

# Memorandum

To: CHAIR AND COMMISSIONERS

CTC Meeting: January 19-20, 2011

Reference No.: 2.2c.(11)  
Action

From: BIMLA G. RHINEHART  
Executive Director

Subject: **Final Environmental Impact Report for the Anaheim Regional Transportation Intermodal Center (ARTIC) (Resolution E-11-11)**

**ISSUE:** Should the Commission, as a Responsible Agency, accept the Final Environmental Impact Report (FEIR), Findings of Fact and Statement of Overriding Considerations for the Mono County General Plan Update (General Plan) and approve the Bridgeport Streets Rehabilitation Project (project) for future consideration of funding?

**RECOMMENDATION:** Staff recommends that the Commission accept the FEIR, Findings of Fact and Statement of Overriding Considerations for the Mono County General Plan Update and approve the project for future consideration of funding.

**BACKGROUND:** Mono County (County) is the CEQA lead agency for the FEIR. The FEIR is a programmatic document and the foundation for approval of subsequent development to guide future land uses for County residents and visitors. The General Plan allows for a potential maximum build out of 121,829 dwelling units in the unincorporated area, and a potential maximum population of 305,790 persons. The General Plan contains 12 elements which were adopted on an element-by-element basis.

On March 29, 1993, the County approved the FEIR and adopted Findings of Fact and a Statement of Overriding Considerations for the General Plan. The FEIR identified certain impacts related to vegetation, wildlife, visual, traffic and noise that cannot be reduced to a less than significant level after mitigation. Specifically, the County found that implementation of the General Plan Update could result in conversion of vegetation to impermeable surfaces and related secondary water quality impacts; reduction or alteration of open spaces and degradation of scenic resources and views; increased traffic that could impact highways and local roads; increased in people exposed to natural hazards such as avalanches, volcanic episodes, earthquakes, floods and fires; reduction and increased disturbance to wildlife habitat; and construction impacts. The County found that there are economic, social and other considerations resulting from the project that serve to override and outweigh the project's unavoidable significant environmental effects, and thus, the adverse unavoidable effects are considered acceptable.

On November 14, 2000, the County certified a Supplement to the FEIR and certified a Environmental Impact Findings and Land Use Amendment (Amendment). The Amendment was prepared to provide one integrated document that governs land use in Mono County and ensures consistent application of policies and regulations. With the exception of additional mitigation

measures to reduce or avoid potential impacts, no new or more severe significant environmental impacts from implementing the project as compared to the previously adopted FEIR were identified. The Amendment concluded that all significant effects on the environment will be eliminated or substantially lessened where feasible and determined that the remaining unavoidable significant effects are acceptable due to the overriding considerations adopted in the 1993 FEIR.

The Bridgeport Streets Rehabilitation project proposed for the rehabilitation of existing roadways in the community of Bridgeport to provide for installation of sidewalk, curb and gutter, is included in the General Plan. The County completed an environmental analysis for the project in accordance with CEQA Section 15183. Based on this environmental analysis, in April 2008, the County concluded that further project level environmental analysis is not required to ensure compliance with the requirements of CEQA. All environmental impacts of the project were addressed through the Mono County General Plan Update FEIR certified on March 29, 1993, and the Supplemental FEIR certified on November 14, 2000.

The project is fully funded in the STIP and is estimated to cost \$2,127,000. Construction is estimated to begin in 2011. On December 6, 2010 the County confirmed that the FEIR covers the project level scope of work that is programmed in the STIP and there are no new impacts that require mitigation and the FEIR and Supplement remain valid.

#### Attachments

- Resolution E-11-11
- Statement of Overriding Considerations
- Project Location

# CALIFORNIA TRANSPORTATION COMMISSION

## Resolution for Future Consideration of Funding 09 – Mono County Resolution E-11-11

- 1.1 **WHEREAS**, Mono County (County) has completed a Final Environmental Impact Report pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines for the following:
  - Mono County General Plan Update
- 1.2 **WHEREAS**, the County has certified that the Final Environmental Impact Report has been completed pursuant to CEQA and the State CEQA Guidelines for its implementation; and
- 1.3 **WHEREAS**, the Bridgeport Streets Rehabilitation Project is proposed for the rehabilitation of existing roadways in the community of Bridgeport to include pavement overlay and installation of sidewalk, curb and gutter; and
- 1.4 **WHEREAS**, the Bridgeport Streets Rehabilitation Project is included in the General Plan; and
- 1.5 **WHEREAS**, the California Transportation Commission, as a Responsible Agency, has considered the information contained in the Final Environmental Impact Report; and
- 1.6 **WHEREAS**, Findings of Fact made pursuant to CEQA guidelines indicate that specific unavoidable significant impacts related to vegetation, wildlife, visual, traffic and noise make it infeasible to avoid or fully mitigate to a less than significant level the effects associated with the project; and
- 1.7 **WHEREAS**, the County adopted a Statement of Overriding Considerations for the project; and
- 1.8 **WHEREAS**, the above significant effects are acceptable when balanced against the facts as set forth in the Statement of Overriding Considerations; and
- 1.9 **WHEREAS**, the County adopted a Supplement to the Final Environmental Impact Report finding that all significant effects on the environment will be eliminated or substantially lessened where feasible and determined that the remaining unavoidable significant effects are acceptable due to the overriding considerations adopted in the Final Environmental Impact Report; and

- 1.10 WHEREAS**, the County completed an environmental analysis for the Bridgeport Streets Rehabilitation Project in accordance with CEQA Section 15183; and
- 1.11 WHEREAS**, the County concluded, based on the environmental analysis, that since all environmental impacts of the Bridgeport Streets Rehabilitation Project were addressed through the Final Environmental Impact Report and Supplement, further project level environmental analysis is not required to ensure compliance with the requirements of CEQA.
- 2.1 NOW, THEREFORE, BE IT RESOLVED** that the California Transportation Commission does hereby accept the Final Environmental Impact Report, Findings of Fact and Statement of Overriding Considerations and approve the Bridgeport Streets Rehabilitation Project to allow for future consideration of funding.



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**RESOLUTION NO. 93-16**  
**BOARD OF SUPERVISORS, COUNTY OF MONO**

**A RESOLUTION OF THE BOARD OF SUPERVISORS,  
COUNTY OF MONO, STATE OF CALIFORNIA,  
ADOPTING THE MONO COUNTY GENERAL PLAN UPDATE  
AND CERTIFYING THE FINAL ENVIRONMENTAL  
IMPACT REPORT FOR THE UPDATE**

**WHEREAS**, the Mono County General Plan, including the Land Use, Circulation, Housing, Conservation/Open Space, Noise, Safety, and Hazardous Waste Management Elements, has been updated in accordance with State Law; and

**WHEREAS**, the Draft Update of the Plan has been reviewed extensively by the Planning Commission, the Local Transportation Commission, various federal, state, and local agencies, and other interested entities, and comments have been incorporated into the final document; and

**WHEREAS**, the Draft has also been reviewed by the county's Community and Regional Planning Advisory Committees and their comments have been incorporated into the final document; and

**WHEREAS**, the Draft Housing Element has been determined by the Department of Housing and Community Development to be in compliance with state housing element law (Article 10.6 of the Government Code); and

**WHEREAS**, the County's Circulation Element also serves as the Regional Transportation Plan (RTP) for the Mono County Local Transportation Commission (LTC) and the LTC approved the 1992 Update of the RTP in December of 1992; and

**WHEREAS**, Mono County has received two General Plan Extensions from the Director of the Office of Planning and Research, the second of which expires April 14, 1993, and is not eligible to receive another; and

**WHEREAS**, an Environmental Impact Report (EIR) has been prepared for the 1992 Update of the Mono County General Plan; and

**WHEREAS**, in accordance with the California Environmental Quality Act (CEQA), the EIR has been circulated for agency and public review, and responses to comments received have been prepared and incorporated into the FEIR; and

**WHEREAS**, the Planning Commission held a duly noticed and advertised public hearing on February 11, 1993, to hear public comment on the General Plan Update and the FEIR, and after that hearing made a written recommendation to the Board of Supervisors; and

**WHEREAS**, the Board of Supervisors held a duly noticed and advertised public hearing on March 9, 16, and 29, 1993.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mono County Board of Supervisors:

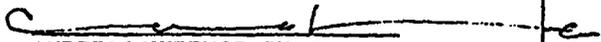
- A.** In compliance with CEQA Guidelines §15090 finds that the FEIR has been completed in compliance with CEQA, that the FEIR was presented to the Board of Supervisors and that the Board reviewed and considered the information contained in the FEIR prior to taking action on the FEIR and the General Plan Update.

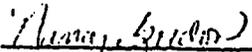
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- B. In compliance with Public Resources Code §28082.1, finds that the FEIR reflects the independent judgment of Mono County.
- C. In compliance with CEQA Guidelines §15091 (a)(1) finds that changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effects as identified in the final EIR (see Attachment A).
- D. Certifies the EIR in compliance with CEQA Guidelines §15092 and §15093, subject to the statement of overriding considerations presented in Attachment A.
- E. Directs staff to pay the \$850 California Department of Fish and Game fee for an EIR, in compliance with §21089 of the Public Resources Code and §711.4 of the Fish and Game Code.
- F. Repeals the existing general plan, including: Land Use, Housing, Circulation, Safety, Seismic Safety, Noise, Conservation, Open Space, Scenic Highways, Geothermal, Public Facilities, and Recreation elements.
- G. Repeals the following area plans: Benton Valley, Hammil Valley, Chalfant Valley, Wheeler Crest, Long Valley, and Monoplan (Mammoth vicinity).
- H. Adopts the General Plan Update, including Land Use, Circulation, Housing, Conservation/Open Space, Safety, Noise, and Hazardous Waste Management elements, with the changes shown in Attachment B.

PASSED AND ADOPTED this 29th day of March, 1993, by the Board of Supervisors, County of Mono, State of California, by the following vote:

AYES: ALPERS, JARVIS, LAWRENCE, PARANICK, REID  
 NOES: NONE  
 ABSTAIN: NONE  
 ABSENT: NONE

  
 ANDREA LAWRENCE, CHAIR  
 BOARD OF SUPERVISORS  
 COUNTY OF MONO

ATTEST:  
  
 Nancy Gordon  
 Deputy Clerk

APPROVED AS TO FORM:  
  
 James S. Reed  
 County Counsel  
 Dated: March 29, 1993

**RESOLUTION 93-16  
ATTACHMENT A**

**STATEMENT OF OVERRIDING CONSIDERATIONS FOR  
THE 1992 UPDATE OF THE MONO COUNTY GENERAL PLAN**

Mono County's economy is primarily supported by tourism and outdoor recreation, which in turn are dependent on the county's pristine mountainous setting. The General Plan Update provides for a level of development which would allow additional community development, including additional services and facilities for visitors and residents. The General Plan Update also allows for additional recreational development throughout the County, which would contribute to the County's economic growth and stability.

Due to the pristine nature of much of the county, development in many areas would have a significant impact on the existing setting. Based on the level of development outlined in the General Plan Update, the Final EIR identifies significant unavoidable impacts to vegetation, wildlife and wildlife habitat, visual resources, traffic and related air and noise impacts, and from exposing additional visitors and residents to natural hazards such as avalanches, volcanic episodes, earthquakes, floods, and fires. The alternative analysis included in the EIR found that all alternatives except the no development alternative would have significant unavoidable impacts and would require a Statement of Overriding Considerations.

An extremely limited private land base in the County limits development opportunities in the area. Much of the recreation and tourism in the County occurs on publicly owned lands, with support facilities on private lands. It is anticipated that the County's economy will remain primarily dependent on tourism and outdoor recreation, largely due to the constraints of a limited private land base, extensive environmental constraints to development, and distance from urbanized areas. The local economy currently experiences annual fluctuations (at times extreme), due to the seasonal nature of many recreational experiences available in the County. In order to stabilize the economy, it is necessary to develop year-round recreational/tourist opportunities throughout the County.

The General Plan Update provides for a level of development throughout the County that allows community areas to develop additional services and facilities in order to provide a balanced mix of land uses. The Update also provides for development of additional recreational opportunities which would help stabilize the local economy. Additional development would create additional job opportunities for area residents and would benefit Mono County through increases in revenues to the County, particularly in the form of additional transient occupancy taxes, sales taxes, and property taxes.

The Board of Supervisors finds that the level of development allowed for under the General Plan Update would significantly benefit Mono County, and therefore outweighs the significant unavoidable environmental impacts associated with the project (see FEIR p. 48-49). Based on this finding, a Statement of Overriding Considerations is warranted.

**ENVIRONMENTAL IMPACT FINDINGS  
REQUIRED BY CEQA GUIDELINES §15091**

**MONO COUNTY GENERAL PLAN UPDATE--FINAL EIR**

**MITIGATIBLE SIGNIFICANT ENVIRONMENTAL EFFECTS**

**STATEMENT OF FACTS**

This EIR identifies potential significant environmental effects in all of the following categories:

Transportation and Circulation	Water Resources and Water Quality
Land Use	Energy Resources
Community Services and Facilities	Noise
Housing	Vegetation
Outdoor Recreation	Wildlife
Cultural Resources	Hazardous Wastes and Materials
Air Quality	Natural Hazards
Geology and Soils	

The significant environmental effects in each of these categories are identified in the Summary Section of the FEIR (pp. ii-xv). The Summary Section and the Impact Analysis Section (pp. 12-47) of the FEIR also outline mitigation measures to mitigate the identified impacts; these mitigation measures have been incorporated into the General Plan as policies and implementation measures.

**FINDINGS:**

Changes or alterations have been required in, or incorporated into, the General Plan which would avoid or substantially lessen the significant environmental effects as identified in the final EIR.

**UNAVOIDABLE SIGNIFICANT ENVIRONMENTAL EFFECTS**

Implementation of policies and actions in the General Plan Update would result in the following unavoidable significant environmental effects:

- 1) Conversion of vegetation to impermeable surfaces and related secondary water quality impacts;
- 2) Visual impacts;
- 3) Increase in traffic and related air and noise quality impacts;
- 4) Increase in number of people exposed to natural hazards such as avalanches, volcanic episodes, earthquakes, floods, and fires;
- 5) Reduction in wildlife habitat and increased disturbance to wildlife (e.g. increased lighting, noise, and human activities above existing levels);
- 6) Construction impacts (noise, vibration, and dust).

The unavoidable impacts identified above are limited in the General Plan Update by policies that promote development in areas adjacent to existing developed areas. The intent of these policies is to avoid leapfrog development, to prevent the unnecessary

expansion of roads and other infrastructure as well as services and utilities, and to limit environmental disturbance to lands surrounding developed areas. Policies in the General Plan Update also require projects to develop alternatives and/or mitigation measures to reduce or eliminate potential impacts.

**FINDINGS:**

Changes or alterations have been required in, or incorporated into, the project which would avoid or substantially lessen the significant environmental effects as identified in the final EIR. Significant economic, engineering and other factors make infeasible further mitigation or project alternatives with less environmental impact (see following findings relative to alternatives).

**FINDINGS RELATIVE TO ALTERNATIVES**

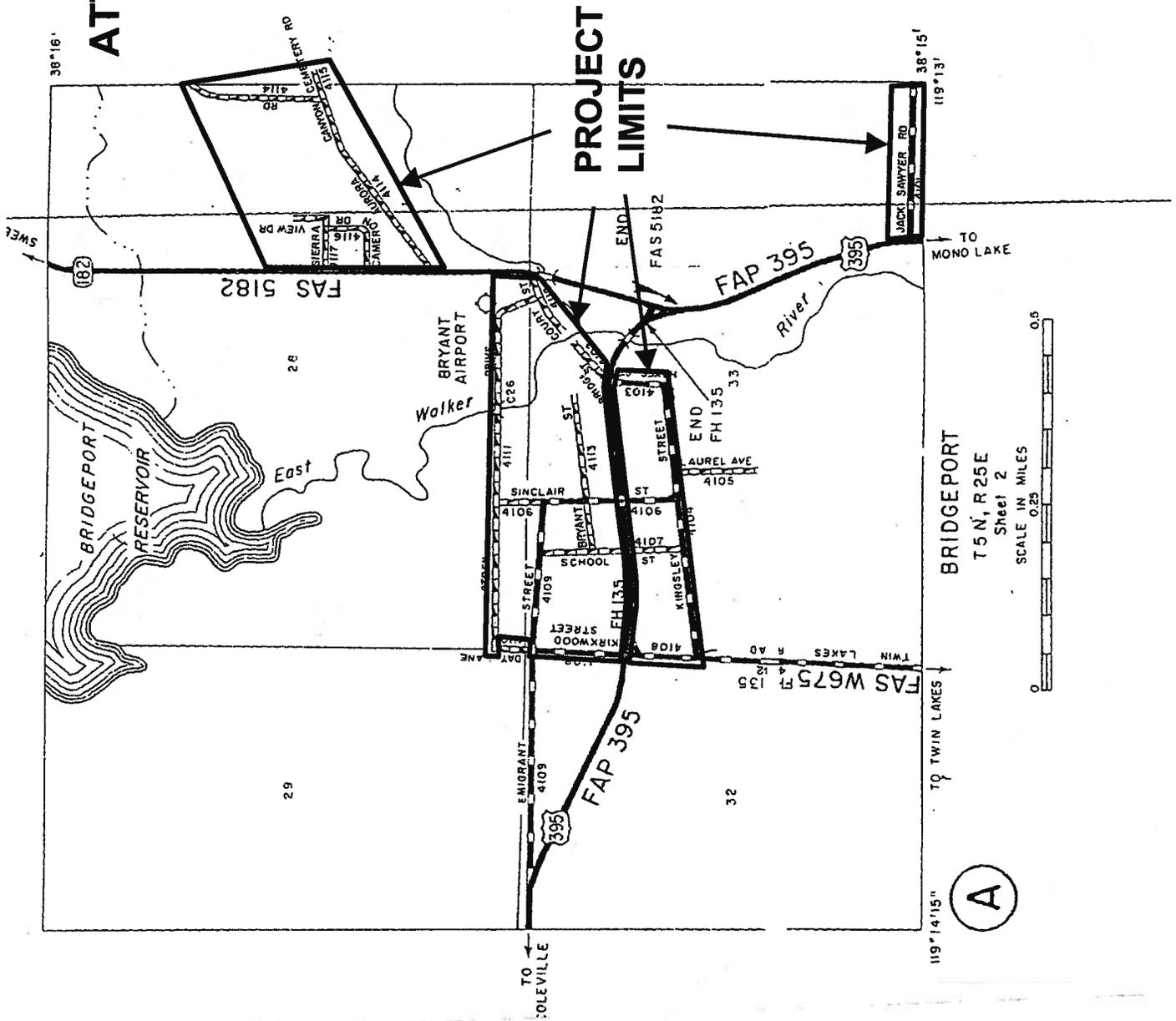
The Board finds that specific economic, social, or other considerations make infeasible the project alternatives identified in the final EIR which would have significantly less environmental impact than the proposed project.

The Board finds that Alternative 1, No Development/Existing Conditions, although the least environmentally damaging scenario, is not feasible. Retaining the existing conditions would require instituting stringent growth control measures. While this alternative would maximize protection of the physical environment (e.g., open space, biological resources) and would have significantly fewer impacts on the physical environment than the proposed General Plan Update, growth restrictions would also prohibit the County from fulfilling its proposed overall General Plan land use goal of "maintaining and enhancing the environmental and economic integrity of Mono County while providing for the land use needs of County residents and visitors."

The Board finds Alternative 2, 1982 General Plan/No Project, infeasible for social reasons. This alternative would leave the 1982 General Plan in place. The out-dated existing plan contains inconsistencies, lacks specific land use directives for many areas of the county, is difficult to implement, and does not reflect the current needs and desires of area residents. This alternative would also keep the County from fulfilling its proposed overall General Plan land use goal of "maintaining and enhancing the environmental and economic integrity of Mono County while providing for the land use needs of County residents and visitors."

The Board finds that Alternative 3, High Intensity Development Throughout the County, would have greater environmental impacts than the proposed project.

# ATTACHMENT "A"



BRIDGEPORT  
T5N, R25E  
Sheet 2  
SCALE IN MILES  
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