



Town of Mammoth Lakes

Planning & Economic Development Commission Staff Report

Meeting Date: April 12, 2023

AGENDA TITLE: Consideration of a request to amend Resolution PC-2009-08 for TTM 09-002 (Snowcreek VIII) to modify Condition of Approval #13 regarding the annexation of the project area into the Mammoth Lakes Mosquito Abatement District and to update referenced lot numbers throughout the conditions of approval.

Applicant/ Property Owner: Snowcreek Investment Company II, LLC (applicant / property owner)

REQUESTING DEPARTMENT:

Community & Economic Development

Sandra Moberly, Director

Nolan Bobroff, Senior Planner / Housing Coordinator

OBJECTIVE:

1. Hear Staff and Applicant presentations
2. Planning & Economic Development Commission (PEDC) discussion
3. PEDC action to either:
 - a. Adopt the attached Planning and Economic Development Commission Resolution (the Resolution) making the Municipal Code findings and approving the minor amendments to Resolution PC-2009-08 for Tentative Tract Map 09-002 - Snowcreek VIII, as recommended by staff;
 - b. Adopt the Resolution with modifications; or
 - c. Deny the Resolution

SUMMARY:

Proposal:

The requested actions are to amend Resolution PC-2009-08 for TTM 09-002 - Snowcreek VIII to:

- (1) Modify Condition #13 to delay the annexation of the project area into the Mammoth Lakes Mosquito Abatement District (MAD) until such time that development of an area not currently within the MAD is proposed¹
- (2) Update referenced lot numbers throughout the conditions of approval due to a reduction in the overall number of development lots on the proposed final map²

¹ The condition currently requires annexation be completed prior to consideration of the final map for TTM 09-002; however, completion of the annexation has been delayed due to no fault of the applicant.

² The overall number of development lots went from 23 lots on the tentative map to 18 lots on the final map due to ongoing refinements of the proposed project and the merging of several of the proposed lots; however, the total size of the development area remains the same.

Location: 1, 4, 5, and 7 Fairway Drive; 942 and 1110 Old Mammoth Road (040-070-010, -011, -012, -013; 040-070-023; 040-140-004; -005)

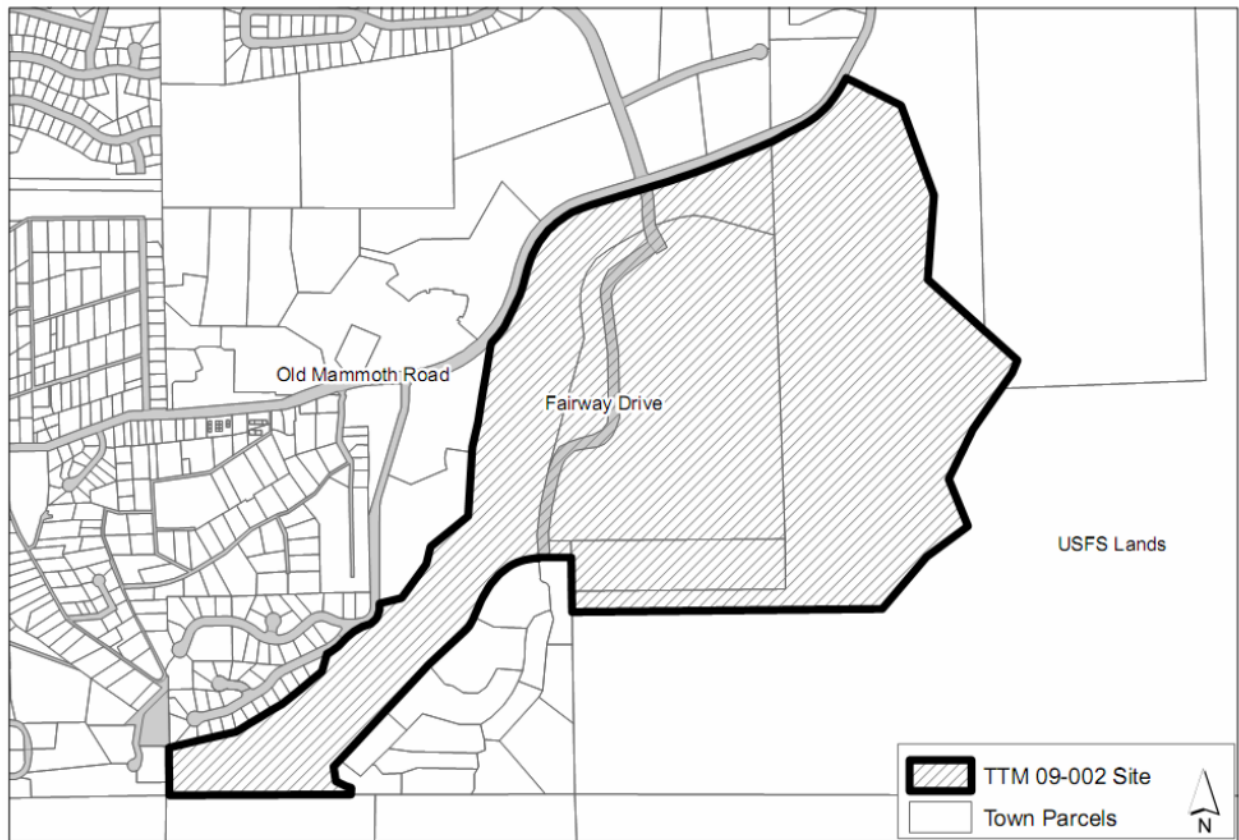
Size of Property: Approximately 222 acres

Zoning: Snowcreek Master Plan Update / Resort (R) and Open Space (OS)

General Plan: Resort (R) and Open Space (OS)

Environmental Review: The entire Snowcreek VIII project was evaluated for potential environmental impacts by the Snowcreek VIII, Snowcreek Master Plan Update 2007 EIR (SCH# 2006112015). The proposed action is covered by that EIR and not subject to additional environmental review.

Figure 1. Location Map



KEY ISSUES:

1. Can the findings be made for approval of a minor change to an approved project pursuant to Municipal Code §17.64.070 (Changes to an Approved Project)?

I. INTRODUCTION AND BACKGROUND

Tentative Tract Map 09-002 (TTM 09-002)

Tentative Tract Map 09-002 (TTM 09-002), approved by the Planning Commission³ on December 9, 2009 via Resolution No. PC-2009-08, allowed for the parcelization of approximately 222 acres within the 2007 Snowcreek Master Plan Update (SMPU) area (see **Figure 1** – Location Map) for the future Snowcreek VIII project. TTM 09-002 does not authorize any development, but rather authorizes the creation of a maximum of 31 lots (23 lots for future

³ The predecessor of today's Planning and Economic Development Commission.

development projects, 7 lettered lots for future private road purposes, and 1 lettered lot for open space purposes). A final map is required to legally create the lots and all subsequent development projects will require additional entitlement approvals (i.e., tentative map, use permit, etc.) for the various phases of development.⁴ The final map for TTM 09-002 has been submitted to the Town for consideration and the final map reduces the number of development lots from 23 lots on the tentative map to 18 lots on the final map due to the merging of several of the proposed lots, but the overall size of the development area remains unchanged. Prior to final map consideration, satisfaction of the conditions of approval in Resolution PC 2009-08 related to the final map is required. The applicant has been working through the required conditions and has been able to satisfy all the conditions necessary for consideration of the final map, except for Condition #13 which reads as follows.

13. An application shall be made to Mono Local Agency Formation Commission (LAFCO) for the necessary annexations and Tax Rate Area boundary changes prior to the submittal of the first final map to the Town. A copy of this application(s) shall be provided to the Town with the first final map submittal. The annexations shall include the Mammoth Community Water District and Mosquito Abatement District. LAFCO's approval of the annexations and Tax Rate Area boundary changes shall occur prior to Town staff's approval of the final map.⁵

One of the requested actions is to amend Condition #13 to delay the deadline for completing the MAD annexation to 'prior to approval of a tentative map, or other planning entitlement, for any development phase or project that includes a development lot, or portion thereof, that is not currently within the MAD. A grading permit for any of the private road lots may be issued prior to completion of the MAD annexation' (see **Figure 2** for the MAD Boundary Map). An application has been submitted to Mono County LAFCO for the MAD annexation; however, annexation into the district is ongoing and the County has not provided an estimated date of completion.

The second requested action is to update the referenced lot numbers throughout the conditions of approval as a result of the lots numbers on the final map changing due to the merging of several of the development lots, as shown on the tentative map. This action does not change the timing to implement the condition, or the physical location of the various amenities and site requirements being imposed by the condition.

Snowcreek Master Plan Update, 2007

The 2007 Snowcreek Master Plan Update (SMPU), which updated the original 1974 and 1981 Snowcreek Master Plans, addresses the proposed build-out of the remaining Snowcreek Master Plan area – Snowcreek VIII. The 2007 update was intended to fulfill the vision of the 1974 and 1981 Snowcreek Master Plans and serves as the zoning for the 222-acre Snowcreek VIII site. The SMPU allows for development of the Snowcreek VIII site with up to 790 residential dwelling units, a resort hotel with up to 250 rooms, 150 private residence club units, up to 75,000 square feet of non-residential uses, an expansion of the existing 9-hole golf course into an 18-hole championship golf course, and various recreational amenities (i.e., multi-use paths, snow play area, and winter trails). The SMPU was approved in August 2009 (Ordinance 09-05); however, to date, no development has occurred on the Snowcreek VIII site. TTM 09-002 was the initial entitlement action to implement the SMPU and was necessary for the creation of the parcels for the future development phases.

The SMPU is available here: <https://www.townofmammothlakes.ca.gov/DocumentCenter/View/562>

Snowcreek Development Agreement

The subject site is subject to the terms and conditions specified in the Snowcreek Development Agreement (SDA), entered into between the Town and the Snowcreek developer effective as of July 23, 2010, and recorded with

⁴ A tentative map for Phase I of the Snowcreek VIII project has been submitted to the Town. Phase I encompasses Lots 1-3 (as shown on the Final Map) and proposes 160 condominium units within 39 buildings. This item is tentatively scheduled for consideration by the PEDC in May or June 2023.

⁵ The Tax Rate Area (TRA) boundary changes and annexation of the entire project area into the Mammoth Community Water District (MCWD) boundaries have been completed.

Mono County on July 13, 2010 as Document No. 2010003240. DAs are intended to provide a degree of certainty in the land use regulatory process and be a mutually beneficial agreement between both parties. The SDA provides the developer assurances that it will have a vested right to develop and use and operate the Snowcreek projects during the term of the agreement, including the vesting of the uses and densities identified in the SMPU and the approval of TTM 09-002 for the parcelization of the site. This means that despite tentative maps typically being valid for 24-months from the approval date, the TTM 09-002 approval is instead vested for the entire term of the SDA. In return for those assurances, the SDA provides the Town numerous community benefits, including, but not limited to, additional financial contributions (up to \$10M plus affordable housing fees), 8.9 acres of park area in excess of that required, preservation of the Mammoth Creek open space corridor, and secondary access to the Snowcreek V project.

The SDA is in effect through July 23, 2030; however, there is a clause in the DA that states “if development of the Resort Hotel and 18-hole championship golf course has not commenced within ten years after the effective date of the DA, then the remaining 10-year term of the DA shall be reduced one day for each day, or portion thereof, that the 10-year milestone has not been met.” This means that the DA could expire on July 23, 2025 if construction of the hotel and expanded golf course has not commenced by that date.

The SDA is available here: <https://www.townofmammothlakes.ca.gov/DocumentCenter/View/5109>.

Project Proposal:

As noted above, the applicant has requested two minor amendments to Resolution PC-2009-08 for TTM 09-002. The requested amendments are as follows:

1. Amendment to Condition of Approval #13

The proposed amendment will delay the deadline for completing the MAD annexation and will allow for approval, and recordation, of the final map for TTM 09-002 and consideration of the Snowcreek VIII Phase I tentative map prior to the annexation. The proposed condition language allows for the Phase 1 tentative map to be considered prior to completing the MAD annexation since all of the lots included in Phase I (Lots 1-3) are already within the MAD (see **Figure 2 – MAD Boundary Map**) (*Lots 1-3 are in the northwest portion of the map highlighted in orange*). For the remaining development areas, there is no risk that development could occur prior to the completion of the annexation since the condition requires the annexation be completed prior to any entitlement approval for those areas not currently within the district, which all other phases have a portion of the lots outside of the MAD boundaries.

The proposed Condition of Approval #13 language is as follows (~~deletions shown in strikethrough~~ and *additions shown in underlined italics*):

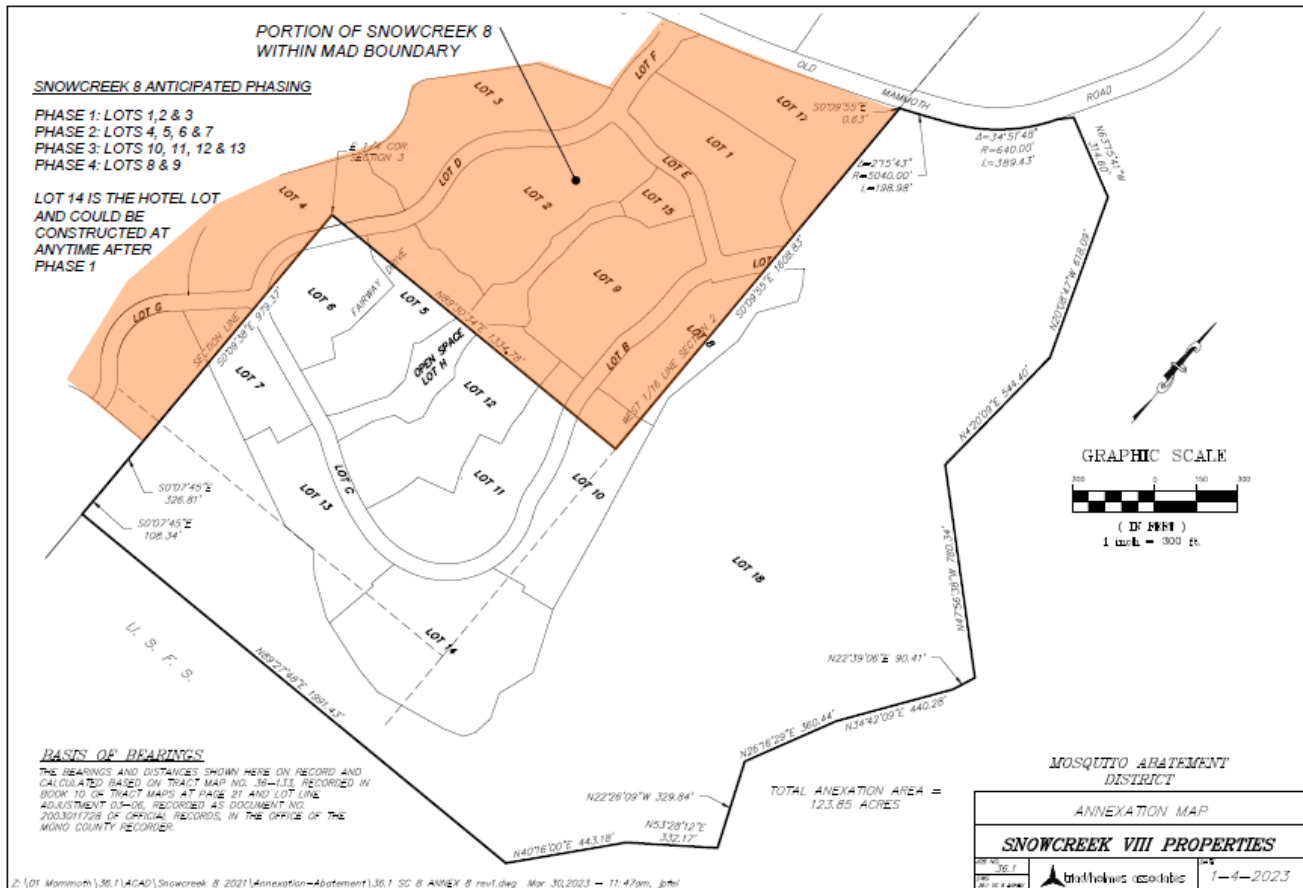
13. An application shall be made to Mono Local Agency Formation Commission (LAFCO) for the necessary annexations and Tax Rate Area boundary changes prior to the submittal of the first final map to the Town. A copy of this application(s) shall be provided to the Town with the first final map submittal. The annexations shall include the Mammoth Community Water District and Mosquito Abatement District. ~~LAFCO's approval of the annexations and Tax Rate Area boundary changes shall occur prior to Town staff's approval of the final map.~~ *The timing of the Tax Rate Area changes and the annexations shall be as follows:*

a) Annexation of the Snowcreek VIII area into the Mammoth Community Water District shall occur prior to the Town approval of the final map;

b) The Tax Rate Area boundary changes shall occur prior to the Town approval of the final map; and

c) Annexation of the Snowcreek VIII project area into the Mosquito Abatement District (MAD) for any area that is not currently within the district shall occur prior to approval of a tentative map, or other planning entitlement, for any development phase, or project (e.g., the hotel), that includes a

Figure 2. Mosquito Abatement District Boundary Map



2. Update referenced lot numbers throughout the conditions of approval.

The tentative map originally proposed subdivision into 23 lots for future development purposes. Ongoing refinements of the proposed project and the merging of several of the development lots shown on the tentative map has resulted in a decrease in the number of proposed development lots to 18 lots on the final map. The proposed final map lot boundaries substantially follow the lot boundaries shown on the tentative map, with the exception of those lots being merged. **Table 1** provides a roadmap between the tentative map lot numbers and the final map lot numbers.

Table 1. Lot Number Roadmap – Tentative Map to Final Map

<u>Tentative Map Lot Number</u>	<u>Final Map Lot Number</u>		<u>Tentative Map Lot Number</u>	<u>Final Map Lot Number</u>
1	8		17	5, 6
2	8		18	4
3	8		19	3, 4
4	10		20	3
5	10		21	3
6	14		22	16
7	13		23	17, 18
8	7		A	A
9	7		B	B
10	5, 11, 12, H		C	C
11	11, 12		D	D
12	9		E	E
13	1		F	F
14	1		G	G
15	2, 9, 15		H	H
16	2			

As a result of these changes to the lot numbers and the overall number of development lots, all lot number references throughout the conditions of approval need to be updated in order to ensure that the various amenities and site requirements are implemented in the correct location and to verify that the relevant conditions of approval are satisfied. The following list summarizes the changes to the referenced lot numbers in the conditions of approval (~~deletions shown in strikethrough~~ and *additions shown in underlined italics*):

- #11: “Prior to ... issuance of a building permit for ~~Lot 14~~ Lot 1 ... construction office building ... or lot line common to ~~Lot 14 and 23~~ Lot 1 and 17 shall be relocated ...”
- #12: “Prior to ... permanent structure on ~~Lot 20 or Lot 21~~ Lot 3 ... clubhouse building or lot line common to ~~Lot 20 and 21~~ Lot 3 shall be relocated ...”
- #41: “... c. Relocate the roundabout ... onto Applicant’s property (~~Lot 22~~ Lot 16 and TMB 10/105 Lot 2) ...”
- #48: “... The Town will accept all offers of dedications ... on ~~Lots 22 and 23~~ Lots 16, 17, and 18 ...”
- #B3: “Prior to ... for ~~Lot 6~~ Lot 14 ...”
- #B4: “Prior to construction of the hotel (~~Lot 6~~) Lot 14 ... the Emergency Vehicle Access (EVA) road on ~~Lots 5, 6, and 23~~ Lots 14 and 18 ...”
- #B5: “Prior to ... for ~~Lot 1~~ Lot 8 ...”
- #B6: “Prior to ... ~~Lots 2, 3, 4, 5, 11 and 12~~ Lots 8, 9, 10, 11 and 12, Lot B shall be ...”
- #B7: “Prior to ... ~~Lots 13, 14, and 15~~ Lots 1, 2, 9 and 15, Lot E shall be ...”
- #B8: “Prior to ... ~~Lots 16, 17, 18, 19, 20, and 21~~ Lots 2, 3, 4, 5, and 6, Lots F and D shall be ...”
- #B9: “Prior to ... ~~Lots 7, 8, 9, and 10~~ Lots 5, 7, 11, 12 and 13, Lot C shall be ...”
- #B10: “When ~~Lots 22 and/or 23~~ Lots 16, 17, and/or 18 are developed ...”

#D5: "The existing water and sewer lines ... as development and improvements occur on ~~Lots 1, 2, 3, 4, 5, 6, 7, 13, 21 and A~~ Lots 1, 8, 10, 13, 14, 17, 18 and A."

#I2: "The portions of the Sherwin Trail Multi-Use Path ... with the development of ~~Lot 6 or 23~~ Lot 14 or Lots 17, or 18, ..."

The requested amendments can be processed as minor changes to an approved project pursuant to Municipal Code §17.64.070. A new resolution is required for the amendments to the conditions. All other conditions and findings from the original project approval (i.e., Resolution PC-2009-08) remain unmodified and in full force and effect.

II. ANALYSIS OF KEY ISSUES

KEY ISSUE #1: Can the findings be made for approval of a minor change to an approved project pursuant to Municipal Code §17.64.070 (Changes to an Approved Project)?

Minor changes to an approved project can generally be approved, modified, or denied by the Community and Economic Development Director ("Director"); however, the Director may refer any matter subject to his/her decision to the Commission, so that the Commission may instead make the decision. Due to the complexity and history associated with the Snowcreek VIII development, the Director elected to refer the decision to the Commission.

The following represents staff's analysis of the required findings pursuant to MC §17.64.070:

A. The proposed change is consistent with all applicable provisions of this Zoning Code, and the approval will remain in compliance with the findings required by this Zoning Code for the applicable permit.

The proposed modifications to Condition #13 and the lot number references do not result in any physical changes to the approved project, and therefore, remains consistent with all applicable provisions of the Zoning Code and in compliance with the findings for the applicable permit. The modification to Condition #13 only results in a minor delay to when annexation into the MAD is completed, but still ensures that annexation is completed prior to any development approvals for those areas currently not in the district, thereby eliminating any risk that annexation won't be completed. The modifications to the lot number references do not result in any physical changes to what is being required by the condition nor do they result in a change to the timing that the condition is required to be implemented.

B. The proposed change does not involve a feature of the project that was a basis for or subject of findings in a negative declaration or environmental impact report for the project.

An EIR was certified for the Snowcreek Master Plan Update and included the Snowcreek VIII project. Annexation into the Mosquito Abatement District (MAD) was not a component of the project analyzed in the EIR as a potential significant impact. The modifications to the lot number references do not result in any physical changes to what is being required by the condition nor do they result in any change to a feature of the project analyzed in the EIR. Therefore, the changes do not involve a feature of the project that was the basis for or subject of findings in the EIR.

C. The proposed change does not involve a feature of the project that was specifically addressed or was a basis for conditions of approval for the project or that was a specific consideration by the review authority in the project approval.

The proposed modifications do result in modifications to the conditions of approval. However, the MAD annexation modification does not result in a change to the basis for the condition of approval which was to ensure that areas of the project currently not within the Mosquito Abatement District

(MAD) be annexed into the district prior to any development occurring for those areas, and the modifications to the lot number references do not result in any physical changes to what is being required by the condition.

D. The proposed change does not result in an expansion in the scope or intensity of the use.

The proposed modifications do not result in any physical changes to the approved project, and therefore, do not result in an expansion in the scope or intensity of the use. The modification to Condition #13 only results in a minor delay to when annexation into the Mosquito Abatement District (MAD) is completed, but still ensures that annexation is completed prior to any development approvals for those areas currently not in the district and the modification to the lot number references simply clarifies any lot number issues that arose as a result of the minor lot configuration changes reflected on the final map.

Agency/Public Comments

The proposed modification to the MAD annexation timing was sent to Mono County LAFCO to inform them of the proposed change. No agency comments or requirements were provided by the reviewing agencies and no public comments were received at the time this report was written.

III. STAFF FINDINGS AND RECOMMENDATION

Staff finds that the proposed project meets the applicable requirements and recommends that the Planning and Economic Development Commission adopt the attached Planning and Economic Development Commission Resolution, making the Municipal Code findings, and approving the minor amendments to Resolution PC-2009-08 for Tentative Tract Map 09-002 - Snowcreek VIII, as recommended by staff, or with modifications.

Attachments:

Attachment A: Planning and Economic Development Commission Resolution

Exhibit "A" – Condition Modifications

Exhibit "B" – Mosquito Abatement District Boundary Map, dated January 4, 2023

Attachment B: Resolution PC-2009-08