

AGENDA BILL

Subject: Snowcreek Master Plan Update (Snowcreek VIII):
Environmental Impact Report, Minor General Plan
Amendment (GPA) 2009-01, and Zone Code Amendment
(ZCA) 2006-04

Initiated by: Jen Daugherty, Associate Planner
Mark Wardlaw, Community Development Director

BACKGROUND:

An application for the Snowcreek Master Plan Update was submitted to the Town in July 2006 by Snowcreek Investment Company, L.P. The proposed Snowcreek Master Plan Update (“SMPU”) would update the existing 1981 Snowcreek Master Plan to include land uses, density, and development standards for build out of the Snowcreek VIII site. The SMPU would not approve any particular development; instead, it would create the standards and guidelines, including an illustrative site plan, with which any new development would be required to comply. The intent of the new standards is to define an appropriate program for future development that may include certain community amenities such as a championship golf course designed by a top course architect, a luxury hotel with conference and meeting space, year round recreation opportunities, and open space.

On June 10, 2009 the Planning Commission held a public hearing to consider the request for the SMPU. The Planning Commission’s deliberation was continued to June 11, 2009 when the Planning Commission unanimously recommended certification of the project’s Final EIR and approval of the SMPU.

This agenda bill summarizes the proposed project, public comments, and discusses key issues that the Town Council may wish to consider. The June 10, 2009 Planning Commission staff report is attached, which provides an extensive project analysis and additional background information.

Snowcreek Master Plan Background

The Snowcreek Master Plan was originally approved by Mono County in 1974. The 1974 Snowcreek Master Plan comprised 355 acres and allowed for a residential-resort development. In 1981, an update was requested to address changes that had occurred since 1974. This resulted in the Updated Snowcreek Master Plan, which was adopted by Mono County in 1981 and is still in effect. Mono County also approved a development agreement, which expired in 2002.

In 2005, a 94 acre land exchange was completed between the United States Forest Service (USFS) and the Snowcreek Investment Company in order to acquire enough land to expand the existing nine-hole golf course into an 18-hole golf course. At the completion of this land exchange, the Snowcreek Investment Company entered into a covenant (“Covenant”) with the Town that limited uses on the land exchange property. This Covenant is monitored by the Eastern Sierra Land Trust (ESLT).

2009 Snowcreek Neighborhood District Plan (NDP)

In 2008, the planning process for the Snowcreek Neighborhood District Plan (NDP) began, pursuant to the 2007 General Plan and Town Council policy direction. After approximately seven public meetings and workshops, the Snowcreek NDP was accepted by Town Council with minor modifications on December 3, 2008. The Final Snowcreek NDP was published on April 8, 2009. The Applicant has incorporated the recommendations from the Final Snowcreek NDP into the proposed SMPU.

ANALYSIS/DISCUSSION:

Subject Property

The Snowcreek VIII site is located in the southeast portion of Mammoth Lakes at the foot of the Sherwin Range. The project site is a high meadow area of approximately 237 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, including the Sherwin Range and Mammoth Mountain Ski Area. Existing roads accessing or adjoining the site include Old Mammoth Road, Fairway Drive, Minaret Road, Ranch Road, and Sherwin Creek Road. Mammoth Creek traverses the northwest portion of the project site (north of Old Mammoth Road). The site is zoned Resort, Open Space Stream Corridor (OSSC) Overlay, and Open Space. The Urban Growth Boundary (UGB) currently crosses through the project site.

Project Summary

The SMPU is a request to update the 1981 Snowcreek Master Plan and establish land uses, density, and development standards for the Snowcreek VIII site. Minor General Plan Amendment (GPA) 2009-01 would modify the Urban Growth Boundary (UGB) in Figure 4 of the 2007 General Plan to be consistent with General Plan Policy L.6.E. Zone Code Amendment (ZCA) 2006-04 would allow for a hotel of up to 120 feet in height.

The ultimate development of the site will require review and approval of several use permit applications that will include project-specific program, building design (including height, architecture, and materials), and other details.

The SMPU would allow future development on the subject site to provide the following:

- A luxury Resort Hotel including 250 room/suites, 150 private residence club units (200 Resort Hotel units total), and approximately 60,900 square feet (s.f.) of non-residential building space. The non-residential building space would include conference and meeting space (approximately 25,000 s.f.), spa/wellness center (approximately 12,900 s.f.¹), restaurants, bar(s)/lounge(s) (approximately 10,000 s.f.), and associated retail (approximately 10,000 s.f.). The Resort Hotel would be located at the southern border of the property.
- Expansion and enhancement of the existing nine-hole golf course into a championship 18-hole championship level golf course designed by a top course architect, encompassing approximately 155 acres including the majority of the land exchange property.
- New golf clubhouse and practice facility in and adjacent to the hotel. The clubhouse would be approximately 3,000 s.f. Although the project will eliminate the existing driving range, the proposed practice facility would consist of a “19th hole” for driving, pitching and putting practice that could accommodate multiple golfers.
- Trails on the golf course during winter for cross country skiing and snowshoeing.

¹ The Snowcreek Master Plan Update identifies the proposed spa/wellness center as approximately 15,900 s.f.; this is a misprint. The accurate square footage proposed for the spa/wellness center is approximately 12,900 s.f. A condition of approval requires this misprint to be corrected.

- A snow play area for residents and visitors located on a portion of the land exchange property.
- A “Great Lawn” of approximately one to two acres adjacent to the hotel for gatherings and cultural, arts and entertainment events.
- An outfitters cabin, which would offer information about outdoor activities in the area and possibly function as a concierge outfitters service that would organize and provide guided trips. The outfitters cabin would be approximately 1,700 s.f. and located in or near the hotel.
- Egress from the Sherwins backcountry for skiers, snowboarders, and snowshoers during the winter via the cross country ski trails on the golf course. The point of egress is shown at the southern end of the existing nine-hole golf course and would connect to the closest publicly accessible point (see SMPU page 5-12 and Figure 5.6).
- Natural resources interpretive area located on the disturbed area north of Old Mammoth Road. This would serve as a gathering place for certain recreational and/or educational activities; it would not be developed with an enclosed structure.
- Up to 790 residential units such as condominiums, stacked flats, townhomes, and single family residences; this includes 80 for-sale workforce housing units.
- Small commercial/retail facility (approximately 3,500 s.f.) and a public mini-park (approximately 5,100 usable s.f.) located on the north portion of the project site. These would be located near the main project resort entrance.
- On-site multi-use paths for walking, hiking and bicycling, pedestrian-only paths and an open space corridor through the site.
- A portion of the Sherwin Trail from the 1991 Trails System Plan as a multi-use path through the project site.
- A portion of the Sidewalk Master Plan that consists of a sidewalk along the south side of Old Mammoth Road, connecting to the multi-use path that would loop from the resort entry road to the commercial/retail facility and then connect to Minaret Road.
- Residents’ club, of approximately 8,000 s.f., which may include a pool, spa, fitness facility, kitchen, barbeque facilities, snack bar,

and vacation rental office for Snowcreek VIII residents. This would be located near the main project resort entrance, adjacent to the commercial/retail facility and mini-park.

- Tertiary or recycled water is intended to be used on the golf course and other portions of the project site².
- Construction of a roundabout at the intersection of Old Mammoth Road and Minaret Road. The main entry to the project site would be provided as a T-intersection off Old Mammoth Road, east of the proposed roundabout and west of Sherwin Creek Road.
- An emergency vehicle access (EVA) road connecting the hotel area of the site to Sherwin Creek Road. The golf course maintenance building would be accessed off the EVA.

The SMPU does not include or propose new development standards for the existing (i.e. previously built) or under construction phases of the Snowcreek Master Plan. The previously approved phases are still subject to the 1981 Snowcreek Master Plan and Town's Municipal Code 17.28 Article IV Resort Zone standards.

The Applicant has also requested a development agreement (DA) in conjunction with the SMPU. The DA is a separate action from the SMPU, and it will have separate public hearings. Approval of the SMPU does not guarantee or require approval of the DA. However, approval of the SMPU is required prior to, or concurrent with, approval of the DA. Additional information related to the development agreement will be provided at the public hearings on the Snowcreek DA.

Public Comments

At the June 10, 2009 Planning Commission public hearing, there were many comments expressed in support of the SMPU project. Supportive comments included that the north side of Old Mammoth Road was being preserved as open space, a height demonstration held prior to the public hearing generally showed that the proposed building heights would not be obtrusive in the context of the Sherwin Range, and economic rationale for approval.

When the opportunity for those speaking in opposition of the project arose, no comments in opposition were voiced at the public hearing.

² A condition of approval would require that recycled water be used on the golf course and other portions of the project site to the maximum extent feasible, in a conjunctive manner with untreated MCWD well water, subject to execution of an agreement between MCWD and Snowcreek Investment Company, L.P. or successor, and in compliance with State and local regulations.

However, during general testimony some concerns were raised related to specific aspects of the proposed SMPU:

1. Winter Egress from the Sherwin Range (USFS lands)
2. Mammoth Lakes Trails and Public Access (MLTPA) Comments
3. Snowcreek V Multi-Use Path
4. Urban Growth Boundary (Minor General Plan Amendment)
5. Hotel Height and Height Measurements
6. USFS Comments

Written comments on the SMPU provided to the Planning Commission are attached to this agenda bill.

1. Winter Egress from the Sherwin Range (USFS lands)

The SMPU would allow for egress from the Sherwins backcountry for skiers and snowshoers during the winter via the cross country ski trails on the golf course. The point of egress is shown at the southern end of the existing nine-hole golf course and would connect to the closest publicly accessible point (see SMPU page 5-12 and Figure 5.6). Condition of Approval 38 allows flexibility for the alignment of this winter egress route provided that it has access to Old Mammoth Road³. Although flexibility is provided, it is anticipated that the ultimate winter egress route would connect to the Snowcreek VIII site once public parking and a transit stop and transit service are provided.

Mammoth Lakes Trails and Public Access (MLTPA) comments requested that this winter egress route connect to the existing Ranch Road easement as this is the winter egress route currently in use. Also, Snowcreek Fairway Homes II Owners Association (Snowcreek V) requested that the winter egress route be located closer to the Ranch Road easement because Fairway Drive and Snowcreek V cannot accommodate public parking.

The Fairway Ranch Owners Association, represented by Tim Sanford, is also concerned about the proposed Sherwin Range winter egress and its relationship to Ranch Road and the existing pedestrian easement. In a June 18, 2009 letter, Mr. Sanford states, *“[The Fairway Ranch Owners Association] fully support the Snowcreek VIII project and believe that the public access called out in the applicant’s Master Plan represents a generous compromise between the competing public and private interests. By contrast, the suggestions put forth by MLTPA, which seem to involve*

³ Planning Commissioner Barrett did not support the language in Condition of Approval 38. Planning Commission consensus on this Condition of Approval was 4-1.

unlimited access across private property, are unreasonable, unworkable and unnecessary.”

Mr. Sanford is not available to attend the July 1, 2009 Town Council public hearing on the SMPU and has requested that this public hearing be continued.

2. Mammoth Lakes Trails and Public Access (MLTPA) Comments

The Town and Applicant worked together to incorporate MLTPA’s suggested revisions to conditions of approval (see MLTPA June 10, 2009 letter and clarifications). Planning Commission discussed these conditions of approval and made some modifications. The Planning Commission, with input from the Town’s EIR consultant, determined that the incorporation of the suggested language into the Final EIR Addition was not necessary since it would not affect the conclusions or mitigation measures in the Final EIR Addition.

Since the Planning Commission hearing, MLTPA has prepared additional comments on the SMPU. In these comments, MLTPA has requested revisions to certain conditions of approval for Town Council to adopt. These comments are included in Attachment H for the Town Council’s considerations.

3. Snowcreek V Multi-Use Path

The Snowcreek Fairway Homes II Owners Association (Snowcreek V) are concerned with the proposed multi-use path (MUP) connecting the Snowcreek VIII site to Snowcreek V (SMPU Figure 5.5), as this may direct pedestrian and bicycle traffic into a private roadway system that cannot accommodate it and may encourage trespassing. The intent for inclusion of this MUP was to provide Snowcreek V residents and visitors a feet-first system to safety travel in and out of Snowcreek V. This MUP may also be used for egress from the Sherwin Range in the winter. The Planning Commission did not discuss this comment in detail and did not recommend that this proposed MUP be removed from the SMPU.

4. Urban Growth Boundary (Minor General Plan Amendment)

The Advocates for Mammoth (“Advocates”) have stated a concern with the Minor General Plan Amendment (GPA) for the Urban Growth Boundary (UGB). The Advocates stated that the modification of the UGB would increase the area of developable land in the town and is inconsistent with General Plan Policy L.6.F that states, “The Town may consider adjustments to the UGB that do not increase the acres of developable land of Mammoth Lakes, are contiguous to the UGB, and are otherwise in the public interest.”

General Plan Policy L.6.E is being used to support the GPA and states: *“National Forest lands that are exchanged into private ownership will be included within the UGB whether or not they are contiguous with the UGB.”* The Advocates opinion is that it was not the intent of Policy L.6.E to include land exchanges that occurred prior to adoption of the 2007 General Plan within the UGB.

As stated in the June 10, 2009 Planning Commission staff report, support was expressed for a meandering development boundary line between the proposed residential buildings and the second nine-holes of golf to the east. This meandering development boundary was included in the Snowcreek Neighborhood District Plan (NDP) that was accepted by Town Council. The SMPU is consistent with the NDP and proposes the majority of the hotel and a small portion of the residential uses outside of the UGB to achieve a meandering boundary between these buildings and the second nine-holes of golf.

The Final Environmental Impact Report (EIR) Addition analyzed the GPA for the UGB. Due to the Open Space Zoning and Covenant restrictions on the land exchange property, which is currently outside of the UGB, the GPA would not result in an increased development footprint or density. Specifically, any lot line adjustment approved under the Covenant does not allow a net decrease of land subject to the Covenant restrictions.

As suggested by the Advocates, an option would be to amend the UGB to be consistent with the property line created with the lot line adjustment (LLA) for the Covenant property⁴. The Applicant and Town do not necessarily oppose the UGB being contiguous with the LLA as long as the uses proposed by the SMPU outside of the amended UGB would still be allowed (i.e. maintenance building, EVA and roadways, public access trails/connections, and potentially the outfitters cabin). It appears that these uses would be allowed because Policy L.6.B states, “Recreation facilities, other public facilities, and public utility installations may be permitted outside of the UGB when determined to be in the public interest and compatible with other Town goals.” An additional finding was added for Minor GPA 2009-01 to ensure that these uses are allowed if the UGB is approved to be modified consistent with the LLA boundary. If the UGB is modified to be consistent with the LLA boundary, some of the text and findings in the attached resolution would need to be revised to reflect this change.

⁴ An application for a lot line adjustment to the Snowcreek VIII site and property subject to the Covenant has been submitted to the Town.

Amending the UGB to be contiguous with the LLA boundary would ultimately create inconsistent jurisdictional boundaries that would not result if the GPA is approved as proposed (i.e. the future Mammoth Community Water District service boundary extension would be consistent with GPA 2009-01); this is not a problem, but could potentially create confusion in the future. In addition, the LLA boundary is not as easily discernable as the alignment proposed by the GPA.

5. Hotel Height and Height Measurements

The Advocates and some members of the public (not a large group) were concerned with the height of the hotel (up to 120 feet) and the method of measuring height (from finished grade rather than natural grade). Comments included that the height of the hotel may be acceptable depending on the ultimate design of the hotel. In other words, an unarticulated structure or hotel of limited architectural variation would not be acceptable at a height of 120 feet. It was questioned whether 120 feet is necessary to achieve a four to five star hotel. Another concern was that approving this height envelope would set a precedent for approving future requests for increased building height.

The Planning Commission met on June 10, 2009 for an on-site height demonstration. The Applicant erected a crane at 45 feet to show the proposed heights of medium to high density residential buildings and deployed a large red balloon at 120 feet above proposed finished grade to show the proposed height of the hotel. Through the Planning Commission's action, they recommended approval of the proposed building heights to Town Council.

The SMPU Design Guidelines (Appendix B) include architectural design objectives that emphasize articulated building massing to avoid large obtrusive buildings and reduce the apparent bulk and size of buildings. The design and architecture of the hotel has not been determined and will be reviewed for conformance with the SMPU Design Guidelines during the use permit for the hotel. This review will ensure that an articulated and appropriately massed building is approved for the hotel. In addition, a story pole plan will be required to inform the Town, Planning Commission, and the public prior to and during the public hearing for the hotel use permit consistent with the Town's story pole policy (Condition of Approval 62).

The findings for approval of the hotel height (Zone Code Amendment 2006-04) include findings related to this project's setting and context. Specifically that the Sherwin Range, rising up to 11,728 feet, provides a backdrop that allows a hotel of up to 120 feet to be appropriate.

Therefore, approving the Zone Code Amendment would be unique to this site and would not set a precedent.

To achieve adequate drainage and avoid water table issues, dirt will be imported to the site. The imported fill would be installed at finished grades ranging from one to 14 feet from north to south across the site. The SMPU proposes measuring height from finished grade rather than natural grade due to this necessary amount of fill. For example, if height was measured from natural grade the low density buildings proposed towards the south of the project site might be allowed only 21 feet in height, which might not achieve the desired two story product (35 feet maximum height – 14 feet of fill = 21 feet). However, this method of measuring height would also allow a hotel of up to 134 feet in height from natural grade. Since the largest amount of fill would be at the southern end of the project site, farthest from Old Mammoth Road, this method of measuring building height may be considered appropriate.

6. USFS Comments

In response to the USFS letter, the Applicant has submitted an application for a road use permit to the USFS. In addition, the USFS stated that the conditions of approval as recommended by Planning Commission are acceptable to the USFS.

Conditions of Approval/Planning Commission Recommendation

At the June 10, 2009 public hearing, the Planning Commission had comments on numerous conditions of approval (“conditions”). Town staff and the Applicant revised these conditions to be acceptable to both parties and presented the revisions to the Planning Commission on June 11th. Some conditions were deleted because they were considered unnecessary or not appropriate requirements of a master plan application.

Some conditions discussed in the June 10th Planning Commission staff report were revised and/or deleted, which resulted in some information in that staff report being out of date (e.g. the condition related to the Applicant funding two buses for a Purple Line was deleted, condo-hotel conditions were revised, etc).

One condition regarding the Applicant indemnifying the Town was deleted pending further discussions with the Town and Applicant’s legal counsel. The Town and Applicant’s legal counsel agreed to the indemnification language included as Condition of Approval 64.

The Planning Commission also added a few conditions reflecting MLTPA’s comments and related to the proposed Design Guidelines and SMPU illustrations. With these revised conditions, the Planning Commission

unanimously recommended that the Town Council certify the Final EIR and approve the SMPU.

Summary of Proposed Actions

Three actions are required in order to enact the Snowcreek Master Plan Update project:

1. Certification of the Final Environmental Impact Report, making California Environmental Quality Act (CEQA) Findings of Fact, adopting the Findings of Fact and Statement of Overriding Considerations, and adopting the Mitigation Monitoring Program.
2. Minor General Plan Amendment (GPA 2009-01): this action will modify the Urban Growth Boundary (UGB) in Figure 4 of the 2007 General Plan to be consistent with General Plan Policy L.6.E.
3. Zone Code Amendment (ZCA 2006-04) and Snowcreek Master Plan Update: this action will modify the density, uses, and development standards for the Snowcreek VIII site within the Snowcreek Master Plan. This will also allow for hotel height of up to 120 feet.

OPTIONS ANALYSIS:

Option 1:

- Adopt the resolution making California Environmental Quality Act (CEQA) Findings of Fact, certifying the Snowcreek VIII, Snowcreek Master Plan Update 2007 Final EIR, adopting the Findings of Fact and Statement of Overriding Considerations, and adopting the Mitigation Monitoring Program,
- Adopt the resolution approving Minor General Plan Amendment 2009-01, and
- Waive the first reading and introduce by title only an ordinance approving the Snowcreek Master Plan Update and Zone Code Amendment 2006-04 with conditions of approval as proposed or as amended by the Town Council.

Option 2:

- Adopt the resolution making California Environmental Quality Act (CEQA) Findings of Fact, certifying the Snowcreek VIII, Snowcreek Master Plan Update 2007 Final EIR, adopting the Findings of Fact and Statement of Overriding Considerations, and adopting the Mitigation Monitoring Program,
- Adopt the resolution approving Minor General Plan Amendment 2009-01, and
- Waive the first reading and introduce by title only an ordinance approving the Snowcreek Master Plan Update and Zone Code Amendment 2006-04 with conditions of approval as amended by the Town Council, and adopting an alternative that mitigates the significant environmental impacts to one or more impact areas.

Option 3: Deny the Snowcreek Master Plan Update, including Zone Code Amendment 2006-04 and Minor General Plan Amendment 2009-01.

Option 1 would allow the applicant to continue with the planning process by submitting future use permits, which would be considered by the Planning Commission.

Option 2 would allow the applicant to continue with the planning process by submitting future use permits, which would be considered by the Planning Commission; however, an alternative master plan would be approved instead of the Applicant’s proposed Master Plan.

Option 3 would end the planning process and would not allow the applicant to move forward with the current proposal. In order to develop this property, the applicant would need to submit an application for a substantially different proposal that would be considered by the Planning Commission and possibly the Town Council.

VISION CONSIDERATIONS:

The proposed Snowcreek Master Plan Update (“SMPU”) is consistent with the Community Vision because it would allow for a luxury destination resort that would provide a high quality experience for our visitors. The high quality experience would allow for a variety of options for activities, leisure and recreation including but not limited to golf, use of conference/meeting space, spa/wellness center, cross-country skiing and snowshoeing, snow play, restaurants and bars/lounges, and a fitness area and pool. Development of a hotel project will contribute to the Town’s goal of becoming a year-round resort by creating conference

space and a gathering area (i.e. Great Lawn) that can be host to events during the shoulder seasons.

Development of the site under the SMPU would create new workforce housing that will help to house workers on-site. A public mini-park is included that would provide a place for families and friends to gather and play. The project would also support a variety of transportation options by providing four transit stops, shuttles for guests and residents, and providing multi-use paths and pedestrian paths throughout the site.

Lastly, the Design Guidelines proposed would encourage a high quality of design for the project site. The project would preserve the portion of the Mammoth Creek Corridor on-site, which is an important natural resource, as an interpretive open space area.

The SMPU is also generally consistent with the 2007 General Plan; a detailed policy analysis is included as an attachment to the June 10, 2009 Planning Commission staff report.

STAFFING CONSIDERATIONS:

This agenda bill and associated work effort are being paid for by the Applicant for the Snowcreek Master Plan Update, Snowcreek Investment Company, L.P. The work associated with the Snowcreek Master Plan Update has been considered in Staff's work priorities and work programs.

FINANCIAL CONSIDERATIONS:

Approval of the Snowcreek Master Plan Update will have no direct financial impact on the Town. Application costs are paid by the applicant. Development of the project will provide additional rooms for inclusion in the transient rental pool.

ENVIRONMENTAL CONSIDERATIONS:

Based on review of the Snowcreek VIII, Snowcreek Master Plan Update – 2007 Project submittal (“Project”) and pursuant to §15063(b)(1)(A) of the California Environmental Quality Act (CEQA) Statutes and Guidelines, an initial study was prepared for the Project and the decision was made to prepare an Environmental Impact Report (EIR).

The EIR analyzed the impacts of the proposed Project and subsequent future projects on the site. As detailed in the EIR, approval of the SMPU will allow for the submittal and processing of applications for projects

that could result in significant and unavoidable impacts to the following areas:

Aesthetics

- *Public Views and Scenic Vistas.* The project would result in substantial changes to the visual character of the project site, which is within the public viewshed of the Sherwin Range. The project would also result in a cumulative impact to public views and scenic vistas.
- *Visual Character and Design.* Development of the project would result in a substantial change in the visual character of the project site by constructing housing and resort uses on a formerly undeveloped meadow; this change in character would be significant. The project would also result in a cumulative impact to visual character.
- *Light and Glare.* Although the project would be consistent with the Town's Outdoor Lighting Ordinance, the introduction of light and glare on a formerly undeveloped meadow would create a new source of light and expand the existing lit footprint of the town. Public nighttime views would be altered, which is considered a significant impact.

Air Quality

- *Construction Generated PM₁₀ Emissions.* The project would result in significant and unavoidable impacts to air quality due to construction activities such as site grading, placement of infrastructure, and fabrication of structures. The project would also result in a cumulative air quality impact from construction generated PM₁₀.

Utilities and Service Systems

- *Cumulative Water Supply.* The project would result in significant and unavoidable impacts to water supply, since even with full implementation of various planned water supply projects, it is expected that insufficient water would be available to meet projected demand during a single dry year, given the cumulative anticipated project demand of existing and future projects.

Other potentially significant impacts in the areas of Biological Resources, Cultural Resources, Geology and Soils, Hydrology and Water Quality, Land Use and Planning, Noise, Population and Housing, Public Services, Recreation, and Transportation and Traffic have been mitigated to less

than significant levels through mitigation measures that will be required through implementation of the Mitigation Monitoring and Reporting Program.

Alternatives

In accordance with CEQA Guidelines Section 15126.6, a range of reasonable alternatives to the proposed project, which could feasibly attain most of the basic objectives of the proposed project but would avoid or substantially lessen significant effects of the proposed project, were evaluated. The analysis generally focuses on alternatives capable of avoiding significant environmental effects or reducing them to less than significant levels, even if these alternatives would impede, to some degree, the attainment of the proposed project objectives. The alternatives analysis and rationale for rejection are included in the EIR and Statement of Overriding Considerations (attachments to the June 10, 2009 Planning Commission staff report).

Revised Project Features - Final EIR Addition

A Final EIR Addition was prepared to analyze the potential environmental impacts of proposed changes to the Snowcreek Master Plan Update from the Original Project that was analyzed in the August 2007 Draft EIR and January 2008 Final EIR to the current SMPU proposal.

Since the preparation of the Final EIR, the Town and Applicant considered additional community input and comments given during the Snowcreek Neighborhood District Planning (NDP) process. The Final Snowcreek NDP Report was approved by Town Council in December 2008, and the Applicant subsequently made revisions to the original project consistent with the Final NDP Report. In addition, the Draft EIR identified a number of potentially significant impacts; revisions to the project were made in response to some of these impacts and to public comments on the Draft EIR. Revisions to the Original Project included reducing the project density from 1,050 to 990 units, relocating a market from the north to the south side of Old Mammoth Road, and replacing the Natural Resources and Historic Interpretive Center with a Natural Resources Interpretive Area. These revisions generally reduced the environmental impacts of the proposed project.

The Final EIR Addition includes an analysis of the current project and describes clarifications and refinements to some of the mitigation measures presented in the Final EIR, based on comments and information submitted to the Town following publication of the Final EIR. The FEIR Addition analysis did not find any new significant impacts or increased level of impacts, and therefore, no new mitigation measures were incorporated.

The Final EIR Addition (which includes the Draft EIR and Final EIR, incorporated by reference) will serve as the complete environmental documents used by the Town when considering the SMPU Project.

A more detailed CEQA analysis is included in the June 10, 2009 Planning Commission staff report, which is attached to this agenda bill.

LEGAL CONSIDERATIONS:

The Town's special legal counsel, Kevin G. Ennis of Richards Watson and Gershon, has assisted staff with the CEQA work for this project and preparation of attachments to this agenda bill.

RECOMMENDATION:

It is therefore recommended that, after the Town Council has completed the public hearing on this item, the Town Council choose Option 1, and:

- Adopt the resolution making California Environmental Quality Act (CEQA) Findings of Fact, certifying the Snowcreek VIII, Snowcreek Master Plan Update 2007 Final EIR, adopting the Findings of Fact and Statement of Overriding Considerations, and adopting the Mitigation Monitoring Program,
- Adopt the resolution approving Minor General Plan Amendment 2009-01, and
- Waive the first reading and introduce by title only an ordinance approving the Snowcreek Master Plan Update and Zone Code Amendment 2006-04 with conditions of approval as proposed or as amended by the Town Council.

Attachments:

Attachment A: Town Council Resolution certifying the Snowcreek VIII, Snowcreek Master Plan Update 2007 Final EIR

- Exhibit 1: Final EIR Findings Pursuant to CEQA Guidelines §15091
- Exhibit 2: Certification of the Snowcreek VIII, Snowcreek Master Plan Update 2007 Final EIR
- Exhibit 3: Findings of Fact and Statement of Overriding Considerations
- Exhibit 4: Mitigation Monitoring Program

Attachment B: Town Council Resolution approving Minor General Plan Amendment 2009-01

- Exhibit 1: Description and Depiction of Minor General Plan Amendment (to be updated to only show alignment approved by Town Council)
- Exhibit 2: Final EIR Findings Pursuant to CEQA Guidelines §15091
- Exhibit 3: Findings in Connection with Certification of the Snowcreek VIII, Snowcreek Master Plan Update 2007 Final EIR
- Exhibit 4: Findings of Fact and Statement of Overriding Considerations
- Exhibit 5: Mitigation Monitoring Program
- Exhibit 6: Findings for Minor General Plan Amendment 2009-01

Attachment C: Town Council Ordinance adopting the Snowcreek Master Plan Update 2007 and Zone Code Amendment 2006-04

- Exhibit 1: Snowcreek Master Plan Update 2007*
- Exhibit 2: Final EIR Findings Pursuant to CEQA Guidelines §15091
- Exhibit 3: Findings in Connection with Certification of the Snowcreek VIII, Snowcreek Master Plan Update 2007 Final EIR

* Previously provided to Town Council

- Exhibit 4: Findings of Fact and Statement of Overriding Considerations
- Exhibit 5: Mitigation Monitoring Program
- Exhibit 6: Findings for Zone Code Amendment 2006-04 and Update to the 1981 Snowcreek Master Plan
- Exhibit 7: Conditions of Approval

Attachment D: Planning Commission Resolution 2009-03 recommending approval of the Snowcreek Master Plan Update to Town Council (draft - not executed)

Attachment E: Planning Commission June 10, 2009 staff report with attachments

Attachment F: Public comments considered by the Planning Commission but received after publication of the June 10, 2009 packet (MLTPA 6-10-09 letter and MLTPA clarifications, Snowcreek V, USFS, Leigh Gaasch, and Advocates for Mammoth)

Attachment G: Ranch Road gate and pedestrian access easement information (Town Council Resolutions 2005-83 and 2006-84)

Attachment H: Public comments received after Planning Commission's recommendation on June 11, 2009 (Tim Sanford, Dennis Brown, and MLTPA)