

RESOLUTION NO. 09-46

**RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF MAMMOTH LAKES, STATE OF CALIFORNIA,
APPROVING MINOR GENERAL PLAN AMENDMENT 2009-01 AND MAKING
FINDINGS IN SUPPORT THEREOF**

WHEREAS, a request for consideration of a Minor General Plan Amendment was filed by Snowcreek Investment Company, L.P. to modify the Urban Growth Boundary in Figure 4 of the 2007 General Plan, which will result in the Urban Growth Boundary being modified as depicted on Exhibit 1 of this Resolution, relating to the Snowcreek Master Plan Update 2007; and

WHEREAS, the Planning Commission conducted a duly Noticed Public Hearing on the application request on June 10, 2009 which was continued to June 11, 2009, at which times all those desiring to be heard were heard; and

WHEREAS, following the receipt of all oral and written testimony, the Planning Commission closed the public hearing and adopted Resolution No. 2009-03 recommending certification of the Final EIR and approval of the Project to the Town Council, with conditions; and

WHEREAS, the Planning Commission considered, without limitation, the staff report to the Planning Commission with all attachments and exhibits, the 2007 General Plan, oral and written evidence submitted at the hearing, Draft Environmental Impact Report (EIR), Final EIR, Final EIR Addition, and associated technical appendices for the Snowcreek VIII, Snowcreek Master Plan Update 2007 ("Final EIR"), and all other items listed in Planning Commission Resolution 2009-03; and

WHEREAS, the Town Council conducted a duly Noticed Public Hearing on the application request on July 1, 2009 which was continued to July 8, 2009, at which times all those desiring to be heard were heard; and

WHEREAS, following the receipt of all oral and written testimony, the Town Council closed the public hearing on the application on July 8, 2009; and

WHEREAS, the Town Council considered, without limitation, the agenda bill with all attachments to the Town Council with exhibits; and

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Mammoth Lakes, California, as follows:

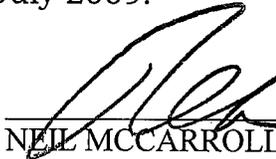
1. That the Town Council finds the above recitations are true and correct.
2. The Town Council incorporates by reference all exhibits and attachments cited in this Resolution.

3. Pursuant to the requirements of the California Environmental Quality Act (CEQA), the Town Council makes the following findings and takes the following actions:
 - a. The Final EIR, including the Final EIR Addition, was certified as being prepared in compliance with CEQA pursuant to Town Council Resolution No. 2009-45.
 - b. That the Town Council finds that Minor General Plan Amendment 2009-01 was part of the project analyzed in the Final EIR for the Project.
 - c. That the Town Council has reviewed and hereby adopts the findings contained in Exhibit 2 to this Resolution, including but not limited to, the findings related to the compliance of the Final EIR and Final EIR Addition with the requirements of CEQA and the Project's impact to various environmental resources.
 - d. That the Town Council has reviewed and hereby adopts the findings contained in Exhibit 3 to this Resolution, including but not limited to the findings Town Council has reviewed and considered the Draft Environmental Impact Report (DEIR), Final EIR, Final EIR Addition, and associated technical appendices for the Snowcreek VIII, Snowcreek Master Plan Update 2007 ("Final EIR") and all other oral and written evidence in the record prior to acting on the Minor General Plan Amendment.
 - e. That the Town Council has reviewed and hereby adopts the Findings of Fact and Statement of Overriding Considerations contained in Exhibit 4 to this Resolution, including but not limited to, a discussion of each project impact, changes or alterations that have been made to avoid or substantially lessen impacts identified, impacts that are considered significant and unavoidable, determinations as to the infeasibility of each project alternative and statements of overriding consideration as to the impacts that could not be mitigated to less than significant.
 - f. That the Town Council has reviewed and hereby adopts the findings and the Mitigation Monitoring Program contained in Exhibit 5 to this Resolution and incorporates the Mitigation Measures listed therein into the project.
4. Minor General Plan Amendment (GPA) 2009-01 is consistent with the 2007 General Plan based on the findings contained in Exhibit 6 of this Resolution.
5. Based on all of the findings, and all the evidence in the record or proceedings in this matter, the Town Council hereby approves Minor General Plan Amendment 2009-01 to modify the Urban Growth

Boundary in Figure 4 of the 2007 General Plan as provided in Exhibit 1 of this Resolution.

6. The documents and other materials that constitute the record of proceedings upon which the Town Council's decision is based are located in the Town Offices of the Town of Mammoth Lakes, at 437 Old Mammoth Road, Suite R, Mammoth Lakes, California 93546 and Anita Hatter, Town Clerk, is hereby designated as the custodian of these records.

APPROVED AND ADOPTED this 8th day of July 2009.


NEIL MCCARROLL, Mayor

ATTEST:


ANITA HATTER, Town Clerk

EXHIBIT 1

DESCRIPTION AND DEPICTION OF MINOR GENERAL PLAN AMENDMENT

**Map of Urban Growth Boundary as Modified by
Minor General Plan Amendment 2009-01**

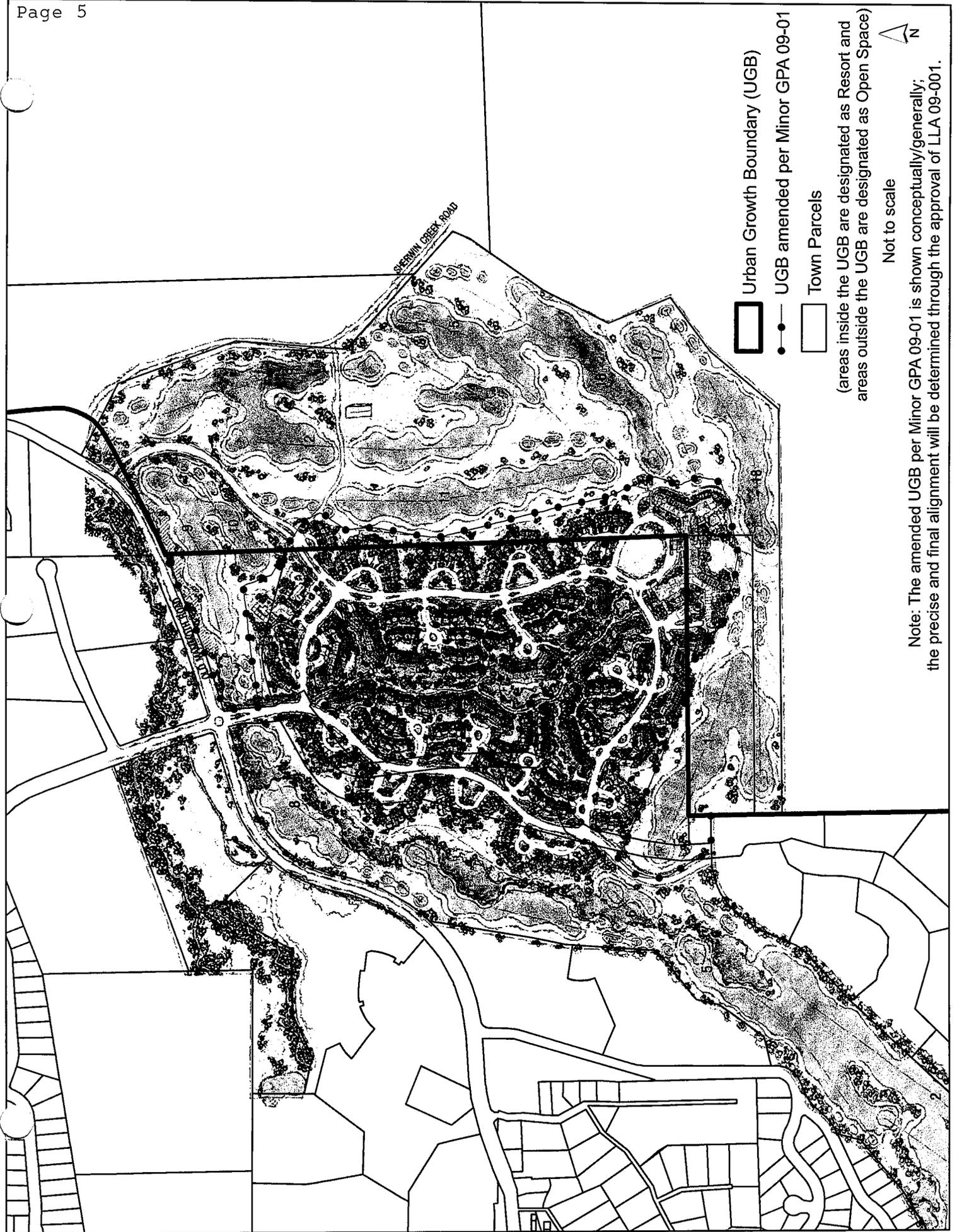


EXHIBIT 2

FINAL EIR FINDINGS PURSUANT TO CEQA GUIDELINES §15091

SECTION 1: INTRODUCTION

Findings for the Final Environmental Impact Report, State Clearinghouse # 2006112015, are being made pursuant to State CEQA Guidelines §15091.

1.1 Statutory Requirements for Findings

- A. The Town Council, in its independent judgment, hereby finds the Final EIR consisting of the Draft and Final EIR (including Final EIR Addition) is in compliance with State CEQA Guidelines Section 15132 with respect to the contents of the EIR, including but not limited to a table of contents, summary, environmental setting, the project description, a discussion of the affected environment and environmental consequences, mitigation measures, unavoidable adverse impacts, impacts found not to be significant, cumulative impacts, project alternatives and Mitigation and Monitoring Program. The custodian of records for all materials that constitute the record of proceedings on which approval of the Project and certification of the Final EIR are based is Anita Hatter, Town Clerk. Project files may be reviewed at 437 Old Mammoth Road, Suite R, Mammoth Lakes, CA 93546.
- B. Further, the Town Council, in its independent judgment, hereby finds, in compliance with the requirements of CEQA and the Guidelines, that the Final EIR for the Snowcreek VIII, Snowcreek Master Plan Update 2007 Project identifies all potentially significant adverse environmental effects of the Project. The Final EIR also identifies mitigation measures, which will reduce or eliminate these potentially significant effects. The analysis contained in this Final EIR also concludes that after the incorporation of mitigation measures the Project would result in a significant and unavoidable direct impact in the following areas:
- Aesthetics – Public Views and Scenic Vistas;
 - Aesthetics – Visual Character;
 - Aesthetics – Light and Glare; and
 - Air Quality – Construction Generated PM₁₀ Emissions.

In addition, the Final EIR provides that the Project will have a significant cumulative impact in the following areas:

- Aesthetics – Public Views and Scenic Vistas;
- Aesthetics – Visual Character;
- Air Quality – Construction Generated PM₁₀ Emissions; and
- Utilities – Water Supply.

Additionally, the Town Council, in its independent judgment, hereby makes the findings contained in the Findings of Fact and Statement of Overriding Considerations (Exhibit 4 of this Resolution), and is incorporated herein by this reference.

In making these findings, not all of the rationale and data contained in the Final EIR have been repeated. The Final EIR and other source documents referenced therein are incorporated herein by reference as if set forth in full in the Findings of Fact and Statement of Overriding Considerations. Except to the extent they conflict with the findings and determination set forth in this document, the analysis and conclusions of the Final EIR, including responses to comments and any supplemental responses provided by Town of Mammoth Lakes staff and consultants in connection with the proposed Project, are hereby adopted as findings by the Town Council of the Town of Mammoth Lakes. The Town Council further finds that each overriding benefit is severable from any other consideration should one or more consideration be shown or determined to be legally insufficient for any reason.

EXHIBIT 3

FINDINGS IN CONNECTION WITH CERTIFICATION OF THE SNOWCREEK VIII, SNOWCREEK MASTER PLAN UPDATE 2007 FINAL ENVIRONMENTAL IMPACT REPORT

WHEREAS, the Environmental Impact Report (EIR) for the Snowcreek VIII Project was prepared to address the environmental effects, mitigation measures, and project alternatives associated with the Snowcreek VIII, Snowcreek Master Plan Update 2007 Project and actions related thereto; and,

WHEREAS, the EIR for the Snowcreek VIII, Snowcreek Master Plan Update 2007 Project (State Clearinghouse # 2006112015) was prepared pursuant to the California Environmental Quality Act and the State CEQA Guidelines; and,

NOW, THEREFORE, BE IT RESOLVED, that upon consideration of the information contained in the Final Environmental Impact Report and Final EIR Addition ["Final Environmental Impact Report", "Final EIR" or "FEIR") prepared for the Snowcreek VIII, Snowcreek Master Plan Update 2007 Project, the Town Council certifies the Final Environmental Impact Report based upon the following findings:

- a. Preparation of an Environmental Impact Report.

A Final EIR (FEIR) and FEIR Addition have been prepared to address the environmental impacts, mitigation measures, project alternatives, comments and responses to comments associated with the consideration of the Snowcreek VIII, Snowcreek Master Plan Update 2007 Project and related Minor General Plan Amendment and Zone Code Amendment, pursuant to the requirements of the California Environmental Quality Act; and,

- b. Review and Consideration by the Planning Commission and Town Council of the Town of Mammoth Lakes.

Prior to recommending certification of the FEIR, the Planning Commission and Town Council of the Town of Mammoth Lakes have reviewed and considered the above-mentioned FEIR. The Town Council hereby certifies that the FEIR for the Snowcreek VIII, Snowcreek Master Plan Update 2007 Project is complete and adequate in that the FEIR addresses all environmental impacts of the proposed project and fully complies with the requirements of CEQA and the state CEQA Guidelines. For the purposes of CEQA, the record of the proceedings for the certification is comprised of the following:

1. The Draft EIR and Technical Appendices for the Snowcreek VIII, Snowcreek Master Plan Update 2007 Project;

2. The Final EIR, including the Final EIR Addition, for the Snowcreek VIII, Snowcreek Master Plan Update 2007 Project;
3. The proceedings before the Town of Mammoth Lakes Planning Commission and Town Council relating to the subject Project consideration and related actions, including testimony and documentary evidence introduced at the meetings; and,
4. All attachments, documents incorporated and references made in the documents specified in items (1) through (3) above, including the Mitigation Monitoring Program for the Snowcreek VIII, Snowcreek Master Plan Update 2007 Project.

EXHIBIT 4

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

The text of Exhibit 4 is found as Exhibit 3 of Town Council Resolution 2009-45 and on file in the Office of the Town Clerk.

EXHIBIT 5

MITIGATION MONITORING PROGRAM

The text of Exhibit 5 is found as Exhibit 4 of Town Council Resolution 2009-45 and on file in the Office of the Town Clerk.

EXHIBIT 6

FINDINGS FOR MINOR GENERAL PLAN AMENDMENT 2009-01

1. Minor General Plan Amendment (GPA) 2009-01 is consistent with the intent of the 2007 General Plan and its land use policies, specifically those policies under Goal L.6 that states, "Maintain the Urban Growth Boundary to ensure a compact urban form; protect natural and outdoor recreational resources; prevent sprawl." The approval of Minor GPA 2009-01 will modify Figure 4 of the 2007 General Plan to be consistent with the lot line adjustment approved for the property subject to the Covenant (Lot Line Adjustment 2009-001), which would modify but not increase the area of land within the Urban Growth Boundary.
2. The Snowcreek land exchange property is zoned Open Space and is subject to a Covenant that restricts the uses on the site. The Covenant is monitored by the Eastern Sierra Land Trust. Due to the Open Space and Covenant restrictions on the Snowcreek land exchange property, Minor General Plan Amendment (GPA) 2009-01 will not result in urban sprawl or increased development footprint or density.
3. All land uses proposed on the Covenant property must be reviewed and approved or denied by the Eastern Sierra Land Trust (ESLT) and the Town in accordance with the Covenant prior to any permits being issued for such uses. Therefore, the project will not detract from the value or utility of adjoining properties as a result of inappropriate, inharmonious, or inadequate design, and will be compatible with surrounding uses and will not be detrimental to the public health, safety, and welfare nor be materially injurious to properties or improvements in the vicinity.
4. The change is in the interest of or will further the public health, safety, comfort, convenience and welfare because Minor General Plan Amendment 2009-01 would allow for a meandering development boundary that is more desirable and visually pleasing.
5. The amendment will not adversely affect the established character of the surrounding neighborhood nor be detrimental to adjacent properties because the amendment would not change the general uses allowed on the property and permitted uses would remain consistent with the Covenant.
6. This modification of the Urban Growth Boundary (UGB) will allow the uses identified on the land exchange property in the Snowcreek Master Plan Update 2007 (i.e. maintenance building, cart barn, emergency vehicle access and roadways, public access trails/connections, and potentially the outfitters cabin) or in the Covenant consistent with the Town Council resolution establishing an Urban Limits Policy (Resolution 93-39) and the 2007 General Plan (Policy L.6.B).

STATE OF CALIFORNIA)
COUNTY OF MONO)
TOWN OF MAMMOTH LAKES)

ss.

I, ANITA HATTER, Town Clerk of the Town of Mammoth Lakes, DO HEREBY CERTIFY under penalty of perjury that the foregoing is a true and correct copy of Resolution No. 09-46 adopted by the Town Council of the Town of Mammoth Lakes, California, at a meeting thereof held on the 8th day of July, 2009, by the following vote:

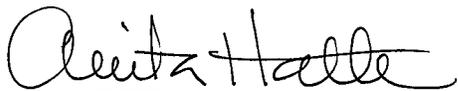
AYES: Councilmembers Bacon, Eastman, Harvey, Mayor Pro Tem
McCarroll, and Mayor Sugimura

NOES: None

ABSENT: None

ABSTAIN: None

DISQUALIFICATION: None


ANITA HATTER, Town Clerk