

RESOLUTION NO. PEDC 2024-08

A RESOLUTION OF THE MAMMOTH LAKES

**PLANNING AND ECONOMIC DEVELOPMENT COMMISSION FINDING THAT
THE TOWN'S ACCEPTANCE OF A DONATED VACANT PARCEL LOCATED AT
156 LOST LANE WITHIN THE TOWN'S RURAL RESIDENTIAL ZONING DISTRICT
IS CONSISTENT WITH THE GENERAL PLAN
(APN: 022-300-002-000)**

WHEREAS, the owners of 156 Lost Lane, Nelson Family Trust 01-23-96 and 285 Fir Street LLC, have requested the Town accept the donation of real property located at 156 Lost Lane; and

WHEREAS, the subject vacant property is just north of The Bluffs' Snow Deposition Design Zone and is within a documented avalanche runoff zone identified within The Bluffs EIR; and

WHEREAS, if the property is accepted by the Town, the Town would maintain the parcel in its natural, forested condition, which provides wildlife habitat, and could allow the site to be used for snow storage in the event that Lost Lane is improved to be a private road; and

WHEREAS, Government Code Section 65402(a) requires a General Plan consistency determination prior to the Town acquiring any land; and

WHEREAS, the Planning and Economic Development Commission conducted an administrative hearing on the consistency analysis on May 8, 2024, 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 exhibits;
2. The Municipal Code, General Plan, Government Code, and associated Land Use Maps;
3. Oral evidence submitted at the hearing; and
4. 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.

1. CEQA FINDINGS.

The project was determined to be categorically exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15325, *Transfers of Ownership of Interest in Land to*

Preserve Existing, Natural Conditions and Historical Resources (Class 25), of Title 14 of the California Code of Regulations. Class 25 categorical exemptions (CEQA Guidelines Section 15325) applies to projects that consist of the transfers of ownership of interests in land in order to preserve open space, habitat, or historical resources, including acquisition, sale, or other transfer of areas to preserve the existing, natural conditions, including plant or animal habitats. The State has determined that projects that meet the criteria for the exemption are a class of projects that will not have a significant effect on the environment. The project consists of the transfer of ownership of land to the Town (*donated via grant deed to the Town*) and the area will be preserved in a natural, open space condition, and therefore meets the criteria for the Class 25 categorical exemption. Additionally, none of the exceptions set forth in CEQA Guidelines Section 15300.2 are present, which would disqualify the project from using a categorical exemption.

Therefore, the project is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(2), since the project meets the criteria for use of the Class 25 categorical exemption (*Transfers of Land to Preserve Existing, Natural Conditions*) and the application of that categorical exemption is not barred by one of the exceptions set forth in CEQA Guidelines Section 15300.2. No additional environmental review is warranted or necessary.

2. GOVERNMENT CODE FINDINGS.

The Town's acceptance of donated property located at 156 Lost Lane is consistent with the General Plan in terms of location, purpose, and extent of the donation pursuant to Government Code Section 65402(a). The location and the purpose of the donation is consistent with the General Plan because the Town would maintain the property in its natural, forested condition, consistent with the following General Plan Policies:

P.5.G. Policy: identify, zone, and procure land for new and expanded parklands including:

- natural pockets of forest
- greenbelts
- open space

R.2.E. Policy: Require open space in the following areas:

- lands with slopes in excess of 20-25 percent

S.3.I. Policy: Only open space or low-density seasonal occupancy uses may be permitted in high avalanche hazard zones unless adequate mitigation is provided.

S.3.F.1. Adaptation Action: Improve snow removal and storage systems, modeling after specific needs of residents. Look to community-based snow management systems already used by condominiums, Town programs, and private snow storage.

The subject vacant property, 156 Lost Lane, is within an identified avalanche runout zone, which the General Plan Safety Element Policy recommends the Town limit to open space or limited occupancy uses. The Town would maintain the property as open space, which is consistent with this policy as well as other General Plan policies that encourage procuring land for open space and natural pockets of forest and designating open space areas on lands with slopes in excess of 20-25 percent. An additional possible use of the property could provide snow storage capacity if the privately owned properties on Lost Lane are developed, and the street is improved to be a private road.

The extent of the donation is consistent with the General Plan because the property would be donated by grant deed to the Town.

SECTION 2. PLANNING AND ECONOMIC DEVELOPMENT COMMISSION ACTIONS. The Planning and Economic Development Commission hereby takes the following action:

1. Finds that the Town's acceptance of donated property located at 156 Lost Lane is consistent with the General Plan.

PASSED AND ADOPTED this 8th day of May 2024, by the following vote, to wit:


AYES: Burrows, Kennedy, Chang

NAYS:


ABSENT: Vanderhurst, Eckert

ABSTAIN:

ATTEST:



Nolan Bobroff
Community and Economic
Development Director



Jennifer Burrows
Vice Chair of 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.