

**ELDORADO COUNTY DEVELOPMENT SERVICES  
PLANNING COMMISSION  
STAFF REPORT**



**Agenda of:** July 12, 2007  
**Item No.:** 8.  
**Staff:** Steven Hust

**MASTER PLAN AMENDMENT**

**FILE NUMBER:** SP05-0001/ Heavenly Mountain Resort (HMR) Master Plan Amendment (MPA) 2005

**APPLICANT:** Heavenly Valley Limited Partnership

**AGENT:** Andrew Strain, [HMR](#) Vice President of Planning and Governmental Affairs

**REQUEST:** Recommendation for adoption of resolution to amend the 1996 Heavenly Ski Resort Master Plan (A 96-01) by adoption of the 2005 HMR MPA.

**LOCATION:** On the south side of Saddle Road, approximately 1,500 feet east of the intersection with Ski Run Boulevard in the South Lake Tahoe area, Supervisorial District V. (Exhibit A)

**APN:** California Base Lodge and Parking Lot: 030-370-04 and -06  
Other County Jurisdictional Parcels: 029-240-12, 029-320-01, -02, -03, 04 and 05

**ACREAGE:** California Base Lodge and Parking Lot: 67.04 Acres  
Other County Jurisdictional Parcels: 10.51 Acres

**GENERAL PLAN:** Adopted Plan, Heavenly Ski Resort Master Plan, Resolution No. 213-96 (Exhibit B)

**ZONING:** Tahoe Agricultural District (Exhibit C)

**ENVIRONMENTAL DOCUMENT:** EDC Final Environmental Impact Report (EIR)/[Tahoe Regional Planning Agency \(TRPA\)](#) Environmental Impact

Statement (EIS)/ USFS Environmental  
Impact Statement (EIS)

**SUMMARY RECOMMENDATION:**

Staff recommends the Planning Commission make a recommendation of approval to the Board of Supervisors, to amend the 1996 Heavenly Ski Resort Master Plan (A96-01) by adoption of the HMR 2005 MPA, and approve the Phase I land uses of the No Action and Action Alternatives of the 2005 [MPA](#).

**BACKGROUND:** On June 26, 1996, the TRPA Governing Board adopted the Heavenly Ski Resort Master Plan and certified the EIR/EIS/EIS. The EIR/EIS/EIS document included the Environmental Impact Report (EIR) for El Dorado County, The Environmental Impact Statement (EIS) for TRPA and the EIS for the [U.S.D.A. Forest Service \(Lake Tahoe Basin Management Unit\)](#).

On September 17, 1996, the Board of Supervisors approved Resolution No. 213-96 to certify the Heavenly EIR and adopt the Heavenly Master Plan (see Exhibit D). Resolution No. 214-96 was then approved to amend the El Dorado County General Plan and re-designate the Heavenly Valley Property from a Natural Resource land use designation to “Adopted Plan,” recognizing the Heavenly Ski Resort Master Plan.

The County jurisdictional parcels are subject to the Tahoe Agricultural Zone District, which allows by special use permit “recreational buildings and uses.” According to Planning [Services](#) research, Heavenly operations began prior to zoning requiring a special use permit. Therefore, the use and structures would be allowed to continue as “non-conforming” and would require special use permits for enlargements and expansions. During the review and adoption of the 1996 Heavenly Master Plan, the non-conforming status of the facility was identified, and it was recognized that to implement the Master Plan a special use permit would be required by El Dorado County. Any new construction in El Dorado County jurisdiction related to the Master Plan is subject to special use permit approval by the County Planning Commission.

In January of 2005, HMR applied to the County of El Dorado for a Specific Plan application to amend the 1996 Master Plan (A 92-01), to include the proposed land uses identified in the project description. The proposed action requires an amendment to the Adopted Plan (1996 Master Plan) land use designation for the project area, as provided through the Specific Plan application process. Although the HMR master plan boundary encompasses California and Nevada State lands (see Exhibit A), the County’s review of the proposed project is limited to the California area within the master plan boundary.

The proposed MPA has gone through a Draft EIR/EIS/EIS environmental documentation process between the U.S.F.S., TRPA, El Dorado County, and Alpine County as the lead agencies for the project. A public meeting for the proposed MPA and Final EIR/EIS/EIS was held with the TRPA Advisory Planning Commission on February 14, 2007, which made a unanimous recommendation to

the TRPA Governing Board (GB) for approval of the MPA (No Action and Action Alternatives), certification of the EIS, approval of the amendments to [Plan Area Statements \(PAS\)](#) 086 and 087, and approval of phase 1 projects. A public meeting was subsequently held with the TRPA GB on February 28, 2007, which acted to approve Alternative 4 of the MPA, certify the EIS, amend PASs 086 and 087, and approve the phase 1 projects. At both the APC and GB meetings, much of the discussion focused on the impacts of the MPA to late seral old growth stands and the potential water quality impacts of the alternatives on the Edgewood Creek watershed in Nevada.

At the TRPA GB meeting, after considerable deliberation, a vote was taken among the GB members for Alternative 4A, which did not pass. Ultimately, after further deliberation, Alternative 4 was narrowly approved with the minimum number of votes necessary for approval.

Following the February 28, 2007, GB decision to approve the 05 MPA, three TRPA board members have asked for a reconsideration of the vote. Board members Mara Bresnick, Norma Santiago, and Jerome Waldie requested the reconsideration of the GB decision for approval of Alternative 4, and approval of the MPA as it relates to or is affected by the North Bowl lift alignment, [and the project was rescheduled to go before the GB for reconsideration of the North Bowl lift alignment alternatives.](#) At the March 28, 2007, GB meeting, public comments focused on the environmental consequences associated with the different North Bowl lift alignments (primarily Alternative 4, 4A, and 5), including water quality impacts and loss and disturbance of late seral old growth trees. After debating the environmental benefits and consequences of the different North Bowl lift alignments, the GB ultimately acted to have the entire project reconsidered at the following April 25, 2007, GB meeting.

At the April 25, 2007, GB meeting, public comments again were primarily focused on impacts to water quality and late seral old growth trees associated with the North Bowl lift alignments, including some miscellaneous comments pertaining to traffic and parking pertaining to the overall project. No particular comments with regard to the CEQA analysis were raised at the meeting. After a lengthy public comment period, the GB ultimately acted to approve the 05 MPA, certify the EIS, approve the amendments to PASs 086 and 087, and approve the Phase 1 projects. The GB's approval of the 05 MPA included the approval of the Alternative 4a and 5 North Bowl lift alignments, but did not include a phase I project level permit approval. There was concern among the GB members that the mitigation measures contained in the EIS/EIS were not adequate for the other North Bowl lift alignments. HMR will require additional GB approval with regard to the North Bowl lift alignment permit, which will be limited to the lift alignments associated with Alternatives 4A or 5, or an alternative that is substantially similar to these alternatives.

The absence of a permit approval by the GB for the North Bowl lift alignment is not expected to affect the County's approval of the 05 MPA, since the use is entirely located within the State of Nevada, which is not anticipated to affect the California side of the MP area, under the purview of the County. Since the action alternatives of the 05 MPA were substantially similar with the exception of the North Bowl lift alignment alternatives, the GB was able to approve the project without acting on a particular action alternative. The proposed amphitheatre on the California side of HMR was approved with a 1,100 person capacity, which was another minor difference among the action alternatives.

At the May 23, 2007, GB meeting, the GB approved a North Bowl lift alignment substantially similar to the Alternative 5 lift alignment, to include the ski run improvements proposed with Alternative 4A as a project level permit approval.

The U.S.F.S. is expected to certify the Final EIS following the GB's approval of the North Bowl lift permit approval. Alpine County is expected to present the 05 MPA to the County Board of Supervisors at the June 19, 2007, Board meeting. For further discussion, see the associated staff report for the Final EIR for the proposed MPA.

Following approval of the 05 MPA by the County, HMR will be required to apply for a special use permit for all proposed uses within County jurisdictional parcels. In the project description, the water quality improvements within the California base lodge parcels identified as a phase I project were previously approved with the 96 MP. The water quality improvements will require prior approval of a special use permit, which HMR has elected to apply for at a later time.

## **STAFF ANALYSIS**

**Project Description:** The 2005 HMR MPA proposes a long-term range of resort improvements to be phased (Phases 1, 2, and 3) over the life of the Master Plan. Phase 1 projects within the action alternatives were identified as priority projects that are intended for immediate implementation following the approval of the project and certification of the Final EIR/EIS/EIS. Therefore, phase 1 projects were analyzed to such a degree to allow for concurrent project approval and permitting by the regulatory agencies.

There are six project alternatives proposed with the 05 MPA, including the No Action Alternative (Alternative 1, Exhibit D), the Proposed Action (Alternative 2, Exhibit F), and Alternatives 3, 4, 4A, and 5, which are reduced action alternatives. Phase 1, 2, and 3 projects are substantially similar with all the proposed action alternatives, with the exception of the North Bowl Chair Lift alignments on the Nevada side of the project area (Exhibit F). Figure 2-5 and Figure 2-6 of Chapter 2 of the Final EIR/EIS/EIS illustrates the differences with the North Bowl Chair Lift alignments and associated ski runs for all project Alternatives.

### Alternative 1 (No Action Alternative)

Alternative 1 is a continuation of the existing 1996 Master Plan.

## Alternative 2 (Proposed Action)

The overall concept of Alternative 2 is to improve rather than expand the resort capacity, by emphasizing improved distribution and utilization of existing facilities with augmentation through implementation and/or relocation of proposed facilities (Exhibit F). Exhibit G identifies phase 1, 2, and 3 projects proposed with Alternative 2. Section 2.4 of the Final EIR/EIS/EIS provides a detailed description of the phase I projects with Alternative 2. Chapter 2 identifies the following land uses within the County jurisdictional parcels (California Base Lodge and parking lot):

### Phase I Projects

- \*Install BMPs for California Base Lodge and parking lot.

### Phase II Projects

- Relocate Lower California Maintenance Shop to off-site location.

### Phase III Projects

- \*Replace California Base Lodge
  - \*Relocate California Snowmaking Building
  - Replace and relocate Ski Lift A (Aerial Tram) with High Speed Detachable Quad Ski Lift
  - \*Kids Camp (California Base)
  - \*Replacement of Ski Lift K (Perfect Ride), \*\*Ski Lift L (Cal Ski School), and Ski Lift M (Enchanted Forest)
  - \*Ski Runs K1, L1, and M1
- \* Projects already approved with the 1996 Master Plan.  
\*\*Minor lift alignment modification is proposed from previous 1996 Master Plan.

Compliance with State and Regional water quality requirements for the California Base Lodge and parking lot was incorporated into the 1996 Master Plan, and stems from a long history of regulation by the Lahontan Regional Water Quality Control Board (LRWQCB) from the early 1970s. HMR has been implementing BMPs at the California Base Lodge facility as a requirement of updated State waste discharge requirements. The Lahontan Updated Discharge Permit requires installation of BMP retrofits at the California Base Lodge parking lot to commence by October 15, 2006, and compliance with discharge to surface water effluent limitations by 2008. These BMP requirements are intended to update BMPs installed in the mid-1990s. HMR is currently operating under an Interim Operations and Facilities Maintenance Plan to treat runoff at the California Base Lodge and parking lot. Mitigation measures, monitoring, and restoration programs from the 1996 Master Plan are retained as part of the Mitigation and Monitoring Plan for the 05 MPA. [See Exhibits K and L](#) for additional discussion.

Under Alternative 2, the total PAOT (people at one time) capacity of HMR would remain at the approved MP 96 level of 16,125, while the skier at one time (SAOT) would decrease slightly from 18,100 to 18,096. There would be an increase of “in-basin” PAOT/SAOT and a decrease of “out-of-basin” PAOT/SAOT. The 05 MPA proposes a build out level of 37 lifts (23 aerial lifts and 14 surface lifts) with a total hourly uphill capacity of 52,020 persons per hour, (that is similar to the MP

96) 10 support facilities, four maintenance facilities, 812.5 acres of ski trails, and 528.4 acres of ski trails with snow making. A breakdown of lifts, facilities, and acreages according to State in-basin and out-of-basin classifications are presented in Exhibit H, and the locations of proposed facilities are shown in Exhibit F.

### Alternative 3

Alternative 3 was developed based on public comment and input from the regulatory agencies. This Alternative would reduce impacts to an identified late seral stand of Red fir forest in the North Bowl area of the Edgewood Creek drainage. Alternative 3 includes all the components identified in Alternative 2 (Proposed Action) with proposed modifications to four projects (see Figure 2-5, Chapter 2, Final EIR/EIS/EIS), three of which are slated for Phase I MPA implementation (North Bowl Ski Lift, Ski Trail S9 and Ski Trail S10). In comparison to Alternative 2, the four changes with Alternative 3 include:

- revised alignment for the North Bowl Ski Lift;
- reduced capacity for the Performance Amphitheater;
- revised alignment and construction method (glading) for Ski Trail S10; and
- glade Ski Trail S9 by retaining 50% of the trees.

### Alternative 4

Alternative 4 was developed based on public comment and input from the regulatory agencies during formal environmental scoping in late 2005. This Alternative would reduce impacts to the identified late seral stand of Red fir forest in the North Bowl area of the Edgewood Creek drainage, through glading of Ski Trails S9 and S10 (see Figure 2-6, Chapter 2, Final EIR/EIS/EIS). Glading of Ski Trails S9 and S10 would also decrease the visual impact of constructing these ski trails as viewed from offsite viewpoints identified in the Carson Valley, by retaining 50% of the trees within the ski trail alignments. Alternative 4 would include all the components identified in Alternative 2 with proposed modifications to two projects, one of which is slated for implementation in MPA Phase I (Ski Trail S10). In comparison to Alternative 2, the two changes with Alternative 4 include:

- reduced capacity for the Performance Amphitheatre; and
- glade Ski Trails S9 and S10 by retaining 50% of the trees.

### Alternative 4A

Alternative 4A was generated based on comments received from the public during circulation of the Draft EIR/EIS/EIS for the 05 MPA. Comments that drove the modification of Alternative 4 centered on reducing impacts to the late seral/old growth stand that the North Bowl Chair Lift (as aligned in Alternative 2, 3, and 4) would bisect. Alternative 4A would include all the components identified in Alternative 4 with the exception of the revised alignment of the North Bowl Chair Lift (see Figure 2-6, Chapter 2, Final EIR/EIS/EIS). Glading of Ski Trails S9 and S10 would remain as proposed in Alternative 4, as would a reduced capacity for the amphitheater (1,100 people).

## Alternative 5

Development of Alternative 5 was based on public comments received regarding impacts to the lateral stand of Red fir forest in the North Bowl area of the Edgewood Creek drainage. By utilizing the existing alignments for both the North Bowl and Olympic Ski Lifts, no additional tree clearing would be required as compared to the Alternative 2 North Bowl Ski Lift alignment (see Figure 2-6, Chapter 2, Final EIR/EIS/EIS). In comparison to Alternative 2, the changes with Alternative 5 include:

- upgrading North Bowl and Olympic Ski Lifts in their existing locations;
- reduced capacity for the Performance Amphitheater; and
- revised alignment and construction method (glading) for Ski Trail S10.

**Agency Jurisdictional Project Area Description:** The HMR master plan boundary is a multi-jurisdictional project area within the States of California and Nevada (Exhibit E). Within the State of Nevada, the Master Plan area includes the jurisdictions of the U.S.F.S. and unincorporated Douglas County. Within the State of California, the Master Plan area includes the jurisdictions of the U.S.F.S., City of South Lake Tahoe, unincorporated El Dorado County, unincorporated Alpine County, and California Tahoe Conservancy lands. Although the TRPA is not a land owner, the Regional Plan also has jurisdiction over all project area lands within the Tahoe Basin.

**Adjacent Land Uses:** The California side of the HMR Master Plan boundary is adjacent to the Nevada State line (U.S.F.S. land within non-jurisdictional Douglas County) to the north, Alpine County to the east, U.S.F.S. land to the south, and CSLT and U.S.F.S. lands to the west.

The TRPA Regional Plan prescribes Plan Area Statements (PAS) for the project area within the Tahoe Basin to function as Regional Plan zoning districts. The California side of the HMR Master Plan boundary is adjacent to Recreation and Conservation PASs to the north, Residential and Conservation PASs to the west, and a Conservation PAS to the south. Within the master plan area, the eastern limits of the TRPA jurisdictional boundary follow the El Dorado and Alpine County line. In general, Conservation and Recreation PASs adjacent to the project area are representative of public lands. The City of South Lake Tahoe has adopted the TRPA Plan Area Statements for City zoning purposes. See Exhibit I for adjacent zoning and General Plan information.

**General Plan:** As discussed above, the General Plan designates the project area as having an Adopted Plan land use designation for the HMR Master Plan. However, the purpose of the Master Plan is to provide current and future management direction for all HMR land uses, as designed within the regulatory framework of the jurisdictional agencies within the Master Plan boundary. The Master Plan land uses are further subject to the development standards of the jurisdictional agencies. Therefore, for consistency with the El Dorado County General Plan, the proposed 05 MPA requires consistency with the TRPA Regional Plan as the underlying Adopted Plan for the review of all projects within the Tahoe Basin portion of the County's jurisdiction. The County General Plan provides broad deference to the TRPA Regional Plan, for the implementation of related General Plan policies and for the review of County discretionary projects. With regard to the Tahoe Basin, the primary goal of the County General Plan is to integrate the County's regulations with those of

TRPA, to eliminate inconsistencies with the Regional Plan and to simplify the regulatory environment in the Tahoe Basin. The following General Plan policies further illustrate this objective:

Goal 2.10: Lake Tahoe Basin: *To coordinate the County's land use planning efforts in the Tahoe Basin with those of the Tahoe Regional Planning Agency.*

Policy 2.10.1.1: *The County shall apply the standards of the Regional Plan for the Tahoe Basin and the Code of Ordinances and other land use regulations adopted by the Tahoe Regional Planning Agency in acting on applications for proposed land uses in the Tahoe Basin.*

Policy 2.10.1.5: *The County may impose more stringent regulations where TRPA does not limit the County's authority to do so.*

Beyond the above goals and policies of the Land Use Element, the remaining elements of the General Plan provide broad goals and objectives applicable to the Tahoe Basin, rather than specific policy direction for the review of projects.

Objective 9.3.1 Recreational and Tourist Uses: *Protect and maintain existing recreational and tourist based assets such as Apple Hill, State historic parks, the Lake Tahoe Basin, wineries, South Fork of the American River, and other water sport areas and resorts and encourage the development of additional recreation/tourism businesses and industries.*

Objective 9.3.7 Skiing Industry: *Expansion of the skiing industry consistent with the Tahoe Regional Planning Agency Regional Plan and the El Dorado National Forest and the Lake Tahoe Basin Management Unit Forest Plans.*

The Final EIR/EIS/EIS for the project further analyzes the proposed land uses of the 05 MPA for consistency with the General Plan policies identified in Table 1-4, of Chapter 1.

Conclusion: Staff finds the proposed uses of the 05 MPA as consistent with the goals, objectives, and policies of the General Plan as they apply to the Tahoe Basin.

**TRPA Regional Plan:** The primary function of the Regional Plan is to provide a regulatory framework designed to achieve attainment of the Environmental Thresholds for water quality, air quality, soils, wildlife, fisheries, vegetation, scenic quality, noise, and recreation for the Tahoe Basin. The Goals and Policies of the Regional Plan include a Land Use Element, Transportation Element, Conservation Element, Recreation Element, Public Services and Facilities Element, and Implementation Element that provide resource goals and policies intended to achieve attainment of the Environmental Thresholds.

The Goals and Policies of the Regional Plan are substantially inclusive and more restrictive than County General Plan objectives and policies. Therefore, where County General Plan policies are more restrictive or are not addressed by the Regional Plan, these policies are deemed insignificant for County project review purposes, as they are not relevant for attainment of the Regional Plan

Environmental Thresholds, and therefore not a requirement of the Regional Plan. It is the current and future intention of the El Dorado County Planning Services to maintain and further implement General Plan integration with the TRPA Regional Plan for the Tahoe Basin.

The 05 MPA will require an amendment to PAS 086, Heavenly Valley Nevada, and PAS 087, Heavenly Valley California. Under these PAS amendments, 832 PAOTs would be reallocated from PAS 087 to PAS 086. Also, the Special Policies for both PASs would be modified to allow additional disturbance in the Edgewood Creek watershed of PAS 086. A special policy is proposed to be added to both PASs to state that the internal Plan Area boundary between PAS 086 and 087 shall not be used to determine compliance with Maximum Community Noise Equivalent Levels (CNEL). The CNEL would still apply at the other non-Heavenly PAS boundaries.

**Conclusion:** The TRPA has reviewed and analyzed all proposed uses with the No Action and Action Alternatives for the 05 MPA and the EIS, and has found the project to be consistent with the Regional Plan. As discussed in the Background Section, the TRPA GB approved the 05 MPA and related project actions at the April 25, 2007, GB meeting for the project. Therefore, staff finds the project consistent with the Regional Plan.

**Zoning:** As discussed in the Background Section, the County jurisdictional parcels within the Master Plan area are zoned Tahoe Agricultural (TA), which allows by special use permit “recreational buildings and uses.” HMR has a special use permit (S98-28) for the existing uses on these parcels. All master plan related land uses in the County jurisdictional parcels are subject to special use permit approval by the County Planning Commission. As identified in the project description, the only new land uses identified with the 05 MPA in County jurisdictional parcels include the following phase III projects, which are located within the California Base Lodge parcels:

- replace and relocate Ski Lift A (Aerial Tram) with High Speed Detachable Quad Ski Lift;
- replacement of Ski Lift L (Cal Ski School).

Exhibit F (Proposed Action) identifies the proposed changes with the Aerial Tram and Ski Lift L. For comparison, see Exhibit D for existing conditions. The lower half of the new Aerial Tram alignment would occur slightly south of the existing alignment, but the upper half of the new alignment would extend to the top of the Powder Bowl Express chair lift. The Aerial Tram is proposed to be replaced with a high-speed quad chair lift. The alignment of Ski Lift L is proposed to have a minor modification in comparison to the existing alignment, and is proposed to be replaced with either a carpet (belt) or a handle tow.

The new uses of the 05 MPA have been reviewed for consistency with the TA Zone District. The new uses, as well as the uses identified in the project description that were already approved with the 1996 Master Plan would require an amendment to Special Use Permit 98-0028. These uses are subject to additional project specific environmental review through the SUP process, the development standards of the TA Zone District, and all other applicable provisions of the Title 17 Zoning Ordinance. The TA Zone District has a height limit of 45 feet with 30 foot setbacks from all property lines. The new proposed uses have been conditioned for consistency with these requirements.

The 05 MPA is also subject to the requirements of Sections 17.22.650 through 17.22.680 of the County Zoning Ordinance, pertaining to specific plan applications. Section 17.22.665 addresses the required specific plan findings, which were satisfactorily made by staff as provided in Attachment 2. Based on the analysis contained in the Final EIR and mitigation measures identified therein, staff finds the 05 MPA contains all required content (17.22.670) to meet all applicable provisions of Chapter 17.22 pertaining to specific plans.

In order to approve the project, the approving authority must find that the project is consistent with the General Plan and would not be detrimental to the public health, safety, and welfare, nor injurious to the neighborhood.

Conclusion: Based on the environmental analysis contained in the Final EIR/EIS/EIS for the 05 MPA, and the mitigation measures incorporated therein (Exhibit L), including comments received from public agencies, citizens' groups, and impacted neighbors, as discussed below, staff finds that the project as conditioned will not be detrimental to the public health, safety, and welfare and will not be injurious to the neighborhood.

**Agency and Public Comments:** A 60-day public comment period was conducted for the 05 MPA Draft EIR/EIS/EIS. During circulation of the Draft EIR/EIS/EIS (see Appendix 7-A of Volume II of Final EIR/EIS/EIS), 116 unique letters of comment were received. In addition, over 440 copies of three versions of a form letter were received (see Appendices 7-B, 7-C, and 7-D of Volume II of Final EIR/EIS/EIS), which are organized in numerical order by comment letter number. The following themes summarize the comments received on the 05 MPA Draft EIR/EIS/EIS, which requested additional environmental analysis, new mitigation measures, or the consideration of new alternatives:

- Runoff from the California base area and parking lot is causing erosion control and water quality impacts to adjacent residences.
- Do not allow the removal of old growth trees for the construction of the North Bowl Express Lift, North Bowl ski trails, and other MPA 05 facilities, because of effects to wildlife, water quality, scenic quality, and recreational experience.
- The analysis of the proposed 05 MPA must demonstrate that it will result in a net improvement to water quality and erosion.
- Performance standards are missing to determine whether mitigation measures are effective. Without them, there is no consequence for failing to mitigate effects of new development. Phases II and III projects should not be allowed until monitoring demonstrates that Phase I development projects meet the established performance standards.

- New disturbance proposed within the Edgewood Creek watershed should not be allowed (and TRPA Plan Area policies should not be removed), until it is demonstrated that existing watershed conditions are improved to meet standards.
- Analysis in the DEIR/EIS relies on flawed models (e.g., CWE and WEPP) to predict water quality effects.
- Analysis of increased traffic and air quality effects from increased visitation to Heavenly are not properly disclosed. Analysis must justify why increased visitation will not occur over 96 MP levels and address cumulative totals and not just peak day considerations.
- Analysis of a connected action to the 05 MPA and the Stagecoach Base residential and commercial project approved by Douglas County is not included in the Draft EIR/EIS and must be added. Further, the Draft EIR/EIS must be re-circulated.
- Additional alternatives (e.g. kinked or angled lift) that reduce the number of old growth trees removed for the proposed North Bowl Express Lift and North Bowl Ski Trails (S9 and S10) should be analyzed as required by NEPA, including removal from the MPA 05.
- The 05 MPA is not consistent with TRPA vegetation goals, ordinances and standards, and the Sierra NV Forest Plan Amendment, and mitigation measures to offset the effects on late seral forests are not adequate.
- The existing and proposed parking numbers for the Nevada and California base areas are understated, and therefore conclusions of potential parking effects are not correct.
- Additional alternatives (e.g. removal of proposed ski trails or glading of proposed ski trails) that reduce the number of total acres of proposed ski trails in the 05 MPA should be analyzed. The need for each of the ski trails included in the 05 MPA should be provided to justify why they are included.

Exhibit J identifies the unique letters submitted by agency, organization, and public commenters for the Draft EIR/EIS/EIS for the 05 MPA, which are organized in numerical order by comment letter number. Responses to comments are provided in Section 7.4 of the Draft EIR/EIS/EIS. Additional issues may be raised as a result of the public notice for the County Planning Commission meeting.

## **ENVIRONMENTAL REVIEW**

This EIR is considered a “program” EIR under Section 15168 of CEQA Guidelines. Subsequent activities (in this case, approval of future special use permits required for the California Base Lodge) must be evaluated in the context of the EIR and a determination made as to whether additional environmental documentation is required. Either of two actions can be followed:

- if the activities proposed by the special use permit would have effects that were not considered in the EIR, a new Initial Study would need to be prepared and either an EIR or Negative Declaration prepared, or;
- if it is determined that the special use permit would not result in any new effects or that no new mitigation measures would be required, the special use permit could be approved by the Planning Commission as including activities, which have been analyzed and if necessary, mitigated by the program EIR, and a new environmental document would not be required.

**NOTE:** This project is located within or adjacent to an area which has wildlife resources (riparian lands, wetlands, watercourse, native plant life, rare plants, threatened and endangered plants or animals, etc.), and was referred to the California Department of Fish and Game. In accordance with State Legislation (California Fish and Game Code Section 711.4 and Senate Bill 1535), the project is subject to a fee of \$1,800.00 after approval, but prior to the County filing the Notice of Determination on the project. This fee, plus a \$50.00 processing fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The total fee will be forwarded to the California Department of Fish and Game via the County Recorder's Office and is used to help defray the cost of managing and protecting State fish and wildlife resources.

## **RECOMMENDATION**

Staff recommends the Planning Commission forward a recommendation of approval to the Board of Supervisors to amend the 1996 Heavenly Ski Resort Master Plan (A96-0001) by adoption of the Heavenly Mountain Resort 2005 Master Plan Amendment, and approve the Phase I land uses of the No Action and Action Alternatives of the 2005 Master Plan Amendment, based on the findings in Attachment 2, subject to the conditions in Attachment 1.

## SUPPORT INFORMATION

### Attachments to Staff Report:

Attachment 1	Conditions of Approval
Attachment 2	Findings
Attachment 3	Volume 1, Final EIR/EIS/EIS
Attachment 4	Volume 2, Final EIR/EIS/EIS
Exhibit A (Figure 1-1)	Vicinity Map
Exhibit B	General Plan Land Use Map
Exhibit C	Zoning Map
Exhibit D (Figure 2-1)	Existing Conditions 2005
Exhibit E	Agency Jurisdictional Map
Exhibit F (Figure 2-2)	Proposed Action Alternative 2
Exhibit G	Phase I, II, and II Projects
Exhibit H	Alternative 2 Facilities Summary at Build Out
Exhibit I	Adjacent Land Uses to Master Plan Boundary
Exhibit J	Agency, Organization, and Public Comments for Draft EIR/EIS/EIS
Exhibit K	Water Quality Conditions and Regulations for California Base Lodge and Parking Lot
Exhibit L	Summary of Mitigation Monitoring Plan

# ATTACHMENT 1

## CONDITIONS OF APPROVAL

File Number SP 05-0001  
Planning Commission July 12, 2007

### El Dorado County Planning Services

1. This Specific Plan is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked A through K, dated July 12, 2007, and conditions of approval set forth below. Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

Specific Plan amendment of the 1996 HMR Master Plan, to include the No Action Alternative and Alternatives 2, 3, 4, 4A, and 5 as proposed with the 05 MPA. The 05 MPA includes a long-term range of resort improvements to be phased (Phases 1, 2, and 3) over the life of the Master Plan. The improvements will occur throughout the California and Nevada land use jurisdictions of the Master Plan project area (Exhibits F and G). Land uses within County jurisdictional parcels (California Base Lodge and parking lot) include the following:

#### Phase I Projects

- \*Install BMPs for California Base Lodge and parking lot.

#### Phase II Projects

- Relocate Lower California Maintenance Shop to off-site location.

#### Phase III Projects

- \*Replace California Base Lodge
- \*Relocate California Snowmaking Building
- Replace and relocate Ski Lift A (Aerial Tram) with High Speed Detachable Quad Ski Lift
- \*Kids Camp (California Base)
- \*Replacement of Ski Lift K (Perfect Ride), \*\*Ski Lift L (Cal Ski School), and Ski Lift M (Enchanted Forest)
- \*Ski Runs K1, L1, and M1

\* Projects already approved with the 1996 Master Plan.

\*\*Minor lift alignment modification is proposed from previous 1996 Master Plan.

The construction, project design, uses, and protection of environmental resources shall conform to the project description above, and the hearing exhibits and conditions of approval below. The exterior finishes of the proposed buildings and structures shall conform with the approved colors and materials for the project. The property and any portions thereof shall be sold, leased, or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans (such as landscape and drainage plans) must be submitted for review and approval, and shall be implemented as approved by the County.

2. The 05 MPA, as approved, consists of the Phase I, II, and III projects for the No Project and Action Alternatives proposed with the MPA. Implementation of the new Phase II and Phase III projects within County jurisdictional lands that were not previously analyzed and approved with the 1996 Master Plan, are subject to additional project level environmental review prior to approval by El Dorado County.
3. The 05 MPA shall comply with the Mitigation and Monitoring Plan of Chapter 5, including Appendices 3.1-D and 3.1-G of Volume II of the Final EIR/EIS/EIS.
4. The 05 MPA is subject to all applicable Agency conditions submitted for the project, as further contained in Chapter 7 of the Final EIR/EIS/EIS.
5. All land uses within County jurisdictional parcels shall conform with the permissible uses and development standards of the Tahoe Agricultural Zone District. All proposed uses within County jurisdictional parcels are subject to prior approval of a special use permit and all associated conditions of approval.
6. All land uses within County jurisdictional parcels shall conform with all applicable provisions of County Zoning Ordinance Title 17.
7. Pursuant to the County General Plan, all land uses within County jurisdictional parcels shall conform with all applicable provisions of the TRPA Regional Plan, as the Adopted Plan for the project area.
8. Heavenly Mountain Resort (HMR) shall continue to implement the mitigation measures (Mitigation Measure 7.5-19) of the 1996 Master Plan EIR/EIS/EIS, to research the traffic impacts of HMR on Highway 50, and to avoid non-degradation of peak hour traffic on U.S. Highway 50 for Echo Summit and the west slope of El Dorado County.
9. For all proposed uses with the 05 MPA that are subject to a County building permit, all Development Services fees shall be paid prior to issuance of a building permit.
10. All processing fees shall be paid prior to approval of the specific plan.

### **El Dorado County Counsel's Office**

11. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, **HMR** agrees to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the California Government Code.

**HMR** shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning the decision to not recirculate the Draft EIR/EIS/EIS due to the addition of Alternative 4A with the Final EIR/EIS/EIS, which action is brought within the time period provided for in Section 66499.37.

County shall notify **HMR** of any claim, action, or proceeding and County will cooperate fully in the defense.

### **Lahontan Regional Water Quality Control Board**

12. **HMR** shall continue to implement the permitting requirements of the Lahontan Updated Discharge Permit within the **HMR** Master Plan project area.

### **El Dorado County Building Services**

13. All proposed structures within County jurisdictional parcels shall comply with Uniform Building Code and require a building permit.

# ATTACHMENT 2 FINDINGS

## FILE NUMBER SP 05-0001

### 1.0 CEQA Findings

- 1.1 El Dorado County has considered the Environmental Impact Report (EIR) together with the comments received during the public review process. The EIR reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2 Through feasible conditions and mitigation placed upon the project, impacts on the environment relating to water resources, earth, air quality, noise, transportation, vegetation, wildlife, fisheries, visual resources, cultural resources, land use, recreation, and socioeconomics have been eliminated or [reduced to a less than significant level](#).
- 1.3 The documents and other materials, which constitute the record of proceedings upon which this decision is based, are in the custody of the Development Services Department – Planning Services at 2850 Fairlane Court, Placerville, CA 95667.
- 1.4 Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project, which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.
- 1.5 The proposed project is not expected to have a significant effect on the environment, based on the analysis contained in the Final EIR and the mitigation measures identified therein. [No significant, unavoidable impacts are identified in the Final EIR.](#)

### 2.0 General Plan Findings

- 2.1 The proposed uses of the [05 MPA](#) are consistent with the Adopted Plan ([Heavenly Ski Resort Master Plan and TRPA Regional Plan](#)) land use designations of the 2004 General Plan, [based on the analysis contained in this staff report and the Final EIR and mitigation measures identified therein.](#)
- 2.2 The proposed Phase I uses of the project within County jurisdictional parcels are consistent with the applicable policies of the General Plan as they apply to the Tahoe Basin.

### **3.0 Zoning Findings**

- 3.1 The proposed Phase I uses of the project within County jurisdictional parcels are subject to the approval of a special use permit by Section 17.62.040(G) of the El Dorado County Code.
- 3.2 The proposed buildings and site improvements shall comply with the development standards contained in [Chapters 17.14, 17.22, and 17.62](#) of the El Dorado County [Zoning Ordinance](#).
- 3.3 [\*Section 17.22.665 Findings Required. The Board of Supervisors may adopt a proposed specific plan only after a determination that the plan:\*](#)

1. *Is consistent with and implements the El Dorado County General Plan;*

The proposed uses of the 05 MPA are consistent with the Adopted Plan (Heavenly Ski Resort Master Plan and TRPA Regional Plan) land use designations of the 2004 General Plan, based on the analysis contained in this staff report and the Final EIR and mitigation measures identified therein.

2. *Is consistent with any applicable airport land use plan, pursuant to California Government Code Section 65302.3;*

HMR is not located within an airport land use plan, or within the overflight safety zones of the South Lake Tahoe Airport. The 05 MPA is not expected to affect, or be affected by the operations and uses associated with the South Lake Tahoe Airport.

3. *Will not have a significant effect on the environment, or a statement of overriding consideration has been made for the proposed specific plan pursuant to the provisions of California Code of Regulations Section 15093 (CEQA guidelines.) (Ord. 4589 Sec. 2, 5, 2001);*

Pursuant to Section 15093 of CEQA Guidelines, the Final EIR does not identify any significant environmental impacts that cannot be mitigated to a less than significant level, based on the analysis contained in this staff report and the Final EIR and mitigation measures identified therein.