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Community & Economic Development Department)
P.O. Box 1609)
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RESOLUTION NO. PEDC 2023-04

**A RESOLUTION OF THE MAMMOTH LAKES PLANNING AND ECONOMIC
DEVELOPMENT COMMISSION APPROVING MINOR MODIFICATIONS TO THE
CONDITIONS OF APPROVAL IN RESOLUTION PC-2009-08 FOR TTM 09-002 RELATED
TO ANNEXATION OF THE SNOWCREEK VIII PROJECT INTO THE MOSQUITO
ABATEMENT DISTRICT AND LOT NUMBER REFERENCES**

(APNs: 040-070-010-000, 011-000, -012-000, 013-000; 040-070-023; 040-140-004-000, 005-000)

WHEREAS, a request for consideration of minor modifications to the Conditions of Approval in Resolution PC-2009-08 for TTM 09-002 related to the annexation of the Snowcreek VIII project area into the Mammoth Lakes Mosquito Abatement District (MAD) and lot number references was filed by the property owner, Snowcreek Investment Company II, LLC, in accordance with Municipal Code §17.64.070 (Changes to an Approved Project) of the Town of Mammoth Lakes Municipal Code, for approximately 222 acres within the Snowcreek Master Plan Area (Project Site); and

WHEREAS, Tentative Tract Map (TTM) 09-002 was previously approved by the Planning Commission on December 9, 2009 (Resolution PC-2009-08) and authorized the parcelization of the Project Site into 23 lots for future development, 7 lots for future private road purposes, and 1 lot for open space purposes, for a total of 31 lots; and

WHEREAS, Final Tract Map 09-002 was filed with the Town to legally create the lots authorized by TTM 09-002, subject to staff determination that all required findings for the final map had been satisfied; and

WHEREAS, the number of development lots shown on Final Tract Map 09-002 was reduced from 23 lots to 18 lots due to refinements of the proposed project and the merging of several of the development lots shown on the tentative map; however, the total size of the development area remains unchanged and the Final Map lot boundaries substantially follow the Tentative Map lot boundaries, with the exception of those lots being merged; and

WHEREAS, staff determined that all required conditions for the final map had been substantially satisfied, with the exception of Condition of Approval #13, which required Tax Rate Area (TRA) boundary changes and Mono County LAFCO annexation of the Project Site into the Mammoth Community Water District (MCWD) and the Mammoth Lakes Mosquito Abatement District (MAD) be completed prior to staff's approval of the final map; and

WHEREAS, the TRA boundary changes and the MCWD annexation has been completed, but the MAD annexation is ongoing and has the potential to cause significant delays to the project; and

WHEREAS, approximately 98 acres of the Project Site are currently within the MAD and 124 acres are outside of the MAD; and

WHEREAS, the applicant is proposing to amend Condition #13 to: (a) allow for the final map and the Snowcreek VIII Phase 1 tentative map to proceed prior to completion of the annexation since the final map does not authorize any actual development to occur and the lots included in the tentative map for Snowcreek VIII Phase 1 are already within the MAD; and (b) require the annexation into the MAD be completed prior to approval of any entitlement, or project, that includes a development, or portion thereof, that is not currently within the district; and

WHEREAS, the lot number references throughout the conditions need to be updated 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 accurately; and

WHEREAS, no other changes are being proposed to the approved TTM 09-002 project or the conditions of approval in Resolution PC-2009-08; and

WHEREAS, the Project Site is subject to: (a) the 2007 Snowcreek Master Plan Update (SMPU) which identifies the allowed uses and development standards for Snowcreek VIII; and (b) the Snowcreek Development Agreement (SDA) which provides the developer assurances that it will have a vested right to develop the subject site and vests the approval of TTM 09-002 for the term of the SDA (i.e., July 23, 2030); and

WHEREAS, the Planning and Economic Development Commission considered the application request on April 12, 2023, at which time all those desiring to be heard were heard; and

WHEREAS, the Planning and Economic Development Commission considered, without limitation:

1. The staff report to the Planning and Economic Development Commission with attachments;
2. The General Plan, Municipal Code, and associated Land Use Maps;
3. Resolution PC-2009-08 approving TTM 09-002;
4. The 2007 Snowcreek Master Plan Update and the Snowcreek Development Agreement;
5. Oral evidence submitted at the hearing; and
6. Written evidence submitted at the hearing.

NOW THEREFORE, THE PLANNING AND ECONOMIC DEVELOPMENT COMMISSION OF THE TOWN OF MAMMOTH LAKES DOES RESOLVE, DETERMINE, FIND AND ORDER AS FOLLOWS:

SECTION 1. FINDINGS.

I. CEQA.

The entire Snowcreek VIII project, including the requirement to be annexed into the MAD, was evaluated for potential environmental impacts by the Snowcreek VIII, Snowcreek Master Plan Update 2007 EIR (SCH# 2006112015). The proposed action to modify the MAD annexation timing is covered by that EIR and not subject to additional environmental review. The modification to the lot number references does not result in any physical changes to what is being required by the condition, and therefore, does not require any additional environmental review.

II. MUNICIPAL CODE FINDINGS.

A. FINDINGS FOR MINOR CHANGES TO AN APPROVED PROJECT (Municipal Code §17.64.070)

- 1. 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 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, 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.

- 2. 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.

- 3. 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.

- 4. 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 result of the minor lot configuration changes reflected on the final map.

SECTION 2. PLANNING AND ECONOMIC DEVELOPMENT COMMISSION ACTIONS.

The Planning and Economic Development Commission hereby takes the following actions:

1. Finds that the proposed action to amend the conditions of approval in Resolution PC-2009-08 were either previously covered by the Snowcreek VIII, Snowcreek Master Plan Update 2007 EIR (SCH# 2006112015) (i.e., MAD annexation) or do not result in any change to the project or what is being required by the condition (i.e., update to the lot number references); and
2. Approves the modifications to the conditions of approval in Resolution PC-2009-08 to read as follows:

[SEE EXHIBIT "A"]

3. All findings and other conditions of approval in Resolution PC-2009-08 remain unmodified and in full force and effect.

PASSED AND ADOPTED this 12th day of April 2023, by the following vote, to wit:

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:

Sandra Moberly,
Community and Economic Development
Director

Michael Vanderhurst
Chair of the Mammoth Lakes Planning
and Economic Development Commission

NOTE: This action is subject to Chapter 17.104 of the Municipal Code, which specifies time limits for legal challenges.

OWNER/APPLICANT:

I, Charles R. Lande, am the authorized signatory for Snowcreek Investment Company II, LLC, the applicant and property owner, and I do hereby attest that I have read, and agree to, the conditions of approval stipulated within this Resolution.

Charles R. Lande
Snowcreek Investment Company II, LLC
(Notary Required)

Date: _____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }
County of Mono

On _____ before me, _____
personally appeared _____
who proved to me on the basis of satisfactory evidence to be the persons whose name(s) is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity (ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature of Notary

EXHIBIT “A”
Resolution No. PEDC 2023-04
Case No. TTM 09-002

Amendments to the Conditions of Approval in Resolution PC-2009-08

(Additions are shown in Underlined Italics and deletions are shown in ~~Strikeout~~)

- A. Condition of Approval #13 is hereby deleted and restated in its entirety 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. 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 “B” – 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.

- B. All lot number references in the conditions of approval are hereby revised as follows (*all other language in the conditions remain unchanged*):

#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, ...”

EXHIBIT B - MAD Boundary Map (1-4-2023)

