



## **COMMUNITY DEVELOPMENT**

*P.O. Box 1609 Mammoth Lakes, CA 93546*

**MEETING DATE:** December 9, 2009

**PLANNING COMMISSION ITEM:** 1

**SUBJECT:** Tentative Tract Map 09-002: Snowcreek VIII

**FROM:** Jen Daugherty, Associate Planner

**APPLICANT/OWNER:** Snowcreek Investment Company, L.P.

**LOCATION:** Approximately 222 acres within the Snowcreek Master Plan Update area in the southeast portion of town (APNs 40-070-10, 11, 12, 13; 40-070-23; 40-140-04 and 05).

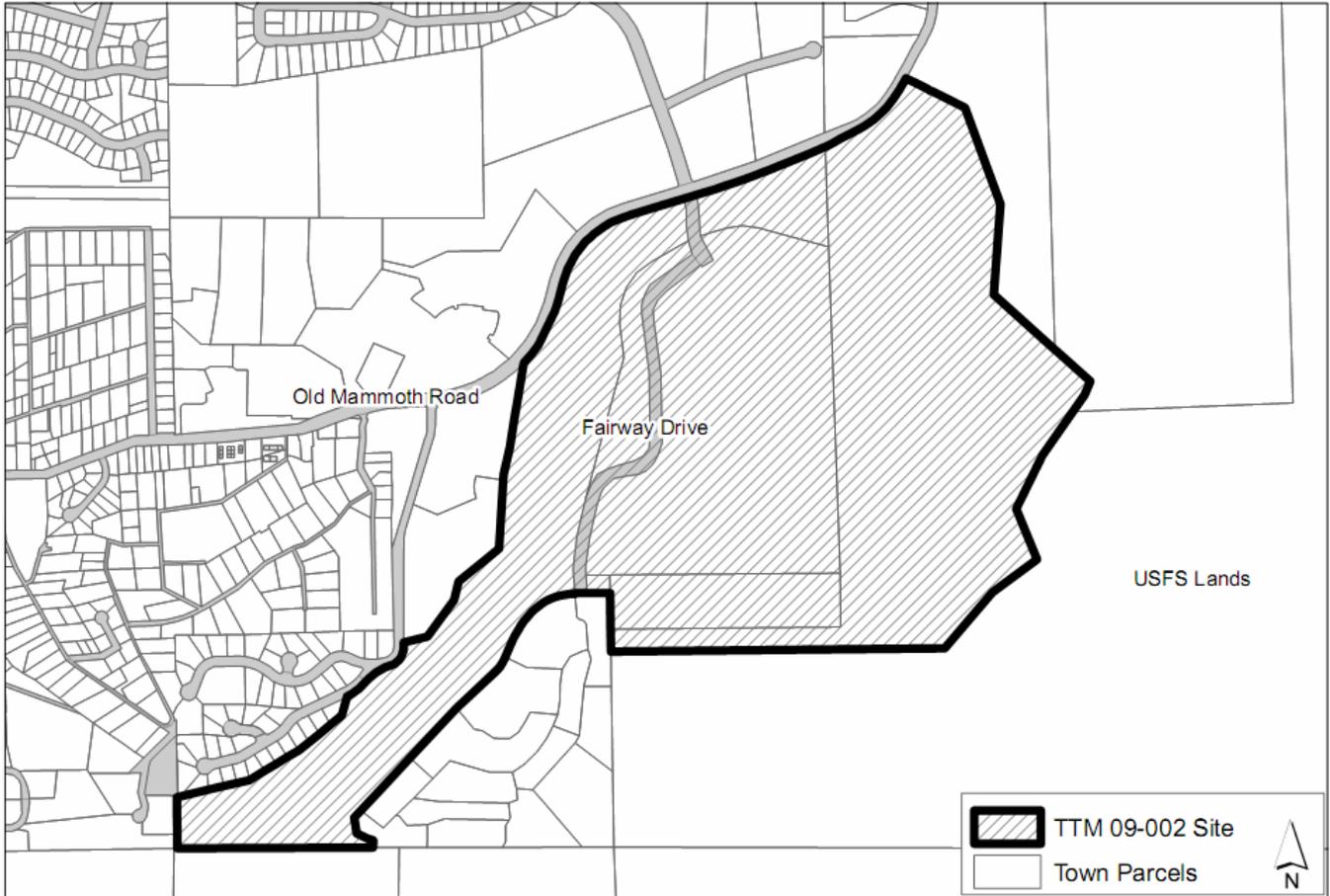
**ZONING/GENERAL PLAN:** Resort (R) and Open Space (OS)/Resort (R) and Open Space (OS)

**MASTER/SPECIFIC PLAN:** Snowcreek Master Plan Update

**PROJECT DESCRIPTION:** The requested tentative tract map is for parcelization purposes only; no development is proposed. Approval of the proposed application and subsequent maps would create 23 parcels for future development purposes, 7 lettered lots for future private road purposes, and 1 lettered lot for open space purposes (total of 31 lots).

**STAFF RECOMMENDATION:** Staff recommends that the Planning Commission choose Option 1: adopt the attached resolution finding the project to be consistent with the Snowcreek VIII, Snowcreek Master Plan Update 2007 Environmental Impact Report (EIR), conditionally approving Tentative Tract Map 09-002, and including the findings as listed in the resolution and all conditions of approval.

## **SITE MAP**



## **DEVELOPMENT PROPOSAL**

The requested tentative tract map is for parcelization purposes only; no development is proposed. The tentative tract map proposes to create 23 parcels for future development, 7 lettered lots for future private road purposes, and 1 lettered lot for open space purposes (total of 31 lots).

Tentative Tract Map (TTM) 09-002 identifies the adjusted covenant boundary<sup>1</sup> that delineates the Resort zoned property (i.e. development site) from the Open Space zoned property (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 tentative tract map is another appropriate mechanism to accomplish this objective.

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<sup>1</sup> 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).

TTM 09-002 also identifies the boundary of the realigned Urban Growth Boundary consistent with the Snowcreek Master Plan Update and Town Council Resolution 09-46, which will be recorded with the final map.

### **SUBJECT PROPERTY AND SURROUNDING LAND USES**

The project site consists of seven parcels and is located in the southeast portion of Mammoth Lakes at the foot of the Sherwin Range. The site is a high meadow area of approximately 222 acres. The overall terrain is relatively flat and there are few native trees on the site. The project site is largely undeveloped and is visually accessible from higher elevations. Existing roads accessing or adjoining the site include Old Mammoth Road, Minaret Road, Sherwin Creek Road and Fairway Drive.

The site is zoned Resort and Open Space, and is subject to the Snowcreek Master Plan Update. The Resort zoned property is entirely within the Urban Growth Boundary (UGB) and the Open Space zoned property is entirely outside of the UGB.

The immediate surrounding uses include residential to the west and north including Snowcreek VI, VII, and single family homes off Ranch Road and Woodcrest Trail. USFS lands are located to the south and east. Other surrounding uses include Snowcreek V to the south and vacant land along Mammoth Creek to the north.

### **ISSUES ANALYSIS**

This application has been reviewed for consistency with the Snowcreek Master Plan Update (“SMPU”), which was approved in August 2009 by Town Council Ordinance 09-05, and the associated Environmental Impact Report (EIR)<sup>2</sup>. The application was routed to various agencies, some of whom provided comments (see #5 below). No public comments have been submitted as of the date of this staff report. The map was found to be consistent with the SMPU with the inclusion of the recommended conditions of approval. Some issues that required a more detailed review are discussed below.

1. The conditions of approval for the SMPU require various easements, dedications and other requirements, such as those related to the Sherwin Trail, Sherwins egress, multi-use paths, rights of way, and others. The conditions of approval for this map require these to be shown on the final map or in separate exhibits accompanying the final map prior to Planning Commission’s review of the final map.
2. Tentative tract maps typically require the posting of surety or bonding for the necessary improvements. In this case, since no development is proposed, the applicant has requested that no bonding be required. The Town has accommodated this request by including an improvement phasing plan that identifies when each type of improvement shall be built (Exhibit B.1 of the

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<sup>2</sup> The SMPU is available at <http://www.ci.mammoth-lakes.ca.us/comdev/Snowcreek%20VIII.htm>

Town Council Ordinance 09-05 is available at [http://library2.municode.com/default-test/home.htm?infobase=16632&doc\\_action=whatsnew](http://library2.municode.com/default-test/home.htm?infobase=16632&doc_action=whatsnew)

The Snowcreek VIII EIR is available at <http://www.ci.mammoth-lakes.ca.us/comdev/INITIAL%20STUDY%20AND%20EIR/initial%20studies.htm>

attached resolution). These phasing requirements are included as Engineering conditions of approval.

3. Condition of Approval #66 of the SMPU required a year round trails system plan consisting of Figures 5.5, 5.6 and associated text with certain amendments specified in the condition. The final SMPU was received in October 2009 and includes these figures and associated text as amended by the SMPU conditions of approval. Therefore, this condition of approval has been satisfied.
4. Two temporary buildings, the Snowcreek construction office and golf course clubhouse, would be located across property lines identified in this map; conditions of approval require these buildings to be relocated or demolished prior to the development of the subject lots.
5. TTM 09-002 was routed to outside agencies consisting of Amerigas, Eastern Sierra Land Trust, Mammoth Community Water District, Mammoth Disposal, Mammoth Lakes Fire Protection District, Mono County Assessor, Southern California Edison, and Turner Propane. Four of the outside agencies responded, which resulted in multiple conditions of approval being added to the map.

- a. **Mono County Assessor:** The Assessors Office identified that the map would result in lots with split Tax Rate Areas (TRAs), which is not permitted. Therefore, a condition of approval requires the TRAs to be adjusted by the Local Agency Formation Commission (LAFCO) prior to approval of the final map by Town staff and recordation.
- b. **Mammoth Community Water District (MCWD):** The Open Space zoned property of this map is outside of the MCWD service area. As stated in the SMPU conditions of approval, MCWD will not serve the parcels located outside of the MCWD service area and outside of the Arcularius/Dempsey Agreements until three steps are taken: 1) LAFCO approves the extension of MCWD's service boundary to include the Open Space zoned property, 2) amendment to the Arcularius/Dempsey Agreements to include the area currently outside of the Agreements, and 3) completion of the agreement regarding the provision of recycled water to the Snowcreek golf course.

The conditions of approval include a requirement for LAFCO's approval of the extension of MCWD's service area boundary to address this comment. The other two requirements identified by MCWD will be completed prior to approval of any permit for development outside or partially outside MCWD's service area boundary.

- c. **Mammoth Lakes Fire Protection District (MLFPD):** MLFPD comments were specific to applicable Fire Code requirements and have been added as conditions of approval.
- d. **Eastern Sierra Land Trust (ESLT):** The ESLT, who monitors the covenant applicable to the Snowcreek VIII site, reviewed and did not identify any issues with the proposed TTM 09-002.

6. The Town is processing a Development Agreement (DA 09-001) that would include the subject property as well as this application. If the DA is approved, this map would be vested for the amount of time specified in the DA and as allowed by California State Law. The DA is a separate application and will require public hearings at Planning Commission and Town Council. The DA will not be affected by this application.

### **CONFORMANCE WITH THE GENERAL PLAN & VISION**

Tentative Tract Map 09-002 is consistent with both the General Plan and Vision because the project further implements the Snowcreek Master Plan Update, which was approved by Ordinance 09-05 and was found to be in conformance with both the General Plan and Vision.

### **CEQA COMPLIANCE**

The Snowcreek Master Plan Update (SMPU) was adopted as part of the certification of the Snowcreek VIII, Snowcreek Master Plan Update 2007 EIR (SCH# 2006112015). As part of the certification, a statement of overriding considerations was adopted pursuant to the requirements of CEQA based on the significant effects identified in the EIR. The EIR identified subsequent discretionary actions that were included in the environmental analysis and are not subject to additional environmental review.

Although the map implements, in part, the SMPU, no development is proposed as part of the application and so few mitigation measures from the EIR are applicable. However, the applicable mitigation measures or portions thereof are included as conditions of approval.

### **OPTIONS ANALYSIS**

Option 1: Approve Tentative Tract Map 09-002 with conditions of approval as recommended or as modified by the Planning Commission.

Option 2: Continue the decision on Tentative Tract Map 09-002.

Option 3: Deny Tentative Tract Map 09-002.

Option 1 would approve the application subject to conditions recommended by staff or modified by the Planning Commission. This option would allow the applicant to process a final map application with the Town, subject to the conditions of approval.

Option 2 would allow the Planning Commission's decision on the application to be delayed, if determined necessary based on Planning Commission requests for additional or more detailed information.

Option 3 does not allow the application to proceed with the planning process, unless an appeal is filed within 15 days of Planning Commission decision. If an appeal were to be filed, the project would be scheduled for a Town Council hearing.

## **RECOMMENDATION**

Staff recommends that the Planning Commission choose Option 1: adopt the attached resolution finding the project to be consistent with the Snowcreek VIII, Snowcreek Master Plan Update 2007 Environmental Impact Report (EIR), conditionally approving Tentative Tract Map 09-002, and including the findings as listed in the resolution and all conditions of approval.

### **Attachments:**

1. Planning Commission Resolution
  - Attachment A: Findings
  - Attachment B: Conditions of Approval
2. TTM 09-002 Sheets 1A, 1B, 2, 3 and 4
3. Overlay of Snowcreek Master Plan Update Illustrative Site Plan
4. Outside agency comments
5. Town Council Resolution 09-46 Exhibit 1

# **ATTACHMENT 1**

Recording Requested by and )  
 When Recorded Mail To: )  
 )  
 Town of Mammoth Lakes )  
 Community Development Department )  
 P.O. Box 1609 )  
 Mammoth Lakes, CA 93546 )\_\_\_\_\_

Space Above for Recorder's Use

**RESOLUTION NO. PC-2009-**

**A RESOLUTION OF THE MAMMOTH LAKES PLANNING COMMISSION**

**APPROVING TENTATIVE TRACT MAP 09-002**

**TO ALLOW PARCELIZATION OF APPROXIMATELY 222 ACRES**

**WITHIN THE SNOWCREEK MASTER PLAN UPDATE AREA**

(APNs: 40-070-10, 11, 12, 13; 40-070-23; 40-140-04 and 05)

**WHEREAS**, a request for consideration of a Tentative Tract Map was filed by Snowcreek Investment Company, L.P. to allow parcelization of approximately 222 acres within the Snowcreek Master Plan Update area, in accordance with Section 17.28 of the Town of Mammoth Lakes Municipal Code, for property located within the Resort and Open Space Zoning District within the Snowcreek Master Plan Update area.

**WHEREAS**, the Planning Commission conducted a Noticed Public Hearing on the application request on December 9, 2009, at which time all those desiring to be heard were heard; and

**WHEREAS**, the Planning Commission considered, without limitation:

1. The Agenda Report to the Planning Commission with exhibits;
2. The State Map Act, Snowcreek Master Plan Update, General Plan, Municipal Code, Design Review Guidelines, and associated Land Use Maps;
3. Oral evidence submitted at the hearing;
4. Written evidence submitted at the hearing;
5. Project plans consisting of: Sheets 1A, 1B and 2, dated received by the Town of Mammoth Lakes on November 19, 2009 and Sheets 3 and 4 date received by the Town of Mammoth Lakes on August 7, 2009; and

**WHEREAS**, the Planning Commission made the findings contained in Attachment A of this resolution pursuant to Section 17.28 of the Mammoth Lakes Municipal Code and Section 66474 of the Subdivision Map Act:

(SEE ATTACHMENT "A")

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission, in its independent judgment, finds that this project is consistent with the Snowcreek VIII, Snowcreek Master Plan Update 2007 Environmental Impact Report (EIR) pursuant to the California Environmental Quality Act (CEQA) Guidelines.

**BE IT FURTHER RESOLVED** that the Planning Commission of the Town of Mammoth Lakes hereby approves Tentative Tract Map 09-002 subject to the conditions contained in Attachment B of this resolution:

(SEE ATTACHMENT "B")

**PASSED AND ADOPTED** this 9 day of December 2009, by the following vote, to wit:

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:

\_\_\_\_\_  
Mark Wardlaw  
Community Development Director

\_\_\_\_\_  
Rhonda Duggan, Chair of the Mammoth  
Lakes Planning Commission

**NOTE:** This action is subject to Chapter 17.68 of the Municipal Code, which specifies time limits for legal challenges.

I, Snowcreek Investment Company, L.P., am the applicant for this project request and I do hereby attest that I have read, and agree to, the conditions of approval stipulated within this Resolution.

\_\_\_\_\_  
Snowcreek Investment Company, L.P.  
Charles R. Lande, President  
(Notary Required)

\_\_\_\_\_  
Date

**ATTACHMENT “A”**  
**Resolution No. PC-09-**  
**Case No. TTM 09-002**

**Findings for Tentative Map Approval**

(State Map Act Section 66474)

1. The proposed map is consistent with applicable general and specific plans as specified in Section 66451 of the Subdivision Map Act because the application is consistent with the Resort and Open Space land use designations and the Snowcreek Master Plan Update (Town Council Resolutions 09-45 and 46 and Ordinance 09-05).
2. The design and future improvements of the subdivision will be consistent with applicable general and master plans because future development will comply with the development standards of the Snowcreek Master Plan Update and Municipal Code (Resort and/or Open Space Zoning District(s)) where applicable. The map application conforms to current Municipal Code development standards as applicable that implement the goals and policies of the Town of Mammoth Lakes General Plan because the map is consistent with the Snowcreek Master Plan Update and no development is currently proposed. The property is not located within a Specific Plan area; however, it is located within the Snowcreek Master Plan Update area and is consistent with that Master Plan.
3. The site is physically suitable for the type of development because the Snowcreek Master Plan Update and associated Environmental Impact Report (“EIR”) were approved by the Town Council (Town Council Resolution 09-45 and Ordinance 09-05); no development is currently proposed.
4. The site is physically suitable for the proposed density of development because the Snowcreek Master Plan Update and associated EIR were approved by the Town Council (Town Council Resolution 09-45 and Ordinance 09-05); no development is currently proposed.
5. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage nor substantially injure fish or wildlife or their habitat because the property and Snowcreek Master Plan Update project were analyzed in the EIR and mitigation measures were incorporated to reduce the impact to biological resources to less than significant (Town Council Resolution 09-45).
6. The design of the subdivision or the types of future improvements is not likely to cause serious public health problems since no development is currently proposed and no evidence has been submitted during the planning review process to indicate that the parcelization would cause any serious public health problems. All necessary public services are currently provided, or can be extended to, the site to assure health and safety for those individuals occupying and using the site facilities with the inclusion of conditions of approval.

7. The design of the subdivision or the type of future improvements will not conflict with any existing easements within the proposed subdivision since the conditions of approval require the necessary relocation of existing easements, new easements and/or offers of dedication consistent with the Snowcreek Master Plan Update. The property has access to a public street with approved street alignments and widths as described in the Snowcreek Master Plan Update and conditions of approval. All utilities, and their easements, are currently in place on, or can be extended to, the property and the proposed subdivision will not impact upon adjacent property easements and/or common areas shared among condominium owners with the inclusion of conditions of approval.
8. The map will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the area or the general community since access and all utilities are provided to the property or are required by conditions of approval and health and safety issues were evaluated in the EIR.
9. The map is consistent with the covenant which APNs 40-140-04 and 05 (Open Space zoned) are subject to because the Eastern Sierra Land Trust reviewed and approved the application request on November 18, 2009.

**ATTACHMENT "B"**  
**Resolution No. PC-09-**  
**Case No. TTM 09-002**

**PLANNING DIVISION CONDITIONS**

1. This approval authorizes the following: Parcelization of approximately 222 acres within the Snowcreek Master Plan Update area zoned Resort and Open Space, from 7 parcels to 23 parcels for future development, 7 lettered lots for future private road purposes, and 1 lettered lot for open space purposes (total of 31 lots). Approval of this tentative map shall not be construed to permit the development of any lot therein. Prior to any development, the necessary development permit(s), use permit, design review, administrative permit, tentative map approvals and final map filings shall be obtained in accordance with the Snowcreek Master Plan Update (Ordinance 09-05) relevant Town codes and ordinances, and the Subdivision Map Act. This approval does not approve or authorize any deviations from the Snowcreek Master Plan Update (Town Council Ordinance 09-05) or any Town codes or ordinances.
2. This resolution of approval, as conditioned herein, shall be recorded for the subject property by the Mono County Recorder's Office.
3. Town staff shall have the right to enter the subject property to verify compliance with these conditions. The holder of any permit associated with this project shall make the premises available to Town staff during regular business and shall, upon request, make records and documents available to Town staff as necessary to evidence compliance with the terms and conditions of the permit.
4. Where compliance with the conditions of approval or applicant initiated changes to the plans require additional staff work, that time shall be billed at the Town's established billing rates.
5. This action may be appealed to the Town Council within fifteen (15) calendar days from the date of Planning Commission approval in accordance with Municipal Code Chapter 17.68.
6. Prior to receipt of a grading or building permit, the applicant shall obtain a secondary source permit or letter of exemption from the Great Basin Unified Air Pollution Control District.
7. Applicant shall indemnify and defend the Town, its officials, employees and representatives (the "Town Indemnitees") with respect to any legal action or proceeding, including any involving CEQA (the "Litigation") initiated by a third party against the Town's final approval or final conditional approval of the application for Tentative Tract Map 09-002; provided, however, that if any Town Indemnitee is involved in bringing the Litigation, this indemnification shall not be applicable to him or her personally. Applicant's obligation to defend and indemnify, as set forth in this condition, shall expire once the applicable statute of limitations for the discretionary and ministerial approvals associated with Tentative Tract Map 09-002 has run.

In the event any Litigation is filed, Applicant shall select and retain legal counsel ("Counsel") to represent both the Town and Applicant with respect to the Litigation, and Counsel shall cooperate with Applicant and the Town in the course of defending the Litigation. Applicant anticipates choosing as Counsel to provide the Town's and Applicant's legal defense in any Litigation the law firm of Allen Matkins Leck Gamble Mallory & Natsis LLP, subject to either party's right to change counsel if Counsel does not provide adequate and timely professional services. Applicant shall also pay all filing fees, court costs and similar out-of-pocket expenses required for the Town and Applicant to defend the Litigation. However, if the Town Attorney elects to appear (either in person or by his designee) in any Litigation, Applicant shall not be responsible for paying any fees, costs, attorneys' fees or expenses resulting from unreasonable actions taken by the Town against the written advice of Counsel. The Town shall cooperate with Counsel's defense of the Litigation, and shall make its records (other than documents privileged from disclosure) and personnel available to Counsel as may be reasonably requested by Counsel in connection with the Litigation.

8. A final map, consistent with the tentative map and the conditions herein, shall be recorded with the County Recorder of Mono County prior to the expiration of the approved tentative map. The final map shall conform to the Subdivision Map Act and the Subdivision Regulations of the Town of Mammoth Lakes. The tentative map shall expire twenty-four (24) months after the approval date. Failure to record the final map prior to the expiration will nullify all approvals, except that such time limitation may be extended by the Planning Commission, in accordance with the Subdivision Map Act and the Municipal Code.
9. All future development shall be subject to and comply with the Snowcreek Master Plan Update including all development standards and all relevant conditions of approval (Town Council Resolutions 09-45 and 46 and Ordinance 09-05).
10. The Snowcreek VIII, Snowcreek Master Plan Update 2007 Environmental Impact Report (EIR) and all mitigation measures (SCH# 2006112015) are on file in the Office of the Town Clerk and are incorporated herein by reference.
11. Prior to the future development of or the issuance of a building permit for Lot 14, the existing temporary construction office building (Administrative Permit 2005-07 and Time Extension Request 2008-04) or lot line common to Lot 14 and 23 shall be relocated to meet the Snowcreek Master Plan Update development regulations and covenant monitored by the Eastern Sierra Land Trust or the building shall be demolished.
12. Prior to the future development of or the issuance of a building permit for a permanent structure on Lot 20 or Lot 21, the temporary golf course clubhouse building or lot line common to Lot 20 and 21 shall be relocated to meet the Snowcreek Master Plan Update development regulations or the building shall be demolished.

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 staffs approval of the final map.
14. Tentative Map 09-002 Sheet 1A shall be revised to describe that water supply and sewer disposal service from Mammoth Community Water District (MCWD) to a portion of the project site is dependent on LAFCO boundary changes.
15. The following requirements are from the Mammoth Lakes Fire Protection District:
  - a. D104.1 Buildings exceeding three stories or 30 feet in height: Buildings or facilities exceeding 30 feet (9144 mm) to the floor plate of the highest habitable floor or three stories in height shall have at least three means of fire apparatus access for each structure.
  - b. D104.3 Remoteness: Where two access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.
  - c. 2007 Mammoth Lakes Fire Protection District Local Code: Section 503.1.1 Buildings and Facilities are amended to include: The Fire District shall require an Emergency Access Road(s) when a Group R Occupancy project consists of more than 24 units. When there are more than 50 units in a project, then a minimum of two Fire Apparatus Access Roads (public streets) shall be provided.
  - d. This project is protected by the Mammoth Lakes Fire Protection District. Prior to any construction occurring on any parcel, the applicant shall contact the Fire Marshal for verification of current fire protection development requirements.
  - e. A Wildland Fire Urban Interface Hazard Plan (WFUIHP) shall be provided with the first use permit submittal for the Snowcreek VIII site. The WFUIHP shall be reviewed and approved by the MLFPD prior to issuance of a grading permit for that first use permit.
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 - 2010 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.

## **ENGINEERING DIVISION CONDITIONS**

### **General Conditions:**

17. The future site grading design and all future building construction shall conform to all local, State and federal disabled access regulations.
18. The site shall be maintained in a neat, clean and orderly manner. All future improvements shall be maintained in a condition of good repair and appearance. Vehicles, equipment, and materials inappropriate to the site and its use shall not be stored on site.
19. This project shall be required to pay all development impact fees in accordance with Town ordinances and the municipal code or as amended by a development agreement.
20. The property owner, applicant/developer and holder of any and all permits associated with this property shall conform to the requirements of the Town of Mammoth Lakes and Federal, State, County and Local agency requirements, as they may apply, or as local codes amended by a development agreement. This includes, at a minimum, the CRWQCB, Lahontan District, the Great Basin Air Quality Control District, OSHA, the Mammoth Lakes Fire Protection District, and the Mammoth Community Water District.
21. Nothing in the approval of this tentative tract map shall be construed to allow for the deviation, adjustment, variance or non-conformance of any municipal code or ordinance, or of any local, State or federal standard, policy, regulation or law, unless specifically provided for herein. All easements, dedications, and agreements shall be in a form and content acceptable to the Town Engineer.
22. Any public or private property damaged, or destroyed by future site preparation, grading, construction or use shall be restored to its pre-existing condition by the Permittee.
23. The applicant shall submit to the Town an electronic file of the final map and other project plans for public infrastructure in AutoCAD, Version 2008, or other format as may be approved by the Town Engineer, within 30 days of approval of the phase.
24. Town street name signs shall meet Manual of Uniform Traffic Control Devices letter size and reflectivity standards and shall be installed indicating street names, public and private.

25. Landscaping and irrigation systems within the public right of way within or adjacent to the project area shall be maintained by property owner, with the exception of benefit assessment district areas. Landscape within the roundabout will be maintained by the Town funded by the Benefit Assessment District or through an encroachment agreement with the homeowners association.
26. The maintenance of future graded slopes and landscaped areas shall be the responsibility of the developer until the transfer to individual ownership or until the maintenance is officially assumed by an approved maintenance district or property owners association.
27. All easements and dedications shall meet the public works standards in a form and content acceptable to the Public Works Director.
28. Rights of way and improvements for the project to transition traffic and drainage flows from proposed to existing shall be required as necessary.
29. Private streets to be constructed within this development shall be designed to the Snowcreek Master Plan Update.
30. Subsequent tentative and final tract maps, grading and improvement plans shall coincide with the tentative tract map. The conditions of approval shall apply to each lot, unless otherwise indicated. The filing of multiple final maps shall be in accordance with Section 66456.1 of the Subdivision Map Act.
31. Improvement bonds, surety, or other security acceptable to the Public Works Director will be required with each subsequent phase of development, and is not required with this map.
32. The conditions of Snowcreek Master Plan Update Town Council Resolution 09-45 and Ordinance 09-05 shall remain in effect for the life of the project unless modified in accordance with the Snowcreek Master Plan Update or Municipal Code as applicable.
33. No certificates of occupancy shall be issued until the necessary utilities and infrastructure are in place. The development of each phase(s) will require off-site improvements for access, utilities, and other improvements, and shall meet the requirements of the Mammoth Lakes Fire Protection District (MLFPD). See improvement phasing plan (Exhibit B.1).

**The Following Conditions Shall be Completed Prior to Approval by Staff of the Final Map for Each Lot:**

34. The final map shall conform to the requirements of Town of Mammoth Lakes Subdivision Ordinance and all amendments thereto.
35. Copies of all exceptions, easements, restrictions and encumbrances listed in the preliminary title report together with a copy of the current grant deed and a current title report, a copy(ies) of each record map(s) for the subject property shown within the tentative map boundary, and a copy of each and every adjacent map, deed or other

document as necessary that establish, or were used for the survey of, and for the retracement of the subdivision boundary shall be submitted with the initial submittal of the final map. A surety shall be issued and dated within 30 days prior to final map approval by the planning commission.

36. Prior to approval of the final map by staff the applicant shall provide evidence to the Town that the property taxes have been pre-paid to Mono County Tax Collector or their payment has been secured by the filing of a surety bond or other cash-equivalent security acceptable to the County.
37. The applicant shall pay a fee for each unit, parcel or lot, including lettered lots and parcels and common area lots or parcels, created to the Community Development Department for long range planning reimbursement prior to approval by staff of the final map pursuant to the Master Fee Schedule or as amended by a development agreement.
38. Slope rights to the Town shall be granted to the Town on the final map, or by separate documents to be recorded currently with or prior to the approval of the final map.
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.
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.
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 subparagraph 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 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.

42. All documents that are required to record prior to or concurrent with the recordation of the recorded approvals shall be reviewed and approved by the Town and shall be fully executed, notarized and ready for recordation prior to approval of the final map by town staff. The originals of the executed documents shall be delivered to the Town Engineer together with the final map prior to recordation of approvals.
43. The applicant shall submit a request for street names for all streets within the subdivision. This request shall be reviewed by the Mammoth Lakes Fire Protection District (MLFPD). Approval of the street names shall be completed prior to approval of a final map for each phase by Public Works Director.
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.
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.

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, 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.
- 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.
- 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.
- 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.
- 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.
- f. An 80-foot dedication of right of way to provide a half-width right of way of 40 feet on Old Mammoth Road.
- g. IOD for the necessary portion of the roundabout at the Old Mammoth Road and Minaret Road intersection.
- h. IOD for the main entry road from the north end of Lot A to Old Mammoth Road (across Lot 23).
- 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.
- 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.
- 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.
- 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.

47. Easements shown on the tentative map to the benefit of an agency other than the Town or to other parties shall be shown on the final map as "Easements Reserved". The owners statement on the final map shall reserve said easements unto themselves, their heirs and assigns.
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 subject to the completion of the improvements.
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.
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.
51. A preliminary soils report and hydrology and hydraulics study shall be filed for each project phase and reviewed by the Town Engineer. The report shall address and make recommendations as to the compacted and un-compacted fills on-site, fills related to any previous mass grading. A note shall be placed on final maps indicating which lots require grading remediation. An "as-graded" soils report shall be provided to the Town upon completion of the grading.
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.

**The Following Conditions Shall be Completed Prior to Issuance of an Encroachment, Grading or Improvement Permit for Each Lot:**

53. The preliminary site grading shall be generally consistent with Tentative Tract Map Sheets 3 and 4, dated received by the Town on August 7, 2009, Municipal Code, Public

Works Standards, and the EIR (SCH# 2006112015). No change to the existing conditions of the site, including site grading, drainage interruption, land clearing, etc. shall be commenced until an engineered grading and drainage plan has been approved by the Town Engineer.

54. Subsequent maps and use permits for each phase shall incorporate standard grading and drainage requirements and conditions of approval.
55. Construction management/staging plans shall be submitted with each grading plan and shall minimize construction impacts to existing neighborhoods, residents and visitors to the maximum extent possible (i.e. providing construction access roads separate from existing residential roads). This may include construction management measures in addition to those mitigation measures identified in the EIR (SCH# 2006112015). Construction management/staging plans shall be reviewed and approved by the Town and MLFPD prior to commencement of construction and/or dirt import.
56. All import and export shall be taken to, and all import shall be taken from a permitted site, which shall be identified at grading permit issuance. The applicant shall prepare a haul route, subject to the approval of the Town Engineer prior to the import or export of material for the site.
57. The applicant shall obtain an easement or letter of permission to grade all areas requiring off-site grading prior to issuance of a grading permit or a building permit. These areas shall be contour graded.
58. An encroachment permit or a letter of exemption shall be obtained from the engineering services division of the Town prior to construction within the public right of way in accordance Chapter 12.04 of the municipal code.
59. No work within Town right of way shall be commenced until a traffic control plan has been approved by the engineering services division of the Town.
60. In the event the applicant requires temporary access to adjacent properties for grading or drainage purposes, the applicant shall obtain an easement or letter of permission from the adjacent property owner(s).
61. Drainage across the property shall be maintained and/or improved. The design of the grading and drainage facilities shall be in conformance with the Snowcreek VIII, Snowcreek Master Plan Update 2007 EIR. A registered civil engineer shall investigate existing facilities and design adequate drainage facilities to intercept and conduct the drainage flows around or through the site in a manner that will not adversely affect adjacent or downstream properties. The Engineer shall verify that downstream facilities, and drainage channels accepting site flows are not adversely affected by an increase in runoff from this development. If the project does create concentrated or sheet flows off-site that are greater than historical, the applicant shall demonstrate that the downstream facilities can accommodate the increased flows; otherwise, the applicant shall provide on-site detention for excess flows.

62. Detention basins shall be designed and constructed in accordance with the criteria set forth in the Storm Drain Master Plan and the Municipal Code of the Town and shall be reviewed and approved by the Town Engineer. Should the use of detention basins be determined not appropriate for this project, the applicant shall design an alternate method, approved by the Town Engineer. The developer shall provide a financial mechanism for the maintenance of the detention basins that shall be set in place and approved by the Town Engineer prior to grading permit being issued.
63. Prior to combustible materials being placed on-site, an all-weather access road shall be constructed serving all exterior portions of the structure to the satisfaction of MLFPD.
64. Storage of construction materials and equipment off-site shall not be permitted without a permit issued by the community development department of the Town.
65. Existing Town and private streets that require construction or reconstruction, shall remain open for traffic at all times, with adequate detours and traffic control, during actual construction. Surety shall be posted to cover the cost of grading and paving prior to approval by staff of the development permit.
66. Snowcreek VIII, Snowcreek Master Plan Update 2007 EIR Mitigation Measures GEO 3a and 3b require that all recommendations contained within site-specific geotechnical reports be implemented and adhered to. Therefore, future development and ground disturbing activities shall implement and adhere to the August 4, 2009 Preliminary Drainage Study Addendum.

**The Following Conditions Shall be Completed Prior to Issuance of Building Permits for Each Lot:**

67. Recordation of the final map. The applicant shall provide evidence to the Town that the map has recorded prior to issuance of the first building permit for the project. Evidence shall consist of the recording information of the final map.

**Prior to the Issuance of the First Temporary, Conditional or Final Certificate of Occupancy for Each Lot the Following Conditions Shall be Completed:**

68. The project shall comply with the Guidelines for Erosion Control in the Mammoth area. This shall include submittal of a Report of Waste Discharge. Prior to the first occupancy permit, the developer shall prepare a stormwater management operation plan that the Homeowner Association shall use for ongoing operation and maintenance of permanent erosion control and storm water.
69. Projects subject to a building permit shall have all required on and off-site improvements, required for each phase, completed and approved prior to final inspection of any buildings or structures. The term "phase" as used here shall mean the following: "The block of building permits drawn on less than the whole project" or "A plan of building construction which indicates blocks of construction of less than the whole project." In each phase the installation of any on or off-site improvements shall be sufficiently completed so as to assure protection from storm or drainage run off, a safe and drivable access for fire and safety, and the ordinary and intended use of buildings or structures. The Building Official, with the concurrence of the Public Works Director,

may approve any plan or approve a change to an approved plan, which complies with the intent of this policy.

70. All deferred survey monumentation shall be completed prior to the sale of any lot.

71. Street name signs shall be installed when new streets are constructed. Street names shall be approved by the MLFPD and the Town. Address numbers shall be placed on all new and existing structures in such a manner as to be plainly visible and legible as required by the subdivision ordinance from the access roadway or street.

## **EXHIBIT B.1**

### **ENGINEERING DIVISION CONDITIONS CONTINUED**

#### **Improvement Phasing Plan**

##### **A. GENERAL**

1. This map is for the purpose of parcelizing lots only; no improvements are proposed or approved by this map.
2. All lots offered for sale must have access provided by an easement, irrevocable offer of dedication (IOD), or right of way meeting Town of Mammoth Lakes standards and requirements.
3. All improvements, grading, and phasing shall be consistent with the Snowcreek VIII, Snowcreek Master Plan Update 2007 EIR and the Snowcreek Master Plan Update (Town Council Ordinance 09-05).
4. Any on-site or off-site grading or improvements necessary for the development of a lot shall be constructed with the development of that lot. No improvement system shall be partially constructed unless otherwise described in this Exhibit.

##### **B. STREETS**

1. Irrevocable offers of dedication are required for all streets per Engineering Condition of Approval 46.i.
2. All streets shall meet the MLFPD requirements for safety and emergency access; this may require additional lettered lots or temporary emergency roads to be improved by the developer with the necessary easements and/or irrevocable offers of dedication to avoid cul-de-sacs and other safety issues (Planning Condition of Approval 15). A minimum of two street accesses shall be provided to any lot(s) or phase that has more than 50 units.
3. Prior to issuance of the first certificate of occupancy for Lot 6, Lots A, B, and the main entry road (north of Lot A) shall be improved by the developer, and either a temporary connection to Fairway Drive, or Lots C, D, and F shall also be improved by the developer.
4. Prior to construction of the hotel (Lot 6) or issuance of certificates of occupancy for 2/3 of the project units, the Emergency Vehicle Access (EVA) road on Lots 5, 6 and 23 shall be improved by the developer unless other later phasing is approved by the Mammoth Lakes Fire Protection District (MLFPD).
5. Prior to issuance of the first certificate of occupancy for Lot 1, Lot A and the main entry road (north of Lot A) or Lots A, E, F, and a portion of Lot B, shall be improved by the developer.

6. Prior to issuance of the first certificate of occupancy for any of the following lots, Lots 2, 3, 4, 5, 11, and 12, Lot B shall be improved by the developer to the extent that each individual parcel has access to its entrance(s) from Lot B, and Lot A and the main entry road (north of Lot A) or Lots E and F shall be improved by the developer.
7. Prior to issuance of the first certificate of occupancy for any of the following lots, Lots 13, 14, and 15, Lot E shall be improved by the developer to the extent that each individual parcel has access to its entrance(s) from Lot E, and Lot F or Lot A, the main entry road (north of Lot A) and a portion of Lot B shall be improved by the developer.
8. Prior to issuance of the first certificate of occupancy for any of the following lots, Lots 16, 17, 18, 19, 20, and 21, Lots F and D shall be improved by the developer to the extent that each individual parcel has access to its entrance(s) from Lot D.
9. Prior to issuance of the first certificate of occupancy for any of the following lots, Lots 7, 8, 9, and 10, Lot C shall be improved by the developer to the extent that each individual parcel has access to its entrance(s) from Lot C, and Lots D and F or Lots B, A, and the main entry road (north of Lot A) shall be improved by the developer.
10. When Lots 22 and/or 23 are developed, Lots G, F, the main entry road (north of Lot A), and the Emergency Vehicle Access (EVA) road shall be designed by the developer.
11. When Lot D is improved, Lot G shall also be improved by the developer.

#### C. DRAINAGE

1. The development of each and every lot shall require submittal of a drainage design and the installation of drainage facilities as required by the Public Works Department.
2. This proposed Subdivision shall conform to the Lahontan Regional Water Quality Control Board's guidelines for erosion and sediment control and any other requirements of the Public Works Department, including Public Work Standards, the Grading Ordinance, and the Snowcreek VIII, Snowcreek Master Plan Update 2007 EIR.
3. Existing drainage patterns on undeveloped lots shall be maintained per requirements of the Public Works Department, including Public Work Standards, the Grading Ordinance, and the Snowcreek VIII, Snowcreek Master Plan Update 2007 EIR.

#### D. UTILITIES

1. Provide for all utilities including potable and recycled water, sewer, telephone, cable TV, gas, and electric. All utilities shall be placed underground to serve all lots. Utility design and installation shall conform to the requirements of the serving utility companies.
2. All utilities in dedicated roads or roads intended to be dedicated, whether now or in the future, shall be subject to the Encroachment Ordinance and Encroachment Permits applied for with the Public Works Department.
3. Sewer and potable and recycled Water shall conform to the requirements of the Mammoth Community Water District.
4. All utility trenching, backfill, and pavement repair shall be approved and permitted by the Town through the Grading Ordinance and covered by the Improvement Security as specified herein.
5. The existing water and sewer lines and easements shall be relocated as necessary as development and improvements occur on Lots 1, 2, 3, 4, 5, 6, 7, 13, 23 and A.

#### E. MONUMENTS

1. All property corners shall be monumented in accordance with the Town's Subdivision Ordinance.
2. Street centerline monuments for BCs, ECs, PCCs, and intersections shall be placed in all future streets upon their development.

#### F. SOILS REPORT

1. Soils reports shall be prepared per Engineering Condition of Approval 51, which may include any or all of the lots.

#### G. IMPROVEMENT PLANS AND SPECIFICATIONS

1. Upon development of any and all lots, the developer shall submit complete Improvement Plans showing all required improvements, a Construction Cost Estimate, and Specifications for the project. Said plans, Estimate, and Specifications shall be approved by the Director of Public Works.

#### H. IMPROVEMENT AGREEMENT

1. Upon development of any and all lots, the developer agrees to enter into a Subdivision Agreement with the Town according to the Subdivision Ordinance and post the required Improvement Security as required by the Town Code and Sections 66499 through 66499.4 of the Subdivision Map Act. Said securities shall conform to either sub-sections (1), (2), or (3) of said Section 66499, being a bond, a cash deposit, or an instrument of credit. This shall include a security or

securities for (1) faithful performance and (2) labor and material payments, in a form approved by the Public Works Director.

#### I. FEET-FIRST INFRASTRUCTURE

1. Multi-use paths adjacent to streets (excluding temporary streets) shall be constructed by the developer in conjunction with the street improvements.
2. The portions of the Sherwin Trail Multi-Use Path within the final map and not adjacent to new streets shall be constructed by the developer with the development of Lot 6 or 23, whichever occurs first.
3. The 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 shall be constructed by the developer when the main entry road is improved.
4. The safe pedestrian crossing from the main entry road (north of Lot A) to the north side of Old Mammoth Road shall be constructed by the developer when the main entry road is improved.
5. Pedestrian paths shall be constructed by the developer with each phase and/or lot that the pedestrian paths serve.