



Town of Mammoth Lakes

Planning & Economic Development Commission Staff Report

Meeting Date: April 12, 2023

AGENDA TITLE: Consider approval of Final Tract Map 09-002 for the 26-lot subdivision of “Snowcreek 8”, located at 1, 4, 5, and 7 Fairway Drive and 942 and 1110 Old Mammoth Rd (APNs: 040-070-010, -011, -012, -013; 040-070-023; 040-140-004 and -005.)

Applicant / Property Owner: Snowcreek Investment Company II, LLC

REQUESTING DEPARTMENT:

Community & Economic Development

Sandra Moberly, Director

Public Works Engineering Division

Amy Callanan, PE, Engineering Manager

OBJECTIVE:

1. PEDC action to:

- a. Option 1: find Final Tract Map 09-002 to be in accordance with the conditionally approved Tentative Tract Map and approve the Final Tract Map; find that all applicable conditions of approval of the Tentative Tract Map have been satisfied; and authorize recordation of Final Tract Map 09-002:
 1. After payment of outstanding fees.
 2. No less than ten calendar-days after the approval of the Final Tract Map by the Planning and Economic Development Commission provided no appeal has been filed. The tenth day of appeals shall be a regular business day. The map may then record the next business day provided no appeal has been filed.
- b. Option 2: Find that Final Tract Map 09-002 is not in accordance with the conditionally approved Tentative Tract Map and deny the Final Tract Map.

SUMMARY:

Proposal:

The Requested Action will allow for the recordation of the subject Final Map. A final map must be based upon a field survey and it must substantially conform to the approved Tentative Map, the applicable conditions as set forth in the tentative map resolution, and the conditions of all discretionary approvals associated with the project.

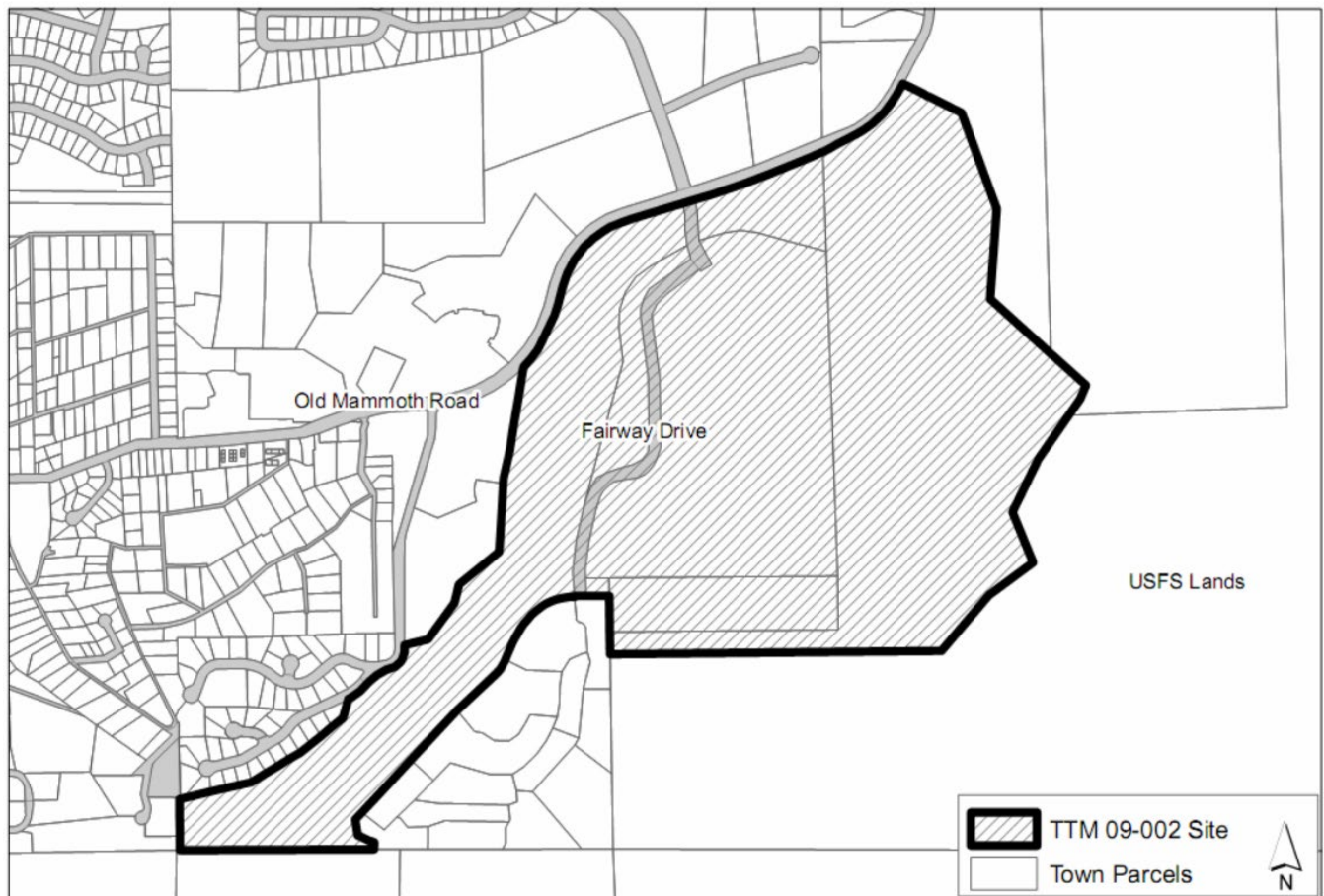
Location: 1, 4, 5, and 7 Fairway Drive and 942 and 1110 Old Mammoth Rd (APNs: 040-070-010, -011, -012, -013; 040-070-023; 040-140-004 and -005.)

Size of Property: Approximately 221.404 acres

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

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

Location Map:



KEY ISSUES:

1. Is the Final Tract Map in accordance with the conditionally approved Tentative Tract Map?
2. Have all applicable conditions of approval of the Tentative Tract Map been satisfied?

I. INTRODUCTION AND BACKGROUND

Project Description:

This Final Tract Map for Snowcreek 8 is for parcelization purposes only (no development is yet proposed), and subdivides the site into 18 parcels for future development purposes, 7 lettered lots for future road purposes, and 1 lettered lot for open space purposes (total of 26 lots). The subdivision of the project will allow for a phased development approach to building out the full site according to the Snowcreek Master Plan Update 2007.

The Tentative Map originally proposed subdivision into 23 parcels for future development purposes. Ongoing refinement of the proposed project has resulted in a decrease in the number of proposed development lots to 18. Those numbered lots have been re-organized roughly as follows:

<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			

Several of the project Conditions of Approval reference Tentative Map lot numbers or letters which have been superseded per the above list. The Tentative Map Conditions of Approval shall now therefore be considered to refer to the following **Final Map lot numbers and letters**:

- #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**, ...”

Project Boundaries:

This final map also identifies the adjusted covenant boundary¹ that delineates the Resort zoned property (i.e. future development site) from the Open Space zoned property (Final Map Lot 18 i.e. golf course expansion) consistent with the Snowcreek Master Plan Update (Town Council Ordinance 09-05). This was previously anticipated to be completed through a lot line adjustment; however, this final map is another appropriate mechanism to accomplish this objective. This final map will also align the parcel boundaries with the realigned Urban Growth Boundary consistent with the Snowcreek Master Plan Update and Town Council Resolution 09-46.

Map Conditions of note:

Tentative Tract Map 09-002 was approved by the Planning Commission on December 9, 2009. The Tentative Tract Map approval included several Conditions of Approval of note that are required to be met prior to approval of the Final Tract Map:

#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. 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 development lot, or portion thereof, that is not currently within the district (see Exhibit “A” – MAD Boundary Map, dated 1/4/2023). A grading permit for any of the private road lots may be issued prior to completion of the MAD annexation.

Staff note: Condition 13 originally required the annexations and tax rate area changes be completed prior to final map approval. A minor modification to the amendment was approved by the Commission on 4/12/2023 (prior to the Final Map agenda item) to delay the annexation of the entire project area into the Mammoth Lakes Mosquito Abatement District (MAD) until such time that development of an area not currently within the MAD is proposed. This amendment allows for the final map and the Snowcreek Phase 1 tentative map to be considered by the Commission for approval prior to completion of the annexation since the final map does not propose any development and the lots

¹ In 2005, a 94-acre land exchange was completed with the USFS to expand the existing golf course to 18-holes. At that time, a covenant was executed that protected the land exchange property from being developed with residential housing, commercial lodging, transient uses, and being further subdivided. This covenant is monitored by the Eastern Sierra Land Trust (ESLT).

proposed to be included in the Phase I development are already within the MAD. The tax rate area boundary changes and the annexation into the water district boundaries have been completed.

- #16. “In consideration of the Town’s Vision Statement requiring a de-emphasis of the use of the automobile, occupancy and mode of travel expectations and to mitigate the impacts of the project on air quality as required by CEQA, the applicant and the owners association, if formed, shall execute a transit agreement with the Town prior to approval of the final map by Town staff. If no owners’ association is formed at that time, the applicant shall demonstrate, subject to review and approval of the Town Attorney, the ability to bind future homeowners to the transit agreement and shall execute the agreement on their behalf. The applicant shall be subject to an annual payment of \$121.00 per residential unit and as adjusted for inflation since inception (the Fiscal Year 2009 – 1010 rate is \$148.11). The annual payment shall be adjusted annually for inflation using the Los Angeles/Riverside Consumer Price Index. The transit service agreement, when executed, shall be recorded in the Official Records of Mono County and shall be referenced in the project master CC&Rs, as well as in any disclosure documents required by the California Department of Real Estate for the project. Once recorded, the agreement can be modified only by mutual written agreement of the Town and the owners’ association when formed and the service shall not be discontinued for any reason without an amendment to the agreement.”

Staff note: The currently-accepted method of satisfying this condition is for the applicant to request that the properties be annexed into the Town’s existing Transit Community Facilities District (CFD) 2013-3. This annexation process has been completed, with the 2nd reading of the Annexation Ordinance (22-12) occurring at the December 21, 2022 Town Council Meeting.

- #39. “The Final Map shall state that future drainage easements shall be shown and offered for dedication on future phased final maps or Use Permits.”

Staff note: This note is included on sheet 2 of the Final Map under “Development Notes”, to be more specifically addressed as a part of future development proposals.

- #40. “Relinquishment of permanent Abutter’s Right of Vehicular Access shall be indicated on final maps for frontage along the south side of Old Mammoth Road except for the two entrances to the project.”

Staff note: abandonment of vehicular access rights from Old Mammoth Road, with the exception of the two project entrances, is shown on sheets 5, 7 and 8 of the Final Map.

- #41. “The Applicant, in the Applicant’s discretion, shall do one (1) of the following three (3) things:

- a. Acquire the required off-site right of way on the northeast corner of the property for the roundabout, or;
- b. Enter into an agreement with the Town pursuant to Government Code Section 66462 which assures acquisition and construction of the roundabout and other related improvements, at Applicant’s sole expense, which agreement shall contain a provision whereby Applicant waives the 120 day acquisition period requirement of Government Code Section 66462.5, or;
- c. Relocate the roundabout and other related improvements onto Applicant’s property (Lot 22 and TMB 10/105 Lot 2) and construct the same, at Applicant’s sole expense.”

Should the Town elect to acquire off-site property under its power of eminent domain pursuant to an agreement made pursuant to sub-paragraph b above, Applicant shall pay in advance all anticipated Town costs and expenses, including Town staff costs and third party contract expenses, required for such acquisition and construction. Town shall refund to Applicant any overpayment upon completion

of the acquisition and construction. This paragraph shall apply if, and only if, Applicant elects to enter into an agreement pursuant to sub-paragraph b above.

Should Applicant elect to enter into an agreement with the Town pursuant to sub-paragraph b above, Applicant shall post security at the time of such election to secure the land acquisition cost portion of Applicant's obligations. The security shall be in a form acceptable to the Town Director of Public Works, and shall be in an amount determined by an appraisal report obtained by the Applicant, at Applicant's sole expense, and where the appraisal report is commissioned by the Town prior to commencement of the appraisal.

Nothing herein shall limit the right of the Town to acquire off-site property under its power of eminent domain; nor shall anything herein obligate the Town to acquire any such property."

Staff note: Applicant is pursuing sub-paragraph "a", and has an agreement in place to purchase the right of way needed for the roundabout

- #44. "If streets within this development are entered into the Town Maintained Street System, this project shall be required to annex into a benefit assessment district for the maintenance of the public improvements and for snow removal. The applicant hereby agrees to waive the right to protest the formation of or annexation into said district. A note shall be placed on the final map stating that all properties within the subdivision shall be subject to inclusion within the benefit assessment district. Private streets shall be maintained by the homeowners association."

Staff note: The currently-accepted method of satisfying the intent of this condition is through future formation of or annexation into a Community Facilities District (CFD) rather than a Benefit Assessment District. A draft Covenant regarding the future formation of or annexation into a CFD for maintenance purposes was sent to property owner for comment and/or signature on 12/7/2022. Once executed by property owner and following approval of this map, the Covenant will need to be recorded with Mono County. Separately from this project, the Town is in the process of forming a maintenance CFD into which this project could be annexed, in whole or in part, under a separate Tax Rate Area.

- #45. "Prior to staff approval of the final map, the Property Owner shall enter into an agreement with the Town for annexation of the property into a Benefit Assessment District as appropriate, for the operation, maintenance and repair, pedestrian snow removal, landscaping and irrigation, street lighting and other things, of the public improvements along Old Mammoth Road, Minaret Road and Old Mammoth Road roundabout, walkways along the property frontage and connections that serve the property. The applicant shall request annexation into the Benefit Assessment District with each development lot. The Property Owner shall also enter into an agreement with the Town in which the Property Owner shall agree to waive their rights to vote in favor of the dissolution of the Benefit Assessment District. The agreements shall run with the land and shall be binding upon all future owners of the property."

Staff note: see note regarding Condition #44 above.

- #46. "Irrevocable Offers of Dedication, Offers of Right of Way Dedications and Easements to the Town.

Offers of dedication and easements shall be shown on each final map and/or in separate exhibits accompanying the final map, in a form ready for recordation, consistent with the Snowcreek Master Plan Update or any adopted amendments thereto, and approved by the Public Works Director prior to scheduling the Planning Commission's consideration of the first final map of Tentative Tract Map 09-002 for the following:

- a. Irrevocable offer of dedication (IOD) or easement to the Town for the future Sherwin Trail Multi-Use Path through the project site from Old Mammoth Road to the USFS boundary.

Staff note: An IOD for roads and multi-use paths (MUPs) has been drafted for execution.. Once executed by property owner and following approval of this map, the IOD will need to be recorded with Mono County, and the document number noted on the Final Map where appropriate immediately prior to recording of the map. The Town has the ability to accept the IOD(s), in whole or in part, at any time, by executing a Certificate of Acceptance.

- b. Right of access in a form that is recorded, runs with the land, and can only be modified or revoked with the concurrence of the Town for winter public access from the Sherwin Range (USFS) land across the project site to the public pedestrian easement at Ranch Road.

Staff note: An Easement Agreement has been drafted for execution. Once executed by property owner and following approval of this map, the Easement Agreement will need to be recorded with Mono County, and the document number noted on the Final Map where appropriate immediately prior to recording of the map.

- c. IOD or easement to the Town for the future multi-use path along Lots A, E, F and will continue along the main entry road to Old Mammoth Road.

Staff note: see note regarding sub-paragraph “a” above.

- d. IOD or easement, if required, for the future multi-use path along the south side of Old Mammoth Road that will connect the Sherwin Trail Multi-Use Path along the main entry road to the existing sidewalk ending at Sherwin Creek Road.

Staff note: see note regarding sub-paragraph “a” above.

- e. Public access shall be allowed on all multi-use paths, pedestrian paths, and publicly accessible areas of the project, including but not limited to the mini-park.

Staff note: see note regarding sub-paragraph “a” above. This IOD meets the initial intent of this condition. Additional dedications may be required on future maps for phased development, in particular for the “mini-park” intended to be located on Tentative Map Lots 13 and 14 (Final Map Lot 1).

- f. An 80-foot dedication of right of way to provide a half-width right of way of 40 feet on Old Mammoth Road.

Staff note: see note regarding sub-paragraph “a” above.

- g. IOD for the necessary portion of the roundabout at the Old Mammoth Road and Minaret Road intersection.

Staff note: see note regarding sub-paragraph “a” above. This condition is satisfied by the dedication of Lot F

- h. IOD for the main entry road from the north end of Lot A to Old Mammoth Road (across ~~Lot 23~~ **Lots 17 and 18**).

Staff note: see note regarding sub-paragraph “a” above. This condition is satisfied by the dedication of Lot A.

- i. IODs for rights of way of Lots A-G and the main entry road (north of Lot A). These IODs will be rejected unless a maintenance district is formed and the streets are improved or a subdivision agreement is executed. A statement to this affect shall be written on the cover sheet of the final map or with any separate documents to be recorded.

Staff note: see note regarding sub-paragraph "a" above. By dedicating the roads (Lots A-G) via separate document rather than on the map, "rejection" of the IODs on the map itself is not required.

- j. Easement for public transit using the street network to and from the project. This map condition shall include the bus stops and provide for signage at all stops.

Staff note: This condition shall be more fully addressed at each future development phase.

- k. Emergency access easement for emergency vehicles on all roads including the Emergency Vehicle Access (EVA) road for use by any and all emergency vehicles as needed.

Staff note: easement will be executed and recorded concurrently with the final map.

- l. A utility easement shall be reserved for underground utilities from the entrance road near the hotel site to the southeast portion of the project that would serve the area near the proposed propane tanks located on Sherwin Creek Road for fire hydrants and other underground utilities."

Staff note: easement will be executed and recorded concurrently with the final map.

- #48. "The applicant shall apply for the vacation of the irrevocable offer of dedication for the portion of Minaret Road and Fairway Drive prior to approval of the first final map, which would be approved after Minaret Road and Fairway Drive are realigned. The new streets shall provide legal access for Snowcreek V. All realigned street right of way and new right of way for the roundabout at Minaret Road and Old Mammoth shall have an irrevocable offer of dedication. The Town will accept all offers of dedications for Old Mammoth Road improvements included on ~~Lots 22 and 23~~ **Lots 16, 17, and 18** subject to the completion of the improvements."

Staff note: This condition is anticipated to be addressed in the future, following the realignment of Minaret Road/Fairway Drive (Snowcreek Drive) per Lots D, F and G.

- #49. "The project is a development that proposes Lots A-G as private streets. A homeowner's association shall be created and master CC&R's recorded that contain provisions for the maintenance and snow removal of Lots A-G and the maintenance of the common area Lot H and/or amenities, and private drainage and detention facilities by the homeowner's association. Master CC&R's for this project shall be submitted to the community development department for review and/or approval to ensure consistency with the conditions of approval, the approved tentative map, the final map and Town policies and standards. The fully executed originals of the master CC&R's shall be submitted to the planning division prior to final map approval by staff. The master CC&R's shall be recorded concurrent with the final map. The master CC&R's shall be a covenant that shall run with the land and shall be enforceable by the homeowners association throughout the life of the use permit."

Staff note: The CC&Rs contain the required provisions per the condition. The executed CC&Rs will be recorded concurrent with the final map.

- #50. "A snow removal/storage plan shall be submitted by the applicant and approved by the community development department. This plan and provisions for maintenance of private roadways and drainage facilities shall be included in the master CC&R's prior to final map approval by Town staff."

Staff note: This note is included on sheet 2 of the Final Map under “Development Notes”, to be more specifically addressed as a part of future development proposals.

- #52. “Snowcreek VIII, Snowcreek Master Plan Update 2007 EIR Mitigation Measure TRANS-2 states, “This project will also be required to contribute to a townwide traffic monitoring program.” The applicant shall work with the Town to satisfy this requirement prior to approval of the final map.”

Staff note: This note is included on sheet 2 of the Final Map under “Development Notes”, to be more specifically addressed as a part of future development proposals.

- #B1. Irrevocable offers of dedication are required for all streets per Engineering Condition of Approval 46.i.

Staff note: see note regarding Condition #46 above.

- #E1. All property corners shall be monumented in accordance with the Town’s Subdivision Ordinance.

Staff note: subdivision monuments will be installed, or a bond for monumentation will be provided, prior to recordation of final map.

Per the discussion above, the Town has reviewed the Final Tract Map and has found it to be substantially in conformance with the Tentative Tract Map, and that all of the applicable Tentative Tract Map conditions of approval have either been met, are expected to have been met prior to this PEDC meeting or required to be met prior to recordation.

Development Agreement:

The Town also processed a Development Agreement (DA), effective as of July 23, 2010, and recorded with Mono County on July 13, 2010 as Document No. 2010003240. The DA is currently being reviewed by the Town for potential extension as a separate action from this Final Map.

Environmental Analysis:

Pursuant to CEQA Guidelines Section 15268, the approval of final subdivision maps is statutorily exempt from the requirements of CEQA since they are considered to be a ministerial project and no further action under CEQA is required.

Staff Findings and Recommendation:

1. Find Final Tract Map 09-002 to be in accordance with the conditionally approved Tentative Tract Map and approve the Final Tract Map;
2. Find that all applicable conditions of approval of the Tentative Tract Map have been satisfied;
3. Authorize recordation of Final Tract Map 09-002:
 - a. After payment of outstanding fees.
 - b. No less than ten calendar-days after the approval of the Final Tract Map by the Planning and Economic Development Commission provided no appeal has been filed. The tenth day of appeals shall be a regular business day. The map may then record the next business day provided no appeal has been filed.

Attachments:

Attachment 1: Final Tract Map 09-002

Attachment 2: Approved Tentative Tract Map 09-002

Attachment 3: Tentative Tract Map 09-002 Staff Report

Attachment 4: Planning Commission Resolution PC-2009-08 (TTM 09-002)

Attachment 5: Town Council Resolution 09-46