

MEMORANDUM
County of Placer
Planning Department

TO: Honorable Board of Supervisors

FROM: Michael J. Johnson, Planning Director

DATE: April 3, 2006

SUBJECT: Implementation of Settlement Agreement between Placer County and the Squaw Valley Ski Corporation - Adoption of Resolution, Settlement of Appeal of County action on Conditional Use Permit (CUP) 2385

SUMMARY:

The Board is being asked to consider taking action to implement a Settlement Agreement by and between the County and the Squaw Valley Ski Corporation (SVSC), signed into effect between the two parties on January 24, 2006. As a part of that Settlement, the County will consider taking action to reverse the action of the Planning Commission to revoke CUP-2385, relating to the "Headwall\Cornice II Express" ski lift, and the "Gold Coast>Mainline Express" ski lift. The SVSC had appealed the Revocation Decision. That appeal is still awaiting final Board action and would be resolved by adoption of the proposed Resolution.

BACKGROUND:

Following the Planning Commission's actions to revoke the subject Conditional Use Permit for the aforementioned projects, and subsequent to the appeal filed by Squaw Valley, the People of the State of California\Bill Lockyer, Attorney General, and the California Regional Water Quality Control Board, Lahontan Region (Lahontan) brought a civil case against the SVSC (case Number SCV 12916).

A substantial Administrative Record has been created in association with this action. In very brief terms, following the approval and the construction of the ski lifts in question, the County had reason to believe that a number of conditions of the Conditional Use Permit had been violated, and that construction activities were carried out that deviated from the approved construction methods.

Subsequent developments over the past several years have included the preparation of the subject Settlement Agreement, following an extensive amount of meetings and the settlement of the State's case against SVSC, culminating in the Consent Agreement that is an attachment to the Settlement Agreement with the County.

ANALYSIS:

The Settlement Agreement, which includes the Consent Agreement with the State, and implementing measures have merit and would result in certain public benefits. SVSC will further make payment to the County in the amount of \$40,000 to offset the costs of the staff work that have been invested in the project and settlement efforts. In addition to the specific terms of the agreement with the County, pursuant to the Consent Agreement SVSC is further responsible for completing other requirements of their settlement with the Attorney General's office and Lahontan.

These measures would include: the payment of up to \$900,000 to the State; requiring SVSC to make submittals for future projects; requiring Mitigation Monitoring and Completion; the preparation of a Water Quality Improvement Plan; and Cleanup and Abatement of existing violations.

In order to implement the terms of the Settlement Agreement the Board should adopt the proposed Resolution (Attachment A) to reverse the Planning Commission's actions with respect to the revocation of the Conditional Use Permit. In turn, the Settlement Agreement then remains valid and SVSC would be obligated to comply with elements of the Settlement Agreement described herein.

RECOMMENDATION:

It is recommended that the Board reverse the action of the Planning Commission and rescind the revocation of CUP-2385, as set forth in the attached Resolution and Settlement Agreement.

Respectfully Submitted,



MICHAEL J. JOHNSON, AICP
Director of Planning

ATTACHMENT:

Attachment A - Resolution

Settlement Agreement - Available for review at the Clerk of the Board's Office.

PLN\BILL\Squaw Valley settlement board report.doc

COPIES SENT BY PLANNING:

- Wes Zicker - Public Works
- Roger Davies - Environmental Health Services
- Air Pollution Control District
- Vance Kimbrell - Parks Department
- Scott Finley- County Counsel
- Allison Carlos - CEO's Office

Subject/chrono files

Before the Board of Supervisors County of Placer, State of California

In the matter of: Squaw Valley Ski Corp., administrative proceeding
re Negative Declaration EIAQ 3440, Revocation/Modification
CUP 2385- Headwall/Cornice II Express, Gold Coast/Mainline
Express, Squaw Valley Lift Replacement.

Resol. No:.....
Ord. No:.....
First Reading:.....

The following **RESOLUTION** was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held _____, by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Attest:
Clerk of said Board

Chairman, Board of Supervisors

WHEREAS, pursuant to Placer County Code section 17.62.170, the County's Planning Commission had made decisions revoking Conditional Use Permit 2385 to construct and operate the Headwall/ Cornice II Express Lift and the Gold Coast/Mainline Express Lift and requiring an Environmental Impact Report for new applications for a CUP to construct and operate Headwall and Gold Coast, as evidenced in Planning Commission Resolution 2000-01;

WHEREAS, Squaw Valley had appealed the Planning Commission Decision to the Board of Supervisors;

WHEREAS, after numerous meetings, Squaw Valley and the County are desirous of settling their differences by methods which they believe will be more beneficial to protection of the environment than the appeal hearing and ongoing litigation, and to that end have entered into a Settlement Agreement dated January 24, 2006;

WHEREAS, subsequent to the Planning Commission decision, Squaw Valley and the State of California entered into a Consent Agreement dated July 8, 2005, the implementation of which

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will address the environmental impacts of the Headwall and Gold Coast projects, and which Agreement is attached to the January 24, 2006, Settlement Agreement.

NOW, THEREFORE, BE IT RESOLVED,

Pursuant to the terms of the January 24, 2006, Settlement Agreement, Squaw Valley's appeal to the Board of Supervisors is concluded as follows: the Planning Commission's decision revoking CUP-2385 is overruled and set aside, and all related decisions and findings as approved and adopted by the Planning Commission in Resolution No. 2000-01, on August 24, 2000 are overruled and set aside.

This action is categorically exempt under the California Environmental Quality Act, Guidelines section 15321 and Placer County Code section 18.36.230.