

MONO COUNTY PLANNING COMMISSION

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

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

SPECIAL MEETING AGENDA

August 17, 2023 – 9:00 a.m.

Hybrid Meeting: Zoom, Teleconference, & Bridgeport Board Chambers

Bridgeport Board Chambers
2nd floor County Courthouse
278 Main Street
Bridgeport, CA 93517

Teleconference Location- Lundy Lake room
1290 Tavern Rd
Mammoth Lakes, CA

Members of the public may participate in person and via the Zoom Webinar, including listening to the meeting and providing comment, by following the instructions below.

TELECONFERENCE INFORMATION

1. Joining via Zoom

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/88018365312>

Or visit <https://www.zoom.us/> and click on "Join A Meeting." Use Zoom Meeting ID: 880 1836 5312 To provide public comment (at appropriate times) during the meeting, press the "Raise Hand" hand button on your screen and wait to be acknowledged by the Chair or staff. Please keep all comments to 3 minutes.

To join the meeting by telephone

Dial (669) 900-6833, then enter Webinar ID: 880 1836 5312

To provide public comment (at appropriate times) during the meeting, press *9 to raise your hand and wait to be acknowledged by the Chair or staff. Please keep all comments to 3 minutes.

**Agenda sequence (see note following agenda).*

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE

DISTRICT #1
COMMISSIONER
Patricia Robertson

DISTRICT #2
COMMISSIONER
Roberta Lagomarsini

DISTRICT #3
COMMISSIONER
Jora Fogg

DISTRICT #4
COMMISSIONER
Scott Bush

DISTRICT #5
COMMISSIONER
Chris I. Lizza

2. **PUBLIC COMMENT:** Opportunity to address the Planning Commission on items not on the agenda
3. **MEETING MINUTES**
 - A. Review and adopt minutes of May 18, 2023. (pg. 2)
4. **PUBLIC HEARING**
 - A. **UPM 23-003 Logue [9:05 am]** Proposal for a modification to the off-site snow storage location for Use Permit 23-002 which approved a parking plan and off-site snow storage. The property is located at 2616 Highway 158 (APN: 015-075-005-000) and proposes to modify condition #5 in order to utilize an agreement with a legitimate and licensed snow removal business with authorized snow storage locations instead of implementing a Covenant for off-site snow storage on APN: 015-075-017-000. (Staff: Laura Stark) (pg. 3)
5. **WORKSHOP**
 - A. **Introduction to Walker Basin Conservancy and potential water transactions** (Presenter: Peter Stanton) (pg. 27)
6. **REPORTS**
 - A. **Director** (pg. 45)
 - B. **Commissioners**
7. **INFORMATIONAL**

No Items
8. **ADJOURN** to September 21, 2023 at 9am.

NOTE: Although the Planning Commission generally strives to follow the agenda sequence, it reserves the right to take any agenda item – other than a noticed public hearing – in any order, and at any time after its meeting starts. The Planning Commission encourages public attendance and participation.

In compliance with the Americans with Disabilities Act, anyone who needs special assistance to attend this meeting can contact the Commission secretary at 760-924-1804 within 48 hours prior to the meeting to ensure accessibility (see 42 USCS 12132, 28CFR 35.130).

*The public may participate in the meeting at the teleconference site, where attendees may address the Commission directly. Please be advised that Mono County does its best to ensure the reliability of videoconferencing but cannot guarantee that the system always works. If an agenda item is important to you, you might consider attending the meeting in Bridgeport.

Full agenda packets, plus associated materials distributed less than 72 hours prior to the meeting, will be available for public review at the Community Development offices in Bridgeport (Annex 1, 74 N. School St.) or Mammoth Lakes (1290 Tavern Rd, Mammoth Lakes, CA 93546). Agenda packets are also posted online at

www.monocounty.ca.gov / departments / community development / commissions & committees / planning commission. For inclusion on the e-mail distribution list, send request to hwillson@mono.ca.gov

Commissioners may participate from a teleconference location. Interested persons may appear before the Commission to present testimony for public hearings, or prior to or at the hearing file written correspondence with the Commission secretary. Future court challenges to these items may be limited to those issues raised at the public hearing or provided in writing to the Mono County Planning Commission prior to or at the public hearing. Project proponents, agents or citizens who wish to speak are asked to be acknowledged by the Chair, print their names on the sign-in sheet, and address the Commission from the podium.

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Draft Minutes

May 18, 2023 – 9:00 a.m.

1. **CALL TO ORDER & PLEDGE OF ALLEGIANCE-** Meeting called to order at 9:02 am and the Commission lead the Pledge of Allegiance.
2. **PUBLIC COMMENT:** Opportunity to address the Planning Commission on items not on the agenda.
 - No public comments
3. **MEETING MINUTES**
 - A. Review and adopt minutes of April 20, 2023.

Motion: Approve the minutes from the meeting on April 20, 2023.

Bush motion; Lagomarsini second.

Roll-call vote – Ayes: Lizza, Bush, Robertson, Lagomarsini.

Motion passed 4-0 with one abstention.

4. PUBLIC HEARING

- A. **9:10 am – General Plan Amendment 23-01/ Cleanup.** The following technical revisions to the Land Use Element are proposed as part of the annual General Plan update: 1) Define “Single Room Occupancy” and allow in residential designations, as required by state law. 2) Add technical note for clarity in explaining dual use designations. 3) Remove chimneys from exceptions to height limits for consistency. 4) Add technical note regarding CalFire setbacks for clarity. 5) Technical corrections for consistency to the animal standards table. 6) Add technical clarification notes to the Development Credits chapter. 7) Add technical clarification notes to the Dark Sky Regulations. 8) Add technical clarification notes to the Short-Term Rental regulations. 9) Add technical notes clarifying manufactured homes less than 20 feet wide are consistent with the community character of the Antelope Valley and Lee Vining. A CEQA Addendum is proposed. *Staff: Rob Makoske and Brent Calloway*

- Calloway gave an overview of the proposed General Plan Amendment changes and answered questions from the commission.
- Language added or adjusted during the meeting is as follows-
- **Rental is limited to a single party of individuals as consistent with an approved short-term rental permit.**
- ~~To ensure the short term rental use is clearly subordinate to the primary use of the property, rental of the entire primary residential unit while the owner lives in an on-site ADU is prohibited.~~

Motion: Approve the General Plan Amendment 23-01/ cleanup with added language during the meeting.

DISTRICT #1
COMMISSIONER
Patricia Robertson

DISTRICT #2
COMMISSIONER
Roberta Lagomarsini

DISTRICT #3
COMMISSIONER
Jora Fogg

DISTRICT #4
COMMISSIONER
Scott Bush

DISTRICT #5
COMMISSIONER
Chris I. Lizza

Bush motion; Lagomarsini second.

Roll-call vote – Ayes: Fogg, Lizza, Bush, Robertson, Lagomarsini.

Motion passed 5-0

5. WORKSHOP

No Items

6. REPORTS

A. Director

- Calloway answered questions from the Commission related to the provided Directors report.

B. Commissioners

7. INFORMATIONAL

A. Meeting Location and format

- The Commission decided that moving forward the Planning Commission will be held in the Bridgeport Chambers unless there is a proposed public hearing project in South County. The Commission also decided that the meeting will remain at 9am.
- Announced that April Sall would be leaving the County to pursue another career.

8. ADJOURN at 10:35 to June 15, 2023.

Mono County Community Development Department

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Planning Division

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August 17, 2023

To: Mono County Planning Commission

From: Laura Stark, Community Development Analyst

Re: Use Permit Modification 23-003 Logue / Modification to Condition of Approval for Off-Site Snow Storage for UP23-002

RECOMMENDATION:

It is the recommendation that the Planning Commission take the following actions:

1. Find that the project qualifies as a Categorical Exemption under CEQA guideline §15301 and instruct staff to file a Notice of Exemption;
2. Make the required findings as contained in the staff report; and
3. Approve Use Permit Modification 23-003 subject to Conditions of Approval.

PROJECT DESCRIPTION

The proposal is for a change to the conditions of approval for Use Permit (UP) 23-002 which implemented a parking reduction plan on a 0.11-acre parcel located in the June Lake Central Business District at 2616 State Route (SR) 158, (APN 015-075-005-000), and allowed for off-site snow storage on a nearby parcel (APN 015-075-017-000) with the condition that a Covenant to run with the land, allowing the use, would be approved by County Counsel and recorded in the office of the Mono County Recorder. The proposed



Figure 1 – Subject property outlined in green.

change to the conditions of approval would modify condition number five which required the covenant. The modified language would require an annual snow storage contract with a legitimate and licensed snow removal business with its own authorized snow storage locations.

Both parcels are designated Commercial (C). The surrounding parcels are all designated Commercial. On the applicant's property, the portion of the building fronting SR 158 contains a retail business, Sierra Wave. Two long-term rental residences are located in the rear portion of the building and are situated adjacent to the neighboring L-shaped parcel which contains a bar & cafe, accessory buildings and a parking lot (see Figure 1 & 2).

BACKGROUND

Use Permit 23-002 (see Attachment 1) allowed for a parking management plan pursuant to the Mono County General Plan (MCGP) Land Use Element (LUE) §6.090 Central Business Parking District standards, and off-site snow storage to be conducted by the applicant on APN 015-075-017-000 (see Figure 2) as may be allowed through the use permit process per MCGP LUE §4.300.



Figure 2 – Subject property outlined in green; proposed off-site snow storage parcel outlined in yellow.

Parking Reduction

The parking management plan reduced the total number of required parking spaces from eight to five, authorized two parking spaces with alternative dimensions of 8' x 16' (See Table 1 & 2 below) and required four bicycle parking spaces.

Table 1 - Parking Requirement (from TABLE 06.010: REQUIRED NUMBER OF PARKING SPACES)				Required
General Retail, Services & Offices	One space for each 200 sq. ft. of gross leasable floor area. No fewer than two spaces.	800sq ft / 200		4
Guest Parking for Multifamily	One space for each six units, no fewer than two. Only required for 3+ units.	2 MF		0
Residential Unit	Two spaces per unit. Tandem parking allowed for SFR and Accessory Units.	2 Residences x 2 spaces		4
Total Required Parking Spaces				8

MCGP LUE §6.090 designates portions of the June Lake Village as a Central Business Parking District. The purpose of these districts is to balance off-street parking requirements with existing community context and character and to provide flexibility in allowing alternative means of addressing parking demand to encourage more economically productive land uses. The parcel is located within the June Lake Village Central Business Parking District and therefore the required parking was reduced through a parking reduction plan as outlined in Table 2 (below).

Table 2 - Proposed Parking Reduction Plan per June Lake Village Central Business Parking District standards				
06.090 Central Business Parking Districts.		Calculation		Required
A. Minimum Off-Street Requirements	Within the June Lake and Lee Vining central business parking districts, 60% of minimum off-street parking requirements for non-overnight commercial uses in accordance with Table 06.010 shall be required. Note: Fractional parts from 0.51 to 0.99 shall be rounded to the next higher number when calculating required spaces. II-242 (per MCGP LUE Table 6.010)	4 Non-Overnight Commercial Spaces x 60%=	2.4*	2
C. Alternative Parking Allowed Subject to Director Review or Use Permit	A maximum of one required off-street parking space may be substituted for four bicycle parking spaces	4 Bicycle Parking Spaces		-1
Residential Unit with Overnight Parking	Two spaces per unit. Tandem parking allowed for SFR and Accessory Units.*	2 Residences x 2 spaces		4
Total Required Parking Spaces				5

*Required overnight parking spaces are not eligible for parking reduction.

Snow Storage

MCGP requires a snow storage area which is 65% of the total area from which to remove snow. Snow storage for the parcel was calculated as deficient by approximately 50% of the required amount of snow storage (See Table 3).

Table 3 - Snow Storage		
Required Snow Storage	977.6 sf	Area to remove snow x 65%
Area to Remove Snow	1504 sf	
Snow Storage Area	528 sf	
% of Total	54%	of Total Required Snow Storage

The established on-site snow storage area does not meet MCGP LUE minimum requirements for snow storage; therefore, an off-site snow removal plan was established to mitigate potential issues associated with the non-conforming snow storage as a condition of approval for UP23-002.

COMPLIANCE WITH UP23-003

The applicant has thus far complied with the conditions of approval for UP23-003. The applicant had the property surveyed, and County staff performed a site visit in July to determine that on-site conditions of approval have been met including adequate space for the two parking places and for vehicles to access the covered parking spaces (see Attachment 2 – Site Plan). Staff also confirmed that the snow, shed, and old vehicle have been removed from the outdoor parking spaces and that residential parking signage has been installed.

USE PERMIT MODIFICATION DETAILS

The site's existing, non-conforming snow storage area was addressed through a condition of approval for UP23-002 requiring that an off-site snow storage plan be conducted by the applicant using the applicant's existing snow removal equipment. Snow was to be removed to a nearby undeveloped parcel (APN 015-075-017-000) which is owned by the applicant; and a Covenant which runs with the land, in a form approved by County Counsel was to be recorded in the office of the County Recorder by July 31, 2023. This UPM proposes to modify condition #5 (below) at the request of the applicant by removing the requirement for a Covenant and by modifying the method and location for off-site snow storage.

Original Condition #5:

“Per MCGP LUE §48.040, a Covenant shall be recorded for off-site snow storage against the originating property, APN 015-075-005-000, and the snow storage property, APN 015-075-017-000, to ensure the availability of the snow storage lot for as long as the project exists. The Covenant shall run with the land, be in a form approved by County Counsel, and be recorded in the office of the County Recorder by July 31, 2023. The Director may issue releases from such covenants when they are no longer applicable.”

This UPM proposes to replace condition #5 (above) requiring a Covenant with a modified condition #5 that would require a snow removal contract as follows:

Modified Condition #5:

“Off-site snow storage is required in order to meet snow storage demand when existing onsite snow storage areas are full. An agreement with a legitimate and licensed snow removal business with authorized snow storage locations shall be valid each year as long as the project exists. Staff may request a copy of the agreement to validate this condition is met.”

LAND DEVELOPMENT TECHNICAL ADVISORY COMMITTEE (LDTAC)

UP23-002 went to LDTAC on January 18, 2023, for application acceptance and returned to LDTAC for approval of conditions on March 6, 2023. UPM23-003 went to LDTAC on August 7 for application acceptance and recommended allowing the modification to condition #5 as proposed.

PUBLIC NOTICING AND COMMENTS

UP23-002 was noticed in the February 25, 2023 edition of The Sheet; mailers noticing the project were sent to properties within 300 feet of the subject property on February 25, 2023. No public comment was received as of the drafting of this staff report. UPM23-003 was noticed in the August 5, 2023 edition of the The Sheet.

CEQA COMPLIANCE

This project is categorically exempt from CEQA because it meets the conditions of *CEQA Guideline §15301 - EXISTING FACILITIES. Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use.*

The project qualifies for this CEQA exemption because there is no new construction and no expansion of uses.

USE PERMIT FINDINGS

Per Chapter 32 of the Mono County General Plan Land Use Element, Use Permits may be granted by the Planning Commission only when **all** of the following findings can be made in the affirmative:

- 1. All applicable provisions of the Land Use Designations and Land Development Regulations 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.***

Finding 1 may be made because the proposed change of condition would require the applicant to maintain a snow removal contract with a licensed and legitimate snow removal company with authorized snow storage sites in order to meet snow storage requirements and prevent exacerbating the existing nonconforming use.

2. The site for the proposed use relates to streets and highways adequate in width and type to carry the quantity and kind of traffic generated by the proposed use.

Finding 2 may be made because the project is an existing use and therefore will not change the quantity and kind of traffic generated by the change to the condition of approval. The property owner has maintained a snow removal contract in the past. The property is accessed by State Route 158, a Caltrans maintained highway adequate to carry the quantity and traffic generated by either method of snow removal.

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.

Finding 3 may be made because 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 it is an adjustment to an existing parking management plan in compliance with MCGP LUE §6.090 and it is an existing use with no new construction. At least one other property in the June Lake Commercial District utilizes a snow removal contract to mitigate issues with existing, non-conforming snow storage.

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

Finding 4 may be made because the proposed use is consistent with MCGP LUE §6.090 – Central Business Parking Districts; and:

Objective 13.I. Maintain the June Lake Village as the Loop's commercial core by providing a wide range of commercial and residential uses in a pedestrian-oriented atmosphere.

Action 13.E.1.a. Allow higher densities and provide for mixed uses in areas suitable for commercial and retail development.

And:

GP LUE §34.020 Alterations to nonconforming uses, buildings and structures: The following criteria shall be considered by staff during the review of any application to expand/alter a nonconforming use. Any alteration required by governmental or court action shall be exempt from these conditions and restrictions. Conditions affecting a nonconforming use shall apply to the existing use, land and structures and shall not be affected by ownership change.

A. Alterations of the nonconforming use shall not be detrimental to the intent of the land use designations, objectives and policies, specified in this General Plan.

Finding A may be made because the proposed snow removal contract addresses the existing nonconforming snow storage issue by securing a licensed and legitimate business to remove the snow to an authorized snow storage location. The snow removal contract to remove the snow to an off-site location addresses the nonconforming snow storage onsite.

- B. *The granting of permission to alter the nonconforming use shall not be substantially detrimental to the public health, safety or welfare or injurious to the property or improvements in the vicinity or adversely impact the surrounding properties more than the existing nonconforming use.*

The alteration of the nonconforming use is not substantially detrimental because it improves public safety and reduces the potential for adverse impacts to adjacent properties by having a licensed business remove snow to another lot.

- C. *The alteration shall not increase the intensity of the use-category of the land, building or structure.*

The alteration does not propose any new construction or change any existing uses and therefore does not increase the intensity of the use-category of the land.

- D. *If the proposed alteration could generate public controversy, the Director shall refer the application to the Planning Commission for its consideration.*

The application has been referred to the Planning Commission for consideration.

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

ATTACHMENTS

1. UP23-002
2. Site Plan
3. Public Notice

MONO COUNTY

Planning Division

NOTICE OF DECISION & USE PERMIT

USE PERMIT: UPM23-003

APPLICANT: John Logue

ASSESSOR PARCEL NUMBER: 015-075-005

PROJECT TITLE: Use Permit Modification 23-003 Logue / Modification to Condition of Approval for Off Site Snow Storage for UP23-002

PROJECT LOCATION: 2616 Highway 158

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.

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's 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.

DATE OF DECISION/USE PERMIT APPROVAL: August 17, 2023

EFFECTIVE DATE USE PERMIT: August 28, 2023

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

MONO COUNTY PLANNING COMMISSION

Dated: _____

cc:	<u> X </u>	Applicant
	<u> X </u>	Public Works
	<u> X </u>	Building
	<u> X </u>	Compliance

MODIFIED CONDITIONS OF APPROVAL
Use Permit 23-002 / Logue

- 1) The uncovered parking spaces must meet minimum dimensions of 8' wide by 16' long at all times of the year and snow must be removed from these parking spaces to provide for the parking of vehicles.
- 2) Vehicles parked in the uncovered parking spaces shall not block turning movements into the garage parking spaces.
- 3) The property lines bordering APN 015-075-004 and APN 015-075-026 must be surveyed to verify the parking spaces are entirely located on APN 015-075-005 by July 31, 2023.
- 4) The project shall comply with any Caltrans requirements.
- 5) ~~A Covenant shall be required per MCGP LUE §48.040 and the record owner of APN 015-075-004 and APN 015-075-026 shall execute said covenant running with the land in a form approved by the County Counsel, which shall contain the requirements imposed for snow removal and the permitted snow storage on the nearby property and it shall be recorded in the office of the County Recorder by July 31, 2023. The Director may issue releases from such covenants when they are no longer applicable.~~
 Off-site snow storage is required in order to meet snow storage demand when existing onsite snow storage areas are full. The propane tank and parking spots shall be cleared of snow to provide for the required parking and the safety of the area residents. An agreement with a legitimate and licensed snow removal business with authorized snow storage locations shall be valid each year as long as the project exists. Staff may request a copy of the agreement to validate this condition is met.
- 6) Project shall comply with all Mono County requirements including, but not limited to, Building Division, Public Works, and Environmental Health requirements.
- 7) 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.
- 8) Appeal. Appeals of any decision of the Planning Commission may be made to the Board of Supervisors by filing a written notice of appeal, on a form provided by the division, with the Community Development director within 10 calendar days following the Commission action. The Director will determine if the notice is timely and if so, will transmit it to the clerk of the Board of Supervisors to be set for public hearing as specified in Section 47.030.
- 9) Termination. 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:

- A. 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. Exercise of rights shall mean substantial construction or physical alteration of property in reliance with the terms of the Director Review.
 - B. There is discontinuance for a continuous period of one year, as determined by the Director, of the exercise of the rights granted.
 - C. No extension is granted as provided in Section 31.080.
- 10) 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. Exception to this provision is permitted for those use permits approved concurrently with a tentative parcel or tract map; in those cases the approval period(s) shall be the same as for the tentative map.
- 11) Revocation: The Planning Commission may revoke the rights granted by a Director Review, 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 Director Review or the violation by the owner or tenant of any provision pertaining to the premises for which such Director Review was granted. Before revocation of any permit, the commission shall hold a hearing thereon after giving written notice thereof to the permitted 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 Chapter 47, Appeals, and shall be accompanied by an appropriate filing fee.

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Modifications approved by Planning Commission in red.

March 16, 2023

To: Mono County Planning Commission

From: Laura Stark, Community Development Analyst

Re: Use Permit 23-002/Sierra Wave Parking Reduction & Off-Site Snow Storage

RECOMMENDATION:

It is the recommendation that the Planning Commission take the following actions:

1. Find that the project qualifies as a Categorical Exemption under CEQA guideline §15301 and instruct staff to file a Notice of Exemption;
2. Make the required findings as contained in the staff report; and
3. Approve Use Permit 23-002 subject to Conditions of Approval.

PROJECT DESCRIPTION

The proposal is for a parking reduction plan on a 0.11-acre parcel located in the June Lake Central Business District at 2616 State Route (SR) 158, (APN 015-075-005-000), and for off-site snow storage on a nearby parcel (APN 015-075-117-000). Both parcels are designated Commercial (C). The surrounding parcels are all designated Commercial. On the applicant's property, the portion of the building fronting SR 158 contains the retail business, Sierra Wave. Two long-term rental residences are located in the rear portion of the building and are situated adjacent to the neighboring L-shaped parcel which contains a bar & cafe, accessory buildings and a parking lot (see Figure 1).



Figure 1 – Subject property outlined in green.

The application proposes a parking management plan pursuant to the Mono County General Plan (MCGP) Land Use Element (LUE) §6.090 Central Business Parking District standards, and off-site snow storage on APN 015-075-017-000 (see Figure 2) as may be allowed through the use permit process per MCGP LUE §4.300. The parking management plan reduces the number of spaces by three, adds a bicycle rack for four, and authorizes two parking spaces with alternative dimensions of 8' x 16'.

The property has an existing, non-conforming snow storage area and the proposed use would further reduce the snow storage area because the two outdoor parking spots are currently being used for snow storage.



Figure 2 – Subject property outlined in green; proposed off-site snow storage parcel outlined in yellow.

GENERAL PLAN CONSISTENCY

The property currently is required to have eight parking spaces per MCGP LUE §6.090; five of which were approved for off-site parking spaces per Director Review (DR) 01-12 (see Attachment 1). The applicant no longer owns the property where the off-site parking was located under DR01-12 and proposes to offer on-site parking by creating additional bike parking and utilizing an off-site snow storage plan to provide and maintain the required parking spaces.

The off-site snow storage plan would be conducted by the applicant using the applicant's existing snow removal equipment, a CASE 1840 Uniloader. Snow would be removed to a nearby undeveloped parcel (APN 015-075-117-000) which is owned by the applicant. The applicant

leases several parcels in the same area to Caltrans for snow storage and Caltrans has confirmed that an encroachment permit is not required for the applicant's proposed project.

GENERAL PLAN STANDARDS

MCGP LUE §6.090 requires parking as follows:

Table 1 - Parking Requirement (from TABLE 06.010: REQUIRED NUMBER OF PARKING SPACES)				Required
General Retail, Services & Offices	One space for each 200 sq. ft. of gross leasable floor area. No fewer than two spaces.	800sq ft / 200		4
Guest Parking for Multifamily	One space for each six units, no fewer than two. Only required for 3+ units.	2 MF		0
Residential Unit	Two spaces per unit. Tandem parking allowed for SFR and Accessory Units.	2 Residences x 2 spaces		4
Total Required Parking Spaces				8

MCGP LUE §6.090 designates portions of the June Lake Village as a Central Business Parking District. The purpose of these districts is to balance off-street parking requirements with existing community context and character and to provide flexibility in allowing alternative means of addressing parking demand to encourage more economically productive land uses. The project is located within the June Lake Village Central Business Parking District and therefore the required parking can be reduced as noted in Table 2 (below).

Table 2 - Proposed Parking Reduction Plan per June Lake Village Central Business Parking District standards				
06.090 Central Business Parking Districts.		Calculation		Required
A. Minimum Off-Street Requirements	Within the June Lake and Lee Vining central business parking districts, 60% of minimum off-street parking requirements for non-overnight commercial uses in accordance with Table 06.010 shall be required. Note: Fractional parts from 0.51 to 0.99 shall be rounded to the next higher number when calculating required spaces. II-242 (per MCGP LUE Table 6.010)	4 Non-Overnight Commercial Spaces x 60%=	2.4*	2
C. Alternative Parking Allowed Subject to Director Review or Use Permit	A maximum of one required off-street parking space may be substituted for four bicycle parking spaces	4 Bicycle Parking Spaces		-1
Residential Unit with Overnight Parking	Two spaces per unit. Tandem parking allowed for SFR and Accessory Units.*	2 Residences x 2		4
Total Required Parking Spaces				5

*Required overnight parking spaces are not eligible for parking reduction.

There are three existing covered parking spaces on the property and the applicant has proposed a location for two additional parking spaces to meet the required five parking spaces (see Figure 3 & 6). Currently there is a small shed and an old vehicle obstructing the uncovered spaces and the snow has not been fully removed from the uncovered spaces. The applicant is proposing to remove the shed and vehicle, and to plow the spaces to appropriately maintain the required dimensions (see Figure 4 & 5).



Figure 3 (above) – Subject property and neighboring properties. Proposed uncovered parking spaces lined in yellow.

Figure 4 (left) – Driveway and proposed parking area from SR 158.

The applicant shall survey their property lines to ensure the parking spaces do not encroach on neighboring property.

During a site visit with County staff on February 21, 2023, the applicant demonstrated how the snow could be removed to provide the uncovered parking spaces and explained that the existing vehicle and small shed currently obstructing the uncovered spots can be moved in the spring (see Figure 5).

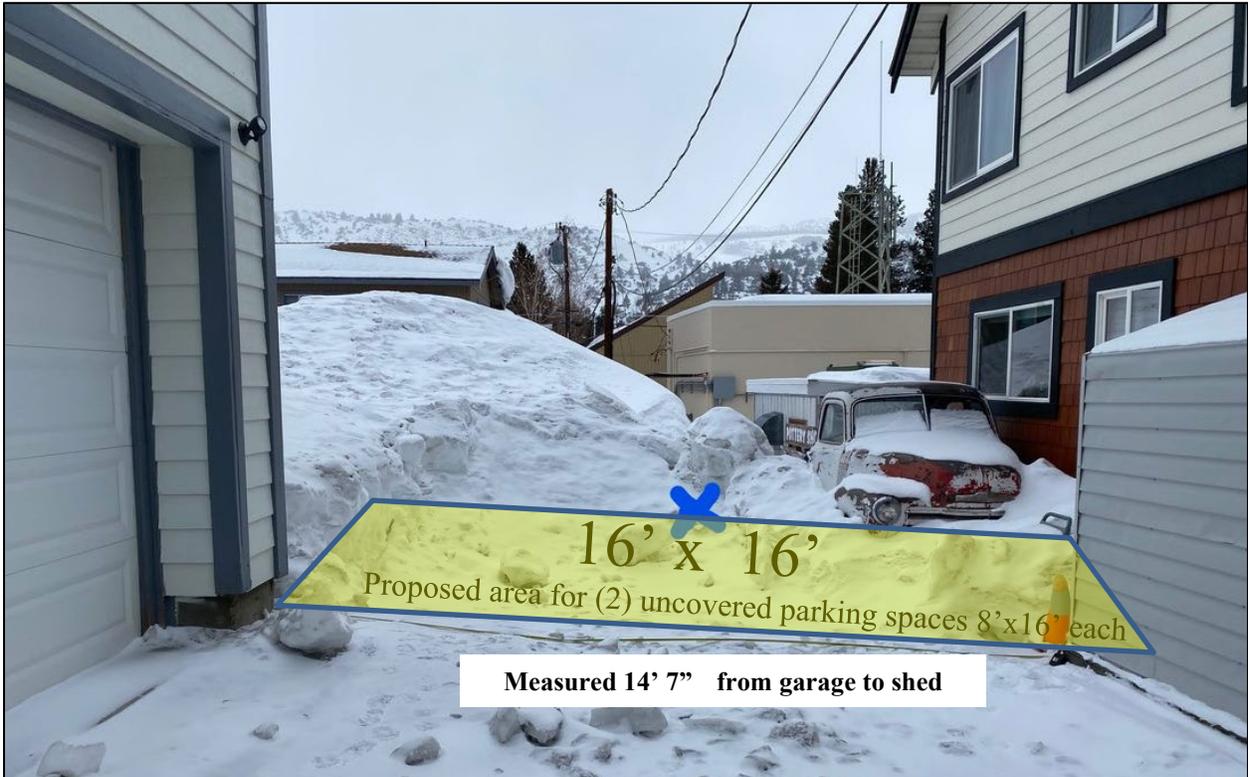


Figure 5 – Proposed uncovered parking area

Once the snow, shed, and old vehicle are removed, adequate space should exist to maintain and utilize the two parking places previously established under DR 01-12. Year-round access to the two uncovered parking spaces onsite would be required to establish the minimum amount of on-site parking required under MCGP LUE §6.090.

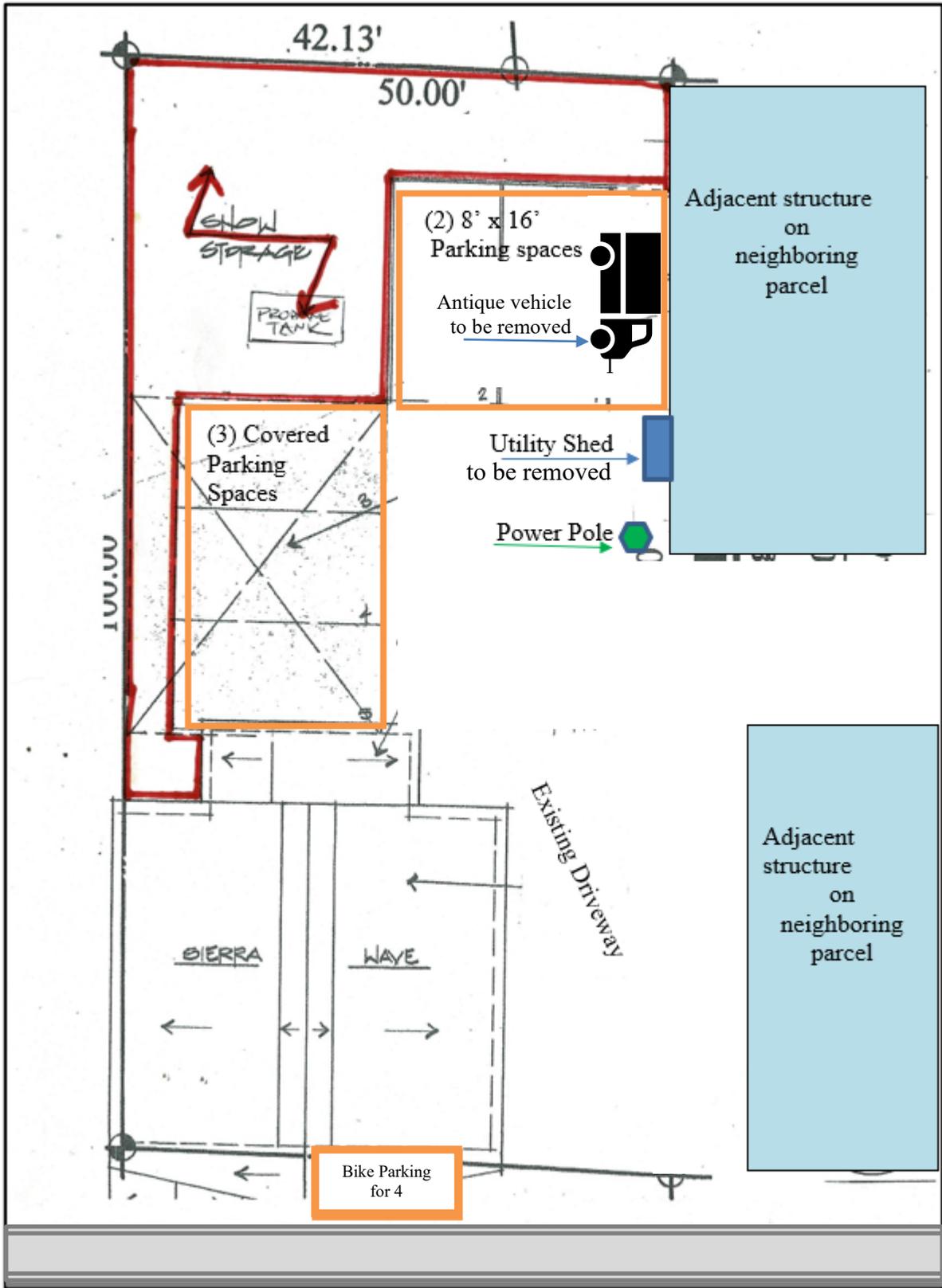


Figure 6 – Site Plan

LAND DEVELOPMENT TECHNICAL ADVISORY COMMITTEE (LDTAC)

The project went to LDTAC on January 18, 2023, for application acceptance and returned to LDTAC for approval of conditions on March 6, 2023.

PUBLIC NOTICING AND COMMENTS

The project was noticed in the February 25, 2023, edition of The Sheet; mailers noticing the project were sent to properties within 300 feet of the subject property on February 25, 2023. No public comment was received as of the drafting of this staff report.

CEQA COMPLIANCE

This project is categorically exempt from CEQA because it meets the conditions of *CEQA Guideline §15301 - EXISTING FACILITIES. Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use.*

The project qualifies for this CEQA exemption because there is no new construction and no expansion of uses.

USE PERMIT FINDINGS

Per Chapter 32 of the Mono County General Plan Land Use Element, Use Permits may be granted by the Planning Commission only when **all** of the following findings can be made in the affirmative:

- 1. All applicable provisions of the Land Use Designations and Land Development Regulations 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.***

Finding 1 may be made because the proposed use is consistent with MCGP LUE §6.090 – Central Business Parking Districts as analyzed in Table 2. The applicant shall survey their property lines to confirm the parking spots do not encroach on neighboring properties. The applicant proposes an off-site snow storage solution utilizing snow removal equipment and a nearby property, both owned by the applicant, to meet snow storage requirements and prevent exacerbating the existing nonconforming use after parking is added.

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

Finding 2 may be made because the project is an existing use and therefore will not change the quantity and kind of traffic generated by the addition of two new on-site parking spaces and off-site snow storage. The property is accessed by State Route 158, a Caltrans maintained highway adequate to carry the quantity and traffic generated by the existing commercial and residential land uses. Public Works advised that the proposed snow removal plan would be similar to the work completed by Caltrans on nearby properties and approved the use of the property for snow storage. Caltrans also acknowledged the use in

an email and noted no encroachment permit is required at this time for the snow storage parcel.

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.*

Finding 3 may be made because 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 it is an adjustment to an existing parking management plan in compliance with MCGP LUE §6.090 and it is an existing use with no new construction. Off-site snow storage also occurs on nearby parcels.

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

Finding 4 may be made because the proposed use is consistent with MCGP LUE §6.090 – Central Business Parking Districts; and:

Objective 13.I. Maintain the June Lake Village as the Loop's commercial core by providing a wide range of commercial and residential uses in a pedestrian-oriented atmosphere.

Action 13.E.1.a. Allow higher densities and provide for mixed uses in areas suitable for commercial and retail development.

And:

GP LUE §34.020 Alterations to nonconforming uses, buildings and structures: The following criteria shall be considered by staff during the review of any application to expand/alter a nonconforming use. Any alteration required by governmental or court action shall be exempt from these conditions and restrictions. Conditions affecting a nonconforming use shall apply to the existing use, land and structures and shall not be affected by ownership change.

A. *Alterations of the nonconforming use shall not be detrimental to the intent of the land use designations, objectives and policies, specified in this General Plan.*

Finding A may be made because the proposed off-site snow storage improves the existing nonconforming snow storage issue by providing a location for removing snow from the property. The snow removal to an off-site location addresses both nonconforming snow storage onsite and the loss of additional snow storage due to the two outdoor parking spaces.

B. *The granting of permission to alter the nonconforming use shall not be substantially detrimental to the public health, safety or welfare or injurious to the property or improvements in the vicinity or adversely impact the surrounding properties more than the existing nonconforming use.*

The alteration of the nonconforming use is not substantially detrimental because it improves public safety and reduces the potential for adverse impacts to adjacent properties by removing snow to another lot.

- C. *The alteration shall not increase the intensity of the use-category of the land, building or structure.*

The alteration does not propose any new construction or change any existing uses and therefore does not increase the intensity of the use-category of the land.

- D. *If the proposed alteration could generate public controversy, the Director shall refer the application to the Planning Commission for its consideration.*

The application has been referred to the Planning Commission for consideration.

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

ATTACHMENTS

1. DR01-12
2. Public Notice

MONO COUNTY

Planning Division

NOTICE OF DECISION & USE PERMIT

USE PERMIT: UP 23-002

APPLICANT: John Logue

ASSESSOR PARCEL NUMBER:

015-075-005-000

PROJECT TITLE: Conditional Use Permit 23-002/Sierra Wave

PROJECT LOCATION: 2616 Highway 158

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.

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's 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.

DATE OF DECISION/USE PERMIT APPROVAL: March 16, 2023

EFFECTIVE DATE USE PERMIT: March 26, 2023

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

MONO COUNTY PLANNING COMMISSION

DATED: _____

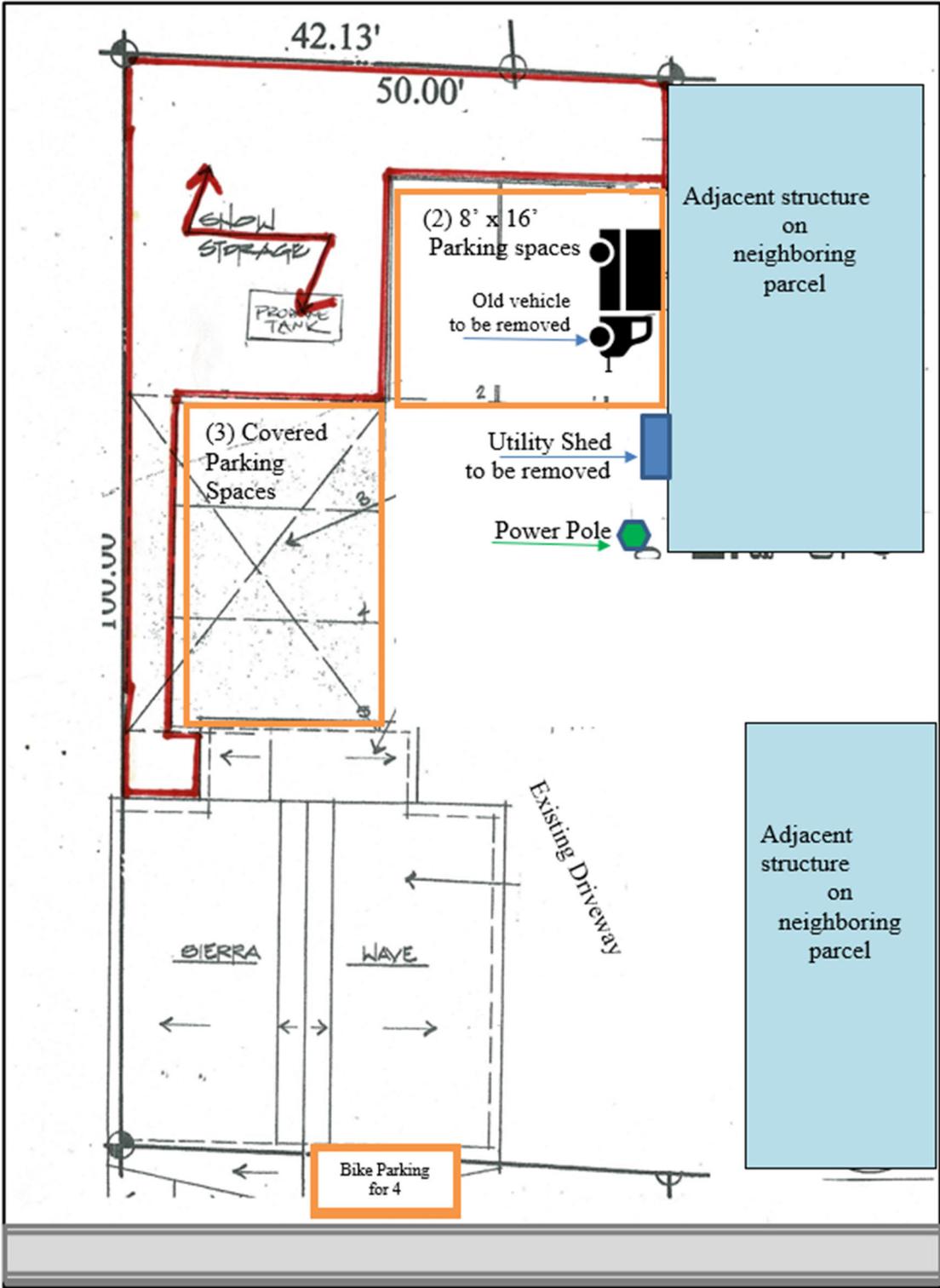
- cc: Applicant
- Public Works
- Building
- Compliance

CONDITIONS OF APPROVAL
Use Permit 23-002 /Sierra Wave

- 1) The uncovered parking spaces must meet minimum dimensions of 8' wide by 16' long at all times of the year and snow must be removed from these parking spaces to provide for the parking of vehicles.
- 2) Vehicles parked in the uncovered parking spaces shall not block turning movements into the garage parking spaces.
- 3) The property lines bordering APN 015-075-004 and APN 015-075-026 must be surveyed to verify the parking spaces are entirely located on APN 015-075-005 by **November 30, 2023**.
- 4) The project shall comply with any Caltrans requirements.
- 5) Per MCGP LUE §48.040, a Covenant shall be recorded for off-site snow storage against the originating property, APN 015-075-005-000, and the snow storage property, APN 015-075-017-000, to ensure the availability of the snow storage lot for as long as the project exists. The Covenant shall run with the land, be in a form approved by County Counsel, and be recorded in the office of the County Recorder by July 31, 2023. The Director may issue releases from such covenants when they are no longer applicable.
- 6) Project shall comply with all Mono County requirements including, but not limited to, Building Division, Public Works, and Environmental Health requirements.
- 7) Annually install snow stakes of sufficient height to indicate the property line between the subject property and APN 015-075-026-000 to ensure snow storage from the adjacent property does not impede or block the outdoor parking spaces. If the snow does impede the parking spaces, the subject property owner is responsible for removal to maintain the parking area.
- 8) A total of four parking spaces shall be signed as reserved for residential use only by July 31, 2023. The signage shall be maintained to be readable at all times.
- 9) Ensure the bike rack is maintained in good condition with four usable bicycle spaces at all times.
- 10) 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.
- 11) Appeal. Appeals of any decision of the Planning Commission may be made to the Board of Supervisors by filing a written notice of appeal, on a form provided by the division, with the Community Development director within 10 calendar days following the Commission action. The Director will determine if the notice is timely and if so, will transmit it to the clerk of the Board of Supervisors to be set for public hearing as specified in Section 47.030.
- 12) Termination. 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:

- A. 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. Exercise of rights shall mean substantial construction or physical alteration of property in reliance with the terms of the Director Review.
 - B. There is discontinuance for a continuous period of one year, as determined by the Director, of the exercise of the rights granted.
 - C. No extension is granted as provided in Section 31.080.
- 13) 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. Exception to this provision is permitted for those use permits approved concurrently with a tentative parcel or tract map; in those cases the approval period(s) shall be the same as for the tentative map.
- 14) Revocation: The Planning Commission may revoke the rights granted by a Director Review, 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 Director Review or the violation by the owner or tenant of any provision pertaining to the premises for which such Director Review was granted. Before revocation of any permit, the commission shall hold a hearing thereon after giving written notice thereof to the permitted 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 Chapter 47, Appeals, and shall be accompanied by an appropriate filing fee.

Attachment 2 – Site Plan



MONO COUNTY PLANNING COMMISSION

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

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

August 1, 2023

To: The Sheet

From: Laura Stark

Re: Legal Notice for the August 5, 2023 edition

Invoice: Heidi Willson, PO Box 347, Mammoth Lakes, CA 93546

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that Mono County Planning Commission will conduct a public hearing **August 17, 2023**. The meeting will be accessible remotely by livecast at: <https://monocounty.zoom.us/j/88018365312> or in-person at the Board Chambers, 2nd floor, County Courthouse, Bridgeport, CA, 93517 or via Teleconference Location at the Lundy Lake Room of the Mono County Civic Center, First Floor, 1290 Tavern Road, Mammoth Lakes, CA, 93546 where members of the public shall have the right to observe and offer public comment, to consider the following: **9:05 am - Proposal for a modification to the off-site snow storage location for Use Permit 23-002 which approved a parking plan and off-site snow storage.** The property is located at 2616 Highway 158 (APN: 015-075-005-000) and proposes to modify condition #5 in order to utilize an agreement with a legitimate and licensed snow removal business with authorized snow storage locations instead of implementing a Covenant for off-site snow storage on APN: 015-075-017-000. Pursuant to the California Environmental Quality Assessment (CEQA), the project qualifies as a Categorical Exemption under Guidelines §15301 – Existing Facilities, which consists of the operation and maintenance of existing structures involving negligible or no expansion of existing or former use. Project materials are available for public review online at <https://monocounty.ca.gov/planning-commission> and hard copies are available for the cost of reproduction by calling 760-924-1800. INTERESTED PERSONS are strongly encouraged to attend the livecast meeting online (technology permitting) or to attend in-person; and to **submit comments by 8 am on Thursday, August 17, 2023, to the Planning Commission Secretary, PO Box 347, Mammoth Lakes, CA 93546** or by email at cddcomments@mono.ca.gov. If you challenge the proposed action(s) in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Secretary of the Planning Commission at, or prior to, the public hearing.

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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

August 17, 2023

To: Mono County Planning Commission

From: Wendy Sugimura, Director

Re: Walker Basin Conservancy Program Updates

RECOMMENDED ACTION

None; informational only. Provide any desired direction to staff.

FISCAL IMPACT

None at this time.

BACKGROUND

Walker Lake is a salty terminal lake, similar to Mono Lake, in Nevada at the end of the Walker River which begins in the Sierra Nevada Mountains and runs through Antelope Valley and Bridgeport Valley (for a map, please visit <https://webapps.usgs.gov/walkerbasinhydromapper/#home>). During the last quarter of the 19th century, farmers and ranchers established communities in the Walker Basin and natural flows from the Walker River were diverted to support hay, pasture and other irrigated crops. As a result of declining water levels, the salinity of Walker Lake has increased dramatically to the point that the general health of the ecosystem is at risk and the lake can no longer support its native fish and wildlife populations.

In 2009, the Walker Basin Restoration Program was established by Public Law 111-85 for the primary purpose of restoring and maintaining Walker Lake, funded by the Desert Terminal Lakes Fund which Congress established for the benefit of at-risk natural desert terminal lakes and associated riparian and watershed resources. In 2012, the National Fish and Wildlife Foundation (NFWF) and Mono County entered into a Memorandum of Understanding (MOU) in response to concerns about the impact of potential water lease or sale programs dedicated to raising the level of Walker Lake (see Attachment 1). The MOU established that the Mono County Board of Supervisors will review, comment upon, and consider approving a proposal prior to appropriation of any funds by NFWF for the lease or purchase of land, water appurtenant to the land, or related interests for Walker Lake restoration.

In 2015, NFWF provided a grant award to Mono County to develop a water lease or transfer program proposal and conduct environmental review under CEQA. The project had various starts and stops related to grant scope changes, staffing challenges, interruption by COVID, and ultimately an administrative draft of the program and Environmental Impact Report were available with contract staff secured to complete the project, but the funding was no longer available through NFWF. However, the MOU provisions remain in place.

Concurrently in 2015, the Walker Basin Conservancy (WBC; <https://www.walkerbasin.org/>) was established to lead the effort to restore Walker Lake. The WBC works to restore and maintain Walker Lake while protecting agricultural, environmental, and recreational interests throughout the Walker Basin, and has entered into water transfer agreements that include management of the associated resources and economic impacts.

These programs have been developed along separate but parallel tracks, and the WBC's work provides new context and information that was not previously available when the original MOU was established. Therefore, the purpose of this agenda item is to introduce the Walker Basin Conservancy and their work.

DISCUSSION

According to the Walker Basin Conservancy's (WBC's) 10-year report

(<https://static1.squarespace.com/static/550a1fc8e4b0e1de27f15703/t/61b8e51632b0eb4c0fbb2400/1639507224245/WBC-10+Year+Report-TB70-Final-LowRes.pdf>), the WBC is passionate about reversing the collapse of Walker Lake and strives to balance agricultural interests, wildlife needs, cultural activities, and recreational use, while creating sustainable landscapes. Conservancy staff work alongside AmeriCorps National Service Members to accomplish on-the-ground restoration goals. AmeriCorps is a national service program that provides opportunities for young adults and new professionals to learn conservation principles and develop new skills while completing valuable service projects on our public lands.

The WBC's stewardship includes efforts such as native plant revegetation, noxious weed control, and streambank stabilization to improve habitat for important species like sage grouse and Lahontan cutthroat trout. They also benefit the local community by decreasing wildfire risk, suppressing dust, and preventing erosion while keeping the local agricultural economy strong.

The WBC's Executive Director, Peter Stanton, will provide the Board with an overview of the Conservancy's accomplishments and programs, as well as the results of water transfer projects and management (see Attachment 2). Mr. Stanton has also presented to the Mono County Board of Supervisors, Antelope Valley Regional Planning Advisor Committee (RPAC), and the Bridgeport Valley RPAC.

ATTACHMENTS:

1. NFWF and Mono County Memorandum of Understanding
2. Walker Basin Conservancy presentation slides

**BOARD OF SUPERVISORS
COUNTY OF MONO
P.O. BOX 715, BRIDGEPORT, CA 93517
(760) 932-5534/5538 Fax (760) 932-5531**

Lynda Roberts
Clerk of the Board

**MEETING of
MARCH 13, 2012**

Linda Romero
Assistant Clerk of the Board

**MINUTE ORDER
M12-59
Agenda Item: 12a**

TO: County Counsel

**SUBJECT: Memorandum of Understanding with National Fish and Wildlife
Foundation**

Approve County entry into proposed Memorandum of Understanding (MOU) and
authorize Chair to execute said MOU on behalf of the County.

Hansen moved; Hunt seconded

Vote: 5 yes; 0 no

Copies sent to:
CAO
County Counsel
Other:

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE NATIONAL FISH AND WILDLIFE FOUNDATION
AND THE COUNTY OF MONO
REGARDING THE IMPLEMENTATION OF A WATER LEASING PROGRAM AND/OR WATER PURCHASE
PROGRAM WITHIN THE CALIFORNIA PORTIONS OF THE WALKER RIVER BASIN
INCLUDING CALIFORNIA ENVIRONMENTAL QUALITY ACT COMPLIANCE**

WHEREAS, Section 2507 of the Farm Security and Rural Investment Act of 2002 (P.L. 107-171) appropriated \$200 million to the U.S. Bureau of Reclamation for the purpose of providing water to at-risk natural desert terminal lakes, including Walker Lake in Nevada, and Section 2807 of the Food, Conservation, and Energy Act of 2008 (P.L. 110-246) appropriated an additional \$175 million for that same purpose (the "Desert Terminal Lakes Fund" or "DTL Fund"); and

WHEREAS, Congress allocated \$70 million of the Desert Terminal Lakes Fund to the University of Nevada to (among other things) acquire, from willing sellers, land, water appurtenant to the land, and related interests in the Walker River Basin, Nevada (the "Water Acquisition Program")(P.L. 109-103); and

WHEREAS, in 2009, Congress substituted the National Fish and Wildlife Foundation (NFWF) for the University of Nevada as the entity authorized to carry out the Water Acquisition Program and, separately, established the Walker Basin Restoration Program (P.L. 111-85) for the primary purpose of restoring and maintaining Walker Lake, and together with the U.S. Bureau of Reclamation has allocated additional funds from the Desert Terminal Lakes Fund for that purpose; and

WHEREAS, as part of the Walker Basin Restoration Program, Congress allocated \$25 million from the DTL Fund to the Walker River Irrigation District (District), to administer and manage a 3-year water leasing demonstration program in the Walker River Basin, to be carried out by the District in accordance with an agreement between it and NFWF (the "Water Leasing Demonstration Program"), which may include the participation of willing lessors in Mono County, whose lands lie outside the jurisdiction of the District; and

WHEREAS, the Consolidated Appropriations Act for 2012 (P.L. 112-74, Division B, Section 208) amended prior DTL authorities to make clear that funds derived from the Desert Terminal Lakes Fund may be used to lease or purchase water from willing sellers "for the benefit at-risk natural desert terminal lakes and associated riparian and watershed resources" throughout the affected geography, and thus potentially allows NFWF to use Water Acquisition Program funds to purchase and/or lease water from willing sellers in the California portions of the Walker River Basin. (The Water Leasing Demonstration Program and the Water Acquisition Program, as applicable to the lease or purchase of land, water appurtenant to the land, or related interests within the California portions of the Walker River Basin, are collectively referred to in this agreement as the "California Programs."); and

WHEREAS, the Mono County Resource Conservation District (RCD) is interested in facilitating the development of environmental and/or other information related to the California Programs for the purposes of aiding in their design and implementation, contributing to informed decision making, and furthering compliance with the California Environmental Quality Act (CEQA); and

WHEREAS, NFWF believes that local input into the development of the California Programs and, ultimately, review and approval of those Programs by a locally-elected decision making body such as the Mono County Board of Supervisors prior to their implementation will increase the likelihood that the California Programs are appropriately and beneficially carried out and, as a result, ultimately successful in achieving the goals of the Water Leasing Demonstration Program and/or the Water Acquisition Program. Accordingly, NFWF desires to provide for such input and approval in accordance with the terms and conditions set forth in this MOU; and

WHEREAS, the Mono County Board of Supervisors desires and is willing to review (including environmental review as required by the California Environmental Quality Act), comment upon, and consider for approval proposal(s) for implementation of a short-term water leasing demonstration program, or such other proposals for implementation of the California Programs as may be presented to it by the District, the RCD or other parties working in conjunction with the District and/or NFWF in order to fulfill the purposes and objectives of the Walker Basin Restoration Program as they may pertain to willing participants in California, in accordance with the terms and conditions set forth in this MOU;

NOW, THEREFORE, IN CONSIDERATION OF THE FOREGOING, NFWF AND THE COUNTY OF MONO DO HEREBY AGREE AS FOLLOWS:

1. NFWF will work with the RCD or other parties to develop one or more grant agreements to support development of the California Programs and will not expend, nor authorize the expenditure of, funds appropriated to the Desert Terminal Lakes Fund for the lease or purchase of land, water appurtenant to the land, or related interests within Mono County unless and until the Mono County Board of Supervisors has reviewed, commented upon, and concurred with the scope and nature of the California Programs and complied with its obligations under CEQA.
2. The Mono County Board of Supervisors will review, comment upon, and consider approving a proposal presented to it by the RCD (or other parties working in conjunction with NFWF) for implementation of a short-term Water Leasing Demonstration Program within Mono County, as well as such other proposal(s) for implementation of the California Programs which may be presented to it, subject to the conditions stated in paragraphs 3 and 4 below, and will work in good faith to support their timely consideration. The Board's approval shall not be unreasonably withheld.
3. The costs of processing, environmental review, and related expenses associated with consideration of the proposal(s) by the Board of Supervisors shall be paid by the

applicant/proponent in accordance with the County's standard environmental processing procedures, unless otherwise agreed to in writing by the County.

- 4. As required by CEQA, the Board of Supervisors shall retain discretion to conditionally approve, approve, disapprove, or modify any proposal presented to it pursuant to this agreement for implementation of the California Programs.
- 5. This MOU shall remain in effect for the duration of NFWF's Program grant agreement with the Bureau of Reclamation, including any renewal thereof or subsequent grant agreement involving substantially the same programs or activities, unless it is terminated sooner by the mutual written consent of the parties; may be amended from time to time by the mutual written consent of the parties; and shall be enforced only by action seeking specific performance and/or injunctive relief.

IN WITNESS WHEREOF, THE PARTIES HERETO HAVE SET THEIR HANDS AND SEALS THIS 13th DAY OF March, 2012.

NATIONAL FISH AND WILDLIFE FOUNDATION

Jeff Trandahl
Jeff Trandahl, Executive Director

2/28/2012
Date

COUNTY OF MONO

William M. Bauer
Chair, Board of Supervisors

3-13-12
Date



Walker
Basin
Conservancy



Walker Basin Conservancy

Mono County Planning Commission

August 17, 2023





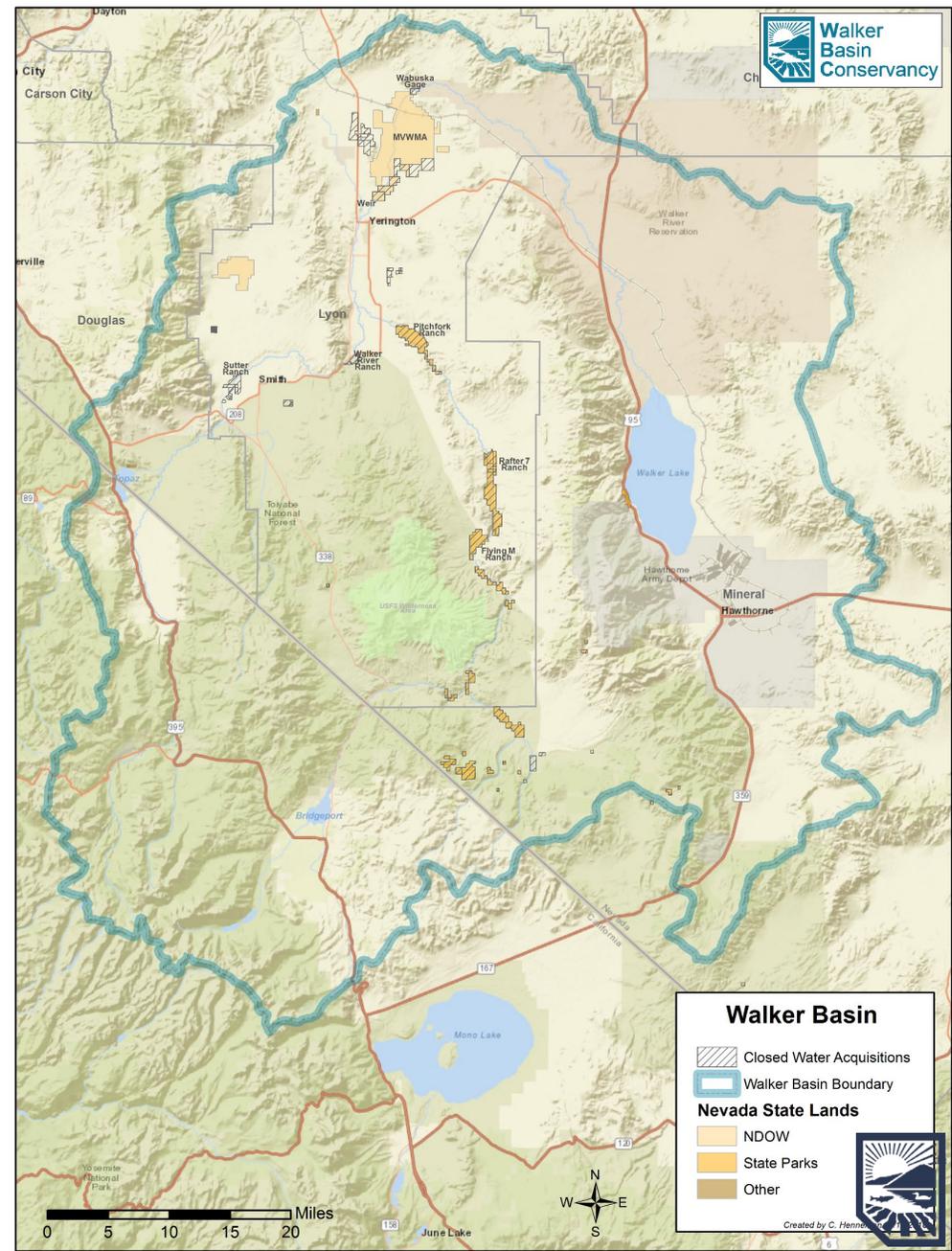
Walker Basin Conservancy

Protect the watershed of the Walker River Basin and Restore Walker Lake

Protect water rights for environmental benefit

Improve habitat on former monoculture

155 ranchers have participated



Walker Lake

Supported 50% of Mineral County economy

Traditional homeland of Walker River Paiute Tribe (Agai Dicutta)

World-class fishery

Annual Loon Festival



Walker Lake

Lost 90% of its volume since 1850s due to upstream river diversions

Currently in complete ecosystem collapse

Too saline to support fish life
Last trout caught 2009



Environmental Water Transactions

155 ranchers have participated

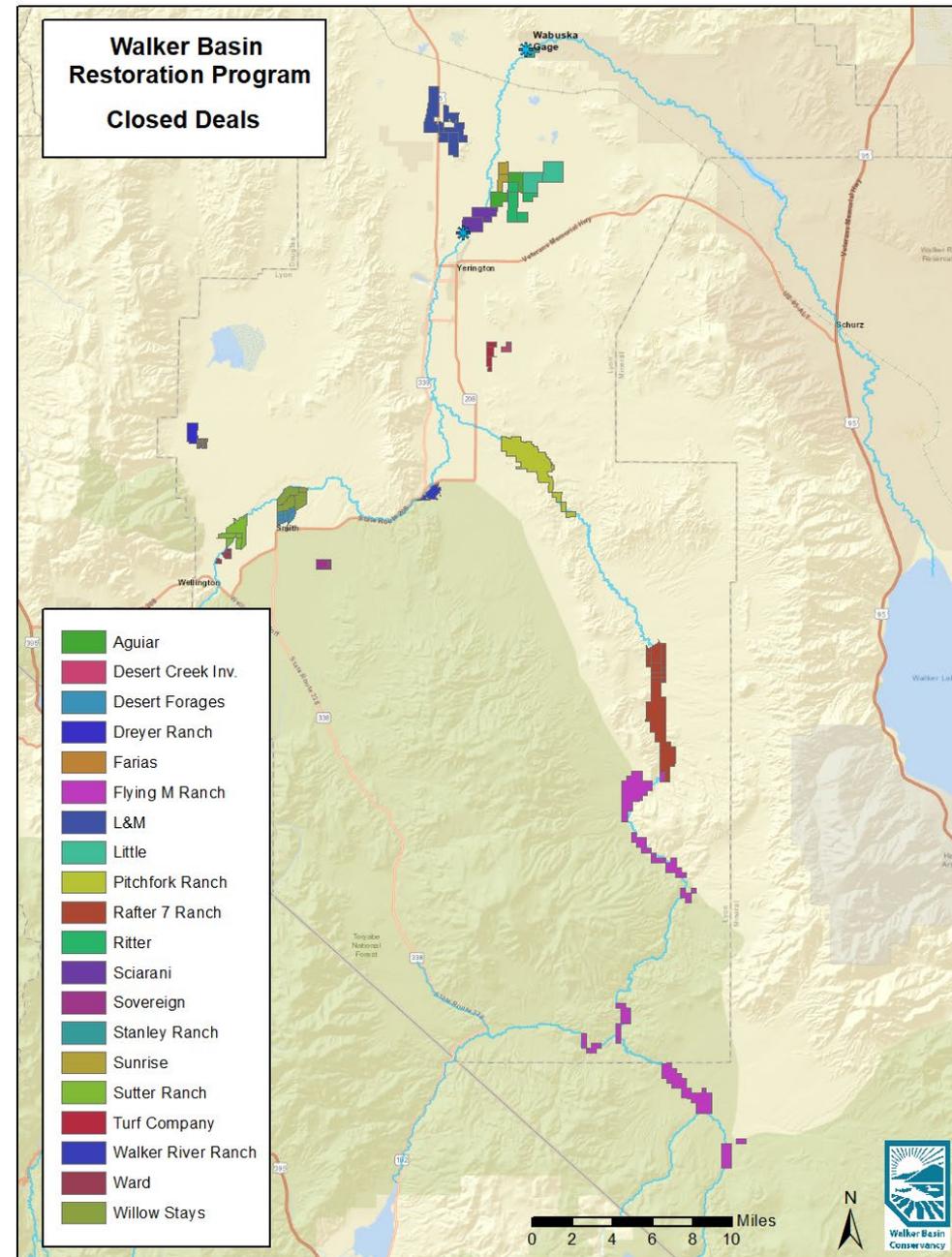
22 Permanent water rights transactions

26,000 afa

\$108,000,000 in transactions

4th year of storage leasing program

All water tracked transparently online



Public Access and Recreation

Created public access to 29 miles of the Walker River

Established new Nevada state park –
Walker River State Recreation Area
100,000 visitors first 3 years

Expanded Mason Valley Wildlife
Management Area



Habitat Restoration and Land Management

30 staff members and 30 AmeriCorps members mainly working on revegetation

Improved habitat on more than 5,000 acres of former monoculture

Every transaction includes long-term land use planning



Walker River State Recreation Area

Conservancy donated Pitchfork, Rafter 7 and Flying M Ranches to State of Nevada

Conservancy re-vegetated more than 2,500 acres

Park is gateway to 65+ miles of the East Walker River

100,000 visitors first 3 years



Dreyer Ranches

300 Acres in Smith Valley, Nevada

Water-only sale

Conservancy worked with
landowner to convert hay operation
to irrigated grazing

Satellite imagery from June 2023

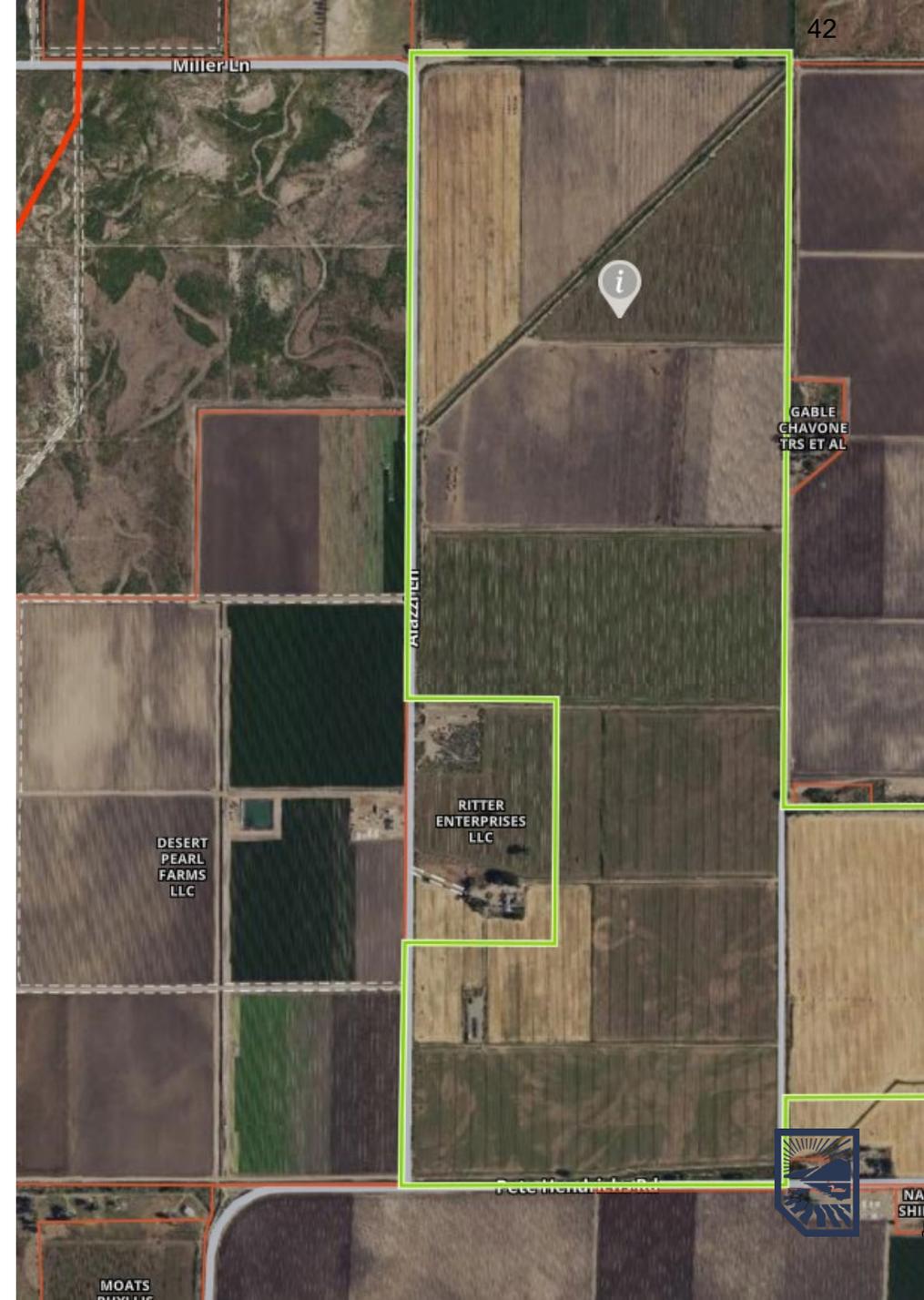


Ritter

574 acres in Mason Valley

Three-way deal with local grower

Currently in row crop vegetable production



Community Involvement

Environmental education with Boys and Girls Club and Schurz Elementary

Board of Directors of Yerington Chamber of Commerce

Lyon County and Smith Valley Advisory Board volunteer partnerships



2023 Walker Lake

Walker Lake up 13 feet year-to-date

Record river discharge of 605,000
acre-feet forecast

Walker Lake forecast to rise 15+ feet

Estimated 2 consecutive years of
similar flows could re-establish
fishery at Walker Lake



Mono County Planning Division*: Current Projects

August 4, 2023

*Does not include transportation, LAFCO, building, code compliance, etc. projects

Completed		
Fee Waiver	Swall Meadows	Board denied fee waiver request for Sherer Appeal
Housing	Countywide	Housing Authority meeting complete
DR	Antelope Valley	MVF - well power to maintain landscaping
LM	Swall Meadows	merger recorded
Walker Lake Restoration	North County	Facilitated Walke Basin Conservancy's presentation to the Board of Supervisors, Antelope Valley and Bridgeport RPACs
Tri-Valley Groundwater Model	Tri-Valley	Accept a grant for a groundwater model on behalf of the Tri-Valley Groundwater Management District; establish a project manager
Department Presentation to Board	n/a	Provided outcomes and results for the 22-23 FY - see Aug. 1 Board meeting
Hazard Mitigation Plan grant	countywide	Completed CalOES grant agreement and received approval to start project
LADWP sage grouse habitat conservation	Long Valley	Attended a field review of LADWP's adaptive management plan for sage grouse conservation
Wheeler Crest Design Review Committee	Swall Meadows	Continue to hold regular meetings to approve projects and set up administration

Active Planning Permit Applications - All UPs awaiting applicant or agency responses		
Permit Type	Community	Description
GPA/SP	Mono Basin	STRs & campground, Tribe has requested consultation
UP	June Lake	New RV Park (Bear Paw)
UP	Chalfant	Accessory structure taller than 20'
UP	Walker	RV Storage facility
UPM	Long Valley	Dog park at Whitmore
DR	June Lake	Convert existing building to club house with minor retail
LLA	Coleville	adjust lot line
LM	Swall Meadows	merger
LM	June Lake	merger

Active Policy/Planning Projects		
Name	Community	Description
Study Impacts of Short-Term Rentals on workforce housing	Countywide	Proposed study attached, will be considered by Board during budget process - attached for Commissioner feedback/input
Biomass Facility	Mammoth Area	Assist with land use planning issues as necessary; project site proposed at Ormat geothermal plant
Review State Minimum Fire Safe Standards and update General Plan regulations	Countywide	Will be a separate GPA; workshop later in year
Housing Policy	Countywide	Housing Element tracking and policy development per Board's direction
Special District Study	Countywide	underway
Multi-Jurisdictional Hazard Mitigation Plan Update	Countywide	in collaboration with the Town of Mammoth Lakes
US 395 Wildlife Crossings	Long Valley	Project committee to construct wildlife crossings on US 395; Caltrans lead

Active Policy/Planning Projects		
Wheeler Crest Design Review	Swall Meadows	Convert to Brown Act body
Towns to Trails Planning	Countywide	Participate in effort by ESCOG/MLTPA
RVs as residences	Countywide	Determine if or under what circumstances an RV may be permitted as a residential use
Revision to Chapter 11	Countywide; Antelope Valley	on hold pending staffing resources
Cannabis Odor Standards	Countywide	Low priority, readings to be taken with Nasal Ranger this spring and fall
Update General Plan Map Layers	Countywide	Update online
Sage grouse conservation	countywide	update of Bi-State Action Plan, monitor and comment on USFWS listing in progress, collaborate with DWP on habitat conservation
CEC Renewable Energy Policy	Countywide	CEC policy identifying areas in Mono County for wind and solar energy development

Acronyms:

AG	Agriculture
BOS	Board of Supervisors
CEQA	California Environmental Quality Act
DR	Director Review
ESCOG	Eastern Sierra Council of Governments
GHG	Greenhouse Gas
GPA	General Plan Amendment
LLA	Lot Line Adjustment
LTC	Local Transportation Commission
LUD	Land Use Designation
MFR-M	Multi-Family Residential - Medium
MLTPA	Mammoth Lakes Trails and Public Access
MU	Mixed Use
PC	Planning Commission
RR	Rural Residential
SP	Specific Plan
STR	Short-Term Rental
UP	Use Permit
VHR	Vacation Home Rental
VMT	Vehicle Miles Traveled