



MEETING MINUTES
BOARD OF SUPERVISORS, COUNTY OF MONO
STATE OF CALIFORNIA

Special Meeting

Crowley Lake Community
Center, Crowley Lake, CA
93546

December 21, 2010

6:12 PM Meeting Called to Order by Supervisor Hunt, Chair

Pledge of Allegiance led by Supervisor Farnetti

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

No one spoke.

REGULAR AGENDA

COMMUNITY DEVELOPMENT - PLANNING DIVISION

Additional Departments: Public Works and County Council

1a) **Rock Creek Canyon Specific Plan and Environmental Impact Report** (Gerry LeFrancois and Courtney Weiche) - Public hearing regarding Rock Creek Canyon Specific Plan, General Plan Amendment 09-001, Tentative Tract Map 37-59A and B, and supporting Environmental Impact Report.

R10-90 **Action:** Adopt Resolution R10-90 taking the following actions to certify the Rock Creek Canyon Environmental Impact Report, approve the Rock Creek Canyon Specific Plan, approve General Plan Amendment 09-001 and approve Tentative Tract Maps 37-59 A and B:
A) Adopt and certify the Final EIR and mitigation monitoring program for the Rock Creek Canyon Specific Plan, finding that: 1. In compliance with CEQA Guidelines Section 15090 (a): a. The Final Environmental Impact Report (FEIR) has been completed in compliance with CEQA; b. The Final EIR was presented to the decision-making body of the lead agency, and that the decision-making body reviewed and considered the information contained in the Final EIR prior to approving the project; and c. The Final EIR reflects the lead agency's independent judgment and analysis. 2. The Final EIR has identified potentially significant effects of the project, which, as the result of changes or alterations incorporated into

the project, have been avoided or reduced to a less-than-significant level as set forth in Part I of Exhibit A to Resolution R10-90. (14 CCR § 15091(a)(1).) 3. The Final EIR has also identified potentially significant environmental effects that have been mitigated to the lowest feasible levels, but for which specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible additional mitigation or project alternatives identified in the Final EIR which would reduce these impacts to a less-than-significant level, as set forth in Part II of Exhibit A and in Exhibit B to Resolution R10-90. (14 CCR § 15091(a)(3).) 4. With respect to those significant effects that are not capable of being reduced to a less-than-significant level, specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment as set forth in Exhibit B to this Resolution R10-90. (14 CCR 15093.)

B) Adopt Statement of Overriding Considerations concerning unavoidable, significant adverse impacts of the project (Resolution R10-90 Exhibit B).

C) Approve the Rock Creek Canyon Specific Plan, with adjustments listed in handout provided at meeting, and subject to Mitigation Monitoring and Reporting Program.

D) Approve General Plan Amendment 09-001 contained in Resolution R10-90.

E) Approve Tentative Tract Map 37-59 A & B making the findings contained in Resolution R10-90 and subject to conditions of approval (with modifications to conditions 23, 45, 52, and 55 as noted).

F) Approve Option 2 related to the alteration of non-conforming uses to be set forth in the Specific Plan.

G) Approve the alterations to Lot 9 as proposed.

H) Direct staff to develop a housing mitigation agreement to be brought back to the Board before final map approval.

I) Direct staff to work with the historical/cultural resources expert to devise the optimum location and design of an interpretive kiosk and/or cabin exhibit to educate the public onsite about the history of the lodge.

Hazard/Hunt, 5-0

Supervisor Hazard conducted this portion of the meeting. He chose to hold this hearing tonight in order to have a five-member Board. As of January 1, 2011, Larry Johnston will take his seat as Supervisor for District 1, and would have to recuse himself from hearing this issue. A four-member Board voting on this issue could potentially result in a tie vote.

The project information titled Rock Creek Canyon Materials is on file in the Clerk's Office.

Gerry LeFrancois, Community Development Department, gave a PowerPoint presentation outlining the information listed below (a copy of the presentation is on file in the Clerk's Office).

- Project Description
- Project Setting and Land Use
- Specific Plan Objectives, Description, and Highlights
- Project Phasing
- General Plan Amendment 09-001
- Project History
- Prior Code Compliance Violations
- Parking Lot/Cabin Relocation
- Environmental Review/CEQA Process Overview
 - Sandra Bauer, consultant, outlined the EIR process and the findings. Described changes to the specific plan in response to comments.
- Cultural Resources
 - Jeff Burton conducted a cultural (historic) study of the area and outlined the findings.
- Summary of Non-conforming Use Proposals
 - Courtney Weiche, Community Development, outlined three options; the Planning Commission recommended Option 1.
- General Plan Provisions Governing Nonconforming Uses
 - Sandra Bauer outlined this section.
- Botanical Resources
 - James Paulus reviewed his study and findings. He talked specifically about the riparian zones. Under Option 1, native vegetation would not be disturbed and some non-native vegetation would be removed (vegetation that is harmful to native species).
- Recommendation to Board of Supervisors

Staff Members answered Board Members' questions.

John Hooper, applicant, provided the following overview:

- When he bought it, the property was in a shambles and squatters were living on the property; there were many violations.
- He spent five years rehabilitating the property.
- Provided a list outlining the benefits of the project to Mono County, the mitigation measures from public input, and losses to or requests from the County (list on file in the Clerk's Office).
- This property is designated RU (Rural Resort), which allows single-family dwellings.
- He has designed the project to comply with the General Plan as much as possible.
- Outlined the nonconforming uses he plans to eliminate; the proposed nonconforming uses will be fewer than those being eliminated.
- He addressed misconceptions about the project.
- Regarding affordable housing, a small house on a small lot in the middle of a

subdivision is not practical; secondary units seem to be a better option.

Break: 7:57 p.m.

Reconvened: 8:06 p.m.

Staff Members and the Applicant answered Board Members' questions.

Supervisor Hazard opened the public hearing. The following people spoke:

- Patricia Brown-Berry: The use on this property has been recreational cabins and now it is being converted to full-time residences. This will impact wildlife during the winter months.
- Stephen Kalish: Objected to the new structure under development that is impacting the creek. The Planning Commission didn't seem to understand the definition of "building envelope". He provided a copy of his written comments and information about specific plans.
- Earl Henderson: He is interested in the project's botanical and water conservation efforts, and supported the project. It is good for the community. He asked the Board to address the mitigation issues and move forward.
- Michael O'Sullivan: Most of his concerns were addressed in the planning process except for wildlife impacts. He has seen a lot of mountain lion and deer in the winter on the lower portion of the project. The value of this area is as a deer corridor. He believes the residence per acreage is too dense on the lower portion. There are many positive aspects of the project, but the impact on the wildlife has not been adequately addressed. State agencies are not allowed to attend night meetings due to overtime restrictions so this hampers the public process.
- Matthew Lehman: Owns the 55-acre parcel east of the Hooper property. He was surprised by what put this project into nonconforming status since it was not significant; Hooper is eliminating 7,000 square feet of nonconforming use. The Board needs to look at the big picture. Converting the restaurant into a residence will create a contiguous neighborhood; there were many complaints when this structure was used as a restaurant. The property looks better than it ever has. Lehman supported the project.
- Allison Jensen: Hooper bought the property because the cabins are on the stream; he wants to use this in order to build new structures creekside. She supports the project if Hooper can adhere to the 30-foot setbacks.
- Liz O'Sullivan: Issues can be addressed if both sides are willing to make concessions. She does not want the community's concerns marginalized. The wildlife habitat needs to be taken into consideration since more population will impact them. She is not against the development.
- Jeff Vaughan: Provided the Board with his written comments prior to the meeting. Most people believe the Supervisors will do the right thing for the community. He asked the Board to consider all the people in Mono County and not just those speaking at this meeting.
- Jim Hess: The project will benefit the community. There are enough regulations but he expressed concern about not adhering to the 30-foot setback. It would be

prudent to take a conservative approach and comply with the codes so this project will be good for the community.

- Jay Jensen: Agreed that the Hoopers have done a good job with the site. It should be developed, but the 30-foot setback should be maintained. The specific plan should conform to the general plan (visual element, wildlife corridor and riparian area). Rock Creek is a fine physical feature in this area. The restaurant is not a historical building; the creek without a building would enhance the view and would address wildlife concerns. This is a redevelopment project and not a homeowner that will be hurt by a new law. The code allows for minor alterations. Suggested approval with maintaining the 30-foot setback.

Supervisor Hazard closed the public hearing.

Board Members and Staff Members discussed various options and details about the project.

Board Comments

- Supervisor Farnetti: Believes this is a good project and Hooper does quality work. Feels conflicted about the 30-foot setback, but Hooper is reducing the density, and dedicating 5+ acres to open space. Problems have been reduced by having a non-commercial use. Supports Option 2, and prefers a fee for affordable housing in order to provide flexibility to support housing where it is needed.
- Supervisor Hunt: This is not an easy decision. Issues include the deer herd and migration corridor; the herd will survive because it occupies only a small area and the project is low density. The visual impacts should be minimal because the structures are thoughtfully designed. Regarding affordable housing, Option B seems to be the best (attached secondary units), but he prefers flexibility. The major issues are nonconforming uses, the 30-foot setback, and creating a precedent for future development. This project would do a lot to enhance and complete the community. Supports the project (Option 2); it has been through a rigorous review process.
- Supervisor Bauer: This has been a difficult decision. However, she views the structure over the stream as historical, the homes on the stream already exist, and the density has been reduced. The Board's option is to approve what is before them or send it back and put the project at risk. The proposal is a balance. It is better to improve the property than have it in disrepair. Regarding trails and public access, she would like this to be memorialized. (LeFrancois said this is in the specific plan.) Bauer also believes the old sign is a valuable part of the project. She encouraged having a conversation about the deer migration issue. Even though the Planning Commission supported Option 1, she was not opposed to Option 2.
- Supervisor Hansen: Took a tour of the area last Friday. It doesn't seem to be a deer habitat because there is not the right kind of vegetation. Regarding the big horn sheep, they are being protected and no one has seen them in this area. Believes if this was a major issue, Fish and Game would have attended the meetings. Current uses are grandfathered and the owner has the same property rights as others. The current structures have been there for decades. Hooper wants to make a nice development. Hansen supports Option 2.
- Supervisor Hazard: This is a difficult decision. Comments have been made that the developer is getting special treatment. The specific plan has created a rigorous review of this project; he is not getting special treatment. The old restaurant, cabins, and sign present a community identity. However, in addition

to the good times, the restaurant and cabins presented problems. Hazard considers the proposed project to be good development. Hooper has rights as a property owner and the County cannot take away those rights. Regarding affordable housing, Hazard believes that work force housing and secondary units should be where the jobs are. Fees in lieu of structures seem to be a more practical option so affordable housing can be constructed in a better situated area. Would like to see the old bridge on Lot 11 removed if it can't meet CalFire standards, and replaced with a pedestrian bridge. He wants staff to review the noise ordinance to ensure adequate enforcement for residents up canyon. Expressed concern about the location of the existing cabins, but Hooper has the right to remodel. Supports Option 2, which provides a zero increase in nonconforming use.

ADJOURN: 10:05 p.m.

ATTEST:

BYNG HUNT, CHAIR

LYNDA ROBERTS
CLERK OF THE BOARD

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