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ANALYSIS OF PRIVATE LAND DEVELOPMENT POTENTIAL BY LAND USE[1] & ZONING

As a signatory to the Local Area Working Group (LAWG) to cooperate on Bi-State Action Plan efforts, Mono County is providing this analysis of development potential on private lands within the proposed critical habitat (PCH) published by the US Fish and Wildlife Service (Service) in the October 28, 2013 proposed rule. Land acreages are A) qualitatively described by land use designations/zoning for Alpine, Douglas, Lyon, Inyo and Mono counties[2]; and B) quantitatively analyzed for potential build out in Mono County. Lands owned by state and federal resource management agencies, and the Los Angeles Department of Water and Power,[3] are excluded from the data. The analysis is based on publicly available information, and has not been reviewed or approved by other jurisdictions.

A. LAND USE DESIGNATIONS/ZONING BY PMU

Within each Bi-State Population Management Unit (PMU), the land uses and/or zoning occurring within each county has been organized into three groups that generally reflect 1) development, 2) resource lands, or 3) agriculture (see Table 1).

As demonstrated by the data, **only 4% of private lands is designated for development, leaving 96% in a resource or agricultural focus.** In addition, existing growth management and land preservation mechanisms, such as clustering, transfer of development rights, growth caps, the California Environmental Quality Act, etc., can substantially minimize development impacts and influence the pattern across the landscape, and are not reflected in this analysis.

1. **Development:** These designations are generally oriented toward development purposes, whether for residential, commercial, or industrial uses. Varying densities of units are permitted. More intensive recreation uses, resort development, and/or resource extraction operations are included in this category, even though certain types of developments may preserve large portions of open space. Mono County has previously submitted vegetation data demonstrating large portions of these areas in Mono County do not meet the primary constituent elements of PCH, and therefore should be excluded from PCH.

2. **Resource Lands:** These designations generally limit development potential through regulations due to resource considerations including, but not limited to, sensitive habitat/wildlife, visual impacts, open space value, watershed protection, wetlands, cultural resources, etc. Agricultural uses may be permitted and encouraged, and these land uses/zonings may overlap with those listed in "Agricultural Purposes." Typically, development potential is minimized to one unit and accessory unit on large parcels. Resource extraction and energy development may be permitted, and usually require an additional regulatory permitting process.

3. **Agriculture:** These designations generally provide for agricultural operations and related uses. Resource extraction and energy development may be permitted, and usually require an additional regulatory permitting process.

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[1] Mono County's zoning code was integrated into the General Plan Land Use Designations in 2000. Therefore, the County refers to the equivalent of "zoning" as "Land Use Designations."
[2] Data was unavailable or could not be accessed within the necessary timeframe for Esmeralda and Mineral counties, and Carson City.
[3] All Los Angeles Department of Water and Power lands in Mono County are designated "Open Space," which is one of the most restrictive land use designations.

TABLE 1: Private Development Potential by Acreage within the PCH

	Development	Resource Lands	Agriculture
Pine Nut PMU (31,964 acres total)			
Alpine County (acres)	33	1,260	0
Douglas County (acres)	1,464	18,377	2,090
Lyon County (acres)	397	0	2,993
Inyo County (acres)	N/A	N/A	N/A
Mono County (acres)	511	1,469	3,370
Subtotal (acres)	*2,405 (8%)*	*21,106 (66%)*	*8,453 (26%)*
Desert Creek-Fales PMU (52,397 acres total)			
Alpine County (acres)	N/A	N/A	N/A
Douglas County (acres)	0	11,373	2,387
Lyon County (acres)	145	0	11,349
Inyo County (acres)	N/A	N/A	N/A
Mono County (acres)	1,023	4,943	21,177
Subtotal (acres)	*1,168 (2%)*	*16,316 (31%)*	*34,913 (67%)*
Bodie PMU (44,659 acres total)			
Alpine County (acres)	N/A	N/A	N/A
Douglas County (acres)	N/A	N/A	N/A
Lyon County (acres)	N/A	N/A	N/A
Inyo County (acres)	N/A	N/A	N/A
Mono County (acres)	1,290	11,075	32,294
Subtotal (acres)	*1,290 (3%)*	*11,075 (25%)*	*32,294 (72%)*
Mount Grant PMU (1,299 acres total)			
Alpine County (acres)	N/A	N/A	N/A
Douglas County (acres)	N/A	N/A	N/A
Lyon County (acres)	0	0	1,299
Inyo County (acres)	N/A	N/A	N/A
Mono County (acres)	N/A	N/A	N/A
Subtotal (acres)	*0*	*0*	*1,299 (100%)*
South Mono PMU (14,839 acres total)			
Alpine County (acres)	N/A	N/A	N/A
Douglas County (acres)	N/A	N/A	N/A
Lyon County (acres)	N/A	N/A	N/A
Inyo County (acres)	N/A	N/A	N/A
Mono County (acres)	1,127	8,587	5,125
Subtotal (acres)	*1,127 (8%)*	*8,587 (58%)*	*5,125 (35%)*
White Mountain PMU (291 acres total)			
Alpine County (acres)	N/A	N/A	N/A
Douglas County (acres)	N/A	N/A	N/A
Lyon County (acres)	N/A	N/A	N/A
Inyo County (acres)	0	65	0
Mono County (acres)	0	226	0
Subtotal (acres)	*0*	*291 (100%)*	*0*
TOTAL (145,449 acres)	**5,990 (4%)**	**57,375 (39%)**	**82,084 (56%)**

Note: Douglas County population growth is managed through limited allocations of dwelling units per year at a 2% compounded annual rate. Up to 4,430 dwelling units (households) and vested project allocations are available for distribution for the 10-year Bi-State Action Plan period under consideration for all of Douglas County (not just proposed critical habitat). Development agreements and affordable housing projects are excluded from allocations. (See Attachment 1 for the allocation table published in the Douglas County code.)

1. Development – Land Use Designations/Zoning by county:

Alpine County

- Residential Estate/Commercial Recreation Combined zone (RE-5-CR)

Douglas County

- AP: Airport
- GC: General Commercial
- GI: General Industrial
- LI: Light industrial
- MFR: Multi-Family Residential
- MUC: Mixed use commercial
- NC: Neighborhood Commercial
- OC: Office Commercial
- PF: Public Facilities
- PR: Private Recreation
- ROW: Right-of-Way
- SFR (8,000; 12,000; 1/2, 1, 2): Single Family Residential with varying lot sizes
- SI: Service Industrial
- T-MU: Tahoe-Mixed Use
- T-R: Tahoe-Recreation
- T-RR: Tahoe-Resort Recreation
- T-T: Tahoe- Tourist
- TC: Town Center Overlay (Tahoe)

Lyon County

- Commercial (C1)
- General Industrial (M1)
- PRR5
- E1
- Light Industrial (ME)
- Recreation Vehicle Parks (RVP)

Mono County

- Commercial (C)
- Estate Residential (ER)
- Rural Resort (RU)
- Single Family Residential (SFR)
- Specific Plan (SP)
- Industrial (I)
- Resource Extraction (RE)
- Public Facilities (PF)

2. Resource Lands - Land Use Designations/Zoning by county:

Alpine County

- Land Preserve (LP): The purpose of the LP land preserve zone is to preserve open space lands within the county in a natural or largely undeveloped state in order to maintain through time the county's natural beauty and rural character. It is intended the county may apply land preserve zoning to lands which have used up density and intensity allowances specified in the general plan (see also Section 18.04.070). The purpose of this zone is also to conserve, protect and allow controlled development of resource-oriented industries such as agriculture, forestry, mining, and energy production.
- Agriculture/Land Preserve (AG/LP): Mixed zoning consisting of AG and LP.

Douglas County

- FR-19 (Forest and range - 19 acre minimum parcel size): The purpose of the FR-19 district is to implement the Douglas County master plan, preserve rural areas for the purpose of efficiently using land to conserve forest and range resources, protect the natural environment, preserve open spaces, and preserve open areas for grazing and other agricultural uses for land under private ownership. This is a low density land use district with a maximum permitted density of one home per 19 net acres. Unless otherwise specified in this development code, no more than one home per parcel is permitted in this land use district. This district also provides land use regulation, to the extent of the jurisdiction of the county and the State of Nevada, over lands held by the Bureau of Indian Affairs in trust for individuals (allotments). If such property is transferred to persons in fee simple, then it shall be governed by the regulations for this district.
- FR-40 (Forest and range - 40 acre minimum parcel size): The purpose of the FR-40 district is to implement the Douglas County master plan, establish rural areas for the purpose of efficiently using land to conserve forest and range resources, protect the natural environment, preserve open spaces, and preserve open areas for grazing and other agricultural uses for land under public ownership. This is a low density land use district with a maximum permitted density of one home per 40 gross acres. Unless otherwise specified in this development code, no more than one home per parcel is permitted in this land use district.

Inyo County

- Open Space (OS-40): The purpose [is] … to encourage the protection of mountainous, hilly upland, valley, agricultural, potential agricultural, fragile desert areas, and other mandated lands from fire, erosion, soil destruction, pollution and other detrimental effects of intensive land use activities. …protect and preserve the environmental resources, scenic, natural features, and open space character of the county, while also providing for agricultural development and protection of existing agricultural areas from urban development or residential subdivision.

Mono County

- Open Space (OS): Intended to protect and retain open space for future generations. These lands may be valuable for resource preservation (e.g., visual open space, botanical habitat, stream environment zones, etc.), low-intensity recreational uses, mineral resources, or other reasons. One dwelling unit and accessory dwelling unit permitted per 80 acres. Note: Includes all Los Angeles Department of Water and Power lands, which are not included in the acreage calculations.
- Resource Management (RM): Intended to recognize and maintain a wide variety of values in the lands outside existing communities… land may be valuable for uses including but not limited to recreation, surface water conservation, groundwater conservation and recharge, wetlands conservation, habitat protection for special status species, wildlife habitat, visual resources, cultural resources, geothermal or mineral resources. …special management consideration due to … natural hazards… e.g., avalanche-prone areas, earthquake faults, flood hazards, or landslide or rockfall hazards. One dwelling unit and accessory dwelling unit permitted per parcel; more intense uses require an additional regulatory approval process. 40 acre minimum parcel size. Note: these lands are typically owned by resource management agencies such as the USFS, BLM, and CDFW.

3. Agriculture – Land Use Designations/Zoning by county:

Alpine County

- Agriculture (AG): The purpose of the AG agriculture zone is to preserve lands best suited for agricultural use from the encroachment of incompatible uses, and to preserve in agricultural use land which may be suited for eventual development of other uses, pending proper timing for the economical provision of utilities, streets and other facilities, and pending other site specific conditions or constraints.
- Agriculture/Industrial (AG/IND): Mixed zoning consisting of AG and IND.

Douglas County

- A-19 (Agriculture - 19 acre minimum parcel size): The purpose of the A-19 district is to implement the Douglas County master plan, to conserve agricultural resources, preserve open spaces and the rural character of the county, and to direct urbanization into manageable and identified development areas. This is a low density land use district with a maximum permitted density of one home per 19 gross acres. Unless otherwise specified in this development code, no more than one home per parcel is permitted in this land use district.
- RA-10 (Rural agriculture - ten acre minimum parcel size): This district is intended to promote the development of single-family detached units at a density and character compatible with agricultural uses with a minimum lot size of ten net acres, and a maximum density of 0.10 units per gross acre. Unless otherwise specified in this code, no more than one home per parcel is permitted in this land use district.
- RA-5 (Rural agriculture - five acre minimum net parcel size): This district is intended to promote the development of single-family detached units at a density and character compatible with agricultural uses with a minimum lot size of five net acres, and a maximum density of 0.20 units per gross acre. The director may approve a minimum parcel size of 1% less than five net acres in connection with a land division of not more than four parcels contiguous with existing, similarly sized parcels. Unless otherwise specified in this development code, no more than one home per parcel is permitted in this land use district.

Lyon County

- Rural Residential (RR): … is intended to provide a district to accommodate agricultural uses as well as rural, non-farm residential development in locations where city services are not expected to be extended in the foreseeable future, but where there exists development pressure due to the presence of high resource amenities, the rural setting and proximity to jobs and commerce. Minimum parcel sizes vary by area.

Mono County

- Agriculture (AG): Intended to preserve and encourage agricultural uses, to protect agricultural uses from encroachment from urban uses, and to provide for the orderly growth of activities related to agriculture. One dwelling unit and one accessory dwelling unit permitted per parcel; more intense uses require an additional regulatory approval process. Minimum parcel size varies by area.
- Rural Residential (RR): Intended to permit larger-lot, single family dwelling units with ancillary rural uses in areas away from developed communities. Small-scale agriculture, including limited commercial agricultural activities, is permitted. One dwelling unit and one accessory dwelling unit permitted per five acres; more intense uses require an additional regulatory approval process.

B. MONO COUNTY POTENTIAL BUILD OUT

The Mono County build-out numbers were generated and analyzed as part of the General Plan Update, and then clipped to the Service's proposed critical habitat (PCH). **The "Regulated Build Out" outside residential enclaves (REs) best quantifies the development potential in Mono County in PCH.**

The numbers were calculated using the following methodology:

1. The "total build-out" number was calculated based solely on Land Use Designation and parcel size.
2. Existing policies and restrictions were then applied to generate "regulated build out," representing the development potential constrained by policy issues and/or lack of major infrastructure. For example, seasonal occupation

limitations due to avalanche hazards, lack of septic/sewage treatment, and/or policy restrictions for agriculture and clustering, all reduce the likely intensity of development.

3. Build out within residential enclaves (REs), which were previously submitted to the Service for exclusion due to lack of primary constituent elements (PCEs),[4] were segregated.

TABLE 2: Mono County Build Out Potential in PCH

Build Out	**Population Management Units (PMUs)**				
	Pine Nut	*Desert Creek – Fales*	*Bodie*	*South Mono*	*White Mountain*
Total	3,072	3,656	3,758	3,443	6
Outside REs	188	3,376	1,177	1,696	6
Inside REs	2,884	280	1,981	1,747	6
Regulated	1,006	1,014	3,476	2,000	6
Outside REs	**68**	**734**	**505**	**317**	**6**
Inside REs	938	280	1,971	1,683	6

In all cases, the application of existing County regulations and exclusion of residential enclaves (REs) severely reduces development potential. The potential in Pine Nut PMU is 2% (68 dwelling units [du]) of total build out, 20% (734 du) in the Desert Creek-Fales PMU, 13% (505 du) in the Bodie PMU, 9% (317 du) in the South Mono PMU, and 100% (6 du) in the White Mountain PMU. Although White Mountain PMU appears high in terms of percentages, the actual impact would be a negligible six units or less. County General Plan policies for the conservation of Bi-State sage-grouse populations and habitat will focus on further reducing and mitigating the impacts of this development potential.

For questions or additional information on this analysis, please contact Mono County Community Development Analysts Wendy Sugimura (760.924.1814, wsugimura@mono.ca.gov) and Brent Calloway (760.924.1809, bcalloway@mono.ca.gov).

[4] Vegetation data substantiating lack of PCEs was submitted to the Service in January/February 2014.

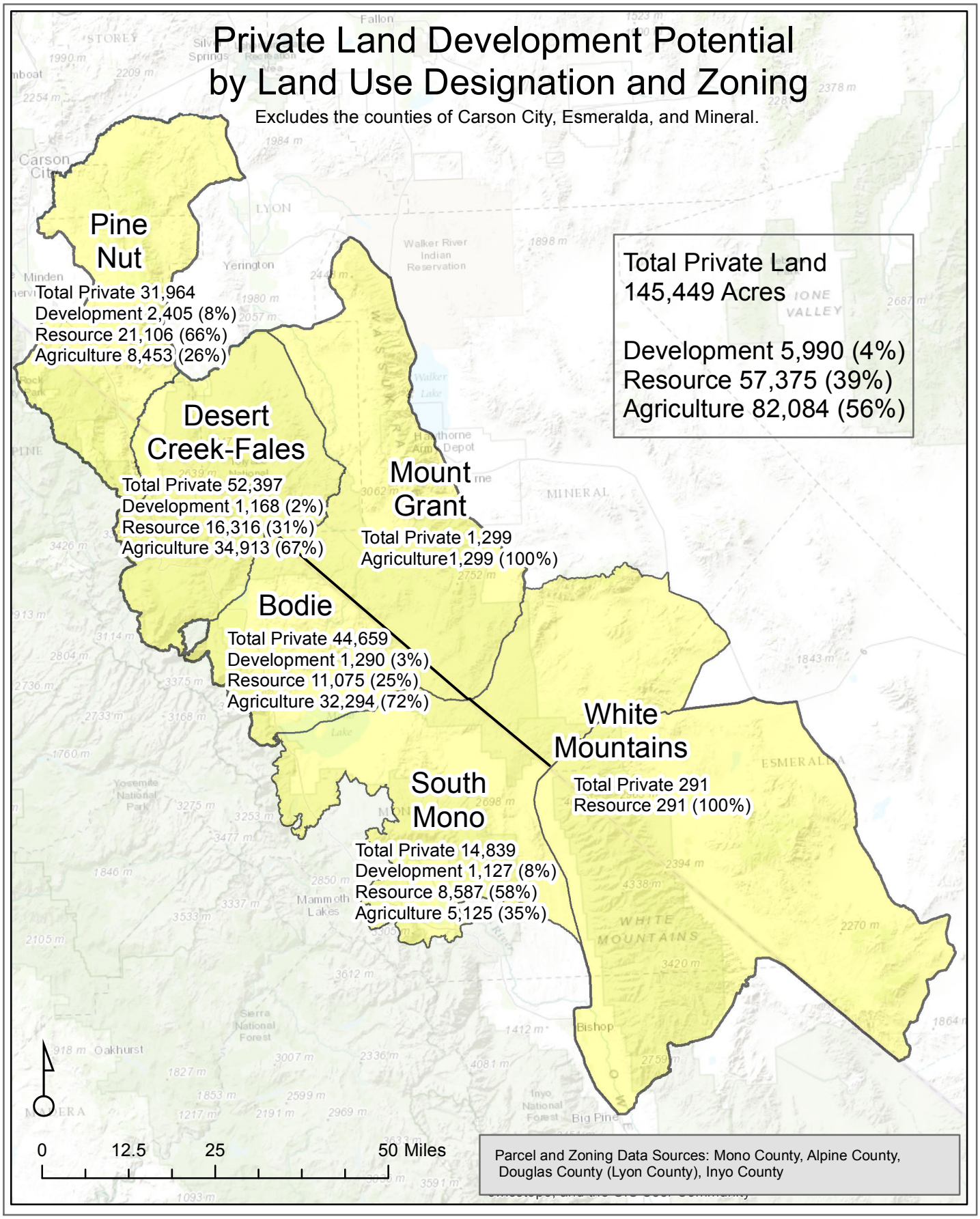
Attachment 1: Douglas County Allocations

Table A[5]

Year Count	July 1 Year	Total Allocations	Vested projects	Allocations available to distribute
1	2007	317	149	168
2	2008	323	151	172
3	2009	330	155	175
4	2010	336	158	178
5	2011	343	161	182
6	2012	350	164	186
7	2013	357	168	189
8	2014	364	171	193
9	2015	371	174	197
10	2016	379	178	201
11	2017	386	182	204
12	2018	394	186	208
13	2019	402	190	212
14	2020	410	194	216
15	2021	418	197	221
16	2022	427	200	227
17	2023	435	204	231
18	2024	444	208	236
19	2025	453	212	241
20	2026	462	217	245
21	2027	471	220	251
22	2028	480	225	255
23	2029	490	230	260
24	2030	500	234	266
25	2031	510	239	271
26	2032	520		520
27	2033	530		530
28	2034	541		541
29	2035	552		552
30	2036	563		563
31	2037	574		574
32	2038	586		586
33	2039	598		598
34	2040	609		609
35	2041	622		622
36	2042	634		634
37	2043	647		647
38	2044	660		660
39	2045	673		673

[5] Table A in 20.560.070 Calculation of allocations, in the Douglas County Consolidated Development Code. http://dcnvda.org/userpages/CountyCodes.aspx. Accessed 6/7/2014.

40	2046	686		686
41	2047	700		700
42	2048	714		714
43	2049	728		728
44	2050	743		743
45	2051	758		758
46	2052	773		773
47	2053	788		788
48	2054	804		804
49	2055	820		820
50	2056	837		837
Totals		26,812	4,767	22,045


Private Land Development Potential
by Land Use Designation and Zoning
Excludes the counties of Carson City, Esmeralda, and Mineral.
Pine Nut
Total Private 31,964
Development 2,405 (8%)
Resource 21,106 (66%)
Agriculture 8,453 (26%)
Desert Creek-Fales
Total Private 52,397
Development 1,168 (2%)
Resource 16,316 (31%)
Agriculture 34,913 (67%)
Mount Grant
Total Private 1,299
Agriculture1,299 (100%)
Bodie
Total Private 44,659
Development 1,290 (3%)
Resource 11,075 (25%)
Agriculture 32,294 (72%)
South Mono
Total Private 14,839
Development 1,127 (8%)
Resource 8,587 (58%)
Agriculture 5,125 (35%)
White Mountains
Total Private 291
Resource 291 (100%)
Total Private Land
145,449 Acres
Development 5,990 (4%)
Resource 57,375 (39%)
Agriculture 82,084 (56%)
0
12.5
25
50 Miles
Parcel and Zoning Data Sources: Mono County, Alpine County, Douglas County (Lyon County), Inyo County