ND; see pages 23-26 and 33-37).

Implementation measure 2.f. Reflective materials and windows shall not be permitted on the project site or structures.

### *C. Odor*

#### **Goal 3. Prevent significant odor impacts in the Mono Basin planning area.**

Implementation measure 3.a. Odor control systems shall be maintained, and if complaints are received, the systems shall be modified or enhanced.

*D. Noise*

**Goal 4. Prevent significant noise impacts in the Mono Basin planning area.**

Implementation measure 4.a. All truck travel on the gravel approach leading into and exiting the weigh scale shall be limited to the movement described in the noise analysis of the IS/ND in order to reduce noise caused by reversing.

Implementation measure 4.b. Operations on the property shall be limited to daylight hours year-round.

Implementation measure 4.c. Noise levels at the property boundary during daytime hours (7 am to 10 pm) shall not at any time exceed 65 decibels, and during evening hours (10 pm to 7 am) shall not exceed 60 decibels. Noise levels at the boundary of the closest nearby residential property shall not at any time exceed 55 decibels during daytime hours (7 am to 10 pm), and shall not at any time exceed 50 decibels during evening hours (10 pm to 7 am).

Implementation measure 4.d. The generator shall be placed inside and at all times comply with the Mono County Noise Ordinance.

*E. Air Quality*

**Goal 5. Prevent significant air pollution in the Mono Basin planning area.**

Implementation measure 5.a. The project shall at all times be in full compliance with dust and PM-10 mitigation requirements of the Great Basin Unified Air Pollution Control District, including requirements adopted specifically for the Mono Basin PM10 State Implementation Plan.

*F. Biological Resources*

**Goal 6. Maintain the biological resources of the Mono Basin planning area.**

Implementation measure 6.a. Preconstruction surveys shall be conducted by a qualified biologist, approved by the County, and funded by the developer, to determine potential presence of special status wildlife and/or habitat (including dens, burrows, nests, and other suitable habitat). The surveys shall be conducted within the appropriate survey windows, no more than seven days prior to ground disturbing activities, and again no more than 24 hours prior to initiating ground disturbing activities. Transect distances shall be no more than 25 meters. The final report shall clearly identify which species were looked for and the survey methods used, and all references to other survey findings shall clearly specify the dates, authors, locations and boundaries of the referenced work.

Implementation measure 6.b. The project shall comply with all applicable requirements of the Migratory Bird Treaty Act. To avoid impacts to nesting birds, the removal of any trees or vegetation from the project site from March 15 to September 15 shall require that a qualified biologist, approved by the County and funded by the developer, conduct Nesting Bird Surveys of the site, within the appropriate survey windows, to determine the

location of any nesting birds prior to project activities (including site preparation). The nesting bird surveys shall be conducted no more than seven days, and again no more than 24 hours, prior to initiating ground disturbing activities. Transect distances shall be no more than 25 meters. The final report shall clearly identify which species were looked for, and the survey methods used, and all references to other survey findings shall clearly specify the dates, authors, locations, and boundaries of the referenced work. Should nesting birds be identified, a qualified biologist will mark those areas with Environmentally Sensitive Area (ESA) fencing, and monitor the nesting sites throughout project activities, until the young have fledged.

Implementation measure 6.c. The following housekeeping measures shall be implemented throughout the construction process: (a) raw cement/concrete or washings thereof, asphalt, paint, or other coating material, oil or other petroleum products, or any other substances which could be hazardous to wildlife resources shall be removed from the site immediately; (b) all construction equipment shall be checked for leaks daily prior to initiating work. Leaking equipment shall be taken offsite to be maintained. If equipment is leaking while onsite, a construction diaper (i.e. tarp and wattles) shall be placed underneath the leak until the equipment can be maintained; and (c) to limit potential impacts to flora and fauna, the construction crew shall limit disturbance to necessary work areas only so as.

Implementation measure 6.d. Preconstruction surveys shall be conducted by a qualified biologist, approved by the County, and funded by the developer, to determine potential presence of special status wildlife and/or habitat (including dens, burrows, nests, and other suitable habitat). The surveys shall be conducted within the appropriate survey windows, no more than seven days prior to ground disturbing activities, and again no more than 24 hours prior to initiating ground disturbing activities. Transect distances shall be no more than 25-meters. The final report shall clearly identify which species were looked for and the survey methods used, and all references to other survey findings shall clearly specify the dates, authors, locations and boundaries of the referenced work.

## *G. Cultural Resources*

### **Goal 7. Maintain the cultural resources of the Mono Basin planning area.**

Implementation measure 7.a. 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 a qualified archaeologist approved by the County and funded by the developer. Work shall not resume in the defined area until the archaeologist 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 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.

In the event that human remains are encountered, State Health and Safety Code § 7050.5 requires that no further disturbance shall occur until the County Coroner has been notified and has made a determination of the origin and disposition of the remains. If the remains are determined to be of prehistoric or protohistoric Native American origin, the coroner will notify the Native American Heritage Commission (NAHC), pursuant to PRC § 5097.98. The NAHC shall determine and notify a Most Likely Descendant (MLD) individual or group that will consult with the landowner or their authorized representative and recommend the manner of treatment for any human remains and associated burial materials. All associated costs shall be borne by the developer.

Implementation measure 7.b. Preconstruction surveys shall be conducted by a qualified biologist, approved by the County, and funded by the developer, to determine potential presence of special status wildlife and/or habitat (including dens, burrows, nests, and other suitable habitat). The surveys shall be conducted within the appropriate survey windows, no more than seven days prior to ground disturbing activities, and again no more than 24 hours prior to initiating ground disturbing activities. Transect distances shall be no more than 25-meters. The final report shall clearly identify which species were looked for and the survey methods used, and all references to other survey findings shall clearly specify the dates, authors, locations and boundaries of the referenced work.

#### *H. Energy*

**Goal 8. Provide for adequate renewable energy at the project site and maintain existing energy resources in the Mono Basin planning area.**

Implementation 8.a. The existing onsite solar system has a 1.8-kilowatt hour power capacity on a 30-ampere system to charge batteries daily. Prior to issuance of the Certificate of Occupancy, capacity of the existing 30-ampere solar panel system shall be doubled to a minimum of 60 amperes.

#### *I. Hydrology & Water Quality*

**Goal 9. Maintain the water quality of the Mono Basin.**

Implementation measure 9.a. Water use on the project site shall be provided from the existing onsite well and limited to dust mitigation during construction and the one onsite bathroom. Onsite use of process water shall at all times be prohibited and at all times the project shall be in full compliance with all requirements of the Mono County Environmental Health Department.

Implementation measure 9.b. Preconstruction surveys shall be conducted by a qualified biologist, approved by the County, and funded by the developer, to determine potential presence of special status wildlife and/or habitat (including dens, burrows, nests, and other suitable habitat). The surveys shall be conducted within the appropriate survey windows, no more than seven days prior to ground disturbing activities, and again no more than 24 hours prior to initiating ground disturbing activities. Transect distances shall be no more than 25-meters. The final report shall clearly identify which species were

looked for and the survey methods used, and all references to other survey findings shall clearly specify the dates, authors, locations and boundaries of the referenced work.

1. Implementation measure 9.c. The project shall obtain and maintain required permit(s) from the State Water Resources Control Board, including a stormwater Pollution Prevention Plan for drainage and control of onsite spills. The project operator shall be required to comply with all applicable requirements and practices therein through the life of the project.

*J. Wildfire*

**Goal 10. Prevent increased wildfire risks in the Mono Basin planning area.**

Implementation measure 10.a. A formal fire risk assessment and a formal fire plan shall be provided to set forth proper protocols and procedures for the unanticipated receipt of burning wastes. A 10,000-gallon fire suppression tank, supplied by the on-site well, shall be made available onsite for fire suppression. As required by CalFire, all staff will be trained in fire safety protocols. The formal fire risk assessment and fire plan shall be maintained onsite and accessible to all staff at all times. Fire safety equipment shall be available on-site for all staff. No open burning will be allowed.

*K. Minor Modifications*

**Goal 11. Provide reasonable flexibility for unforeseen circumstances that may improve the safety or operations of the project or reduce impacts.**

Implementation measure 11.a. A minor modification may be approved via a Director Review permit provided it meets the following requirements:

- The modification does not involve the expansion of square footage, disturbed area, addition or intensification of use(s), or increased density.
- No change in conditions are necessary.
- The Director Review permit findings can be made, and the project is exempt from the California Environmental Quality Act.

Implementation measure 11.b. A minor modification involving the expansion of square footage may be approved via a Director Review permit provided the standards and findings can be made, the project is exempt from CEQA, and the purpose is to reduce project impacts to the area and/or meet mandated safety requirements.

All other modifications shall require an amendment to this Specific Plan.

*L. Compliance with Requirements of Other County Departments*

**Goal 12. Provide consistency with the rules and regulations of all Mono County departments.**

Implementation measure 12.a. The project shall comply with applicable requirements by other Mono County departments and divisions including, but not limited to, Public Works, Tax Collector, Sheriff, Building, and Environmental Health.



**Attachments**

1. Use Permit 21-007/General Plan Amendment 22-02 – D & S Waste Transfer Facility, November 17, 2022 (Planning Commission)
2. California Public Code §§ 65450-65457
3. D & S Waste Removal Inc. Mono Waste Transfer Station CEQA Initial Study/Negative Declaration, September 1, 2022

# Attachment 1

Redline changes reflect modifications during the Planning Commission hearing.

November 17, 2022

To: Mono County Planning Commission

From: Bentley Regehr, Planning Analyst

Re: General Plan Amendment 22-02 and Use Permit 21-007/D&S Waste Transfer Facility

## Recommendation

It is recommended the Planning Commission take the following actions:

1. Hold the public hearing, receive public testimony, deliberate the project including the associated Negative Declaration environmental document, and make any desired changes.
2. For General Plan Amendment (GPA) 22-02, certify the Negative Declaration and make the findings as contained in the Resolution or with any desired modifications, and adopt Resolution R22-12 recommending the Mono County Board of Supervisors approve the GPA and certify the Negative Declaration.
3. For Use Permit 21-007, make the findings in the staff report or with any desired modifications, certify the Negative Declaration, and approve Use Permit 21-007 subject to Conditions of Approval, which requires the approval of GPA 22-02 by the Board of Supervisors.

## Background

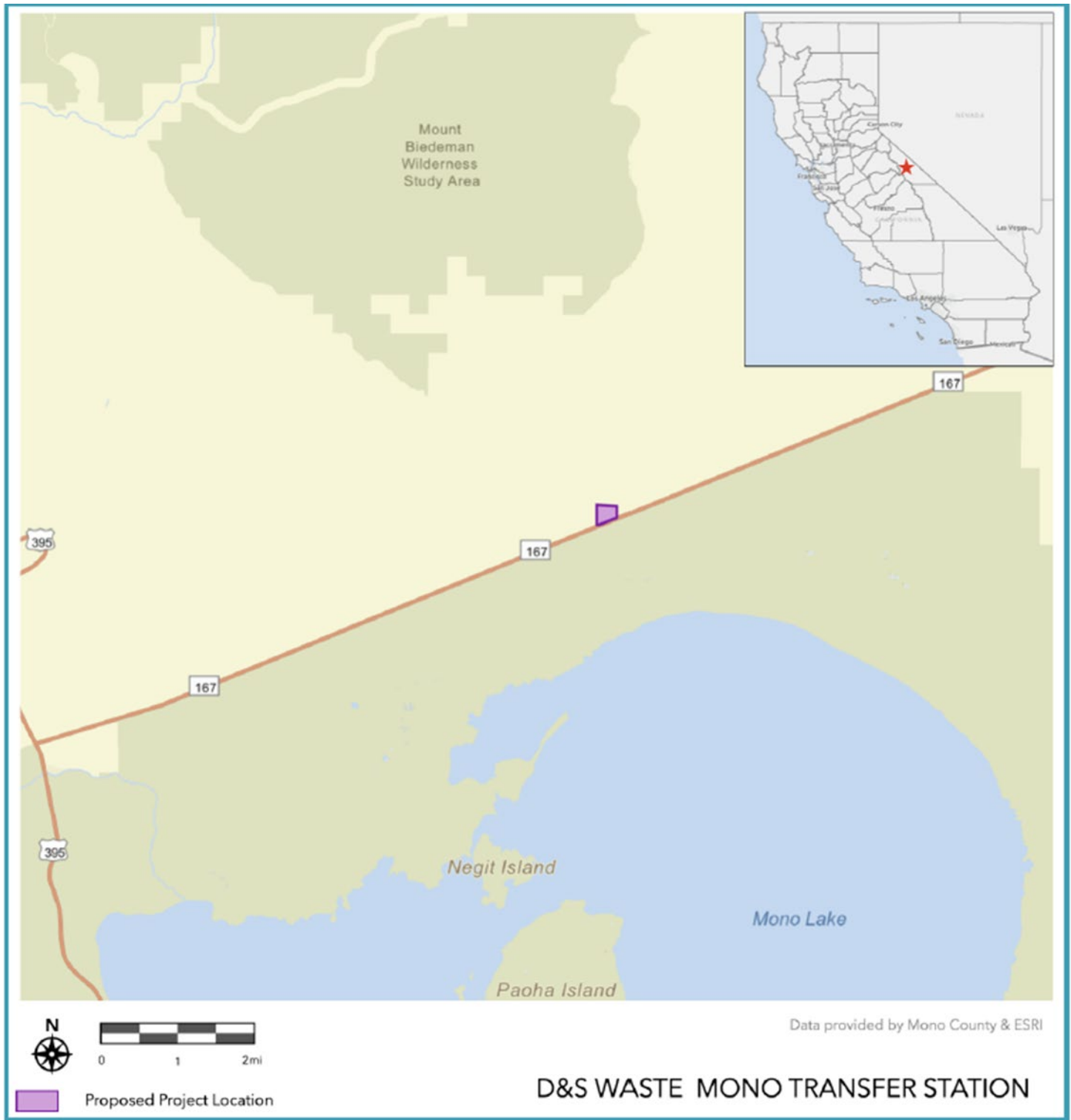
The project requires approval of the following: (1) General Plan Amendment (GPA) 22-02 to change the land use designation from Resource Management (RM) to Industrial (I); and (2) Use Permit 21-007. GPA 22-02 will be heard by the Mono County Board of Supervisors after a recommendation by the Planning Commission. Enactment of Use Permit 21-007 will be contingent upon approval of GPA 22-02 as stated in the Use Permit conditions of approval.

Project documents are available at 1290 Tavern Road, Mammoth Lakes, California or online at:

<https://monocounty.ca.gov/planning/page/ds-transfer-station>.

The project is located at 7937 Highway 167 in the Mono Basin (APN 013-210-028), approximately eight miles northeast of Mono City, as shown in Figure 1.

**Figure 1: Project location**



APN 013-210-028 is designated Resource Management (RM). The “RM” designation is intended to recognize and maintain a wide variety of values in the lands outside existing communities. The RM designation indicates

the land may be valuable for uses including but not limited to recreation, surface water conservation, groundwater conservation and recharge, wetlands conservation, habitat protection for special-status species, wildlife habitat, visual resources, cultural resources, and geothermal or mineral resources. GPA 22-02 proposes to change the land use designation to Industrial (I), which is intended to provide for heavy industrial uses.

The land use designations adjacent to the site are described below:

<b>East:</b>	National Forest – Resource Management (RM)
<b>West:</b>	Private Land – Resource Management (RM)
<b>South:</b>	National Forest/BLM – Resource Management (RM)
<b>North:</b>	National Forest – Resource Management (RM)

The property located to the west of the site contains a residence. All other adjacent parcels are vacant. Other residences are located along Cottonwood Canyon Road approximately one mile away.

Since 1974, the site has been used for waste management equipment storage. D & S Waste acquired the property in 2007, maintaining its current land use. In 2010, a metal storage building was built in the northeastern section of the parcel. Municipal solid waste collected by D & S Waste Removal Inc. is currently disposed of at the existing Benton Crossing Landfill, located on Benton Crossing Road approximately five miles east of US 395. In 2019, the Benton Crossing Landfill was accepting an average of 75 tons of waste per day. Benton Crossing Landfill is expected to close on December 31, 2022.

Existing features on the site include:

- 2,400 square-foot (40' x 60') metal warehouse
- Two (2) fuel tanks (1,800-gallon, 500-gallon)
- Generator
- Water well
- Three (3) 500-gallon propane tanks
- Solar panels and solar panel control boxes
- A one-room 10' x 15' office building with bathroom
- Septic tank & leach field area
- Gravel road

**Figure 2: Existing site conditions**



The proposed project includes:

- Permitting the site as a transfer facility to temporarily house municipal solid waste (MSW) for up to 48 hours.
- Construction of an 8,000-s.f. metal waste storage & management warehouse (80' x 100' x 30') to

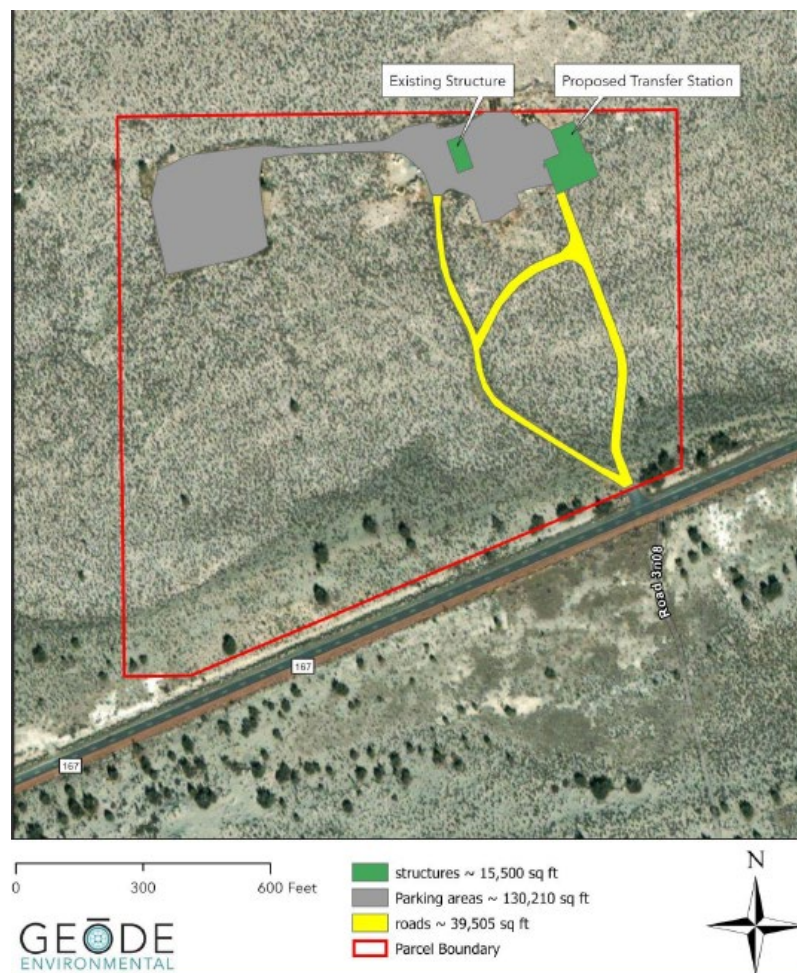


temporarily house MSW, equipment and vehicles.

- Installation of a 12 'x 70' subterranean truck scale.
- Developing gravel approaches to the new building
- Construction of berms shielding both the existing and new project features

The proposed D & S Waste Transfer Station would be used to transfer MSW. The waste will remain on-site for up to 48 hours before transfer, with no permanent waste remaining on-site and no septic waste. Waste brought to the site will originate in Mono County and be transferred to Lockwood, Fallon, and Hawthorne, Nevada. The facility will not be open to the public and will solely be used by D & S Waste employees. The project will operate in conjunction with the Pumice Valley Landfill. Figure 3 below shows the general location of the proposed features. Please see Attachment 1 for a detailed site plan.

**Figure 3: Location of proposed transfer station**



## **General Plan Amendment (GPA)**

A GPA to change the land use designation from RM to I is required to allow for the proposed waste transfer facility. The change from RM to I will increase the allowable maximum lot coverage from 5% to 80%. RM has setbacks of 50' front, 30' side, and 30' rear. I does not have setback standards. Minimum parcel size is 40 acres for RM and 10,000 s.f. for I.

## **Noticing & Public Comments**

The application was accepted at the November 15, 2021, Land Development Technical Advisory Committee (LDTAC) meeting. The project was noticed under SB-18 and AB-52 on February 25, 2022, with no comments received. The Planning Commission hearing was noticed in the November 5, 2022, edition of The Sheet and was noticed to property owners within 300' on November 1, 2022. Conditions of Approval were reviewed at the November 7, 2022, LDTAC meeting. No comments were received at the time of the agenda being published.

## **CEQA**

The project was analyzed as a negative declaration (PRC Section 21064). A negative declaration is a written statement describing the reasons that a proposed project will not have a significant effect on the environment, and does not require the preparation of an Environmental Impact Report (EIR). The draft Initial Study (IS) was released for a 30-day public comment period, ending October 3, 2022. There were two public comment letters received: one in support and one in opposition.

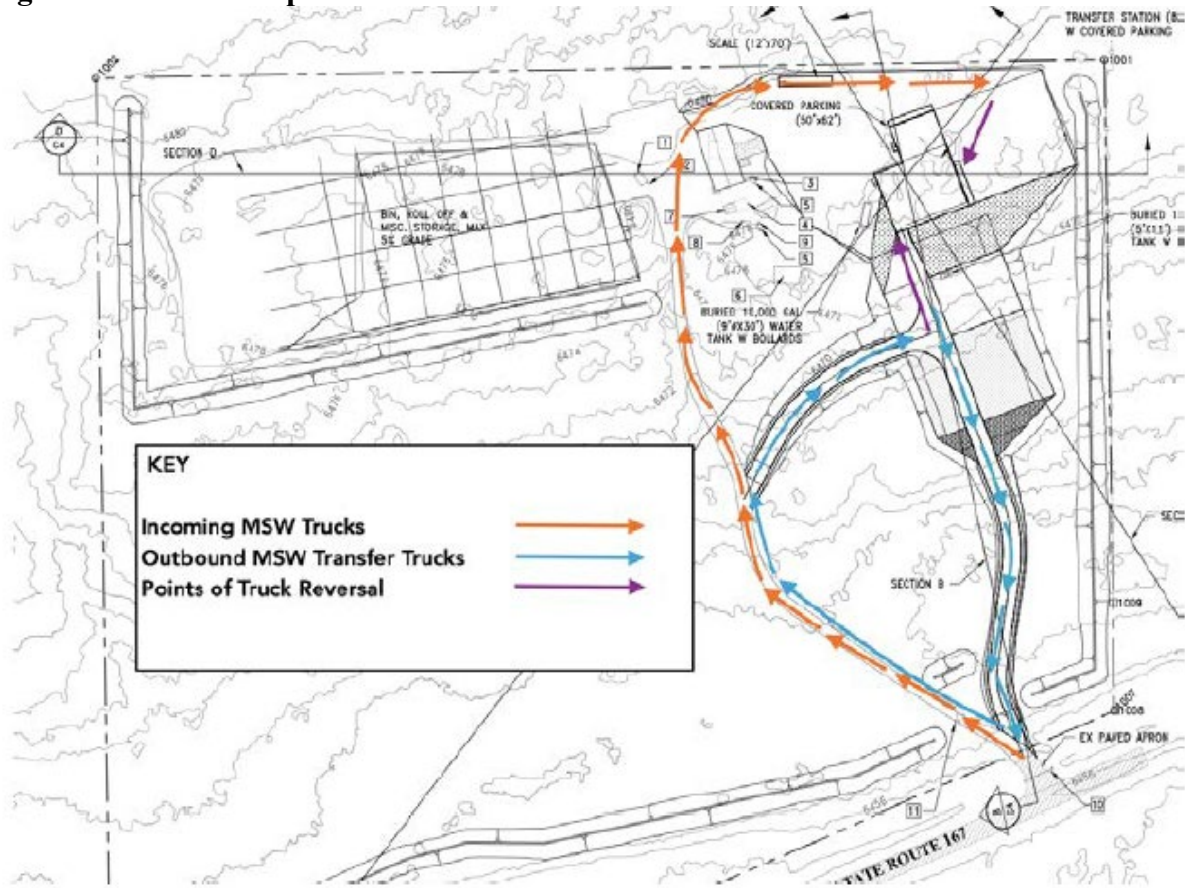
## **Noise**

The opposition letter stated a concern about noise impacting nearby residences on Cottonwood Canyon Road.

Beeping from truck reversals will not be a regular source of noise. The dump trucks operate in a forward direction and reverse only during refueling and parking. Transfer trucks operate once a day in the summer and once every two days in the winter. The transfer trucks will reverse for approximately 100' feet with a maximum 5 minute duration per truck visit, in compliance with the federal Occupational Health & Safety Administration (OSHA)-required back-up beeper. The back-up beeper, also known as back-up alarm or vehicle motion alarm, is required by OSHA regulation 29 CFR Part 1926.601(b)(4). Transfer truck operation (i.e., the source of the beeping noise) will be confined to daytime business hours. Please see Figure 4 below, depicting the area of beeping in purple.

General noise levels were also calculated for the project in relation to property boundaries and nearby sensitive receptors. The noise generated will not exceed the allowable levels under the Mono County Noise Ordinance. The generator will be placed inside a structure to further reduce sound dispersion. Please see Attachment 2 for a full analysis of noise and response to comments.

**Figure 4: Circulation patterns for the site**

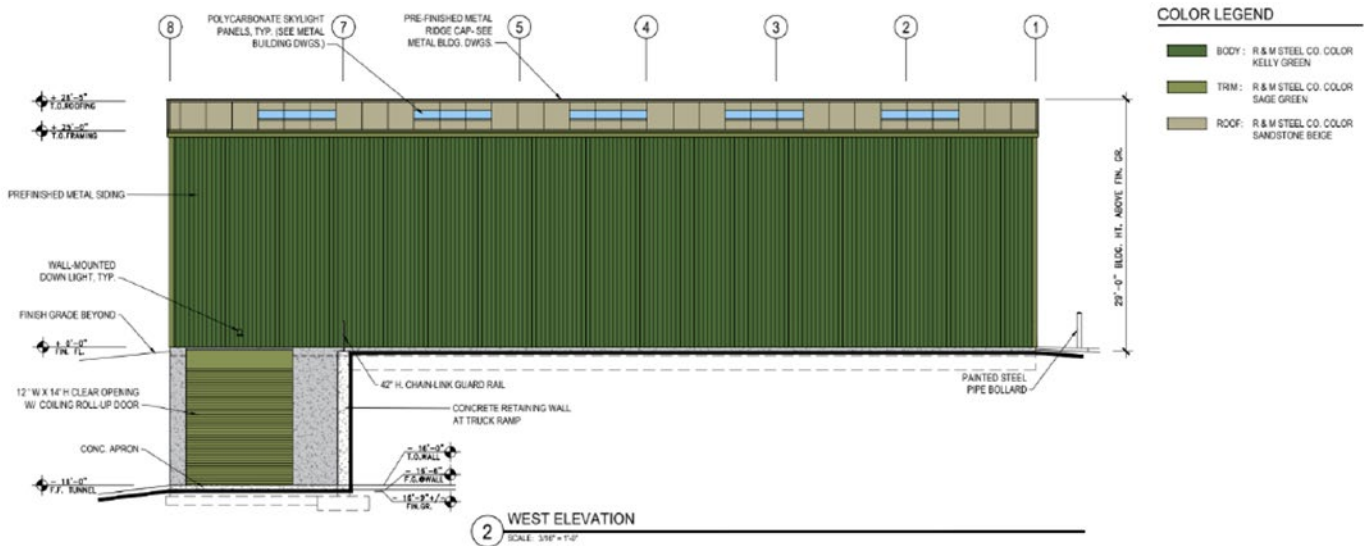


### Visual Impacts

Although not raised through public comment, the project takes several measures to reduce impacts to the viewshed. The viewshed will be protected by constructing berms shielding both the existing and new project features as a design-element with local native vegetation. The 4' to 12' tall and 57' wide berms screen the project from view along the western, southern, and eastern parcel boundaries. The berms are landscaped with native botanicals to create continuity with the natural landscape. The facility will be set back 0.15 miles from SR-167. The new metal building will be painted in dark earth tone colors and all surfaces will be non-reflective. The proposed colors are indicated in Figure 5 below.



**Figure 5: Proposed colors for the facility**



No significant impacts were determined for the aforementioned subjects or other areas.

## General Plan Amendment Findings

According to Chapter 48.020 of the Land Use Element, prior to taking an action to approve or recommend approval of a change in district designation classification, the following findings shall be made:

- A. The proposed change in land use designation is consistent with the text and maps of this General Plan;*
- B. The proposed change in land use designation is consistent with the goals and policies contained within any applicable area plan;*
- C. The site of the proposed change in land use designation is suitable for any of the land uses permitted within that proposed land use designation;*
- D. The proposed change in land use designation is reasonable and beneficial at this time; and*
- E. The proposed change in land use designation will not have a substantial adverse effect on surrounding properties.*

Findings for General Plan Amendment 22-02 are contained in Exhibit A of the attached Resolution R22-12.

## Use Permit Findings

In accordance with Mono County General Plan, Chapter 32, Processing Use Permits, the Planning Commission may issue a Use Permit after making certain findings.

Section 32.010, Required Findings:

1. *All applicable provisions of the Mono County General Plan are complied with, and the site of the proposed use is adequate in size and shape to accommodate the use and to accommodate all yards, walls and fences, parking, loading, landscaping, and other required features because:*

The project meets all requirements under the Industrial land use designation, including lot coverage, site disturbance, setbacks, and parking. The site and proposed configuration are adequate to accommodate required circulation for vehicles.

2. *The site for the proposed use related to streets and highways is adequate in width and type to carry the quantity and kind of traffic generated by the proposed use because:*

The site is accessed from SR 167. The amount of truck traffic generated will not create a significant impact on the highway. No local or “neighborhood” roads will be used in accessing the site.

3. *The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located because:*

The proposed use will not be detrimental to the public welfare or injurious to property. The Negative Declaration indicates there will be no significant impacts to visuals, noise, biological resources, or any other impact category analyzed under CEQA. Measures are proposed in the Conditions of Approval to address public concern and to issues, particularly in regard to sound, visuals, biological resources, and archeological resources. The project is subject to Chapter 23, Dark Sky Regulations, and the Mono County Noise Ordinance.

4. *The proposed use is consistent with the map and text of the Mono County General Plan because:*

The proposed use is consistent with the Industrial land use designation, once GPA 22-02 is approved. Waste transfer facilities are permitted under Industrial, subject to Use Permit. Approval of the Use Permit is contingent upon approval of the General Plan Amendment to change the land use designation from Resource Management (RM) to Industrial (I).

This report has been reviewed by the Community Development Director.

Attachments:

1. Site Plan
2. Resolution 22-12 certifying the Addendum and making the findings for GPA 22-02
3. Final Negative Declaration, comprised of the following: A) Response to Comments, B) Draft Initial Study/Negative Declaration.
4. Noticing

### **Conditions of Approval/UP 21-007**

1. Preconstruction surveys shall be conducted by a qualified biologist, approved by the County, and funded by the developer, to determine potential presence of special status wildlife and/or habitat (including dens, burrows, nests, and other suitable habitat). The surveys shall be conducted within the appropriate survey windows, no more than seven days prior to ground disturbing activities, and again no more than 24 hours prior to initiating ground disturbing activities. Transect distances shall be no more than 25-meters. The final report shall clearly identify which species were looked for and the survey methods used, and all references to other survey findings shall clearly specify the dates, authors, locations and boundaries of the referenced work.
2. The project shall comply with all applicable requirements of the Migratory Bird Treaty Act. To avoid impacts to nesting birds, the removal of any trees and vegetation from the project site from March 15 to September 15 shall require that a qualified biologist, approved by the County and funded by the developer, conduct Nesting Bird Surveys of the site, within the appropriate survey windows, to determine the location of any nesting birds prior to project activities (including site preparation). The nesting bird surveys shall be conducted no more than seven days, and again no more than 24 hours, prior to initiating ground disturbing activities. Transect distances shall be no more than 25-meters. The final report shall clearly identify which species were looked for, and the survey methods used, and all references to other survey findings shall clearly specify the dates, authors, locations, and boundaries of the referenced work. Should nesting birds be identified, a qualified biologist will mark those areas with Environmentally Sensitive Area (ESA) fencing, and monitor the nesting sites throughout project activities, until the young have fledged.
3. The following housekeeping measures shall be implemented throughout the construction process: (a) raw cement/concrete or washings thereof, asphalt, paint, or other coating material, oil or other petroleum products, or any other substances which could be hazardous to wildlife resources shall be removed from the site immediately; (b) all construction equipment shall be checked for leaks daily prior to initiating work. Leaking equipment shall be taken offsite to be maintained. If equipment is leaking while onsite, a construction diaper (i.e. tarp and wattles) shall be placed underneath the leak until the equipment can be maintained; and (c) construction crew shall limit disturbance to necessary work areas only so as to limit potential impacts to flora and fauna.
4. Weed control shall be practiced in all temporarily disturbed habitats. Prior to issuance of an occupancy permit, invasive plant species shall be removed from the screening berms. If an herbicide is used, it will be done by a licensed applicator, approved by the County and funded by the developer. Weed controls will be monitored by the County-approved biologist, and repeated annually until the native landscape plantings are established as described in Condition 5 below.
5. Landscaping on the new berms shall consist of plant materials that are native to the Mono Basin. The berms shall be hydroseeded with a locally-sourced native seed mix, covered with paper mulch to retain moisture, and irrigated 3-6 times a day for a period of no less than 6 months. The landscape plantings shall be monitored over a period of 5 years by a qualified County-approved biologist. The progress of revegetation will be evaluated by the biologist 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, and 2) 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 either 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.

6. 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 a qualified archaeologist approved by the County and funded by the developer. Work shall not resume in the defined area until the archaeologist 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 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.

In the event that human remains are encountered, State Health and Safety Code § 7050.5 requires that no further disturbance shall occur until the County Coroner has been notified and has made a determination of the origin and disposition of the remains. If the remains are determined to be of prehistoric or protohistoric Native American origin, the coroner will notify the Native American Heritage Commission (NAHC), pursuant to PRC §5097.98. The NAHC shall determine and notify a Most Likely Descendant (MLD) individual or group that will consult with the landowner or their authorized representative and recommend the manner of treatment for any human remains and associated burial materials. All associated costs shall be borne by the developer.

7. All project construction shall be conducted in compliance with permit conditions of approval and current building code requirements.
8. The project shall be required to obtain a permit from the State Water Resources Control Board, including a stormwater Pollution Prevention Plan for drainage and control of onsite spills. The project operator shall be required to comply with all applicable requirements and practices therein through the life of the project.
9. The development footprint and project construction shall substantially comply with the project description and site plan as described in the adopted Initial Study.
10. The project warehouse shall comply with the following standards:
  - a. Setbacks: The metal warehouse shall be set back from SR-167 no less than 80-feet.
  - b. Building Height: The building height shall not exceed 30-feet.
  - c. Lot Coverage: Lot coverage shall not exceed 15% of the parcel area.
  - d. Color Palette: The onsite warehouse structure shall be painted consistent with the approved color palette including Kelly Green (for the main building); Sage Green (for the trim, main doors, and vehicle doors); and Sandstone Beige (on the roof and along the edges of siding).
11. All truck travel on the gravel approach leading into and exiting the weigh scale shall be limited to the movement described in the noise analysis of the Negative Declaration, in order to reduce noise caused by reversing.
12. Operations on the property shall be limited to daylight hours year-round.

13. Noise levels at the property boundary during daytime hours (7 am to 10 pm) shall not at any time exceed 65 decibels, and during evening hours (10 pm to 7 am) shall not exceed 60 decibels. Noise levels at the boundary of the closest nearby residential property shall not at any time exceed 55 decibels during daytime hours (7 am to 10 pm), and shall not at any time exceed 50 decibels during evening hours (10 pm to 7 am).
14. The generator shall be placed inside and comply with the Mono County Noise Ordinance.
15. The project shall at all times be in full compliance with applicable dust and PM-10 mitigation requirements of the Great Basin Unified Air Pollution Control District, including requirements adopted specifically for the Mono Basin PM10 Statement Implementation Plan.
16. Wastes from any single delivery shall not be stored on the property for more than 48 hours, and all waste storage shall be confined to the metal warehouse.
17. The existing onsite solar system has a 1.8 kilowatt hour power capacity on a 30-ampere system to charge batteries daily. Prior to issuance of the Certificate of Occupancy, capacity of the existing 30-ampere solar panel system shall be doubled to a minimum of 60-amperes.
18. A formal fire risk assessment and a formal fire plan shall be provided to set forth proper protocols and procedures for the unanticipated receipt of burning wastes. A 10,000-gallon fire suppression tank, supplied by the on-site well, shall be made available onsite for fire suppression. As required by CalFire, all staff will be trained in fire safety protocols. The formal fire risk assessment and fire plan shall be maintained onsite and accessible to all staff at all times. Fire safety equipment shall be available on-site for all staff. No open burning will be allowed.
19. Water use on the project site shall be provided from the existing onsite well, and limited to one onsite bathroom and ~~dust mitigation during construction the misters used inside the warehouse for odor control.~~ Onsite use of process water shall at all times be prohibited. The project shall be in full compliance with all requirements of the Mono County Environmental Health Department.
20. Odor control systems shall be maintained, and if complaints are received, the systems shall be modified or enhanced.
21. All leachate water that has percolated through the solid MSW shall be hauled offsite with the solid waste and remediated. Additionally, leachate from the existing septic system holding tank shall be pumped and hauled offsite and remediated. The applicant shall work with Mono County's Environmental Health Department to ensure that the wastewater holding tank and septic system are in full compliance with Title 14 of the County Code, which regulates water and sewer issues.
22. The project shall comply with all applicable requirements of the California Integrated Waste Management Act of 1989, which requires that at least 50 percent of waste produced on the site be recycled, reduced, or composted.
23. The project shall be permitted to receive no more than 150 tons of municipal solid waste per day, and waste materials shall not be held on the site in excess of 48 hours.

24. The project shall be required to obtain an approved Full Solid Waste Facilities Permit from the Mono County Environmental Health Department prior to commencement of operations on the project site. The project shall comply with all applicable state and federal solid waste requirements.
25. Project lighting shall fully comply with lighting requirements of Mono County General Plan Land Use Element Chapter 23. Additionally, inasmuch as the southern project boundary adjoins SR-167, a County-designated Scenic Highway, project lighting shall fully comply with lighting requirements of the Mono County Scenic Combining Element, including provisions that prohibit glare, require proper maintenance, minimize allowed contrast in lighting levels, require full cut-off luminaires with the light source downcast and fully shielded and prohibit light trespass onto neighboring properties or the public right of way. Light intensity should aim for an intensity of ~~2400K~~ 2700K, and in no event shall exceed 3000K.
26. Reflective materials and windows shall not be permitted on the project site or structures.
27. Berms constructed around the west, south and east site perimeter shall comply with the following standards:
- a. Dimensions: All onsite berms shall be within the range of 4' to 12' in height, and approximately 57' in width. Total berm length on the 3 perimeters shall not exceed 3,500-feet.
  - b. Native Landscaping: Berms shall be landscaped exclusively with sourced native plant materials grown from locally sourced seeds.
28. The project shall obtain and comply with the applicable permit requirements of all trustee and responsible agencies.
29. Approval of Use Permit 21-007 is contingent upon approval of the General Plan Amendment to change the land use designation to Industrial (I).
30. Within two years of issuance of the use permit, the County shall initiate a General Plan Amendment to change the land use designation of the parcel to Specific Plan and craft a Specific Plan limiting the uses to those proposed in the subject Use Permit for consideration of approval.
31. Termination: Per section 32.060 of the Land Use Element, a use permit shall terminate and all rights granted therein shall lapse, and the property affected thereby shall be subject to all the provisions and regulations applicable to the land use designation in which such property is classified at the time of such abandonment, when any of the following occur:
- There is a failure to commence the exercise of such rights, as determined by the Director, within two years from the date of approval thereof or as specified in the conditions. If applicable, time shall be tolled during litigation. Exercise of rights shall mean substantial construction or physical alteration of property in reliance with the terms of the use permit;
  - There is discontinuance for a continuous period of one year, as determined by the Director, of the exercise of the rights granted; and
  - No extension is granted as provided in Section 32.070.
32. Extension: If there is a failure to exercise the rights of the use permit within two years (or as specified in the conditions) of the date of approval, the applicant may apply for an extension for an additional one year. Only one extension may be granted. Any request for extension shall be filed at least 60 days prior to the date of expiration and shall be accompanied by the appropriate fee. Upon receipt of the request for extension, the Planning Division shall review the application to determine the extent of review necessary

and schedule it for public hearing. Conditions of approval for the use permit may be modified or expanded, including revision of the proposal, if deemed necessary. The Planning Division may also recommend that the Commission deny the request for extension.

33. If any of these conditions are violated, this permit and all rights hereunder may be revoked in accordance with Section 32.080 of the Mono County General Plan, Land Development Regulations.

# MONO COUNTY

## Planning Division

### DRAFT NOTICE OF DECISION & USE PERMIT

USE PERMIT: 21-007

APPLICANT: D&S Waste

APN: 013-210-028

PROJECT TITLE: D&S Waste Transfer Facility

PROJECT LOCATION: 7937 Hwy 167, Mono Basin

#### CONDITIONS OF APPROVAL

See attached Conditions of Approval

ANY AFFECTED PERSON, INCLUDING THE APPLICANT, NOT SATISFIED WITH THE DECISION OF THE COMMISSION, MAY WITHIN TEN (10) DAYS OF THE EFFECTIVE DATE OF THE DECISION, SUBMIT AN APPEAL IN WRITING TO THE MONO COUNTY BOARD OF SUPERVISORS.

THE APPEAL SHALL INCLUDE THE APPELLANT'S INTEREST IN THE SUBJECT PROPERTY, THE DECISION OR ACTION APPEALED, SPECIFIC REASONS WHY THE APPELLANT BELIEVES THE DECISION APPEALED SHOULD NOT BE UPHELD AND SHALL BE ACCOMPANIED BY THE APPROPRIATE FILING FEE.

**DATE OF DECISION/USE PERMIT APPROVAL:** Nov. 17, 2022

**EFFECTIVE DATE USE PERMIT:** Nov. 27, 2022

This Use Permit shall become null and void in the event of failure to exercise the rights of the permit within one (1) year from the date of approval unless an extension is applied for at least 60 days prior to the expiration date.

Ongoing compliance with the above conditions is mandatory. Failure to comply constitutes grounds for revocation and the institution of proceedings to enjoin the subject use.

Notice is hereby given pursuant to Code of Civil Procedure Section 1094.6 that the time within which to bring an action challenging the County's decision is 90 days from the date the decision becomes final. If no appeal is made to the Board of Supervisors, the Planning Commission decision shall become final on the expiration of the time to bring an appeal. Notice is also hereby given that failure to exhaust administrative remedies by filing an appeal to the Board of Supervisors may bar any action challenging the Planning Commission's decision.

#### MONO COUNTY PLANNING COMMISSION

**DATED:** November 17, 2022

cc:

X Applicant  
X Public Works  
X Building  
X Compliance



## **Attachment 2**

### **Cal. Gov. Code § 65450 - Generally**

After the legislative body has adopted a general plan, the planning agency may, or if so directed by the legislative body, shall prepare specific plans for the systematic implementation of the general plan for all or part of the area covered by the general plan.

### **Cal. Gov. Code § 65451 - Text and diagrams included in plan**

(a) A specific plan shall include a text and a diagram or diagrams which specify all of the following in detail:

(1) The distribution, location, and extent of the uses of land, including open space, within the area covered by the plan.

(2) The proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan.

(3) Standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable.

(4) A program of implementation measures including regulations, programs, public works projects, and financing measures necessary to carry out paragraphs (1), (2), and (3).

(b) The specific plan shall include a statement of the relationship of the specific plan to the general plan.

### **Cal. Gov. Code § 65452 - Necessary and desirable subjects**

The specific plan may address any other subjects which in the judgment of the planning agency are necessary or desirable for implementation of the general plan.

### **Cal. Gov. Code § 65453 - Adopting and amending plan; repeal of plan**

(a) A specific plan shall be prepared, adopted, and amended in the same manner as a general plan, except that a specific plan may be adopted by resolution or by ordinance and may be amended as often as deemed necessary by the legislative body.

(b) A specific plan may be repealed in the same manner as it is required to be amended.

### **Cal. Gov. Code § 65454 - Consistent with general plan**

No specific plan may be adopted or amended unless the proposed plan or amendment is consistent with the general plan.

### **Cal. Gov. Code § 65455 - Consistent with adopted specific plan**

No local public works project may be approved, no tentative map or parcel map for which a tentative map was not required may be approved, and no zoning ordinance may be adopted or amended within an area covered by a specific plan unless it is consistent with the adopted specific plan.

### **Cal. Gov. Code § 65456 - Specific plan fee**

(a) The legislative body, after adopting a specific plan, may impose a specific plan fee upon persons seeking governmental approvals which are required to be consistent with the specific plan. The fees shall be established so that, in the aggregate, they defray but as estimated do not exceed, the cost of preparation, adoption, and administration of the specific plan, including costs incurred pursuant to Division 13 (commencing with Section 21000) of the Public Resources Code. As nearly as can be estimated, the fee charged shall be a prorated amount in accordance with the applicant's relative benefit derived from the specific plan. It is the intent of the Legislature in providing for such fees to charge persons who benefit from specific plans for the costs of developing those specific plans which result in savings to them by reducing the cost of documenting environmental consequences and advocating changed land uses which may be authorized pursuant to the specific plan.

(b) Notwithstanding Section 66016, a city or county may require a person who requests adoption, amendment, or repeal of a specific plan to deposit with the planning agency an amount equal to the estimated cost of preparing the plan, amendment, or repeal prior to its preparation by the planning agency.

(c) Copies of the documents adopting or amending the specific plan, including the diagrams and text, shall be made available to local agencies, and shall be made available to the general public as follows:

(1) Within one working day following the date of adoption, the clerk of the legislative body shall make the documents adopting or amending the plan, including the diagrams and text, available to the public for inspection.

(2) Within two working days after receipt of a request for a copy of the documents adopting or amending the plan, including the diagrams and text, accompanied by payment for the reasonable cost of copying, the clerk shall furnish the requested copy to the person making the request.

(d) A city or county may charge a fee for a copy of a specific plan or amendments to a specific plan in an amount that is reasonably related to the cost of providing that document.

### **Cal. Gov. Code § 65457 - Residential development projects exempt from Division 13 of Public Resources Code**

(a) Any residential development project, including any subdivision, or any zoning change that is undertaken to implement and is consistent with a specific plan for which an environmental impact report has been certified after January 1, 1980, is exempt from the requirements of Division 13 (commencing with Section 21000) of the Public Resources Code. However, if after adoption of the specific plan, an event as specified in Section 21166 of the Public Resources Code occurs, the exemption provided by this subdivision does not apply unless and until a supplemental environmental impact report for the specific plan is prepared and certified in accordance with the provisions of Division 13 (commencing with Section 21000) of the Public Resources Code. After a supplemental environmental

impact report is certified, the exemption specified in this subdivision applies to projects undertaken pursuant to the specific plan.

(b) An action or proceeding alleging that a public agency has approved a project pursuant to a specific plan without having previously certified a supplemental environmental impact report for the specific plan, where required by subdivision (a), shall be commenced within 30 days of the public agency's decision to carry out or approve the project.

### **Attachment 3**

The 2022 Initial Study/Negative Declaration is available at

[https://monocounty.ca.gov/sites/default/files/fileattachments/planning\\_division/page/32468/ds\\_is\\_9.1.22.pdf](https://monocounty.ca.gov/sites/default/files/fileattachments/planning_division/page/32468/ds_is_9.1.22.pdf) or in the Mono County offices in Mammoth Lakes or Bridgeport:

Mono County Civic Center  
1290 Tavern Road, STE 138  
Mammoth Lakes, CA 93546

Annex I  
74 N. School Street  
Bridgeport, CA 93517