

RESOLUTION NO. PEDC 2025-03

**A RESOLUTION OF THE MAMMOTH LAKES
PLANNING AND ECONOMIC DEVELOPMENT COMMISSION
RECOMMENDING APPROVAL TO THE TOWN COUNCIL OF
THE AMENDED AND RESTATED SNOWCREEK DEVELOPMENT AGREEMENT
BETWEEN THE TOWN OF MAMMOTH LAKES AND THE SNOWCREEK HILLTOP
DEVELOPMENT CO, LLC AND THE SNOWCREEK INVESTMENT
COMPANY II, LLC FOR PROPERTY LOCATED WITHIN THE SNOWCREEK
MASTER PLAN AREA (SNOWCREEK VII AND VIII PROJECT SITES)**

WHEREAS, a request for consideration of an Amendment to the Snowcreek Development Agreement was filed by Snowcreek Investment Company II, LLC and Snowcreek Hilltop Development Co, LLC in accordance with Chapter 17.104 (Development Agreements) of the Town of Mammoth Lakes Municipal Code and California Government Code Section 65864 et seq., for property located within the Resort (R) zone and subject to the Snowcreek Master Plan Update – 2007 at the Snowcreek VII and VIII project sites; and

WHEREAS, the Planning and Economic Development Commission conducted a duly noticed public hearing on the application request on February 12, 2025, which was subsequently continued to February 18, 2025, 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 2007 General Plan, 1981 Snowcreek Master Plan and Snowcreek Master Plan Update - 2007, Municipal Code, State Government Code Section 65864 et seq. related to Development Agreements, and associated Land Use Maps;
3. The 2010 Snowcreek Development Agreement, dated July 23, 2010, recorded in the Official Records of Mono County on July 13, 2010 as Document No. 2010003240 (“Development Agreement”) together with Town of Mammoth Lakes Ordinance No. 10-08, dated June 23, 2010, approving the Development Agreement;
4. The draft Amended and Restated Snowcreek Development Agreement, attached hereto as Exhibit “A”;
5. The Snowcreek VIII, Snowcreek Master Plan Update – 2007 Project Final Environmental Impact Report (SCH #2006112015) consisting of the Draft EIR dated August 2007, the Final EIR dated January 2008, the Mitigation Monitoring Program (MMP) dated January 2008, and the Final EIR Addition dated May 2009 (collectively the “Snowcreek EIR”);
6. Town Council Resolution 09-45, dated July 8, 2009, certifying the Snowcreek EIR and adopting the Statement of Overriding Considerations and the Mitigation Monitoring Program (MMP);
7. The Snowcreek VII Mitigated Negative Declaration (SCH #2006022011) (the “MND”);
8. Oral evidence submitted at the hearing;
9. Written evidence submitted at the hearing.

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

SECTION 1. FINDINGS.

I. CEQA.

**Public Resources Code Section 21166;
CEQA Guidelines Section 15162**

1. On July 8, 2009, the Town Council certified the Snowcreek VIII, Snowcreek Master Plan Update – 2007 Project Final Environmental Impact Report (SCH #2006112015) (“Snowcreek EIR”) and made the required CEQA findings pursuant to CEQA Guidelines Section 15091. Additionally, the Town Council adopted the Snowcreek VIII Mitigation Monitoring Program (MMP), which includes mitigation measures to reduce the majority of the potentially significant impacts of the Snowcreek VIII project to less than significant levels, and the Statement of Overriding Considerations which outline the benefits of the Snowcreek VIII project that outweigh the potential unavoidable adverse environmental effects of the project with regards to Aesthetics, Air Quality, and Utilities and Service Systems.
2. On May 24, 2006, the Planning Commission adopted the Snowcreek VII Mitigated Negative Declaration (the “MND”) which found that the Snowcreek VII project would not have a significant effect on the environment.
3. The Development Agreement was contemplated as a future discretionary action within the Snowcreek EIR.
4. The Commission finds that none of the conditions triggering the need for subsequent environmental review have occurred and finds that no subsequent environmental review is required pursuant to Public Resources Code Section 21166 or State CEQA Guidelines Section 15162 because:
 - a. No substantial changes have been proposed in the Project which will require major revisions of the Snowcreek EIR or the MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
 - b. There are no substantial changes with respect to the circumstances under which the Project is being undertaken that will require major revisions to the previous EIR or MND due to the involvement of new significant, environmental effects or a substantial increase in the severity of previously identified significant effects; or
 - c. 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 Snowcreek EIR was certified or the MND was adopted.

II. MUNICIPAL CODE FINDINGS.

A. FINDINGS FOR DEVELOPMENT AGREEMENT (Municipal Code Section 17.104.040)

1. **Is the agreement consistent with the goals, policies, general land uses and programs specified in the Town's general plan?**

The proposed Amended and Restated SDA is consistent with the goals, policies, general land uses and programs specified in the Town’s General Plan because 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. The amendments will also further implement the Snowcreek VIII 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.

2. **Is the agreement and accompanying development plan compatible with the uses authorized in, and the performance and development standards prescribed for, the zone classification in which the subject property is located?**

The proposed Amended and Restated SDA is compatible with the uses authorized in, and the performance and development standards prescribed for, the zone classification in which the subject property is located because the Snowcreek VIII project was found to be consistent with the Resort and Open Space zoning designations that specify development standards for the project area.

3. **Is the agreement in conformity with and will promote public convenience, general welfare, and good land use and development practices?**

The proposed Amended and Restated SDA is in conformity with and will promote public convenience, the general welfare, and good land use and development practices because the SDA and the proposed 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.

4. **Is the development agreement of greater benefit to the community than development under present zoning?**

The proposed Amended and Restated SDA will be of greater benefit to the community than development under the 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 SDA 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 proposed Amended and Restated SDA.

5. **Does the term of the agreement provide a commensurate relationship to the benefits provided?**

The proposed 20-year term of the proposed Amended and Restated SDA 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 proposed Amended and Restated SDA, 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 SMPU without the agreement, but the Town would not receive any of the Community Benefits outlined in the SDA.

SECTION 2. PLANNING AND ECONOMIC DEVELOPMENT COMMISSION ACTIONS.

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

1. Finds that the previously certified Snowcreek VIII, Snowcreek Master Plan Update – 2007 Project Final Environmental Impact Report (SCH #2006112015) (“Snowcreek EIR”) and the previously adopted Snowcreek VII Mitigated Negative Declaration (SCH #2006022011) adequately covered all potential environmental impacts of the Project and no new or increased environmental impacts are anticipated as a result of the Project, and therefore, a subsequent EIR is not required pursuant to Public Resources Code Section 21166 or State CEQA Guidelines Section 15162; and
2. Recommends that the Town Council approve the Amended and Restated Snowcreek Development Agreement, attached hereto as Exhibit “A”.

PASSED AND ADOPTED this 18th day of February 2025, by the following vote, to wit:

AYES:

NAYS:

ABSENT:

ABSTAIN:

RECUSED:

ATTEST:

Nolan Bobroff,
Community and Economic Development
Director

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

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