

**SIERRA BUSINESS PARK
SPECIFIC PLAN AND FINAL EIR**
State Clearinghouse #1997032100

LEAD AGENCY:

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FINAL ENVIRONMENTAL IMPACT REPORT

Sierra Business Park Specific Plan Final EIR SCH #1997032100

INTRODUCTION AND SUMMARY

In keeping with the California Environmental Quality Act (CEQA), this Final Environmental Impact Report (EIR) for the proposed Sierra Business Park Project consists of (1) the Draft EIR, (2) written comments received on the Draft EIR, (3) responses to the comments received, and (4) the final Mitigation Implementation and Monitoring Program. This document also incorporates the text of the final Sierra Business Park Specific Plan. The Draft EIR (which is bound separately, but must be considered as an integral element of this Final EIR) was distributed on 21 July 2000 for review by various agencies, groups and the general public. The review period for the Draft EIR initially closed on 8 September 2000, but was subsequently extended to 21 September 2000 in response to requests received in the EIR comment letters.

By the close of the extended review period, formal comment letters had been received from 42 agencies and individuals. Table 1 below provides a summary overview of the written comments received.

Table 1
SUMMARY OF WRITTEN COMMENTS ON THE DRAFT EIR

NO.	SOURCE	KEY POINTS
1	Catherine Smith	Urges County to deny project application.
2	Gregory Reis	<ol style="list-style-type: none">1. Concerned about leapfrog development & sprawl.2. Believes proximity to airport poses unacceptable risk.3. Requests analysis of environmental impacts associated with water production, filtration, bottling, distribution.4. Concerned about impacts on nearby Sage Grouse leks.
3	Jim Parker, Eastern Sierra Audubon Society	Urges County to deny project application.
4	Phyllis Benham	<ol style="list-style-type: none">1. Questions whether the following issues have been fully evaluated: (a) Impacts on wildlife, (b) Impacts of sign lighting, (c) Impact of color selection on views, (d) safety of site ingress and egress.
5	Sherryl Taylor	<ol style="list-style-type: none">1. Requests extension of DEIR comment period.2. Concerned about visual impacts; recommends that lighting be prohibited on project ID signs.3. Urges County to prohibit retail uses on site.

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| 6 | Andy Selters (also see Letter #32) | 1. Urges County to deny application. |
| 7 | E. Tenney, P.E.S.T.E.R. (Preserving the Eastern Sierra Tradition of Environmental Responsibility); (also see Letter #30) | <ol style="list-style-type: none">1. Considers project definition to be substantially changed since the scoping meeting, particularly in terms of retail uses.2. Notes that some oral comments made during scoping were not addressed in the Draft EIR; requests Supplemental EIR be prepared.3. Considers visual impact assessment to lack analysis of impact on air passengers and hikers.4. Notes lack of regional planning body for project area.5. Concerned that project would set a precedent for development of other lands around the airport.6. Considers assessment of traffic to be incomplete.7. Considers EIR to lack assessment of traffic-related energy and air quality impacts.8. Concerned project would jeopardize scenic highway designation.9. Urges County to deny project application.10. Requests more aggressive mitigation measures to screen project from visibility, and to screen internal clutter from view.11. Requests higher, fully contoured PMZ berm on inner western boundary; suggests heavy landscaping with trees and shrubs for visual screening.12. Concurs with staff recommendation that lighting be prohibited on project ID signs. |
| 8 | Randy Witters, Mono Sierra Lodge | <ol style="list-style-type: none">1. Considers project definition to be substantially changed since the scoping meeting, particularly in terms of retail uses.2. Considers project to create dangerous traffic conditions.3. Considers project incompatible with wilderness and scenic highway designation, particularly if sign lighting allowed; recommends total screening.4. Requests extension of Draft EIR review period.5. Urges County to deny project application. |
| 9 | Julie Yost (also see Letter #36) | <ol style="list-style-type: none">1. Requests extension of Draft EIR review period.2. Recommends that berm height be increased and sign lighting prohibited.3. Considers project definition to be substantially changed since the scoping meeting, particularly in terms of retail uses.4. Concerned project would set growth precedent in airport area. |
| 10 | Long Valley Fire Protect. Dist. | <ol style="list-style-type: none">1. Requests notification during grading. |
| 11 | Long Valley Fire Protection District | <ol style="list-style-type: none">1. Requests water system flow test before construction.2. Requests that future project businesses provide a list of reportable hazardous materials. |
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12	State Clearinghouse (SCH)	<ol style="list-style-type: none"> 1. Confirms close of public review for state agencies. 2. Forwards state agency comments received by SCH.
13	Jack and Marilyn Ferrell	<ol style="list-style-type: none"> 1. Request extension of Draft EIR review period. 2. Recommend denial of General Plan amendment.
14	Catherine Rose	<ol style="list-style-type: none"> 1. Urges County to deny project application.
15	Ronald Keil, U.S. Forest Service	<ol style="list-style-type: none"> 1. Asks that all construction avoid USFS lands, except for correction and revegetation of past encroachments. 2. Recommends (a) Locally collected seed mix with specified plants; (b) Integration of berm with surrounding lands; (c) fencing on outer berm edge; (d) Compatibility of urban, native vegetation.
16	Emilie Strauss	<ol style="list-style-type: none"> 1. Indicates that EIR lacks cumulative assessment of impacts on sage grouse, migratory deer and viewshed. 2. Notes that EIR did not evaluate arsenic in well water. 3. Concerned about safety aspects of additional traffic. 4. Considers biological survey date to be too early. 5. Seeks analysis of sage grouse impacts; notes potential listing of this species.
17	Rick Jali (also see Letter #34)	<ol style="list-style-type: none"> 1. Considers project definition to be substantially changed since the scoping meeting, particularly in terms of retail uses. 2. Requests extension of Draft EIR review period.
18	Town of Mammoth Lakes	<ol style="list-style-type: none"> 1. Questions adequacy of proposed storm retention. 2. Suggests additional lighting standards. 3. Questions potential water quality impacts on Airport wells. 4. Seeks analysis of traffic turning movements at Hot Creek Rd. 5. Notes that airport apron lighting will soon be replaced with shielded fixtures per Town standards. 6. Clarifies airport color themes; notes that old hangar colors are non-conforming. 7. Requests assessment of impacts on affordable housing. 8. Seeks cumulative airport/project visual impact analysis.
19	Robert Atlee (also see Letter #41)	<ol style="list-style-type: none"> 1. Urges project visibility to be reduced to maximum extent. 2. Requests ample entry and exit lanes.
20	Sandy Hesnard, CalTrans-Aeronautics Division	<ol style="list-style-type: none"> 1. Provides form for FAA notification prior to construction. 2. Concurs with Planning Director review for population densities.

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| 21 | Mary Pipersky | 1. Requests extension of Draft EIR review period. |
| 22 | Cindi Mitton, Lahontan
Regional Water Quality
Control Board | <ol style="list-style-type: none">1. Notes that monitoring may be inadequate to mitigate water quality impacts; sand box filters could be considered mitigation.2. Notes that monitoring wells not generally used for water supply.3. Requests description of probable stormwater BMPs.4. Requests description of measures for hazardous waste disposal.5. Requests mitigation to prevent impairment of surface waters.6. Seeks clarification of toxic material use in septic systems.7. Asks about responsibility for slope maintenance program.8. Nutrients and sediment contribute to area water quality problems. Arsenic derived from natural sources; nutrient sources unknown. Narrative objectives have been set for groundwater.9. Requests description of groundwater impact remediation.10. Recommends additional information to be provided to lot purchasers, and asks who will prepare handbook.11. County Health Dept. has jurisdiction over septic systems.12. Notes that EIR assumptions may be too conservative. |
| 23 | Darrell M. Wong, California
Department of Fish & Game | <ol style="list-style-type: none">1. Requests substantiation of conclusion that project impact on sage grouse would be less than significant.2. Requests cumulative assessment of impacts on biological resources of project area.3. Requests cumulative assessment of impacts on deer migration corridor, including specified area projects.4. Requests information regarding well capacity and use.5. Questions impacts if stormwater capacity is exceeded.6. Recommends invasive species be prohibited in landscaping.7. Recommends EIR recirculation. |
| 24 | Janet Carle | <ol style="list-style-type: none">1. Requests extension of Draft EIR review period.2. Indicates inadequate assessment of visual impacts on non-motorized users in the area.3. Requests more detailed study of traffic safety.4. Opposes lighting of entry sign.5. Urges project visibility be reduced to maximum extent.6. Considers industrial use inappropriate along scenic highway. |
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| 25 | John Dittli, Photographer | <ol style="list-style-type: none">1. Considers project proposal to be substantially changed since the scoping meeting, particularly in terms of retail uses.2. Questions demand for proposed uses.3. Considers proposed uses to be urban in nature.4. Opposes proposed General Plan Amendment.5. Indicates EIR lacks assessment of visual impact on hikers and wilderness travelers.6. Requests cumulative traffic assessment.7. Seeks analysis of rented transport impact on surrounding lands.8. Seeks analysis of traffic impacts on sage grouse, deer herd9. Considers following impacts significant: (a) increased traffic, (b) lack of affordable housing, (c) traffic impacts on deer herd, (d) impacts on scenic highway, (e) Urbanization of a rural area.10. Requests extension of Draft EIR review period. |
| 26 | Jason Marshall, Dept. of Conservation | <ol style="list-style-type: none">1. Suggests protection of PMZ berm from surface water flows.2. Recommends grading conform to Uniform Building Code.3. Recommends soil testing for plant nutrients.4. Notes requirement that native topsoil be used in reclamation; requests that such soils be mapped.5. Stockpiled soils to be protected from wind and erosion, and should be stored separately.6. Recommends trials to optimize site revegetation.7. Requests schedule for vegetation planting.8. Requests that noxious weeds be identified.9. Requests success criteria for species richness, specify native perennial species for cover, density and richness.10. Recommend use of worst case estimates when developing costs for financial assurances. |
| 27 | Charles Steidtmann, Esq. | <ol style="list-style-type: none">1. Indicates opposition to project.2. Indicates absence of need given available land in Town.3. Considers traffic impacts to be dangerous.4. Indicates that project would impact views and aesthetic value of Highway 395. |
| 28 | Sydney Quinn | <ol style="list-style-type: none">1. Urges consideration of cumulative impacts on views, traffic noise and employee requirements.2. Considers project justification to be lacking.3. Considers site inappropriate for proposed use.4. Concerned for growth inducing impacts. |
| 29 | Daniel Dawson | <ol style="list-style-type: none">1. Encourages continued gravel extraction on the site.2. Concerned about cumulative effects with airport.3. Notes that EIR did not address employee housing.4. Considers following impacts significant: (a) visual impacts, (b) increased traffic, (c) urbanization of rural area. |
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| 30 | Elizabeth Tenney,
P.E.S.T.E.R. (also see
Letter #7) | <ol style="list-style-type: none">1. Asks how proposed uses are similar to I District zoning.2. Opposes General Plan and Zoning Amendment3. Requests substantiation for statement that project responds to area demand for industry.4. Considers visual impact significant.5. Seeks assessment of impact on affordable housing.6. Concerned about precedent for sprawl.7. Questions statement re. compatibility with adjacent uses.8. Questions statements concerning groundwater depth.9. Disagrees that project reflects intent of industrial zone.10. Disagrees that project is adjacent to existing community.11. Questions Specific Plan precedence over Zoning Code. |
| 31 | George Vest | <ol style="list-style-type: none">1. Considers project proposal to be substantially changed from that described at the scoping meeting.2. Opposes General Plan Amendment3. Concerned about visual impact of project.
4. Believes EIR does not address future traffic or impacts of inclement weather.5. Seeks assessment of impact on affordable housing.6. Requests extension of public review period. |
| 32 | Andy Selters (also see
Letter #6) | <ol style="list-style-type: none">1. Questions project value with respect to the airport.2. Indicates that traffic assessment is not adequate.3. Urges that project be denied. |
| 33 | Karen Ferrell-Ingram and
Stephen Ingram | <ol style="list-style-type: none">1. Considers project definition to be substantially changed since the scoping meeting, particularly in terms of retail uses.2. Concerned about project impacts on traffic, affordable housing, air pollution, sprawl and scenic resources.3. Question need for development.4. Concerned about precedent for sprawl.5. Requests that EIR be revised. |
| 34 | Rick Jali (also see
Letter #17) | <ol style="list-style-type: none">1. Concerned about traffic entering and leaving the site.2. Concerned about employee housing. |
| 35 | Heidi Hopkins | <ol style="list-style-type: none">1. Considers project definition to be substantially changed since the scoping meeting, particularly in terms of retail uses.2. Concerned about precedent for sprawl.3. Requests new scoping and new environmental review. |
| 36 | Julie Yost (also see
Letter #9) | <ol style="list-style-type: none">1. Concerned about retail uses on the site.2. Considers project definition to be substantially changed since the scoping meeting, particularly in terms of retail uses.3. Considers project inconsistent with General Plan.4. Urges careful review of proposed uses. |
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37	Georgette Theotig	<ol style="list-style-type: none"> 1. Opposes project proposal. 2. Considers project proposal to be substantially changed from that described at the scoping meeting. 3. Urges that project be denied.
38	Nancy Fiddler	<ol style="list-style-type: none"> 1. Opposes project. 2. Considers turn lanes insufficient; concerned about traffic safety. 3. Questions need for an industrial use on Highway 395. 4. Questions traffic impact on Sherwin deer herd. 5. Concerned about urban sprawl, visual impacts, highway safety.
39	Sue Burak	<ol style="list-style-type: none"> 1. Considers project definition to be substantially changed since the scoping meeting, particularly in terms of retail uses. 2. Considers this a new project requiring new CEQA review.
40	Bryce and Wilma Wheeler	<ol style="list-style-type: none"> 1. Question need for project. 2. Considers project to be substantially changed since scoping, particularly in terms of retail uses; requests new scoping. 3. Questions visual impact for hikers in wilderness. 4. Concerned that project lighting would conflict with airport. 5. Questions merit of proposed zone change. 6. Concerned about traffic increases in stormy weather. 7. Notes that employee housing not addressed in EIR. 8. Indicates that EIR does not address impacts on sage grouse and Sherwin deer herd. 9. Requests additional opportunity to comment.
41	Robert Atlee (also See Letter #19)	<ol style="list-style-type: none"> 1. Urges that visual impact be minimized.
42	Gail Lonne	<ol style="list-style-type: none"> 1. Opposes project proposal. 2. Concerned about visual impact of structures and lighting. 3. Notes added project traffic.

As can be seen in reviewing Table 1, there were several key issues that were raised in numerous comment letters. To facilitate reader review of the Final EIR, Table 2 identifies the key topical issues and lists the comment letters in which each was raised.

**Table 2
KEY COMMENT ISSUES RAISED**

TOPICAL ISSUE	SEE COMMENT LETTERS
Visual impacts, scenic highway	4, 5, 7, 8, 18, 19, 24, 25, 27, 28, 29, 30, 31, 40, 41, 42

Proposed land uses, scoping process	5, 7, 8, 9, 17, 24, 25, 30, 31, 33, 35, 36, 37, 38, 39, 40
Traffic safety, traffic analysis	7, 8, 16, 18, 19, 24, 25, 27, 29, 31, 32, 33, 34, 38, 40, 42
Development sprawl, growth	2, 7, 9, 25, 28, 29, 30, 33, 35, 38
Housing for employees	18, 25, 29, 30, 31, 33, 34, 40
Impacts on sage grouse, deer, wildlife	2, 4, 16, 23, 25, 38, 40
Signage and sign lighting	4, 7, 8, 9, 18, 24, 40
Airport, airport compatibility	2, 18, 20, 28, 29, 30
PMZ berm treatment, plantings	7, 9, 15, 22, 23, 26
Water production, water quality	2, 16, 18, 22, 23, 30

CHANGES RESULTING FROM COMMENTS AND RESPONSES

As a result of comments received on the Draft EIR, new mitigation measures have been incorporated into the Mitigation Implementation and Monitoring Program, and other mitigation measures have been amended. In whole, 38 mitigation measures are now included. The final and complete Mitigation Implementation and Monitoring Program is provided as Appendix B to this Final EIR. Table 3 below briefly summarizes the focus of the new and modified mitigation measures.

Table 3
SUMMARY OF NEW AND MODIFIED MITIGATION MEASURES

MEASURE #	STATUS	CHANGES AND ISSUES ADDRESSED
GS-3	Amended	PMZ berms to vary with undulating contours; Measures to prevent sediment discharges
GS-4	New	Fire District notification before grading
GS-5	New	Retention of USFS boundary markers
GS-6	New	No future encroachments onto USFS land
GS-7	New	Protection of PMZ slope from runoff
GS-8	New	Grading specification incorporation of UBC standards
WQ-3	Amended	Buyer Handbook to note deed restriction on disposal to septic & drainage systems; association to distribute handbook to buyers
WQ-4	Amended	May need new monitoring well instead of converting existing well
WQ-5	New	Water system flow test before use
WQ-6	New	Sand-box filter on septic systems
WQ-7	New	Production well housing structure to allow for disinfection
BR-1	Amended	Planting seed mix recommendations; invasive species not allowed
HW-7	New	Businesses to provide Fire District with list of hazardous Materials

CEQA CONSIDERATIONS

The findings contained in this Final EIR indicate that there are no significant, unavoidable, adverse impacts that would result for project approval and implementation, provided that all mitigation measures are implemented as described in the Comprehensive Mitigation Implementation and Monitoring Program (see Appendix B). This finding indicates that there is no need for the Mono County Board of Supervisors to adopt a Statement of Overriding Considerations in order to approve any of the proposed Sierra Business Park elements including (1) the Specific Plan, (2) the General Plan Amendment, (3) the District Zoning Amendment, (4) the Tentative Tract Map, or (5) the Reclamation Plan.

APPENDICES

This document contains the following information for review by the Mono County Planning Commission and Board of Supervisors:

- Appendix A: Comments on the Draft EIR & Responses to each comment.
- Appendix B: Comprehensive Mitigation Implementation & Monitoring Program

Appendix C: Final Sierra Business Park Specific Plan

APPENDIX A

**COMMENTS ON THE DRAFT
SIERRA BUSINESS PARK EIR
AND RESPONSES TO COMMENTS**

#1

Response to correspondence received from Catherine Smith. Comment letter dated 28 August 2000.

Ms. Smith's comments are directed to the Mono County Planning Commission and Board of Supervisors, for consideration in deliberating whether the project should be approved. The comments are acknowledged herein; no response is requested.

#2

Response to correspondence received from Gregory Reis of Lee Vining. Comment letter dated 1 September 2000; letter resubmitted on 18 September 2000.

1. Growth Inducement

The subject of potential growth inducement was evaluated in Draft EIR Section 6. The assessment noted that "approval of the Sierra Business Park project would under most circumstances have significant potential to induce growth" due to a number of factors including (1) its location outside of town, (2) the fact that it is almost entirely surrounded by undeveloped land, (3) the presence of an adjacent airport that has already undergone expansion and is proposed for further improvements. The EIR conclusion that the project would *not* have significant growth potential was based on the fact that the surrounding lands are entirely within public ownership (including lands managed or owned by LADWP, BLM and USFS). There are no other private parcels within several miles of this site, and the USFS has indicated that it is not interested in obtaining the project site through a land trade. The absence of developable property was key to this determination.

The EIR characterization of alternative sites was based on information developed through the two efforts conducted between 1997-1999 to identify suitable parcels for a land trade. Although several sites were considered for the proposed uses, none of the sites was available for the proposed land exchange. The lack of an available and suitable site (as well as other factors) rendered the land trade infeasible.

2. Population Densities

Comments in the second paragraph, recommending that population densities be limited to the guidelines in the *Airport Land Use Handbook*, are consistent with mitigation recommendations contained in the EIR. The *Handbook* guidelines are advisory, and will be considered during deliberations by the Planning Commission and Board of Supervisors.

3. Water Production, Filtration and Processing

The third paragraph recommends that water production, water filtration and water processing be deleted from the list of permitted uses since the EIR did not evaluate the potentially significant environmental impacts associated with these uses. Please note that the referenced activities are all shown in the Specific Plan as Conditional Uses. By law, a Conditional Use Permit is a discretionary action, and therefore subject to CEQA. None of the proposed Conditional Use Permits can be approved on the Sierra Business Project site without further review for CEQA compliance. This requirement would include preparation of a Supplemental EIR if it were determined that a proposed conditional use could have significant unavoidable adverse impacts on the environment. No amendment to the specific plan is needed to enact this requirement.

4. Sage Grouse

As noted in the DEIR, the project would be developed in the interior of a previously excavated gravel mine, approximately 20 feet below the elevation of the surrounding habitat. Construction of the proposed facilities would be restricted to the project boundaries, and thus no sage grouse habitat would be directly impacted. Indirect impacts from human activity at the site would be below the elevation of the surrounding habitat, thus these activities are not expected to impact sage grouse using the habitat bordering the site, nor would they be visible to the sage grouse. Vehicular access to the site would be limited to a single entry in the location of the entry to the existing batch plant. Finally, the Bureau of Land Management has indicated that power lines create perches for raptors, and there are two existing power lines with poles that traverse the project site (note that no additional overhead utilities are proposed). The raptor perches in turn tend to preclude sage grouse foraging in nearby areas. In whole, these existing conditions render the project site unsuitable for sage grouse foraging and nesting activities.

Sage grouse are active during the day (diurnal); all night lighting at the site would be directed inward to avoid affecting day-night cycles of grouse and other wildlife. Light from night traffic may affect sage grouse, but considering the extent of sage grouse habitat in the area relative to the size of the area potentially influenced by light from night traffic, the impact on sage grouse populations from light from night traffic is expected to be less than significant.

The anticipated increase in traffic from the site (based on industrial park use) is approximately 2,200 cars per day. Although this may result in an increase in sage grouse mortality from traffic the mortality is not expected to significantly affect populations of sage grouse in the region. The dog kennels currently exist on the site; thus the proposed project is not expected to change current conditions.

#3

Response to correspondence received from Jim Parker, President, Eastern Sierra Audubon Society. Comment letter dated 1 September 2000.

Mr. Parker's comments are directed to the Mono County Planning Commission and Board of Supervisors, for consideration in deliberating whether the project should be approved. The comments are acknowledged herein; no response is requested.

#4

Response to correspondence received from Phyllis Benham. Comment letter dated 2 September 2000.

1. Wildlife Impacts

Wildlife impacts were analyzed in DEIR §5.3 and Appendix D, and additional analysis has been conducted in response to comments received on the DEIR. Please refer to the responses to Comment Letters 2, 15, 16, 23, 25 and 40 for further discussion.

2. Lighting Impacts

The effects of lighting are evaluated in Section 5.11 of the Draft EIR. Using the criteria provided by CalTrans, it was found that the effect would be less than significant if the lighting conformed to the recommended mitigation measures. This does not mean, however, that the lighting would have no effect. The assessment recognized that lighting would have a potentially adverse impact on the aesthetic values of the area, although the impact could be reduced to less than significant. County staff has recommended that lighting be prohibited on all project identification signs.

3. Color Selection

Color selection is an important factor in determining the extent to which a structure will stand out, complement, or recede into the surrounding vista. Color selection in this case was intended to recede into the surrounding vista. Ms. Benham's comment regarding the obligation to evaluate aesthetic effects of this project on its own merits is consistent with the requirements and with the spirit of CEQA. The comments concerning Mammoth/Yosemite Airport were directed only to baseline conditions, and not used with reference to project impacts. Even so, the Town of Mammoth Lakes has pointed out that the colors were selected to echo background colors and minimize the visual profile of airport structures. The Town's comments underscore the importance of the color palette in determining overall impact. The colors selected for Sierra Business Park are listed in the Specific Plan (see Appendix C, Section N), and include gray, tan, rust and taupe as the dominant colors, with accents of wood, rock and metal.

4. Traffic Ingress and Egress

Both a northbound left-turn lane and southbound right-turn lane would be provided to shelter incoming project traffic from the high speed through traffic on Highway 395. Left-turn traffic exiting out of Hot Creek Fish Hatchery Road and the project site is now and will continue to be required to stop on the median opening of Highway 395 before completing the remaining half of the turning movement. This median opening can store 2 to 3 vehicles. Without the median refuge, drivers would be required to queue at the stop sign and wait for safe traffic gaps from both northbound and southbound traffic on Highway 395 before executing the left-turn movement. The median refuge reduces the

gap waiting time by half, and promotes traffic safety by allowing drivers to concentrate for a safe traffic gap from only one conflicting traffic movement on Highway 395.

#5

Response to correspondence received from Sherryl Taylor. Comment letter dated 2 September 2000.

1. Comment Period Extension

The County has responded to the request submitted by Ms. Taylor and many others for an extension of the period for public review and comment on the Draft EIR. The review period for the proposed Sierra Business Park Draft EIR, which began on 21 July, was extended to 21 September 2000. The extension provided a full two months for public review and comment on the Draft EIR and Specific Plan for this project.

2. Lighting and Aesthetics

Comments concerning the visual impact of Sierra Business Park for arriving and departing aircraft passengers, particularly with regard to lighted signage, are acknowledged. As noted in the comment letter, County staff has expressed similar concerns and is recommending that lighting be prohibited on the project identification signs. The EIR also concludes that sign lighting would have an adverse impact on aesthetic values, but concludes that the effect would be less than significant provided the County adopts and enforces the recommended mitigation measures (please see Appendix B, Measures AE-2 and AE-3). The proposed lighting would not, however, represent a hazard to aircraft. The overflight zone policies contained in the Airport Land Use Policy Plan¹ indicates the following to be incompatible:²

"Any use which would direct a steady light or flashing light of red, white, green or amber colors associated with airport operations toward an airport engaged in an initial climb following take-off or toward a landing at any airport, unless the use is an FAA approved navigational signal light or visual approach slope indicator."

The Specific Plan requires that all lighting be concealed, of low intensity, and oriented to preclude light from falling on any public street, highway, adjacent lot or land area, sidewalk, or airspace above the Sierra Business Park site.

3. Proposed Land Uses

Concerns regarding the proposed inclusion of retail uses on the project site are acknowledged. Please note that the proposed mix of uses is not forecast to have a significant impact on traffic conditions. Traffic conditions along Highway 395 are forecast to remain at the highest Level of Service ("A"), which indicates free and unimpeded flow.

¹ Mono County Airport Land Use Commission, Airport Land Use Policy Plan, July 1986 (document contained in the 1997 Mammoth Lakes Airport Expansion EIR).

² Other restrictions of note address reflected sunlight from structural surfaces, electrical interference, smoke and steam, and hazardous material storage, as well as the recommendations concerning population densities and land uses as discussed in the Draft EIR.

The guidelines contained in the Airport Land Use Planning Handbook would allow up to the 2,160 persons on the site at any given time. This is at the high end of the estimated range of future employees (i.e., from 820 for light industrial uses to 2,293 for offices), and could also allow for substantial patronage depending on the uses ultimately approved. Thus, the EIR concludes that the proposed mix of land uses may conform to guidelines for population density provided the County adopts and enforces the recommended mitigation measure (see Appendix B, Measure TC-3). As discussed in greater detail in response to Comment Letter #7, Item 4, both the project traffic volumes and number of employees incorporated worst-case estimates; it is anticipated that actual numbers would be well below the levels reviewed in the Draft EIR.

#6

Response to correspondence received from Andy Selters. Comment letter dated 4 September 2000.

Mr. Selters' comments are directed to the Mono County Planning Commission and Board of Supervisors, for their consideration in deliberating whether the project should be approved. The comments are acknowledged herein; no response is requested.

#7

Response to correspondence received from Elizabeth Tenney, Spokesperson for Preserving the Eastern Sierra Tradition of Environmental Responsibility. Comment letter dated 4 September 2000.

The County recognizes that the Long Valley area lacks a regional planning authority, and understands that the public notification requirements under CEQA do not reach many of the individuals and groups with an interest in the project. For this reason, the draft EIR was distributed directly to every individual who submitted written comments on the Notice of Preparation, including the copy sent to P.E.S.T.E.R, in addition to the public notification given through the *Mammoth Times*. The goal of facilitating public involvement was at the heart of the County's decision to extend the Draft EIR review period to allow for public review and comment over a 60-day period. The following specific responses are offered within this context.

1. Scoping Consultation, Retail Use and Supplemental EIR

The project proposal evaluated in the Draft EIR is substantially the same as outlined in the May 1999 Notice of Preparation and described at the June 1999 Scoping Meeting: the project acreage (36 acres) is unchanged, the number of proposed lots (37) is unchanged, and the required discretionary actions (including a zone change and general plan amendment *from* industrial *to* specific plan, plus approval of a tentative tract map and reclamation plan) are unchanged.

The proposed industrial land use is also unchanged as the use category for this site. But it now incorporates the detail that was made possible through preparation of the proposed Specific Plan. The land uses permitted by the Specific Plan include 28 uses that are industrial in character, plus 7 retail uses³ that would be permitted *where incidental to the primary non-retail use, and* occupying no more than 500 square feet of floor area (or 2,000 sf if the applicant's request is approved), and subject to review to ensure that the impacts are no greater than the permitted use. These provisions echo the existing I-Industrial zoning designation, which would also allow for some specified retail uses on the site.

The conditionally permitted land uses are also predominantly industrial in character, but this category would also allow retail lumberyards, plumbing supplies and general home improvement centers up to 10,000 sf (or 20,000 sf if the applicant's request is approved), *provided the Planning Commission approves the proposed use.* These uses would also be conditionally permitted under the existing Industrial zoning on the site, *but with no upper limit on size or square footage.* Taken in whole, a supplemental EIR would serve no substantive purpose under CEQA, since the project proposal evaluated in the Draft EIR is substantially the same as described in the NOP and allowed under existing zoning.

Because of the designation of Highway 395 as a Scenic Highway of statewide significance, the assessment of visual impacts did focus on the visual perspective of the motorist, but used assessment categories that apply to views from other perspectives as well. To illustrate, the discussion of views for motorists southbound on Highway 395 addresses the impact of elevation on the visual scene, and concludes that (1) project structures would be clearly visible, (2) the flat roof structures would have the most pronounced visual effect, and (3) the lack of a strong backdrop along the southeast horizon would serve to emphasize the visual focus on Sierra Business Park. Despite these factors, the overall impact was judged less than significant because (1) the eye would continue to be drawn toward the more dominant views of the Sierra Nevada, (2) the project would not interfere with the integrity of geologic features or the overall panorama, and (3) the berm modifications would soften the visual impact of the roofs and structural elements, and would also soften the visual impact of the site perimeter in comparison with the existing berm. Although described in terms of the experience for a motorist southbound on Highway 395, these statements would generally apply to viewers from many elevated positions, including hikers in the surrounding mountains. The effect would be most pronounced for airline passengers who, in the vicinity of the airport, would have

³ Including (1) sale of motorized and non-motorized transport vehicles, (2) sale of snow and yard equipment, (3) sale of industrial and construction equipment, (4) nurseries and garden shops, (5) sales of appliances, computers, and components, (6) ancillary food services, and (7) sales of building, construction and plumbing parts and equipment.

both elevation and proximity and therefore a relatively direct view of the project interior. Cluttered conditions in Sierra Business Park would also be most likely to impact view quality for airline passengers, and less so for motorists (who views would not include the site floor) or for mountain hikers (whose views would be relatively distant in comparison with airline passengers).

With respect to clutter, the Specific Plan contains provisions intended to prevent a cluttered appearance. These include specific requirements for outdoor storage, trash storage, loading areas, antennas, electrical equipment, and parking areas, as well as the requirement for establishment of an association to ensure compliance with all maintenance and operational responsibilities. In light of the scenic highway designation and the frequency with which views would be gained from automobiles (compared with other viewpoints), most of the provisions are principally directed to lateral views. However, a number of Specific Plan requirements would also benefit aerial views, including (1) the requirement for coordinated exterior roofing materials and colors; (2) the height limit on antennas; (3) the restrictions on acceptable signage and limits on lighting direction and intensity; and (4) the provision for Planning Director review of screening elements for the outdoor storage areas.

Although an effort has been made to address all comments made during scoping, some of the oral comments made at the scoping meeting may have been missed. One goal of the extended review period was to respond to requests that the community be given additional time for such issues to be identified and addressed through this Final EIR.

2. Comment Period

The County extended the time for public review and comment on the Draft EIR to encompass just over 60 days, from 21 July through 21 September 2000.

3. Economic Impact and Assessment of Growth Inducing Effects

CEQA does not require or even encourage the assessment of economic effects (including market demand analyses) except insofar as those effects may have physical manifestations in the environment. On the other hand, CEQA does not prohibit consideration of economic effects, and this topic is often included in an EIR for projects that would involve public funds (for example, redevelopment projects, or improvements funded through federal grants). The Sierra Business Park project is proposed to be privately financed, and would be located on privately owned land. No public funds are involved, and the document therefore did not incorporate evaluation of economic impacts as part of the EIR.

The issue of potential growth inducement is important for the proposed project. As stated in Section 6.3 of the Draft EIR, "approval of the Sierra Business Park project would under most circumstances have significant potential to induce growth." This statement recognized the presence of a number of growth-inducing factors including (1) the project's location outside of town, (2) the fact that the site is almost entirely surrounded by undeveloped land, and (3) the presence of an adjacent airport that has already undergone expansion and is proposed for further improvements. The EIR conclusion that the project would *not* have significant growth potential was based on the overriding fact that the surrounding lands are entirely within public ownership (including

lands managed or owned by LADWP, BLM and USFS); there are no other private parcels within several miles of this site. The absence of developable property was key to this determination. P.E.S.T.E.R.'s concern that USFS might enter into future land trades that would open land for development is acknowledged, but appears speculative. The effort made by the County between 1997-1999 to achieve a land exchange for this parcel was largely directed to public lands managed by USFS. USFS ultimately concluded that this project site did not meet the stringent federal criteria under which public/private land exchanges are approved.

4. Traffic Movements

As noted in response to similar concerns raised by Phyllis Benham (see Comment Letter #2, Item 4), left-turn traffic exiting out of Hot Creek Fish Hatchery Road or the project site is required to stop on the median opening of Highway 395 before completing the remaining half of the turning movement. This median opening area can store 2 to 3 vehicles. Without this median refuge, drivers would be required to wait for safe and simultaneous traffic gaps in the northbound and southbound through traffic on Highway 395 before executing the left-turn movement in one stage. The median refuge reduces the gap waiting time by half, and also promotes traffic safety by allowing drivers to concentrate for a safe traffic gap from only one conflicting traffic movement at a time on Highway 395. No traffic signal is proposed for the project.

The traffic study contained in the Draft EIR is based on very conservative traffic generation factors. The results indicated that project trip generation would range from 2,187 daily trips (low end forecast) to 5,022 (high end forecast). Both of these forecasts were based on standard traffic generation factors set by the Institute of Traffic Engineers (ITE). ITE factors are given for low, average and high rates of trip generation. The analyses contained in Appendix E of the Draft EIR were based on average trip generation factors. Most important, ITE factors do not distinguish between urban and rural traffic conditions, and are typically applied to urban traffic conditions. The California Department of Finance estimated the population of Mammoth Lakes to be 5,350 as of January 2000, and the population of Mono County as a whole to be 10,900.⁴ Within this context, it is more readily apparent why the forecast traffic volumes (the equivalent of one half the population of Mammoth Lakes visiting the site on a daily basis⁵) are considered to be worst case. In practice, it is unlikely that project traffic volumes would approach even the lower end of the forecast range (2,187, the equivalent of one-quarter of the Mammoth population visiting daily). Even with the worst-case estimates, the traffic analysis found that impacts would be less than significant.

The issues of energy and air pollution associated with project traffic (as well as activities within the project site) are addressed in Section 5.7.3 of the Draft EIR. The assessment concludes that project impacts would be less than significant.

5. Economic Values, Specific Plan, Private Property Rights

⁴ Source: California Department of Finance, E-1 City/County Populations Estimates with Annual Percent Change, January 1999-January 2000.

⁵ Note that a visit to the site involves 2 "trips" – the trip into the site, and the trip out.

P.E.S.T.E.R.'s comments concerning the economic value of the Scenic Highway designation, the proposed Specific Plan zoning designation, and private property rights are acknowledged. No response is sought.

6. Visual Impacts

Using the criteria suggested by CalTrans for the evaluation of impacts to designated scenic corridors, the EIR concluded that the impact would be less than significant provided the County adopted and required implementation of the recommended mitigation measures (limiting building heights and minimizing the signage on project identification signs). These measures were developed through a detailed site study of the relationship between the PMZ recontouring plan and individual lot elevations. The intent of this effort was to minimize project visibility by specifying maximum building heights for individual parcels. This approach resulted in the limits recommended in the mitigation program (see Appendix B, Measure AE-1).

7. Berm Height, Contouring and Landscaping

The berm heights described in the EIR were used as the basis for assessing visual impacts, and for identifying the building height limitations contained in AE-1 (i.e., no more than 30' high for lots 2-13, 15-23 and 37; and no more than 25' high for lots 1, and 24-36). With respect to landscaping, it was concluded that visual impacts would be most effectively minimized if the landscape plan reflected surrounding vegetation. Native plant species are typical of big sage, a community in which trees have limited presence. For this reason, trees are not featured on the landscape plan for the PMZ berm.

As discussed in somewhat greater detail under the response to Comment Letter #9, further excavation of the project basin would reduce the efficiency of the septic leach fields and the three subsurface stormwater control facilities. This was considered unacceptable in light of the already-limited 20-25' separation between ground surface and the water table.

P.E.S.T.E.R.'s comments regarding the PMZ berm design are acknowledged. Although the original mitigation measure (GS-3) referred to varied slope contours, there was no language to stipulate that the berms would have undulating contours or that those contours would be designed to achieve a natural appearance. Measure GS-3 (see Appendix B) is hereby amended to incorporate the following language (added text is shown with a double underline):

"The applicant shall regrade and revegetate the PMZ in accordance with the approved Grading Plan and Reclamation Plan. The regrading program shall provide for varied, undulating PMZ slope contours developed to achieve a natural appearance that blends into the surrounding landscape and minimizes the visibility of project boundaries from Highway 395."

8. Lighting

P.E.S.T.E.R.'s support for the staff recommendation that lighting be prohibited on the project identification signs is acknowledged herein, as are the closing remarks. The

County Planning Commission and Board of Supervisors will consider all of these comments; no reply is requested.

#8

Response to correspondence received from Randy Witters, Owner, Mono Sierra Lodge. Comment letter dated 5 September 2000.

1. Scoping Consultation and Current Proposal.

As indicated in the response to P.E.S.T.E.R.'s comment letter (Item 1), the current project is substantially the same as described in the May 1999 NOP and June 1999 Scoping Meeting, including the number of proposed lots, project acreage, and required approvals. Additionally, while the zoning and general plan designations would change from Industrial to Specific Plan, the proposed land uses are still in the industrial use category. These uses are as originally described, and are also consistent with the existing Industrial "I" district, which allows for some commercial development. This EIR and Specific Plan provides a much higher level of detail than was possible in the NOP and Scoping Meeting, and it is the details which bring to light the new information referred to in this comment.

2. Traffic, Retail Use, Signage, USFS, Berm Height, Zoning, and Airport.

Mr. Witter's comments and recommendations concerning traffic, retail use, signage, the USFS land exchange, project berm height, zoning and airport development are acknowledged herein and will be considered by the County Commissioners and Supervisors. No reply is sought for these comments.

#9

Response to correspondence received from Julie Yost. Comment letter dated 5 September 2000.

1. Comment Period

In response to the many requests for additional time to consider the Draft EIR, the County has extended the period for document review and comment through 21 September 2000.

2. Berm Height and Lighting

The berm heights described in the EIR served as the basis for the visual impact assessment, and also set the benchmark for identifying the building height limitations contained in the Mitigation Program. As outlined in Appendix B, Mitigation Measure AE-1, building heights would be limited to no more than 30' high for lots 2-13, 15-23 and 37; and no more than 25' high for lots 1, and 24-36.

The project engineer has evaluated the suggestion that the site be excavated to a lower floor elevation in order to achieve additional screening. He recommends that this not be pursued on the project site. As now proposed, the separation between the ground surface elevation and the groundwater table is about 20 feet. As indicated in the EIR, the project is proposed to incorporate individual onsite septic systems for industrial lots. Further excavation would reduce the efficiency of the leach fields for these systems. Additionally, the project is proposed to incorporate three subsurface stormwater control facilities that utilize the soil column for infiltration of storm flows. As with the leach fields, the efficacy of these features would be lessened by a reduction in the separation between ground surface and the water table.

3. Allowed Uses and Conditional Uses

As noted in response to the comment letter from P.E.S.T.E.R. (see Letter #7, Item 1), the Specific Plan restricts the permitted retail uses to seven categories of retail sales that could be approved only where incidental to the primary non-retail use. These uses would be limited to no more than 500 square feet of floor area (or 2,000 sf, if the applicant's request is approved). The Specific Plan also requires (see Appendix C, §N.1.29) that no incidental use may be permitted which, in the judgment of the Planning Director, would have environmental impacts greater than the permitted use.

The conditionally permitted land uses would also allow retail lumberyards, plumbing supplies and general home improvement centers, all up to 10,000 sf in area, but only if the Planning Commission approved the proposed use or uses (the applicant is requesting that these uses be approved up to 20,000 sf). These requirements are intended to integrate (and not bypass) public involvement and agency review as a key part of the approval process for this site. Note that these use provisions are the same as would be provided under the existing Industrial (I) zoning on the site.



4. Visual Effects and Growth Inducement

The EIR comments concerning Mammoth Lakes/Yosemite Airport are in the section addressing baseline aesthetic and visual conditions, and do not appear in the visual impact portion of the analysis. Furthermore, as discussed in greater detail in response to letter #7, comment 3, the project was ultimately found not to pose a significant risk of growth because of the public nature of the surrounding lands and the lack of infrastructure to support substantial growth.

#10

Response to correspondence received from Fred Stump, Comment letter dated 6 September 2000.

1. Construction Notification

The request for earthwork notification has been incorporated as a requirement of the Mitigation Implementation and Monitoring Program (please see Appendix B, Measure GS-4).

#11

Response to correspondence received from Fred Stump, Comment letter dated 6 September 2000.

1. **Water System Flow Testing**

The request for water system flow testing is acknowledged, and has been incorporated as a requirement of the Mitigation Implementation and Monitoring Program (also see Appendix B, Measure WQ-5):

"The water system shall be completed and flow tested prior to construction of any buildings, except that the infrastructure for utility services and the pouring of foundations for other structures may precede the water system and flow testing."

2. **Business Plan and Hazardous Materials Reporting**

The request for submittal to the Fire Department of business plans listing the quantity and location of reportable hazardous materials has been incorporated as a requirement of the Mitigation Implementation and Monitoring Program (please see Appendix B, Measure HW-7).

"All businesses operating in the Business Park shall forward, to the Long Valley Fire District, a list identifying the quantity and location of all reportable hazardous materials used on the site. The plans shall be sent to the District (currently at the following address: Route 1, P.O. Box 1145, Crowley Lake, CA 93546)."

#12

Response to correspondence received from the Terry Roberts, Senior Planner, State Clearinghouse. Comment letter dated 11 September 2000.

The County acknowledges the first correspondence received from the State Clearinghouse providing confirmation that the State Agency review period has closed and that State Agency comments were submitted to the Clearinghouse concerning the proposed project. The second correspondence from the State Clearinghouse, also dated 11 September 2000, indicated that two comment letters (from the Department of Conservation and from the Department of Fish and Game) had been received after the close of the state agency review period. The Draft EIR review period was subsequently extended; both comment letters were received within the amended review period, and both comments are included in the response to comments for this EIR.

#13

***Response to correspondence received from Jack and Marilyn Ferrell.
Comment letter dated 6 September 2000.***

The comment period was extended through 21 September to allow time for additional public review and comment on the Draft EIR. The Ferrell's comments on the project proposal are directed to the Board of Supervisors, for consideration in deliberating whether the project should be approved. The comments are acknowledged herein; no response is sought.

#14

Response to correspondence received from Catherine Rose. Comment letter dated 6 September 2000.

Ms. Rose's comments on the project proposal are directed to the Mono County Planning Commission and Board of Supervisors, for consideration in deliberating whether the project should be approved. The comments are acknowledged herein. No response is sought.

#15

Response to correspondence received from Ronald Keil, Acting District Ranger, United States Forest Service. Comment letter dated 6 September 2000.

1-3 Berm Recontouring and USFS Encroachments

In response to USFS's comment concerning the protection of public lands, the Mitigation Implementation and Monitoring Program (see Appendix B, Measure GS-5) has been amended, as shown below, to require that National Forest boundary markers remain in place. Past encroachments into USFS lands (all of which occurred under prior ownership of the site) have been corrected by the project applicant.

"During site preparation, the applicant shall ensure that all National Forest boundary markers remain in place."

The Mitigation Implementation and Monitoring Program has also been amended to incorporate the USFS request that all berm modifications and all site construction be kept off of Forest Service lands (please see Appendix B, Measure GS-6):

"The applicant shall ensure that all berm modifications and all site construction be kept off of Forest Service lands."

4-5. PMZ Landscaping

The Draft EIR contained a mitigation measure requiring that all landscaping in the PMZ consist of native plant materials typical of big sagebrush communities and adapted to the region, and also requiring that where landscaping is derived from seedlings, the seedlings shall be genetically compatible with local plant stock. In response to the comment from USFS, this measure has been amended to recommend that seed mix be locally collected to the extent possible, and to recommend that the mix include the species cited by USFS. Please see Appendix B, Mitigation Measure BR-1.

"All landscaping within the PMZ shall consist of native plant materials typical of big sagebrush communities and adapted to the region. Where landscaping is derived from seedlings, the seedlings shall be genetically compatible with local plant stock. It is recommended that seed mix be locally collected, and include bitterbrush (*Purshia tridentate*), sulphur buckwheat (*Eriogonum umbellatum*) and lupine (*Lupinus argenteus*). It is recommended that four-wing saltbrush (*Atriplex canescens*) be excluded from the mix. Invasive plant species shall not be included in the seed mix."

Please also see Measure GS-3, which requires variations in PMZ contours as recommended by the Forest Service.

6. **Perimeter Fencing**

Consistent with the Forest Service recommendations, the Specific Plan requires that fencing around the site perimeter be placed on the exterior side of the PMZ, and prohibits fencing in the ten-foot street landscaping zone.

7-8. **Urban Vegetation and Materials**

The Forest Service recommendations concerning compatible urban vegetation and avoidance of invasive species have been incorporated into the Specific Plan, Section N.4.3, as shown below:

“Landscaping of the street landscape zone and the lots is encouraged to include, but is not limited to, a variety of native plants and plants that resemble native plants in color, texture and form. Non-native plants that are water-intensive, maintenance-intensive, or invasive may not be included in the lot plantings or street palette.”

#16

Response to correspondence received from Emilie Strauss. Comment letter dated 6 September 2000.

1. Cumulative and Direct Impacts on Wildlife Species

The request for additional assessment of direct and cumulative impacts to wildlife and plant species was also contained in the correspondence received from the Department of Fish and Game (Comment Letter #23, Items 1,2,3 and 6) and from John Dittli (Comment Letter #25, Item 2). Please refer to these responses for more detailed discussion of the issues raised in this comment.

2. Arsenic in Well Water

As indicated in the letter from Ms. Strauss, arsenic is present at toxic levels in many eastern Sierra wells, and the comment letter from Lahontan Regional Water Quality Control Board notes that the element is derived from natural sources in the region. If the project is approved and implemented, it will be necessary to determine whether arsenic is present in the well supplies and, if so, whether treatment is required in order to comply with relevant standards. The Maximum Contaminant Level for arsenic (as established by the U.S. EPA and California Department of Health Services) is 0.05 parts per million. All potable water supplies produced on this site would be required to comply with this standard, as measured in the water quality monitoring and reporting program requirement (see Mitigation Measure WQ4).

3. Traffic Safety

The concerns expressed by Ms. Strauss regarding traffic safety are acknowledged. The analyses contained in the EIR concluded that impacts would be less than significant, provided that the recommended mitigation measures are incorporated as conditions of project approval. This conclusion is strengthened by the fact that the study was based on very conservative traffic generation factors. Please refer to Comment Letter #7, Item 4 for further discussion of this issue.

4. Timing of Plant and Wildlife Surveys

It is true that under most circumstances in the eastern Sierra, the timing of the site surveys would have been too early in spring to adequately determine the presence or potential presence of many plant and animal species. However, the timing survey was acceptable and appropriate in the case of the Sierra Business Park site because the entire property is devoid of vegetation and has essentially no soil. The seasonal constraints that would normally apply are therefore not relevant at this location.

5. Sage Grouse

Conclusions in the Draft EIR concerning the Sage Grouse reflected the unique physical features that characterize the project site. As noted, the project site is unvegetated, is traversed by two power lines that act as perch sites for raptors, does not contain sage grouse nesting or feeding habitat, and is approximately 10-30 feet below the surrounding land. For these reasons, the project location does not represent land suitable as potential sage grouse habitat. Project development would not result in modification of sage grouse habitat within 1.8 miles of a sage grouse lek, which is consistent with the Western States Sage Grouse Committee recommendations. For similar reasons, it was determined that supplemental surveys would not be of value in analyzing potential project impacts on the sage grouse.

Because the site is below the surrounding land and habitat, human activity on the site is not expected to impact sage grouse if the project is approved and implemented. Activities within the Business Park would not be visible from the surrounding habitat; noise from the site in the surrounding habitat is not expected to be significantly greater than existing noise levels in the surrounding habitat; human activity would be wholly confined within the project boundaries, and vehicular access to the site would be along a single 300-foot entranceway that is at the same location as the entry to the now-operating batch plant. Please note that the 1993 Record of Decision for the Bishop Resource Management Plan referred to public lands. Because the project site is privately owned, and because project activities would remain within the project boundaries, this policy would not apply. To our knowledge, there is as yet no formal petition to list the sage grouse as a sensitive species. If this does occur, the construction timeline for the proposed project would likely be completed prior to final approval of the listing.

#17

Response to correspondence received from Rick Jali. Comment letter dated 6 September 2000.

The comment period was extended through 21 September to allow time for additional public review and comment. Mr. Jali's remaining comments are directed to the Mono County Planning Commission and Board of Supervisors, for consideration in deliberating whether the project should be approved. The comments are acknowledged herein; no response is requested.

#18

Response to correspondence received from Bill Taylor, Senior Planner, Town of Mammoth Lakes. Comment letter dated 6 September 2000.

The County acknowledges the comments submitted by the Town of Mammoth Lakes, and offers the following responses.

1. Storm Retention.

As described on page 57 of the Draft EIR, the project proposal calls for the three infiltration structures to be designed to meet a *20-year, 1-inch in 1-hour storm event*. This standard was indicated to be the appropriate standard in communication between the project engineer (John Langford of Bear Engineering) and staff of the Lahontan Regional Water Quality Control Board (Chris Adair).⁶ The Draft EIR comment letter submitted by the Lahontan Regional Water Board included a request for additional detail about the prevention of water quality contamination from stormwater runoff. Please see Letter #22, Item 2,3 for additional discussion of the steps that would be taken to protect groundwater quality from degradation due to the infiltration of contaminated stormwater flows.

2. Lighting Standards.

The suggested additional wording is appreciated and has been added to the Sierra Business Park Specific Plan text. Please see the Final Sierra Business Park Specific Plan in Appendix C, Section N.

3. Groundwater Quality Impacts

Wildermuth Environmental, Inc. prepared a report (Appendix K in the Draft EIR) to evaluate surface water and ground water quality impacts from nutrients in wastewater discharged from septic systems at the proposed Sierra Business Park site. Their investigation of the ground water level data and hydrogeology of the project area includes a finding that groundwater flow from the Sierra Business Park site would be away from the Mammoth Lakes airport water supply wells, and towards Hot Creek. Their analysis also indicated that municipal use of groundwater from production wells located downgradient of the project site would not be impaired from onsite wastewater discharge at the proposed Sierra Business Park.

4. Traffic Impacts

Highway 395 would continue to maintain a good "A" level of service with the additional project traffic as well as cumulative buildout traffic from the Mammoth Lakes/Yosemite Airport expansion plan.

⁶ Communication during 1998 between John Langford, Bear Engineering, and Chris Adair of the Lahontan Regional Water Quality Control Board.

5. Airport Apron Lighting

Thank you for the clarification concerning future modifications to the lighting on the airport apron. In response to this information, the text of the EIR discussion is hereby amended to read as follows (added text is shown with a double underline):

"The airport currently uses a routine night-lighting system that incorporates a series of high-intensity light standards along the apron and tie-down area. These lights are not in conformance with Town of Mammoth Lakes design guidelines, however, and will be replaced with shielded fixtures as part of the proposed airport improvement project. The airport also operates a high-intensity signal strobe light at each end of the runway whenever an aircraft is approaching or departing during night hours."

6. Airport Color Palette

We thank the Town for its comments indicating that the color palette at Mammoth Lakes/Yosemite Airport was selected to echo background features and to attenuate the effect of the added structures. Also acknowledged is the Town's comment that the colors proposed for Sierra Business Park appear appropriate. It is the intent of the Specific Plan to assure that these colors are applied with sensitivity to the visual resources of the project setting.

7. Affordable Housing

As noted in the Town's comment letter, affordable housing was not among the issues raised during scoping or in response to the NOP, either by the Town or by others. At the time of the scoping meeting (in June of 1999) the issue of affordable housing had not yet surfaced as a critical issue in Mammoth Lakes, and neither the Town nor the County had established formal regulations to aggressively address the unmet need. Since that time, the Town of Mammoth Lakes has adopted the Affordable Housing Mitigation Regulations, which requires all new projects to address the issue of affordable housing. The ordinance is new, having been approved by the Town Council in August of 2000. It has not yet been implemented or enforced, although the Town anticipates that this will occur in the near future.

The proposed Sierra Business Park project is located in the jurisdiction of unincorporated Mono County. The project is subject to the County's ordinances and regulations, but those promulgated by the Town of Mammoth Lakes do not apply (nor are lands within the Town subject to regulation by the County). Although the project is not subject to the Town's affordable housing regulations, some future employees of the site may seek housing in Mammoth Lakes. For several reasons, this potential impact is not considered to be significant. First, individuals living in Mammoth Lakes but working at jobs in unincorporated County lands are estimated to represent a comparatively small population, compared with the number working at jobs within the Town.⁷ Second, industrial employment represents a comparatively small proportion (about 12%) of total employment within Mono County, and occupations in the industrial categories have average wages in the middle salary range. It is the service sector (which represents

⁷ Larry Johnston, Mono County Planning Department, communication of 19 September 2000.

59% of local employment, primarily for accommodations and food services⁸) that has wages in the lower end of the range and has contributed most directly to the current housing problem.⁹

Finally, the 1993 Mono County General Plan Housing Element contains a number of goals, policies and objectives pertaining to affordable housing. Key elements include: (1) elimination of obstacles to affordable housing in the General Plan, and the zoning and subdivision regulations; (2) policies that allow mobile home construction on all parcels zoned for residential construction along with streamlined procedures that support mobile home development; (3) emphasis on mixed use development allowing employee housing in commercial areas; (4) provision of a 25% density bonus for residential projects with 20%+ affordable or senior housing, with an additional lot-coverage bonus of 10% in mixed-use zones; (5) waived processing fees for qualifying affordable housing projects; (6) provision for secondary housing on existing single family residential lots; (7) plans to investigate establishment of a regional housing authority or non-profit trust for affordable housing; and (8) requirements for developers of large scale multi-family residential projects, commercial lodging projects, or resort projects, to construct affordable employee housing. None of these provisions apply to the proposed Sierra Business Park project. On the basis of all the foregoing considerations, it is concluded that the project would not have a significant impact on affordable housing in either the Town of Mammoth Lakes or in unincorporated County lands, and no mitigation is required for this issue.

8. Cumulative Visual Effects

In 1986, the Mono County Airport Land Use Commission prepared an EIR/EA to assess a land use plan for the then-named Mammoth/June Lake Airport. That document addressed a number of improvements at the airport, including hotel and golf facilities, expansion of the runway and construction of a crosswind runway, as well as other facilities. The 1986 document indicated, on page 101, that the "adverse visual impacts can be mitigated to acceptable levels, but the modification of the existing visual character of the area is unavoidable." The 1986 EIR also noted that the sand and gravel quarry site represented a visually offensive element with a significant impact on the scenic views of the area.

In 1997, the Town of Mammoth Lakes prepared a Subsequent EIR and Updated EA to examine a series of proposed changes in the airport plan. The changes increased the hotel and terminal buildings, and added RV spaces and retail development, but also eliminated the golf course and crosswind runway and all land development outside of the airport boundaries. The 1997 EIR found that the proposed modifications would lessen the impacts on aesthetic values, relative to the earlier 1986 plan, but also concluded that, "It is possible that visual impacts will not be reduced to less than significant levels." (p. 47) Since the 1997 document was completed, the town has initiated additional changes to the proposed airport plan, and supplemental environmental documentation for the changes is currently being prepared (as discussed in Section 3.5.2 of the Draft EIR). The changes are proposed to facilitate commercial air carrier service at the airport, and the environmental assessment is anticipated to focus on runway improvements, parking and terminal facilities.

⁸ U.S. Census Bureau, 1998 County Business Patterns for Mono County, California.

⁹ Bureau of Labor Statistics, Occupational Employment and Wages, 1998, December 1999.

As described in Section 5.11.3 of the Draft EIR for the proposed Sierra Business Park, the project impact on aesthetic values was found to be less than significant, based on the criteria established by CalTrans for Scenic Highways. However, this finding depends on the adoption of building height limitations and lighting restrictions, both of which were required to assure that aesthetic impacts would not rise to a level of significance according to the CalTrans guidelines.

Given this background, Section 15130 of the CEQA Guidelines offers numerous parameters for use in assessing whether the effects of a project would be cumulatively considerable. Key among these, for the present project, is Section 15130(3), which states that a project's contribution to a cumulative effect may be found to be less than significant where the project is required to implement measures that would eliminate or lessen its contribution to any significant cumulative effects. For Sierra Business Park, the restrictions on building height and lighting were considered necessary to achieve the standards established by CalTrans for Scenic Highways. The assessment also reflected the finding that aesthetic impacts associated with the proposed Business Park would not compound the aesthetic effects of the airport, since the structural elements at the airport are separated from the project site by a distance of more than one-half mile and not in "competition" with one another. Finally, the assessment recognized that the absence of additional private lands in the nearby vicinity would preclude additional developments, thus limiting the scope of potential cumulative interaction to the relationship between these two projects.

#19

Response to correspondence received from Robert Atlee. Comment letter dated 7 September 2000.

1. Project Visibility

Comments concerning the importance of minimizing project visibility are acknowledged. This message, which is expressed in many of the comments received on the Draft EIR, underlies the focus of many standards in the Specific Plan and many of the mitigation measures in this Final EIR.

2. Traffic Ingress and Egress

The Mitigation Implementation and Monitoring Program (see Appendix B) contains two measures that address entrance and exit lanes as recommended by Mr. Atlee. Please see Measure TC-1 (which requires that a 200-foot left-turn storage lane with a 200-foot deceleration lane be constructed on Highway 395 for northbound vehicles), and Measure TC-2 (which requires that a 300-foot right-turn storage lane with a 200-foot deceleration lane be constructed on Highway 395 for southbound vehicles).

#20

Response to correspondence received from Sandy Hesnard, Environmental Planner, Department of Transportation Aeronautics Program. Comment letter dated 7 September 2000.

The County acknowledges the comment supporting Planning Director review, and appreciates receipt of the proper form for notification in the event structural heights exceed the limits established in FAR Part 77.

#21

Response to correspondence received from Mary Pipersky. Comment letter dated 8 September 2000.

In response to the request submitted by Ms. Pipersky and others who have commented on the document, the County has extended the period for public review and comment on the Draft EIR for the proposed Sierra Business Park. The review period, which began on 21 July and was originally scheduled to close on 8 September, was extended to include a full two-month review period that closed on 21 September 2000.

#22

Response to correspondence received from Cindi Mitton, Senior Engineer, Lahontan Regional Water Quality Control Board. Comment letter dated 8 September 2000.

1. Impact Summary Table (p. 10)

In the process of condensing this mitigation measure for the summary table, several words were omitted. The full measure was as follows: *"The existing groundwater production well shall be converted to a monitoring well if requested by LRWQCB, and two additional downgradient wells shall also be constructed to monitor the impact of the septic system on water quality downgradient of the site. The monitoring locations and parameters shall be developed in collaboration with LRWQCB, and the results shall be submitted to LRWQCB on a schedule set by the Regional Board."* In consideration of the Regional Board's comment concerning the existing well screen, this measure is hereby amended to note that it may be necessary to install a separate monitoring well (as provided in the Mitigation Monitoring Program, Appendix B, Measure WQ-4):

"The existing groundwater production well shall be converted to a monitoring well, or a separate monitoring well installed (if requested by LRWQCB), and two additional downgradient wells shall also be constructed to monitor the impact of the septic system on water quality downgradient of the site. The monitoring locations and parameters shall be developed in collaboration with LRWQCB, and the results shall be submitted to LRWQCB on a schedule set by the Regional Board."

As noted by the Regional Board, the sand box type of leach field was selected for this project as a means of reducing certain effluent constituent concentrations. Because it was intended to mitigate an adverse effect, this has now been incorporated as a formal mitigation measure (#WQ-6) in the Mitigation Monitoring Program (see Appendix B):

"In view of the coarse soils, shallow depth of groundwater and type of aquifer system, onsite septic sewage disposal systems shall utilize a "sand box" type of leach field to further reduce certain sewage effluent constituent concentration."

The Regional Board is correct that the inclusion of space adequate to allow for future disinfection storage and dosing applies only to the water supply well. Item 7 on the middle column of page 10 (the Impact Summary Table) of the Draft EIR is hereby amended to read as follows:

"7. Groundwater quality will be monitored through three wells. Additionally, the housing structure for the water supply well will be designed to accommodate disinfection storage and dosing to permit treatment of groundwater supplies, if required."

The disinfection housing was not treated as a formal mitigation measure in the Draft EIR. To strengthen the mitigation program for the potable water supply, however, the following additional measure has been added to the Mitigation Implementation Program (see Appendix B, Measure WQ-7):

"The housing structure for the water supply well shall be designed to accommodate disinfection storage and dosing to permit treatment of groundwater supplies, if required."

2.3. Impact Summary Table (p. 14)

As indicated by the Regional Board, the required SWPPP was only cursorily identified and described in the Impact Summary Table. Though the required components are described and discussed more fully in the body of the EIR, we appreciate the opportunity to provide a more thorough description in the Summary Table. Indeed, the industrial nature of the uses permitted in the Specific Plan requires preparation of a well-conceived and fully enforced Stormwater Pollution Prevention Plan (SWPPP) in order to assure that hazardous and industrial wastes are not discharged to the septic tanks or stormwater control facilities. Item 1 on the middle column of page 14 (the Impact Summary Table) of the Draft EIR is hereby amended to read as follows:

"1. The mandatory Construction Stormwater Prevention Plan shall be prepared to address the site as a whole. The Plan shall provide a list of BMPs for use by project occupants. The BMPs shall (1) emphasize source controls over treatment, (2) be suited to site acreage and soils, (3) include specific measures to prevent contaminants from entering both the infiltration systems and the septic systems, and (4) incorporate a thorough maintenance program for both the infiltration systems and the septic systems. A copy of the SWPPP shall be included in a handbook to be provided to the purchaser of each lot. An on-site copy of the SWPPP shall be available for review at all times. No mitigation is required."

Additionally, Item 5 on the middle column of page 14 (the Impact Summary Table) of the Draft EIR is hereby amended to read as follows:

"1. See the measures identified in Item 1 above. Additionally, all occupants/structures shall voluntarily comply with Fire Protection Association Rule 704M calling for external posting of hazardous substances used on site."

3. Impact Summary Table (p. 15)

We concur with the RWQCB staff that the analysis of nutrient impacts to groundwater and subsequently to Hot Creek (as contained in Appendix I of the Draft EIR) contains *very conservative* assumptions that likely overestimate the potential nutrient discharge to surface water. Wildermuth Environmental was asked to present a conservative analysis. The analysis did not include nitrogen and phosphorus losses that would occur in the vadose zone beneath the disposal systems, or in the long transit from the project site to Hot Creek. The report concluded that nutrient impacts would be very slight and not measurable, even with the conservative assumptions. In reality, we anticipate that bacteria within the aquifer would reduce the nitrogen and phosphorus concentrations in effluent discharged from the leach fields of the onsite disposal systems long before it could contribute to surface water in Hot Creek. It is our opinion that the results presented in the Wildermuth report represent an extreme upper bound on potential nutrient impacts and that the nutrient impacts from onsite wastewater disposal at the proposed Sierra Business Park are negligible.

4. Project Description, §3.3.2 (page 31)

In keeping with the intent of this comment, Mitigation Measure GS-3 (see Appendix B) is hereby amended to specify that PMZ maintenance shall include steps to prevent sediment discharges from the site:

"The applicant shall regrade and revegetate the PMZ in accordance with the approved Grading Plan and Reclamation Plan. The regrading program shall provide for varied, undulating PMZ slope contours developed to achieve a natural appearance that blends into the surrounding landscape and minimizes the visibility of project boundaries from Highway 395.

The revegetation program shall harmonize with the contours of the graded PMZ slopes, and utilize native plantings representative of the big sagebrush community. Irrigation shall be provided on a temporary basis as needed to assure viability of the PMZ berm plantings. Removal of the temporary irrigation equipment shall require approval by the County. Ongoing maintenance of the PMZ slopes and revegetation plantings, including steps to prevent sediment discharges from the site, shall be handled through an association formed in keeping with the CC&Rs for each lot on the site."

5. Specific Plan N.3.j (page 42)

We acknowledge the Regional Board's comment that septic systems should not require the use of chemicals for proper function, and that toxic materials should not be discharged into the septic systems. The Specific Plan text is hereby amended to read as follows (also see Appendix C, Specific Plan Item N.3.10 [renumbered]):

"Toxic Material Handling: All toxic materials handling used on site, whether by the maintenance association or by individual tenants, including those used in the water and septic systems as well as those used by individual tenants and owners, shall comply with all relevant laws and regulations governing their use, storage and disposal."

Results of the water quality testing indicated that it would not be necessary to disinfect the production well water supplies for potable use, and no disinfection is proposed nor are there plans to store disinfectants on site. The two measures that address potential disinfectant use (including measure WQ-7, requiring adequate space in the well housing structure to allow for disinfectant storage and dosing, and measure HW-1, prohibiting onsite storage or use of gaseous disinfectants) are both preventive, addressed to the possibility that disinfection may in the future be required.

6. §5.1.2 (page 50) and §10.4 (page 100)

As noted in the EIR, the PMZ grading and vegetation plans are to be articulated in the approved Grading Plan and Reclamation Plan; both of these documents are subject to County review and approval before initiation of grading. Ongoing maintenance of the PMZ slopes and revegetation plantings (including steps to prevent sediment discharges) would be handled by the association formed through the CC&Rs; this requirement is contained in Mitigation Measure GS-3 (see Appendix B).

7. **Section 5.2 (page 51)**

The contribution of nutrients and sediments to regional water quality problems is noted. Draft EIR Section 5.2.1.1, paragraph 1, page 51) is hereby amended to read as follows:

“Water quality problems in the area are generally related to heavy metals and radioactive elements (mainly from geothermal discharges), the sensitivity of lakes and streams to acidification, nutrient and sediment loading, and the low acid-buffering capacity of native soils and water supplies. These problems in turn derive from a variety of non-point sources (erosion from construction, timber harvesting, and cattle grading), stormwater runoff, acid drainage from inactive mines, acid content in rainfall, and individual wastewater disposal systems.”

8. **Table 7 (page 53)**

Thank you for the clarification regarding the probable sources for these pollutants of concern. Draft EIR Table 7 is hereby amended to read as follows:

**Table 7 (of Draft EIR)
IMPAIRED WATER BODIES IN THE VICINITY OF SIERRA BUSINESS PARK**

<i>Water Body</i>	<i>Pollutants of Concern</i>	<i>Probable Sources</i>
Convict Lake	Metals	Non-Point and Natural Sources
Crowley Lake	Arsenic Nutrients	Natural Sources <u>Unknown</u>
Hot Creek	Metals	Natural Sources
Mammoth Creek	Metals	Non-Point and Natural Sources

9,10. **§5.2.1.3 (page 54), and §5.2.3 (page 56)**

We also appreciate the clarification concerning narrative objectives for groundwaters. The text immediately following Table 8 on page 54 of the Draft EIR is hereby amended to read as follows:

“The results for the onsite well compare favorably with Maximum Contaminant Levels (MCLs) set by the state for drinking water supplies. As noted above, narrative water quality objectives have been set to address a number of constituents in groundwaters of the region, but no special criteria ~~no objectives~~ have been set for groundwaters in the Long Valley Basin.”

Similarly, paragraph 3 on page 56 is amended to read as follows:

“As noted above, there are narrative objectives but no numeric objectives for groundwater in the area; no special criteria objectives have been established for groundwater in Long Valley.”

Several programs would apply in the event that remediation is required in response to adverse impacts identified in the monitoring program.¹⁰ In terms of the septic systems, the Mono County Department of Environmental Health would issue a permit upon the initial installation of septic systems on the project site. Prior to permit issuance, the County would visit each location to examine soil conditions, and the County would also be responsible for "signing off" on the proposed installation plans. A key element of the County's requirements is for each proposed site to provide for 100% backup of the septic system. If a septic system fails over the 30-40 year lifespan, this requirement assures that there is adequate space for installation of replacement lines. The corrective measures are also covered by a County permit (albeit with lower fees). The County notes that a legislative bill is currently under review in Sacramento that would require routine inspection of septic systems. If passed, the Environmental Health Department would be the agency responsible for implementing this requirement within Mono County.

Hazardous materials on the site would be regulated by the Mono County Health Department, which has been designated by the California EPA as a Certified Unified Program Agency (CUPA). The CUPA program is specifically intended to integrate and optimize the management of hazardous wastes and hazardous materials within a given jurisdiction. The integration covers many aspects of hazardous management including administration, permitting, inspection, enforcement, and fees. The focus of the County's CUPA programs is on prevention through source controls, and the County works with the LRWQCB on these programs. Each business that handles hazardous materials is required to submit a business plan that identifies the materials used, their quantities, storage facilities, and provisions for containment and response in the event of an unauthorized discharge. When necessary, remediation is accomplished according to the protocols outlined in this plan. Businesses that handle extremely hazardous materials, as defined by CUPA, are required to submit a Risk Management Plan. This Plan provides a much more detailed outline of the materials used, their quantities and storage, and remediation protocols. Hazardous materials transport is under the jurisdiction of the federal Department of Transportation, which is responsible for permitting and inspection of firms that provide the materials, as well as enforcement and response when remediation is required.¹¹

11. §5.2.4 (page 59) and §10.4 (page 100)

The strong support expressed by the Regional Board for this handbook is noted with appreciation. Mitigation Measure WQ-3 (please see Appendix B) has been amended to incorporate the recommended additional provisions:

"A copy of the SWPPP, with a list of BMPs that have been selected for use on the project site, shall be included provided in a handbook to be prepared by the project applicant and provided to the purchaser of each lot within the project. The Handbook shall reference the deed restriction prohibiting the disposal of any industrial and hazardous wastes into the onsite septic systems and onsite drainage system (per Mitigation Measure HW-6). The Handbook shall also contain a copy of the final Specific Plan, as well as a copy of the Final Mitigation Implementation and

¹⁰ Discussion of County programs for septic systems and hazardous wastes is based on communication with John Reed of the County Environmental Health Department, 27 September 2000.

¹¹ Source: Dave Klunk, Director of Environmental Protection, 24 August 2000.

Monitoring Program. A copy of the Plan shall be maintained on site at all times and available for public review. The site Association formed pursuant to the CC&Rs shall be responsible for ensuring that the Handbook is provided to all buyers of lots within the project boundaries.

12. DEIR Appendix C, Regional and Site Specific Geology & Hydrology (p. 26)

Thank you for noting the clarification that several agencies would have jurisdiction over the sewage treatment system. The text in Appendix C, page 26, final paragraph, is hereby amended to read as follows:

"The proposed on-site sewage system for each parcel should be designed at the building plan phase for each lot of the project, according to prevailing sewage treatment practices and to the satisfaction of the agencies with jurisdiction, including the Lahontan Regional Water Quality Control Board and the Mono County Department of Health Services. The LRWQCB has jurisdiction over the design and placement of the sewage treatment system."

13. Analysis of Nutrient Impacts from Onsite Wastewater Disposal

Please see our response to Item 3 above. As indicated therein, the assessment of nutrient impacts was based on very conservative assumptions that likely overestimated potential nutrient discharges to surface water. Moreover, the analysis did not reflect nitrogen and phosphorus losses that would occur in the vadose zone (beneath the disposal systems) or along the subsurface pathways from the project site to Hot Creek. Even with these conservative assumptions, the report concluded that nutrient impacts would be undetectable. Given more realistic assumptions, and recognizing that the septic systems would incorporate sand box filters, we expect that bacteria in the aquifer would fully reduce the effluent concentrations of nitrogen and phosphorus long before these constituents could contribute to surface water in Hot Creek.

#23

Response to correspondence received from Darrell Wong, Supervisor, Habitat Conservation Program, California Department of Fish and Game. Comment letter dated 8 September 2000.

1. Sage Grouse (p. 2, ¶2) _

As noted in response to Comment Letter#2 (Item 4) and Comment Letter #16 (Item 5) in this Final EIR, the site is characterized by a number of existing physical features that render it unsuitable as potential sage grouse habitat. These include the long-term absence of vegetation on the site, the immediate proximity of Highway 395 as well as the two power lines that cross through the site in an alignment parallel to the highway, the absence of sage grouse nesting or feeding habitat within the site boundaries, and the fact that the site is approximately 10-30 feet below the surrounding land as a result of prior mining operations.

These physical features are also central to the conclusions regarding project approval. Because the site is below the surrounding land and habitat, activities within the Business Park would not be visible from the surrounding habitat. Noise from the site in the surrounding habitat is not expected to be significantly greater than existing noise levels in the surrounding habitat, and human activity would be wholly confined within the project boundaries. The vehicular access to the site would be along a single 300-foot entranceway that is at the same location as the entry to the now-operating batch plant. Please note that the 1993 Record of Decision for the Bishop Resource Management Plan referred to public lands. Because the project site is privately owned, and because project activities would remain within the project boundaries, this policy would not apply. To our knowledge, there is as yet no formal petition to list the sage grouse as a sensitive species. If this does occur, the construction timeline for the proposed project would likely be completed prior to final approval of the listing. In combination, these considerations support the conclusion that human activity on the site would not have a significant impact on sage grouse nesting activity if the project is approved and implemented.

2. Cumulative Assessment (p. 2, ¶3) _

Because the site does not currently contain vegetation, the proposed project would not impact vegetation or habitat. Thus the proposed project would not contribute to the cumulative loss of plant communities in the region.

As discussed in Section 5.2.3.3 and Appendix C of the Draft EIR, water use on the site is anticipated to range from 4.7 gallons per minute (gpm, low estimate) to 18.5 gpm (high estimate), plus a reserve of 500 gpm to meet fire flow demand sustainable for 2 hours at a minimum pressure of 20 psi (per the Long Valley Fire Protection District requirements). The on-site groundwater production well proposed for construction on Lot 15 is recommended to have a minimum production capacity of 520 gpm, with a minimum depth of 200 feet and perforations between the depths of 50 and 200 feet.

Water use on the project site would be limited by septic system capacities, since the California Regional Water Quality Control Board allows industrial developments a maximum sewage disposal quantity of 500 gallons per acre per day; for the site as a whole, this is equivalent to 18,000 gallons per day (or 12.5 gpm).

The existing groundwater production well, which is located on proposed Lot 20 in the southeast corner, would be converted to a monitoring well (as discussed more fully in response to Comment Letter #22 from the LRWQCB). This well has a minimum capacity of about 200 gpm, produces a potable supply, and is currently used to meet water demands of the batch plant and dog sled facilities. The existing water demands are approximately 10,000 gallons per day (6.9 gpm).

The June 1997 Final EIR for the Mammoth Lakes Airport Expansion Project indicated¹² that the maximum projected groundwater extraction for the airport would average about 5 cfs, which is the equivalent of 2,250 gpm.

As discussed in the response to Comment Letter #7, Item 1, the site is already designated for industrial use by the Zoning Ordinance and by the General Plan. The water demands associated with the project proposal have thus been conceptually evaluated in the Final EIR for the County's 1993 General Plan Update, which stated that "Increased growth and development associated with the General Plan Update could result in the overuse and/or waste of water" (p. 33), but did not find the increased water consumption to be a significant unavoidable adverse impact. On the basis of the foregoing considerations, the project would not be expected to make a substantive contribution to the cumulative impacts of water use associated with development in the airport region.

3. Deer Herd and Cumulative Assessment (p. 2, ¶4)

In considering the contribution of the Sierra Business Park to the cumulative impacts on the Round Valley deer herd, the following seven projects were considered: Sherwin/Snowcreek Ski Area, Intrawest Resorts, Eastern Sierra College Center Mammoth, Lakeridge Ranch Estates, INAJA Land Company, Rimrock Ranch and Pacifica Residential Development. Each proposed project is briefly described below.

Sherwin/Snowcreek Ski Area. County staff indicates that this project has been in a hiatus for some time and its future status is uncertain. The 1997 Record of Decision for that project found that the project would result in an unavoidable loss of habitat, but concluded that the impacts were reduced to an acceptable level by mitigations that included (1) restrictions on construction during the deer migration season, (2) screening of facilities with vegetation, (3) restrictions on fencing that would block deer access, (4) off-site habitat improvement to improve water sources and forage conditions in the holding area, and (5) monitoring to track the efficacy of these measures.

Intrawest Resorts including airport expansion. Most of the projects proposed by Intrawest are on lands in the urbanized area of Mammoth lakes and thus are not expected to directly impact deer movement. The 1997 Subsequent Airport Expansion

¹² See "Response to Water and Sewer Related Comments" prepared by Triad/Holmes Associates.

EIR concluded that the project would have a moderate impact on deer migration. This was based on a finding that deletion of the crosswind runway and golf course had substantially decreased potential impacts on the deer, and that the airport is not within a major deer migration route. The earlier 1986 Airport Land Use Plan EIR had included an Exhibit (Figure 24) indicating that the migration pathway followed along the foothills of the lower Sierra Nevada generally west and south of Highway 395.

Eastern Sierra College Center - Mammoth. This proposed project is within the urbanized area of Mammoth lakes and thus is not expected to directly impact deer movement.

Lakeridge Ranch Estates. This 80-acre, 119-unit project is located near Crowley Lake. Based on its location, we anticipate that this project may have an impact on deer movement through the area.

The Mono County Planning Department staff was unaware of the pending INAJA Land Company use permits, and we were unable to obtain information about the Pacifica Residential Development in Round Valley. However, the Rimrock Ranch project consists of 30 lots on 80 acres. Each lot will have a minimum area of 2 acres. Another 100 acres of land has been sold to CDFG as mitigation for impacts to the Round Valley deer herd.

Four of the projects referenced above are unlikely to have a significant impact on deer movement because of their location or status: this includes the Sherwin/Snowcreek Ski Area, the Intrawest Resort Projects, the Airport Expansion Project, and the Eastern Sierra College Center in Mammoth. A fourth project, Rimrock Ranch, has mitigated for impacts to the Round Valley deer herd. Lakeridge Ranch Estates may impact the deer herd through the development of 80 acres. The other two projects, INAJA Land Company and Pacifica Residential Development, may impact the Round valley deer herd by an unknown amount. Even in this regional framework of pending and approved development activities, the assessment for Sierra Business Park concluded that the project would not impact existing deer habitat, and the project is therefore not expected to significantly contribute to the cumulative impacts to the Round Valley deer herd.

4. Well Capacity (p. 3, ¶1)

Please refer to the Cumulative Impact discussion provided under Item 2 above for review of the water demands associated with development in the airport area.

5. Stormwater Capacity Overflow (p. 3, ¶2)

As a result of past mining activities, the project site is an excavated basin approximately 10-15 below the elevation of surrounding lands. The proposed grading plan would remove an additional 150,000 cubic yards of material from the site in order to construct the interior road and create preliminary lots; there is no proposal or intent to elevate the project floor.

As a consequence of this configuration, a primary adverse impact associated with inadequate stormwater system capacity would be potential flooding of the project site. A second primary adverse impact would be the potential for groundwater contamination in

the event of uncontrolled discharges of hazardous materials stored or used on the site. Both of these concerns are under the purview of the LRWQCB, and addressed in response to comments contained in Letter #22. Because of the site depth and configuration, there would be no substantive risk of uncontained runoff and/or urban pollutants on streams or watercourses near the project site.

6. Invasive Species (p. 3, ¶3)

The importance of preventing the introduction of invasive plant materials was also raised by the USFS in its comment letter (please see Letter #15, Item 7-8). In response, the Specific Plan was amended to prohibit the use of invasive plant species on the site (see Appendix C, Specific Plan, Section N [Development Standards-Landscaping]).

#24

Response to correspondence received from Janet Carle. Comment letter dated 11 September 2000.

1. Comment Period

In response to the request submitted by Ms. Carle and others, the period for public review and comment on the Draft EIR for the proposed Sierra Business Park was extended. The review period began on 21 July and closed on 21 September 2000 instead of 8 September as originally scheduled.

2.5. Visual Impacts

As discussed in response to a similar concern expressed by P.E.S.T.E.R., the assessment of visual impacts did focus on the visual perspective of the motorist. This was done in recognition of the designation of Highway 395 as a scenic corridor of statewide significance. The analysis identified a number of significant visual factors associated with the project proposal, but concluded that overall impact would be less than significant due to the dominance of the background views, the absence of changes to geologic features or the overall panorama, and the modifications proposed to minimize visibility and visual intrusiveness of the project. The modifications included limitations on building heights and on the lighting of project identification signs. The building height limitations were developed through a detailed site study comparing the relationship between the proposed PMZ recontouring plan, individual lot elevations, and proposed building heights. The intent of this effort was to minimize project visibility by specifying building heights for individual parcels.

3. Traffic Safety Issues

The Mitigation Implementation and Monitoring Program (please see Appendix B, Measures TC-1 and TC-2) requires construction of both a northbound left-turn lane and a southbound right-turn lane on Highway 395. The turn lanes would shelter project ingressing traffic from the high speed through traffic on Highway 395. As is now the case, left-turn traffic exiting out of Hot Creek Fish Hatchery Road or Sierra Business Park will continue to stop on the median opening of Highway 395 before completing the remaining half of the turning movement. This median opening area can store 2 to 3 vehicles. Without this median refuge, drivers would be required to concentrate and wait for safe traffic gaps from both north and southbound through traffic on Highway 395 before executing the left-turn movement. The median refuge not only reduces the gap waiting time by half but also promotes traffic safety by allowing drivers to concentrate for a safe traffic gap from one conflicting traffic movement on Highway 395 instead of from both traffic movements.

4. Entrance Signage and Industrial Precedent

Comments concerning the entrance sign color and size, as well as the precedent of industry along the scenic highway, are acknowledged. No reply is requested.

#25

Response to correspondence received from John Dittli. Comment letter dated 11 September 2000.

1. Purpose and Objectives

Statements indicating an area demand for industrial development are based on policies contained in the Mono County General Plan. In particular, the following policies were considered to support this conclusion:

- a. *"There is a countywide need for additional land designated for industrial uses, particularly for those industrial uses which are land intensive, visually obtrusive/offensive, and potentially noisy or dirty. Most of these sites will be localized and concentrated in a specific area; the County lacks feasible sites for extensive heavy industrial development due to environmental constraints and distance from population centers and supplies. There is also a need to provide for local economic growth by creating jobs for local residents. Many of the County's residents are unable to work in the community in which they reside and many of the area's younger residents must leave the area in order to find work. Lack of year-round employment in the tourist and recreation industry is the primary cause of employment instability." (Policy #9, p. II-1)*
- b. *"In order to support the additional services and commercial uses desired by residents, there is local interest in providing some additional employment in the area, potentially including some light manufacturing." (Long Valley subarea, Policy #1, p. II-1, 1993)*

Definitions used to characterize industrial and business developments often involve some overlapping land uses. However, "industry" is generally understood to include manufacturing, warehousing, storage, construction services, production supplies, and related uses, while "business" is generally understood to include offices, professional services, office/professional supplies and related uses. Both uses also depend on ancillary services (such as sandwich shops and reproduction services) that are included in multiple land use categories. The uses that would be permitted in Sierra Business Park generally fall under the category of "industry," and most would be allowed under the existing site zoning.

2. Impact Summary Table

Page 11: Comments concerning the proposed General Plan Amendment are acknowledged and will be considered by the Board of Supervisors. No reply is sought.

Page 14: The visual impact for travelers in the nearby adjacent lands and wilderness areas would depend on their location. For those viewing the site from an elevated perspective, the effect would be generally as described for motorists traveling southbound on Highway 395. Seen from lower perspectives, the effect would be generally as described for motorists northbound on Highway 395.

Page 16: Mr. Dittli's note concerning the advisory (but not mandatory) language in the mitigations providing for north and southbound turn lanes is acknowledged. The wording of measures TC-1 and TC-2 (please see the Mitigation Implementation and Monitoring Program in Appendix B) has been amended as follows:

TC-1: In order to accommodate the anticipated 84 northbound vehicles making a left-turn into the project site, ~~it is recommended that~~ a 200-foot left-turn storage lane with a 200-foot deceleration lane shall be constructed on Highway 395.

TC-2: In order to accommodate the anticipated 196 southbound vehicles making a right-turn into the project site, ~~it is recommended that~~ a 300-foot right-turn storage lane with a 200-foot deceleration lane shall be constructed on Highway 395.

CEQA requires the final Mitigation Implementation and Monitoring Program to indicate both the timing of and the agency responsible for implementation of mitigation measures. This information has now been added to Appendix B. As indicated, Measures TC-1 and TC-2 would both be implemented prior to issuance of occupancy permits.

The traffic generation numbers contained in Tables 12 and 13 of the Draft EIR are for peak hour movements. The morning and afternoon peak hours are used because these are the periods with the highest trip generation rates (i.e., worst case), and turning lanes as required in TC-1 and TC-2 must be designed to accommodate these peak demands. However, traffic would continue to enter and exit the site during non-peak hours as well. The "Total Traffic" columns provide 24-hour tallies, including both peak and non-peak vehicular movements. Mr. Dittli's comments concerning the risk factors associated with inclement weather are acknowledged. As noted previously, traffic safety along highway 395 is enhanced by the existing median storage area. This design allows left-turning movements to be approached in two successive stages, each of which requires the driver to focus on only one direction of traffic.

Page 40: This use category would include snowmobiles and other off-road vehicles as indicated in the comment letter. Although the Sierra Business Park Specific Plan would permit businesses that rent motorized and non-motorized modes of transport, it is not known where the vehicles would actually be used. However, most of the public land areas in this region are eligible for motorized and non-motorized vehicle use. The *Land and Resource Management Plan* for Inyo National Forest¹³ identifies recreation as the most significant resource, and notes that on lands with potential for both recreation and other resources the current practice emphasizes recreational values.

The project area falls within USFS Management Area #9 (Mammoth). Final EIR Table 4 (on the following page) summarizes the USFS "prescription allocation" for the 8,414-acre Management Area #9.

¹³ USFS, *Land and Resource Management Plan*, Inyo National Forest, 1988.

Table 4
USFS PRESCRIPTION ALLOCATION FOR MAMMOTH AREA LANDS

Rx Number	Name	Acreage
11	Range Emphasis	3,357
12	Concentrated Recreation	4,796
15	Developed Recreation	261

The project site is in Rx 11 (the land around the Airport), which allows dispersed recreation suitable for semi-primitive non-motorized, semi-primitive motorized, and 'roaded' natural recreational opportunity spectrum classes, plus off-highway vehicle use on existing roads and trails, and over-snow vehicles (OSV) on all lands except for defined restriction zones that are depicted on the USFS Winter Motor Vehicle Use Map. Similar recreational policies apply to Rx 12 (the lands around the Town of Mammoth Lakes). The project site is not included in a restricted zone for over-snow vehicles, but there is only one groomed trail in the vicinity (the Hot Creek Trailhead). The Hot Creek Trailhead is on the east side of Highway 395, and there is currently no safe crossing over Highway 395 in this region.¹⁴

Page 60:

As noted in the DEIR, the site is a former sand and gravel quarry that has been excavated to depths of from 10-30 feet below the surrounding habitat during past gravel operations. There is almost no vegetation on the site. No habitat exists on the site for any special status plant or animal species, and no special status plant or animal species is expected to use the site. For this reason no direct impacts to special status plant or animal species (including sage grouse) are expected.

Because the project would be wholly contained within the excavated basin and well below the surrounding land and habitat, human activity on the project site is not expected to impact sage grouse. Activities on site would not be visible from the surrounding habitat; noise from the site in the surrounding habitat is not expected to be significantly greater than existing noise levels in the surrounding habitat; human activity would occur on site rather than in the surrounding habitat (as is now the case); and vehicle access to the site would be limited to a single entry at the same location as the existing batch plant entry. For these reasons, project development is not expected to significantly impact sage grouse in the habitat surrounding the site.

The traffic study contained in the Draft EIR used very conservative traffic generation factors. The results indicated that project trip generation would range from 2,187 daily trips (low end forecast) to 5,022 (high end forecast). Both of these forecasts were based on standard traffic generation factors set by the Institute of Traffic Engineers (ITE). ITE factors are given for low, average and high rates of trip generation. The analyses contained in the Draft EIR were based on average trip generation factors. Most important, ITE factors do not distinguish between urban and rural traffic conditions, and are typically applied to urban traffic conditions. The California Department of Finance estimated the population of Mammoth Lakes to be 5,350 as of January 2000,

¹⁴ Source: Rick Murray, USFS, telephone communication of 15 September 2000.

and the population of Mono County as a whole to be 10,900.¹⁵ Within this context, it is more readily apparent why the forecast traffic volumes (the equivalent of one half the population of Mammoth Lakes visiting the site on a daily basis¹⁶) are considered to be worst case. In practice, it is unlikely that project traffic volumes would approach even the lower end of the forecast range (2,187, the equivalent of one-quarter of the Mammoth population visiting daily).

Due to the type of uses proposed for the site, the majority of traffic is expected during daylight hours. Although an increase in deer mortality may occur due to the project, this is not expected to significantly impact the Sherwin Grade deer herd because the migration pathway used by this herd generally follows the base of the Sierra Nevada, rather than crossing Highway 395. The Sherwin Grade deer herd numbers have fluctuated in the last several decades from a 1985 estimated high of about 5,800 to a 1993 estimated low of about 1,300. These fluctuations in herd size have been attributed to climatic factors (primarily drought) that have impacted plant growth and reduced available food supplies. Thus climatic factors are considered the strongest influence on deer population. Other key factors include grazing cattle, plant succession, winter range fires, and habitat loss. According to CalTrans, 3 incidents of deer mortality from traffic on Highway 395 have been recorded over the past 10 years. These included single events in 1991 and 1992, both about 1000 feet south of Fish Hatchery Road, and a single event in 1996 about 2 miles north of Fish Hatchery Road (based on data provided to Traffic Safety Engineers by Jerry Gabriel, Operations Engineer for CalTrans). Thus increased deer mortality from increased traffic on Highway 395 is not expected to significantly impact deer populations in the area.

Page 98: Comments concerning the potential significance of project impacts are acknowledged herein and will be considered by the County Planning Commission as well as the Board of Supervisors. No reply is requested.

3. Extension of Review Period

In consideration of the comments received, the County extended the DEIR review period through 21 September to allow time for additional public review and comment.

¹⁵ Source: California Department of Finance, E-1 City/County Populations Estimates with Annual Percent Change, January 1999-January 2000.

¹⁶ Note that a visit to the site involves 2 "trips" – the trip into the site, and the trip out.

#26

Response to correspondence received from Jason Marshall, Assistant Director, Department of Conservation. Comment letter dated 8 September 2000.

1-3. Berm Protection; Minimum Code Standards, Soil Analysis

In keeping with geotechnical requirements stipulated by the Department of Conservation, the grading plan will describe and depict improvements to protect the uphill slope from surface water flows, and will comply with minimum building code standards. The applicant will also comply with all requirements for soil analysis. Although these are code requirements, the following mitigation measures have been added to the Mitigation Monitoring Program (see Appendix B, Measures GS-7 and GS-8) in confirmation of the Department's letter request.

"The project grading plan shall depict and describe improvements as necessary to protect the uphill slope of the PMZ from surface water flows originating on the alluvial fan."

"Grading specifications shall incorporate minimum standards described in the Uniform Building Code or the Mono County grading ordinance, whichever is more stringent. The final specifications shall be reflected in clearly legible format on the Site Plan and Tentative Tract Map."

4-6. Salvage of Native Soil Materials and Mapping of Topsoil

Mining on the project site was initiated in 1972 and terminated approximately 10 years later, in the early 1980s. All mining was concluded, and native soil materials removed, by the time this site was purchased by the current owner in 1994. There are no stockpiles proposed in the reclamation plan, nor are stockpiles proposed as part of project implementation as a whole.

7-8. Revegetation Testing and Planting Schedule

Revegetation testing would normally be of value in an area where active mining operations are underway inasmuch as the use of test plots would create options for long-term revegetation in varied microclimates, slopes, and orientations. On the project site, however, the PMZ berm (which is the only part of the site that would be reclaimed) is to be constructed in one phase, and the Reclamation Plan requires that the berm be revegetated immediately with the selected seed mix in order to control dust and maintain slope stability. This schedule would negate the need for test trials. The revegetated slopes would be reviewed annually to ensure the success of the revegetation plan (please see the performance standards outlined in the Reclamation Program).

9. Noxious Weeds

The Reclamation Plan, under performance standards, states that all noxious weeds shall be removed from the site (please see page 15).

10. Success Criteria

In keeping with CCR §3705(m), the Reclamation Plan will be amended to include revegetation success criteria for species richness and to stipulate that the success criteria for cover, density, and species richness all refer to native perennial species.

11. Financial Assurance Estimates

The County appreciates the recommendations of the Department, suggesting use of a "worse case" scenario when reviewing financial assurance estimates. Estimates contained in the Reclamation Plan were developed to reflect the full cost for complete reclamation of the site by the County or a third-party contractor, given the small scale of the work required to achieve site reclamation.

#27

***Response to correspondence received from Charles Steidtmann, Esq.
Comment letter dated 15 September 2000.***

Mr. Steidtmann's comments are directed to the Mono County Planning Commission and Board of Supervisors, for consideration in deliberating whether the project should be approved. The comments are acknowledged herein; no response is sought.

#28

Response to correspondence received from Sydney Quinn. Comment letter dated 18 September 2000.

Ms. Quinn's comments are directed to the Mono County Planning Commission and Board of Supervisors, for consideration in deliberating whether the project should be approved. The comments are acknowledged herein; no response is sought.

#29

Response to correspondence received from Daniel Dawson. Comment letter dated 20 September 2000.

1. Sand and Gravel Extraction

Sand and gravel extraction had been terminated on the site prior to the time that it was purchased by the project applicant (Marzano and Sons) in 1984. Marzano and Sons did not pursue further extraction on this site in large part because the sand and gravel materials that remain on the Sierra Business Park project site are of a quality that does not meet the standards set by CalTrans and other customers (note that Marzano & Sons already has an existing, approved extraction operation south of Lee Vining). The company was granted approval in 1995 to install the batch plant that remains in operation to this date.

It is acknowledged that mineral resources are in demand. The proposed 150,000 cubic yards of additional cut materials would be used for on-site recontouring of the PMZ berm, or for offsite needs.

2. Relationship to Adjacent Airport

It is anticipated that at least some of the proposed project uses would be supportive to operations at the adjacent airport. However, this would depend on the uses that locate on the site. As discussed in greater detail in response to Comment Letter #25 (John Dittli), the EIR statements concerning demand for industrial development are based on policies contained in the Mono County General Plan, particularly Policies #1 and 9 (on General Plan page II-1), both of which address the need for industrial uses and the need for permanent jobs (as opposed to seasonal employment). Long Valley is cited as an area where this need is evident. The Mammoth-June Lake Airport Land Use Plan (1987)¹⁷ also cites industry as an appropriate use:

Industrial (I) and Industrial Park (IP). These land use designations conform to Chapters 19.17 and 19.16 of the County Zoning and Development Code. Virtually all uses within this category are subject to use permit procedures due to the inherent potential for environmental impacts, safety hazards, and nuisances. Lands considered suitable for industrial and manufacturing land uses are limited to three existing sites in the airport planning area: the Sierra Quarry private property, the Forest Service gravel pit, and the Caltrans gravel pit."

3. Employee Housing

As discussed in response to Comment Letter #18 (Town of Mammoth Lakes), affordable housing was not raised as an issue of concern during scoping or in response to the NOP. During August, the Town of Mammoth Lakes adopted its Affordable Housing

¹⁷ Mammoth-June Lake Airport Land Use Plan, 1987. See Appendix C, Exhibit C-7A, Sample Compatibility Criteria and Maps.

Mitigation Regulations, which require all new projects within the Town to address the issue of affordable housing. The ordinance has not yet been implemented.

The proposed Sierra Business Park project is located in the jurisdiction of unincorporated Mono County; ordinances promulgated by the Town of Mammoth Lakes do not apply. It is anticipated that at least some of the future project employees would seek housing in Mammoth Lakes, but this is not expected to cause a significant impact on housing in the Town. The lack of anticipated significant effect is based on (1) the fact that the County contributes a comparatively small number of workers employed on unincorporated lands to the demand for housing in Mammoth Lakes, (2) recognition that many of the industrial occupations are year-round instead of seasonal, (3) recognition that industrial jobs fall generally in the middle salary range, and (4) none of the County's defined housing goals, policies or requirements would apply to the proposed Sierra Business Park project.

4. Potential Significant Effects

Comments regarding significance of potential project impacts on visual resources, traffic and urban sprawl are acknowledged herein and will be considered by the Mono County Planning Commission and Board of Supervisors. No response is sought.

#30

***Response to correspondence received from Elizabeth Tenney, P.E.S.T.E.R.
Comment letter dated 20 September 2000. (Also see Comment Letter #7)***

1. Industrial and Retail Uses

The questions raised in this comment were also addressed in the earlier comment letter submitted by P.E.S.T.E.R. Please refer to Comment Letter #7, Item #1.

2. General Plan Amendment

The General Plan Amendment and Zone Change are both directed to establishment of a Specific Plan designation for the site. The Specific Plan designation is necessitated by the General Plan, which mandates specific plan preparation for all County "islands" (i.e., County lands surrounded by parcels under the jurisdiction of other agencies). But for this requirement, there would be no application for a zone change and general plan amendment, because the project is generally consistent with the uses permitted under the existing zoning and general plan designations. The Specific Plan designation has value to the County because it allows for the establishment and enforcement of conditions of approval that would not apply to the primary zoning designation; it is essentially a tool for more restrictive regulation.

3. Demand for Industrial Services

As discussed in greater detail in response to Comment Letter #25 (John Dittli), the EIR statements concerning demand for industrial development are based on policies contained in the Mono County General Plan, particularly Policies #1 and 9 (on General Plan page II-1), both of which address the need for industrial uses and the need for permanent jobs (as opposed to seasonal employment). Long Valley is cited as an area where this need is evident.

4.5. Significance of Visual Impact

The concern for clutter was raised in the initial comment letter submitted by P.E.S.T.E.R. Please refer to the discussion provided in response to Comment Letter #7, Item #1 (on the second page of the responses). P.E.S.T.E.R's comments regarding the significance of potential impacts on the Scenic Highway corridor are acknowledged herein and will be considered by the Mono County Planning Commission and Board of Supervisors.

6. Growth Potential and Affordable Housing

The conceptual framework used for evaluating the significance of potential growth inducing impacts was outlined in the Draft EIR, and included:

- The creation of an economic stimulus in one area that generates favorable market conditions for development of other areas

- Development in previously isolated or undeveloped areas where the surrounding lands may be available for development
Construction of new roads, utilities or services with the capacity to serve a population greater than would be used for the specific proposal

Although not addressed in the comments submitted during scoping, the issue of affordable housing has been raised in a number of comment letters on this Draft EIR. In particular, the Town of Mammoth Lakes has recently adopted a new ordinance to address the growing problem of unmet need for affordable housing, and raised this issue in their comments on the Draft EIR. Please refer to Comment Letter #18, Item 7.

7. Growth Pressures and Public Lands

P.E.S.T.E.R.'s concern, that lands that are today constrained from development may in the future become available, is acknowledged. In the context of this EIR, this statement would require conjecture that is inconsistent with CEQA because it is not supported by the available information (i.e.. current and reasonably foreseeable ownership patterns, and the unsuccessful effort to accomplish a trade involving public lands).

8. Required Specific Plan Findings

The statement referenced in P.E.S.T.E.R.'s comment is not given as a conclusion, but it is rather part of a discussion of County policy requirements for all specific plans:

"If adopted, the Specific Plan will represent zoning for the Sierra Business Park property. To this end, the Specific Plan identifies development standards, allowed and conditional uses, regulations, financing methods, and procedures to guide all phases of development and processing. The Specific Plan also describes whether and how the project conforms to the minimum findings required by the General Plan prior to approval. The required findings include:

- The project preserves permanent open space;
- The project will not adversely affect existing or potential farming, ranching or recreational operations;
- The development is clustered, concentrated or located to avoid adverse impacts to cultural resources;
- The development is clustered, concentrated or located to maintain the visual quality of the area;
- Adequate public services and infrastructure are or will be available;
- The development protects and is compatible with the surrounding environs and rural character of the area;
- Housing is limited to that necessary to maintain the development; and
- The project avoids or mitigates significant environmental impacts as required by CEQA and the General Plan.

The Specific Plan (please see Appendix C of this Final EIR) then sets forth a wide range of standards, allowed and conditional uses, regulations, financing methods and procedures that are intended to assure that the development 'protects and is compatible with the surrounding environs.' These include (1) the requirement for site plan review by the County, (2) the airport notification requirements, (3) prohibitions on alternative development standards, (4) the requirement that specified uses cannot be allowed unless a Conditional Use Permit is granted, (5) provision for the PMZ berm and associated requirements, (6) the landscaping, screening and lighting standards, (7) the

design guidelines and limits on allowed building materials and colors, and many other elements.

9. Depth to Groundwater

The USGS groundwater data were presented in the Draft EIR as an attachment to Appendix C (the Regional and Site Specific Hydrology and Geology report). As indicated therein, USGS begin monitoring water levels on a periodic basis in July of 1984; the data extends through November 27, 1999 (USGS may have continued monitoring since that time, however). The water levels do not appear to reflect any readily observable long-term trends, but do appear to vary in response to drought. The two water level records obtained during 1984, the earliest year of record, varied widely (one was 21.25 feet below ground surface, the other was 12.90 feet), and continued to vary widely through 1985 and 1986. From about 1987 through 1992, there was a gradual but fairly steady trend toward lower water levels, peaking at 22.34 feet below ground surface in December 1992. Water levels continued to hover around 20-22 feet below ground level until early in 1995, and they have gradually risen since that time. During the period from 1998-1999, the water levels again fluctuated fairly widely, with readings as high as 11.9 feet (in August 1998) and as low as 18.03 feet below ground surface (in May of 1999). The latest reading was 17.65 feet below ground surface.

10,11. Consistency with General Plan Goals

P.E.S.T.E.R's comments regarding project consistency with the spirit and intent of industrial development are acknowledged herein, as are the comments regarding County policy that development should be concentrated in or adjacent to existing communities. These comments (and all comments received) will be submitted to the Mono County Planning Commission and to the Board of Supervisors for their review and consideration. No response is sought.

12. Zoning Consistency

By definition, "Specific Plan" is a formal zoning designation in its own right, with all of the legal significance that attaches to any zoning designation. Each zoning designation has defined requirements and conditions; the requirements for one zone inevitably differ from the requirements for other zones, because they govern diverse categories of uses. The statement in the Specific Plan referenced by P.E.S.T.E.R., ("in cases of explicit conflict between the Specific Plan and the Mono County Zoning Ordinance") recognizes that the Specific Plan for Sierra Business Park would, if approved, become the governing document. Notwithstanding these comments, please note that the Sierra Business Park Specific Plan does not contain (to our knowledge) any points that are in specific conflict with the Mono County Zoning Ordinance.

#31

Response to correspondence received from George Vest. Comment letter dated 20 September 2000.

1. Project Definition

As discussed in greater detail in the response to Comment Letter #7 (from P.E.S.T.E.R), the project proposal evaluated in the Draft EIR is substantially the same as outlined in the May 1999 Notice of Preparation and described at the June 1999 Scoping Meeting. This includes the acreage (36 acres), the number of lots (37), the proposed discretionary actions (i.e., a zone change and general plan amendment from industrial to specific plan, plus approval of a tentative map and reclamation plan), and the proposed land uses, which are consistent with the uses that would be allowed under the existing zoning and general plan designations.

Additionally, as discussed in greater detail in response to Comment Letter #30 (the second letter received from P.E.S.T.E.R), the project is generally consistent with the uses permitted under the existing zoning and general plan designations. The application for a general plan amendment is in compliance with County policy, which requires that all County islands be governed by a Specific Plan (allowing for more restrictive governance).

2. Impacts on Scenery, Traffic, the Sherwin Deer Herd, and Housing

Mr. Vest's comments regarding impacts on visual resources, traffic, the deer herd crossing and employee housing are acknowledged and will be submitted to the Mono County Planning Commission and the Board of Supervisors for their consideration. No reply is sought.

3. Extension of Public Comment Period

In response to requests received during the initial review, the public review period for the Draft EIR was extended from its original closing date of 8 September to a new date of 21 September. This extension allowed for a full 60-day review period for the EIR.

#32

Response to correspondence received from Andy Selters. Comment letter dated 19 September 2000. (Also see Comment Letter #6)

1. Project Purpose

The primary purpose of the project proposal, as stated in the Draft EIR Purpose and Objectives (Section 1.4) is to respond to area demand for industrial services as reflected in several General Plan policy statements. Section 1.4 also identified other goals, including reclamation of previously mined areas and provision of services that are compatible with and supportive of the adjacent airport.

2. Increased Traffic

The EIR indicates that traffic on Highway 395 may double if the project is approved and implemented. It concludes that this would not represent a significant adverse impact, because traffic conditions along Highway 395 would remain at the highest Level of Service ("A"), which indicates free and unimpeded flow. Please note, however, that the high end of the projected traffic impact (5,022 added daily trips) is based on "worst case" estimates. As discussed in greater detail in response to Comment Letter #7, Item 4, it is anticipated that actual numbers would be well below the levels reviewed in the Draft EIR.

3. Scenic Values

Comments regarding project impacts on the scenic values of this region are acknowledged herein, and will be submitted to the Mono County Planning Commission and to the Board of Supervisors for their review and consideration. No response is sought.

#33

Response to correspondence received from Karen Ferrell-Ingram and Stephen Ingram. Comment letter dated 20 September 2000.

1. Scoping Consultation, Retail Use and Supplemental CEQA Documentation

As discussed in greater detail in the response to Comment Letter #7 (from P.E.S.T.E.R), the project proposal evaluated in the Draft EIR is substantially the same as outlined in the May 1999 Notice of Preparation and described at the June 1999 Scoping Meeting. This includes the acreage (36 acres), the number of lots (37), the proposed discretionary actions (i.e., a zone change and general plan amendment from industrial to specific plan, plus approval of a tentative map and reclamation plan), and the proposed land uses, which are consistent with the uses, which would be allowed under the existing zoning and general plan designations. A supplemental EIR would serve no substantive purpose under CEQA, since the project proposal evaluated in the Draft EIR is substantially the same as was described in the NOP and as would be allowed under existing zoning.

2. Impacts on Traffic, Housing, Air Pollution, Views, Sprawl and Project Need

Concerns expressed in the Ingram's letter regarding project impacts on traffic, housing, air pollution, visual resources, and sprawl are acknowledged, as are their comments regarding uncertain need for the proposed project. Although no response is sought, these comments and concerns will be considered by the Mono County Planning Commission and the Board of Supervisors.

#34

Response to correspondence received from Rick Jali. Comment letter dated 19 September 2000. (Also see Comment Letter #17)

Mr. Jali's comments are directed to the Mono County Planning Commission and Board of Supervisors, for consideration in deliberating whether the project should be approved. The comments are acknowledged herein; no response is requested.

#35

Response to correspondence received from Heidi Hopkins. Comment letter dated 20 September 2000.

1. Scoping Consultation, Retail Use and Supplemental CEQA Documentation

As discussed in greater detail in the response to Comment Letter #7 (from P.E.S.T.E.R), the project proposal evaluated in the Draft EIR is substantially the same as outlined in the May 1999 Notice of Preparation and described at the June 1999 Scoping Meeting. This includes the acreage (36 acres), the number of lots (37), the proposed discretionary actions (i.e., a zone change and general plan amendment from industrial to specific plan, plus approval of a tentative map and reclamation plan), and the proposed land uses, which are consistent with the uses which would be allowed under the existing industrial zoning and general plan designations. A supplemental EIR would serve no substantive purpose under CEQA, since the project proposal evaluated in the Draft EIR is substantially the same as was described in the NOP and as would be allowed under existing zoning.

2. Project Suitability

Comments questioning the suitability of this project for the proposed location are acknowledged herein, and will be submitted to the Mono County Planning Commission and to the Board of Supervisors for their review and consideration. No response is sought.

#36

Response to correspondence received from Julie Yost. Comment letter dated 20 September 2000. (Also see Comment Letter #9)

1. Allowed Uses and Conditional Uses

As noted in response to the comment letter from P.E.S.T.E.R. (see Letter #7, Item 1) and the earlier letter received from Ms. Yost, the retail uses allowed in the Specific Plan would also be permitted under the existing industrial zoning. The Specific Plan limits the permitted retail uses to seven categories that could be approved only where incidental to the primary non-retail use, and would be limited to no more than 500 square feet of floor area (or 2,000 sf if the applicant's request is approved). The conditionally permitted land uses would also require Planning Commission approval.

2. General Plan Consistency

The General Plan Amendment and Zone Change are both directed to establishment of a Specific Plan designation for the site. The Specific Plan designation is necessitated by the General Plan, which mandates specific plan preparation for all County "islands" (i.e., County lands surrounded by parcels under the jurisdiction of other agencies). But for this requirement, there would be no application for a zone change and general plan amendment, because the project is generally consistent with the uses permitted under the existing zoning and general plan designations. The Specific Plan designation has value to the County because it allows for the establishment and enforcement of conditions of approval that would not apply to the primary zoning designation; it is essentially a tool for more restrictive regulation.

3. Project Suitability

Comments questioning the suitability of this project for the proposed location are acknowledged herein, and will be submitted to the Mono County Planning Commission and to the Board of Supervisors for their review and consideration. No response is sought for this comment.

#37

Response to correspondence received from Georgette Theotig. Comment letter dated 21 September 2000.

Ms. Theotig's comments are directed to the Mono County Planning Commission and Board of Supervisors, for consideration in deliberating whether the project should be approved. The comments are acknowledged herein; no response is requested.

#38

Response to correspondence received from Nancy Fiddler. Comment letter dated 21 September 2000.

1. Impacts on Traffic Safety, the Sherwin Deer Herd, Views and Sprawl

Comments regarding impacts on traffic safety during winter driving conditions, the threat to local deer populations, impairment of visual resources and area growth patterns are all acknowledged herein, and will be submitted to the Mono County Planning Commission and the Board of Supervisors for their consideration. No reply is sought.

2. Demand for Industrial Services

The EIR statements concerning demand for industrial development are based on policies contained in the Mono County General Plan, particularly Policies #1 and 9 (General Plan, page II-1), both of which address the need for industrial uses and the need for permanent jobs (as opposed to seasonal employment). Long Valley is cited as an area where this need is evident.

#39

Response to correspondence received from Sue Burak. Comment letter dated 21 September 2000.

1. Scoping Consultation, Retail Use and Supplemental CEQA Documentation

Many comment letters have expressed a concern that proposed uses are different from those described during public scoping. As discussed in greater detail in the response to Comment Letter #7 (from P.E.S.T.E.R), the project proposal evaluated in the Draft EIR is substantially the same as outlined in the May 1999 Notice of Preparation and described at the June 1999 Scoping Meeting. There has been no change in the acreage or number of lots, and no change in the proposed discretionary actions. Most relevant is the fact that proposed land uses are consistent with the uses that would be allowed under the existing industrial zoning and general plan designations, and reflect the added detail that was made possible through development of the Specific Plan. For all of these reasons, a supplemental EIR would serve no substantive purpose under CEQA.

#40

***Response to correspondence received from Bryce and Wilma Wheeler.
Comment letter dated 21 September 2000.***

1. Demand for Industrial Services

The EIR statements concerning demand for industrial development are based on policies contained in the Mono County General Plan, particularly Policies #1 and 9 (General Plan, page II-1), both of which address the need for industrial uses and the need for permanent jobs (as opposed to seasonal employment). Long Valley is cited as an area where this need is evident. Please also refer to the response to Comment Letter #7, Item 1, where this issue is addressed in greater detail.

2. Visual Impacts on Wilderness Hikers and Lighting

The concern for visual impacts on hikers in the adjacent wilderness areas was raised initially in the first comment letter received from P.E.S.T.E.R. (please see Comment Letter #7, Item 1). As indicated therein, the assessment of visual impacts did focus on the visual perspective of the motorist, but used assessment categories that apply to views from other perspectives as well. To illustrate, the discussion of views for motorists southbound on Highway 395 evaluated the impact of elevation on the visual scene, and concluded that (1) project structures would be clearly visible, (2) flat roof structures would be most pronounced, and (3) the lack of a strong backdrop to the southeast would tend to focus views onto Sierra Business Park. Despite these factors, the overall impact was judged less than significant because (1) the eye would continue to be drawn toward the more dominant views of the Sierra Nevada, (2) the project would not interfere with the integrity of geologic features or the overall panorama, and (3) proposed PMZ berm modifications would soften the visual impact of the roofs and structural elements as well as the site perimeter in comparison with the existing berm. Although described in terms of the experience for a motorist southbound on Highway 395, these statements would generally apply to viewers from many elevated positions, including hikers in the surrounding mountains.

3. Lighting and Aesthetics

Comments concerning the visual impact of night lighting are acknowledged. County staff has expressed similar concerns and is recommending that lighting be prohibited on the project identification signs. The EIR also finds that sign lighting would have an adverse impact on aesthetic values, but concludes that the effect would be less than significant provided the County adopts and enforces the recommended mitigation measures (please see Appendix B, Measures AE-2 and AE-3). The proposed lighting would not, however, represent a hazard to aircraft. The overflight zone policies contained in the Airport Land Use Policy Plan¹⁸ indicates the following to be incompatible:

¹⁸ Mono County Airport Land Use Commission, Airport Land Use Policy Plan, July 1986 (document contained in the 1997 Mammoth Lakes Airport Expansion EIR).

“Any use which would direct a steady light or flashing light of red, white, green or amber colors associated with airport operations toward an airport engaged in an initial climb following take-off or toward a landing at any airport, unless the use is an FAA approved navigational signal light or visual approach slope indicator.”¹⁹

The Specific Plan requires that all lighting be concealed, of low intensity, and oriented to preclude light from falling on any public street, highway, adjacent lot or land area, sidewalk, or airspace above the Sierra Business Park site.

4. General Plan and Zoning Consistency and Sprawl

The General Plan Amendment and Zone Change are both directed to establishment of a Specific Plan designation for the site. The Specific Plan designation is necessitated by the General Plan, which mandates specific plan preparation for all County lands surrounded by parcels under the jurisdiction of other agencies. But for this requirement, there would be no application for a zone change and general plan amendment, because the project is generally consistent with the uses permitted under the existing zoning and general plan designations.

Many comment letters have expressed a concern that this project may contribute to secondary growth in outlying areas. The EIR notes that the project has many of the hallmarks of growth potential, but concludes that the project would not have significant growth potential because (1) surrounding lands are entirely within public ownership; (2) there are no other private parcels within several miles of this site, and (3) USFS has indicated that it is not interested in obtaining the project site through a land trade. The absence of developable property was key to this determination.

In reviewing these conclusions, P.E.S.T.E.R. pointed out that lands that are currently constrained from development might in the future become available. This possibility cannot be entirely discounted, but it is not supported by the available information (i.e., current and reasonably foreseeable ownership patterns, and the unsuccessful effort to accomplish a trade involving public lands).

5. Increased Traffic

The EIR indicates that traffic on Highway 395 may double if the project is approved and implemented. It concludes that this would not represent a significant adverse impact, because traffic conditions along Highway 395 would remain at the highest Level of Service (“A”), which indicates free and unimpeded flow. Note that the projected impact is based on “worst case” estimates; it is anticipated that actual numbers would be well below the levels reviewed in the Draft EIR.

6. Employee Housing

The issue of employee housing was first raised in the comment letter received from the Town of Mammoth Lakes (Comment Letter #18, Item 7). As noted in the response,

¹⁹ Other restrictions of note address reflected sunlight from structural surfaces, electrical interference, smoke and steam, and hazardous material storage, as well as the recommendations concerning population densities and land uses as discussed in the Draft EIR.

affordable housing was not raised as a potentially significant issue during the scoping meeting, nor was it raised in the response letters for the NOP; it was therefore omitted from discussion in the EIR. Since then, the subject of affordable housing has surfaced as a key issue in Town of Mammoth Lakes. In August the Town adopted Affordable Housing Mitigation Regulations that require all new projects within the Town to address the issue of affordable housing. Because it is so new, the ordinance has not yet been implemented.

The proposed Sierra Business Park project is located in the jurisdiction of unincorporated Mono County; ordinances promulgated by the Town of Mammoth Lakes do not apply. It is anticipated that at least some of the future project employees would seek housing in Mammoth Lakes, but this is not expected to cause a significant impact on housing in the Town. The lack of anticipated significant effect is based on (1) the fact that the County contributes a comparatively small number of workers employed on unincorporated lands to the demand for housing in Mammoth Lakes, (2) recognition that many of the industrial occupations are year-round instead of seasonal, (3) recognition that industrial jobs fall generally in the middle salary range, and (4) none of the County's defined housing goals, policies or requirements would apply to the proposed Sierra Business Park project.

7. Sage Grouse and Deer Herd

The request for additional information concerning potential project impacts on sage grouse and on the Sherwin deer herd was also raised in correspondence received from the Department of Fish and Game (Comment Letter #23, Items 1,2,3 and 6) and from John Dittli (please see Comment Letter #25, Item 2) for additional information concerning these species.

#41

Response to correspondence received from Robert Atlee. Comment letter dated 21 September 2000. (Also see Comment Letter #19)

1. Project Visibility

Comments concerning the importance of minimizing project visibility are again acknowledged. The issue of aerial views into this project site was also raised by P.E.S.T.E.R. (in connection with airline passengers) in Comment Letter #7. The discussion provided in response to P.E.S.T.E.R.'s concerns noted that although the primary focus is on lateral views (to minimize impacts from the scenic highway), there are some provisions in the Specific Plan that would also serve to minimize adverse impacts associated with views from above. These include (1) provisions governing outdoor storage, trash storage, loading areas, antennas, electrical equipment, and parking areas, (2) the requirement for establishment of an association that would be charged with maintenance and operational responsibilities and enforcement, (3) the requirement for coordinated exterior roofing materials and colors; (4) the height limit on antennas; (5) the restrictions on acceptable signage and limits on lighting direction and intensity; and (6) the provision for Planning Director review of screening elements for the outdoor storage areas.

#42

Response to correspondence received from Gail Lonne. Comment letter dated 21 September 2000.

Ms. Lonne's comments are directed to the Mono County Planning Commission and Board of Supervisors, for consideration in deliberating whether the project should be approved. The comments are acknowledged herein; no response is requested.

APPENDIX B

**COMPREHENSIVE MITIGATION IMPLEMENTATION
AND MONITORING PROGRAM**

SIERRA BUSINESS PARK SPECIFIC PLAN AND DRAFT EIR
COMPREHENSIVE MITIGATION IMPLEMENTATION
AND MONITORING PROGRAM

REGULATORY AND CODE COMPLIANCE STANDARDS

The project would be subject to a number of uniform code requirements and standard conditions of approval. These requirements would be imposed by the County and by other agencies (such as the LRWQCB) with jurisdiction by law over the activities in Sierra Business Park or the resources affected by those activities. Many of these requirements have been established to safeguard environmental resources, and/or to promulgate environmental goals and objectives. If the project is approved, compliance with these measures would be mandatory (i.e., not discretionary); as such, the measures do not conform to the CEQA definition of mitigation measures, and they are not listed here.²⁰ Although regulatory standards and codes are not incorporated into this mitigation program, the applicant would be required to comply fully with all relevant requirements before the necessary permits and approvals are obtained.

ADOPTION

As part of its deliberations concerning the Sierra Business Park Specific Plan and EIR, the County Planning Commission and Board of Supervisors would be required to consider the adoption of mitigation measures. The mitigation measures to be considered are itemized in this section, and cover a variety of subjects ranging from water quality to protection of aesthetic values. If the project were approved, it would be necessary for the County to specify which of these measures are to be formally incorporated into the project as conditions of approval.

MONITORING & REPORTING

Upon project approval, the County would become responsible for ensuring that the mitigation measures incorporated into the project are actually implemented during subsequent project design, construction, operation and maintenance. County staff would be responsible for ensuring that mitigation measures are satisfactorily monitored. County staff would also be responsible for reporting to the Planning Commission and to the Board of Supervisors, as needed, regarding progress in implementing the measures.

The Planning Commission and Board of Supervisors would be responsible for considering whether the measures are being implemented as intended in this mitigation program, and determining whether modifications are required to assure that project impacts remain below a level of environmental significance.

²⁰ CEQA defines mitigation as the avoidance, reduction, or rectification of adverse impacts by not taking an action, limiting the magnitude of an action, repairing an impacted environment, undertaking enhanced preservation operations, and/or replacing or providing substitute resources or environments.

MITIGATION MEASURES

GEOLOGY AND SOILS

GS-1: A slope maintenance program shall be developed and implemented to control erosion and maintain the stability of graded slopes. The program shall be submitted to Mono County for review and approval prior to initiation of any grading activities on the site.

Implementation Timing: Prior to issuance of grading permit
Responsible Agency: Mono County Building Department

GS-2: The applicant shall implement Best Available Control Measures (BACM) for fugitive dust. (Also see Mitigation Measure AQ-1.)

Implementation Timing: Prior to issuance of grading permit
Responsible Agency: Great Basin Air Pollution Control District,
Mono County Building Department

GS-3: The applicant shall regrade and revegetate the PMZ in accordance with the approved Grading Plan and Reclamation Plan. The regrading program shall provide for varied, undulating PMZ slope contours developed to achieve a natural appearance that blends into the surrounding landscape and minimizes the visibility of project boundaries from Highway 395. The revegetation program shall harmonize with contours of the graded PMZ slopes and utilize native plantings representative of the big sagebrush community. Irrigation shall be provided on a temporary basis as needed to assure viability of the PMZ berm plantings. Removal of the temporary irrigation equipment shall require approval by the County. Ongoing maintenance of the PMZ slopes and revegetation plantings, including steps to prevent sediment discharges from the site, shall be handled through an association formed in keeping with the CC&Rs for each lot on the site.

Implementation Timing: Prior to issuance of grading permit
Responsible Agency: Mono County Building Department

GS-4: The applicant shall notify the Long Valley Fire District whenever earthwork activities are occurring on site so that blowing dust is not mistaken for smoke. Notification can be made by telephone to (760) 935-4545. One notification would be sufficient for activities that will extend over several days.

Implementation Timing: During earthwork phases
Responsible Agency: Long Valley Fire Protection District

GS-5: During site preparation, the applicant shall ensure that all National Forest boundary markers remain in place.

Implementation Timing: During earthwork and construction phases
Responsible Agency: United States Forest Service

GS-6: The applicant shall ensure that all berm modifications and site construction activities be kept off of Forest Service lands.

Implementation Timing: During earthwork and construction phases
Responsible Agency: United States Forest Service

GS-7: The project grading plan shall depict and describe improvements as necessary to protect the uphill slope of the PMZ from surface water flows originating on the alluvial fan.

Implementation Timing: Prior to issuance of grading permit
Responsible Agency: Mono County Building Department

GS-8: Grading specifications shall incorporate minimum standards described in the Uniform Building Code or Mono County grading ordinance, whichever is more stringent. The final specifications shall be reflected in clearly legible format on the Site Plan and Tentative Tract Map.

Implementation Timing: Prior to issuance of grading permit
Responsible Agency: Mono County Building Department

HYDROLOGY AND WATER QUALITY

WQ-1: A Stormwater Pollution Prevention Plan (SWPPP) shall be prepared that addresses the project site as a whole, including all future uses. The SWPPP shall meet all relevant specifications contained in the California Stormwater Best Management Practices Handbook – Industrial (1993), Appendix A, including a list of BMPs from which buyers of the industrial lots shall select and implement on-site controls.

Implementation Timing: Prior to issuance of grading permit
Responsible Agencies: Mono County Health Department;
Lahontan Regional Water Quality Control Board

WQ-2: The BMPs selected for the Sierra Business Park SWPPP shall (a) emphasize source controls over treatment controls, (b) provide controls appropriate for the site drainage area (36 acres) and soil composition (principally silty, sandy gravel), (c) incorporate source controls to prevent hazardous chemicals from entering the infiltration structure, and (d) incorporate a maintenance program that includes cleaning and sediment removal each October (before onset of the rainy season) as well as a second cleaning in the spring, and visual inspection no less than once per month during the rainy season.

Implementation Timing: Prior to issuance of grading permit
Responsible Agencies: Mono County Health Department;
Lahontan Regional Water Quality Control Board

WQ-3: A copy of the SWPPP, with a list of BMPs that have been selected for use on the project site, shall be included in a handbook to be prepared by the project applicant and provided to the purchaser of each lot within the project. The handbook shall reference the deed restriction prohibiting the disposal of any industrial and hazardous wastes into the onsite septic system and onsite drainage system (per Mitigation Measure HW-6). The Handbook shall also contain a copy of the final Specific Plan, as well as a copy of the Final Mitigation Implementation and Monitoring Program. A copy of the Plan shall be maintained on site at all times and available for public review. The site Association formed pursuant to the CC&Rs shall be responsible for ensuring that the Handbook is provided to all buyers of lots within the project boundaries.

Implementation Timing: Prior to issuance of grading permit
Responsible Agencies: Mono County Health Department;
Lahontan Regional Water Quality Control Board

WQ-4: The existing groundwater production well shall be converted to a monitoring well, or a separate monitoring well installed (if requested by LRWQCB), and two additional downgradient wells shall also be constructed to monitor the impact of the septic system on water quality downgradient of the site. The monitoring locations and parameters shall be developed in collaboration with LRWQCB, and the results shall be submitted to LRWQCB on a schedule set by the Regional Board.

Implementation Timing: Prior to issuance of occupancy permits
Responsible Agencies: Mono County Health Department;
Lahontan Regional Water Quality Control Board

WQ-5: The water system shall be completed and flow tested prior to construction of any buildings, except that the infrastructure for utility services and the pouring of foundations for other structures may precede the water system and flow testing.

Implementation Timing: Prior to issuance of building permits

Responsible Agencies: Mono County Health Department;
Long Valley Fire Protection District;
Lahontan Regional Water Quality Control Board

WQ-6: In view of the coarse soils, shallow depth of groundwater and type of aquifer system, all onsite septic sewage disposal systems shall utilize a "sand box" type of leach field to further reduce certain sewage effluent constituent concentration.

Implementation Timing: Prior to issuance of building permits
Responsible Agencies: Mono County Health Department;
Lahontan Regional Water Quality Control Board

WQ-7: The housing structure for the water supply well shall be designed to accommodate disinfectant storage and dosing to permit treatment of groundwater supplies, if required.

Implementation Timing: Prior to issuance of occupancy permits
Responsible Agencies: Mono County Health Department;
Lahontan Regional Water Quality Control Board

BIOLOGICAL RESOURCES

BR-1: All landscaping within the PMZ shall consist of native plant materials typical of big sagebrush communities and adapted to the region. Where landscaping is derived from seedlings, the seedlings shall be genetically compatible with local plant stock. It is recommended that seed mix be locally collected and include bitterbrush (*Purshia tridentate*), sulphur buckwheat (*Eriogonum umbellatum*) and lupine (*Lupinus argenteus*). It is recommended that four-wing saltbrush (*Atriplex canescens*) be excluded from the mix. Invasive plant species shall not be included in the seed mix.

Implementation Timing: Prior to issuance of grading permit
Responsible Agency: Mono County Building Department

CULTURAL RESOURCES (No mitigation measures are required.)

LAND USE AND PLANNING

LU-1: The project application shall be revised to include an amendment to the General Plan that would delete Policy 2.2 (which calls for an amendment to the Mammoth Lakes/Yosemite Airport Land Use Plan to allow only resource extraction uses at the project site and other existing quarries in the planning area).

Implementation Timing: Prior to project approval
Responsible Agency: Mono County Planning Department

TRAFFIC AND CIRCULATION

TC-1: In order to accommodate the anticipated 84 northbound vehicles making a left-turn into the project site, a 200-foot left-turn storage lane with a 200-foot deceleration lane shall be constructed on Highway 395.

Implementation Timing: Subject to CalTrans' Approval and
Encroachment Permit
Responsible Agencies: California Department of Transportation

TC-2: In order to accommodate the anticipated 196 southbound vehicles making a right-turn into the project site, a 300-foot right-turn storage lane with a 200-foot deceleration lane shall be constructed on Highway 395.

Implementation Timing: Subject to CalTrans' Approval and
Encroachment Permit
Responsible Agencies: California Department of Transportation

TC-3: The Planning Director shall review each building permit application for consistency with the Airport Land Use Planning Handbook recommendations calling for average population densities on the site that are no greater than 40-60 persons per gross acre (i.e., a maximum density of 1,440-2,160 for the 36-acre project site as a whole). The Planning Director shall have authority to deny issuance of a building permit to any application that would result in population densities exceeding these limits.

Implementation Timing: Prior to issuance of building permits
Responsible Agency: Mono County Planning Department

AIR QUALITY

AQ-1: The project applicant shall comply with best-available dust control measures (BACM) that call for watering of all active construction areas at least twice daily throughout project construction phases, and shall comply with at least two of the following additional BACM: (a) covering of all haul trucks, or assuring that a minimum freeboard of 2 feet be maintained at all times; *and/or* (b) Paving of all parking and staging areas, or watering such areas at least 4 times daily; *and/or* (c) Sweeping or washing public access points within 30 minutes of dirt deposition; *and/or* (d) Covering all on-site dirt/debris stockpiles, or watering the stockpiles a minimum of twice daily; *and/or* (e) Suspending all construction operations on any unpaved surface when winds exceed 25 mph; *and/or* (f) Hydroseeding or otherwise stabilizing all cleared areas that would remain inactive for more than 96 hours after clearing is completed.

Implementation Timing: Prior to issuance of grading permit
Responsible Agencies: Great Basin Air Pollution Control District;
Mono County Building Department

NOISE (No mitigation measures are required.)

RISK EXPOSURE, SERVICES AND HAZARDOUS MATERIALS

HW-1: In the event that chemical disinfectants are in the future required for domestic well water supplies, only liquid or solid phases shall be stored and used on the site. Hazardous chemicals in the gaseous phase shall not be used or stored on site.

Implementation Timing: Prior to Approval of Hazardous Materials
Program Reporting Forms
Responsible Agencies: Mono County Health Department (CUPA);
Lahontan Regional Water Quality Control Board

HW-2: All occupants/structures within the Sierra Business Park shall be required to comply with National Fire Protection Association Rule 704M, which provides for the external posting of color-coded placards that identify all hazardous substances in terms of flammability, reactivity, health risks and any special factors (such as radioactive substances).

Implementation Timing: Upon Issuance of Occupancy Permits
Responsible Agencies: Long Valley Fire Protection District;
Mono County Building Department

HW-3: All structures within the Sierra Business Park shall contain fire sprinkler systems that conform to Fire Protection District standards.

Implementation Timing: Prior to Approval of Building Permits
Responsible Agency: Long Valley Fire Protection District;
Mono County Building Department

HW-4: A pump test shall be performed on the production well in order to measure drawdown, pump rates, hydraulic conductivity and aquifer transmissivity. If results indicate that minimum fire flow cannot be maintained for the required 2-hour period, then pressurized

onsite water storage shall be provided. The onsite water storage would be designed and sized to meet minimum fire flow requirements.

Implementation Timing: Upon Issuance of Building Permits
Responsible Agency: Long Valley Fire Protection District;
Mono County Health Department

HW-5: All onsite propane tanks shall be sited and maintained in a manner that is satisfactory to the Fire Protection District.

Implementation Timing: Upon Issuance of Occupancy Permits
Responsible Agency: Long Valley Fire Protection District;
Mono County Building Department

HW-6: The Deed to each lot within Sierra Business Park shall contain a prohibition against the dumping of any industrial and hazardous wastes into the onsite septic system and onsite drainage system.

Implementation Timing: Upon Issuance of Building Permits
Responsible Agency: Mono County Building Department

HW-7: All businesses operating in the Business Park shall forward, to the Long Valley Fire District, a list identifying the quantity and location of all reportable hazardous materials used on the site. The plans shall be sent to the District (currently at the following address: Route 1, P.O. Box 1145, Crowley Lake, CA 93546).

Implementation Timing: Upon Issuance of Occupancy Permits
Responsible Agency: Long Valley Fire Protection District;
Mono County Health Department (CUPA)

AESTHETICS

AE-1: The maximum building height limit of flat-roof structures shall be thirty-feet (30') for lots 2 through 13, lots 15 through 23, and lot 37. The maximum building height of flat-roof structures shall be twenty-five feet (25') for lot 1 and lots 24 through 36. The maximum height of pitched-roof structures on all lots (including the ridge of the roof and all appurtenant structures, unless otherwise required by code) shall be thirty-feet (30').

Implementation Timing: Prior to Issuance of Building Permits
Responsible Agency: Mono County Building Department

AE-2: If illumination is provided on the main project identification sign, such illumination shall consist of a single recessed fluorescent downlight, with an intensity of 40-watts or lower, on each face of the "V-shaped" sign.

Implementation Timing: Prior to Issuance of Building Permits
Responsible Agency: Mono County Building Department

AE-3: If illumination is provided on the project directory sign, such illumination shall consist of a single recessed fluorescent lamp with an intensity of 13-watts or lower on each face of the sign.

Implementation Timing: Prior to Issuance of Building Permits
Responsible Agency: Mono County Building Department

AE-4: If illumination is provided on the lot monument signs, such illumination shall consist of a recessed "brick light" with a black louvered faceplate, and with a compact fluorescent lamp having a maximum intensity of 7-watts.

Implementation Timing: Prior to Issuance of Building Permits
Responsible Agency: Mono County Building Department

APPENDIX C
SIERRA BUSINESS PARK
SPECIFIC PLAN

**SIERRA BUSINESS PARK
SPECIFIC PLAN**

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SIERRA BUSINESS PARK SPECIFIC PLAN

A. INTRODUCTION

The text presented in this Section of the Sierra Business Park Specific Plan and EIR constitutes the Land Use Regulation governing development of the area hereinafter to be referred to as Sierra Business Park. The Specific Plan properties have been placed into the Specific Plan District by Ordinance, as adopted by the Mono County Board of Supervisors.

B. PURPOSE AND OBJECTIVES

The purpose of these regulations is to provide for development of the Sierra Business Park in a manner that reflects the spirit and intent of the specific plan and industrial development regulations of the Mono County Zoning Code and the Mono County General Plan. A central objective of these regulations is to provide for needed industrial services while protecting the scenic resources of the region as a whole and the Highway 395 Scenic Corridor in particular.

These regulations stipulate site design and site planning standards consistent with Mono County policies governing development and the protection of natural resources.

C. SITE PLANS

Consistency with provisions of the General Plan and Zoning Code is ensured through Site Plan review procedures established herein. The Site Plan review process provides for County review of detailed, final site plans for each lot in Sierra Business Park, and provides assurance that each lot will be planned, constructed and maintained in a

manner that conforms to this Specific Plan and is compatible with surrounding environs. The Site Plan process also provides for a timely sequence of County and public review and input.

D. AUTHORITY

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 the public interest to do so. Mono County has applied this authority to require Specific Plans for all outlying parcels, including the Sierra Business Park site. As with General Plans, the Board of Supervisors must hold a public hearing before considering adoption of the Specific Plan.

The Subdivision Map Act requires the legislative body to deny approval of a final or tentative subdivision map if it is inconsistent with applicable specific plans (§66474{b}). The Mono County Planning Commission is authorized to approve or deny tentative tract maps.

E. DEFINITION OF TERMS

Terms used in this Specific Plan shall have the same definitions as given in the Mono County Zoning Ordinance unless specified otherwise herein.

F. REGIONAL AND LOCAL SETTING

The Sierra Business Park Specific Plan site is located in southern Mono County, California. The project site encompasses 36 acres situated immediately southwest of Highway 395 about 3 miles south of the intersection with State Route 203 (SR 203 leads into Mammoth Lakes). The

site is directly opposite the entry to Mammoth Lakes/Yosemite Airport and about 1 mile west of the airport terminal.

The property is the former site of a sand and gravel extraction operation that was owned by Sierra Materials. Past operations on the site have created an excavated bed that is 20-25 feet below the surrounding land. An elevated berm has been constructed around the site perimeter to screen operations of a batch plant that was installed by the applicant in 1998.

G. PHYSICAL FEATURES OF THE SIERRA BUSINESS PARK SITE

1. SOILS AND ELEVATION

The site is located on the alluvial slopes of the eastern Sierra Nevada. Site elevations range from 7,099 feet (in the excavated central portion of the site) to 7,125 feet (on parts of the site perimeter). Soils are of firm-to-dense compaction and comprised of recent alluvium, including glacial outwash, talus deposits, and stream and river alluvium. Soil depths range from 0-8 feet.²¹

2. VEGETATION

The site has been excavated as part of its prior use as a sand and gravel mining and processing site. The site is also located in the range of (but is not part of) an existing cattle grazing allotment. These past and on-going uses have removed essentially all vegetation and topsoil from the project site.

3. VIEWSHED

The entire length of Highway 395 has been designated by the California

Department of Transportation (CalTrans) as a Scenic Highway of statewide significance.

The site cannot be seen from most locations to the southeast due to elevation differences. The screening berm, the power lines and the 40' batch plant stack are readily visible from locations to the north and west, which are at higher elevations. The escarpment of the Sierra Nevada dominates mid- and long-range views from Highway 395. The Mammoth Lakes/Yosemite Airport dominates near-field views to the northeast, and the White Mountains dominate more distant views to the east.

4. LAND USE

Land uses on the site as of January 2000 include an operating concrete batch plant (Use Permit No. 37-95-03), two Edison high-power transmission lines, and vacant, previously excavated land with a screening berm around portions of the site perimeter. A dogsled concession (with an office building, storage and kennels), also occupies a portion of the site.

H. GENERAL PLAN CONSISTENCY

Consistency between the Sierra Business Park and relevant goals and policies of the Mono County General Plan is evaluated in Table 1 below. As indicated, the project conforms to all relevant General Plan goals and policies.

²¹ Source: Preliminary Soils Report, Feb. 1997.

Table 1
CONFORMANCE WITH THE GENERAL PLAN

VISUAL RESOURCES:

Goals and Policies: "The General Plan emphasizes the importance of the Highway 395 viewshed from Benton Crossing Road to the intersection with SR 203. Significant visual impacts are to be avoided along this designated scenic highway, as demonstrated by visual impact analyses. Mitigation must be provided, via landscaping, screening or other means, to assure compliance with these goals. **Discussion:** *A number of project elements have been suggested by County staff and incorporated by the applicant to minimize visibility from Highway 395. This Specific Plan contains requirements specifically intended to protect the visual integrity of the Highway 395 scenic corridor.*

Goals and Policies: The General Plan also encourages the concentration of development in or adjacent to existing communities, and supports the transfer of ownership to accomplish this goal. **Discussion:** *The Sierra Business Park is removed from existing communities, but directly adjacent to the regional airport, which it is expected to support in terms of available services. Efforts to achieve a transfer of ownership have not been successful and the County Board of Supervisors has indicated that the applicant will not be asked to explore this issue any further.*

INDUSTRIAL DEVELOPMENT:

Goals and Policies: The General Plan recognizes a countywide need for additional industrial land uses for the services provided, for economic growth and for job stability. Long Valley is cited as an area identified for some additional industrial land. **Discussion:** *The proposed Sierra Business Park responds to General Plan policies calling for balanced economic growth and employment development, and is directly responsive to the policy that calls for additional light manufacturing in the Long Valley area.*

LAND USE COMPATIBILITY:

Goals and Policies: The General Plan requires that land uses around the airport be limited to those that are compatible with airport operations and include proper notification. Additionally, no use may infringe upon the integrity of the airport safety zone or otherwise impact safe air navigation. **Discussion:** *The proposed Sierra Business Park is compatible with the airport and would offer services that directly support airport operations. The project would neither impact the safety of airport operations nor be significantly impacted by those operations due to the industrial nature of the proposed uses.*

Goals and Policies: The General Plan identifies resource extraction uses at the project site and recommends the same policy for other existing quarries in the planning area. **Discussion:** *Aggregate resource extraction opportunities at the site have been fully developed and further aggregate extraction is unfeasible. The project application provides for deletion of this General Plan policy as it applies to the project site.*

SPECIFIC PLAN DEVELOPMENTS:

Goals and Policies: The Specific Plan designation applies to developments proposed in areas outside of existing communities, on large parcels of land within or adjacent to existing communities, to provide direction for potentially conflicting land uses, and to plan for future land uses in the vicinity of surface mining operations. The Specific Plan requires that conditions of approval govern key issues such as the use of open space, treatment of scenic easements, and habitat preservation. **Discussion:** *This Specific Plan has been prepared to comply with General Plan requirements governing outlying parcels. Conditions of approval have been an integral element of Specific Plan preparation as well as the environmental impact report. Appendix B of the Final EIR summarizes all mitigation measures that must be implemented and monitored.*

RESOURCE PRESERVATION:

Goals and Policies: The General Plan requires the protection of critical wildlife habitat through the use of development standards, native vegetation in landscaping, and alternatives or mitigation measures where necessary to assure compliance. **Discussion:** *The biological assessment concluded that project implementation would not have a significant adverse impact on any critical wildlife habitat, including the nearby deer migration corridor or the 3 sage grouse leks in the project vicinity. Additionally, this Specific Plan requires the use, on the PMZ, of native plant species typical of the big sagebrush communities and adapted to the local region. There will be a mix of natives and non-native species on the site interior.*

MINING RECLAMATION:

Goals and Policies: The General Plan limits resource extraction to designated zones, and requires submittal of a Reclamation Plan for sites that have been mined. Conditional Use Permits are required for all mining operations to assure public safety. **Discussion:** *Resource extraction has been discontinued at the site due to the lack of significant additional on-site aggregate materials and the availability of superior resources in other locations. However, batch plant operation would continue. A Reclamation Plan has been submitted as part of project documentation. The Reclamation Plan links reclamation to site development, including access, drainage, landscaping, and other improvements required in a Reclamation Plan.*

WATER RESOURCE PROTECTION POLICIES:

Goals and Policies: The General Plan mandates the protection of local surface and groundwater resources through required studies, standards, and regulations. **Discussion:** *This Specific Plan and EIR provides studies conducted for the purpose of identifying relevant water protection policies and standards, quantifying project impacts, and developing measures to safeguard the resources in light of project impacts. The proposals incorporate substantial input from the County Health Department and the Lahontan Regional Water Quality Control Board. Please see EIR Sections 5.2 and 5.10, as well as Appendices C and K for a full discussion of the measures proposed for proper design, maintenance and use of the onsite septic and drainage systems.*

DEVELOPMENT STANDARDS:

Goals and Policies: "The General Plan requires that new developments be served by existing utilities where feasible, and contains strict regulations for the control of toxic substances. It also addresses standards for fire safety and grading ordinance compliance. The General Plan requires compliance with all relevant standards for noise and air quality. **Discussion:** *Although the site is about 4 miles from the Town of Mammoth Lakes, communication with the local water and sewer provider indicates that annexation is not feasible (Dennis Erdman, General Manager, MCWD, January 2000). This Specific Plan contains requirements for utilities, for the management of toxic substances, for grading, fire safety, noise controls, and for the control of particulate emissions.*

I. ZONING CONSISTENCY

This Specific Plan is adopted pursuant to regulations contained in the Mono County Zoning Ordinance. It is specifically intended by such adoption that the development standards herein shall regulate all development within Sierra Business Park. In cases of explicit conflict between this Specific Plan and the Mono County Zoning

Ordinance, this Specific Plan shall prevail. Details or

issues not specifically covered herein shall be subject to the regulations of the Mono County Zoning Ordinance.

J. REVIEW PROCESS

1. APPROVAL

Approval of this Specific Plan and all subsequent amendments hereto shall be in accordance with Mono County procedures as set forth in Chapter 19.46 of the Mono County Zoning Ordinance.

2. CEQA COMPLIANCE

This Specific Plan has been prepared for the Sierra Business Park in compliance with CEQA. The Final EIR (SCH #1997032100) contains a Mitigation Implementation and Monitoring Program that was adopted to mitigate the adverse environmental impacts associated with implementation of this Specific Plan. Mono County is responsible for monitoring and enforcement of the Mitigation Program to assure that all measures are implemented in a timely and effective manner; the County is also responsible for enforcement of the regulations contained in this Specific Plan.

K. SPECIFIC PLAN CONCEPT

The development standards and procedures established herein are intended to satisfy the requirements of §19.46 of the Mono County Zoning Ordinance. With adoption of the Sierra Business Park Specific Plan, the development standards and procedures established herein became the governing zoning regulations for all land uses developed on this site. These standards are also intended to reflect the spirit and intent of the Mono County General Plan and Zoning Ordinance.

The purpose of these standards is to (1) provide for the classification of land uses on the site, (2) define standards for the development of those uses, (3) establish procedures for orderly site development through build-out, (4) protect the public health, safety and welfare of those who work and do business in Sierra Business Park, (5) provide for the progress, well-being, and convenience of the County as

a whole, and (6) establish and maintain a level of quality in site development.

L. GENERAL REGULATIONS

1. DEFINITION OF TERMS

Terms used in this Specific Plan shall have the same definition as given in the Mono County Zoning Code, unless specified otherwise herein.

2. CODE CONSISTENCY

1. The development standards herein shall regulate all development in the Sierra Business Park. In case of a conflict between this Specific Plan and the Mono County Zoning Code, this Specific Plan shall prevail. In cases where this Specific Plan is silent on an issue of relevance to the project, the Mono County Zoning Code shall prevail.

2. 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 Zoning Codes, Grading Ordinances, and other adopted ordinances of the County.

3. Construction shall comply with all applicable provisions of the Uniform 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.

4. Grading plans submitted for Sierra Business Park shall be based on the County Grading Code and shall be accompanied by all geological and soils reports required by the Grading Code.

3. AIRPORT NOTIFICATION

No construction activities or alterations that meet the notice criteria of the Code of Federal Regulations²² shall be permitted without first notifying the FAA of the proposed construction and receiving a determination from the FAA that such construction does not constitute a hazard to air navigation.

4. SEVERABILITY

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.

5. ALTERNATIVE DEVELOPMENT STANDARDS

No alternative development standards shall be permitted unless such standards are established through an amendment to this Specific Plan.

6. DEVELOPMENT FLEXIBILITY

1. All of the lots on the Sierra Business Park Tentative Tract Map may be platted as much as ten percent (10%) above the acreage or square footage shown. Such variances would be subject to review and approval by the Director of Planning, but no amendment to this Specific Plan shall be required for variances that meet these guidelines.

2. Only general boundary alignments and approximate acreage figures are shown in the Tentative Tract Map, Grading Plan and Landscaping and Berm Treatment Plans herein. Adjustments to land use boundaries resulting from final road alignments, the siting of infrastructure facilities, and/or technical refinements to the Specific Plan would not require an amendment to this Specific Plan.

M. LAND USE PLAN

The Land Use Plan for Sierra Business Park encompasses 36.7 acres of land, including 32.7 acres of industrial lots and 4.0 acres of road right-of-way. Two easements overlay the property. The SCE easement encompasses a total of 3.8 acres of land, and the Perimeter Maintenance Zone easement encompasses 4.7 acres. The easements are integrated into the underlying parcel boundaries.

N. DEVELOPMENT STANDARDS

1. USES PERMITTED

The following uses are permitted within the Sierra Business Park subject to approval of a Building Permit.

1. Shipping and delivery.
2. Storage, mini-storage and warehousing for boats, recreational vehicles, automobiles, etc.
3. Janitorial services and supplies.
4. Rental agencies for motorized and non-motorized modes of transport, and service in connection therewith.
5. Rental agencies for snow and yard equipment, and service thereof.
6. Rental agencies for industrial and construction equipment, and service thereof.
7. Wholesale lumberyards and wholesale plumbing supplies.
8. Vehicular repair facilities, paint shops and tire recapping facilities.
9. Wholesale nurseries and garden shops.
10. Warehousing, rental, and service outlets for appliances, computers, components, and other similar products.
11. Commercial recreational facilities, equipment storage, rental and repair.
12. Card-lock gas fueling stations.
13. Research laboratories and facilities.

²² For regulated sites outside of any airport boundaries.

14. Product development and testing facilities.
15. Tooling and small machine shops.
16. Photo-finishing and photographic processing facilities.
17. Blueprinting, reproduction, printing, copying and photoengraving services.
18. Construction industries including general and specialty contractors and their accessory & incidental office uses.
19. Manufacture and storage of building, construction, and plumbing parts and equipment.
20. Motion picture, video, television and recording studios.
21. Firewood storage provided the facilities are screened from view of motorists on Highway 395.
22. Caretakers' living quarters without outdoor living areas (no more than two caretakers quarters in the entire site).
23. Maintenance structures & buildings.
24. Landscape services and landscaping materials (e.g., storage of vehicles, earth, clay and similar materials) for sale
25. Dog kennels and pet kennels.
26. Accessory structures or uses that are customarily incidental or necessary to the permitted main uses.
27. Any other similar use that is found by the Planning Commission to be compatible with the purpose and objectives of this Specific Plan.
28. Large-dish antennae and other large-dish devices for transmission or reception of signals.
29. The following uses must be incidental to a permitted use or conditionally permitted use, and occupy no greater than 500sf²³ of floor area, consistent with the prior

section. No use may be permitted which, in the judgment of the Director, would have environmental impacts greater than the permitted use.

- a. Sales agencies for motorized and non-motorized transport vehicles
- b. Sales agencies for snow and yard equipment
- c. Sales agencies for industrial and construction equipment
- d. Retail nurseries and garden shops
- e. Sales outlets for appliances, computers, components, etc.
- f. Food services ancillary to the permitted uses.
- g. Sales of building, construction, and plumbing parts and equipment.

2. USES PERMITTED SUBJECT TO APPROVAL OF A USE PERMIT BY THE PLANNING COMMISSION

1. Manufacturing and assembly plants and facilities up to 10,000 square feet (sf).²⁴
2. Dry Cleaning facilities.
3. Concrete or asphalt batching plant or similar mixing plant, except that only one such plant shall be permitted in Sierra Business Park at any point in time. Ancillary activities (including storage, stockpiling, distribution and sale of rock, sand, gravel, earth, clay, and similar materials, as well as the ancillary manufacture of concrete products) shall also be permitted, subject to a use permit.
4. Water filtration and processing facilities.

²³ The applicant wishes to increase the area up to 2,000sf. The applicant also wishes to have uses of 2,000-5,000sf permitted, subject to approval of a Use Permit.

²⁴ The applicant wishes this to be a principally permitted use, and would prefer to allow manufacturing and assembly plants of from 10,000 to 20,000 square feet as a conditionally permitted use.

5. Communication systems and facilities (telephone, cable, digital and other).
6. Water and bottled water production and distribution facilities, including pump facilities and water bottling facilities.
7. Electricity and natural gas lines and easements. Power lines may include buried and surface features, and may be sized for local and regional service.
8. Retail lumberyards, retail plumbing supplies and general home improvement centers up to 10,000 sf.²⁵

3. SITE DEVELOPMENT STANDARDS

The following site development standards shall apply:

1. Building Lot Area and Site Coverage: No minimum lot area or site coverage. The maximum site area is the net usable area as indicated in the Land Use Concept, Section M. Site coverage shall not exceed eighty percent (80%) of any building lot.
2. Building Lot Width and Depth: No minimum, and no maximum. However, no lot may be subdivided without an amendment to this Specific Plan.
3. Building Height Limit: No minimum. The maximum building height limit of flat-roof structures shall be thirty-feet (30') for lots 2 through 13, lots 15 through 23, and lot 37. The maximum building height of flat-roof structures shall be twenty-five-feet (25') for lot 1 and lots 24 through 36. The maximum height of pitched-roof structures on all lots (including the ridge of the roof and all appurtenant

structures, unless otherwise required by code) shall be thirty-feet (30').

As long as a batch plant is allowed pursuant to a valid use permit, or the present concrete batch plant continues in operation, the maximum height limit for lot 14 shall be forty-feet (40'; i.e., the maximum height of existing structures). At such time as the concrete batch plant operations cease, the maximum height limit for this lot shall be thirty-feet (30'), including pitched or flat-roof structures and appurtenant roof structures. Notwithstanding the foregoing provisions, no structure may penetrate above the 7,135-foot elevation, except for structures on Lot 14 (as long as a batch plant remains in operation).

4. Building Setbacks:

- a. Along interior streets, buildings shall be set back a minimum of twenty-feet (20') from the property line, except that unsupported roofs or architectural elements may project five-feet (5') into the required setback area. No maximum setback.
- b. Adjacent to the exterior property boundary: No buildings or development shall be permitted in the designated PMZ. No maximum setback.
- c. Rear yard setbacks shall be a minimum of ten-feet (10'), unless next to the PMZ. The width of the PMZ shall govern. No maximum setback.
- d. Side yard setbacks shall be a minimum of ten-feet (10'), unless next to the PMZ. The width of the PMZ shall govern. No maximum setback.
- e. The PMZ varies in width from 20-60.' Structures may have a 0' rear yard or side yard setback from

²⁵ The applicant wishes this to be a principally permitted use.

the PMZ, but may not enter into the PMZ.

5. Loading Standards: All loading shall be performed within each lot; no on-street loading shall be permitted. Loading platforms and areas shall be screened from all off-site views from Highway 395.
6. Trash Storage Areas: All trash storage containers shall be shielded from view of adjacent lots and interior streets by solid fencing not less than five-feet (5') in height and no more than eight-feet (8') in height, and shall be shielded from all off-site views from Highway 395. Trash storage areas shall be designed and maintained to facilitate County compliance with waste load reduction programs. No trash storage area shall be permitted within the PMZ or the street landscape zone.
7. Mechanical and Electrical Equipment: Exterior components of plumbing, processing, heating, cooling and ventilation systems, and transformers shall not be visible from any abutting lot, street or highway.
8. Antennas: Dishes, transmitters and antennas shall not be placed higher than fifteen-feet (15') above floor elevation, and shall be screened from view by architecturally compatible landscaped berms, plantings, walls, solid fencing, or a combination of these materials.
9. Grading Bond: No grading shall be undertaken prior to the posting of a performance bond in compliance with the County Grading Ordinance.
10. Toxic Material Handling: All toxic materials handling on site, whether by the maintenance association or by individual tenants, shall comply with all relevant laws and regulations governing their use, storage and disposal.
11. Heating Systems: Individual tenants and owners shall be prohibited through deeds of sale or lease agreements from installing wood-burning appliances that do not comply with current standards for control of particulate emissions.
12. Structural Fire Protection: All structures in Sierra Business Park shall comply with current requirements of the Long Valley Fire Protection District for structural fire protection.
13. Site Plan Submittal: Before any building permit is issued for a site in the Sierra Business Park, a Site Plan shall be submitted to and approved by Mono County.
14. Other Outdoor Storage Areas:
 - a. Outdoor storage items placed within 50-feet (50') of the property line(s) contiguous to the interior street shall be screened by solid fencing on the street side(s) of the storage area and at side property lines for the length of the storage area. Outdoor storage items that are placed beyond this 50-foot visual zone do not require solid fencing on the street side. However, solid fencing may be required at the side and rear property lines, subject to review by the Planning Director.
 - b. Solid fencing shall be a minimum of 5-feet (5') high and may need to be up to eight-feet (8') high, subject to review by the Planning Director. Storage items taller than eight-feet (8') may be visible above solid fencing,

provided they do not exceed twelve-feet (12') in height.

- c. Storage is anything placed outdoors and outside of a building that is not a private vehicle for employee or customer transportation; cars, trucks, and vehicles that stay onsite after hours, machinery, tools, items for rent, materials and items for sale are examples of storage items.
- d. Storage and associated fencing shall not occur within the PMZ or the Street Landscape area.

4. LANDSCAPING, SCREENING AND OPEN SPACE STANDARDS.

- 1. Plant Materials: Landscaping is intended to maintain a sense of continuity with the surrounding lands and to minimize the visual intrusion of Sierra Business Park into the state-designated scenic corridor along Highway 395. The open space area of Sierra Business Park shall be known as the Perimeter Maintenance Zone (PMZ), as shown on the Tentative Tract Map.

A different landscaping plant palette shall be provided for the street landscaping zone, which is encouraged to include but is not limited to a variety of native plants. Non-native plants that are water-intensive, maintenance-intensive or invasive may not be included in the street palette.

- 2. Perimeter Maintenance Zone and Berm:
 - a. The Sierra Business Park Specific Plan site shall be enclosed by a PMZ around the entire site, broken only at the entry access from Highway 395.
 - b. The PMZ berm shall be constructed of landscaped

earthen materials with undulant external contours.

- c. All landscaping within the PMZ shall consist of native plant materials typical of big sagebrush communities and adapted to the region. Where landscaping is derived from seedlings, the seedlings shall be genetically compatible with local plant stock.
- d. A detailed landscape plan for the PMZ shall be prepared and submitted to the Planning Department for approval consistent with the Reclamation Plan.

- 3. Landscaping of Lots and Along the Interior Street: A ten-foot (10') landscaping strip will be planted by the applicant along the length of all properties contiguous to the interior street. One landscaping plant palette shall be provided for the street landscaping zone, and a different palette shall be provided for the remainder of the site. The maintenance association shall maintain the landscape strip. Extension of site landscaping from the street landscaping zone to the face of buildings or edge of parking areas is encouraged. Landscaping of the street landscape zone and the lots is encouraged to include, but is not limited to, a variety of native plants and plants that resemble native plants in color, texture and form. Non-native plants that are water-intensive, maintenance-intensive or invasive may not be included in the lot plantings or street palette.
- 4. Landscape Irrigation: A temporary irrigation system shall be provided for irrigation of the PMZ and retained until the County finds that

supplemental irrigation is no longer required to maintain plant viability.

5. Landscape Maintenance: All landscaping shall be maintained in a neat, clean, and healthy condition. This shall include proper pruning, mowing, weeding, litter removal, fertilizing, replacement, and irrigation as needed.
6. Interior Street Screening: Where proposed, walls and fences along streets and boundaries shall have a maximum height of six-feet (6') within ten-feet (10') of the point of intersection of a road or driveway and an internal street or sidewalk. Where solid fencing is provided, such fencing shall have a minimum height of five-feet (5') feet and a maximum height of eight-feet (8') feet. No fencing shall be allowed in the ten-foot (10') street landscaping zone.
7. Screening of Parking Areas: For parking areas outside of storage areas, no additional screening shall be required. However, no parking shall be allowed in the ten-foot (10') street landscaping strip or in the PMZ.
8. Screening Materials: All screening shall consist of one or a combination of the following:
 - a. Walls (including retaining walls) shall consist of concrete, rock and stone, brick, tile or similar solid masonry material a minimum of four-inches (4") thick.
 - b. Fencing shall be constructed of metal that harmonizes with building exteriors and has minimal visual impact. Barbed wire fencing shall be permitted around the site perimeter (i.e., exterior side of the PMZ).
 - c. Solid fencing utilizing gray or tan split face block (Basalite, Sparks

– natural gray, and Basalite, Dixon – D345 tan, respectively), and /or mesh galvanized chain link with sand plastic slats.

- d. Walls and fences used for screening of loading zones shall have a maximum height of six-feet (6') within ten-feet (10') of the point of intersection of a road or driveway and an internal street or sidewalk. No fencing shall be permitted in the ten-foot (10') street landscaping zone, and no fencing shall be permitted in the PMZ (except for the existing barbed wire fencing on the site perimeter). Where solid fencing is provided, such fencing shall have a minimum height of five-feet (5') and a maximum height of eight-feet (8').

5. DESIGN GUIDELINES

These design guidelines are intended to assure quality architecture that reflects a non-intrusive and pleasing style, quality materials, and professional workmanship. A key objective is to minimize the visual presence of the development from all off-site locations. Consistent with this goal, building masses are to be simple in form and strong in geometry.

6. BUILDING MATERIALS AND COLORS

No polished or mirror-reflective finishes or paints shall be permitted in Sierra Business Park. All exterior building materials and colors in Sierra Business Park are intended to coordinate with colors found in the surrounding landscape.

1. Exterior Roofing Materials and Colors: All exterior roofing materials shall consist of the following materials and colors. It is anticipated that the

application would typically be sloped; if flat, colors shall be coordinated.

- a. Composition Shingle
 - Gray (Elk Prestique Series, Weatheredwood)
 - Tan (GAF Timberline Series, Cedarwood)
 - b. Metal
 - Gray (Metal Sales – Ash Gray [25])
 - Taupe (Metal Sales – Taupe [74])
 - Tan (Metal Sales – Light Stone [63])
 - Natural Rust (CorTen, aged)
 - c. Other: Paint or finish to coordinate with colors above.
2. Exterior Wall Materials and Colors: All exterior walls shall consist of the following materials and primary field colors.
- a. Concrete
 - Natural Gray
 - b. Split-Face Block
 - Gray (Basalite, Sparks – natural gray)
 - Tan (Basalite, Dixon – D345, no substitutions)
 - c. Rock
 - Any natural rock, shaped or irregular
 - d. Wood Siding
 - Any type with “natural cedar” tint
 - e. Metal Siding
 - Gray (Metal Sales – Ash Gray [25])
 - Taupe (Metal Sales – Taupe [74])
 - Tan (Metal Sales – Light Stone [63])
 - Natural Rust (CorTen, aged)
3. Exterior Trim and Accents: Exterior trim and accent features shall be permitted on only very limited areas of each building (not to exceed 10% of total exterior area) and shall

consist of the following materials and colors:

- a. Smooth block
 - Any color
 - b. Split-Face Block
 - Any color
 - c. Rock
 - Any natural rock
 - d. Wood
 - Natural logs, any finish
 - Milled wood, clear or solid finish and choice of color
 - e. Metal
 - Any color
4. Solid Fencing: Solid fencing, for screening, security and retaining walls as applicable, shall be limited to the following materials and colors:
- a. Split-Face Block
 - Gray (Basalite, Sparks – natural gray)
 - Tan (Basalite, Dixon – D345, no substitutions)
 - b. Metal
 - Wide mesh galvanized chain link with sand plastic slats.
5. Security Fencing: Open fencing, for security fencing only, shall be limited to the following materials and colors:
- a. Metal
 - Simple chain link
6. Other Provisions:
- a. The Mono County Community Development Director may approve materials and colors not listed herein, provided such materials and colors are consistent with the design guidelines above.
 - b. Exterior building materials that are prohibited in Sierra Business Park include asphalt shingles, glass (other than for windows), wood shingles, vinyl siding,

imitation wood siding, stucco, and anything not specifically stated as being included.

7. SIGN STANDARDS

1. Signs: Permitted freestanding signs shall include one main project identification sign and one directory sign. In addition, one lot monument sign shall be permitted on each lot.
 - a. All freestanding signs shall be maintained in good operating condition and appearance.
 - b. The project developer shall be responsible for construction of the main project identification sign and the directory sign.
 - c. Maintenance and repair of the main identification and directory signs shall be the responsibility of an association to be formed pursuant to the CC&Rs for each lot on the site.
2. Main Project Identification Sign: The main project identification sign shall be located within the PMZ, adjacent to the project entry on the northern site boundary and readily visible from Highway 395, as shown on the Tentative Tract Map. The main project identification sign shall be as shown in Exhibits 6 and 7, and shall conform to the following standards:
 - a. Maximum Height: Eight-Feet (8')
 - b. Maximum Width: Eight-Feet (8')
 - c. Maximum Depth: Two-Feet (2') for each side of the V-shaped sign (see Exhibit 7).
 - d. Colors and Materials: As identified in the Design Guidelines.
 - e. Minimum Distance from Highway 395 Right-of-Way: Ten-Feet (10')
 - f. Minimum Distance from the Project Access Road: Ten-Feet (10')
3. Project Directory Sign: The directory sign shall be located in the site interior, adjacent to the main access road, as shown on the Tentative Tract Map. The directory sign shall be as shown in Exhibit 8, and shall conform to the following standards:
 - a. Maximum Height: Eight-Feet (8')
 - b. Maximum Width: Three-Feet (3')
 - c. Maximum Depth: One-Foot (1')
 - d. Colors and Materials: As identified in the Design Guidelines.
 - e. Location Relative to Interior Road: Within the Right-of-Way
 - f. Artificial Illumination: Low intensity illumination is permitted, pursuant to the lighting standards in this Specific Plan.
4. Concrete Lot Monument Signs: One lot monument sign shall be permitted on each lot to identify the business complex thereon. The lot monument signs shall be located by the driveway at the street and shall be uniform in scale, design and color. Lot monument signs shall include a reflective lot number and a defined area for the attachment of one custom wood building identification sign.

These signs are intended to identify the occupant(s) or building name, and may not be used to list specific services or products. All lot identification signs shall be maintained in good condition and
- g. Artificial Illumination: Shall be permitted.²⁶
- h. The main project identification sign shall not be located on the PMZ berm.

²⁶ County staff has indicated that it does not support the applicant's proposal to illuminate any of the project identification signs, including the main project identification sign, the project directory, or the lot monument signs.

appearance. All lot identification signs shall be as shown in Exhibit 9, and shall conform to the following standards:

- a. Maximum Height: Thirty inches (30")
- b. Maximum Length: Four-Feet (4')
- c. Maximum Depth: Twenty-four inches (24")
- d. Colors and Materials: As identified in the Design Guidelines.
- e. Artificial Illumination: Low intensity illumination is permitted, pursuant to the lighting standards provided in the following section.
- f. Maintenance and repair of the lot identification signs shall be the responsibility of the lot owner.

It shall be at the sole discretion of the developer whether to construct any or all of the lot identification signs.

5. Building Identification Signs: Building identification signs shall be allowed as permitted by the IP (Industrial Park) Zoning District, §19.35 of the Mono County Zoning Ordinance, except that no monument or freestanding building identification signs or lighted signs shall be permitted. In addition, signing permitted by the IP Zoning District shall be confined to a signage "envelope" on one building per lot, defined as follows:
 - a. The signage envelope shall face the interior street and may occur on only one side of one building, on each lot.
 - b. The signage envelope shall be a horizontal area four-feet (4') high. The top of the envelope shall no higher than fourteen-feet (14') above the finished floor elevation and no lower than ten-feet (10') above the finished floor elevation of the building upon which it is located. The envelope may

extend the entire width of the building upon which it is located.

- c. The signage envelope may be interrupted by architectural features.
 - d. Building identification signs shall be mounted on the side of the building within the sign envelope area oriented to the interior street, and complementary in scale, design and color to the building it identifies.
 - e. All building identification signs shall be maintained in good condition and appearance. Maintenance and repair of the building identification signs shall be the responsibility of the lot owner/tenant.
6. Temporary Signs: Temporary outdoor signs shall conform to §19.35 of the Zoning Ordinance (pertaining to the IP Zoning District).
 7. Other Signs: All other signage shall be minimized, uniform, concise and subtle and shall be strictly limited to unit numbers, door placards, directional, cautionary and handicap signs at their specific points of use.
 8. Signs Prohibited: The following signs shall be prohibited within Sierra Business Park.
 - a. Time/Temperature signs.
 - b. Freestanding signs, except as provided in these standards.
 - c. Temporary or permanent advertising devices or displays.
 - d. Rotating, revolving, scintillating, flashing or moving signs.
 - e. Signs that project vertically or horizontally from the building face, except as provided herein.
 - f. Any banner or device designed to wave, flap, rotate or move with the wind.
 - g. Any other signs or components not specifically included in the

above descriptions of building identification signs or temporary signs.

8. LIGHTING STANDARDS

- a. Exterior lighting in Sierra Business Park is to be held to the minimum required to assure public safety.
- b. The source of lighting must be concealed on all exterior lighting.
- c. All lighting, interior and exterior, must be designed to confine light rays to the premises of Sierra Business Park. In no event shall a lighting device be placed or directed so as to permit light to fall upon a public street, highway, sidewalk, adjacent lot or land area, or to project upwards into the airspace above the Sierra Business Park site.
- d. All signs and lighting shall emit a light of constant intensity.
- e. All exterior lighting fixtures shall be of uniform design and materials, and painted a non-reflective color that conforms to the Design Guidelines herein and blends with the surrounding environment.
- f. All exterior lighting shall feature low-intensity lighting.

9. STREET AND PARKING STANDARDS

1. Primary Interior Street
 - a. The interior street serving Sierra Business Park shall have a sixty-foot (60') overall right-of-way.
 - b. Two travel lanes shall be provided, with one lane for each travel direction. Each of the two lanes shall have a minimum width of eighteen-feet (18').
 - c. The interior road shall be a minimum thickness of 0.25' asphalt concrete, with four-inches (4") of Class-2 aggregate base, to accommodate a minimum Traffic Index of 8.5.

- d. Interior road slopes shall not exceed a six percent (6%) grade.

2. Parking Standards

- a. Off-street parking shall be provided on each lot at a ratio of no less than 2 parking spaces per 1,000 square feet of gross building area.
- b. All parking areas shall be designed to provide for snow storage, and parking lot islands and curbs shall be sited to allow for snow removal.

O. MAINTENANCE, OPERATION AND ENFORCEMENT

All maintenance, operations and enforcement requirements and responsibilities within Sierra Business Park shall be handled through an association formed in keeping with the CC&Rs for each site lot.

P. PROCESSING PROCEDURES

1. AMENDMENT

1. The project developer, or the owner or owners of 50% or more of the lots in Sierra Business Park, may initiate an amendment to this Specific Plan.
2. Any amendment to the Specific Plan shall be in accordance with California Government Code §§65500-65507, and Mono County Code §19.46.
3. Any amendment to this Specific Plan must comply with requirements of CEQA as appropriate.
4. The Board of Supervisors of Mono County may initiate an amendment to this Specific Plan.
5. Modifications to the subdivision plan after approval of the Tentative Tract

Map shall be in accordance with the California Subdivision Map Act and Mono County procedures for implementation of the Map Act.

2. MINOR MODIFICATIONS

- a. Minor modifications to the proposed subdivision plan, such as lot mergers and divisions, shall not require an amendment to this Specific Plan provided the Mono County Planning

Director finds that the modification is consistent with the general nature and intent of this Plan.

Q FINANCING

All costs associated with implementation of the Sierra Business Park Specific Plan would be privately financed. No public funds are sought for implementation of the project.

