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Town of Mammoth Lakes
Community & Economic Development Department
P.O. Box 1609
Mammoth Lakes, CA 93546

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RESOLUTION NO. PEDC 2024-11

A RESOLUTION OF THE MAMMOTH LAKES PLANNING AND ECONOMIC DEVELOPMENT COMMISSION

APPROVING TENTATIVE TRACT MAP (TTM) 23-002 AND USE PERMIT (UPA) 23-003 FOR THE SNOWCREEK VIII PHASE I CONDOMINIUM SUBDIVISION PROJECT LOCATED WITHIN THE SNOWCREEK MASTER PLAN UPDATE AREA IN THE RESORT ZONE ON LOTS 1, 2, 3, 17, AND 18 OF TM 2009-002 (APNs: 040-330-000-000; 040-340-000-000; 040-350-000-000; 040-490-000-000; 040-500-000-000)

WHEREAS, a request for consideration of a Tentative Tract Map and Use Permit was filed by Snowcreek Investment Company II, LLC, for the “Snowcreek VIII Phase I” condominium subdivision project consisting of 172 condominium units. The application was submitted in accordance with the Snowcreek Master Plan Update - 2007 and Chapter 17.68 (Use Permits) of the Town of Mammoth Lakes Municipal Code, for property located within the Resort (R) zone subject to the Snowcreek Master Plan Update – 2007 on Lots 1, 2, 3, 17, and 18 of TM 2009-002; and

WHEREAS, the Planning and Economic Development Commission conducted a duly noticed public hearing on the application request on July 24, 2024 which was subsequently continued to September 11, 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 General Plan, State Subdivision Map Act, Snowcreek Master Plan Update - 2007, Municipal Code, Subdivision Ordinance, and associated Land Use Maps;
3. 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”), incorporated herein by reference;
4. 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), incorporated herein by reference;
5. Town Council Resolution 09-46, dated July 8, 2009, approving minor amendments to the Urban Growth Boundary, incorporated herein by reference;

6. Ordinance 09-46, dated August 5, 2009, adopting Zoning Code Amendment 2006-04 and the Snowcreek Master Plan Update – 2007 to update the 1981 Snowcreek Master Plan for the Snowcreek VIII site, incorporated herein by reference;
7. Resolution No. PC-2009-08, dated December 9, 2009, approving Tentative Tract Map 09-002 to allow the parcelization of the Snowcreek VIII site, incorporated herein by reference;
8. Tract Map 09-002, recorded with the Mono County Recorder's Office on August 31, 2023, incorporated herein by reference;
9. Oral evidence submitted at the hearing;
10. Written evidence submitted at the hearing; and
11. Project plans consisting of:
 - a. Tentative Tract Map 23-002 Sheets 1-17, dated August 2, 2024 and received by the Town on August 7, 2024.

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 Project to less than significant levels, and the Statement of Overriding Considerations which outline the benefits of the Project that outweigh the potential unavoidable adverse environmental effects of the Project with regards to Aesthetics, Air Quality, and Utilities and Service Systems.
2. The proposed tentative tract map and use permit are necessary for implementation of the Project and were contemplated as a future discretionary action within the Snowcreek EIR.
3. The Commission further finds that any comments received regarding the Project have been examined and determined to not modify the conclusions of the Snowcreek EIR. The Commission further finds that no additional feasible mitigation measures within the Commission's authority are necessary to reduce the environmental impacts of the Project, because all impacts are either less than significant, will be mitigated to a level of less than significant through the imposition of enforceable mitigation, or were addressed in the Statement of Overriding Considerations in the Snowcreek EIR. Finally, based on the substantial evidence set forth in the record, the Commission finds that none of the conditions triggering the need for subsequent environmental review have occurred. Specifically, the Commission finds that no subsequent environmental review is required pursuant to Public Resources Code Section 21166 or State CEQA Guidelines Section 15162 because:

- a. There are no substantial changes to the Project from what was analyzed in the Snowcreek EIR that will require revisions to the previous EIR, and therefore, no new significant environmental effects or a substantial increase in the severity of previously identified significant effects will occur. The Project is consistent with all applicable SMPU development standards specific to the Planning areas, including, but not limited to, density, site coverage, snow storage, and setbacks. The Snowcreek EIR found that the potential impacts from the Project would result in less than significant impacts with the incorporation of the mitigation measures 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 and that the Project could result in potentially significant and unavoidable impacts in the areas of Aesthetics, Air Quality, and Utilities and Service Systems. However, since no substantial changes to the Project are proposed, a significant increase in the severity of the previously identified significant effects will not occur.
- 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 since the project site remains in a similar condition as it was when it was originally analyzed in the Snowcreek EIR and the Project, as proposed, is consistent with what was analyzed in the Snowcreek EIR for the site. Additionally, no changes or amendments to the Snowcreek EIR with respect to the project site have occurred. Therefore, since the circumstances under which the Project is being undertaken remain unchanged, no new significant environmental effects or a substantial increase in the severity of previously identified significant effects are anticipated to occur.
- c. 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, to show that:
 - i. The Project will have one or more significant effects not previously discussed in the EIR since no changes have occurred with respect to the intensity of the development that was previously analyzed in the Snowcreek EIR and all potential environmental effects were found to be adequately analyzed in the Snowcreek EIR;
 - ii. Significant effects previously examined will be substantially more severe than shown in the previous EIR. The Snowcreek EIR determined that the project could result in significant and unavoidable impacts in the areas of Aesthetics, Air Quality, and Utilities and Service Systems, and a Statement of Overriding Considerations was adopted. Since the Project is within the scope of development that was intended for the project site and is consistent with the Project analyzed in the Snowcreek EIR, none of the previously identified significant effects are anticipated to be substantially more severe than shown in the EIR.
 - iii. 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 project, but the project proponents decline to adopt the mitigation measure or alternative. The mitigation measures in the Snowcreek EIR reduce all potential impacts to a less than significant level, with the exception of impacts related to Aesthetics, Air Quality, and Utilities and Service Systems, which were found to be significant for the reasons stated in the EIR and no mitigation measure or alternative would

adequately reduce those impacts to a less than significant level, and therefore, there are no additional mitigation measures or alternatives that would be feasible that would reduce one or more significant effects of the project; and

- iv. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR and would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative. The mitigation measures in the Snowcreek EIR reduce all potentially significant impacts to a less than significant level, with the exception of impacts related to Aesthetics, Air Quality, and Utilities and Service Systems, which were found to be significant for the reasons stated in the EIR and no mitigation measure or alternative would adequately reduce those impacts to a less than significant level. Therefore, there are no other mitigation measures or alternatives from those analyzed in the Snowcreek EIR which would reduce one or more significant effects on the environment.

II. MUNICIPAL CODE FINDINGS.

FINDINGS FOR USE PERMIT (Municipal Code Section 17.68.050)

1. **The proposed use is consistent with all applicable sections of the General Plan and Title 17 and is consistent with the Snowcreek Master Plan Update – 2007.**

The proposed map is consistent with the applicable 2007 General Plan and the Snowcreek Master Plan Update – 2007 (SMPU) because the proposed condominium use is a permitted use in the Residential planning area of the SMPU. The project is consistent with the intended uses described in the General Plan Land Use description for the Resort land use designation, which describes the Resort designation as an area intended to allow commercial mixed uses including visitor lodging, amenities and services, and workforce housing...with a base density of six (6) to a maximum of eight (8) residential dwelling units per acre. The proposed Tentative Map would provide visitor lodging through the proposed subdivision of the “airspace” into 172 condominium units. The SMPU analyzes density based on the Net Development Area of the overall Snowcreek VIII project site exclusive of the 94-acre open space parcel intended for the future golf course expansion. The overall density of the Snowcreek VIII project at full build-out is 6.92 units/acre (990 units/143 acres), and is therefore consistent with the allowable density range of six (6) to eight (8) units/acre.

In addition to being consistent with the applicable land use designation, General Plan policies with which the project is consistent include, but are not limited to the following:

Economy Element

- Policy E.3.C, “*Support development of major public and private facilities that contribute to destination resort visitation in Mammoth Lakes.*”

The project as a whole proposes several major land use types including residential, commercial, retail, recreation, and hotel/resort uses. The project integrates a mix of residential types within distinct neighborhoods. Additionally, the project includes multiple options for recreational amenities within, and adjacent to, the project site. These amenities help contribute to the Town’s identity as a resort destination. The initial phase will provide critical infrastructure systems that will support the entire development.

Landuse

- Policy L.5.B, *“Locate visitor lodging in appropriate areas.”*
The project clusters the medium- and high-density residential in the center of the development area, with lower density residential located adjacent to open space to preserve open space and provide for the transition of high- to low-density uses adjacent to open space areas.
- Policy L.6.A, *“No residential, commercial, or industrial development is permitted outside the Urban Growth Boundary (UGB)”*; and
Policy L.6.B, *“Recreation facilities, other public facilities, and public utility installations may be permitted outside of the UGB...”*
As a part of the adoption of the SMPU, the UGB was amended to incorporate the entire SMPU development area, with the exception of the open space recreation area intended for the future golf course expansion.
- Policy M.5.3, *“Maintain an overall intersection level of service (LOS) D or better on the Peak Design Day at intersections along arterial and collector roads.”*; and
Policy H.5.4, *“Consider the installation of roundabouts at intersections as a means of ...capacity enhancing improvements when a roundabout will achieve the same or better LOS, where it is physically feasible and cost effective, and when it will contribute to traffic calming and community character objectives.”*
The proposed roundabout at the intersection of Old Mammoth Road/Minaret Road will ensure that the intersection maintains the desired LOS. The developer has secured all necessary easements to provide adequate space for the roundabout.

The proposed project is also consistent with the Snowcreek Master Plan Update – 2007 (SMPU) because: (1) the proposed residential use authorized by the subdivision is consistent with the uses permitted in the Planning areas; (2) the subdivision is consistent with the allowable density; and (3) the subdivision is consistent with all applicable development standards prescribed by the SMPU. The future use permit and design review entitlements will require additional consistency review with the SMPU.

2. The proposed use and the conditions under which it would be operated or maintained will not be detrimental to the public health and safety nor materially injurious to properties or improvements in the vicinity; and

The proposed use and the conditions under which it will be operated or maintained will not be detrimental to the public health and safety nor materially injurious to properties or improvements in the vicinity because the proposed condominium use is consistent with the intended use of the site per the SMPU and is compatible with the adjacent residential condominium developments.

The proposed development is consistent with the intended uses for the Residential planning area specified in the SMPU and complies with the development standards as specified in the SMPU for the subject site and evaluated in the Snowcreek EIR.

Construction of the future project is required to comply with the conditions of approval for the project, which include applicable mitigation measures adopted for the Snowcreek EIR.

3. **The Commission shall make such other findings as deemed necessary to support approval or denial of the proposed use.**

The proposed Snowcreek VIII Phase I condominium subdivision project adheres to all of the development standards of the SMPU. Site improvements that benefit the surrounding developments and pedestrian connectivity include new multi-use path connections to the existing paths at Sherwin Creek Road and at Minaret Road and new multi-use paths throughout the development.

III. SUBDIVISION MAP ACT FINDINGS. (State Map Act §66474)

1. **The proposed map is consistent with applicable general and specific plans.**

The proposed map is consistent with the applicable 2007 General Plan and the Snowcreek Master Plan Update – 2007 (SMPU) because the proposed condominium use is a permitted use in the Residential planning area of the SMPU. The project is consistent with the intended uses described in the General Plan Land Use description for the Resort land use designation, which describes the Resort designation as an area intended to allow commercial mixed uses including visitor lodging, amenities and services, and workforce housing...with a base density of six (6) to a maximum of eight (8) residential dwelling units per acre. The proposed Tentative Map would provide visitor lodging through the proposed subdivision of the “airspace” into 172 condominium units. The SMPU analyzes density based on the Net Development Area of the overall Snowcreek VIII project site exclusive of the 94-acre open space parcel intended for the future golf course expansion. The overall density of the Snowcreek VIII project at full build-out is 6.92 units/acre (990 units/143 acres), and is therefore consistent with the allowable density range of six (6) to eight (8) units/acre. The project is also consistent with all of the applicable development standards prescribed by the SMPU and all utilities and access roadways can be improved and/or extended to service the project area.

2. **The design or improvement of the proposed subdivision is consistent with applicable general and specific plans.**

The design and improvements of the subdivision are consistent with the applicable General Plan and the SMPU because the SMPU established Planning areas that are intended for “clustered” development and the proposed development is a “clustered” development within the Residential planning area that is consistent with all applicable development standards. Furthermore, the SMPU allows for residential condominium uses subject to the approval of a subdivision map and use permit. The improvements proposed for the Recreation planning area are limited to critical stormwater and recycled water infrastructure that will service the entire Snowcreek VIII development and will not impact the future proposed golf course development of the Recreation area.

3. **The site is physically suitable for the type of development.**

The site is physically suitable for the type of development proposed because the sites are located within the Residential and Recreation Planning areas of the SMPU and the proposed development is consistent with the intended uses of those area. The project proposes to install all necessary utilities and access roadways to service the project.

4. **The site is physically suitable for the proposed density of development.**

The site is physically suitable for the proposed density of development because, as stated above in Finding (1), the SMPU analyzes density based on the Net Development Area of the overall Snowcreek VIII project site exclusive of the 94-acre open space parcel intended for the future golf course expansion. The overall density of the Snowcreek VIII project at

full build-out is 6.92 units/acre (990 units/143 acres), which is within the allowable Resort zone density range of six (6) to eight (8) units/acre.

5. **The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.**

The design of the subdivision is not likely to cause substantial environmental damage or substantially injure fish or wildlife because the previously certified Snowcreek VIII, Snowcreek Master Plan Update – 2007 Project Final Environmental Impact Report (SCH #2006112015) (“Snowcreek EIR”) determined that all potential environmental impacts of the Snowcreek VIII Phase I project were adequately analyzed in the Snowcreek EIR and that all impacts to biological resources would be less than significant with the implementation of the mitigation measures adopted in the MMP.

6. **The design of the subdivision and types of improvements is not likely to cause serious health problems.**

The design of the subdivision is not likely to cause serious public health problems because required mitigation measures from the previously certified Snowcreek VIII, Snowcreek Master Plan Update – 2007 Project Final Environmental Impact Report (SCH #2006112015) (“Snowcreek EIR”) are included as conditions of approval to reduce health-related impacts to a less than significant level, and no evidence has been submitted during the planning review process to indicate that the development would cause any serious public health problems. All necessary public services will be provided to the site.

7. **The design of the subdivision and the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.**

The design of the subdivision will not conflict with easements acquired by the public at large for access through or use of the property within the proposed subdivision because all easements are shown on the tentative map and/or are required through the conditions of approval for the project. Access to the property is provided from Old Mammoth Road which provides adequate street alignment and width to serve the project.

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”) adequately covered all potential environmental impacts of the Snowcreek VIII Phase I 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. Approves the Snowcreek VIII Phase I project consisting of Tentative Tract Map 23-002 and Use Permit 23-003 subject to the following conditions:

See Exhibit “A” and “B”; and

3. Directs staff to file a CEQA Notice of Determination within five working days after approval.

PASSED AND ADOPTED this 11th day of September 2024, by the following vote, to wit:

AYES: Eckert, Vereuck, Grand, Vanderhurst

NAYS:

ABSENT: Fleming

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.

OWNER/APPLICANT:

I, Charles R. Lande, applicant and authorized signatory for Snowcreek Investment Company II, LLC, the property owner, do hereby attest that I have read, and agree to, the conditions of approval stipulated within this Resolution.

Date: _____

Charles R. Lande, Authorized Signatory
Snowcreek Investment Company II, LLC
(Notary Required)

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Mono }

On _____, before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature of Notary

EXHIBIT “A”
Resolution No. PEDC 2024-11
Case No. TTM 23-002, UPA 23-003
CONDITIONS OF APPROVAL

STANDARD PLANNING CONDITIONS

1. This approval authorizes the “Snowcreek VIII Phase I” condominium subdivision project, consisting of 172 condominium units within 41 buildings. The approval authorizes the condominium “airspace” subdivision and the associated subdivision improvements (i.e., grading, utilities, road network, stormwater retention, etc.). No physical construction of the actual residential structures is authorized.
2. The approved tentative tract map includes: Tentative Tract Map Sheets 1-17, dated August 2, 2024, and received by the Town on August 7, 2024.
3. Prior to the issuance of any building permit for the development of the residential units, a subsequent use permit and design review approval shall be required (Phase I Development Entitlement).
4. This action may be appealed to the Town Council within fifteen (15) calendar days from the date of Planning and Economic Development Commission approval in accordance with Municipal Code Chapter 17.104.
5. This permit and all rights hereunder shall remain valid for the term of the 2010 Snowcreek Development Agreement (SDA), or in the event that the SDA expires or is terminated prior to two years after the issuance of this permit, this permit will automatically terminate unless the site preparation or construction has been commenced within two years after the issuance of this permit and such work is diligently carried on until completion, or an extension of time has been granted in accordance with Municipal Code §17.60.060.B. This time limitation is separate from the time limitation for recording a final map pursuant to the Subdivision Map Act.
6. All new improvements constructed on the site shall be in compliance with all Town of Mammoth Lakes, County of Mono, Mammoth Community Water District, the Mammoth Lakes Fire Protection District, the CRWQCB Lahontan District, Great Basin Air Pollution Control District, OSHA, State of California and United States of America laws, statutes, ordinances, regulations, directives, orders, and the like applicable thereto and in force at the time thereof. Any violation of the above may constitute grounds for revocation under Chapter 17.128 of the Mammoth Lakes Municipal Code.
7. This resolution of approval, as conditioned herein, shall be recorded for the subject property by the Mono County Recorder’s Office to commence the approved use on the property or the issuance of any building permits for new structures.
8. The site shall be maintained in a neat, clean and orderly manner. All improvements shall be maintained in a condition of good repair and appearance. Outdoor storage of equipment and other materials is prohibited, except as allowed through a temporary construction management plan approved by the Public Works Director.
9. Storage of construction materials and equipment off-site shall not be permitted without a permit issued by the Community and Economic Development Department of the Town. Any public or private property altered, damaged or destroyed by site preparation, grading, construction or use shall be restored to its pre-existing condition by the permittee.

10. Town staff shall have the right to enter the subject property to verify compliance with these conditions. The holder of any permit associated with this project shall make the premises available to Town staff during regular business hours and shall, upon request make records and documents available to Town staff as necessary to evidence compliance with the terms and conditions of the permit.
11. Prior to the issuance of a grading permit, the applicant shall pay all applicable fees as prescribed by ordinance and/or resolution and pay any fees due on the project processing account.
12. Where compliance with the conditions of approval or applicant-initiated changes to the plans require additional staff review, that review time shall be billed at the Town's established billing rates. Prior to the issuance of a building or grading permit, the applicant shall pay all outstanding costs for the processing of this application.
13. The applicant shall defend, with counsel selected by the Town, indemnify, and hold harmless the Town and its agents, officers, and employees from any claim, action, or proceeding against the Town and its agents, officers, or employees to attack, set aside, void, or annul, an approval of the Town, advisory agency, appeal board, or legislative body concerning this approval. The Town shall promptly notify the applicant of any claim, action, or proceeding and shall be entitled to control the defense of any action.
14. Pursuant to Government Code Section 66474.9 the subdivider shall defend, with counsel selected by the Town, indemnify, and hold harmless the Town and its agents, officers, and employees from any claim, action, or proceeding against the Town and its agents, officers, or employees to attack, set aside, void, or annul, an approval of the Town, advisory agency, appeal board, or legislative body concerning this approval, which action is brought within the time period provided for in Government Code Section 66499.37. The Town shall promptly notify the subdivider of any claim, action, or proceeding and shall cooperate fully in the defense.
15. All exterior lighting, including any light pole fixtures, shall comply with Chapter 17.36.030 of the Town of Mammoth Lakes Municipal Code, Exterior Lighting. Exterior light fixtures having a total of over 400 lumens of output shall be equipped with shields that extend below the horizontal plane of the light source to direct the light downward onto the structure or surrounding grounds.
16. The project shall comply with the Guidelines for Erosion Control in the Mammoth area. This shall include submittal of a Report of Waste Discharge, if applicable.
17. The residential structure design(s) will require review and approval from the Planning and Economic Development Commission pursuant to Municipal Code Chapter 17.88 prior to building permit issuance.
18. These zoning entitlement conditions of approval shall be printed verbatim on all of the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical, and plumbing) and shall be referenced in the index.
19. Developers of residential properties shall include a disclosure statement indicating that Mammoth Lakes is an area of habitat for Mountain Lions, which indicates potential risk, particularly to small children and pets. (General Plan Mitigation Measure 4.3-1)

SPECIAL PLANNING CONDITIONS

20. All future development shall be subject to and comply with the Snowcreek Master Plan Update, including all development standards and all relevant conditions of approval (Town Council Resolutions 09-45 [*Certification of the FEIR*] and 09-46 [*GPA for the UGB Boundary*] and Ordinance 09-05 [*ZCA for the Master Plan Update*]), or any adopted amendments thereto.

21. The project shall comply with all applicable mitigation measures from the Environmental Impact Report for the Snowcreek VIII, Snowcreek Master Plan Update – 2007 project (SCH #2006112015), which are on file in the Office of the Town Clerk and are incorporated herein by reference. The Mitigation Monitoring Program (MMP) is attached as Exhibit “B”.
22. The housing mitigation requirements for all phases of Snowcreek VIII shall be mitigated through compliance with Section 6.0 (Housing Plan) of the Snowcreek Master Plan Update 2007 and Sections 2.2.3 (Affordable Housing Mitigation Financial Framework) and 4.1 (Affordable Housing Requirements) of the 2010 Snowcreek Development Agreement (SDA), provided that the SDA remains in effect. The housing mitigation plan requires a combination of on-site affordable housing, payment of in-lieu fees, and the use of existing housing credits and the Total Affordable Housing Cost is defined to mean the value of 47 units of on-site affordable housing, as specified in Section 2.2.3 of the SDA, an in-lieu fee payment for 47 units of off-site affordable housing, as specified in Section 2.2.3 of the SDA, and the application of existing housing credits (16.5 FTEE credits). The Total Affordable Housing Cost shall be reduced in the event that not all entitled market-rate units are constructed and/or not all entitled resort hotel rooms/suites are constructed. Each phase of development may meet the housing mitigation requirements in a variety of ways and a separate Affordable Housing Implementation Plan (AHMP) for each phase is required to be submitted with the development entitlement (e.g., Phase I Development Entitlement for the design review and use permit entitlements).
23. All future condominium units are subject to the regulations of the Town’s Quality of Life Ordinance (Municipal Code Chapter 5.40).
24. The applicant shall submit Owner’s Association CC&Rs for the maintenance and control of common areas for review and approval by the Community and Economic Development Director prior to Final Map approval.
25. Noise levels generated by the project shall adhere to the requirements of the Town’s noise regulations, as applicable.
26. Any and all land uses proposed on the Covenant property shall be reviewed and approved by the Eastern Sierra Land Trust (ESLT) and the Town in accordance with the Covenant prior to any grading and/or building permits being issued for such uses.
27. The existing golf course infrastructure (clubhouse and parking area) within Phase 1C (Lot 3) shall be relocated and be operational prior to the demolition of the existing structures.
28. Prior to the issuance of the first building permit for Phase 1C (Lot 3), the portion of the existing nine-hole golf course that will be impacted by the development (i.e., Hole 1) shall be re-oriented to allow for the continuous seasonal operation of the nine-hole golf course.
29. Relocation of the existing construction office and/or sales office to a location within the Snowcreek VIII development shall require approval of an Administrative Permit by the Town, provided that the site allows for such uses in the Snowcreek Master Plan Update – 2007.
30. Lot 18 shall be annexed into the Mosquito Abatement District (MAD) prior to the placement of any water into the relocated recycled water pond.

SPECIAL DISTRICT CONDITIONS

31. Access to and circulation through the project site for emergency vehicles shall comply with all Mammoth Lakes Fire Protection District and Town requirements. Access for emergency vehicles shall be provided to all areas of the site. All circulation/access roadways, bridges, etc. shall be constructed to support the weight of emergency vehicles pursuant to the Mammoth Lakes Fire Protection District requirements.

32. The project shall comply with all Wildland Urban Interface requirements including, but not limited to, construction techniques, materials, and vegetation requirements. A Wildland Fire Urban Interface Hazard Plan (WFUIHP) shall be provided with the Phase I development entitlement submittal for the Snowcreek VIII site. The WFUIHP shall be reviewed and approved by the MLFPD prior to issuance of the first building permit for Phase I.
33. All propane lines serving the project shall meet all fire and building code requirements and shall be equipped with a readily available 90-degree shut-off isolation valve on the exterior of the project and an excess flow valve designed into the system. Each building shall have a readily accessible shut-off isolation valve located within the street in an approved vault design near the connection to the main distribution line.
34. The reclaimed water pond shall be designed to be draftable for emergency fire response purposes. A standpipe with an appropriate connection shall be provided in accordance with MLFPD standards.
35. Proposed water, sewer, and recycled water irrigation connections require permits from Mammoth Community Water District. Prior to the Town authorizing any construction, the applicant shall obtain water, sewer, and recycled water irrigation permits from Mammoth Community Water district and pay applicable fees to the District.
36. A form of security acceptable to the Mammoth Community Water District shall be posted to secure completion of all required public water, sewer, and recycled water irrigation facilities and the applicant shall enter into a transfer agreement for all required public water, sewer, and recycled water improvements. The agreement shall include provisions for the posting of warranty sureties for the accepted public improvements two weeks prior to Planning and Economic Development Commission approval of the final map. Construction cost estimates for all required sureties shall be prepared and signed by a registered civil engineer. The estimates shall be at prevailing wage rates and shall include 20% for construction contingencies and 20% for administrative costs. All sureties shall be posted prior to the issuance of a grading permit and prior to approval by staff of the final map.
37. All required easements for public water, sewer, and recycled water irrigation facilities shall be granted by separate document in a form and content acceptable to the Mammoth Community Water District prior to acceptance of the facilities.
38. Easements shall be granted to Mammoth Community Water District for existing monitoring wells Well #14, Well #19, and Well #30 prior to acceptance of the Phase 1A public water, sewer, and recycled water irrigation facilities.

ENGINEERING DIVISION CONDITIONS

STANDARD CONDITIONS / GENERAL REQUIREMENTS:

39. A final map, consistent with the tentative map and the conditions herein, shall be recorded with the County Recorder of Mono County prior to the expiration of the approved tentative map. The final map shall conform to the Subdivision Map Act and the Subdivision Ordinance for the Town of Mammoth Lakes. The tentative map shall expire 24 months after the approval date, or in accordance with the terms of the 2010 Snowcreek Development Agreement. Failure to record the final map prior to the expiration will nullify all approvals, except as such time limitation may be extended by law or by the Planning and Economic Development Commission in accordance with the Subdivision Map Act.
40. Nothing in the approval of this tentative tract map shall be construed to allow for the deviation, adjustment, variance or non-conformance of any Municipal Code or ordinance, or of any local, State or federal standard, policy, regulation or law, unless specifically provided for herein.

41. The maintenance of graded slopes and landscaped areas shall be the responsibility of the developer until the transfer to individual ownership or until the maintenance is officially assumed by an appropriate district or property owners' association.
42. All new utility lines within, adjacent to, or serving the site shall be placed underground.
43. The site grading design and all building construction shall conform to State and federal disabled access regulations.
44. Paved access is required to a maintained street. Street and traffic signs shall meet the California Manual of Uniform Traffic Control Devices (MUTCD).
45. Landscaping and irrigation systems within the public right of way, adjacent to the project area and within the project shall be maintained by property owner, with the exception of benefit assessment district areas.
46. The applicant shall submit to the Town an electronic file of the final map in AutoCAD, or other format as may be approved by the Public Works Director, within 30 days of approval of the final map.
47. All grading and public improvements shall be consistent with the Town of Mammoth Lakes Standard Plans for Public Works.
48. Any off-site improvements required, such as installation of roads, sewers, water lines, or drainage improvements, which are of benefit to land other than the land located within the subdivision, shall be subject to an approved agreement between the Town and the subdivider to reimburse him in whole or in part for the use of the improvement by lands other than those developed by the subdivider, pursuant to Section 17.16.190 of the subdivision ordinance.
49. Pursuant to the Federal Migratory Bird Treaty Act and California Fish and Game Code Sections 3503 and 3503.5, it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird or bird-of-prey, except as otherwise provided by FGC or any regulation made pursuant thereto. Completion of a nesting bird survey by a biologist with relevant qualifications within three days of initiation of site disturbance is recommended for projects that have the potential to disturb suitable nesting habitat, which may include riparian vegetation, mature trees, snags, and structures.

THE FOLLOWING CONDITIONS SHALL BE COMPLETED PRIOR TO APPROVAL BY STAFF OF THE FINAL MAP:

50. The final map shall conform to the requirements of Town of Mammoth Lakes Ordinance 84-10 and all amendments thereto.
51. Slope rights adjacent to public rights of way shall be dedicated on the final map where necessary.
52. All easements and dedications shall be in a form and content acceptable to the Public Works Director.
53. Copies of all exceptions, easements, restrictions and encumbrances listed in the preliminary title report together with a copy of the current grant deed and a current title report, a copy of each record map for the subject property shown within the tentative map boundary, and a copy of each and every adjacent map, deed or other document as necessary that establish, or were used for the survey of, and for the retracement of the subdivision boundary shall be submitted with the initial submittal of the final map.
54. A subdivision guarantee shall be issued and dated within 30 days prior to final map approval by the Planning and Economic Development Commission.

55. A preliminary soils report shall be filed with and reviewed by the Public Works Director. The report shall address and make recommendations as to the compacted and un-compacted fills on-site. A note shall be placed on the final map indicating which lots require grading remediation. An “as-graded” soils report shall be provided to the Town upon completion of the grading.
56. A form of security listed in Government Code Section 66499(a) and acceptable to the Town shall be posted to secure completion of all required grading, street and drainage improvements in accordance with the Municipal Code and the applicant shall enter into a subdivision improvement agreement for all required public improvements in accordance with the Subdivision Map Act. The agreement shall include provisions for the posting of warranty sureties for the accepted public improvements two weeks prior to Planning and Economic Development Commission approval of the final map. Construction cost estimates for all required sureties shall be prepared and signed by a registered civil engineer. The estimates shall be at prevailing wage rates and shall include 20% for construction contingencies and 20% for administrative costs. All sureties shall be posted prior to the issuance of a grading permit and prior to approval by staff of the final map.
57. Monumentation of the subdivision shall be installed in accordance with the Subdivision Ordinance of the Town, Ordinance 84-10.
58. A form of security listed in Government Code Section 66499(a) shall be posted with the Town in a form acceptable to the Town Surveyor for any deferred final monumentation for the final map. The estimated amount of the surety shall be prepared by the licensed land surveyor preparing the final map and shall be approved by the Town Surveyor.
59. If the subject property has existing overhead utilities along the property frontage, the Subdivision Ordinance requires that undergrounding of utilities shall be mandatory for all subdivisions and all condominium projects. The applicant shall therefore perform either of the following:
 - a) Convert the existing utilities underground along the frontage of the property; or
 - b) Post a surety in a Town acceptable form to guarantee undergrounding of utilities or the property is annexed into a Capital Improvement District that will underground the overhead utilities. The Applicant shall therefore enter into an agreement with the Town whereby the property owner, his successors and assigns, shall not vote to disillusionment of an assessment district to be formed for the conversion of the existing overhead utilities to underground. The covenant shall be recorded with the County Recorder and shall be on title.
 - (1) The design and construction and the estimated costs and fees for the conversion to underground of the utilities shall meet the standards and approval of all serving utility companies within the Mammoth Lakes area and the standards and requirements of the Town; or
 - (2) The Property Owner shall enter into an agreement with the Town in which the Property Owner shall agree to not vote in opposition to the formation of a Utility Undergrounding District. The agreement shall run with the land and shall be binding upon all future owners of the property.
60. A snow removal/storage plan shall be submitted by the applicant and approved by the Community and Economic Development Department. This plan and provisions for maintenance of private driveways and drainage facilities shall be included in the CC&Rs prior to final map approval by Town staff.
61. Rights of way and improvements (including off-site) to transition traffic and drainage flows from proposed to existing shall be required as necessary.

62. All easements as shown on the tentative map shall be granted on the final map or recorded by separate document prior to or concurrent with recordation of the final map in a form and in content acceptable to the Town. Easements to be recorded by separate document shall be submitted to the Town for review and approval. The fully executed documents shall be submitted to the Public Works Director prior to approval of the final map. Easements shown on the tentative map to be granted or dedicated shall indicate the beneficiary of the easement(s).
63. Easements shown on the tentative map to the benefit of an agency other than the Town or to other parties shall be shown on the final map as "Easements Reserved". The owner's statement on the final map shall reserve said easements unto themselves, their heirs and assigns.
64. All documents that are required to record prior to or concurrent with the recordation of the final map shall be reviewed and approved by the Town and shall be fully executed, notarized and ready for recordation prior to approval of the final map by Town staff. The originals of the executed documents shall be delivered to the Public Works Director together with the final map prior to approval of the final map.
65. The CC&Rs shall contain provisions granting rights of access and parking, as necessary, to the owners, tenants, and their guests, of the condominium units.
66. Existing CC&Rs, if any, encumbering the property shall be amended as necessary for the proposed development of this project.
67. The applicant shall submit a request for unit, building and street addressing to the Town. Approval of the addressing shall be completed prior to approval of the final map by staff.
68. For condominium projects the following statement shall appear on the signature sheet of the final map: "THIS SUBDIVISION IS A CONDOMINIUM PROJECT AS DEFINED IN SECTION 6542 OF THE CIVIL CODE OF THE STATE OF CALIFORNIA, CONTAINING A MAXIMUM 172 UNITS AND IS FILED PURSUANT TO THE SUBDIVISION MAP ACT."
69. Prior to approval of the final map by staff, the applicant shall provide evidence to the Town that the property taxes have been pre-paid to Mono County Tax Collector or their payment has been secured by the filing of a surety bond or other cash-equivalent security acceptable to the County.
70. As required by the Town's Subdivision Ordinance Section 17.20.160 and the most recent Town Council Resolution adopting a Schedule of Fees, the applicant shall pay a fee for each unit, parcel or lot, including lettered lots and parcels and common area lots or parcels created, to the Community and Economic Development Department for long range planning reimbursement prior to approval by staff of the final map.
71. If the subdivider elects to file multiple final maps, then prior to submittal of the first final map for the project, the applicant shall submit a development schedule of phasing and improvements for review and approval by the engineering and planning divisions of the Town. The Town may impose additional conditions relative to phasing and the filing of multiple maps in accordance with Section 66456.1 of the Subdivision Map Act. Phasing may only be permitted if discontinuous rights-of-way and substandard lots are not created by the phasing.
72. The final map shall provide access for public transit using the private street network to and from the project.

THE FOLLOWING CONDITIONS SHALL BE COMPLETED PRIOR TO ISSUANCE OF AN ENCROACHMENT, GRADING, OR IMPROVEMENT PERMIT:

73. Applicant is responsible for compliance with the project SWPPP and the Guidelines for Erosion Control in the Mammoth area. This shall include submittal of a Report of Waste Discharge, if applicable.

74. If the project would disturb more than one acre, Applicant is responsible for obtaining a National Pollutant Discharge Elimination System (NPDES) permit. The NPDES permit shall be approved by the State Water Resources Control Board and Waste Discharger Identification (WDID) number issued prior to the issuance of a grading permit or building permit.
75. Applicant shall be responsible for obtaining a secondary source permit or letter of exemption from the Great Basin Unified Air Pollution Control District.
76. Construction of water, sewer, and recycled water irrigation improvements shall require water, sewer, and recycled water irrigation Construction Permits from the Mammoth Community Water District. Grading plans shall be submitted to the Town for review and approval and a grading permit in accordance with the municipal code shall be obtained from the Town and all mitigating measures and best management practices to prevent erosion and to protect existing trees shall be constructed prior to work commencing for any and all water, sewer, and recycled water irrigation improvements.
77. The applicant shall obtain an easement or letter of permission to grade all areas requiring off-site grading prior to issuance of a grading permit or a building permit. These areas shall be contour graded.
78. Applicant shall submit an application for an engineered grading permit to the Engineering Services Division of the Public Works Department in accordance with Chapter 12.08 of the Municipal Code. No change to the existing conditions of the site, including site grading, drainage interruption, land clearing, etc. shall be commenced until grading and drainage plans have been approved by the Public Works Director.
79. All future landscaping for each phase shall meet the requirements of Municipal Code Chapter 17.40 (Water Efficient Landscape Regulations). A preliminary landscape plan with sufficient information and detail to determine consistency with Chapter 17.40 shall be submitted to, and approved by, the Town as a part of the Design Review approval. Irrigation shall use recycled water to the maximum extent feasible in compliance with Section 5.2 of the Snowcreek VIII Master Plan Update – 2007 and Snowcreek’s recycled water agreement with the Mammoth Community Water District.
80. Prior to the issuance of an engineered grading permit for the project, a form of security listed in Government Code Section 66499(a) and acceptable to the Town shall be posted to secure restoration and/or stabilization of the site. Construction cost estimates for all required sureties shall be prepared and signed by a registered civil engineer. The estimates shall be at prevailing wage rates and shall include 20% for construction contingencies and 20% for administrative costs and shall be reviewed and approved by the Public Works Director or designee prior to execution.
81. An encroachment permit or a letter of exemption shall be obtained from the Engineering Services Division of the Town prior to construction within the public right-of-way in accordance with Chapter 12.04 of the Municipal Code.
82. No work within Town right of way shall be commenced until a traffic control plan has been approved by the engineering services division of the Town.
83. Street and public improvement plans for streets, sidewalks, drainage, and other public/private infrastructure shall be prepared by a registered civil engineer and submitted to the Town for review and approval. Existing topography and proposed grading with sufficient contours intervals (not to exceed two feet) shall be prepared by a registered civil engineer or a licensed land surveyor.

84. Street profile grades shall not be less than 0.5% unless the engineer of work at the time of submittal of the improvement plans provides justification to the satisfaction of the Public Works Director confirming the adequacy of the grade and provided that drainage can be adequately maintained.
85. A thorough evaluation of the structural street section, to include parkway improvements, from a qualified civil and/or geotechnical engineer, shall be submitted to the engineering services division.
86. Final grading and improvement plans and profiles shall indicate the location of any existing utility facility that would affect construction. All existing utilities shall be shown on the improvement plans and relocated as necessary without cost to the Town. Existing overhead utilities requiring relocation shall be converted to underground.
87. Prior to approval of the improvement plans, the applicant shall contract with a soils testing engineer. Any proposed grading within the street right-of-way shall be done under the direction of the soils testing engineer. Compaction tests of embankment construction, trench backfill, and all sub-grades shall be performed at no cost to the Town. Prior to placement of any base materials, and/or paving, a written report shall be submitted by the soils testing engineer to the Public Works Director for review and approval.
88. A geotechnical report is required that confirms that the proposed stormwater retention infiltrator locations will not be subject to groundwater entering the drywell or cause leaching through an adjacent slope. A sediment and oil water separator shall be installed in conjunction with the infiltrator, substantially in conformance with NPDES water quality Phase 2 requirements.
89. Slope stability tests are required for all cuts greater than 2:1 or fills greater than 3:1 (H:V).
90. All driveways shall be constructed in accordance with the driveway standards of the Town.
91. In addition to the drainage, traffic related, or other requirements stated herein, other “on-site” or “off-site” improvements may be required which cannot be determined from tentative plans at this time and will require additional review by the Public Works Director after more complete improvement plans and profiles have been submitted.
92. Drainage across the property shall be maintained. The design of the grading and drainage facilities shall not create concentrated discharges to adjacent properties and/or public rights of way in excess of historical flows. A registered civil engineer shall investigate existing facilities and design adequate drainage facilities to intercept and conduct the drainage flows around or through the site in a manner that will not adversely affect adjacent or downstream properties. The Engineer shall verify that downstream facilities, and drainage channels accepting site flows are not adversely affected by an increase in runoff from this development. If the project does create concentrated or sheet flows off-site that are greater than historical, the applicant shall demonstrate that the downstream facilities can accommodate the increased flows; otherwise, the applicant shall provide on-site detention for excess flows.
93. A final hydrology and hydraulics study is required and shall be submitted with the grading and improvement plans for the project. The study shall be prepared in accordance with the grading chapter of the municipal code and the adopted Storm Drain Master Plan of the Town and shall be prepared by a registered civil engineer. The study shall include runoff from the entire site and shall also include runoff that enters the property from all upstream sources, and shall include all storm drains, drywells, infiltrators and surface flows. The study shall indicate the method of conveying surface and underground runoff and shall address drainage conveyances downstream to the extent they exit to an existing facility or natural drainage course. All existing drainage facilities on-site and tributary to the site shall be identified and shown on the grading plans. The hydraulic calculations shall include all pipe flows, velocities and head loss calculations sufficient to show the adequacy of all conveyance systems. Q100 and V100 and the hydraulic grade line for all public storm drains and all facilities with an equivalent diameter of 18 inches

or greater shall be shown on the approved grading and improvement plans. The drainage study for the project and the final design of the storm drain system shall be approved prior to approval by staff of the grading and improvement plans and the final map. Infiltrators and storm water pollution prevention facilities are to be designed to accept the "first flush" levels of runoff. The capacity of these facilities shall not be assumed to reduce storm water flows of other drainage facilities that may be required for the project.

94. Temporary and permanent erosion control plans shall be included with the grading, improvement, and building plans. Continuous water spraying or other approved methods shall be used during grading operations to control fugitive dust. Drop inlet filters and other temporary Best Management Practices shall be employed to filter nuisance water from storm drain inlets affected by construction, on-site and off-site. Groundwater pollution from urban run-off water generated by the project shall be mitigated using best management practices (BMPs), per the requirements of the California Regional Water Quality Control Board, Lahontan District, and as indicated in the "New Development and Redevelopment Guidelines". The applicant shall apply for and obtain all required permits, written clearances or exemptions from the Lahontan District prior to any grading. All BMPs shall be shown on the erosion control plans. If the Town inspector determines that the BMPs in place are not adequate, then additional BMPs shall be installed at the discretion of the Town inspector or a revised erosion control plan shall be prepared for approval by the engineering services division. Gravel bags shall be used in lieu of sand bags. All permanent erosion control measures shall be irrigated for at least one season. Permanent BMPs shall include sediment traps upstream of infiltrators and oil water separators for parking areas consistent with the General Plan.
95. Grading plans shall include a Construction Staging and Management Plan which includes provisions related to the parking of construction worker vehicles, equipment and staging of materials both on-site and off-site, haul routes for export or import of material to/from a permitted site, hours of work, and special approval required by the Town Public Works Director for work outside hours allowed. Identified haul routes shall avoid residential areas to the maximum extent practical. The plan shall also contain provisions for interrupting utility services to neighboring properties and sufficient noticing to affected residents and property owners. The staging plan and the final access roadway improvements shall all be approved by the Mammoth Lakes Fire Protection District prior to grading permit issuance. An approved copy of the plan shall be maintained on-site at all times and available to all contractors, subcontractors, their employees and the Town.
96. On the cover sheet of the grading plans and in a very conspicuous location place the following note: "The conditions of approval for the approved tentative tract map, TTM 23-002 & UPA 23-003, contained in the resolution recorded at the County Recorder's Office of Mono County as Document No. 2022xxxxx, shall be made a part of these plans and the grading permit and all conditions and requirements therein shall be adhered to by the contractor, sub-contractors and any person performing any work on the project." This note shall also be included within the Construction Staging and Management Plan.
97. Prior to combustible materials being placed on-site, an all-weather access road shall be identified or constructed serving all areas where combustible materials are being stored to the satisfaction of MLFPD.
98. A shoring plan shall be prepared and submitted for review that demonstrates how the cuts along and adjacent to the property lines can be made without encroachment onto the adjacent property and in conformance with OSHA requirements.
99. Existing Town and Private streets and sidewalks/recreational trails/multi-use paths that require construction or reconstruction, shall remain open for traffic at all times, with adequate detours and traffic control, during actual construction. A form of security listed in Government Code

Section 66499(a) and acceptable to the Town shall be posted to cover the cost of grading and paving prior to approval by staff of the map.

100. The grading plan and building permit plans shall indicate all snow storage areas and drainage facilities.
101. All easements shall be shown on the grading and building permit plans.
102. A tree removal plan shall be approved prior to any land disturbance and the issuance of a grading or building permit. A pre-construction meeting shall be held on-site prior to any land disturbance to inspect clearing limit fencing. The applicant shall obtain the necessary Timber Harvest Permit prior to any tree removal.
103. The grading plan shall include tree protection measures to address how construction can occur without disturbing the drip-line of retained trees. The drip-line areas shall be “fenced” off with barriers to prevent disturbance during site grading. Additionally, finish grading shall not disturb existing understory vegetation or retained trees. Grading operations shall not commence until all erosion control measures and tree protection measures are in place as shown on the approved plans, and as required by the Town.

THE FOLLOWING CONDITIONS SHALL BE COMPLETED PRIOR TO ISSUANCE OF BUILDING PERMITS:

104. Recordation of the final map. The applicant shall provide evidence to the Town that the map has been recorded prior to issuance of the first building permit for the project. Evidence shall consist of the recording information on the final map.
105. For all fences, retaining and screening walls greater than 48” in height above grade, the applicant shall submit plans to and obtain a building permit from the building division.

PRIOR TO ISSUANCE OF A TEMPORARY, CONDITIONAL, OR FINAL CERTIFICATE OCCUPANCY, THE FOLLOWING CONDITIONS SHALL BE COMPLETED:

106. For each phase of development, all required landscaping and irrigation improvements shall be constructed prior to issuance of the final certificate of occupancy for that phase. A form of security listed in Government Code Section 66499(a) and acceptable to the Town shall be posted with the Town to the satisfaction of the Community and Economic Development Department for any required landscaping and irrigation improvements to be deferred and a schedule shall be submitted to the town for the construction of the deferred improvements. Deferral of the construction of any landscaping and irrigation improvements shall be at the sole discretion of the director of the Community and Economic Development Department.
107. Address numbers shall be placed on all new and existing structures in such a manner as to be plainly visible and legible from the access roadway or street, consistent with Municipal Code Chapter 16.32.
108. The final condominium plans for the project shall be submitted to the Town for review for conformance with the approved development plan, tentative map, and CC&Rs. The condominium plans shall conform to the conditions of approval with respect to ownership of required appurtenant use areas. Issuance of a certificate of occupancy and recordation of the condominium plans shall not occur prior to Town approval of the condominium plans. The condominium plans shall be recorded prior to issuance of a temporary, conditional, or final certificate of occupancy for the project.
109. Construction of private streets and private facilities and related drainage improvements shall be inspected and certified by the Public Works Director and/or designee.

110. All required grading, public and private street and drainage improvements shall be completed, all “punchlist” items completed to the satisfaction of the Public Works Director, the as-built plans submitted, reviewed and approved and the required warranty security posted prior the issuance of a certificate of occupancy for the project.
111. Projects subject to a building permit shall have all required on and off-site improvements completed and approved prior to final inspection of any buildings or structures. The installation of any on or off-site improvements shall be sufficiently completed so as to assure protection from storm or drainage run off, a safe and drivable access for fire and safety, and the ordinary and intended use of buildings or structures. The Building Official, with the concurrence of the Public Works Director, may approve any plan or approve a change to an approved plan, which complies with the intent of this policy.
112. All survey monumentation shall be completed prior to the issuance of the first temporary, conditional, or final certificate of occupancy for the project, whichever comes first.

SPECIAL ENGINEERING CONDITIONS

113. A new multi-use path connector shall be extended on the south side of Old Mammoth Road from the new Snowcreek Drive multi-use path eastward to the existing sidewalk on the east side of Sherwin Creek Road. This path shall be constructed in conjunction with the construction of the multi-use path along the Lot A of Snowcreek Drive. At the discretion of the Town, a safe pedestrian crossing shall be constructed from Snowcreek Drive to the north side of Old Mammoth Road.
114. All multi-use and pedestrian paths shall be constructed at the same time as the adjacent roads.
115. Multi-use path lighting, signage, and striping shall comply with Town standards and master plans.
116. Stormwater retention basins and recycled water ponds shall be benched in such a way to allow for easy exit from the waterway by people and wildlife.
117. All drainage improvements proposed for Lots 1 and 17 shall be completed prior to the issuance of the first certificate of occupancy for Phase 1A. Easements shall be granted to all future development phases for drainage purposes.
118. All Phase 1A improvements shall be completed prior to issuance of the first building permit for any subsequent phase of development.
119. Developer shall complete all new Phase 1A street and multi-use paths prior to the issuance of the first certificate of occupancy for Phase 1A. This shall include the Lot A section of the Snowcreek Drive and Terra Mar Drive (Lot E) streets and the associated multi-use paths along Snowcreek Drive, Terra Mar Drive, the Fairway Drive connector to Old Mammoth Road, and the Old Mammoth Road connector to Sherwin Creek Road.
120. The Lot B and C sections of Snowcreek Drive shall be completed and accessible to the residents of Snowcreek V prior to the start of construction of Phases 1B or 1C.
121. The easterly intersection of Old Mammoth Road/Snowcreek Drive shall have street lighting in accordance with Town Standards.
122. Town street name signs shall meet the Manual of Uniform Traffic Control Devices letter size and reflectivity standards and shall be installed indicating street names. This applies to public and private streets and shall be consistent with other Town street signage throughout the Town.
123. Subject to the issuance of a grading permit, Developer shall be permitted to use the areas for future phases of the development to stockpile and store materials.

124. For each subsequent phase of development, a review of the project traffic study shall be submitted for review and approval by the Town, and updated as needed, to evaluate the timing of mitigation measures and consistency with the original assumptions in the Snowcreek VIII, Snowcreek Master Plan Update – 2007 FEIR.
125. The Old Mammoth Road/Minaret Road roundabout shall be completed prior to the issuance of the 301st building permit for the Snowcreek VIII development or when the subject intersection exceeds a level of service (LOS) D using a Town approved design day. The Town shall approve the consultant that will be used to prepare these improvement plans prior to the selection of the consultant. The Town shall have reasonable approval rights over the consultant. The Town shall approve the consultant within five (5) business days of the request for approval. The Town's approval shall not be unreasonably withheld. If the Town fails to respond to the request for approval within the specified timeframe, the consultant shall be deemed approved. The design shall include all components of the facility including lighting, landscape, multi-modal circulation, and irrigation.
126. Developer shall construct the first of the four proposed transit stops/shelter with the development of either Lot 8 or 9, whichever comes first, and shall be completed prior to the approval of Phase III. The shelter shall be to Town standards. The transit stop shall be in proximity to, and meet the needs of, the Phase I and II residents.
127. The existing driving range, driving range building footprint, access road, and all disturbed areas of Lots 1 and 17 shall be revegetated in accordance with Town Standards and the Snowcreek VIII Landscape Master Plan (Appendix C) prior to the issuance of the first certificate of occupancy for Phase 1A. All landscaping and irrigation installed shall meet the requirements of Municipal Code Chapter 17.40 (Water Efficient Landscape Regulations). A final landscape and irrigation plan shall be submitted to, and approved by, the Town for inclusion in the project engineering grading permit. Irrigation shall use recycled water to the maximum extent feasible in compliance with Section 5.3 of the Snowcreek VIII Master Plan Update – 2007 and Snowcreek's recycled water agreement with the Mammoth Community Water District.
128. The emergency vehicle access (EVA) road connection to Sherwin Creek Road shall be constructed and available for use prior to construction of the hotel or prior to development of 2/3 of the project's units, whichever occurs first. If the golf course is constructed prior to the hotel or 2/3 of the project's units, the EVA shall be constructed with the golf course, unless an alternative plan is approved by the MLFPD and the Town. The EVA also doubles as a road to the golf maintenance facility; therefore, the maintenance road portion of the EVA may be constructed prior to the EVA connection to Sherwin Creek Road.
129. The existing maintenance storage area on Lot 18 adjacent to Sherwin Creek Road shall only be used by the developer for maintenance and storage of equipment being used in the Snowcreek VIII development. Location may not be sublet or utilized for any commercial or industrial uses.

EXHIBIT “B”

**Resolution No. PEDC 2024-11
Case No. TTM 23-002, UPA 23-003**

**Snowcreek Master Plan Update – 2007 Project Environmental Impact Report
(SCH #2006112015) Mitigation Monitoring Program (MMP)**

IV. MITIGATION MONITORING PROGRAM

Section 21081.6 of the Public Resources Code requires a Lead Agency to adopt a “reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment” (Mitigation Monitoring Program, §15097 of the *CEQA Guidelines* provides additional direction on mitigation monitoring or reporting). The Town of Mammoth Lakes (Town) is the Lead Agency for the Snowcreek VIII, Snowcreek Master Plan Update – 2007 (Project) and is therefore responsible for enforcing and monitoring the mitigation measures in this Mitigation Monitoring Program (MMP).

An Environmental Impact Report (EIR) has been prepared to address the potential environmental impacts of the Project. Where appropriate, this environmental document identified project design features or recommended mitigation measures to avoid or to mitigate potential impacts identified to a level where no significant impact on the environment would occur. There are occasions that feasible mitigation is not available. CEQA Code 15126.4 (5) states: If the lead agency determines that a mitigation measure cannot be legally imposed, the measure need not be proposed or analyzed. Instead, the EIR may simply reference that fact and briefly explain the reasons underlying the lead agency's determination. This MMP is designed to monitor implementation of the required and recommended mitigation measures and conditions set forth for project approval for the Project as identified in the Draft Environmental Impact Report (Draft EIR) and the Final Environmental Impact Report (Final EIR). The required and recommended mitigation measures as well as the conditions set forth for project approval are listed and categorized by impact area, with an accompanying identification of the following:

- Monitoring Phase, the phase of the project during which the mitigation measure shall be monitored. These phases include:
 - ◊ Pre-Construction, including the design phase.
 - ◊ Construction.
 - ◊ Operation (post-construction).
- Implementing Party, the party responsible for implementing the mitigation measure.
- The Enforcement Agency, the agency with the power to enforce the mitigation measure.
- The Monitoring Agency, the agency to which reports involving feasibility, compliance, implementation, and development are made.

The MMP for the Project will be in place throughout all phases of the Project. The Project Applicant shall be responsible for implementing all mitigation measures unless otherwise noted. The Project Applicant shall also be obligated to provide certification, as identified below, to the appropriate monitoring agency and the appropriate enforcement agency that compliance with the required mitigation measure has been implemented. The Town, although assisted by other agencies as identified below, will

be the primary Enforcement and Monitoring Agency for the MMP procedures and will also serve to provide the documentation for the reporting program.

Generally, each certification report will be submitted to the Town in a timely manner following completion/implementation of the applicable mitigation measure and shall include sufficient information to reasonably determine whether the intent of the measure has been satisfied. The Town shall assure that project construction occurs in accordance with the MMP. Departments listed below are all departments of the Town unless otherwise noted.

As described in Section I, Introduction, to this Final EIR Addition, Mitigation Measure CULT-1, Impacts to Known Cultural Resources, has been revised based on comments received from the Native American Heritage Commission after the Final EIR was published. Mitigation Measures HYD 1a and -1b, Water Quality Standards, and UTIL-5e, Water Supply, have also been revised to ensure that the Lahontan RWQCB updated or yet to be defined regulations and requirements shall apply. Furthermore, Mitigation Measures UTIL-5 and UTIL-7 were revised as a result of information provided by the Mammoth Community Water District in May 2009. These changes have been made for clarification purposes and would still result in the same level of impact after mitigation.

AESTHETICS

Mitigation Measure AES-5 Signage

Prior to the issuance of building permits, all buildings containing three or more separate businesses shall prepare a Master Sign Plan, in accordance with the Mammoth Lakes Municipal Code Chapter 17.34 and 17.40.

Monitoring Phase	Pre-Construction
Implementing Party	Applicant
Enforcement Agency	Building Division
Monitoring Agency	Building Division

Mitigation Measure AES-6 Light and Glare

Prior to occupancy, all lighting on the Project site shall comply with the applicable requirements of the Town of Mammoth Lakes Outdoor Lighting Ordinance, in accordance with Mammoth Lakes Municipal Code Chapter 17.34.

Monitoring Phase	Pre-Construction/Construction/Pre-Occupancy
Implementing Party	Applicant
Enforcement Agency	Building Division
Monitoring Agency	Building Division

AIR QUALITY

Mitigation Measure AQ-1 Construction

The Project applicant shall require that the following practices be implemented by including them in the contractor construction documents to reduce the emissions of pollutants generated by heavy-duty diesel-powered equipment operating at the Project site throughout the Project construction phases:

- a. Water all construction areas at least twice daily; water trucks will be filled locally after the contractor makes water acquisition agreements and obtains any required permits.
- b. Cover all trucks hauling soil, sand, and other loose materials;
- c. Apply clean gravel, water, or non-toxic soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;
- d. Remove excess soils from paved access roads, parking areas and staging areas at construction sites;
- e. Sweep streets daily (with mechanical sweepers) if visible soil material is carried onto adjacent public streets;
- f. Hydroseed or apply non-toxic soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more);
- g. Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.);
- h. Limit traffic speeds on unpaved roads to 15 miles per hour;
- i. Install gravel-bags, cobble entries, or other Best Management Practices (BMPs) and erosion control measures to prevent silt runoff to public roadways;
- j. Replant vegetation in disturbed areas as soon as possible;
- k. Install wheel washers for all exiting trucks or wash off the tires or tracks of all trucks and equipment leaving the construction site;
- l. Suspend excavation and grading activities when wind (as instantaneous gusts) exceeds 50 miles per hour (mph) and when sustained winds exceed 25 mph increase the frequency of watering from twice daily, as described in Mitigation Measure AQ-1a above, to three to four times a day;
- m. The construction fleet will meet the terms set forth in the CARB Proposed Regulation for in-use Off Road Diesel Vehicles, paragraph (d)(3) Idling. The proposed regulation implementation date is May 1, 2008.
- n. Limit the hours of operation of heavy duty equipment and/or the amount of equipment in use;

- o. All equipment shall be properly tuned and maintained in accordance with the manufacturer's specifications;
- p. When feasible, alternative fueled or electrical construction equipment shall be used for the Project site;
- q. Use the minimum practical engine size for construction equipment;
- r. Gasoline-powered equipment shall be equipped with catalytic converters, where feasible.

Monitoring Phase

Construction/Operation

Implementing Party

Applicant

Enforcement Agency

Community Development Department

Monitoring Agency

GBUAPCD

Mitigation Measure AQ-2 Operational Emissions

The Project applicant shall require the following implementation measures to reduce PM₁₀ operational emissions resulting from the Project to a less than significant level:

- a. The Project shall include a transportation demand management program to reduce overall vehicle miles traveled (VMTs), in order to demonstrate compliance with the Federal PM₁₀ standard of 150 µg/m³. The program shall include, but not be limited to, circulation system improvements, shuttles to and from parking areas, and the location of facilities to encourage pedestrian circulation.
- b. The Project shall be linked to existing developed areas through existing road networks, public transit systems, open space systems, and bicycle and pedestrian systems.
- c. The Project shall implement trip reduction measures particularly during PM peak traffic hours to disperse trips between parking areas and mountain portals to and from the ski area.
- d. Residential condominium units shall enter into a transit fee agreement with the Town consistent with the Town's established Transit Fee Agreement Program.
- e. No solid fuel burning appliances shall be permitted within residential units within multi-family residential developments.

Monitoring Phase

Construction/Operation

Implementing Party

Applicant

Enforcement Agency

Community Development Department

Monitoring Agency

GBUAPCD

BIOLOGICAL RESOURCES

Mitigation Measure BIO-1a Special Status Species

To determine presence or absence of Masonic rock cress in the development area, a qualified biologist shall conduct focused surveys according to CDFG guidelines^{1, 2} for this species prior to the onset of construction activities. The surveys shall be conducted at the proper time of year when this plant is both evident and identifiable. A qualified biologist is an individual who possesses the following qualifications: 1) experience conducting floristic field surveys; 2) knowledge of plant taxonomy and plant community ecology; 3) familiarity with the plants of the area, including rare, threatened, and endangered species; 4) familiarity with the appropriate state and federal statutes related to plants and plant collecting; and 5) experience with analyzing impacts of development on native plant species communities.

If Masonic rock cress is not found in the development area, no further mitigation would be required. However, if this plant species is located, the survey will determine the number of individuals present and the limits of the area occupied by the population, and one of the following additional mitigation measures shall be implemented:

- (a) avoidance and permanent protection of the onsite population;
- (b) permanent preservation of an existing, offsite population of the species in the region at a 2:1 acreage ratio; or
- (c) transplant the individuals to permanently preserved habitat on- or off-site at a 1:1 acreage ratio. If transplanted offsite, the location should preferably be adjacent to the site or in close proximity.

Each additional mitigation option above (a – c) shall include the preparation of a Preservation Plan (under a or b) or a Mitigation Plan (under c) by a qualified biologist to be submitted to and approved by the Town. The Preservation or Mitigation Plan shall include the location and extent of the preserved or transplanted individuals and measures to ensure protection of the population during and following Project implementation (in perpetuity), including a mechanism to ensure permanent preservation of the population from development such as a conservation easement. The Plan shall also include methods to transplant the individuals (if applicable), measures to maintain the population (i.e., weed control), and methods to monitor the population for a minimum of five years following preservation or transplantation, including performance criteria and contingency measures in case of failure to meet the established performance criteria.

¹ California Department of Fish and Game. 1983. *Guidelines for conducting and reporting botanical inventories for federally listed, proposed and candidate plants*. Unpublished information sheet, revised 2000.

² California Department of Fish and Game. 2000. *Guidelines for assessing effects of proposed developments on rare and endangered plants and plant communities*. Unpublished information sheet.

Monitoring Phase	Pre-Construction
Implementing Party	Applicant
Enforcement Agency	Building Division
Monitoring Agency	Building Division

Mitigation Measure BIO-1b Special Status Species

To avoid substantial adverse affects to Yosemite toad, a qualified biologist shall conduct surveys following standard visual encounter techniques supplemented with dipnetting surveys to confirm presence or absence of toads in the study area. At minimum, the biologist shall be familiar with the distinguishing physical characteristics of all life stages of the Yosemite toad and other amphibians found in the Sierra Nevada region of California. The biologist shall also hold all necessary federal, state, and local agency permits for surveying and handling this species. Because the actual timing of visual encounter and dipnetting surveys for Yosemite toad may vary depending primarily on the watershed characteristics, regional snow pack, timing and rate of spring runoff, day length, average ambient air and water temperatures, and local and seasonal weather conditions, the biologist shall visit nearby accessible occurrences of Yosemite toad (reference sites) to identify the breeding period in the vicinity of the Project site. The biologist shall then conduct at least one to two visual encounter surveys from May through July at the appropriate time of day to determine presence or absence of toads onsite. If during the initial breeding survey, no individual Yosemite toads or egg masses are encountered, subsequent surveys shall be conducted two to four weeks later. Approximately four to eight weeks after completing the breeding survey(s), dipnetting surveys for tadpoles shall be conducted (usually July through August).

If no individual toads (e.g., adults or tadpoles) or egg masses are encountered, no further mitigation would be required. However, if Yosemite toad is encountered the following measures shall be implemented:

- A qualified biologist shall develop and implement, in coordination with the USFWS, CDFG, and USFS, an exclusion and relocation program for Yosemite toads within the development area. The design and type of exclusion fencing, as well as the method and location of relocation shall be approved by the resource agencies prior to implementation.
- Pre-construction surveys of aquatic habitats and adjacent terrestrial habitat shall be conducted in all work area by qualified biologist within two weeks of initiating work. Any observed toads shall be relocated according to procedures outlined in the exclusion and relocation program developed and implemented above. Active work areas shall be re-surveyed regularly between May and September.
- During construction activities, all trash that may attract predators will be properly contained, removed from the work area, and disposed of regularly. Following Project construction, all trash and construction debris shall be removed from work areas.

- Any fueling and maintenance of vehicles and other equipment and staging areas shall be at least 65 ft (20 m) from any willow-alder riparian community or waterbody.
- Appropriate sediment and erosion control best management practices (BMPs) shall be implemented to protect the water quality of the Mammoth Creek and the several ponds near Mammoth Creek, as well as the golf course ponds and associated drainages. BMPs to be implemented shall be described in the Project site's stormwater pollution prevention plan (SWPPP) and shall be installed according to the manufacture's specifications.
- Areas temporarily disturbed by construction activities shall be recontoured and revegetated. An appropriate assemblage of vegetation that is suitable for the area shall be used during restoration efforts.

Monitoring Phase

Pre-Construction/Construction

Implementing Party

Applicant

Enforcement Agency

Building Division

Monitoring Agency

Building Division

Mitigation Measure BIO-1c Special Status Species

To avoid substantial adverse affects to nesting willow flycatchers, construction activities, including vegetation clearing and grubbing and grading, on the portion of the development area north of Old Mammoth Road shall be conducted outside of the nesting season (June 1st through September 15th). If this is not feasible, then a qualified biologist holding all necessary federal, state, and agency permits shall conduct protocol-level surveys for willow flycatchers following methods outlined in *A Willow Flycatcher Survey Protocol for California*³ to confirm presence or absence in the study area. A qualified biologist is an individual who has sufficient knowledge, training, and experience with bird identification and surveys to distinguish the willow flycatcher from other non-*Empidonax* species, and recognize the willow flycatcher's primary song. Also, it is strongly recommended that the biologist has attended a willow flycatcher survey training workshop. The protocol is based on the use of repeated tape-playback surveys during pre-determined periods of the breeding season: Survey Period 1: June 1st through June 14th; Survey Period 2; June 15th through June 25th; and Survey Period 3: June 26th through July 15th. It requires a minimum of two surveys on the site, one during Survey Period 2 and one during either Survey Period 1, or Survey Period 3 to document presence or absence of willow flycatchers during the survey year. In addition, successive surveys must be at least five days apart; surveys done fewer than 5 days apart are not considered to be in separate survey periods.

³ Bombay, H. L., T. M. Ritter, and B. E. Valentine. 2006. *A willow flycatcher survey protocol for California*. June 6, 2000.

If no willow flycatchers are detected in the study area, no further mitigation would be required. However, if willow flycatcher is detected, the CDFG shall be contacted for a final discussion on the possibility of doing construction-related activities during the breeding season. Also, in coordination with the CDFG, a long-term (i.e., greater than five year) monitoring program shall be developed and implemented in order to protect the existing population and provide baseline data to make well-informed, adaptable management plans, if needed in the future. Regardless of whether or not flycatchers are detected, the willow flycatcher survey forms (Form 1; Willow Flycatcher Field Survey Form, Form 2; Willow Flycatcher Survey Summary-Site Description, and Form 3: Willow Flycatcher Survey Summary-Results Summary) shall be submitted to the CDFG by October 1st of each year.

Monitoring Phase	Pre-Construction/Construction
Implementing Party	Applicant
Enforcement Agency	Building Division
Monitoring Agency	Building Division

Mitigation Measure BIO-1d Special Status Species

To avoid substantial adverse affects to other nesting migratory birds and raptors, one of the following measures shall be implemented:

- Conduct vegetation removal and other ground disturbance activities associated with Project construction during the non-breeding season (September 16th through March 14th); OR
- Conduct pre-construction surveys for nesting birds if construction activities are to take place during the nesting season (March 15th through September 15th). Pre-construction surveys shall be conducted by a qualified biologist once per week for eight consecutive weeks at the appropriate time of day during the breeding season and shall end no more than three days prior to the onset of construction activities to confirm presence or absence of active nests in the Project vicinity (at least 300 feet around the development area). If active nests are encountered, species-specific measures shall be prepared by a qualified biologist, in coordination with the CDFG and other appropriate agencies, and implemented to prevent direct loss or abandonment of the active nest. At a minimum, construction activities in the vicinity of active nest shall be deferred until the young have fledged and an exclusion buffer zone shall be established. A minimum exclusion buffer of 25 feet is typically recommended by CDFG for songbird nests, and 200 to 500 feet for raptor nests, depending on the species and location. The perimeter of the nest-setback zone shall be fenced or adequately demarcated with staked flagging at 20-foot intervals, and construction personnel restricted from the area. A survey report by the qualified biologist verifying that the young have fledged shall be submitted to the Town for review and concurrence prior to initiation of construction activities within the nest-set-back zone. The survey report shall also be submitted to the CDFG for review.

Monitoring Phase	Pre-Construction/Construction
Implementing Party	Applicant
Enforcement Agency	Building Division
Monitoring Agency	Building Division

Mitigation Measure BIO-1e Special Status Species

The following good wildlife management practices shall be implemented to reduce impacts to nesting migratory birds and raptors, as well as other wildlife species, following Project development.

- Unleashed domestic pets belonging to residents or visitors shall be prohibited from entering the adjacent undeveloped lands or open space areas. Signage shall be posted and maintained along the boundaries of the development area indicating such prohibitions and educating the community about domestic pets as a conservation threat to birds and other wildlife.
- Signage shall be installed along the existing nature trails on the Project parcel north of Old Mammoth Road educating the community about the breeding season being a vital period in birds' and other animals' lives and disturbances during this time may result in nest or young abandonment.
- Educational brochures shall be distributed to residents and visitors discussing the importance of not supplementing the diet of avian nest predators such as jays (*Cyanocitta* sp.), magpie (*Pica* sp.), ravens (*Corvus corax*), and brown-headed cowbird (*Molothrus ater*) by feeding them during the breeding season. Also, educational brochures shall instruct residents and visitors not to feed wildlife or allow wildlife access to trash. This could lead to increased natural mammalian predators such as raccoon, fox (*Vulpes* sp.), and opossum (*Didelphis virginiana*). These predators tend to benefit disproportionately from human habitation, and as their populations expand they are negatively affecting the health of bird and other animal populations.
- Night lighting associated with the Project shall be designed to provide illumination of target areas with minimal offsite visibility to avoid potentially illuminating wildlife use areas located within and adjacent to the development area.

Monitoring Phase	Pre-Construction/Construction/Operation
Implementing Party	Applicant
Enforcement Agency	Building Division
Monitoring Agency	Building Division

Mitigation Measure BIO-1f Special Status Species

To avoid substantial adverse affects to western white-tailed jackrabbit, one of the following measures shall be implemented:

- Conduct vegetation removal and other ground disturbance activities associated with Project construction during the non-breeding season (August 1st through January 31st); OR
- Conduct pre-construction surveys for western white-tailed jackrabbit if construction activities are to take place during the breeding season (February 1st through July 31st). Pre-construction surveys shall be conducted by a biologist familiar with this hares' habitat and sign (e.g., tracks, pellets) once per week for five consecutive weeks and shall end no more than three days prior to the onset of construction activities to confirm presence or absence of hares within the Project's development area. If hares or evidence of hare is encountered, the qualified biologist, in coordination with the CDFG, shall develop and implement site-specific measures (e.g., exclusion buffer zone, nesting monitoring) to avoid loss of nests or young. A survey report by the qualified biologist verifying the presence or absence of western white-tailed jackrabbit and describing measures developed and implemented to avoid hares, if determined present, shall be submitted to the Town for review and concurrence prior to initiation of construction activities.

Monitoring Phase

Pre-Construction/Construction

Implementing Party

Applicant

Enforcement Agency

Building Division

Monitoring Agency

Building Division

Mitigation Measure BIO-1g Special Status Species

To avoid substantial adverse effects to badgers, a qualified wildlife biologist shall conduct an initial survey for active burrows at least 30 days prior to initiation of construction activities to confirm presence or absence of badger in the project vicinity (at least 150 feet around the development footprint). If no individual badgers or evidence of badger is found, no further mitigation would be required at this time. However, if badger is detected, site-specific measures (e.g., exclusion buffer zone, nesting monitoring) shall be prepared by a qualified biologist, in coordination with the CDFG and other agencies as appropriate, and implemented to prevent direct loss of active burrows and/or individuals. Regardless of whether badger is detected during the initial survey, a subsequent survey for badger in the Project vicinity shall be conducted no more than 3 days prior to the initiation of construction activities to confirm no new burrows have established in the intervening period. A survey report by the qualified biologist verifying that there are no active burrows present in the development footprint shall be submitted to the Town for review and concurrence prior to initiation of construction activities. The survey report shall also be submitted to the CDFG for review.

Monitoring Phase	Pre-Construction
Implementing Party	Applicant
Enforcement Agency	Building Division
Monitoring Agency	Building Division

Mitigation Measure BIO-2a Sensitive Natural Communities

To avoid potential inadvertent impacts to preserved sensitive habitats (riparian habitat, wet meadow, or other jurisdictional features) adjacent to the development area, the following measures shall be implemented prior to and during construction activities:

- Prior to construction activities, the boundaries of sensitive habitats that will not be impacted shall be plotted on all construction plans and maps, including a minimum buffer of 10 feet or more as determined by a qualified biologist.
- Silt fencing and construction fencing (or flagging to make the silt fencing more visible) shall be installed around the sensitive habitat and buffer, and the final location of the installed fencing shall be approved by a qualified biologist prior to initiation of construction activities.
- Encroachment into the sensitive habitat and buffer shall be prohibited by construction personnel, and storage of materials or equipment shall be prohibited in this area.
- Prior to the onset of construction activities, construction personnel shall be briefed on the location of sensitive habitat and other resources that shall be preserved and the importance of avoidance.
- The silt fence shall be monitored regularly during construction activities to ensure that the fencing remains intact and functional, and that no encroachment has occurred into the sensitive habitat or boundary; any repairs to the fence or encroachment correction shall be conducted immediately. A memo summarizing monitoring dates, observations, and repairs/corrections shall be prepared following each construction season and submitted to the Town.
- Appropriate sediment and erosion control best management practices (BMPs) shall be implemented to protect water quality of Mammoth Creek and its adjacent wet meadow community during and following project construction. The BMPs to be implemented shall be described in the site's stormwater pollution prevention plan (SWPPP) and shall be installed according to the manufacturer's specifications.
- All fueling and maintenance of vehicles and other equipment and staging areas shall be at least 50 ft (15 m) from sensitive habitats.

Monitoring Phase	Pre-Construction/Construction/Operation
Implementing Party	Applicant
Enforcement Agency	Building Division
Monitoring Agency	Building Division

Mitigation Measure BIO-2b Sensitive Natural Communities

To minimize establishment of invasive, non-native plant species on the site, the following measures shall be implemented.

- A construction schedule shall be developed to closely coordinate activities such as clearing, grading, and reseeded, to ensure areas are not prematurely stripped of native vegetation and revegetation activities be conducted as soon as possible following development.
- Vegetation disturbances shall be limited to those areas identified on construction plans and maps as slated for development or construction staging.
- Native and compatible non-native plant species, especially drought resistant species, shall be used for revegetation. Refer to the list of Plants that Thrive in Eastern Sierra Gardens' prepared by Mono County and the Town of Mammoth Lakes.
- Landscaping will not use invasive non-native plants that threaten wildlands according to the California Invasive Plant Inventory made available by the California Invasive Plant Council (Cal-IPC).
- Erosion and sediment control materials shall be certified as weed-free.

Monitoring Phase	Pre-Construction/Construction/Operation
Implementing Party	Applicant
Enforcement Agency	Building Division
Monitoring Agency	Building Division

Mitigation Measure BIO-3 Jurisdictional Resources

Prior to the onset of construction activities, including concrete and riprap removal associated with the reduction of the stormwater retention in the existing golf course pond, and vegetation clearing and grubbing and grading associated with the creation of the stormwater control basins and vegetative swale, a Waste Discharge Requirement (WDR) permit application shall be submitted to RWQCB and a Lake or Streambed Alteration Notification shall be submitted to CDFG for impacts to the existing golf course pond, the northernmost retention basin, and the drainage/ditch connecting these features. Mitigation measures associated with permits may include impact minimization measures such as implementation of best management practices (i.e., erosion and sediment control measures) and seasonal work restrictions, and possibly habitat compensation measures such as the restoration plantings in the vicinity. Impacts to

potentially jurisdictional features shall not occur until the permits are received from the appropriate regulatory agencies, or correspondence is received from the agencies indicating that a permit is not required.

Monitoring Phase

Pre-Construction

Implementing Party

Applicant

Enforcement Agency

Planning Division/CDFG/ RWQCB

Monitoring Agency

Building Division

Mitigation Measure BIO-4a Wildlife Movement, Migration-Corridors, and Native Wildlife Nurseries

To offset the loss of holding area deer habitat, the applicant shall purchase or contribute funds to purchase a conservation easement on property(ies) that contain important lands in the winter range, migration corridor, and/or holding area of the Round Valley mule deer herd or any other migratory mule deer herd within the Mammoth Lakes vicinity as determined by the CDFG. The amount of acreage to be purchased or made part of a conservation easement ("replacement land") to offset the loss of mule deer habitat by this project shall be determined by the CDFG, and based upon the recommendation of a qualified biologist. The location and quantity of replacement land shall be based upon the acreage of deer habitat affected by the development and the comparative benefits or value to the mule deer herd of the habitat being removed by this project to the area being acquired or protected. Consequently, the CDFG shall not be required to utilize a simple removal to replacement ratio, but shall be permitted to consider other factors such as the quality and quantity of plant foraging material in the removal area and the replacement area and whether the replacement area land serves to protect important lands in the winter range, migration corridor and/or the holding area for the herd. In lieu of providing for replacement land, the CDFG may approve other means recommended by a qualified biologist by which the applicant shall protect or enhance habitat for the Round Valley mule deer herd or any other migrating mule deer herd within the Mammoth Lakes vicinity, such as erecting fencing along U.S. Highway 395 to protect the deer herd from vehicular traffic, providing monetary contributions toward the construction of a deer undercrossing along U.S. Highway 395, or other means to enhance the herd's habitat, or protect the herd, that is roughly proportional to the impact on the deer herd of the loss of deer herd habitat caused by the project (the "in lieu protection program").

The proposed land protection agreement or in lieu protection program shall be prepared by the applicant in close consultation with the Town, CDFG and directly affected parties (i.e., the seller(s) of the conservation easement or the recipients of the monetary contributions under the in lieu program). Prior to the onset of construction activities associated with the development of the new golf course, located on those portions of the site that have historically been deer habitat (refer to areas labeled "I" on Figure III-4), the Town shall receive a signed copy of the land protection agreement, executed by all directly affected parties as defined above, or obtain written confirmation from CDFG of CDFG's approval of the in lieu protection program proposed by the applicant. Construction activities include vegetation clearing

and grubbing and grading. In all events, implementation of the approved land protection agreement or in lieu protection program shall be commenced to the CDFG's satisfaction, prior to any grading of the approximately 46 acres of impacted deer habitat. Implementation shall be completed in stages, to the satisfaction of the CDFG, so as to ensure that the mitigation occurs within a sufficiently short period of time after the impact has occurred, in order to minimize any possibility of an unmitigated impact. The Town will reserve the option to delay the onset of construction activities in the event it determines that implementation of the proposed land protection agreement or in lieu protection program has been unduly delayed or obstructed by the applicant.

Monitoring Phase	Pre-Construction
Implementing Party	Applicant
Enforcement Agency	Planning Division/CDFG
Monitoring Agency	Planning Division

Mitigation Measure BIO-4b Wildlife Movement, Migration-Corridors, and Native Wildlife Nurseries

Major construction activities (e.g., vegetation clearing and grubbing, and grading) within the development area south of Old Mammoth Road shall not occur when significant numbers of migrating deer are present in the Project vicinity (generally during the period from April 15 through June 1 and from October 1 through November 15) to avoid potential adverse impacts to the Round Valley mule deer herd using the Sherwin holding area and Mammoth Rock migration route during the spring and fall migration periods. Because the actual dates of construction will be based on deer arrival at and departure from the Project vicinity, which will depend on weather and snow conditions, a monitoring program shall be developed and implemented, in coordination with CDFG and other appropriate agencies, to determine the presence of deer in the area. All major construction activities shall be conducted during the interim periods between spring and fall migration periods only.

Monitoring Phase	Pre-Construction/Construction
Implementing Party	Applicant
Enforcement Agency	Planning Division/CDFG
Monitoring Agency	Planning Division

Mitigation Measure BIO-4c Wildlife Movement, Migration-Corridors, and Native Wildlife Nurseries

In addition to the good wildlife management practices outlined in Mitigation Measure BIO-1e, the following habitat management practices shall be implemented:

- No fences or other potential impediments to deer and other wildlife movement shall be installed along the outer edges of the Project site, particularly along the southern and eastern Project boundaries for deer.

- No depredation permits for controlling deer shall be requested. The applicant recognizes that the development of lands within deer habitat contains associated risks of damage, which is acceptable.
- Require management practices of landscapes treated with pesticides that minimize low-level exposures and sub-lethal effects to wildlife. Herbicides, pesticides, and fungicide application records and other landscape and turfgrass management records shall be made available to the Town or CDFG at any time upon request.

Monitoring Phase

Pre-Construction/Operation

Implementing Party

Applicant

Enforcement Agency

Planning Division/CDFG

Monitoring Agency

Planning Division

CULTURAL RESOURCES***Mitigation Measure CULT-1 Impacts to Known Cultural Resources***

The Revised Project Features propose no development of the portion of the Project site located north of Old Mammoth Road, including the CA-MNO-3 site. The improvements proposed for the Natural Resources Interpretive area would not involve significant excavation and would not be sufficient to trigger the protocols specified in this measure. In the event that this portion of the Project site is conveyed to another entity and proposed for development, then that portion shall be avoided or capped as determined by the Town based on the advice of the qualified archeologist in consultation with the Native American Monitors. If the archeologist determines that the site should be capped, the archeologist and Native American Monitors shall be on site during any capping activities. The archeologist and Native American Monitors shall be compensated for their services by the Project Applicant. The archeologist and Native American Monitors shall be selected and designated as described below.

1. The Native American Monitors shall be selected as follows: The Town shall request, in writing, that the Interested Tribes self-designate a Native American Monitoring candidate to be considered for selection by the Project Applicant. Interested Tribes as provided to the Town by the NAHC through the CEQA process shall include the following: Antelope Valley Paiute Tribe; Benton Paiute Reservation; Big Pine Band of Owens Valley; Bishop Paiute Tribe; Bridgeport Paiute Indian Colony; Mono Lake Indian Community; and the KutzadikaA Indian Community Cultural Preservation Association. The Town must maintain a record of proof of delivery of the request for a period of not less than three years after the Project has completed build-out. The Interested Tribes shall present their individual Native American Monitoring candidate in writing, submitted to the Project Applicant within 25 days of Town's request in order to be considered for selection.

The Project Applicant shall select and notify at least one – but not more than three – Native American Monitors for this Project from candidates provided in writing to the Project Applicant; this selection shall occur within 15 business days of the expiration of the previously mentioned 25 calendar day submittal period. Proof of delivery shall accompany the notification of selection distributed to the chosen Native American Monitors.

There shall be no more than one Native American Monitor per construction crew. A “construction crew” shall be defined as those workers assigned to a specific task of the Project’s construction. If the selected Native American Monitor(s) are not present at the designated work sites at the designated times as instructed by the Project Applicant, or selection of the Native American Monitors does not occur by the designated times identified above, construction shall proceed as scheduled under the sole monitoring of the qualified archeologist.

2. The archeologist shall be selected as follows: The Town shall prepare a list of at least three proposed qualified archeologists. The Project Applicant shall select and notify one of the archeologists on the Town’s list within 25 calendar days after receipt of the list. If the Project Applicant cannot select an archeologist within 25 calendar days of receipt of the list, the Town shall make the decision as to the identity of the archeologist.

Phase	Pre-Construction
Implementing Party	Applicant or Property Owner at that time
Enforcement Agency	Community Development Department
Monitoring Agency	Community Development Department

Mitigation Measure CULT-2a Impacts to Unknown Cultural Resources

A Mitigation Monitoring and Reporting Plan (MMRP) shall be prepared by a qualified archaeologist meeting the Secretary of the Interior’s Standards for Archaeology⁴ and the Native American Monitors as selected per requirements identified in Mitigation Measure CULT-1 prior to Project construction. The MMRP shall outline the protocol for notification, temporary protection, documentation, and evaluation of previously unrecorded cultural resources encountered during construction, as well as mitigation of Project-related impacts to any such resources that are considered significant under CEQA, and the curation of any artifacts or samples collected in the field. The MMRP shall include a sample data recovery plan and a curation agreement. This document shall be completed prior to commencement of any ground-disturbing activity associated with the Project site (including clearing, brushing, grubbing,

⁴ National Park Service, *ARCHEOLOGY AND HISTORIC PRESERVATION: Secretary of the Interior's Standards and Guidelines [As Amended and Annotated]*, website: http://www.nps.gov/history/local-law/arch_stnds_9.htm, November 18, 2007.

vegetation removal, disking, grading, trenching, excavation, and/or boring) and shall include a provision requiring cultural resources awareness training for all Project construction personnel prior to the initiation of ground-disturbing activities.

Monitoring Phase	Pre-Construction
Implementing Party	Applicant
Enforcement Agency	Planning Division
Monitoring Agency	Planning Division

Mitigation Measure CULT-2b Impacts to Unknown Cultural Resources

A qualified archaeologist and the Native American Monitor(s) as selected per requirements identified in Mitigation Measure CULT-1 shall monitor all ground-disturbing construction in native soils for the portion of the Project site north of Old Mammoth Road. The archaeological and Native American monitor(s) shall be supplied with maps and site records for the previously recorded cultural resources within the Project site, so that she/he can distinguish new resources from those that have been previously recorded and evaluated. The monitors shall prepare daily monitoring logs recording the type of work monitored, soil conditions, discoveries, and general observations.

Monitoring Phase	Construction
Implementing Party	Applicant
Enforcement Agency	Community Development Department
Monitoring Agency	Community Development Department

Mitigation Measure CULT-2c Impacts to Unknown Cultural Resources

Previously unknown cultural resources identified during Project construction shall be protected through temporary redirection of work and possibly other methods such as fencing (to be outlined in the MMRP) until formally evaluated for significance under CEQA. In the event that previously unrecorded cultural resources are exposed during construction, the qualified archaeological monitor and the Native American Monitor(s) as selected per requirements identified in Mitigation Measure CULT-1 shall be empowered to temporarily halt construction in the immediate vicinity of the discovery while it is documented and evaluated for significance. The monitors shall provide consultation when resources are found to determine how the resources shall be handled. If the selected Native American Monitor(s) and the applicant cannot agree upon the proper treatment, the qualified archeologist monitoring the ground disturbing activities shall make the decision. Construction activities may continue in other areas. If the discovery is evaluated as significant under CEQA, additional work such as data recovery excavation may be warranted to mitigate Project-related impacts to a less-than-significant level if preservation is not possible.

Monitoring Phase	Pre-Construction/Construction
Implementing Party	Applicant
Enforcement Agency	Community Development Department
Monitoring Agency	Community Development Department

Mitigation Measure CULT-2d Impacts to Unknown Cultural Resources

Procedures of conduct following the discovery of human remains have been mandated by Health and Safety Code Section 7050.5, Public Resources Code Section §5097.98 and the California Code of Regulations Section 15064.5(e) (CEQA). According to the provisions in CEQA, if human remains are encountered at the site, all work in the immediate vicinity of the discovery shall cease and necessary steps to ensure the integrity of the immediate area shall be taken. The Mono County Coroner shall be notified immediately. The Coroner shall then determine whether the remains are Native American. If the Coroner determines the remains are Native American, the Coroner shall notify the NAHC within 24 hours, who will, in turn, notify the person the NAHC identifies as the most likely descendent (MLD) of any human remains. Further actions shall be determined, in part, by the desires of the MLD. The MLD has 48 hours to make recommendations regarding the disposition of the remains following notification from the NAHC of the discovery. If the MLD does not make recommendations within 48 hours, the owner shall, with appropriate dignity, re-inter the remains in an area of the property secure from further disturbance. Alternatively, if the owner does not accept the MLD's recommendations, the owner or the descendent may request mediation by the NAHC.

Monitoring Phase	Construction
Implementing Party	Applicant/Mono County Coroner
Enforcement Agency	Planning Division
Monitoring Agency	Planning Division

Mitigation Measure CULT-2e Impacts to Unknown Cultural Resources

A monitoring report shall be prepared upon completion of construction monitoring, summarizing the results of the monitoring effort by both the qualified archaeological monitor and the Native American Monitor(s) as selected per requirements identified in Mitigation Measure CULT-1. Site records for any newly recorded or updated cultural resources shall be appended to the monitoring report.

Monitoring Phase	Operation
Implementing Party	Applicant/Archaeologist
Enforcement Agency	Planning Division
Monitoring Agency	Planning Division

Mitigation Measure CULT-2f Impacts to Unknown Cultural Resources

Artifacts or samples collected during the course of construction monitoring and any testing or data recovery associated with newly discovered resources by both the qualified archaeological monitor and the Native American Monitor(s) as selected per requirements identified in Mitigation Measure CULT-1 shall be curated in perpetuity in an appropriate facility upon completion of analysis and processing.

Monitoring Phase	Construction
Implementing Party	Applicant
Enforcement Agency	Planning Division
Monitoring Agency	Planning Division

GEOLOGY/SOILS***Mitigation Measure GEO-3a Liquefaction and Soil Instabilities***

Prior to issuance of building permits and grading activities, a design level geotechnical report shall be prepared and all recommendations in the report shall be adhered to. The design-level geotechnical report shall evaluate the potential for localized liquefaction by performing supplemental subsurface exploration (to evaluate the thickness, in place density, fines content of the underlying loose to medium soil and gradation), laboratory testing, and engineering analysis.

Monitoring Phase	Pre-Construction
Implementing Party	Applicant
Enforcement Agency	Building Division
Monitoring Agency	Building Division

Mitigation Measure GEO-3b Liquefaction and Soil Instabilities

Implement all recommendations contained within these site-specific geotechnical reports, including those pertaining to site preparation, excavation, fill placement and compaction; foundations; concrete slabs-on-grade; pavement design; lateral earth pressures and resistance; and surface drainage control.

Monitoring Phase	Pre-Construction/Construction
Implementing Party	Applicant
Enforcement Agency	Building Division
Monitoring Agency	Building Division

Mitigation Measure GEO-3c Liquefaction and Soil Instabilities

The final grading, drainage, and foundation plans and specifications shall be prepared and/or reviewed and approved by a Registered Geotechnical Engineer and Registered Engineering Geologist. In addition, upon completion of construction activities, the Project applicant shall provide a final statement indicating whether the work was performed in accordance with Project plans and specifications and with the recommendations of the Registered Geotechnical Engineer and Registered Engineering Geologist.

Monitoring Phase	Pre-Construction/Pre-Occupancy
Implementing Party	Applicant
Enforcement Agency	Building Division
Monitoring Agency	Building Division

Mitigation Measure GEO-6 Volcanic Activity

The Project applicant shall prepare an emergency evacuation plan in consultation with the Town in order to provide for the orderly evacuation of the Project site in case the potential for volcanic hazards increases and residents need to vacate the Project site.

Monitoring Phase	Pre-Construction
Implementing Party	Applicant
Enforcement Agency	Planning Division
Monitoring Agency	Mammoth Lakes Fire Protection District

Mitigation Measure GEO-8 Soil Erosion/Loss of Topsoil

The following measures shall be implemented to prevent soil erosion and loss of topsoil:

- A Storm Water Pollution Prevention Plan (SWPPP) shall be prepared with the grading plans to fulfill regulatory requirements.
- Permanent erosion control measures shall be placed on all graded slopes. No graded areas shall be left unstabilized between October 15th and April 15th.
- Finish grading for all building areas shall allow for all drainage water from the building area to drain away from building foundations (two percent minimum grade on soil or sod for a distance of five feet). Ponding of water shall not be permitted.

Monitoring Phase	Pre-Construction/Construction/Operation
Implementing Party	Applicant
Enforcement Agency	Planning Division
Monitoring Agency	Planning Division

HYDROLOGY & WATER QUALITY

Mitigation Measure HYD-1a Water Quality Standards

The golf course expansion (Areas E2, E4, and F) area may be irrigated with reclaimed or potable water. At this time, mitigation requirements for the use of reclaimed water have not been determined. However, if reclaimed water is used for irrigation, options shall be explored to prevent reclaimed water from entering Mammoth Creek. These measures could include:

- Irrigate all retention basins and the swale from the retention basins (located to the west of Sherwin Creek Road) using potable water or reclaimed water with controls to prohibit application during stormwater runoff events.
- Irrigate any landscaping within or directly tributary to these features which requires irrigation using potable water or reclaimed water with controls to the satisfaction of the RWQCB.
- Grade southeasterly limits of the golf course expansion area in some locations to minimize tributary drainage from the south and direct it east toward Sherwin Creek Road.

At this stage, it is unknown if it will be required to limit reclaimed water from entering the tributary area that flows toward Mammoth Creek. The final determination of outflow conditions if reclaimed water is used will be made during the final design in coordination with the RWQCB and other applicable agencies. In the event that reclaimed water is used, the above mitigation measures will be implemented to the satisfaction of the RWQCB to minimize any impacts to the water quality of Mammoth Creek. Furthermore, the Project shall comply with all water recycling requirements duly adopted and enforceable by the Lahontan RWQCB.

In consultation with the Town, the Project applicant shall identify and implement a suite of stormwater quality BMPs designed to address the most likely sources of stormwater pollutants resulting from operation of the proposed development projects within the proposed Project area. Pollutant sources and pathways to be addressed by these BMPs include, but are not necessarily limited to, parking lots, maintenance areas, trash storage locations, rooftops, interior public and private roadways, the golf course, and storm drain inlets. These BMPs shall include detention and sedimentation basins as well as infiltration devices designed to filter runoff from paved areas on the Project site. The design and location of these BMPs will be subject to review and comment by the Town but shall generally adhere to the standards associated with the Phase II NPDES stormwater permit program.

Implementation of these BMPs shall be assured by the Community Development Director and Town Engineer prior to the issuance of Grading or Building Permits. Compliance with these mitigation measures and applicable regulatory requirements would reduce potential impacts resulting from Project operation on receiving water quality in Mammoth Creek to a less-than-significant level.

Monitoring Phase	Pre-Construction/Construction/Operation
Implementing Party	Applicant
Enforcement Agency	Planning Division/Community Development Department
Monitoring Agency	Planning Division/Community Development Department

Mitigation Measure HYD-1b Water Quality Standards

Capacity of on-site retention basins for the golf course areas irrigated with recycled water shall include retention capacity for a 24-hour storm of an intensity established by the RWQCB in order to limit recycled water from entering Mammoth Creek and sufficient to limit recycled water from entering Mammoth Creek to levels consistent with RWQCB standards.

Monitoring Phase	Pre-Construction/Construction/Operation
Implementing Party	Applicant
Enforcement Agency	Planning Division/Community Development Department
Monitoring Agency	Planning Division/Community Development Department

Mitigation Measure HYD-2 Groundwater Depletion or Recharge

All underground structures shall be designed with exterior wall drain board to a footing drain system as well as underslab subdrains. Crawl spaces shall be protected with proper ventilation and subdrains. The system shall be designed such that subdrains shall be designed with outlet systems that have maximum water surface elevations lower than the bottom of the subdrains to ensure that subdrains would not be inundated with stormwater when retention basins reach capacity. Subdrain design shall be based on final Project design and shall be adequately sized so that retention basin capacity is maintained for stormwater retention purposes. Implementation of this measure would reduce this impact to a less-than-significant level.

Monitoring Phase	Pre-Construction
Implementing Party	Applicant
Enforcement Agency	Planning Division
Monitoring Agency	Planning Division

Mitigation Measure HYD-4 Drainage System Capacity

In consultation with the Town of Mammoth Lakes and RWQCB, and subject to Town approval, the Project applicant shall identify and implement a suite of storm drainage facilities designed to safely capture, treat, and convey runoff from the required design storms. In addition, a detailed set of maintenance procedures necessary to assure that storm drainage facilities continue to work as designed shall be established and approved by the Town, in consultation with the RWQCB. Particular items requiring maintenance include, but are not limited to, cleaning of grates, removal of foreign materials from storm drainage pipes, maintenance as necessary for outlet facilities and retention basins, and repairs as necessary to damaged facilities.

Monitoring Phase	Pre-Construction/Construction/Operation
Implementing Party	Applicant
Enforcement Agency	Planning Division/RWQCB
Monitoring Agency	Planning Division

NOISE***Mitigation Measure NOISE-1a Exposure of Persons to Excessive Noise Levels***

Construction activities shall be limited to between the hours of 7 A.M. and 8 P.M., Monday through Saturday. Work hours on Sundays and Town recognized holidays shall be limited to the hours between 9 A.M. and 5 P.M., and shall be permitted only with the approval of the building official or designee.

Monitoring Phase	Construction
Implementing Party	Applicant
Enforcement Agency	Planning Division
Monitoring Agency	Planning Division

Mitigation Measure NOISE-1b Exposure of Persons to Excessive Noise Levels

Project developers shall require by contract specifications that the following construction best management practices (BMPs) be implemented by contractors to reduce construction noise levels:

- Provide advance notification of construction to the immediate surrounding land uses around a development site
- Ensure that construction equipment is properly muffled according to industry standards
- Place noise-generating construction equipment and locate construction staging areas away from residences, where feasible

- Schedule high noise-producing activities between the hours of 8 A.M. and 5 P.M. to minimize disruption on sensitive uses
- Implement noise attenuation measures to the extent feasible, which may include, but are not limited to, noise barriers or noise blankets

Monitoring Phase	Pre-Construction/Construction
Implementing Party	Applicant/Contractor
Enforcement Agency	Planning Division
Monitoring Agency	Planning Division

Mitigation Measure NOISE-1c Exposure of Persons to Excessive Noise Levels

Project developers shall require by contract specifications that construction staging areas within the Project site would be located as far away from vibration-sensitive sites as feasible.

Monitoring Phase	Pre-Construction/Construction
Implementing Party	Applicant
Enforcement Agency	Planning Division
Monitoring Agency	Planning Division

PUBLIC SERVICES

Mitigation Measure PS-2a Police Services (Cumulative)

Bars and restaurants that cater to late night crowds will have trained security personnel in order to reduce demand on police services.

Monitoring Phase	Operation
Implementing Party	Applicant
Enforcement Agency	Planning Division
Monitoring Agency	Planning Division

Mitigation Measure PS-2b Police Services (Cumulative)

Provide fair share of Developer Impact Fees to assist the MLPD in the construction of a public safety and dispatch facility and holding facilities as needed.

Monitoring Phase	Pre-Construction
Implementing Party	Applicant
Enforcement Agency	Planning Division
Monitoring Agency	Planning Division

Mitigation Measure PS-2c Police Services (Cumulative)

Provide private security within the site to patrol the non-residential complex in the evenings, if necessary, in order to reduce criminal behavior, and work in conjunction with law enforcement to solve crimes and crime problems.

Monitoring Phase	Operation
Implementing Party	Applicant
Enforcement Agency	Planning Division
Monitoring Agency	Planning Division

TRAFFIC/CIRCULATION***Mitigation Measure TRANS-2 Cumulative Plus Project Intersection LOS***

Evaluation of intersection LOS shows that the addition of the Project traffic to the cumulative traffic will significantly impact the Minaret Road/Main Street intersection in the cumulative plus Project scenario, according to the Town's criteria. The following improvement would be required for the cumulative plus Project condition to mitigate the intersection to LOS D or better:

- **Minaret Road/Main Street.** Provide protected northbound and southbound phasing. This improvement shall be implemented when warranted. Project may be required to construct the improvement based upon project phasing and available Developer Impact Fees (DIFs). Applicant costs to construct would be eligible for reimbursement pursuant to the provisions of the Town of Mammoth Lake's Municipal Code. This Project will also be required to contribute to a Townwide traffic monitoring program. Implementation of this mitigation measure would reduce this impact to a *less-than-significant* level.

Monitoring Phase	Pre-Construction/Construction
Implementing Party	Applicant
Enforcement Agency	Public Works/Planning Division
Monitoring Agency	Public Works/Planning Division

UTILITIES

Mitigation Measure UTIL-5 Water Supply

The applicant shall be subject to the provisions of a recycled water ordinance adopted by the Town pursuant to Article 10.9, beginning with Section 65601 of the Government Code, and titled Water Recycling in Landscaping Act (Act) at such time as the Town is notified by the Mammoth Community Water District (MCWD) of the future availability of recycled water, pursuant to an executed agreement between MCWD and the Project Applicant and consistent with allowed and prohibited uses of reclaimed water established by the Lahontan RWQCB. In addition, the Snowcreek Master Plan shall include a provision that, for all projects constructed or approved prior to the notice, the applicant shall use their best efforts to use recycled water consistent with the Town, the Act, and water district policy.

In addition to using recycled water, untreated well water may be used for irrigation of the golf course expansion (Areas E2, E4, and F) area. At this time, mitigation requirements for the use of recycled water or untreated well water have not been determined. However, if recycled water or untreated well water is used for irrigation, options shall be explored to limit recycled water or untreated well water from entering the tributary area that flows toward Mammoth Creek. Mitigation measures for the use of reclaimed water or untreated well water are specifically described in Mitigation Measure HYD-1, but could include increasing the capacity of on-site retention for the Golf course areas irrigated with recycled water or well water to include capacity for a storm of 100-year intensity, on-site retention of snow-melt runoff, and grading southeasterly limits of the golf course expansion area in some locations to minimize tributary drainage from the south and direct it east toward Sherwin Creek Road.

Monitoring Phase	Pre-Construction/Construction/Operation
Implementing Party	Applicant
Enforcement Agency	Planning Division
Monitoring Agency	Planning Division

Mitigation Measure UTIL-7a Cumulative Water Supply

The Town shall not approve new development applications that would result in a water demand in excess of available supplies as determined by the Mammoth Community Water District. The Town shall work with Mammoth Community Water District to ensure that development projects include phased demand increases so that the development of necessary additional water supply sources is established prior to respective development demand occurring.⁵

Monitoring Phase	Pre-Construction/Construction/Operation
Implementing Party	Planning Division
Enforcement Agency	Planning Division
Monitoring Agency	Planning Division

Mitigation Measure UTIL-7b Cumulative Water Supply

The applicant shall ensure that the landscape irrigation system be designed, installed and tested to provide uniform irrigation coverage. Sprinkler head patterns shall be adjusted to minimize over spray onto walkways and streets.

Monitoring Phase	Pre-Construction/Construction/Operation
Implementing Party	Applicant
Enforcement Agency	Public Works/Planning Division/Building Division
Monitoring Agency	Public Works/Planning Division/Building Division

Mitigation Measure UTIL-7c Cumulative Water Supply

The applicant shall install either a “smart sprinkler” system to provide irrigation for the landscaped areas or, at a minimum, set automatic irrigation timers to water landscaping during early morning or late evening hours to reduce water losses from evaporation. Irrigation run times for all zones shall be adjusted seasonally, reducing water times and frequency in the cooler months (fall, winter, spring). Sprinkler timer run times shall be adjusted to avoid water runoff, especially when irrigating sloped property.

Monitoring Phase	Pre-Construction/Construction/Operation
Implementing Party	Applicant
Enforcement Agency	Public Works/Planning Division
Monitoring Agency	Public Works/Planning Division

⁵ This mitigation measure was included in the General Plan Updated FPEIR May 2007, page 4-286 and was made a policy of the 2007 General Plan.

Mitigation Measure UTIL-7d Cumulative Water Supply

The applicant shall select and use drought-tolerant, low-water consuming plant varieties to reduce irrigation water consumption.

Monitoring Phase	Pre-Construction/Construction/Operation
Implementing Party	Applicant
Enforcement Agency	Planning Division
Monitoring Agency	Planning Division

Mitigation Measure UTIL-7e Cumulative Water Supply

The applicant shall install low flush water toilets and urinals and shall limit the number of showerheads to one high efficiency fixture per stall, in new construction. Low-flow faucet aerators shall be installed on all sink faucets. These fixtures shall meet the U.S. EPA WaterSense standards or other comparable standard of water use efficiency.

Monitoring Phase	Construction/Operation
Implementing Party	Applicant
Enforcement Agency	Planning Division
Monitoring Agency	Planning Division

Mitigation Measure UTIL-7f Water Supply

The applicant shall install Energy Star dishwashers, clothes washers, and refrigerators.

Monitoring Phase	Construction/Operation
Implementing Party	Applicant
Enforcement Agency	Planning Division
Monitoring Agency	Planning Division