

DRAFT ADDENDUM TO THE FINAL EIR



FOR THE ROCK CREEK RANCH PROJECT

STATE CLEARINGHOUSE #2004012014

LEAD AGENCY:

Mono County Planning Department
Post Office Box 347
Mammoth Lakes, CA 93546

SEPTEMBER 2014

INTRODUCTION AND BACKGROUND

On 12 May 2009, the Mono County Board of Supervisors certified the Final EIR for the Rock Creek Ranch project located in the community of Paradise. The Board also on that date approved the Rock Creek Ranch Specific Plan and Tentative Tract Map 37-56. The approved project allowed for the 54.64-acre property to be subdivided into 60 lots, which included deed-restricting five lots for affordable housing and deed-restricting 11 lots for accessory dwelling units consistent with the Housing Mitigation Ordinance in effect at that time. Subsequent to project final map approval, the Housing Mitigation Ordinance was suspended by the Mono County Board of Supervisors. The applicant entered into a Housing Mitigation Agreement with the Board of Supervisors on August 7, 2012 that removed the requirement to provide the five affordable housing lots. A condition of the Housing Mitigation Agreement required the applicant to amend the Tentative Tract Map and Specific Plan to reflect the reduction of lots to 55. In accordance with the California Environmental Quality Act (CEQA), an addendum was prepared to address the project changes associated with Amendment #1. The Board of Supervisors approved Amendment #1 to the Rock Creek Ranch Specific Plan and Tentative Track Map on May 7, 2013.

During 2013, the applicant submitted an application for a second Specific Plan Amendment that would reduce the allowed lot number from 55 to 23, largely in response to recessionary economic conditions locally and across the country. The applicant had determined that larger lots would be more responsive to residential market demands than the approved Specific Plan. Processing of the 23-lot Specific Plan Amendment #2 had been substantially completed, including a recommendation of approval by the Planning Commission, when it became apparent that Cal Fire had changed its position that the project complied with fire codes. Upon learning of Cal Fire's revised position, the applicant initiated extensive adjustments that further reduced site development to a total of 10 lots. Accordingly, the applicant is now seeking approval of a second amendment to the Rock Creek Ranch Specific Plan. This Specific Plan sets forth and governs all zoning regulations, land uses, public works and development activity on the project site for the revised 10-lot Tentative Map layout.

II. SUMMARY OF PLAN AMENDMENTS

Table 1 below summarizes changes to the Specific Plan associated with revised Amendment #2.

Table 1
Revisions to the Rock Creek Ranch Proposed in Amendment #2 (Revised)

<i>SPECIFIC PLAN FEATURE</i>	<i>ORIGINAL SPECIFIC PLAN (2009)</i>	<i>SPECIFIC PLAN AMENDMENT #1 (2012)</i>	<i>PROPOSED SPECIFIC PLAN AMENDMENT #2 (2014)</i>
Total Number of Lots	60	55	10
Total Number of Affordable Lots	5	0	0

Number of Required Secondary Units	11	0	0
Total Open Space Acreage	20.05	20.05	37.93
Common Area Recreation Lot Acreage	3.05	3.05	0
Primary Access Road ROW Acreage (not including cut & fill slopes)	4.98	4.98	1.91
Common Utility Acreage (Water, Sewer)	1.94	1.94	1.72
Total Disturbed Acreage maximum	16.01	16.01	13.18
Type of Sanitation System	Package Treatment Plant	Package Treatment Plant	Individual Septic System
Water System Management	Maintenance District	Maintenance District	HOA water service

The common open space acreage (previously set at 20.05 acres) has been eliminated in favor of the shared open space easement surrounding the water tanks on the northern property boundary, as well as the substantial acreage of private open space on each of the 10 lots now proposed. The reduced total disturbance area is due primarily to elimination of the common wastewater treatment facilities, as well as a reduction in the length of the primary access road.

CEQA PROVISIONS FOR PREPARING AN ADDENDUM TO A FINAL EIR

The California Environmental Quality Act (CEQA §15164[a]) states:

"(a) The lead agency or a 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."

In turn, §15162 states that preparation of a subsequent EIR is required where one or more of the following occurs:

"(a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

- (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;*
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken 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; or*
- (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 shows any of the following:*
 - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;*
 - (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."*

Provided in the sections that follow is an assessment of whether any of the above CEQA requirements would necessitate preparation of a subsequent EIR to address changes proposed with Rock Creek Ranch Specific Plan Amendment #2.

SIGNIFICANT UNAVOIDABLE IMPACTS IDENTIFIED IN ROCK CREEK RANCH FINAL EIR

Results of the analyses contained in the 2008 Final EIR for the Rock Creek Ranch project indicated that project implementation would have potentially significant and unavoidable adverse direct and cumulative environmental impacts on the following resources:

- Critical mule deer habitat
- Mule deer movement along a regional migration corridor of which the project is a part, and
- Visual quality and visual unity of views from Lower Rock Creek Road, some points along the Highway 395 scenic corridor, and portions of the community of Paradise

The changes proposed with the initial 23-lot layout of Amendment #2 were reviewed by Dr. James Paulus to assess the effect of Amendment #2 on the significant environmental impacts identified in 2008. Dr. Paulus noted that the proposed shift from a larger number of smaller lots to fewer relatively large lots would be a net benefit for wildlife and habitat. This benefit would result from a more widely intact High Desert Blackbush Scrub community and from an anticipated reduction in the incidence of harassment and other disturbances to the use of this habitat.

Further, Dr. Paulus noted that the reduced number of lots and greater distance between houses would attenuate disturbance to wildlife resulting from activity, noise and lighting, and would also be expected to substantially reduce collision frequency (compared to the approved 55 lot plan), as well as the interactions between deer and domestic pets, thereby increasing the ability of overwintering deer to utilize browse habitat. Finally, Dr. Paulus indicated that there are no changes in the overall status of the relevant species or environmental factors that would necessitate reevaluation of the potential changes to biological resources. A copy of the Dr. Paulus' 2013 biological resources analysis is provided as Attachment 1 to this Addendum. Upon subsequent review of the most recent changes as depicted in maps and written descriptions dated August 12, 2014, Dr. Paulus indicated in a supplemental written statement (see Attachment 2) that the findings stated in his review of the 23-lot layout would apply to the 10-lot layout and that the above conclusions as stated in his November 7, 2014 memorandum are suitable for use as part of the revised application.

The 10-lot layout would result in similar changes to the significant and unavoidable adverse effects on visual quality and unity that were identified in the 2008 Final EIR. Specifically, the impacts to views from Lower Rock Creek Road, points along the Highway 395 scenic corridor, and portions of the community of Paradise would all be reduced as a result of the substantial reduction in overall density, number of units, and infrastructure improvements. No new impacts have been identified, nor are there substantial changes in the circumstances within which the project will be undertaken. In summary, the proposed Specific Plan Amendment #2 would reduce the scope and severity of the significant and unavoidable adverse impacts identified in the 2008 EIR for the Rock Creek Ranch development.

POTENTIALLY SIGNIFICANT IMPACTS IDENTIFIED IN ROCK CREEK RANCH SPECIFIC PLAN FINAL EIR

In addition to significant and unavoidable adverse impacts described above, the 2009 Final EIR also identified potentially significant impacts that would be reduced to less-than-significant levels through adopted mitigation measures. Exhibit 1 compares the disturbance areas associated with the adopted 60-lot 2009 Specific Plan to the disturbance areas associated with the 10-lot Specific Plan now under review, and Table 2 below analyzes how environmental effects associated with the proposed 10-lot plan would compare with the potentially significant impacts identified in 2009. Results of this analysis indicate that all of the potentially significant impacts identified in the 2009 Final EIR would be unchanged, reduced or eliminated if the proposed 10-lot Amendment #2 layout is approved and implemented as proposed. No new impacts have been identified, and no impacts would be increased in severity as a result of the approval and implementation of the revised Amendment #2.

**Table 2
COMPARISON OF POTENTIALLY SIGNIFICANT IMPACTS FOR ADOPTED
SPECIFIC PLAN & PROPOSED SPECIFIC PLAN AMENDMENT #2**

IMPACT OF CURRENT PROJECT	IMPACT OF PROPOSED AMENDMENT #2
SOILS AND HYDROLOGY	
IMPACT WQ 5.1-1: The Project will place increased demands on groundwater resources.	Reduced Impact: The reduction in number of units from 55 to 10 will place fewer demands on groundwater resources than the approved plan.
IMPACT WQ 5.1-3: The Quality of the Groundwater Supply Meets Applicable Standards but may require further testing.	No change. The project will fulfill all requirements for a state small water system including filing of an initial comprehensive technical report describing all aspects of system operation, including water quality monitoring.
IMPACT GEO 5.1-4: Earthwork activities and long-term use of the site would pose a risk of erosion & sedimentation and a loss of permeable soils due to grading and construction activities.	Reduced Impact: Approval of proposed Amendment #2 would substantially reduce earthwork requirements: the 2008 EIR anticipated 31,800 cubic yards (cy) of cut and 22,500 cy of fill for the 60-lot layout. Earthwork estimates for the 10-lot layout include 8,500 cy of cut and 8,100 cy of fill.
IMPACT GEO 5.1-5: Project would be exposed to seismic & volcanic hazards; the risk of tsunamis, seiche, liquefaction, land- slide & avalanche would be less than significant.	No change. The risk of seismic and volcanic hazards would be unchanged with Amendment #2; the project population exposed to such risks would, however, be reduced.
BOTANICAL RESOURCES	

IMPACT BOT 5.2-2a: Invasive species may be introduced as a result of project implementation.	Reduced Impact: The current 10-lot layout reduces the allowed total disturbance area from 16.01 to 13.18 acres, which will reduce by equivalent acreage the potential for impacts associated with invasive species.
IMPACT BOT 5.2-2b: Invasive species may replace native habitat as a result of spray irrigation of open space with tertiary treated effluent from the package treatment plant.	Eliminated Impact: This impact will be avoided altogether due to elimination of the package treatment plant.

WILDLIFE RESOURCES

IMPACT WILD 5.3-1: Project implementation would result in the loss of native communities and wildlife.	Reduced Impact: The decrease in the allowed total disturbance area (from 16.01 to 13.18 acres) will reduce by equivalent acreage the potential for loss of native communities & wildlife.
IMPACT WILD 5.3-4: Project implementation would interfere with migration patterns of the Round Valley Deer Herd.	Reduced Impact: Based on Specific Plan provisions for fencing, it is estimated that the maximum length of fencing would be reduced from about 7,800 (60 lots) to 4,100 lineal feet (10 lots). ¹

LAND USES, RECREATION & RELEVANT PLANNING

IMPACT LU 5.5-1a: Project conflicts with Land Use Element Policy to conserve critical habitat.	Reduced Impact: The decrease in the allowed total disturbance area (from 16.01 to 13.18 acres) will reduce by equivalent acreage the potential for conflicts with Land Use Element policy to conserve critical habitat.
IMPACT LU 5.5-1b: Project may conflict with Land Use Element Policy to annex into existing service districts.	No change. There is no change in the determination that it is infeasible for Rock Creek Ranch to annex into this existing water service district.

PUBLIC SERVICES AND UTILITIES

IMPACT UTIL 5.8-1: Increased demand on fire protection services	Reduced Impact: The decreased number of units (reduced from 55 to 10) will reduce demands on fire protection services compared with the approved 55-lot plan. Paradise Fire Protection District has issued correspondence indicating they will serve the project, and CalFire has submitted correspondence indicating that the 10-lot layout conforms to current state fire protection standards.
IMPACT UTIL 5.8-2: Propane Tank Farm poses Public Safety Risks	Eliminated Impact: This impact will be avoided altogether due to elimination of the propane tank farm.
IMPACT UTIL 5.8-3: increase in Fire Flow Water Service Demands	Reduced Impact: The reduced number of units (reduced from 55 to 10) will have fire flow demands lower than the approved plan.
IMPACT UTIL 5.8-11: Hazardous materials used during construction	Reduced Impact: Construction-related use of hazardous materials will be lower with the proposed 10-lot plan than with the approved 55-lot plan.

TRAFFIC AND CIRCULATION

IMPACT TFFC 5.9-1: Construction traffic may cause short-term congestion & roadway hazards.	Reduced Impact: Construction traffic impacts will be lower with the proposed 10-lot plan than with the approved 55-lot plan.
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AIR QUALITY

IMPACT AQ 5.10-1: Short-term increase in construction emissions	Reduced Impact: Construction-related emissions will be lower with the proposed 10-lot plan than with the approved 55-lot plan.
IMPACT AQ 5.10-3: Greenhouse gas emissions.	Reduced impact: Greenhouse gas emissions will be lower with the proposed 10-lot plan than with the approved 55-lot plan.
IMPACT AQ 5.10-4a: Odor impacts from the sanitation treatment process.	Eliminated Impact: This impact will be avoided altogether by elimination of the package treatment plant.
IMPACT AQ 5.10-4b: Odor impacts from the tertiary water	Eliminated Impact: This impact will be avoided altogether by

¹ Calculation provided by Matt Schober, Triad Engineering, (7 August 2014) based upon Specific Plan fencing standards and assuming that the fenced are square in shape at maximum allowed coverage.

staging pond & recreational pond.

elimination of the package treatment plant.

AESTHETIC RESOURCES

IMPACT AES 5.12-2: Project would have a significant adverse visual impact on Lower Rock Creek Road and segments of the Highway 395 Scenic Corridor.

Reduced impact: Project impacts on scenic views from Lower Rock Creek Road and Highway 395 will be lower with the proposed 10-lot plan than with the approved 55-lot plan.

IMPACT AES 5.12-3: The project would have a significant adverse impact on aesthetic values in the existing Paradise community.

Reduced impact: Project impacts on aesthetic values in the existing Paradise community will be lower with the proposed 10-lot plan than with the approved 55-lot plan.

IMPACT AES 5.12-4: The project would have an adverse impact on dark sky visibility.

Reduced impact: Project impacts on dark sky visibility will be lower with the proposed 10-lot plan than with the approved 55-lot plan.

IMPACT AES 5.12-5: The project would generate glare from windows and solar panels.

Reduced impact: The amount of glare from windows and solar panels will be lower with the proposed 10-lot plan than with the approved 55-lot plan.

MODIFIED MITIGATION MEASURE

In addition to the impacts above, the Final EIR identified one mitigation measure that has been modified in response to a recommendation offered by the Planning Commission at their meeting on January 9, 2014. Measure UTIL 5.8-3a (Water System Intertie) has been modified as shown below to reflect the reduced fire flow demands associated with 10 versus 55 lots:

UTIL 5.8-3a (WATER SYSTEM INTERTIE): The water system shall have an onsite intertie point, located in the vicinity of the LRCMWC storage tank, if and as determined in consultation with the Paradise Fire Protection District..

CONCLUSION

Based on the considerations and analyses presented above, and based on the provisions contained in CEQA §15164[a]) as presented in its entirety in this Addendum, it is concluded that none of the conditions calling for preparation of a subsequent EIR have occurred. The County of Mono, acting as Lead Agency, has therefore determined that an Addendum to the certified 2008 Final EIR for Rock Creek Ranch is the appropriate CEQA document for the proposed second amendment to the Rock Creek Ranch Specific Plan.

CEQA §15164(c-e) states that "an Addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration. The decision-making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project. A brief explanation of the decision not to prepare a subsequent EIR pursuant to §15162 shall 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."

All of the mitigation measures adopted by the Mono County Board of Supervisors as part of the May 2009 Final EIR certification remain in full force and effect, with the exception of (a) Mitigation Measure UTIL 5/8-3a (Water System Intertie) which has been modified as shown above, and (b) the four adopted mitigation measures (listed below in Table 3) that are rendered inapplicable to the Rock Creek Ranch project with approval of the second amendment.

Table 3
Mitigation Measures Rendered Inapplicable with approval of
Rock Creek Ranch Specific Plan Amendment #2

ADOPTED MITIGATION MEASURE	BASIS FOR ELIMINATION OF MITIGATION MEASURE
<p>MITIGATION UTIL 5.8-2 (Propane Tank Farm Siting): The propane tank farm shall be situated down-gradient of all home sites on or near the project site.</p> <p>MITIGATION AQ 5.10-4a (Odors from Treatment Plant): A secondary carbon filtration system shall be incorporated into the tertiary package sanitation system, and maintained over time, to remove and treat odors resulting from the treatment process and ensure that objectionable odors are not released into the atmosphere.</p> <p>MITIGATION AQ 5.10-4b (Odors from Treatment Plant): A standby aeration system shall be kept in the maintenance building for use in the event that stagnant conditions develop in the tertiary water staging pond and/or recreational area ponds.</p> <p>MITIGATION BOT 5.2-2b (Weed Abatement): Open space areas used for spray irrigation with surplus recycled water supply shall be subject to an ongoing landscape control program designed to prevent the establishment of non-native species that could spread to the surrounding environments. Species that will be eradicated upon discovery include any non-native species not established in the open space area prior to project implementation. Weed control will be accomplished to the maximum extent feasible by rotating water spreading applications within the open space area designated as suitable for spray irrigation. Ponding and long-term surface saturation will be avoided to the maximum extent feasible. If populations of new non-native species nevertheless appear, they shall be controlled through mechanical or accepted herbicidal practices.'</p>	<p style="text-align: center;">Amendment #2 eliminates the propane tank farm from the project design.</p> <p style="text-align: center;">Amendment #2 eliminates the package treatment plan from the project design.</p> <p style="text-align: center;">Amendment #2 eliminates the package treatment plan from the project design.</p> <p style="text-align: center;">Amendment #2 eliminates the package treatment plant from the project design.</p>

**ADDENDUM TO THE FINAL EIR
FOR THE ROCK CREEK RANCH PROJECT**

**ATTACHMENT 1
2013 BIOLOGICAL RESOURCE ANALYSIS**

November 7, 2013

To: Sandra Bauer
Bauer Planning and Environmental Services
1271 Tropicana Lane
Santa Ana, CA 92705

From: Jim Paulus
PO Box 2657
Oakhurst, CA 93644

RE: Rock Creek Ranch Specific Plan Update – Biological Resources Analysis

Ms. Bauer,

I have reviewed a recently proposed update to the Rock Creek Ranch TTM (specifically, DWG 2215_TTM, page 2 of 3, dated Oct. 28, 2013, and associated materials), which I received from your office via email. Upon completing this review, and comparison with the July 18, 2008 document "Rock Creek Ranch Specific Plan and Draft EIR", and with information I gained from our telephone conversation this morning, I believe I have sufficient basis for giving an opinion regarding whether impacts to biological resources at the project site will be substantially changed should the proposed project be implemented as revised.

One potential cause of impact identified in the 2008 document, irrigation of otherwise undisturbed Open Space, has been rendered irrelevant by removal of this element from the project description. As the associated potential impact of causing proliferation and spread of non-native plant species through applied irrigation has now been eliminated, the mitigation measure BOT 5-2-2b can be entirely deleted. Similarly, removal of the Common Area element from the project removes any need for Condition b (irrigation and monitoring) of the mitigation measure BOT 5-2.2a, and the wording for that Condition (only) should be deleted.

The proposed shift from a larger number of smaller lots to fewer relatively large lots will be a net benefit for wildlife. In terms of vegetation displacement by impervious surfaces, total loss of habitat (consisting of 100% High Desert Blackbush Scrub) would decrease from (worst-case) 30 acres to (worst-case) 9.3 ac. The area potentially fenced off from wildlife use would decrease from 8 acres to 3.6 ac, and the spacing between these enclosures would be more diffuse. If all of the previously formulated Conditions stated in the 2008 document of BOT 5-2.2a (except b, see above) are included unchanged in the updated SP, and if the wording/intent of the mitigation measure WILD 5.3-1(a-f) is not altered substantially to reduce the provision of habitat for wildlife, then a more widely intact High Desert Blackbush Scrub will result, and the incidence of harassment and other disturbance that may periodically inhibit use of this habitat will very likely be decreased.

The 2008 DEIR analysis concluded that impacts to the Round Valley deer herd would be significant and unavoidable, due specifically to loss of foraging and migration route habitat, an increased possibility of direct mortality due to collisions, and habitat degradation caused by increases in human activity, noise, night lighting, and harassment by domestic pets. Conversion of scrub vegetation to houses, roads and fenced yards will be substantially reduced under the proposed project revision. Greater distances that will be available between houses under the revised project will attenuate ongoing disturbance due to activity, noise, and lighting. As the number of lots will be reduced by about 2/3, interactions between deer and domestic pets likely will be substantially reduced in frequency, allowing a better chance that overwintering deer can become accustomed to the altered landscape and thereby utilize browse plants between houses and within the Open Space easement area if mitigation measure WILD 5.3.4(a-b) is left unchanged. Collision frequency likewise should be substantially reduced. The 2008 DEIR prediction that migrating deer will change their route upon their encountering the project remains viable; however the reduction in maximum allowable fenced area from 8.0 to 3.6 acres and greater spacing between houses may help alleviate the potential for this impact. While it is not possible to revisit the DEIR conclusion that impacts to the Round Valley herd could be significant, it would be logical to conclude here that no addition or increase to these types of impacts should be expected if the revised project were instead implemented.

If there are additional changes to the project, such as addition of a new element that would increase any of the potential project impacts discussed above, please bring them to my attention and I will revise this analysis accordingly. For now, I see only net benefit due to substantive reductions in all of the elements that were causing the potential impacts as identified in the 2008 analysis. Furthermore, I am not aware of any recent changes in the overall status of the relevant species or environmental factors that would in themselves necessitate reevaluation of the potential impacts to biological resources. Thank you for asking my opinion on this development. I would be happy to assist further as I can, should you find need for refinement to the project in order to bring about the best possible minimization of impacts to the area's plants and animals.

Sincerely, Jim Paulus, Ph.D.

**ADDENDUM TO THE FINAL EIR
FOR THE ROCK CREEK RANCH PROJECT**

**ATTACHMENT 2
SUPPLEMENTAL 2014 BIOLOGICAL RESOURCE ANALYSIS**

August 13, 2014

To: Sandra Bauer
Bauer Planning and Environmental Services
1271 Tropicana Lane
Santa Ana, CA 92705

From: Jim Paulus
PO Box 2657
Oakhurst, CA 93644

RE: Rock Creek Ranch Specific Plan 2nd Addendum – Biological Resources Analysis

Ms. Bauer,

I have reviewed the recently drafted update to the Rock Creek Ranch TTM (specifically, DWG 2215_TTM, dated Aug. 8, 2014, and associated materials), which I received from your office via email. Upon completing this review, I have concluded that my opinion regarding whether impacts to biological resources at the project site will be substantially changed should the project be implemented as revised, as memorialized in my November 7, 2013 letter to your office, remains entirely valid. Specifically, my stated opinions regarding irrigation and non-native plant proliferation, increased habitat availability for migrating and foraging mule deer, decreased interactions between humans or their pets and deer, and decreased potential for collisions all appear to remain valid. Furthermore, the underlying reasoning that reducing and further separating the areas of building and disturbance reasonably leads to conclusions of lowered potential impacts to deer can be applied to the current project configuration.

Please feel free to contact me should you find need for further changes to the project. I would appreciate the opportunity to review any changes that may affect the biological resources at the Rock Creek Ranch site.

Sincerely, Jim Paulus, Ph.D.