

RESOLUTION NO. 09-63

**RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF MAMMOTH LAKES, STATE OF CALIFORNIA,
APPROVING GENERAL PLAN AMENDMENT 2009-02 AND MAKING FINDINGS
IN SUPPORT THEREOF**

WHEREAS, a request for consideration of a General Plan Amendment was filed by Mammoth Crossing, LLC., to modify the stated maximum amount of development permitted in the Specific Plan (SP) General Plan Land Use designation from 3,020 rooms to 3,317 rooms, as described in Exhibit 1 of this Resolution so that the amended North Village Specific Plan would be consistent with the General Plan; and

WHEREAS, the Planning Commission conducted a duly Noticed Public Hearing on the application request on June 24, 2009 which was continued to July 8, 2009, at which times all those desiring to be heard were heard; and

WHEREAS, following the receipt of all oral and written testimony, the Planning Commission closed the public hearing and adopted Resolution No. 2009-04 recommending certification of the Final EIR and approval of the Project to the Town Council, with conditions; and

WHEREAS, the Planning Commission considered, without limitation, the staff report to the Planning Commission with all attachments and exhibits, the General Plan, oral and written evidence submitted at the hearing, Draft Environmental Impact Report (EIR), Final EIR, and associated technical appendices for the Mammoth Crossing Project, and all other items listed in Planning Commission Resolution 2009-04; and

WHEREAS, the Town Council conducted a Noticed Public Hearing on the application request on September 2, 2009, which was continued to September 16, 2009, and at which times all those desiring to be heard were heard; and

WHEREAS, following the receipt of all oral and written testimony, on September 2 and September 16, 2009, the Town Council closed the public hearing on the application on September 16, 2009; and

WHEREAS, the Town Council considered, without limitation, the agenda bills dated September 2 and September 16 with all attachments to the Town Council with exhibits; and

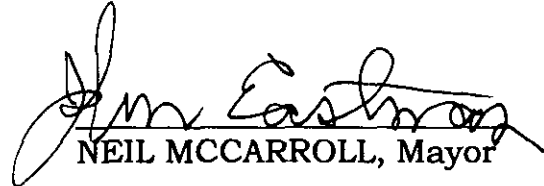
NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Mammoth Lakes, California, as follows:

1. That the Town Council finds the above recitations are true and correct.

2. The Town Council incorporates by reference all exhibits and attachments cited in this Resolution.
3. Pursuant to the requirements of the California Environmental Quality Act (CEQA), the Town Council makes the following findings and takes the following actions:
 - a. The Final EIR, including the Final EIR Addition, was certified as being prepared in compliance with CEQA pursuant to Town Council Resolution No. 2009-62.
 - b. That the Town Council finds that General Plan Amendment 2009-02 was part of the project analyzed in the Final EIR for the Project.
 - c. That the Town Council has reviewed and hereby adopts the findings contained in Exhibit 1 of Resolution 2009-62, including but not limited to, the findings related to the compliance of the Final EIR and with the requirements of CEQA and the Project's impact to various environmental resources.
 - d. That the Town Council has reviewed and hereby adopts the findings contained in Exhibit 2 of Resolution 2009-62, including but not limited to, the findings that the Town Council has reviewed and considered the Draft Environmental Impact Report (DEIR), Final EIR, and associated technical appendices for the Mammoth Crossing Project ("Final EIR") and all other oral and written evidence in the record prior to acting on the General Plan Amendment.
 - e. That the Town Council has reviewed and hereby adopts the Findings of Fact and Statement of Overriding Considerations contained in Exhibit 3 of Resolution 2009-62, including but not limited to, a discussion of each project impact, changes or alterations that have been made to avoid or substantially lessen impacts identified, impacts that are considered significant and unavoidable, determinations as to the infeasibility of each project alternative and statements of overriding consideration as to the impacts that could not be mitigated to less than significant.
 - f. That the Town Council has reviewed and hereby adopts the findings and the Mitigation Monitoring Program contained in Exhibit 4 of Resolution 2009-62 and incorporates the Mitigation Measures listed therein into the project.
4. General Plan Amendment (GPA) 2009-02 is consistent with the General Plan based on the findings contained in Exhibit 2 of this Resolution.
5. Based on all of the findings, and all the evidence in the record or proceedings in this matter, the Town Council hereby approves General Plan Amendment 2009-02.

6. The documents and other materials that constitute the record of proceedings upon which the Town Council's decision is based are located in the Town Offices of the Town of Mammoth Lakes, at 437 Old Mammoth Road, Suite R, Mammoth Lakes, California 93546 and Anita Hatter, Town Clerk, is hereby designated as the custodian of these records.

APPROVED AND ADOPTED this 16th day of September 2009.


NEIL MCCARROLL, Mayor

ATTEST:

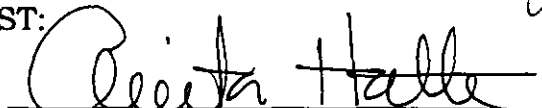

ANITA HATTER, Town Clerk

EXHIBIT 1

DESCRIPTION OF GENERAL PLAN AMENDMENT

Text on Page 36 of the General Plan is hereby modified as follows:

North Village Specific Plan (NVSP). North Village Specific Plan (NVSP) This designation is intended to create a visitor-oriented entertainment retail and lodging district anchored by a pedestrian plaza and a gondola connection to Mammoth Mountain Ski Area. Uses include hotels and similar visitor accommodations along with supporting restaurants, retail, and services. Development projects will provide a wide range of amenities and services that enhance the visitor experience. Maximum overall density is ~~3,020~~ 3,317 rooms and 135,000 square feet of commercial. The specific allocation of density, location of uses, and development standards are contained in the Specific Plan.

EXHIBIT 2

FINDINGS FOR GENERAL PLAN AMENDMENT 2009-02

1. General Plan Amendment (GPA) 2009-02 would not result in a change or conflict with the Community Vision identified in the 2007 General Plan because the change would ensure that the North Village Specific Plan, as amended by District Zoning Amendment 2007-01, would be consistent with the General Plan.
2. The amendment is consistent with the district character description contained in the Neighborhood and District Character Element of the General Plan, which identifies the North Village district as “an intensely focused entertainment district.” In addition, the project site is within an urban area of town and would not result in sprawl or conflicts with the Urban Growth Boundary. Therefore, General Plan Amendment (GPA) 2009-02 would contribute to the achievement of the purposes of the General Plan.
3. General Plan Amendment (GPA) 2009-02 is consistent with the intent of the 2007 General Plan and its land use policies, because it would implement the density and development standards contained in the North Village Specific Plan, as amended by District Zoning Amendment 2007-01. Therefore GPA 2009-02 would not change the policy direction or intent of the General Plan.
4. The site is physically suitable, including, but not limited to access, provisions of utilities, compatibility with adjoining land uses, and absence of physical constraints, for the requested amendment.

STATE OF CALIFORNIA)
COUNTY OF MONO)
TOWN OF MAMMOTH LAKES) ss.

I, ANITA HATTER, Town Clerk of the Town of Mammoth Lakes, DO HEREBY CERTIFY under penalty of perjury that the foregoing is a true and correct copy of Resolution No. 09-63 adopted by the Town Council of the Town of Mammoth Lakes, California, at a meeting thereof held on the 16th day of September, 2009, by the following vote:

AYES: Councilmembers Bacon, Harvey, Sugimura, Mayor Pro Tem Eastman, and Mayor McCarroll

NOES: None

ABSENT: None

ABSTAIN: None

DISQUALIFICATION: None


ANITA HATTER, Town Clerk