

**Addendum to the
Mono County
General Plan EIR and
Land Use Element Update EIR
SCH #91032012 and
SCH# 98122016**

**Prepared in conjunction with
General Plan Amendment 11-002,
making numerous minor changes to the
Mono County General Plan.**



Table of Contents

Executive Summary
Addendum Process
Addendum Determination
Approved EIRs
Changes to Approved Projects
Environmental Analysis
Findings

Executive Summary

General Plan Amendment 11-002 (GPA) is a collection of minor changes to the Mono County General Plan. The GPA includes changes to land use policies requested by some of the county's Regional Planning Advisory Committees (RPACs), clarifications suggested by Community Development Department staff, suggestions by outside agencies such as the Department of Defense, and changes reflecting current state law.

The GPA was presented to the Planning Commission for initial feedback in January 2011, and then was refined to incorporate its comments and suggestions. Commission passed a Resolution of Initiation in March 2011. Following that procedural step, the GPA was presented to each of the county's RPACs, most of which provided some degree of feedback. Some of the RPACs formed subcommittees to explore the specifics of the GPA, and some issued specific recommendations on parts of the GPA that were, for one reason or another, controversial.

The results of this outreach were then presented to the Board of Supervisors in August 2011. The Board provided direction on which aspects of the proposal they felt should be processed and analyzed under CEQA, and which aspects of the proposal should be withdrawn. The current proposal reflects the above staff suggestions, RPAC outreach, input from the Planning Commission and final direction from the Board of Supervisors.

As the GPA underwent public input and scrutiny, many of the potentially significant changes were identified, and deferred to a later date when the county will undertake a comprehensive General Plan Update. The resulting list is relatively minor in scope, and it was determined that an Addendum provided the appropriate level of analysis pursuant to CEQA.

Addendum Process

An addendum need not be circulated for public review but can be included in or attached to the final EIR [CEQA Guidelines Section 15164 (c)]. The decision-making body shall consider the addendum with the final EIR prior to making a decision on the project [CEQA Guidelines Section 15164 (d)]. A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence [CEQA Guidelines Section (e)].

Addendum Determination

The County believes an Addendum provides the appropriate level of analysis under CEQA because:

CEQA Section 15164 (a) provides that “the lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.”

None of the conditions described in section 15162 have occurred.

Section 15162 provides for the preparation of a subsequent EIR where:

- (1) Substantial changes are proposed in the project, which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

The changes proposed by the GPA are relatively minor. The majority of the changes are technical changes and clarifications that may slightly influence some impacts, but will not substantially increase the severity of any impact. Some aspects of the proposal represent fairly significant policies, however the resulting impacts of those policies is not expected to be substantial.

- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken that will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified effects;

There have been no substantial changes to the circumstances under which the General Plan EIR was certified as it relates to this GPA. Since that time, new significant environmental effects and special status species have been identified, but the changes and policies of the GPA will not contribute to those impacts.

- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

- a. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

The GPA will not have any significant effects that were not discussed in the previous EIR.

- b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;

There is no evidence to suggest that this GPA will create impacts more severe than what was analyzed, nor is there evidence to suggest the previously examined impacts will be more severe than originally thought.

- c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the measure or alternative;

Mitigation measures have been implemented as they were proposed in the original EIR, and they will apply to this GPA. There are no known mitigations that were considered infeasible at the time but are now feasible.

- d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment but the project proponent declines to adopt the mitigation measure or alternative.

There are no considerably different mitigations measures that have been proposed in conjunction with this project. The mitigations and uniformly applied development standards that mitigate impacts of existing General Plan policies will continue to mitigate the impacts of this GPA.

Approved EIRs

The Mono County General Plan was originally adopted in 1993, and portions of it were amended in 2000. Therefore, this Addendum shall apply to both the 1993 General Plan EIR (SCH#91032012) and the 2000 Land Use Element Update (SCH# 98122016). Together, these EIRs analyzed the potential impacts of the County's land use policies and regulations, and included mitigations in the form of uniformly applied development standards. They were considered comprehensive updates at the time, and have since provided the policy platform from which land use and development in the county has been regulated.

Changes to Approved Projects

The current project proposes changes to the Land Use Element as well as the Conservation/Open Space and Safety Elements. The changes to the Land Use Element are driven primarily by community and staff input, while the changes to the Conservation/Open Space and Safety Elements are proposed in recognition of certain state requirements.

The proposed changes are summarized as follows (all changes are to the Land Use Element unless otherwise noted):

- A. Antelope Valley Area Plan – The Antelope Valley RPAC has proposed changes to its Area Plan to ease restrictions on home occupations and allow for parking heavy equipment on larger parcels.
- B. A Sonora Pass Planning Area will be added to the General Plan, discussing the Bridgeport Winter Recreation Area, sage grouse, and Mountain Warfare Training Center (MWTC).
- C. A policy/objective has been proposed to address compatibility with the MWTC and Lincoln Housing in Coleville.
- D. An overlay zone, referred to as the “Military Influence Area” (MIA), has been proposed by MWTC. A separate policy, similar to the county’s “Right-to-Farm” regulations, has been proposed in conjunction with the MIA.
- E. The Benton/Hammil Area Plan will be changed to reflect work performed in the Tri-Valley Visioning process.

- F. Chapter 47, Appeals, will be changed to a standard 10-day time frame for all appeals. This will align our practice with the provisions of the Subdivision Map Act, eliminating the potential for an appeal to be denied because of a discrepancy between statutes.
- G. Proposed modification of existing Home Occupation restrictions.
- H. Specific planning regulations for Cargo Containers will be created under Development Standards, Chapter 4 – General. This is the result of community outreach already performed.
- I. Chapter 11– Utilities will be changed to address the California Solar Rights Act, recent wind legislation and the county small wind ordinance. It will be established that installations must be developed “primarily for on-site use.” They are considered accessory uses, so could be permitted with a Use Permit prior to the main. The definition of utilities elsewhere in the General Plan will be changed to include communications infrastructure. References to “Utility Lines” will be changed to just “Utilities,” which could include electrical, telephone, sewer, water and communications infrastructure. A section on cell tower mitigation will also be included that will reference the Mono County Design Guidelines.
- J. Section 04.020 (setbacks) will be reworded to more accurately reflect current practice. Table 04.020 will be redone to increase clarity. “Special Yard Requirements” will be made clearer as to when and where they apply. A section addressing setbacks for retaining walls will be added.
- K. Language will be added to permit a 10% concession, at the director’s discretion, on given regulations provided certain findings can be made.
- L. Gardening – language permitting gardening for personal and community purposes will be created in appropriate land use designations.
- M. The Land Use Designation section will clarify that the placement of Accessory Dwelling Units are governed by Chapter 16—Accessory Dwelling Units.
- N. Existing General Plan language establishing that a Use Permit may be downgraded to a Director Review when certain findings can be made will also be stated in Chapter 32-Use Permits.
- O. In Ch. 16, square feet will be established by exterior foundation footprint for the purposes of secondary unit calculations.
- P. Section 04.160 will be changed as follows: “higher fences ~~in the front setback~~ may be granted...”
- Q. The requirement for a 20’ minimum setback for a freestanding/monument sign will be reduced to 5’.
- R. Building heights definition will be changed to clarify current practices related to building heights.
- S. Section 04.300, Snow Storage Requirements, will be changed to indicate current snow load requirements, and Industrial land use designation will be added to list of where rules apply.
- T. Structure will be defined based on standard language in the California Building Code, and square footage will be determined as exterior footprint.

- U. References to “Mobile Home” will be changed to “Manufactured Home” where appropriate.
- V. All references to Secondary Dwelling Units will be changed to Accessory Dwelling Units.
- W. Typographic corrections—several formatting changes and typographic errors will be corrected.
- X. Development Credits on parcels in the Hammil Valley will be updated and corrected where necessary.
- Y. Changes will be made to language related to housing, pursuant to state mandates for transitional and supportive housing.
- Z. Birchim CSD-Issues Opportunities Constraints – will be changed to reflect current approach to secondary units (#8).
- AA. Conservation/Open Space Element: Changes will be made to comply with state regulations PRC 2762 and Code of Regulations 3675, adopting state geologist Special Report 166 by reference.
- BB. Safety Element: References to flood mapping will be updated as required by state law.

Environmental Analysis

For the purposes of analysis, the above changes are classified into three categories: No Impact, Less-than-Significant Impact, and Less-than-Significant Impact with Discussion.

No Impact

The following items are expected to produce no environmental impact. Included in this category are typographical corrections, updated citations and documents, and clarifications of existing department policy and practice. They are: J, N, O, P, and R through BB.

Less-than-Significant Impact

The following items may produce slight impacts to the environmental factors addressed in the previous EIR’s. It is believed that any associated impacts would be less than significant, and that those impacts are reasonably ascertained without additional analysis. They are: A, B, C, E, F, H, I, K, L, M, and Q.

Less-than-Significant Impact With Discussion

The following items may produce impacts to the environmental factors addressed in the previous EIRs. The potential impacts are addressed below:

Item D: Military Influence Area (MIA)

The adoption of an overlay zone adjacent to the Mountain Warfare Training Center (MWTC) has been questioned by some members of the public. There have been concerns that the overlay zone would entitle the military to activities that they are not currently entitled, and that the impacts to private property values and related environmental impacts could be significant. This assertion has been dismissed by representatives of the MWTC, who claim that the MIA would not entitle them to any activities they are not already engaged in, and that the overlay zone would provide notification to property owners about current military training activities on the public lands and airspace in the vicinity.

The proposal would not entitle the military to any rights on private property, and it would provide notification during real estate transactions, but that is not the only thing it accomplishes. It would also limit affected property owner's rights to file a nuisance complaint about military activities. The MIA would provide immunity from land use regulations pertaining to noise, dust, light, etc., and thereby inhibit property owners from employing county land use regulations, to the extent possible, to curtail such activities.

Because the military operates almost exclusively on federal lands and within public airspace, the county land use regulations do not apply to their activities. Only if the military were operating on private lands, or county-owned lands, would they be subject to the regulations that the proposal specifically exempts them from. Nonetheless, the proposal has been seen as a "taking" by some members of the public.

The County has no record of complaints filed related to military activities in the county, and there is no substantial evidence to support that the creation of an MIA would precipitate an increase of military activities and associated impacts. Whether or not an increase of military activities and associated impacts on private properties is a reasonably foreseeable circumstance that would be accommodated by the application of the MIA is conjecture.

The conclusion is that a future increase of military activities and associated impacts will be driven by national defense and training needs, will occur on federal lands, and will be permitted and analyzed by federal agencies. The presence or lack of a Mono County MIA will have negligible influence on such decisions, and for this reason it is believed the potential impact of adopting an MIA can be seen as less than significant.

Item G: Home Occupations

The proposal to ease regulations to home occupations may produce impacts to the environment. The primary impacts are expected to be to traffic and community character in neighborhoods where home occupations proliferate, but those impacts are expected to be less than significant.

In considering the possible impacts of the proposed changes, one must consider the existing baseline of home occupations within the county. Although many of the existing home occupations are not in compliance with the letter of the existing home occupation requirements, they are for the most part proceeding without significant impacts or complaints from surrounding property owners.

The intent of the proposed changes is to create an environment where certain home occupations that are already known to operate without significant impacts will be able to operate legally into the future.

The proposal would essentially legalize the existing baseline, so additional impacts would be less than significant.

By creating a process through which interested parties can apply for an "Expanded Home Occupation" permit, the proposal places the responsibility of environmental review on the types of home occupations that may cause significant impacts. In this way, the County provides opportunity for project-specific analysis and does not burden the general public with review of potential impacts of unknown future proposals.

Item H: Cargo Container Ordinance

The proposed ordinance governing the placement of cargo containers throughout the county may have an impact on the visual resources of Mono County. The proposed ordinance is less restrictive than a Planning Commission Resolution from 1985, and less restrictive than the Mono County Design Guidelines, and because the proposal is less restrictive it may be seen as having additional visual impacts. Other restrictions from the 1985 Resolution and Design Guidelines relating to lot coverage, setbacks and the requirement for a building permit are largely carried over into the proposed ordinance.

The 1985 Resolution did not carry the enforceability of a General Plan Amendment, and in the ensuing years it was not utilized to regulate cargo containers as it was intended to do. In the interim, hundreds of cargo containers (Planning Department estimate) have been placed throughout the county without complying with the 1985 Resolution. Since the adoption of the Mono County Design Guidelines in 2006, they have been acknowledged as a tool to encourage certain practices but have not been utilized as a regulation.

The existing Mono County Design Guidelines contain similar regulations to the 1985 Resolution, but also suffer from the same lack of enforceability. The Guidelines suggest containers “should” appear a certain way and “should” possess certain architectural characteristics, but those guidelines are not used to regulate containers in a way that a Development Standard within the General Plan would be.

Because the proposed ordinance requires the observance of setbacks, requires the containers to be painted a solid color, limits the number of containers on a given piece of land and requires a building permit, it is expected the ordinance will have a beneficial impact to visual resources, and health and safety as compared to the unregulated environment in which the containers are now being placed.

Findings

In recommending this Addendum, the Commission should find:

There is no new information of substantial importance that shows that:

- a) The project will have one or more significant effects not discussed in the previous EIR;
- b) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
- c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
- d) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

In compliance with Section 15164 of the CEQA Guidelines, an EIR Addendum is appropriate for the Mono County 2011 General Plan Amendments.