

**ORDINANCE NUMBER 25-XX****AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MAMMOTH LAKES, COUNTY OF MONO, STATE OF CALIFORNIA, APPROVING THE AMENDED AND RESTATED SNOWCREEK DEVELOPMENT AGREEMENT BY AND AMONG THE TOWN OF MAMMOTH LAKES, SNOWCREEK HILLTOP DEVELOPMENT CO, LLC AND SNOWCREEK INVESTMENT COMPANY II, LLC, FOR THE SNOWCREEK VII AND VIII PROJECTS LOCATED ON THE “SNOWCREEK PROPERTIES”, AS DEFINED IN THE ATTACHED AMENDED AND RESTATED SNOWCREEK DEVELOPMENT AGREEMENT**

**WHEREAS**, in accordance with Sections 65864 through 65869.5 of the California Government Code (“State Development Agreement Law”), the Town adopted an ordinance to add Chapter 17.104 to the Mammoth Lakes Municipal Code authorizing the use of, and imposing additional requirements on, development agreements; and

**WHEREAS**, under the authority of Ordinance No. 10-08, the Town of Mammoth Lakes, a municipal corporation (the “Town”), Snowcreek Hilltop Development Company, L.P., a California Limited partnership (“SHDC”) and Snowcreek Investment Company L.P., a California limited partnership (“SIC”) entered into a Development Agreement, dated July 23, 2010, recorded in the Official Records of Mono County on July 13, 2010 as Document No. 2010003240 (“2010 Development Agreement”); and

**WHEREAS**, on December 8, 2016 the owner of the Snowcreek VII project, SHDC, was approved by the Town to transfer 100% of its interest to a new owner, Snowcreek Hilltop Development Co, LLC (“SHDC LLC”), an affiliate of SHDC, and the owner of the Snowcreek VIII project, SIC, was approved by the Town to transfer 100% of its interest to a new owner, Snowcreek Investment Company II, LLC (“SIC II”), an affiliate of SIC; and

**WHEREAS**, the 2010 Development Agreement extends the time permitted to implement the development described in the Final Environmental Impact Report (State Clearinghouse #2006112015) (the “FEIR”), the Mitigated Negative Declaration (State Clearinghouse #2006022011) (the “MND”), and the Project Approvals, as defined in the 2010 Development Agreement (the “Snowcreek Projects”); and

**WHEREAS**, the Snowcreek Projects consist of the Snowcreek VII project which allows for the construction of up to 118 condominium units, multi-use paths, and preservation of open space areas and the Snowcreek VIII project which allows for the construction of up to 790 residential dwelling units, a resort hotel with up to 250 rooms, 150 private residence club units, up to 75,000 square feet of non-residential uses, an expansion of the existing 9-hole golf course into an 18-hole championship golf course,

and various recreational amenities (i.e., multi-use paths, snow play area, and winter trails); and

**WHEREAS**, the real property included in the Snowcreek Projects is legally described on Exhibit A-1 attached hereto and referred to herein as the “Snowcreek VII Property;” and on Exhibit A-2 attached hereto and referred to herein as the “Snowcreek VIII Property” (collectively, sometimes referred to herein as the “Snowcreek Properties”); and

**WHEREAS**, pursuant to authority provided by Section 10.1 of the Development Agreement, Municipal Code section 17.104.080, and Government Code section 65868, the Parties desire to amend the 2010 Development Agreement to further extend the time to implement the Snowcreek Projects; and

**WHEREAS**, Town staff, SHDC LLC and SIC II have prepared an Amended and Restated Snowcreek Development Agreement (“Amended and Restated Development Agreement”) for consideration by the Mammoth Lakes Planning and Economic Development Commission and Town Council; and

**WHEREAS**, the Planning and Economic Development Commission held a duly noticed public hearing on February 12, 2025, which was subsequently continued to the regular Commission meeting on March 12, 2025 and was then subsequently continued to a special Commission meeting on March 18, 2025, for the purpose of receiving testimony on, deliberating and making a recommendation to the Town Council regarding the Amended and Restated Development Agreement. The Planning Commission considered all public comments received and all pertinent documents, including the Staff Report dated March 18, 2025, regarding the proposed Amended and Restated Development Agreement, and adopted Resolution PEDC 2025-03 recommending approval of the Amended and Restated Development Agreement by the Town Council; and

**WHEREAS**, on April 2, 2025, the Town Council conducted a duly noticed public hearing on the Amended and Restated Development Agreement, reviewed the staff reports, considered testimony and materials, and received into the record all pertinent documents related to the Amended and Restated Development Agreement.

**WHEREAS**, all legal prerequisites for the adoption of this Ordinance have occurred;

**NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF MAMMOTH LAKES, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:**

***Section 1.***     Recitals. The above recitals are all true and correct.

***Section 2.***     Environmental Review. The Town Council has reviewed and considered the available information and determined the Amended and Restated

Development Agreement (i) does not propose any substantial changes to the Snowcreek Projects that would require major revisions of the EIR or MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (ii) no substantial changes have occurred with respect to the circumstances under which the Snowcreek Projects are being undertaken which would require major revisions of the FEIR or MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (iii) there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete and the MND was adopted, that shows any of the following:

- A. The First Amendment will have one or more significant effects not discussed in the previous EIR and MND;
- B. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
- C. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the Snowcreek Projects;
- D. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment. (California Environmental Quality Act (“CEQA”) Guidelines section 15162.)

Further, no changes to the EIR or MND are necessary pursuant to CEQA Guidelines section 15164. The Amended and Restated Development Agreement proposes no physical changes to the Snowcreek Projects and will not have any significant adverse effect on the environment that was not adequately analyzed in the FEIR and MND. The FEIR and MND were prepared and certified/adopted in accordance with the California Environmental Quality Act and the State CEQA Guidelines.

***Section 3.*** Findings for the Amended and Restated Development Agreement. The Town Council hereby finds and determines based on the information presented herewith:

- A. The Amended and Restated Development Agreement is consistent with the Town’s General Plan and each of the goals, policies, general land uses and programs since the amendments will further implement the Snowcreek Master Plan Update, which was approved by Ordinance 09-05, incorporated herein by reference, and was found to be in conformance with both the General Plan and Vision Statement. The amendments will also further implement the Snowcreek VII project, which was approved by Planning Commission Resolution

2006-15, incorporated herein by reference, and was found to be in conformance with the General Plan and the Snowcreek Master Plan.

- B. The Amended and Restated Development Agreement is compatible with the uses authorized in, and the performance and development standards prescribed for, the zone classifications in which the Snowcreek Properties are located because the Snowcreek VII and VIII project were found to be consistent with the Resort and Open Space zoning designations that specify development standards for the project area.
- C. The Amended and Restated Development Agreement is in conformity with and will promote public convenience, the general welfare and good land use and development practices because the amendments will further implement and facilitate the development of the Snowcreek Master Plan Update and Snowcreek VIII project, which are consistent with the General Plan, and have been reviewed pursuant to CEQA to reduce potential environmental impacts to the maximum extent feasible.
- D. The Amended and Restated Development Agreement will be of greater benefit to the community than development under present zoning because it provides greater assurances that the Snowcreek Master Plan Update (Snowcreek VIII) project will be constructed and completed in accordance with Ordinance 09-05. The Snowcreek VII project was previously completed during the term of the 2010 Development Agreement and all benefits associated with that project have been provided. In addition, the Town will receive additional community benefits through this development as described in Exhibit B of the Amended and Restated SDA.
- E. The term or duration of the Amended and Restated Development Agreement has a commensurate relationship to the benefits provided because the proposed 20-year term of the Amended and Restated Development Agreement would allow for the development to be developed in phases over an extended period of time and would provide the Developer with the assurances that they will have a vested right to develop the site during that term. In exchange for those assurances and the 20-year term, the Town would receive the benefits outlined in the Amended and Restated Development Agreement, such as the housing mitigation in excess of what the current Town's Housing Ordinance would otherwise require (i.e., 47 units on-site housing), (b) \$10M financial contribution, and (c) additional park land). Furthermore, the Developer could still construct the Snowcreek VIII project as outlined in the Snowcreek Master Plan Update without the agreement, but the Town would not receive any of the

Community Benefits outlined in the Amended and Restated Development Agreement.

**Section 4.** Approval. The Amended and Restated Development Agreement, a copy of which is attached hereto as Exhibit “A,” is hereby approved. The Town Manager and Town Attorney are authorized to execute and deliver the Amended and Restated Development Agreement on behalf of the Town.

**Section 5.** Recording. Pursuant to California Government Code Section 65858.5, the Town Clerk shall record with the County Recorder of the County of Mono a copy of the Amended and Restated Development Agreement within ten (10) days after the Amended and Restated Development Agreement is executed on behalf of the Town, SHDC LLC and SIC II.

**Section 6.** Modifications to Snowcreek Master Plan. Prior to the effective date of the Amended and Restated Development Agreement, the Director shall make minor corresponding changes to the Snowcreek Master Plan in order to ensure consistency between the Amended and Restated Development Agreement and the Snowcreek Master Plan. Said changes shall be administratively approved as minor amendments to the Snowcreek Master Plan pursuant to Mammoth Municipal Code section 17.116.070.

**Section 7.** Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this Ordinance, or any part thereof, is held invalid or unconstitutional, then such decision shall not affect the validity of the remaining sections or portions of this Ordinance or part thereof. The Town Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the fact that any one or more sections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.

**Section 8.** Effective Date. The Mayor shall sign and the Town Clerk shall certify passage and adoption of this Ordinance, and shall cause the same to be published and posted pursuant to the provisions of law in this regard, and this Ordinance shall take effect thirty days after its final passage.

***ADOPTED, SIGNED*** and ***APPROVED*** this \_\_\_\_ day of \_\_\_\_\_, 2025.

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Mayor, Chris Bubser

ATTEST:

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Town Clerk, Jamie Gray

Exhibit "A"

AMENDED AND RESTATED SNOWCREEK DEVELOPMENT AGREEMENT

[See Attached]