

ROCK CREEK CANYON FINAL SPECIFIC PLAN

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**APPROVED BY MONO COUNTY BOARD OF
SUPERVISORS: 21 DECEMBER 2010**

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¹ Note that this Specific Plan was originally part of the Environmental Impact Report (EIR) prepared for Rock Creek Canyon, and the numbering of Specific Plan sections was integrated with the larger framework of the EIR. The original numbering system has been preserved in this stand-alone Final Specific Plan to ensure the accuracy of cross-text references.

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APPENDICES²

- A Resolution R10-90**
- B Master Sign Plan**
- C Master Trail Plan**
- D Plan for Historic and Public Uses on Lot**
- E Final Conditions of Project Approval**
- F Final Mitigation Monitoring and Reporting Program**

² Note: When completed, Appendices B, C and D (the Master Sign Plan, Master Trail Plan and the Plan for Historic and Public Uses on Lot A) must be submitted for formal adoption by the County as components of this Specific Plan.

ROCK CREEK CANYON FINAL SPECIFIC PLAN

3.5 FINAL SPECIFIC PLAN OVERVIEW

3.5.1 CHANGES ADOPTED AS PART OF DECEMBER 2010 PROJECT APPROVAL

The Rock Creek Canyon Specific Plan was approved by the Mono County Board of Supervisors on 21 December 2010, along with a General Plan Amendment from Rural Resort to Specific Plan, approval of Tentative Track Map 37-59, certification of the Final EIR, and adoption of the associated Mitigation Monitoring and Reporting Program. As part of the approvals granted on that date, the Board of Supervisors approved a number of changes to the project Specific Plan and Tentative Map, and to the conditions of project approval. The adopted changes are outlined below:

- *Equestrian uses were deleted as a permitted use*
- *Landscape clearance and creek protection permitting requirements were clarified in accordance with information submitted by CDFG*
- *Private wind systems were no longer identified as a permitted use*
- *It was clarified that the HOA will be solely responsible for snow removal*
- *A conservation easement was added for the historically significant portion of the Round Valley irrigation canal located on the site*
- *Public use and access rights (including fishing) were clarified for the 5.7-acre open space parcel and it was clarified that picnic tables may be included as part of this open space parcel*
- *It was clarified that privacy fencing will be permitted on Lots 6, 7 and 8 in locations that directly adjoin the Lot A public parking lot and/or the restored historic fishing cabin (if returned to Rock Creek Canyon) and/or Lower Rock Creek Road, except that privacy fencing may not be placed in such a manner as to block public view of the façade of the historic lodge that will be restored and converted to a private residence on Lot 8*
- *It was clarified that private RVs and boats must be kept in structures that are architecturally compatible with the primary unit OR screened from view of adjacent lots*
- *It was clarified that Lot 8 shall be subject to County residential setback standards*
- *It was clarified that internal roads must comply with County standards*
- *It was clarified that west-side development of Lot 11 will be allowed only if the bridge is improved to CalFire and County standards OR the garage serving Lot 11 must be constructed on the east side of the creek with no net increase in the combined area of the building envelope*
- *An historic cabin and the historic sign shall be returned to the project site at the discretion of the Board of Supervisors and at locations to be identified in a Lot A Use Plan that sets forth historic and public uses on Lot A; picnic tables may be included as part of this plan*
- *A Master Sign Plan shall be developed to address the historic sign, Lot A public parking signage, signage at the interpretive kiosk, changes in public use along Lower Rock Creek Road and other signage.*
- *It was clarified that the County's standard plant palette will govern landscaping on the site and additional native and native-compatible species may be added, subject to review by Director.*
- *Paradise residents shall be provided with pedestrian access to the open space parcel at a location to be determined through development of a Master Trail Plan within 18 months of Specific Plan approval, with CEQA review if and as needed.*
- *Because Lower Rock Creek Road has limited line-of-sight in the project area, on-road or shoulder parking along the section of Lower Rock Creek Road that adjoins the project will not be permitted after the Lot A trailhead parking lot is completed and available for public use.*

In addition to the changes noted above, the Board of Supervisors eliminated the requirement for an affordable home on Lot 9A, and Lot 9A was deleted from the tentative map. The applicant was instructed to submit for Board approval a Housing Mitigation Agreement with these changes. Subsequent to the December 2010 project approval, the Board of Supervisors on June 14, 2011 voted to temporarily suspend all housing mitigation requirements as set forth in Chapter 15.40 of the Mono County Code during the period from July 15, 2011 through July 15, 2013.³ Section 3.6.5 of this Final Specific Plan sets forth the modified provisions in accordance with applicable housing mitigation requirements of the County of Mono.

This Specific Plan includes six appendices that respond or pertain to the Board of Supervisors' 21 December 2010 approval: Appendix A provides a copy of the Resolution of Approval adopted by the Board; Appendix B contains the Master Sign Plan; Appendix C contains the Master Trail Plan; Appendix D contains a Plan for Historic and Public Uses on Lot A; Appendix E contains the final Conditions of Project Approval; and Appendix F contains the final Mitigation

³ Ordinance Number ORD11-07, *An Ordinance of the Mono County Board of Supervisors Adding Section 15.40.170 to the Mono County Code, Temporarily Suspending All Housing Mitigation Requirements*, adopted 14 June 2011.

Monitoring and Reporting Program. Appendices B, C and D are as yet forthcoming and must be submitted for formal adoption by the County as components of this Specific Plan.

3.5.2 SPECIFIC PLAN NUMBERING

The numbering system used in this Final Specific Plan is based on the numbering system contained in the Draft Specific Plan, which was part of the Draft and Final EIR for the Rock Creek Canyon project. Although the Final Specific Plan is now a stand-alone document, the original numbering system has been retained in order to permit cross-referencing with information contained in the EIR.

3.6 INTRODUCTION TO THE FINAL SPECIFIC PLAN

This document presents the final Specific Plan for the Rock Creek Canyon project, as approved by the Mono County Board of Supervisors on 21 December 2010. The Creek Canyon site is a 29.6-acre parcel in the unincorporated community of Paradise in southern Mono County. The property is about 20 miles southeast of the Town of Mammoth Lakes, 15 miles northwest of the City of Bishop, 1 mile west of Highway 395, and 1 mile north of the Inyo/Mono County boundary.

The Rock Creek Canyon project is located on the site of the old Paradise Camp Resort. The Resort included a restaurant/lodge, 22 cabins, an RV park and mobile home sites. To the west and northwest of Rock Creek Canyon are approximately 132 privately owned residential parcels that comprise the unincorporated community of Paradise. The Paradise Fire Station is located about one-third mile to the northwest of the project site and directly to the east is the 54.7-acre Rock Creek Ranch project with 60 residential lots, site improvements and distribution lines for a shared water production well and storage tank, a shared propane tank farm, and a shared package wastewater treatment plant.

Lower Rock Creek flows in a southerly direction through the length of Rock Creek Canyon, paralleled by a popular mountain bike trail that is maintained by BLM. The property is bisected by Lower Rock Creek Road. Lower Rock Creek Mutual Water Company (LRCMWC) has an easement through the project and operates a 150-gallon per minute (gpm) water production well on the northern part of the project site. The regional location and local area are depicted in Exhibits 3-1 (Regional Location Map), 3-2 (Local Vicinity Map), and 3-3 (Project Environs).

The purpose of the Rock Creek Canyon Specific Plan is to govern and regulate development standards and site uses. All development on the site shall be consistent with requirements of the Specific Plan as presented in this document. When the Board of Supervisors approved this Specific Plan in December 2010, they directed staff to develop for their review and approval detailed plans for three components of the approved project including:

- A Master Sign Plan
- A Master Trail Plan
- A Plan to detail Historic and Public Uses on Lot A

3.6.1 ROCK CREEK CANYON SPECIFIC PLAN OBJECTIVES AND POLICIES

The primary objective of the Rock Creek Canyon Specific Plan is to fulfill the *General Plan* vision for ultimate development of the Paradise community. Additional key objectives are to (a) create an energy-efficient community based on guidelines established through the LEED program, (b) preserve key elements of the site history, if feasible, for future generations, (c) ensure that all lots are supported by adequate access and public facilities, and (d) preserve and enhance access to area trails and open space resources.

The project objectives reflect and build upon the County's planning goals for the unincorporated community of Sierra Paradise. The Specific Plan provisions contained herein are based on and consistent with provisions contained in the Mono County General Plan for Specific Plan residential development.

3.6.2 DESCRIPTION OF ROCK CREEK CANYON LAND USE PLAN

The tentative map for Rock Creek Canyon as a whole is shown in Exhibit 3-4. As indicated the project contains a total of fourteen parcels. Twelve of the parcels are intended for residential use, one parcel (Lot A) will be maintained by the Rock Creek Canyon Homeowners' Association (HOA) but offered for dedication to the County for use as a trailhead parking lot, and one parcel (the 'Open Space Lot') will be offered for dedication to a public agency as permanent open space for public use, but maintained by the Homeowners' Association until and unless the offer of dedication is accepted. All twelve of the residential lots (Lots 1 through 12) will be sold at market rates for future development by the lot owner.

All twelve of the residential lots shall be permitted to construct a secondary unit. However, to comply with limitations imposed by the onsite septic system, this Specific Plan sets a maximum number of bedrooms for each

residential lot and also mandates that no residential lot may have more than one secondary unit and that each secondary unit shall be limited to one bedroom and a maximum area of 750 square feet (sf). Housing compliance guidelines are set forth in §3.6.5(s) of this Specific Plan.

The Tentative Tract Map, which is also the Specific Plan Map, depicts the location of all lots within Rock Creek Canyon. Exhibits 3-5 and 3-6 depict the layout and building envelope for the northern six lots. For these lots, building envelopes are used in place of setbacks to describe the area within which land may be graded or modified by the parcel owner from its natural state. The Specific Plan prohibits any private land disturbance outside of these designated disturbance areas for Lots 7-12. Table 3-2 summarizes the lot size and lot disturbance area for Lots 7-12, as well as the percentage of total lot area that can be modified.

**Table 3-2
LOT SIZES AND DISTURBANCE AREAS (acres)**

LOT NUMBER	LOT SIZE	MAXIMUM DISTURBANCE AREA	PERCENT DISTURBED
7	1.94	0.40	21%
8	1.86	0.57	31%
9	2.48	0.66	27%
10	2.96	0.71	24%
11	4.39	1.01	23%
12	4.22	0.57	14%
TOTAL	17.83	3.92	22.0%

There are no designated building envelopes for Lots 1-6. Land modification on these lots will be regulated by the building setbacks permitting the Specific Plan, as depicted in Exhibit 3-6. These setbacks are consistent with fire-safety requirements set forth by Mono County to comply with State Responsibility Area guidelines established by the California Department of Forestry. Table 3-3 compares Specific Plan standards with the standards that would apply under the existing Rural Resort land use category.

**Table 3-3
COMPARISON OF ROCK CREEK CANYON SPECIFIC PLAN
WITH GENERAL PLAN RURAL RESORT DEVELOPMENT STANDARDS⁴**

Features	Rural Resort General Plan Designation	Rock Creek Canyon Specific Plan Provisions
PERMITTED USES		
Single Family Dwellings	YES	YES
Small Scale Agriculture	YES	YES
Accessory Buildings and Uses	YES	YES ⁵
Mobile Home as Single Family Unit	YES	NO
Animals and Pets	YES	YES
Home Occupations	YES	YES
Open Space Uses	YES	YES
Access Roads	YES	YES
Sanitation Facilities	YES	YES
Water Facilities	YES	YES
Secondary Units	Director Review	YES
PERMITTED SUBJECT TO DIRECTOR REVIEW		
Secondary Units	YES, up to 640 sf	YES, without director review, up to one 1-bedroom unit with a maximum 750 sf on each lot
PERMITTED SUBJECT TO USE PERMIT		
RV Parks	YES	NO
Hotel, Restaurant/Lounge	YES	NO
Transient Rentals	YES	NO
Developed Campgrounds	YES	NO
Commercial Recreation	YES	NO
Employee Housing	YES	Secondary Units Only

⁴ Mono County, *General Plan Land Use Element*, Rural Resort (RU), page II-111-112.

⁵ Accessory uses permitted without Director Review *only* if customarily incidental to permitted uses on the same lot *and* if constructed at the same time as or later than the primary building.

Private Solar and Wind Systems	YES	YES (solar only; no wind systems)
DEVELOPMENT STANDARDS		
Minimum Parcel Size	5 acres	28,000 sf
Site Disturbance	10%	Approximately 35%
Building Height	35 feet	35 feet
Minimum Setbacks	30 feet all sides	30' from creek; 15' side & rear ; 10' from internal road; Lot 8 shall comply with County Rural Resort setback standards
Building Density	1 home + secondary unit/5 acres; lodging up to 40 units/acre (max. 150); RV spaces up to 17/acre	14 Lots on 29.57 Acres (including 12 residential lots; 1 trailhead parking lot; and 1 open space remainder parcel)

Primary access to the project would be served by a single access road extending north and south of Lower Rock Creek Road. The access road would provide direct access to each residential lot except Lot 7, and to the various easements and infrastructure improvements. Access to the trailhead parking lot (Lot A) would be taken directly from Lower Rock Creek Road at a separate entry point that would also provide access to Lot 7. A traffic calming program has been developed to reduce speeds and enhance safety for motorists and cyclists along Lower Rock Creek Road in the project area. Elements of the traffic calming program are detailed in Specific Plan §3.6.7.1(e) and evaluated in EIR §5.11 (Traffic and Circulation).

3.6.3 USES PERMITTED

The following uses are permitted in Rock Creek Canyon subject to site plan review and Building Permit approval:

- a. **Residences:** Single-family dwellings.
- b. **Agriculture:** Small-scale agriculture for personal use.
- c. **Accessory Uses:** Accessory buildings and uses, provided that such uses comply with standards herein, are located on the same lot and are customarily incidental and part of the uses permitted herein. All other accessory uses shall be subject to Director Review.
- d. **Pets:** Pets shall be subject to standards in the adopted General Plan and County Code and shall be restrained at all times when outdoors either through the use of leashes or with private fenced enclosures that comply with provisions contained in §3.6.5(i) below. Under no circumstance shall pets be allowed to roam freely.
- e. **Farm Animals:** Farm animals shall not be permitted in the Rock Creek Canyon project.
- f. **Home Occupations:** Home occupations, subject to standards in the adopted General Plan.
- g. **Open Space:** Open space uses include but are not limited to bike trails, pedestrian and jogging paths, picnic tables and other facilities subject to regulations in the Open Space Development Standards (see §3.6.6).
- h. **Sanitation:** Sanitation facilities, subject to all applicable regulations.
- i. **Water:** Water facilities, subject to all applicable regulations.
- j. **Solar:** Solar facilities, subject to all applicable regulations.

3.6.4 USES PERMITTED SUBJECT TO DIRECTOR REVIEW

The following uses shall be permitted subject to review by the Mono County Planning Director:

- a. **Accessory Uses:** Construction of a new accessory structure prior to construction of the main building.
- b. **Other Compatible Uses:** Any other use that is not permitted by this Specific Plan but is found by the Planning Commission to be compatible with the purpose and objectives of this Specific Plan.

3.6.5 RESIDENTIAL DEVELOPMENT STANDARDS

Rock Creek Canyon is intended as a low-profile community where natural vegetation and topography continue to dominate visual elements. To achieve this goal the following residential development standards shall apply:

- a. **Minimum and Maximum Lot Area:** 28,000 sf net. There shall be no maximum lot area.
- b. **Minimum and Maximum Number of Residential Lots and Bedrooms:** A maximum of 12 residential lots and 51 bedrooms (in aggregate) are permitted by this Specific Plan. There shall be no minimum number of residential lots or bedrooms.
- c. **Building Lot Widths and Depths:**
 - i. Building lot widths in the Final Map shall substantially comply with the Tentative Map shown in this Specific Plan.
 - ii. Building lot depths in the Final Map shall substantially comply with the Tentative Map shown in this Specific Plan.
- d. **Lot Coverage:** Lot disturbance areas shall be as shown on the Tentative Map, but maximum lot coverage shall not exceed 40% on any lot.

- e. **Building Height Limit:** 35 feet above the preconstruction existing grade⁶ at any given point of the site, inclusive of all utilities and ornamentation.
- f. **Minimum and Maximum Living Area:**
 - i. Lots 1-12 shall have a minimum living area of 1,500 sf and no maximum living area provided the development is consistent with applicable setbacks and building envelopes.
 - ii. A maximum number of 51 bedrooms shall be permitted on the site in total; the bedrooms shall be allocated as shown in Specific Plan §3.6.5(s).
 - iii. No secondary unit may exceed a total living area of 750 sf.⁷
 - iv. Garages may be detached or attached to the main structure.
 - v. Secondary units may be constructed as attached units, or above the garage, or as detached units.
- g. **Maximum Landscape Coverage:** All landscaping shall be located outside of the 30-foot creek setback area. Landscaping is permitted on Lots 7-12 within the designated disturbance area provided that such landscaping does not result in impervious surfaces. On Lots 1-6, landscaping coverage shall not exceed 40% per County standards.
- h. **Setbacks:**⁸
 - i. All setbacks shall at a minimum comply with requirements of the California Dept. of Forestry, as adapted by the County of Mono, for designated State Responsibility Areas (which include all of Mono County).
 - ii. Lots 1-6 shall have setbacks as follows: minimum 30-foot setback from the top of the bank of Lower Rock Creek, minimum 20-foot setback from the edge of the internal roadway, and a minimum 15-foot side-yard and/or rear-yard setback.
 - iii. Lots 4-6 shall have a minimum 10-foot setback from the small irrigation ditch.
 - iv. All lots shall comply with Mono County standard setbacks from the septic leach fields.
 - v. In lieu of setbacks, Lots 7, 9, 10 and 12 shall have a single defined building envelope as shown in Exhibits 3-7 and 3-8; all structural improvements on these lots (7, 9, 10 and 12) shall be confined to the defined building envelopes.
 - vi. County setback standards shall apply to Lot 8,
 - vii. For Lot 11, two defined building envelopes have been identified including a primary building area on the west side of Lower Rock Creek with a 7,200 sf envelope, and an alternate building area on the east side of Lower Rock Creek with a 11,200 sf building envelope. Unrestricted development on the west-side building envelope shall be permitted only if the connecting bridge is improved to meet applicable standards of the County and the California Department of Forestry and Fire Protection (CalFire). If the bridge does not comply with County and CalFire standards, the garage for lot 11 vehicles must be constructed on the east side of Lower Rock Creek. In either case, the total area of the building envelope may not exceed 1.01 acres. The future lot buyer/owner shall decide which envelope(s) will be used for home and garage construction, at which time all area remaining in the building envelope will be void. Only one primary residence may be built on each lot, including Lot 11.
 - viii. For all lots, and with the exception of roads, utility lines, existing structures and hallway corridors located on Lots 10 and 11, no structures shall be allowed within 30-feet of the bank of Lower Rock Creek (please also refer to the additional creek protections contained in Specific Plan §3.6.7).
- i. **Fencing:** Fencing shall be in accordance with applicable Mono County standards.
 - i. Residential fencing shall be a maximum of 6 feet high and constructed of three wood rails. Rock may be used only on the fencing posts. 'Trex'-type lumber may be used, but neither all-plastic lumber nor chain link fencing shall be permitted. Fences shall not be painted. Pet restraints shall be provided in accordance with §3.6.5(o) for domestic animals.
 - ii. Fencing for utility systems shall be optional.
 - iii. Fencing shall not be placed so as to restrict access to public lands, and there shall be no blocking of any extensions of right-of-way easements.
 - iv. No fencing shall be permitted outside of designated building setback or disturbance areas except that Lots 6, 7 and 8 shall be permitted to install privacy fencing along lot boundaries that directly adjoin the Lot A public parking lot, and/or the restored historic fishing cabin (see §3.6.8.11 for discussion of this cabin), and/or Lower Rock Creek Road, provided that such privacy fencing may not be placed in such a manner as to block public view of the façade of the historic lodge that will be restored and converted to a private residence on Lot 8.
 - v. Fencing that was constructed on Lot 9 prior to approval of this Specific Plan shall comply with all applicable regulations in effect at the time the fencing was constructed.
- j. **Recreational Amenities:**
 - i. Recreational amenities including decks, arbors, gardens, BBQ facilities, athletic areas, game fields and other similar facilities shall be permitted within the building envelope for each lot, provided such amenities

⁶ Defined as existing natural grade plus or minus grading required for street construction.

⁷ Note: this varies from *General Plan* standards which state that secondary units shall have a 600 sf maximum living area.

⁸ The project site is in a designated State Responsibility Area with mandatory side and rear yard setbacks of 30-feet; the setbacks may be reduced only through formal exception procedures established by the California Department of Forestry. (Source: GPLUE II-11)

comply with applicable agency codes and regulations. Recreational amenities that do not involve impervious surfaces are also permitted within designated disturbance areas.

ii. Fire rings shall be permitted as recreational amenities within the building envelope for each lot subject to provisions in this section. No fire ring may exceed an outside diameter of 6 feet. Only natural gas logs may be burned in the fire ring. The burning of plastic materials, garbage, green wastes, hazardous materials and any materials other than natural gas logs shall be prohibited. The fire ring must be made of solid construction materials. The fire ring must be separated by a minimum distance of 20-feet from combustible materials (including overhanging trees) and from the canyon walls of Lower Rock Creek.

k. Roofing:

- i. All structures in Rock Creek Canyon shall be required to have a 50-year fire resistant composition roof.
- ii. The minimum roof pitch on all new structures shall be 6:12.

l. Garages:

- i. Each lot may have only one garage with a maximum capacity for three cars.
- ii. Garages may be attached or detached from the main residence.
- iii. A secondary unit may be constructed as a second-floor living unit over a detached garage, provided that the structure conforms to the maximum 35-foot height limit, the maximum bedroom limit shown in Table 3-4, and the 6:12 roof pitch.

m. Energy and Water Conservation: All project elements shall be subject to current building code standards, and all new project elements shall comply with Energy Star requirements. Additionally, all residences within Rock Creek Canyon will be strongly encouraged to comply with the minimum (or higher) standards for LEED certification though LEED certification shall not be required.

n. Solar systems: Individual attached or detached solar systems are permitted and may be installed by parcel owners on all lots. Solar elements shall comply with all applicable standards and building code requirements.

o. Pet Restraints:

- i. When outdoors on a private lot, domestic animals shall at all times be leashed or restrained with fencing that incorporates a wire mesh into the 3 wood rails allowed in §3.6.5.i(i) above.
- ii. Dogs shall at all times be restrained on leashes when outside of the owners' private property.
- iii. Under no circumstances shall domestic animals be allowed to roam freely.

p. Solid Waste Management: The CC&Rs shall provide information about waste management and disposal, including options for private individual trash and recycling services.

q. Subdivision: Following approval of this Specific Plan no lot within Rock Creek Canyon may be further subdivided.

r. Deer Protection: A qualified wildlife biologist who is familiar with local deer herds shall be present, on a schedule to be determined by the biologist, to monitor any heavy construction work (grading operations, structural foundation work, framing work and similar heavy construction activities) that is conducted during the period between October 1 to May 15 to minimize disturbance to migrating and wintering deer. The biologist shall have the authority to halt construction operations until construction can resume without disturbing deer migration. The biologist shall be hired by and report to the County until this requirement is fulfilled. Additionally, the HOA shall provide informational handouts to Rock Creek Canyon lot owners concerning Round Valley mule deer herd habitat and migration patterns.

s. Secondary Units and Maximum Allowed Bedrooms.

- i. The onsite septic system is designed to treat a total daily flow of 7,650 gallons. To ensure that residential development within Rock Creek Canyon complies with the septic system design parameters, specific guidelines have been developed to govern the maximum number of bedrooms allowed on each residential lot, as shown in Table 3-4 below:

**Table 3-4
MAXIMUM NUMBER OF BEDROOMS TO BE PERMITTED
ON EACH RESIDENTIAL LOT INCLUDING PRIMARY & SECONDARY UNITS COMBINED**

LOT NUMBER	NUMBER OF BEDROOMS
1	5
2	5
3	5
4	4
5	4
6	4
7	4
8	4
9	4
10	4
11	4

12	4
TOTAL	51

- ii. Location of Allowed Bedrooms: Each residential lot shall have the option to include the total number of permitted bedrooms (as specified in Table 3-4) as part of the primary residence, or to develop up to one (but no more than one) of the bedrooms as part of an attached or detached studio unit. Under no circumstances may more than 51 bedrooms be permitted in aggregate on the Rock Creek Canyon site.
- iii. Secondary Unit Size: Where constructed, secondary units shall have living areas up to but not greater than 750 sf.
- iv. If a property owner combines two or more lots, that owned shall be entitled to build up to the cumulative total number of bedrooms for the combined lots.

3.6.5.1 Residential Landscaping and Screening

Landscaping is intended to maintain a sense of continuity with the surrounding lands and to complement native plant materials. The following standards and requirements shall apply:

- a. **Plant Palette:** A plant palette shall be developed, based upon the County’s standard plant palette, with a list of all plant materials that are permitted within the Rock Creek Canyon project. This palette shall consist of plant materials that are native to the Mono County region and have value to native wildlife, and non-native species that are compatible with native plant materials, have low propagation characteristics, and are drought tolerant. The plant palette shall prohibit all other plant materials, and shall specifically prohibit any plant materials that are known to be invasive. The HOA shall provide a copy of the plant palette to all lot owners at the time of purchase, and shall be responsible for enforcement of the plant palette within individual lot landscaping.
- b. **Landscape Irrigation:** Permanent irrigation on residential lots shall be limited to (a) standards set by Mono County, or (b) a maximum 20% of lot area (whichever is more restrictive), and shall be confined to land in the approved setbacks and disturbance areas. Smart timer irrigation systems are required on the residential lots to minimize irrigation water demand.
- c. **Landscape Maintenance:** The HOA shall ensure that all landscaping is maintained in a neat, clean, and healthy condition, with proper pruning, mowing, weeding, litter removal, fertilizing, replacement, and irrigation as needed.
- d. **Protections for Native Vegetation:** Notwithstanding current fire safety and habitat protection laws and regulations, property owners shall be prohibited from clearing native vegetation except within the designated building envelopes and setback lines.
- e. **Landscape Clearance for Road Visibility:** The landscape maintenance plan for Lots 6 and 8 (both of which adjoin the project access entrances) shall require that tree branches and vegetation on each side of the project access entrances be trimmed in a manner that optimizes the visibility of Lower Creek Road traffic approaching the roadway curves. Trimming and clearance activities shall be suspended during the bird nesting season each year (March 15 to September 15). The HOA shall be responsible for ongoing compliance with this requirement.
- f. **Landscape Mitigation Measures:** The HOA shall be responsible for enforcement of landscape mitigation measures contained in the project EIR including (i) avoidance of water birch riparian scrub vegetation, (ii) retention of big sagebrush scrub vegetation, (iii) avoidance of stream encroachment, (iv) control of exotic trees, (v) control of *Vinca major* plants on the project site, (vi) landscape monitoring to ensure compliance with the permitted plant palette, and (vii) trimming to ensure visibility for Lower Rock Creek Road traffic. The HOA shall be responsible for notifying the California Department of Fish and Game and applying for a 1600 Streambed Alteration Agreement if any work is proposed to occur within the stream or the within the bed, bank, channel or riparian corridor within the water birch riparian scrub community.
- g. **Maximum Landscape Coverage:** As provided in Specific Plan §3.6.5(g), all landscaping shall be located outside of the 30-foot creek setback area. Landscaping is permitted on Lots 7-12 within the designated disturbance area provided that such landscaping may not result in impervious surfaces. On Lots 1-6, landscaping coverage shall not exceed 40% per County standards.

3.6.5.2 Residential Building Materials and Colors

The following discussion of residential building materials and colors is intended to provide guidelines that will ensure a reasonable level of continuity and facilitate overall desirable appeal while preserving a diversity of design. The guidelines are not intended to discourage creativity or individual style, but rather to offer a method of protecting the overall integrity of the community and individual owner’s investments. Deviations from the guidelines contained herein must be approved by the Rock Creek Canyon HOA.

- a. **Roofs:** Roofs must meet County fire codes and must feature dark, earth tone colors and non-reflective materials except if using fully integrated solar roofing. Acceptable roofing types include 50-year composition shingle, dark tile and slate. Other types of roof must be approved by the Rock Creek Canyon HOA. Sky lighting is acceptable if integrated into the roof.

- b. **Driveways:** All driveways shall be paved with materials that are typical to the area such as concrete, pavers, asphalt, brick and stone. Use of 'turf stone' and/or other runoff-reducing materials is encouraged.
- c. **Siding:** All siding materials shall meet current fire and building codes. Allowed siding material shall consist of natural wood that may be stained but not painted or otherwise covered, and natural unpainted rock. Wood stain colors shall be approved by the Rock Creek Canyon HOA. Rock must be used on no less than 10% of the exterior, and no more than 50% of total siding exterior. Light-hued stains, solid paint colors, stucco, vinyl, lapboard and other siding with seams shall not be acceptable.
- d. **Residential Design:** Homes must be built of conventional wood (including log or timber). Modular construction and exposed steel construction are not allowed, but other atypical construction may be permitted subject to approval by the HOA, provided it is consistent with other homes in the subdivision. Mountain, ranch and craftsman style architecture is encouraged as well as use of LEED certified materials and practices and other environmentally "green" materials and concepts including passive solar and water conservation techniques. This section outlines the basic architectural guidelines to be enforced by the HOA. Colors or color patterns not found acceptable to the Rock Creek Canyon HOA shall be subject to change at the cost of the owner. The CC&Rs will provide a more complete set of guidelines.
- e. **Color Themes:** Building and architectural color themes shall emphasize darker earth tones and materials found in the natural surroundings. No solid colors shall be permitted. All color themes shall require approval by the Rock Creek Canyon HOA, and a color board will be required for each individual lot submittal at the building permit stage.

3.6.5.3 Residential Lighting Standards

- a. **Code Compliance:** All outdoor lighting within the Rock Creek Canyon project shall comply with requirements set forth in Chapter 23 of the Mono County General Plan, the Dark Sky Ordinance.
- b. **No Street Lights:** No standard street lights shall be permitted within Rock Creek Canyon.

3.6.5.4 Non-Conforming Uses

- a. **Nonconforming Uses Allowed.** Certain non-conforming uses shall be permitted in Rock Creek Canyon. The permitted nonconforming uses shall be limited to (a) covered corridor connections between the cabins and the primary residences on Lots 10 and 11, and (b) two enclosed decks on the primary residence on Lot 9.
- b. **No net increase.** The permitted nonconforming uses shall not result in a net increase in square footage within the 30-foot setback from Lower Rock Creek.
- c. **Nonconforming Uses on Lots 10 and 11.** The property owner(s) (whether current or future) of the two existing cabins located on Lot 10 and the two existing cabins located on Lot 11, may not demolish and then rebuild said structures, or expend more than 50% of the market value of said structures in their reconstruction, without the Board approving an amendment to the Rock Creek Canyon Specific Plan.
- d. **No Precedence.** In the event that a variance is sought by any owner of property within the Rock Creek Canyon Specific Plan area pursuant to Chapter 33 of the Mono County General Plan, seeking approval for construction within the 30-foot stream setback other than as approved in the Specific Plan, the decision maker shall not consider as precedent the approvals granted for Lot 9 in determining whether the approval of such variance would constitute a special privilege inconsistent with the limitations upon other properties in the vicinity.
- e. **Replacement Procedures.** Permitting replacement of non-conforming structures within the Rock Creek Canyon Specific Plan area that are destroyed by any cause, whether by acts of nature or acts of man, shall require a specific plan amendment if any part of reconstruction exceeds existing permitted construction pursuant to the Specific Plan.
- f. **Nonconforming Decks on Lot 9.** Notwithstanding anything shown on exhibits within the Approval, the approval related to the enclosing of decks on Lot 9 does not permit any expansion to the decks' footprint, or new perimeter foundations to be constructed in relation to such expansion.

3.6.6 OPEN SPACE DEVELOPMENT STANDARDS

- a. **Trail Access:** To facilitate public use of Lower Rock Creek Trail, a permanent trailhead access easement shall be provided. The private access route for Lots 8-12 shall serve as the trailhead access easement, linking the dedicated trailhead parking lot with the BLM lands to the north. The road will be paved and maintained only to the end of the cul-de-sac.
- b. **Trailhead Parking and Signage:** In addition to the paved public trail access road, a public parking area shall be provided on Lot A, located directly west of Lot 8. This public parking area will be offered for dedication to the County but maintained by the HOA for use by trail users, project residents who participate in ride-share programs, and public agencies taking access to area facilities. Trail access signage shall be provided in accordance with provisions in the Master Sign Plan (see Specific Plan Appendix B). Access to Lot 7 shall be taken from the north end of this trailhead parking lot.
- c. **Parking Restrictions:** Because Lower Rock Creek Road has limited line-of-sight in the project area, on-road or shoulder parking along Lower Rock Creek Road will not be permitted after the Lot A trailhead parking lot is

completed and available for public use. 'No parking' signs will be posted along the entire length of the road right-of-way that adjoins the project boundaries (see Specific Plan §3.6.8.1(b) for additional discussion of these restrictions).

- d. **Creek Access:** The public shall not be permitted to fish, swim or engage in other public uses on any part of Lower Rock Creek that crosses private lots within Rock Creek Canyon. Public stream access and recreational use shall be permitted on the 5.7-acre Open Space remainder parcel on the project site, and shall continue to be available on public lands located directly adjacent to the site on the south and north. A public access easement and trail shall be provided between the Trailhead Parking Lot and the 5.7-acre Open Space remainder parcel, subject to provisions contained in Appendix C (Master Trail Plan).
- e. **Motorized Vehicles:** Apart from vehicles owned by project residents and vehicles used by authorized public agencies, no motorized vehicles or parking shall be permitted on private roads within Rock Creek Canyon.
- f. **Historic Ditch Conservation Easement:** A conservation easement shall be maintained in perpetuity along the alignment of the ditch located on the western hillslope above the Rock Creek Terrace and skirting the western edge of Lots 1, 2 and 3 of the Rock Creek Parcel Map. The perimeter of the easement shall be fenced to further protect the ditch, and the Homeowners Association shall be responsible for ensuring that the fence is at all times maintained in good condition.
- g. **Pedestrian Trail:** Pedestrian access to the Open Space Parcel shall be governed by a Master Trail Plan as outlined in Specific Plan Appendix C.

3.6.7 CREEK PROTECTION STANDARDS

It is the express intent of this Specific Plan that all activities on the project site (including but not limited to new construction, modifications to existing structures, operational and maintenance activities, and activities associated with long-term residential occupancy through the life of the project) shall be conducted in a manner that provides full protection to sensitive riparian areas and waters of the State of California. To eliminate the possibility of any new impacts to sensitive riparian areas and Waters of the State of California as defined by the California Department of Fish and Game (DFG) and by the State Water Resources Control Board (SWRCB), all such activities shall be required to meet the requirements listed below. Since these activities may require a Lake or Streambed Alteration Agreement, each lot owner shall be responsible to notify DFG prior to commencement of any activity that will substantially divert or obstruct the natural flow or substantially change the bed, channel, bank, or associated riparian resources of a river or stream, or use material from the streambed. This includes any work on top of the creek bank, stream crossings of any kind, and disturbance of any riparian vegetation and trees:

- a. **No Encroachment:** During initial construction and subsequent maintenance and occupancy over the life the project, there shall be no encroachment of ground-disturbing equipment or activities beyond the top of the creek bank nor shall any spillback be permitted beyond the top of the creek bank.
- b. **Utilities and Site Improvements:** Site improvements and utilities to serve all lots (including utility stubs) shall be constructed in locations that do not require an at-grade stream crossing in order to extend service. If a stream crossing is required in order to complete a site improvement or extend service to any lot, these new extensions shall be extended with the use of a trenchless construction technology that meets local code standards and also complies fully with the requirements of Condition 3.6.7(a) above.
- c. **Riparian Vegetation and Tree Trimming:** Under all conditions and for all activities, disturbance of riparian vegetation shall be avoided to the maximum feasible extent. Tree canopies may be trimmed but under no circumstances will bank-stabilizing vegetation be completely removed.
- d. **Open Space Lot:** Uses permitted on the 5.7-acre Open Space lot include public access, existing LRCMWC facilities, and future LRCMWC facilities and improvements as needed to service the site and community. Any future uses of the open space lot shall comply with applicable provisions of this Specific Plan including the provisions contained in 3.6.7 (a), (b) and (c) above.

3.6.8 INFRASTRUCTURE DEVELOPMENT STANDARDS

3.6.8.1 Access, Transportation and Parking

a. Street Standards

- i. Two interior roads shall be provided in Rock Creek Canyon: Lower Canyon Road shall serve lots 1-6, and Upper Canyon Road shall serve Lots 8-12. Both roads shall be privately owned and maintained. As noted in §3.6.6(b) above, access to Lot 7 shall be taken from the north end of the trailhead parking lot.
- ii. Interior roads shall be paved, privately owned and maintained, and improved to County standards. The streets shall be maintained as private streets if the County does not accept the offer of road dedication. Both interior streets will be gated; access shall be limited to residents and their guests as well as authorized agency and service providers (water, police, fire, BLM, etc.).
- iii. The Subdivision Map shall require appropriate dedications for rights-of-way and/or easements for project streets, utilities, drainage, snow storage, etc. in conjunction with each implementation phase.
- iv. Both private roads shall meet or exceed minimum Fire Safe Standards. The Homeowners Association shall be identified as the entity responsible for road maintenance prior to Subdivision Map recordation.

- v. Both private roads serving Rock Creek Canyon shall have a minimum overall right-of-way of 20 feet. Two travel lanes shall be provided, with one lane for each travel direction. Each of the two lanes shall have a minimum paved width of 10 feet with a minimum 2-foot wide paved shoulder.
 - vi. Access points, street crossings, stop signs, barrier posts, and other signs, markings, and measures shall be installed in accordance with County standards and Fire Department regulations.
 - vii. Interior road slopes shall not exceed a maximum slope gradient of 15%, and shall not exceed a maximum lateral gradient of 3%.
 - viii. Each private road serving Rock Creek Canyon shall have one public access onto Lower Rock Creek Rd.
 - ix. Lot owners shall be required to obtain all required agency permits and approvals for the construction of a private driveway. Permitting agencies may include the County, the Department of Fish and Game, and/or other agencies as necessary. Private driveways shall be constructed in conjunction with the primary residence.
 - x. No motorized vehicles shall be allowed on the interior private roads except for vehicles owned by residents, PFPD, Mono County, LRCMWC, BLM and other agencies and utilities serving the site or surrounding public lands.
- b. Parking Standards within Rock Creek Canyon**
- i. All parking inside of the Rock Creek Canyon project shall be provided in accordance with Mono County General Plan requirements.
 - ii. On-street parking shall be prohibited, and 'no parking' signs shall be posted along the entire length of Lower Rock Creek Road that adjoins the Rock Creek Canyon project.
 - iii. A new Lot A shall be offered for dedication to the County and maintained by the Lower Rock Creek HOA to provide safe public parking and Lower Rock Creek trailhead access (also see §3.6.8.1(c) below).
 - iv. Driveways shall be paved and designed to minimize grades so that year-round access is assured and on-street parking avoided.
 - v. All RV units, boats, trailers, ATVs, snowmobiles and similar items shall be housed in fully-enclosed private structures that are architecturally compatible with and integrated with the primary residence of the owner, or housed in an attached parking structure that conforms to the architecture and design of the owner's primary residence.
- c. Parking Standards for Lot A**
- i. All Lot A parking shall be paved & improved in accordance with Mono County General Plan requirements.
 - ii. No overnight parking shall be permitted at any time on Lot A; parking shall be allowed only during daylight hours.
 - iii. Lot A may be used for public trailhead access, public picnics, public restroom facilities (if proposed by a public agency in the future), school bus and transit stop, and ride-share or public parking purposes.
- d. Roadway Signage Standards**
- i. Sign standards shall be as outlined in Appendix B (Master Sign Plan).
- e. Traffic Calming Elements**
- i. Traffic Calming elements shall be as outlined in Appendix B (Master Sign Plan).

3.6.8.2 Sanitation Facilities

- a. Sanitation Facility Elements:**
- i. Sanitation facilities shall consist of individual septic tanks to be located and installed by the owner of each lot, except that Lots 8 and 9 do not require septic tanks. Provisions for Lot A are addressed in Appendix D.
 - ii. Effluent from the septic tanks will be conveyed by PVC gravity mains to an existing 10,000 gallon septic tank located on Lot 3.
 - iii. Lots 1, 2, 3, 4, 7, 10 and 11 require sewage pumps and force mains to lift wastewater into the gravity main; Lots 8, 9 and 12 will not require sewage pumps or force mains and can be gravity fed into the gravity main. Lots 5 and 6 may or may not require sewage pumps or force mains depending on the final location of the building pads for these lots.
 - iv. An area equal to one-half the existing leach field will be set aside on Lot 4 as a replacement area to be used temporarily in the event of a failure of the existing leach field.
- b. Standards:**
- i. Technical and operational oversight of the sanitation facilities will be provided by the Mono County Environmental Health Department.
 - ii. The Rock Creek Canyon HOA will be responsible for providing funding as required to maintain and operate the sanitation system.
 - iii. To ensure that onsite development does not exceed the design capacity of the septic system, each residential lot shall comply with the requirements set forth in Specific Plan §.6.5(a) to govern the number of bedrooms permitted.

3.6.8.3 Drainage Facility Standards

a. Standards:

- i. All interior subdivision streets shall be constructed with a roadside ditch or swale and shall include culverts fitted with flared end sections, drop inlets, and other drainage structures as necessary to collect and convey storm waters generated by the 25-year event.
- ii. The off-site discharge of any post-development flow quantities shall be routed through a sediment basin prior to discharge.
- iii. All drainage facilities shall be managed and maintained by a private maintenance entity such as the HOA or a community services district.

3.6.8.4 Solid Waste Disposal Standards

- a. **Disposal Facilities:** Each residential lot owner shall be responsible for providing and using individual trash and recycling receptacles, and for ensuring that the trash and recycling receptacles are stored on the premises until trash pick-up day and returned to the lot on the same day as trash pick-up.
- b. **Standards:** Commercial waste disposal bins obtained for long-term use (rather than short-term construction use) on a private lot shall be stored within a gated bear-proof enclosure. The design and construction materials of the enclosure shall conform to other standards established by this Specific Plan and shall be subject to approval by the HOA.

3.6.8.5 Electrical Service

- a. **Standards:** SCE provides electricity to the project region.
- b. **Connections:** All new onsite power lines will be placed below-grade; existing above-grade lines may remain in their original form and location, or may be placed below-grade.

3.6.8.6 Propane Gas Facilities

- a. **Unified Service:** Gas service to Rock Creek Canyon shall be provided by individual propane tanks on each project lot.
- b. **Emplacement:** All propane service lines shall be buried below-grade.

3.6.8.7 Solar Energy

- a. **System Elements:** Individual attached or detached solar systems are permitted and may be installed by parcel owners on lots 1-12. Solar elements shall comply with County standards and current building code requirements, and may not be placed within the 30-foot setback from the creek bank. Solar system elements may be placed outside of the designated setback and disturbance areas only if the owner demonstrates to the satisfaction of the County that there is no suitable location within the setback and disturbance areas.
- b. **Screening:**
 - i. All reasonable care shall be taken to orient the solar system in a way that prevents light and glare impacts upon surrounding homes, and screening shall be provided to minimize to the extent feasible the visibility of the solar system from view from any abutting lot, street or highway.
 - ii. The design and construction materials of the solar system and appurtenant screening shall conform to applicable provisions of the Fire Department and County Code standards.
 - iii. Conduit and wiring shall be screened from view or painted to blend with the roofing material.
 - iv. Any inverter boxes shall be screened from view or painted to blend with roofing materials.

3.6.8.8 Energy Sustainability

- a. **Energy Sufficiency:** Each primary residence within Rock Creek Canyon will be subject to building code standards current at the time of the permit application, and each primary residence will be strongly encouraged to comply with the minimum (or higher) energy efficiency standards for LEED certification and to comply with Energy Star standards.

3.6.8.9 Water Facilities

- a. **Water Service:** Water service to the site will be provided by Lower Rock Creek Mutual Water Company (LRCMWC). LRCMWC shall determine all required facilities necessary to fulfill water demands in accordance with accepted practice.
- b. **Connections:** Each residential lot shall be permitted a maximum of one water connection regardless of the presence of a secondary unit.
- c. **Conservation:** The Rock Creek Canyon CC&Rs shall require use of water conservation fixtures and devices in all new construction.

3.6.8.10 Construction Best Management Practices

- a. **Best Management Practices (BMPs):** BMPs shall be utilized throughout the construction of project infrastructure to minimize or prevent erosion, sedimentation, and contamination. BMPs shall comply with the special conditions outlined in Draft EIR §5.3,⁹ and shall also include: (1) short-term storage of all construction wastes areas outside the path of storm flows and disposal at a permitted transfer station or landfill; (2) minimizing the footprint of construction zones and prompt installation of erosion controls; (3) stabilizing disturbed soils with landscaping, paving or reseeding to reduce or eliminate the risk of further erosion; (4) perimeter drainage controls to direct runoff around disturbed construction areas; (5) internal erosion controls to allow direct percolation of sediment-laden waters on the construction site; (6) bid specifications that require regular inspection and maintenance of all equipment used during construction; and (7) fencing to ensure that the stream bank and stream bed are not disturbed during construction.

3.6.9 EASEMENTS

3.6.9.1 Existing located easements:

- O.R. 278/26 10-foot utility easement to SCE and Verizon
- O.R. 101/172 10-foot utility line easement to SCE
- O.R. 199/325 6-foot water line easement to LRCMWC
- O.R. 706/127 20-foot water line easement to LRCMWC

3.6.9.2 Existing unlocatable easements:

- O.R. 266/466 maintenance easement for water intake system to LRCMWC
- O.R. 199/372 easement for ingress and egress, pipeline and incidental purposes over the existing road parallel to Lower Rock Creek to LRCMWC
- O.R. 107/16 easement for water pipelines, reservoir, pumping plant system as installed to Lower Rock Creek to LRCMWC

3.6.9.3 Easements:

- Public access easement for adjoining BLM land to the north
- 15-foot easement over LADWP culvert realignment
- 30-foot road and utility easement

3.6.10 OTHER PROVISIONS

3.6.10.1 Integration of Mechanical and Electrical Equipment

With exceptions as noted, the exterior components of plumbing, processing, heating, cooling and ventilation systems, and transformers shall not be visible from any abutting lot, street or highway. Allowed exceptions include the solar systems, roof-mounted swamp-coolers and air conditioners.

3.6.10.2 Antennas

With the exception of individual TV satellite antennas and high speed internet devices (both of which are exempt), dishes, transmitters and antennas shall be allowed subject to approval of the Rock Creek Canyon HOA.

3.6.10.3 Toxic Materials

Unless specifically permitted in this Specific Plan, no toxic materials handling shall be permitted within Rock Creek Canyon except for small quantities of domestic products that are available in retail outlets. Permitted use of toxic materials shall comply with all relevant laws and regulations.

3.6.10.4 Wood-Burning Appliances

All residents, tenants and owners shall be required, through deeds of sale and/or lease agreements, to comply with County and Great Basin United Air Pollution Control District (GBUAPCD) standards for the installation and use of wood-burning appliances (including fireplaces).

⁹ Measures in §5.3 require that (a) construction activities be restricted to the period from May 15 to October 1 (to minimize disturbance to deer), (b) areas disturbed during construction shall be revegetated with native species to establish deer habitat as soon as possible following construction, and disturbed areas shall be revegetated with native seeds and/or native plants grown from seeds or seedlings obtained from local native stock and monitored for 5 years to ensure their success, with replanting if necessary; (c) dogs belonging to construction workers shall be prohibited in the project area during all construction phases.

3.6.10.5 Structural Fire Protection

All structures in Rock Creek Canyon shall comply with current requirements of the Paradise Fire Protection District for structural fire protection. An emergency evacuation plan shall be incorporated into the CC&Rs for residents of Rock Creek Canyon.

3.7 IMPLEMENTING REGULATIONS AND ORDINANCES

3.7.1 CAPITAL IMPROVEMENT PLAN

Project improvement costs, exclusive of land acquisition, are estimated by the project applicant to be \$407,000 (in 2011 dollars). Table 3-5 identifies overall project cost categories and anticipated expenditures.

Table 3-5
ENGINEER'S PRELIMINARY COST ESTIMATE¹⁰

ITEM DESCRIPTION	TOTAL COST
Earthwork & Erosion Control	\$100,000
Paving of Roads and Parking Lot	\$80,000
Drainage Improvements	\$20,000
Water System Improvements	\$100,000
Septic Sewer System Improvements	\$40,000
Electric/Phone/Cable System	\$30,000
10% Contingency Factor	\$37,000
TOTAL CAPITAL COST	\$407,000

3.7.2 FINANCING MEASURES

All capital improvements and project elements will be privately financed. No public funds will be used in planning, construction, operation or maintenance of any common Rock Creek Canyon improvements or facilities. [Note: individual lot owners and/or homeowners may seek funding assistance for solar systems, energy efficiency, improvements or other project elements.]

3.7.3 PHASING PLAN

Site improvements will be completed in two phases. During the first phase, encroachment permits will be issued to allow improvements along Lower Rock Creek Road including Lot A and Lots 6 and 8, improvements will be completed to serve the lots located south of Lower Rock Creek Road, and some improvements will be made to the permitted nonconforming uses on Lots 9, 11 and 12. The second phase will focus on improvements to serve the lots located north of Lower Rock Creek Road (including the public trailhead parking lot). Improvements to be completed by the developer include the construction of roads and parking areas, and all infrastructure including water, sanitation, power, and communication facilities. Residential lot grading and building improvements will be the responsibility of future lot owners and phased in accordance with lot sales and the plans of individual buyers.

3.7.4 SUBSEQUENT DEVELOPMENT ENTITLEMENTS REQUIRED

Discretionary actions required to implement the Rock Creek Canyon project were outlined in EIR Section 2 (see Table 2-1), and include approvals by Mono County (lead agency), the California Regional Water Quality Control Board—Lahontan Region, and the Great Basin Air Pollution Control District. Additionally, the California Department of Fish and Game is a trustee agency for the project, with responsibility for review and comment on environmental documentation pertaining to trust resources.

3.7.5 COUNTY ORDINANCES #06-06 AND #11-07 WORKFORCE HOUSING REQUIREMENTS

During 2006, the County adopted an ordinance establishing workforce housing mitigation requirements for most types of new development within the County. For residential development projects, the Ordinance requires that one workforce housing unit be provided for every ten market-rate lots or housing units developed, and requires that the inclusionary units comply with all General Plan criteria governing size, design, and location. Additionally, the Ordinance requires that 20% of the lots be deed-restricted for construction of a secondary ('granny') unit, and applicants are required to pay a fractional fee for partial increments.

¹⁰ Source: Triad/Holmes Associates, 30 June 2009; all numbers rounded to nearest 100.

In accordance with Ordinance #06-06, the Specific Plan initially provided for twelve market rate lots that will be constructed by individual lot buyers according to a timeline established by each individual lot buyer, plus one workforce family lot (on Lot 9A) that would be constructed by the project applicant. In addition, two of the twelve market-rate residential lots (Lots 8 and 9) were proposed to be deed-restricted to include a secondary unit, And a third secondary unit was to be permitted on lot 7, 10 or 11, with no more than three secondary units to be allowed within the project. The initial proposed workforce housing plan (as outlined above) was one of three options outlined by the project applicant for consideration by County staff and decision makers. The three options are outlined below:

- *Affordable Housing Option A: Under this option, which is the proposal outlined in the Project Description, one workforce housing lot (Lot 9A) would be provided for sale to an eligible buyer, deed-restricted secondary units would be provided on two Lots (8 and 9; note that the project applicant owns Lot 9 and has already constructed the primary and secondary units on this lot), and the applicant would pay to the County a fee of \$59,082. Option A is consistent with the County's Housing Ordinance requirements.*
- *Affordable Housing Option B: This option does not incorporate a workforce housing lot, but instead provides for 4 deed-restricted secondary units with payment of supplemental fees in the amount of \$59,082 As envisioned, the current workforce housing parcel (Lot 9A) would be merged into Lot 9 to form a single 2.49-acre parcel, and the 4 deed restricted units would be provided on lots 7, 8, 9, and 10.*
- *Affordable Housing Option C: Option C incorporates a total of 5 deed-restricted secondary units, with no fee payment and no workforce housing lot. As envisioned in this option, the current workforce housing parcel (Lot 9A) would be merged into Lot 9 to form a single 2.49-acre parcel, and the 5 deed restricted units would be provided on lots 7, 8, 9, 10 and 11.*

In every instance, the deed-restricted secondary units were to remain in perpetuity as part of the lot on which they are located with no possibility of subdivision or future sale as individual housing units.

In its deliberations as part of the December 2010 project approval, the Board of Supervisors did not select any of the options above. The Board did eliminate the requirement for an affordable home on Lot 9A (Lot 9A was thereafter deleted from the tentative map) and the applicant was instructed to return to the Board with a proposed Housing Mitigation Plan in accordance with the Housing Mitigation Ordinance.

Subsequent to the December 2010 approval (but before the applicant returned to the Board with a proposed Housing Mitigation Plan) the Board acted to temporarily suspend all housing mitigation requirements for a period of two years.¹¹ The applicant then modified the housing plan such that each residential lot would have the option to construct up to (but no more than) the total number of permitted bedrooms specified in Table 3; all of the bedrooms could be constructed as part of the primary residence, or up to one (but no more than one) of the bedrooms could be constructed as part of an attached or detached studio unit. The total maximum number of bedrooms (51) was unchanged from the previous design. These provisions will apply if the Final Map for Rock Creek Canyon is approved prior to expiration of the temporary suspension of housing mitigation requirements (i.e., before July 15, 2013). If the Final Map is not approved during the temporary suspension period, then the applicant would be required to submit a Housing Mitigation Plan in accordance with the Housing Mitigation Ordinance #06-06, consistent with requirements set forth by the Board of Supervisors in the December 2010 Specific Plan approval.

3.8 SPECIFIC PLAN ADMINISTRATION AND FINANCING

3.8.1 SPECIFIC PLAN FEES AND FINANCING

CGC §65456 allows a legislative body to impose a charge on persons seeking approvals required to be consistent with an adopted specific plan. Consistent with this provision, Mono County has adopted a fee schedule for processing and review of Specific Plan documents. All required fees have been paid.

3.8.2 SPECIFIC PLAN AMENDMENT PROCEDURES

3.8.2.1 Major Amendments: The process of amending a Specific Plan is generally the same as that for a General Plan. Accordingly, the County or the owner or owners of any single lot or lots within Rock Creek Canyon may initiate an amendment to this Specific Plan. Major amendments must be approved by the Planning Commission and the Board of Supervisors, and must follow the procedures outlined below:

- a. The amendment shall be in accordance with CGC §65500-65507, and Mono County Code §19.46.
- b. The amendment shall be in compliance with CEQA requirements.
- c. Modifications to the subdivision plan after approval of Tentative Tract Map #37-59 shall be in accordance with the California Subdivision Map Act and Mono County procedures for implementation of the Map Act.

¹¹ Ordinance Number ORD11-07, *An Ordinance of the Mono County Board of Supervisors Adding Section 15.40.170 to the Mono County Code, Temporarily Suspending All Housing Mitigation Requirements*, adopted 14 June 2011.

3.8.2.2 Minor Modifications: Minor modifications to the Specific Plan may be approved by the Community Development Director. Minor modifications may include changes in architectural colors or details, minor modifications to the street layout or public facility improvements, minor changes to utility placement or layout, minor changes to trail placement, as well as minor modifications to the subdivision plan (such as lot line adjustments) and other similar changes. Minor modifications to the subdivision plan, such as lot line adjustments, 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 and exempt from CEQA requirements.

3.9 SPECIFIC PLAN ENFORCEMENT

3.9.1 GENERAL PROVISIONS

The Rock Creek Canyon Specific Plan is the governing document for all land uses within the Rock Creek Canyon project. If any conflict arises between the requirements of the Conditions of Approval, the Mitigation Monitoring and Reporting Program, and/or the Specific Plan in the course of implementing the Rock Creek Canyon project, this Final Specific Plan shall prevail.

3.9.2 SUBDIVISION REQUIRED

No development of the property shall occur, nor shall any permit related to such development (e.g., building permit, grading permit) be issued unless and until the property is subdivided in accordance with this Specific Plan.

3.9.3 HOMEOWNERS' ASSOCIATION (HOA)

A Homeowners Association shall be formed to represent all lot owners in Rock Creek Canyon. Among other duties to be outlined in the governing documents, the Homeowners Association shall be responsible for the following:

- a. Enforcement of provisions contained in the CC&Rs and in this Specific Plan.
- b. Election of an Architectural Committee that will review all plans for each lot within Rock Creek Canyon, including building materials, color schemes, and landscaping, and ensure that public and private structures are maintained in good condition over the life of the project.
- c. Maintenance of all common facilities and resources including the interior roads, the septic system and leach field, private components of the water system, the solar system, television dishes and transmitters and antennas, trash enclosures, public and private trails, public access and parking areas, snow removal and snow storage, common area landscaping elements, and other facilities.
- d. Compliance with applicable laws, regulations and standards established by agencies with jurisdiction over project resources including Mono County, the Paradise Fire Protection District, the Department of Fish and Game, the Lahontan Regional Water Quality Control Board (LRWQCB), LRCMWC, Great Basin United Air Pollution Control District, and any other duly authorized public agency.
- e. Preparation and distribution of handouts for new lot buyers including information for landscaping, deer and wildlife protection; enforcement of applicable plant and wildlife mitigation measures and specific plan requirements including avoidance of water birch riparian scrub vegetation, retention of big sagebrush scrub vegetation, avoidance of stream encroachment, control of exotic trees, control of *Vinca major* plants on the project site; and landscape monitoring to ensure compliance with the permitted plant palette.
- f. Maintenance of the Trailhead Parking Lot (Lot A)
- g. Maintenance of the permanent Open Space lot for public use if no public agency accepts the offer of dedication.
- h. Responsibility to ensure that all landscaping is maintained in a neat and healthy condition and in compliance with applicable requirements of the County, the Calif. Dept. of Fish and Game, and other resource agencies.
- i. Responsibility to ensure that tree branches and vegetation on each side of the project access entrances be trimmed at all times in a manner that optimizes the visibility of Lower Creek Road traffic approaching the roadway curves.
- j. Provision of funding as needed for ongoing septic system maintenance and operation.
- k. Operation and maintenance of the onsite drainage system.