

**ORDINANCE NO. 10-08**

**AN ORDINANCE OF THE TOWN COUNCIL OF  
THE TOWN OF MAMMOTH LAKES, COUNTY OF  
MONO, STATE OF CALIFORNIA, APPROVING A  
DEVELOPMENT AGREEMENT BETWEEN THE  
TOWN OF MAMMOTH LAKES, SNOWCREEK  
HILLTOP DEVELOPMENT COMPANY L.P. AND  
SNOWCREEK INVESTMENT COMPANY L.P.  
RELATED TO SNOWCREEK PROPERTY AS  
DEFINED IN THE ATTACHED DEVELOPMENT  
AGREEMENT**

**WHEREAS**, the applicants, SNOWCREEK HILLTOP DEVELOPMENT COMPANY L.P., a California limited partnership (“SHDC”) and SNOWCREEK INVESTMENT COMPANY L.P., a California limited partnership (“SIC”), have requested a development agreement (the “Development Agreement”) to extend the time permitted for implementation of the development evidenced by 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 Development Agreement; and

**WHEREAS**, on May 26, 2010, the Planning Commission conducted a duly noticed public hearing and determined the provisions of the Development Agreement are consistent with the General Plan and applicable master plan, pursuant to California Government Code Section 65867.5(b) and with the applicable provisions of the Town of Mammoth Lakes Municipal Code, sections 17.48.060 and 17.48.070, and, therefore, recommended approval of the Development Agreement; and

**WHEREAS**, on June 16, 2010, the Town Council conducted a duly noticed public hearing on the Development Agreement which was continued to June 17, 2010, and considered testimony and materials in the agenda bill, the Project Approvals and accompanying document and exhibits; and

**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 Development Agreement (i) will not have any significant adverse effect on the environment that was not adequately analyzed in FEIR and MND, (ii) there will be no additional impacts from the

Development Agreement that were not adequately analyzed in FEIR and MND, (iii) the Development Agreement proposes no physical changes to the Project Approvals that were not adequately analyzed in FEIR and MND and (iv) there is no new environmental information presented since the FEIR was certified and the MND adopted. The FEIR and MND were prepared in accordance with the California Environmental Quality Act and the State CEQA Guidelines.

**Section 3. Findings.** The Town Council HEREBY FINDS AND DETERMINES based on the information presented herewith and the Project Approvals:

- A. the Development Agreement is consistent with the Town's General Plan, the applicable master plan and each of their goals, policies, general land uses and programs,
- B. the Development Agreement and accompanying development plan are compatible with the uses authorized in, and the performance and development standards prescribed for, the zone classifications in which the Snowcreek Properties are located,
- C. the Development Agreement is in conformity with and will promote public convenience, the general welfare and good land use and development practices,
- D. the Development Agreement is of greater benefit to the community than development under present zoning,
- E. the Development Agreement will not be detrimental to the health, safety and general welfare,
- F. the Development Agreement will not adversely affect the orderly development of the Snowcreek Properties or the preservation of property values,
- G. the Development Agreement will promote and encourage the development of the Snowcreek Projects by providing a greater degree of requisite certainty,
- H. exceptional circumstances, as described in the Development Agreement, exist to justify the term of the Development Agreement being twenty (20) years, and
- I. The subdivisions of land proposed as part of the Snowcreek Projects will comply with the provisions of Government Code section 66473.7.

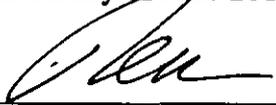
**Section 4. Approval.** The Development Agreement, a copy of which is attached hereto as Exhibit "A," is hereby approved. The Town Manager and Town Attorney are authorized to execute and deliver the Development Agreement on behalf of the Town.

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

**Section 6. 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 7. 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 23rd day of June 2010.

  
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NEIL MCCARROLL, Mayor

ATTEST:

  
\_\_\_\_\_  
JAMIE GRAY, Town Clerk

**Exhibit "A"**

**DEVELOPMENT AGREEMENT**

**[See Attached]**