ORDINANCE NO. 704-13

APPROVING A COMPREHENSIVE DEVELOPMENT PLAN FOR THE BEAR VALLEY VILLAGE DEVELOPMENT PROJECT

WHEREAS, Bear Valley Village I LLC, Bear Valley Village II LLC has requested to change the 1978 Bear Valley Master Plan to allow for the proposed Bear Valley Village development project to be located within Bear Valley (Planning Case File No. 2006-35); and

WHEREAS, the Bear Valley Village project site is located within the Planned Development (PD) zoning district; and

WHEREAS, Section 18.28.010(B) of the Alpine County Code requires County approval of a comprehensive development plan for all areas within Planned Development zoning districts; and

WHEREAS, the 1978 Bear Valley Master Plan is the comprehensive development plan for Bear Valley Village development project site; and

WHEREAS, the proposed comprehensive development plan for the Bear Valley Village project has been processed as a change in zoning pursuant to Alpine County Code Chapter 18.84 and all other applicable laws; and,

WHEREAS, on August 27, 2009 and September 24, 2009 the Alpine County Planning Commission held a duly noticed public hearing and recommended approval of a comprehensive development plan for the Bear Valley Village project and on November 29, 2012 the Planning Commission reviewed a revised project application; and,

WHEREAS, on May 29, 2009 by Resolution No. 2009-28, the Board of Supervisors certified the Bear Valley Village Final Environmental Impact Report; and,

WHEREAS, on December 10, 2009 and December 18, 2012 the Alpine County Board of Supervisors held duly noticed public hearings pursuant to California Government Code Section 65090 to hear public testimony and receive evidence relative to the proposed comprehensive development plan for the Bear Valley Village development project; and,

WHEREAS, by separate resolution, the Board of Supervisors has adopted Proposed Findings of Fact and Statement of Overriding Considerations for the Bear Valley Village General Plan Amendment and Zoning Change in accordance with the California Environmental Quality Act (CEQA) (Public Resources Code, Sections 21000 et seq.) and the CEQA Guidelines (14 California Code of Regulations sections 15000 et seq.); and

WHEREAS, the Alpine County Board of Supervisors makes the following findings relative to the proposed change in zoning and development plan for the Bear Valley Village development project:

1. The amendment to the Alpine County General Plan for the project conforms to California Government Code 65300 in that the General Plan contains all of the required elements and is internally consistent.
2. The application is consistent with all the elements of the Alpine County General Plan and the 1978 Bear Valley Master Plan as follows:

    a. As intended by the Planned Development designation of the Alpine County General Plan, the Planned Development proposed under this amendment has been carefully planned and will be closely supervised to insure conformance with the Goals, Objectives and Policies of the General Plan and applicable laws. This will be accomplished through implementation of a Planned Development zoning document specific to the project that will clearly state the uses, development standards and public improvement requirements for the future development of the project site.

    b. The approved uses and density for the project are in conformance with the uses and density allowed in the 1978 Bear Valley Master Plan. The proposed project would allow 343 equivalent dwelling units (EDUs) across the entire project site. A total of approximately 63,456 square feet of non residential use which includes commercial and amenity uses are also proposed.

    c. The staff report prepared for the August 27, 2009 public hearing held by the Planning Commission includes a General Plan Conformance Matrix will demonstrates the project's conformance with the goals and policies contained within each element of the General Plan.

    d. With compliance with the conditions of approval for the project, which include all the mitigation measures identified in the Final Environmental Impact Report certified by the Board of Supervisors on May 29, 2009 and the Addendum to the Final Environmental Impact Report considered by the Board of Supervisors on December 18, 2012, the project is consistent with all elements of the Alpine County General Plan.

    e. The proposed amendments will be in harmony with the County Zoning Ordinance and all other applicable County ordinances. Conditions of approval will be imposed upon the project through Planned Development Zoning Designation that is part of this action; and future applications for conditional use permits, subdivision maps, improvement plans and building permits that will require the project to be in harmony with the County Zoning Ordinance and all other applicable County ordinances.

    f. The proposed amendment will enable a mixed use project that will include development controls, mitigation measures and conditions of approval that will insure that the project does not adversely affect public health, safety, peace, morals or the general welfare of the County and its people.

NOW, THEREFORE, BE IT ORDAINED, that the Board of Supervisors, County of Alpine, State of California, approves an amendment to the Alpine County Zoning Ordinance and approves a comprehensive development plan for the Bear Valley Village development project as

fully described in the Bear Valley Village Planned Development Zoning Designation attached hereto as Exhibit A. The Bear Valley Village Planned Development Designation shall supersede and replace the 1978 Bear Valley Master Plan as applied to the Bear Valley Village project site that is described in Exhibit A-1.

PASSED AND ADOPTED this 2nd day of January 2013 by the following vote:

AYES: Supervisors Jardine, Veatch, Woodrow and Sweeney

NOES: None

ABSENT: Supervisor Bennett

Henry C. Veatch, Chair, Board of Supervisors
County of Alpine, State of California

ATTEST:

Barbara Howard, County Clerk
& Ex Officio Clerk to the
Board of Supervisors,
By: Teola Tremayne,
Assistant County Clerk

APPROVED AS TO FORM:

Martin Fine, County Counsel

EXHIBIT A

ORDINANCE NO. 704-13

BEAR VALLEY VILLAGE
PLANNED DEVELOPMENT ZONING DESIGNATION

BEAR VALLEY VILLAGE

PLANNED DEVELOPMENT ZONING DESIGNATION

The Bear Valley Village Planned Development Zoning Designation (the "Designation") is hereby adopted on this 2nd day of January, 2013. This Designation is for certain real property located in the County as described in attached Exhibit A-1, hereinafter referred to as the Property.

This Designation establishes a development plan, zoning restrictions, improvement and infrastructure requirements, and conditions of approval applicable to the Property. This Designation shall run with the Property and be binding upon Bear Valley Village I LLC and Bear Valley Village II LLC (the Owner/Developer), their respective successors, representatives and assigns, all persons who may hereafter acquire an interest in the Property or any part thereof, and all persons who may operate a business within the property. All use and development of the property shall comply with the requirements as set forth in this Designation.

This Designation shall supersede and replace the 1978 Bear Valley Master Plan as applied to the Bear Valley Village project site that is described in Exhibit A-1. Where this Designation does not address a specific development standard or requirement, the applicable provisions of the Alpine County Code (Code) or applicable development standards adopted by Alpine County shall apply. Where the Designation addresses a specific development standard or requirement, the provisions of the Designation shall supersede the specific provisions of the Code and or other adopted development standards.

This designation is intended to complement and promote the following project objectives:

- Provide Bear Valley with ski-in/ski-out access to the Bear Valley Mountain Resort, both to improve the recreational experience of residents and visitors and to reduce traffic within Bear Valley and to the ski resort via State Route (SR) 4;
- Create a pedestrian-oriented Village that will serve as a gathering place and focal point for existing residents and visitors;
- Improve existing Bear Valley traffic patterns by providing all-weather parking and enhanced vehicular access to the Village for Bear Valley residents and guests as well as the project's residents and guests;
- Develop an infill project that is consistent with the planning guidelines, principles, uses, and densities of the existing 1978 Bear Valley Master Plan (BVMP) and relevant goals, policies, and guidelines contained in the Alpine County General Plan;
- Establish design guidelines consistent with both the natural surroundings and sustainable development concepts in alignment with the U.S. Green Building Council's Leadership in Energy and Environmental Design standards;
- Situate the majority of buildings and improvements in areas already disturbed by existing development as a means of limiting impacts on the environment.

A. DEVELOPMENT PLAN

The Development Plan, attached hereto as Exhibit A-2, establishes the general location of land uses and improvements allowed within the property. The property is divided into two areas as shown on Exhibit A-2: North Village and Village Center. Use and development of the Property shall be in substantial compliance with the Development Plan.

B. ZONING RESTRICTIONS

This designation and the attached exhibits fulfill the requirements for a development plan in conjunction with the Planned Development Zone pursuant to Code Section 18.28.010.B. The definitions of terms in this Designation shall be per the Alpine County Code, unless a specific term is defined in this Designation.

1. Conditional Use Permit(s) Required: A conditional use permit pursuant to Alpine County Code Section 18.76 (including as Section 18.76 may be amended in the future) shall be required prior to construction, erection or location of any of the following:
   a. Buildings 5-13 as shown on the Development Plan
   b. Outdoor amphitheater
   c. Concrete/asphalt batch plant
   d. Village lift

2. Allowable Uses: The allowable uses shall be as provided below.
   a. Residential Uses: Any of the following residential uses located within residential areas as designated in an approved conditional use permit for the building where the use is located;
      i. Multi-family residential units
      ii. "Lock off" residential units;
      iii. Employee housing units
      iv. Commercial lodging accommodations using multi-family and lock off residential units
   b. Commercial Uses. Any of the following commercial activities located within commercial areas as designated in an approved conditional use permit for the building or area where the use is located:
      i. Retail sales defined as any business having its primary function being the sale of merchandise directly to the end consumer
      ii. Recreation equipment rental and repair
      iii. Recreation guide services
      iv. Professional services defined as any business having its primary function being providing services directly to the end consumer. For purposes of this designation, day care is classified as a professional service.
      v. Retail food and beverage service, including sales of alcohol subject to applicable licensing requirements
   c. Amenity Uses: Ski lockers and locker rooms, indoor athletic/exercise facility, spa area, private and community meeting spaces, outdoor plaza areas and outdoor pools.
   d. Ski-related Uses and Improvements: Village lift, Village lift terminal/loading/unloading areas, ski return trails to the Village lift.
   e. Special events: As provided in this section, special events with up to 500 participants at one time may be conducted within commercial areas as designated

in an approved conditional use permit for the building or area where the use is located. Participants include all persons actively involved in the event as it occurs and all attendees of the event. The event must be conducted within the capacity of the venue where located without the need for any additional support such as law enforcement and/or emergency response personnel exceeding normal staffing levels; portable or supplemental power generation; portable toilets; and, parking areas in excess of what is available within existing public parking areas in Bear Valley. Such events shall be conducted in compliance with all applicable laws and regulations. Special events with more than 500 participants and/or which require additional support beyond that described herein shall only be allowed with approval of a special event permit pursuant to Section 18.78 of the Alpine County Code.

f. Outdoor amphitheater including seating areas and stage located in accordance with an approved conditional use permit.
g. Construction staging areas associated with development of allowable uses within Bear Valley Village.
h. Concrete/asphalt batch plant providing materials for construction of allowable uses within Bear Valley Village.
i. Accessory Uses. Uses that are incidental to and customarily associated with any of the uses listed in a-d above. Additionally, the following uses are considered accessory uses:
    i. Entertainment provided for the pleasure of patrons in conjunction with any of the uses listed in b and c above. This may include indoor and outdoor locations.
    ii. Temporary outdoor displays of merchandise, arts, crafts, educational materials, historic artifacts, tourist/visitor information, recreation equipment/recreation activity demonstrations or similar items.
j. Access, Parking Infrastructure and Utilities: Access drives, parking areas, water/sewer lines, underground utilities, propane tank areas, trash disposal/removal, recycling stations.
k. Uses not listed above: Uses not specifically listed above may be allowed upon a determination by the Alpine County Community Development Director that the use is similar in characteristics, extent and potential impact as any of the uses listed above. The decision of the Community Development Director may be appealed in accordance with Alpine County Code Section 18.88.

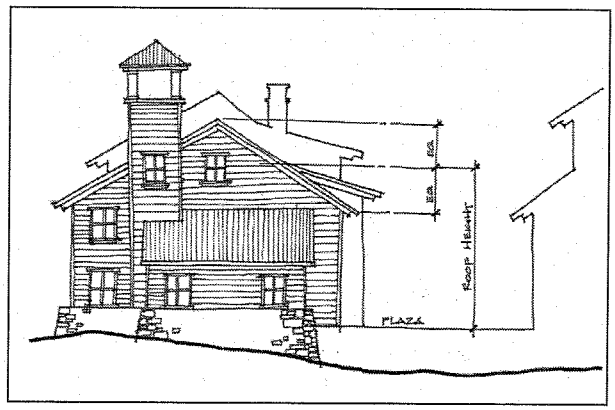
3. Maximum Permitted Density: Maximum permitted density shall be as summarized below and as specifically listed in Exhibit A-2, 12B attached hereto.

Area	Residential	Residential EDU[1]	Non Residential[2]
North Village	174,260 sq. ft.	129	2000 sq. ft.
Village Center	288,823 sq. ft.	214	61,546 sq. ft.
Total Villages	463083 sq. ft.	343	63,546 sq. ft.

4. Dimensional Limitations

a. Development Footprint – The maximum development footprint for each building shall be as listed in Exhibit A-2 12B. Development footprint is defined as the area encompassed by the building foundation and associated plaza areas, excluding building entrance structures (such as a porte cochere), driveways, paths, pool, pool decks.

b. Height Limitations – The majority of the Village is to be composed of three and four story buildings with some five-story heights permitted in selected areas and the massing of the buildings should step down at the ends for scale and transition. The range of story levels allowed shall be as described in Exhibit A-2, 12B.



Maximum Building Height for the Village shall not exceed 72 feet, exclusive of architectural appurtenances. Building height is determined by measuring from the plaza grade (defined as the top of the parking deck) to the midpoint of the nearest major roof on any exterior elevation. The roof midpoint is measured as half of the distance from the bottom of the roof fascia at the eave or rake to the top of the ridge, including if applicable any ridge vents. (See above illustration).

Architectural appurtenances are defined as chimneys, stairway or elevator overruns, mechanical and plumbing vents, lightning rods, tie-backs or any other

[1] EDU = Equivalent dwelling unit. 1 EDU = 1350 square feet of residential space
[2] Non Residential includes all indoor areas for commercial and amenity uses

roof penetration required for code compliance, fire protection and/or the proper ventilation of a building. Plumbing and mechanical penetrations shall be grouped within a chimney form or some other screened architectural enclosure. Allowable architectural appurtenances may exceed the height of the closest adjacent rooftop by a maximum of 10'- 0".

One signature architectural feature (such as a clock tower) for each Village – North Village and Village Center- may exceed its adjacent rooftop ridge height by 20'-0". Each signature feature shall have a floor area of less than 150 square feet.

c. Building Setbacks – The minimum building setback shall be 20 feet to the edge of right of way of all County roads. Other setback requirements may be established as part of the conditional use permit for each building.

5. Off-Street Parking Requirements:

Off-street parking spaces will be provided for each use as shown below.

a. Parking Spaces Required by Use

Use	Parking Spaces Required
Hotel/Lodging	1 space/guest room
Residential – Studio and 1-bedroom	1 space/unit
Residential – 2 bedroom	1.25 spaces/unit
Residential – 3 bedroom	1.50 spaces/unit
Residential – 3 bedroom w/ lock off	1.88 spaces/unit
Residential – 4 bedroom	1.75 spaces/unit
Restaurants	3.25 spaces/1000 sq. ft.[3]
Commercial & Retail	2.35 spaces/1000 sq. ft.[4]

b. Parking Area Dimensions: Parking area dimensions shall be as specified in the tables below.

MINIMUM PARKING STALL DIMENSIONS

Standard Stall		**Compact Stall**		
Length	Width	Length	Width	Height (applies to interior of entire structure)
18 feet clear, including bumper overhang	9 feet	16 feet, including bumper overhang	8 feet	8' 4"

[3] The total floor area is the within the inside of the exterior walls of all floors, having a minimum of five feet clearance, minus equipment rooms, air shafts, elevator shafts, stairwells, automobile parking areas, floor area which is designed and built to provide for storage, and other required means of egress.

[4] The definition of floor area is the same as described in footnote #3.

A minimum of eighty percent (80%) of the parking spaces within a surface parking area and/or covered parking garage shall be standard stalls. This may be reduced below 80% at the discretion of the County as part of the conditional use permit review for individual buildings, provided that there is a guarantee of valet parking service.

MINIMUM PARKING STALL AND PARKING LOT DIMENSIONS

One-Way Traffic and Single-Loaded Aisles

Parking Angle (Degrees)	Stall Depth, with Bumper Overhang	Aisle Width (Travel Lane)	Total Bay Depth
30	17 feet	13 feet	30 feet
45	19 feet	13 feet	32 feet
60	20 feet	16 feet	36 feet
75	20 feet	20 feet	40 feet
90	20 feet	22 feet	42 feet

One-Way Traffic and Double-Loaded Aisles

Parking Angle (Degrees)	Stall Depth, with Bumper Overhang	Aisle Width (Travel Lane)	Total Bay Depth
30	18 feet	13 feet	49 feet
45	19 feet	13 feet	51 feet
60	20 feet	16 feet	56 feet
75	20 feet	20 feet	60 feet
90	20 feet	22 feet	62 feet

Two-Way Traffic and Double-Loaded Aisles

Parking Angle (Degrees)	Stall Depth, with Bumper Overhang	Aisle Width (Travel Lane)	Total Bay Depth
30	18 feet	22 feet	58 feet
45	19 feet	22 feet	58 feet
60	20 feet	22 feet	62 feet
75	20 feet	22 feet	62 feet
90	20 feet	22 feet	62 feet

1. Bumper Overhang Areas: A maximum of two feet of the parking stall depth may be landscaped with low-growing, hearty materials in lieu of paving, allowing a two-foot bumper overhang while maintaining the required parking dimensions. A two-foot bumper overhang is also allowed over an adjacent sidewalk if a minimum clear distance of four feet is maintained on the sidewalk at all times.

2. Parallel parking spaces: Parallel parking spaces shall have a minimum width of 8 feet and a minimum length of 22 feet. Aisle widths shall be 12 feet for one-way traffic and 22 feet for two-way traffic in areas with parallel parking.

6. Architectural Design Guidelines

The owner/developer has prepared architectural design guidelines ("guidelines") that address a range of design issues. The guidelines are attached as an exhibit this designation for reference (Exhibit A-3). They are not enforceable by the County, except where other sections of this designation contain specific requirements that are enforceable under the provisions of this designation (building height, setback and parking requirements as examples). Otherwise the guidelines shall be administered and enforced in accordance with the rules and regulations as set out in the Bear Valley Village Master Association documents that are not part of this designation.

C. IMPROVEMENTS AND INFRASTRUCTURE

All improvements shall be designed and constructed in accordance with applicable local, state and federal requirements. All required permits and approvals shall be obtained from the appropriate regulatory agency prior to construction. Construction of improvements shall also be in full compliance with Chapter 17.28 of the Alpine County Code.

1. Water Supply System

Domestic water supply for the project shall be provided through the Lake Alpine Water Company system. The owner/developer shall be responsible for installation of infrastructure necessary to provide water to the project in accordance with the requirements of the Lake Alpine Water Company and in a manner consistent with all approved tentative and final subdivision maps, improvement plans, conditional use permits and mitigation measures for the project.

2. Wastewater Treatment System

Wastewater treatment collection and treatment for the project shall be provided through the Bear Valley Water District system. The owner/developer shall be responsible for installation of infrastructure necessary to provide wastewater treatment for the project in accordance with the requirements of the Bear Valley Water District and in a manner consistent with all approved tentative and final subdivision maps, improvement plans, conditional use permits and mitigation measures for the project.

3. Storm Water and Drainage Control

A storm water and drainage control system consistent with the proposed tentative map, improvement plan, description as submitted with the project application, all applicable conditions or approval and all applicable mitigation measures shall be installed by the Owner/Developer. Except as may be specifically allowed by the County in the approval of a tentative subdivision map for all or any portion of the project, the design and construction of the storm water and drainage control system shall meet all applicable County standards. Storm water and drainage control associated with connections to the state highway system shall meet all the requirements of Caltrans.

4. Propane Gas Distribution

A propane gas storage and distribution system for the project as shown on the improvement plan and as described in the project application shall be installed by the Owner/Developer. The design, construction and operation of the system shall meet all the applicable requirements of the National Fire Protection Association standards and the Uniform Building Code, and all regulations administered by the California Public Utilities Commission pursuant to propane distribution.

5. Utilities

In addition to the improvements and infrastructure listed in this Section C, the Owner/Developer shall install telephone and electrical service capable of serving the entire project area. Other utilities such as cable or satellite TV distribution, fiber optic or other telecommunication lines may also be installed. All of these utilities shall be installed underground in accordance with Chapter 13.20 of the Alpine County Code.

D. MITIGATION MEASURES AND CONDITIONS OF APPROVAL

Development of the project shall fully comply with all mitigation measures included in the Final Environmental Impact Report (FEIR) as certified by the Board of Supervisors on May 29, 2009, and in the Addendum to the FEIR as considered by the Board of Supervisors on December 18, 2012. These mitigation measures are included as conditions of approval and are specifically listed in Exhibit A-4. Conditions of approval that are separate and in addition to the mitigation measures included in the FEIR are also listed in Exhibit A-4. Development of the project shall fully comply with these conditions of approval.

E. VARIANCES

The County's process for considering variances to zoning standards will apply to any proposal to vary from the development standards as stated herein except where a specific ability to modify a development standard without a variance is stated herein. Chapter 18.80 of County Code shall apply to all variance actions.

F. APPEALS AND CLARIFICATIONS/INTERPRETATIONS

Appeals of any decision of a county official or official county body with respect to this designation shall be made in accordance with Chapter 18.88 of the Alpine County Code, including any amendments thereof. Requests for special clarifications or interpretations of any provisions of this designation shall be made in accordance with Chapter 18.88 of the Alpine County Code, including any amendments thereof.

G. AMENDMENTS

Amendments to this Planned Development Designation shall be processed in accordance with Section 18.28.090 of the Alpine County Code, including any amendments to this section.

H. BINDING EFFECT AND ENFORCEMENT

This Planned Development Designation shall run with the Property and be binding upon the Owner/Developer, their respective successors, representatives and assigns, all persons who may hereafter acquire an interest in the Property or any part thereof, and all persons who may operate a business within the property. Enforcement of the provisions of this Designation shall be in accordance with Chapter 18.92 of the Alpine County Code, including any amendments thereof. The County may withhold approval of any or all conditional use permits, special event permits, tentative subdivision maps, tentative parcel maps, final subdivision maps, final parcel maps, or the issuance of any or all grading or building permits or occupancy permits applied for on the Property, until such breach has been remedied; provided, however, that the County shall not take affirmative action on account of such breach until it shall have first notified the Owner/Developer in writing and afforded the Owner/Developer a reasonable opportunity to remedy the same.

BEAR VALLEY VILLAGE
PLANNED DEVELOPMENT ZONING DESIGNATION

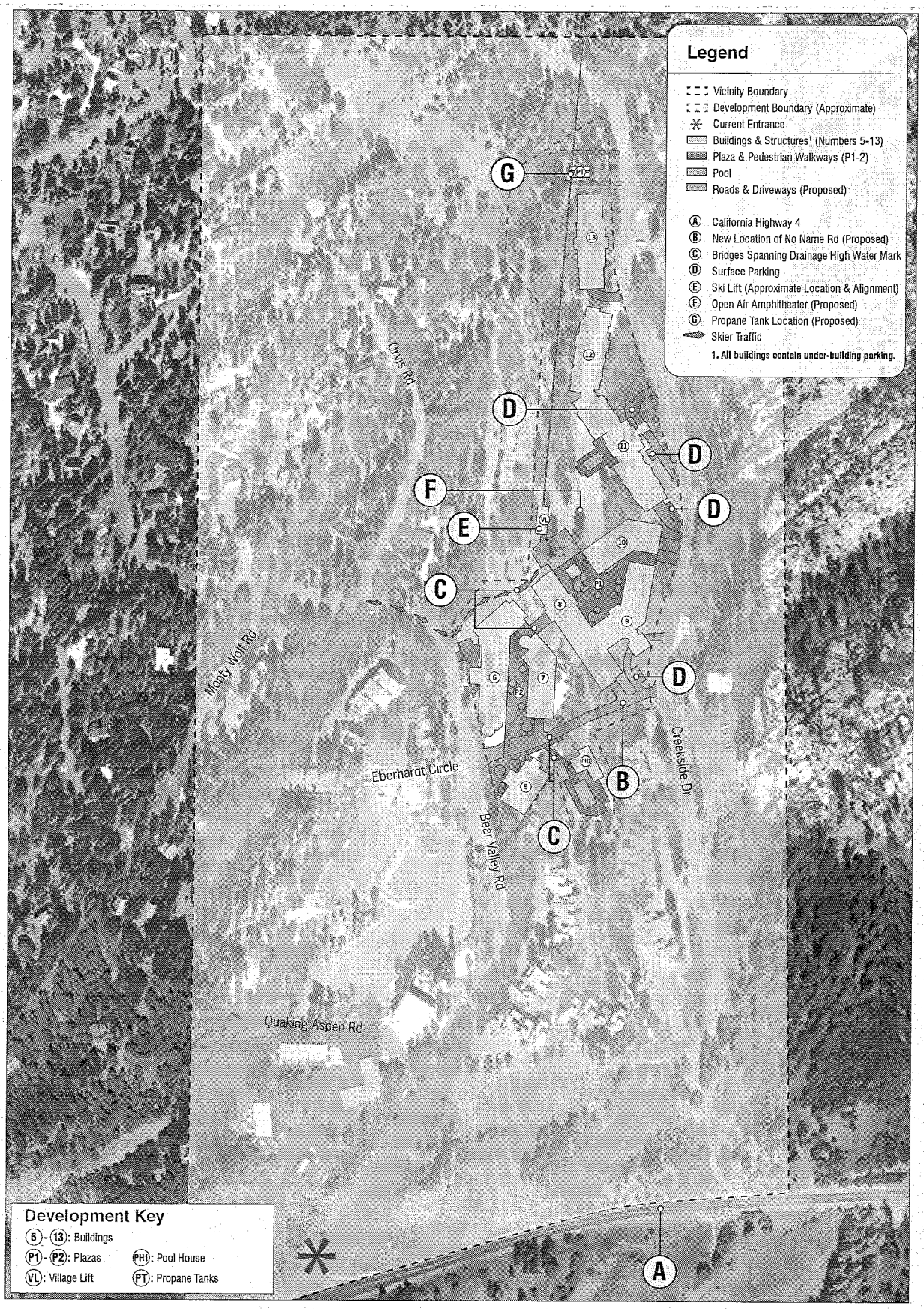
EXHIBIT A-1: PROPERTY DESCRIPTION

APN(s): 005-470-055, 005-470-056, 005-640-001, 005-640-002, 005-640-003, 005-640-004, 005-640-005, 005-640-006

BEAR VALLEY VILLAGE
PLANNED DEVELOPMENT ZONING DESIGNATION

EXHIBIT A-2: DEVELOPMENT PLAN

Bear Valley Village Proposed Master Plan



General Plan Amendment & Zone Change Application —
Bear Valley California
Preliminary Master Plan, Revised November 21st 2012

1"=250'

0 50 100 150 250' 500'

BEAR VALLEY VILLAGE
PLANNED DEVELOPMENT ZONING DESIGNATION

EXHIBIT A-3: ARCHITECTURAL DESIGN GUIDELINES

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INTRODUCTION

The Bear Valley Village will be developed as a master planned, multi-season resort community located within Northern California's Sierra Nevada mountain range. The site itself is located within Alpine County and surrounded by National Forest Service land. As such, the village's site surroundings, climate, and sensitive mountain environment are all paramount considerations to appropriate building design. The Design Guidelines for Bear Valley Village articulate the vision of the master developer and outline the design requirements for the community's residential and commercial structures in order to preserve the area's unique attributes and characteristics.

In order to assure that the development of Bear Valley Village is in keeping with these Guidelines, a Design Review Committee (DRC) will be established to administer these Guidelines. The structure and operation of the DRC is to be defined by the Master Association Documents.

These Guidelines serve to encourage architecture that is reflective of the natural setting within the larger Bear Valley community. Building design shall be used to enhance the visitors' experience through consideration of: spatial sequence, scale, and the use of materials which compliment the outdoor environment, reflect a special sense of place and give a cohesive identity to the resort components.

The images used in the guidelines are to help illustrate the concepts described and do not necessarily represent conditions present in Bear Valley Village.

In using these Guidelines and in the development of the design of individual structures, respective developers, architects and builders shall strive for:

- Compatibility with the site layout and building massing set forth in the approved Bear Valley Village Master Plan and EIR.

- Indoor and outdoor spaces that reflect and enhance the mountain setting.

- Architecture for the individual buildings that adheres to the design objectives and development themes established for each development parcel. In general, this shall include a compatible palette of building materials and contextual relationships between building forms and design elements. The buildings should reflect differences in individual use, functional needs and location within the village, but share a unified image so that each building is recognized as part of the master planned whole.

- Functional design which address issues of public circulation, back-of-house service functions and snow safety.

Importantly, new development should strive to create a cohesive resort environment. This objective goes beyond basic forms and a prescribed palette of materials; it requires special attention to design motifs and detailing in order to reflect the natural setting.

Key design themes for the village include:

- *A Relationship with the Natural Environment*

The Bear Valley Village site is an extraordinary location surrounded by forested slopes, natural granite rock outcroppings and highland meadows. These existing natural and topographic features of the site should provide inspiration for the forms and features of the new Bear Valley Village. The trees, rock outcroppings, creek, and other natural attributes of the site are important to the community and should be retained when possible. The architectural forms should be simple and authentic, recalling the natural forms and color palette of the area. These guidelines encourage landscaping with indigenous planting materials that emphasize the local character of the site.

- *Appropriate Scale and Detail*

The footprint and physical massing of the new village buildings should relate to a human scale. The village's public spaces, likewise, should be actively programmed and geared toward the pedestrian. The village should be designed around communal interaction and activities. Ground floor areas and commercial storefronts require special attention and architectural detail in order to animate the

streetscape. Lighting, signage, planting, and plaza furniture contribute to a delightful pedestrian experience, providing surprise and discovery.

- *Honest Structural Expression and Building Materials*

The exterior of the buildings at Bear Valley Village should reflect the surrounding natural landscape. A building's structural system should be visible when appropriate. Materials should draw from nature, such as stone and wood; and should be used in a manner that will blend with the natural surroundings. Indigenous materials should be used when possible. Timber and stone, in particular should be used to express a structural purpose in lieu of a purely decorative or applied approach. Likewise, building materials should be consistent between the interior and exterior.

- *Sustainable Design*

The unspoiled environment surrounding Bear Valley calls for a design approach that embraces sustainable design and environmental responsibility. New construction should incorporate the latest green products and technologies to the degree they are economically feasible. Examples include green strategies that reduce energy use, including building wall, window and roofing systems. Renewable and recycled materials should be utilized where appropriate. Water conservation, retention and erosion control measures should be implemented as part of an overall plan to minimize immediate site and long-term impacts to the environment.

- *Snow Country Design Considerations*

California's Sierra-Nevada mountain range is well known for the quantity and high moisture content of its snow. Snow country design considerations therefore are particularly important at Bear Valley, where ice and snow can be formidable forces of nature. These forces are critical in shaping the buildings and developing their exterior components and architectural details.

In general, the buildings should be designed to keep the snow on the roof in order to add insulation value to the structures and protect against damage inflicted by sliding snow. People should be protected from snow and falling ice. Roof elements should be used to protect entries. Building forms should additionally incorporate protective arcades, porches, and covered decks as needed. Snow and ice melted walkways and snow storage areas should be carefully considered in order to maintain safe passage and emergency access while balancing operation and energy requirements.

1.0 PURPOSE OF THE GUIDELINES

The Bear Valley Village Master Plan consists of residential, retail, recreational and parking facilities to be constructed over a period of time. The plan has been carefully conceived as a mixed-use village tailored specifically to accentuate the mountain topography and the many natural qualities the site offers. Roads, driveways, buildings, plazas, bridges, pathways, parking and other improvements have been designed and located to optimize views, provide convenient skier access to the new Village Lift, and minimize snow impacts. In particular the majority of structures planned for the Village will be constructed over under-building parking garages to minimize the view of cars and to provide for snow-free parking areas centrally located beneath the residential and retail areas of the Village.

The Master Plan has been designed in accordance with regulations and planning requirements for Alpine County, the State of California and the U.S. Forest Service and has undergone an extensive review process as part of the site's development requirements. All designs must adhere to the approved Bear Valley Village Master Plan, which establishes a foundation for the program, building type and uses, lot boundaries, development layout, individual building footprints within the Bear Valley Village, conceptual exterior elevations and massing studies for individual buildings, primary access points, and general relationships to the ski mountain. In addition, all development is subject to applicable local, state and national codes and regulations. The Master Plan is not meant to limit creative solutions for site planning, landscape, and architecture within Bear Valley Village, but rather to provide the aesthetic and regulatory framework within which all development shall take place.

The following Design Guidelines, in association with the Master Plan documentation, set a framework to encourage a project whose high quality is consistent with each phase related to an overall design theme. The Guidelines are to be used by the developers of Bear Valley Village and its representatives, developers or their successors, architects, Alpine County staff members and other design or construction facilitators.

In themselves, the Guidelines will assist only in setting general themes and unifying the various types of structures within the area. In order to be truly effective, the Guidelines must be enforced and interpreted by the DRC, as well as incorporated and possibly expanded by designers who understand and are sensitive to the overall spirit of the Master Plan.

1.1 SETBACKS

Building Setbacks have been established for each of the lots in order to ensure a balance between buildings and the natural setting while still providing flexibility in building configuration and location relative to trees, waterways, and site topography. These Building Setbacks are designed to maximize the attributes of the Master Plan and reinforce the design vision for Bear Valley Village by prescribing the configuration, massing, and form of individual buildings within the overall composition of the Village. As defined in the Master Plan, the building setbacks have allowed for a 20 feet snow removal and storage setback along the majority of County roads.

All buildings, structures, and parking must be located within the Building Setback. Additional features such as driveways, decks, architectural appurtenances, and other site improvements may be located outside the Building Setback, but only with the prior approval of the Design Review Committee (DRC). As part of the review process, the DRC will take into consideration the views and privacy of neighboring lots, topography, drainage, wetlands, vegetation, sun exposure, and any other physical features of the site.

1.2 BUILDING APPURTENANCES

In addition to the footprints outlined in the Master Plan documents, a variety of building appurtenances are anticipated to be included in the final building designs. Within reason and subject to other applicable codes, these may extend beyond the footprint areas outlined in the Master Plan.

Acceptable appurtenances include but are not necessarily limited to:

- Architectural Elements;
- Roof Overhangs, Brackets and Bracing;
- Commercial or Residential Awnings;
- Covered Balconies;
- Non-enclosed Grade Level Arcades not exceeding 15'0" in height;
- Information and Retail kiosks not exceeding an eave height of 15'0";
- Flagpoles, Banners, Lighting and Signage;
- Open Porte Cochere Structures;

- Pool and Spa Pavilions, including screened mechanical equipment;
- Bow or bay windows not exceeding 5'0" in depth measured perpendicular to the primary facade plane;
- Outdoor play areas, stages, amphitheaters, fire pits and barbecue facilities.

1.3 FLEXIBILITY WITHIN THE GUIDELINES

As with any project built over time, minor changes in the massing and footprints of a particular building may be required due to changes in circumstance and the need to retain some development flexibility. Such changes, however, must fall within the spirit of these Guidelines and be generally consistent with the building footprints established in the Bear Valley Village Master Plan.

The design of some buildings and structures may require more design flexibility once issues such as topography, site drainage, preferred view orientations, and relationships to neighboring buildings, the Village Lift, pedestrian routes, and roads are studied in greater detail.

Any proposed deviations in building footprints or massing must be at the discretion of the DRC. Some of the criteria that the DRC may use in determining whether a deviation is warranted for a site include:

- If the proposed design and/or deviation contributes to the Village in a positive way.
- If the proposed deviation from the approved building footprint and/or massing is required to maximize the particular building site.
- If the proposed design and/or deviation is beneficial to the site in terms of retaining natural site characteristics and/or limiting disturbance to the site's existing topography and vegetation.
- If the proposed design retains and reinforces views from adjacent properties and public spaces.
- If the proposed design contributes to the skyline of the Village in a positive way.
- If the proposed design defines, contains, and provides continuity to exterior public spaces such as pedestrian streets, plazas, and arcades.

Regardless of whether or not all the criteria for a deviation has been met by an Applicant, the final decision to authorize any such deviation is up to the discretion of the DRC.

2.0 SITE DESIGN, LANDSCAPING, STREETSCAPE & SIGNAGE

2.1 IMAGE OF A COMMUNITY

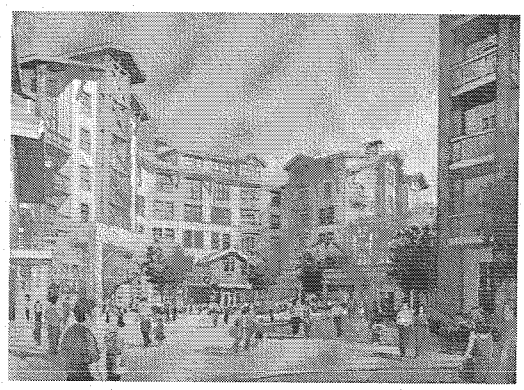
Residents and guests will experience Bear Valley Village within the context of its natural, mountain setting. Due to the existing stands of trees, the visual impact of the village will be limited to the overall building massing and roof forms. The objective is relatively simple and uncomplicated building forms, relating to site specific characteristics and subtle undulation of the topography.

Important site design elements contemplated by the master plan include:

- *Portals:* Portals provide the front door to the Village and its public spaces, and often form a visitor's first impression. As the portal serves a welcoming function, its size is particularly important. Openings that are too large can leave a pedestrian feeling "lost" within the passage, while portal openings that are too small may result in the feeling of being "squeezed" or "closed-in." Buildings that act as portals should consider the human scale through the use of appropriately-sized and detailed entry canopies, doors, windows, and/or other architectural features.

Buildings can form welcoming portals.

- *Edges:* While portals create doorways, edges define the village boundaries. This is also known as the village's communal "street-wall." Individual building wall planes are significant in this role. The form, massing and overall heights of the buildings forms the village's primary pedestrian corridor. Additionally, the building walls will impact the impression of the Village from the street. Vertical wall planes at these buildings should form a distinct street-wall while providing ties with natural features and outside vistas.

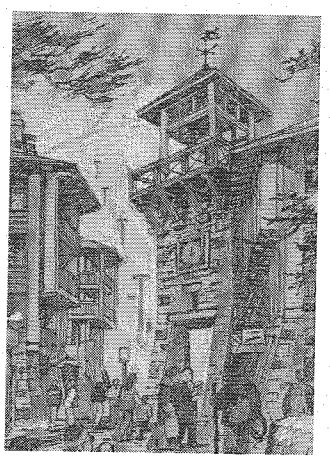


Building walls can act as edges or street-walls, while the outdoors spaces they surround represent negative spaces.

- *Negative Space:* As buildings represent positive space "takers", the outdoor spaces that are created by the surrounding buildings, comprise the "negative spaces" that are as important, if not more so, to the success of the village and its pedestrian experience. Such spaces include the village's vehicular and pedestrian passageways, public plazas, as well as other gathering spaces. Edges are once again vital, as they define the outdoor spaces and provide their backdrop. Buildings that define negative space should incorporate major entries and additional design elements that help animate and reinforce the value of the outdoor space. In addition, the sense of containment should be reinforced through mass at the corners of public spaces, and visually continuous floor patterns around the enclosing walls that allow the eye to perceive the physical containment of the space.

- *Village Landmarks:* Village landmarks can help create an overall "sense of place" for Bear Valley Village and also help orient pedestrians within the Village. Memorable landmark structures are designed to highlight the specifics of a particular place. Landmarks are unique and cannot be easily duplicated. They are visible from numerous locations and also can help orient a visitor. Such icons are an important part of the village experience as they form memories of Bear Valley. Landmarks are the "Kodak moment" locations that signify the defining attributes of a particular location. The best landmarks, moreover, tend to incorporate a function or fulfill or commemorate a specific activity or period of time.

  A successful landmark must be clearly discernable against the backdrop of the Village and should not have to compete with secondary features. This sense of hierarchy should extend down through secondary elements within the Village. Clock tower, sculptures, and an outdoor fire pit are examples of elements that can be used to underscore hierarchy while creating layers of richness and multiple opportunities for discovery.



Landmarks help orient pedestrians.

2.2 BUILDING SITING

Building siting must result in an integration of open spaces and adjacent buildings. Relationships between building footprints and outdoor spaces have been established in the Master Plan in order to foster a pedestrian scale. Buildings should relate to each other with respect to eave heights, materials, public walkways, outdoor activity spaces and their association with the natural terrain.

In general, building footprints, setbacks, and open spaces shall follow the approved Master Plan documents submitted for the General Plan and Zone

Change Application. Minor changes that respond to phasing needs or internal marketing requirements may be allowed providing that the applicant can demonstrate that the total building volume, as outlined in the Master Plan documents, has not been altered significantly.

2.3 PEDESTRIAN ACCESS, CIRCULATION AND STAIRS

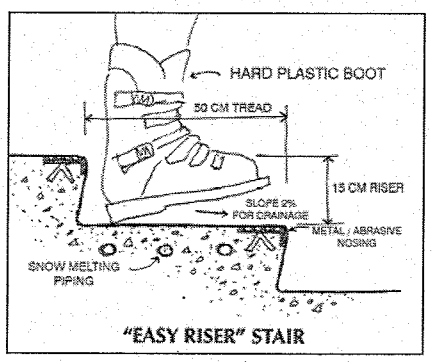
Pedestrian access to and from the Village and circulation within the Village are primary design consideration within the Bear Valley Village Master Plan. The pedestrian walkways and outdoor spaces represent the primary circulation space within the village and are conceived to provide direct links between various lodging, commercial and recreational functions. The Village's walkways, bridges, stairways, and ramps are the connective elements that will enable pedestrian traffic to flow easily throughout the Village.

Pedestrian walkways should include focal points along their route, where appropriate. These may include both natural elements, such as Bear Creek, natural rock formations, or single or groves of trees. Man-made elements may include railings, walkway surfaces, artwork, and plaza furniture.

Commercial shop fronts and retail frontage are an important element in energizing the pedestrian experience through the Village. Shop fronts provide an opportunity to encourage artist expression, individual creativity, and to animate the adjacent public spaces. The purpose of these regulations is to create a cohesive village through the pedestrian streets, rather than encouraging an urban feel to the development.

At Bear Valley Village, the Pedestrian walkways may be constructed of asphalt, concrete, brick or stone pavers, and/or colored or stained concrete (with or without texture). The accessibility of pedestrian walkways must be considered in determining the materials, widths, and maximum grades along the route. Secondary paths outside of required accessible routes may be constructed of stepping stones or cobbles set into the landscape, crushed rock, or wood chips. Pedestrian walkways must be designed to adequately accommodate the anticipated resort traffic during both the winter and summer seasons. Some pedestrian walkways and plaza surfaces may be required to serve as emergency access. These shall be designed in accordance with code and Alpine County requirements.

Stairways and ramps should be minimized where possible. When required they should be designed to accommodate the changes in topography on the site without creating a psychological barrier from the low to the high end. In general, skiers with ski boots find stairways difficult to navigate. Exterior stairs shall be designed to accommodate ski boots, by minimizing riser height and maximizing the width of the tread. A six inch rise to a sixteen to eighteen inch tread is ideal. Acceptable materials for stairs and ramps include colored or stained concrete (with or without texture), stone or concrete pavers set over a concrete sub-base, or brick as an accent material. Slip resistant treads and stairway nosings should also be incorporated.



Exterior stairs should easily handle ski boots.

2.4 PEDESTRIAN STREETS

A key element to the success of Bear Valley Village will be the quality of the pedestrian experience created within the Village. Pedestrian streets allow for movement within the Village and provide exposure to the various activities, shops and restaurants. Animated pedestrian streets are therefore an important design element, as they add vitality to the overall resort experience.

The scale of a pedestrian street is primarily determined by its ratio of height to width. Streets that are too wide (relative to height) do not inspire movement or side-to-side window shopping. Many of the wonderful pedestrian streets in Europe are no more than 15'-0" wide. Streets, on the other hand, that are too narrow constrict circulation flow, may not meet emergency standards and block sunlight from the walkways below.

While the quality of a pedestrian street is difficult to quantify in terms of an absolute rule or scale, width to height ratios from 1/3:1 to 1/2:1 are recommended for Bear Valley Village. For instance, a building façade is about 60'-0" high, a desirable street width would typically be 20 to 30 feet.

In addition, minor building elements are also important in creating a successful street filled with interest at a human scale. Lower height arcades, shop fronts, bay windows, signage etc, may extend into the street width in order to provide variety and visual interest.

2.5 PUBLIC PLAZAS

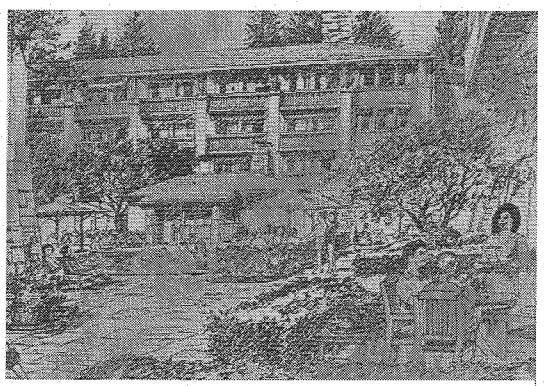
The design details of the primary pedestrian plazas will set the standard for the secondary walkways and public open plazas. Therefore, it is important that the village's primary pedestrian plazas be appropriately scaled and inviting places, a "center stage" for the village that encourages social interaction and people watching. Paving materials, patterns and colors define the overall limits and should be compatible with the adjacent building facades and architectural details. In order to be properly read as an "outdoor room," a plaza should be well defined by the building edges or street walls. The planned arcades and snow melted pathways will define primary circulation routes and encourage travel through the plazas and along the entire length of the village plan.

Plaza materials may include stone, brick or concrete pavers, concrete (stained or colored, with or without texture) and stone cobbles at accent areas. Additionally, the plaza should be zoned for a variety of active and passive uses. Artwork, landscaping, boulders or rock formations, lighting, plaza furniture and seating areas should be considered and well incorporated into the final plaza design.

2.6 PUBLIC AND PRIVATE SPACES

The clear articulation of public vs. private spaces is also an important design consideration. Defining boundaries help inform and orient residents and visitors alike. They also help define scale and can link and separate the variety of village amenities.

Public spaces include the village's primary roads, pedestrian plazas, and open air amphitheater. Here, solid walls, continuous planting or other such physical or visual barriers should be avoided. Large openings and windows and other means of "transparency" are also encouraged.



Terraces and pools provide semi private and semi public spaces.

Private spaces include areas where access is limited to individuals with ownership or membership interests. These include the residential entry ways as well as access or spaces adjacent to private residences or clubs. In these spaces, care should be taken to maximize separation and a sense of security and retreat while maintaining an appropriate response to the community as a whole.

Between the public and private spaces, there are also village areas that may be semi public or private. These may include areas such as restaurant terraces, certain building lobbies, and various outdoor amenities. These spaces offer

additional opportunities to provide clear articulation. Small grade changes, planters, seat-walls, changes in paving materials, for example, should be used to zone individual spaces while further augmenting the village's character.

2.7 PATIOS, DECKS AND TERRACES

Patios, decks and terraces should be visually compatible with their adjacent buildings and outdoor public spaces. They should also be shaped appropriately for their location and function. Organic, free-flowing forms are appropriate where nature is encouraged into the village composition. More formal or defined forms are appropriate adjacent to the public streets and plaza spaces.

Acceptable materials for patios and terraces include natural slate, granite, and sandstone pavers, colored concrete or brick pavers (at accent areas), stamped and stained concrete, and similar high-quality materials. Snow storage and proper drainage shall also be taken into account. Metal, redwood and/or cedar decks will be considered where appropriate. The DRC may also consider synthetic materials depending on their quality, track record and aesthetic appearance.

2.8 SITE WALLS, FENCES AND GATES

The walls, fences, and gates within Bear Valley Village are to be designed as extensions of either the landscape or of adjacent buildings through form, material, texture, and color. Spaces can be defined using rock walls, engineered retaining walls, decorative fences, safety fences, privacy fences, and utility screening designed to complement and tie into the overall Bear Valley Village design theme. Large, indigenous boulders are encouraged within the landscape and paved public areas. In order to reinforce the naturalized appearance of the site, boulders should be embedded into its surrounding surface. To maintain an authentic appearance as hand-placed, load-bearing structures, the height of boulder walls should not exceed 4 feet.

Engineered retaining walls should be designed to have some design quality beyond raw concrete. Such walls may be battered, faced with stone, or board formed. Stone faced walls should match the stone on the adjacent buildings or be otherwise indigenous to the site. The wall profiles should also follow the natural contours of the land with the ends tied back into the site, rather than ending abruptly. The use of boulder walls should be encouraged whenever the landscaping should appear natural. Stone retaining walls are required to be designed by a professional engineer and in many cases will be backed by structural concrete walls. Railroad ties and/or pressure treated timbers may be used for retaining in secondary locations. Prefabricated systems such as precast block wall systems are limited to non-critical locations such as access roads,

loading areas, or areas outside of public view. They should not be used for landscape walls, site walls attached to buildings, or pedestrian plaza areas.

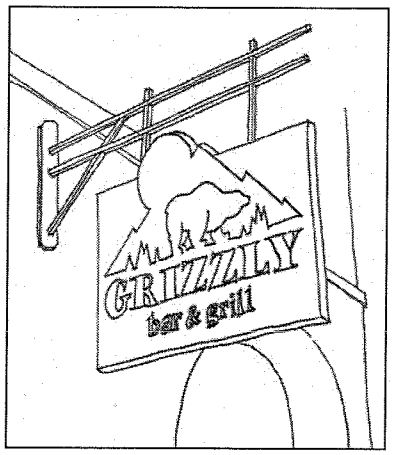
Fences are to be designed to act as extensions of adjacent buildings. Materials and construction should be of high quality and compatible with adjacent buildings. Appropriate materials include wood, painted metal, brick, and/or stone veneer. Fences and gates should be used to enclose service areas, outdoor pools and play areas as required for safety reasons. They are not to be used to define property boundaries within the village.

2.9 GENERAL SIGNAGE

In order to unify new development within Bear Valley Village, as well as orient and define place, site signage guidelines shall be prepared for all identification, directional and advertising signs. Lighting for signs should be kept to a minimum and used only as required to present information in a clear, safe manner. In addition, some site signage may need to be designed and located to remain clearly visible above the snowline in landscape areas subject to the accumulation of snow.

Retail Signage

Retail signage solutions that are creative and unique are an important component to establishing a successful commercial village. Signage is to be scaled to the space where the sign is to be located and to promote creative and interesting solutions that are appropriate for each individual business in terms of form, detailing, graphics, and color. Their size should be neither overwhelming nor diminutive to the pedestrian. Signs shall be custom crafted of wood and/or metal in order to add interest and individuality to the operation. Especially at arcade locations, the Guidelines encourage signage mounted perpendicular to the plane of the primary retail facade. Vitrines, bow, bay or other window types used for advertising or show purposes are also encouraged. Signage lighting should be kept to the minimum necessary for unhampered visibility. Digital, flashing, and 'product' signs are not to be used, as they are not in keeping with the feel of the village that the guidelines are seeking to achieve. Neon signs in some limited creative applications may be considered by the DRC.



Retail signage adds interest and individuality.

2.10 LANDSCAPING AND PLANTING

A major distinguishing characteristic of Bear Valley is its spectacular mountain setting. The following landscape and planting guidelines have been established to reinforce the site's natural environment. The emphasis should be on native landscape and plant materials throughout the development.

The design of buildings and their surrounding landscape shall be an integrated process so that indoor spaces relate to the outdoors spaces and the Bear Valley environment, topography and climate. As the link between the structured and the natural environment, landscaping offers the opportunity to add its dimension to the visitor's experience.

Design recommendations for landscaping and plant materials include;

- The design for buildings, access roads, on-grade terraces or patios, utilities, and other such improvements should consider any trees of significance that may exist on the site, with consideration given to their preservation.
- Efforts to protect existing trees should be implemented, including the construction of tree wells, feeding, pruning and root aeration. Direction from an arborist should be obtained when appropriate.
- On site riparian or wetland areas should be protected from construction activity and should be kept outside the Area of Disturbance.
- Ground covers and wildflower mixes should be consistent with those found naturally within the Sierras and Bear Valley.
- Large specimen trees and shrubs that engage the architecture should be used in areas of the site that are highly visible, helping to soften the architectural massing and blend the building into the site.
- Outside of the pedestrian streets, landscaping should blend with the surrounding environment by use of native plants and boulders.
- Landscaping should follow the natural groupings of native plants. Overly complex plantings are not reflective of the natural environment.
- Decorative, non-native planting may be appropriate in some areas as feature planting. Well maintained drought tolerant grasses may be used around buildings where appropriate.

In addition to planting material, all landscape proposals should incorporate the following considerations:

- Planting shall reinforce vistas and not block important views from the building itself or surrounding buildings.
- The Landscape plan should consider the need for providing color for the different seasons.
- Use planting material to enrich building facades and screen service zones and other unsightly areas or equipment.
- Planting areas should be designed to anticipate and handle snow storage requirements.
- Vines and shrubs with invasive roots or branch systems that might damage or destroy the structures or outdoor plazas should be avoided.
- Planting and landscaping recommendations are provided in the Bear Valley Village Master Plan.

2.11 GRADING AND DRAINAGE

Grading within the village boundaries should work to blend the buildings and their site improvements into the existing site topography, giving the site an appearance consistent with the natural landforms. The most aesthetically pleasing developments are those that minimize grading disturbances and carefully work around and incorporate the site's unique existing features, such as significant trees, rock outcroppings, and view corridors. Slopes that exceed 2:1 must incorporate retaining or boulder walls. The finished grading of buildings and other structures should be tied to the natural drainage patterns of the site, ensuring the proper direction of surface runoff around buildings and other structures. This approach will help prevent the use of riprap walls, box drains, and concrete culverts that can detract from the site's natural appearance.

Runoff from impervious surfaces, such as roofs and paved areas, should be directed to either natural or improved drainage courses or dispersed into vegetated and shallow retention areas. New drainage courses, if needed, should be designed to appear as natural drainage ways and headwalls for bridges and culverts should be board formed or faced with stone. Erosion control measures and site stabilization are necessary; recommendations are provided in the Bear Valley Village Master Plan.

2.12 WASTE STORAGE AND REMOVAL

The unique natural location, density of development, and the potential proximity of pedestrians to the service areas of buildings requires that all buildings within Bear Valley Village adhere to a waste management plan which addresses how best to store, remove and treat waste generated within the Village. Control of litter, odors, and screening of waste areas are to be addressed to minimize the impact on the environment.

Waste management systems should be of the closed variety in order to minimize smells and leakage that could escape between collection points.

The recycling of plastics, glass, tin, fiber, and cardboard, as well as the disposal of fry oil, must be addressed and managed as part of any such plan. At a minimum all solid waste must be collected and transported and the method or way selected must ensure public safety, protect against contamination, liter, odors, and unsightly blemishes.

Each building should be designed to include adequate recycling facilities including collection, storage and removal areas. Refuse collection and circulation are not to impede pedestrian circulation zones.

3.0 PARKING, ENTRY AND DROP-OFF REQUIREMENTS

3.1 SPACE REQUIREMENTS

The Bear Valley Village Master Plan has been carefully designed to provide for an adequate amount of drop-off and parking for residents, guests, visitors and employees. The parking requirements for Bear Valley Village will be satisfied by structured parking garages below the village buildings in addition to outdoor surface parking spaces.

The overriding objective is to promote a pedestrian friendly environment, where vehicular requirements are subordinate to the setting and village experience. Indoor and surface parking spaces typically should be 9'-0" by 18'-0," with accessible parking spaces as required by code. A limited number of parking spaces may be provided which are smaller than the typical space for compact car parking. Columns may intrude into the parking space if they can accommodate vehicle door openings.

Parking space requirements within the village are as follows:

- Hotel and/or Lodge units – 1.0 parking space per guest room
- Studio and 1-Bedroom – 1.0 parking space per residential unit
- 2-Bedroom – 1.25 parking spaces per residential unit
- 3-Bedroom – 1.50 parking spaces per residential unit
- 3-Bedroom with Lock-off – 1.88 parking spaces per residential unit
- 4-Bedroom – 1.75 parking spaces per residential unit
- Restaurants – 3.25 parking spaces per 1,000 sq. ft.
- Commercial/Retail Space – 2.35 parking spaces per 1,000 sq. ft.

Site parking computations that result in fractions of spaces shall be rounded up.

3.2 PARKING STRUCTURE GUIDELINES

The individual lodging buildings planned for the village are to be located over parking garages that in many cases lie within a potential flood plane. Additionally, the building and the garage facilities will be dependent on each other for structural support and the passage of utility ducts, piping and power lines, etc. The garage designer has allocated expected live and dead loads to designated columns and provided for the penetration and extension of all utility systems. In a similar fashion, building design must provide for vertical exhaust ducts and other required chases from the garage. This interdependence is a factor that must be respected by all involved in the building process.

Specific attention should be paid to:

- Well-defined entryways with adequate standing space for ingress/egress. Drive aisles shall be typically 24'-0" clear with a minimum of 20'-0" clear; structural columns must be inset beyond the drive aisle by a minimum of 3'-0" on either side;

- Clearly defined areas for residential and daytime guests, as well as vans, shuttles and oversize vehicles.

- Adequate lighting and ventilation.

- Well defined, obvious locations for stairs and elevators giving access to both public functions and private building interiors.

- Adequate drainage and water proofing inside the garage and at all perimeter locations.

Within the Bear Valley Village parking garage floor to floor heights ideally should be more generous than in a standard parking garage. Sport utility vehicles and pedestrians loaded with skis require additional headroom to maneuver, load and unload. As a result, parking structures within the village shall have a typical clear height of 8'-4", with a minimum clear height of 7'-6", in order to accommodate large vehicles with ski racks. Care should be taken to ensure that piping and other utilities do not drop below the minimum ceiling height.

The intent of the Master Plan is to minimize the visual impact of the garages by concealing their bulk to the degree possible. In order to achieve this end, important design considerations shall include blending any exposed garage side walls with building walls and/or incorporating landscaped berms. As contemplated in the Master Plan, the garage roofs will be used as landscaped, open spaces and pedestrian plazas.

3.3 DROP-OFF AREAS AND EMERGENCY SERVICE ZONES

Drop-off areas, delivery and emergency service zones are anticipated in the master plan to serve the village as required. The following additional design criteria have been established for all driveways and vehicles access points for Bear Valley Village.

- Uncovered driveways and other vehicle access points shall not exceed 5% grade within the first 20 feet of an adjacent roadway, and shall not exceed 8% thereafter;

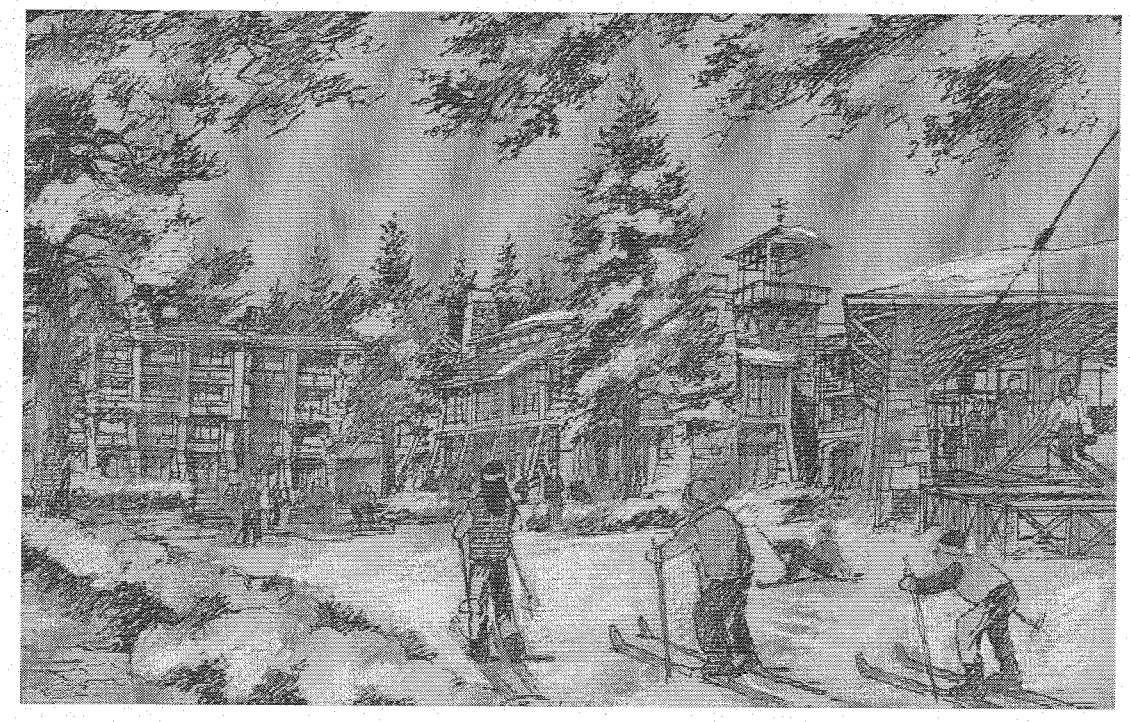
- Heated (snow-melted) driveways are required for uncovered access points with slopes greater than 10% and emergency circulation areas where plowing and snow removal will be difficult;

- Due to the high amount of snowfall at Bear Valley, driveways shall be designed to accommodate snow removal and snow storage. Parking garages and surface parking areas shall be designed to consider snow shed from adjacent structures in order to prevent injury to residents and damage to automobiles;

- Driveway materials may include asphalt, colored concrete, cobbles and/or stone or brick pavers. Pavers and concrete shall be integrally-colored in muted earth tones.

- One-way access drives into the village parking garages shall be a minimum of 12 feet wide, and two-way drives shall be a minimum of 24 feet.

4.0 ARCHITECTURAL GUIDELINES



The architectural guidelines for the Bear Valley Village are designed to address each building's relationship to the overall scale and design character of the community. A diversity of expression is to be embraced for the various building uses, which may be expressed through variety of detail and color, the composition of windows and doors, and the placement of additive or subtractive elements such as decks or balconies, dormers, bay windows, and chimneys. The collective result of these guidelines will create visual harmony between neighboring properties and within the Bear Valley Village community.

4.1 GENERAL OBJECTIVES

The village architecture should strive to draw its inspiration from the site. The buildings should reinforce the natural topography and respond to the site's unique features including the creek, existing vegetation, natural drainage, vistas and view corridors, as well as sun, snow and wind orientation. The Village architecture shall strive to be sensitive to the site and promote a sense of harmony within their natural setting.

With respect to individual buildings, the Guidelines seek to create a community with materials and massing which will stand up to the mountain climate, survive the

seasonal changes in temperature and exposure to moisture, yet result in a unity and appropriateness in architectural form which will give owners and visitors a memorable experience.

4.2 BUILDING ENVELOPE AND MASSING

Building heights shall step up from roadways, the pedestrian walkways and public plazas. Generally the highest portions are in the middle of a building and the lower portions are at the ends. High roofs that abruptly stop, forming tall expanses of walls, are to be avoided. Roofs should provide varied profiles with additive roof forms and a varied roofscape, rather than ridges with continuous unbroken lengths The overall building volumes shall be broken up and stepped both in plan and elevation. This requires significant shifts in building volumes as opposed to additive or subtractive building elements such as balconies or bay windows.

Buildings shall be sited, massed and given heights that generally conform to the approved Bear Valley Village Master Plan documents and applicable governmental codes. Building footprints shall generally conform to the boundaries established in the Master Plan. Any proposal to change building envelopes, heights, or massing must demonstrate that the resultant patterns are comparable to those shown in the Master Plan. The roof steps, for example, are a significant design element that cannot be substantively changed without demonstrating that any alternate design has no additional adverse massing and/or shadow impacts.

4.3 BUILDING COMPOSITION

All buildings shall have exterior elevations, roofs and details that are consistent in their architectural treatment. Special care should be given to proportion, human scale and contextual relationships. The Guidelines recognize the need for repetitive architectural elements (for example, bay windows, balconies, fenestration patterns) in order to establish an overall architectural consistency. However, excessive repetition without vertical and horizontal counterpoint will not be allowed. This is intended to further reduce building scale and enliven the building facades.

- Repetitive architectural features used to establish a coherent architectural theme shall be relieved of monotony by some combination of the following: 1), changes in visible cladding materials; 2), horizontal and vertical breaks in the architectural system (e.g., the elimination of repetitive bay windows or covered balconies at lower levels); 3), a fenestration system with varied patterns and window sizes; and 4), anomalous breaks in the roof line.

- Entries shall be covered to provide snow and rain protection in the winter or spring, and sun protection in the summer. Entries also represent a key opportunity to add design distinction to buildings.

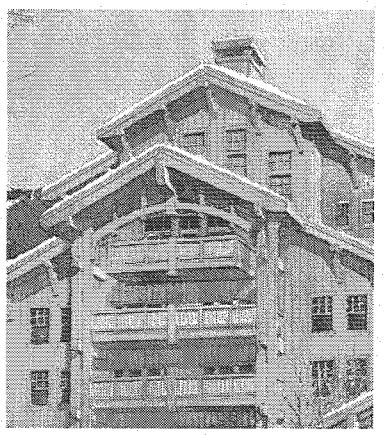
- The exposure of structural elements such as rafter ends or porch columns is encouraged. These elements shall appear substantial and their spacing shall be in proportion to the size of the elements. Decorative and structural truss work is also encouraged to add shadow and depth to building facades.

4.4 DECKS, BALCONIES AND GUARDRAILS

Exterior decks, balconies and guardrails provide an opportunity to articulate the exterior wall planes, and to add unique and crafted designs to the main walls of the building as well as the primary and secondary elevation features. Exterior decks and balconies can be used to reduce a building's overall massing, to introduce screened rooms within a building and to provide unique spaces for experiencing and enjoying the natural setting of Bear Valley.

They should be designed as integral extensions or recesses of the building and typically protected from the elements. When designing water management systems, such as weep holes and scuppers, they are to be located so as to not shed onto pedestrian traffic below.

The supporting structure for balconies is to match or compliment the overall design. Guardrails should be designed to blend with the building as well as match the character of the building. Consider using railings that are semi-transparent rather than solid, in order to allow views and the sun into the building and to add interest to building elevations. The use of modern railing not in keeping with the design aesthetic is discouraged.

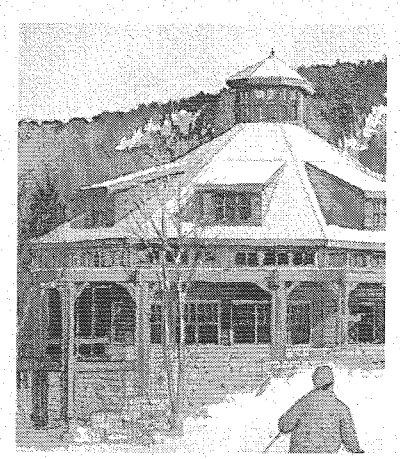


Balconies reduce a building's mass and should be protected from the elements.

4.5 STRUCTURAL EXPRESSION

The architecture of the Bear Valley region and the Sierra Nevada Mountains is based on authentic, straight forward structural expression. Indigenous and natural materials like local stone, timber and log, and metal with natural finishes and colors, and simple forms, structures, and detailing that reflect a simple structural approach should be used to help establish a structural expression for Bear Valley Village.

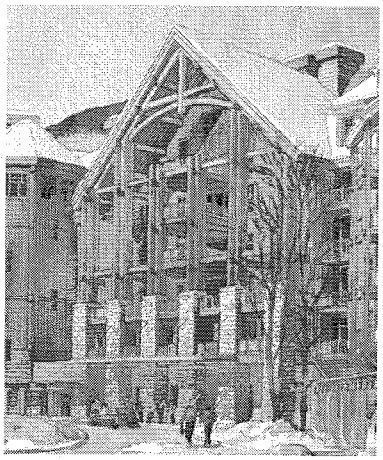
- *Stone* should be used to reflect their support capacity rather than just as surface decoration. They should be used at building bases, their size and placement indicative of their use as a massive bearing material. Stone should be indigenous to the area and be of sufficient scale to complement the mass of the building. Stonework should be laid with horizontal coursing, and should avoid the appearance of a veneer or faux stone.



Stone base used to suggest its load bearing capacity.

- *Timber structural elements* should be used to create a simple and rational structural system. Elements such as columns, beams, trusses, brackets, purlins, and rafters may be used on the exterior and interior of buildings to lend an authenticity of expression to the building structure. Care should be taken to provide visual continuity of the structural expression that is recognizable from the roof down through the timber members, and into the base of the building, to convey logically and orderly how the load bearing demands are transferred from the roof to the foundation. Heavy beams landing above large window openings without an expressed header and other visual representations that may appear illogical should be avoided.

  Timbers should also be sized according to the loading bearing needs required, with deeper members at longer spans and a clear hierarchy of primary, secondary, and lesser structural elements. Cantilevered floor levels, balconies, and roof overhangs provide prime opportunities to design timber structural elements in rational and artistic ways.



Timbers used in a structural, authentic manner.

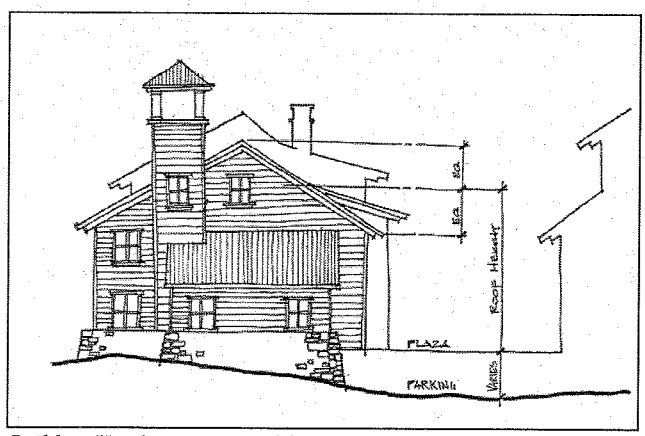
- *Metal detailing* used at column bases, column caps, and connecting plates should be sized to appear to meet the structural demand that is required. Creating undersized decorative connections with little substance should be avoided.

4.6 BUILDING HEIGHT

Building heights are a key component in creating a successful pedestrian scale and a comfortable scale for Bear Valley Village at all levels of perception. In order to ensure an appropriate scale for the Village, Buildings must meet the requirements for Building Height defined below. The height and mass of buildings that directly interact with significant outdoor public spaces should be more restricted than the height and mass for areas or portions of buildings not related to either these outdoor areas or in less sensitive areas.

The majority of the Village is to be composed of three and four story buildings with some five-story heights permitted in selected areas and the massing of the buildings should step down at the ends for scale and transition.

Building Height for the Village is determined by measuring from the plaza grade (defined as the top of the parking deck) to the midpoint of the nearest major roof on any exterior elevation. The roof midpoint is measured as half of the distance from the bottom of the roof fascia at the eave or rake to the top of the ridge, including if applicable any ridge vents.



Building Height as measured from the plaza grade.

Buildings should not exceed a building height of 72 feet, exclusive of architectural appurtenances.

Architectural appurtenances are defined as chimneys, stairway or elevator overruns, mechanical and plumbing vents, lightning rods, tie-backs or any other roof penetration required for code compliance, fire protection and/or the proper ventilation of a building. Plumbing and mechanical penetrations shall be grouped within a chimney forms or some other screened architectural enclosure. Allowable architectural appurtenances may exceed the height of the closest adjacent rooftop by a maximum of 10'- 0". Within the Bear Valley Village, one signature architectural feature per building (such as a clock tower) may exceed its adjacent rooftop ridge height by 20'-0". Each signature feature shall have a floor area of less than 150 square feet.

4.7 ROOFSCAPES

Bear Valley is known for its prodigious snowfall. In some years total snowfall has been known to exceed 50' in depth. Design of Building roof forms is of paramount importance not only for aesthetic reasons but for safety and practical reasons.

Roofs are conceived as dominant building elements, visible from all sides. They shall be designed to create a sense of shelter. Visible rooftop mechanical units and other HVAC related protrusions through the roof are not acceptable for both aesthetic and snow country considerations. All reasonable steps shall be taken to hide, screen and/or incorporate into the roofscape design all HVAC related encumbrances. Boxed-in chimney forms, appropriately designed cupolas and louvered gables are examples of acceptable solutions.

Roofs shall incorporate the following features:

- Open-gabled roofs; some hip, shed and flat roof forms may be used if complimentary to the open-gables.
- Exposed rafter ends at typical overhangs.
- Fascias built up of more than one overlapping member.
- Projected roof beams and/or open truss gable ends to provide individual expression within the overall theme.
- Roof pitches that range to a maximum of 5 feet in 12 feet; flat roofs should slope a minimum of 1/4" per foot. Decorative elements may incorporate steeper pitches.
- Dormers or other rooftop elements that enhance the roof forms. Gabled, shed or "flat" style dormers may be used for windows or where ventilating openings for mechanical equipment is required.

Varied, animated roofscape that steps with the topography.

Retail Roofs

Roofs over commercial areas, individual shop fronts and other retail areas should be designed to control rain, snow and ice, and to direct runoff away from pedestrian ways. Roof elements relating directly to the shop fronts can play a major role in the retail image conveyed, and the form, scale and texture can all contribute to providing a protective welcoming impression on the Public.

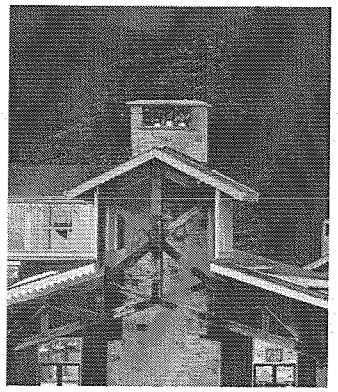
Roofs may be designed as shed, gable, hip, barrel, or other curved forms. Roof forms may also be supported by expressed structural components that add interest and creativity to the roofscape at the pedestrian level. Consideration must be given to the choice of roofing materials used on commercial shop fronts occurring below primary roofs. Damage to these roof finishes as a result of avalanching snow and/or ice from above must be avoided. Roofs covering the entrance of commercial shop fronts may be flat, but only if they are finished in high quality materials that are complementary to the entire roofscape. Other materials including natural slate, concrete or composite tiles which emulate slate, architectural-grade composite asphalt shingles, or metal with a natural patina, such as copper or terne metal may be used, similar to the primary and secondary roofs in the Village. Materials such as pre-finished metal roof panels or shingles, glass or Plexiglas may be used, but their use and approval are at the discretion of the DRC. Heated metal roof systems at roof eaves and valleys, as well as heated gutters are highly encouraged to help in managing rain and snow shed.

4.8 CHIMNEYS, FLUES, AND ROOF VENTS

Chimneys will play a central role in the overall roofscape of Bear Valley Village and should reinforce the idea of "hearth and home" common to the area's mountain heritage. Additionally chimneys should add to the visual rhythm or texture of a building façade. They should be topped with simple crafted chimney caps in either stone, brick or metal and help add to the artist impression of Bear Valley Village.

For snow country considerations, chimneys should be located at ridge or rake locations. All chimneys, flues, and roof vents must be designed and located to prevent damage due to snow sliding and snow creep. Height of chimney elements may be varied to create interesting snow covered roofscapes.

When feasible all fireplace flues, including other large flues, and mechanical vents should be concealed and consolidated with chimney-type enclosures.



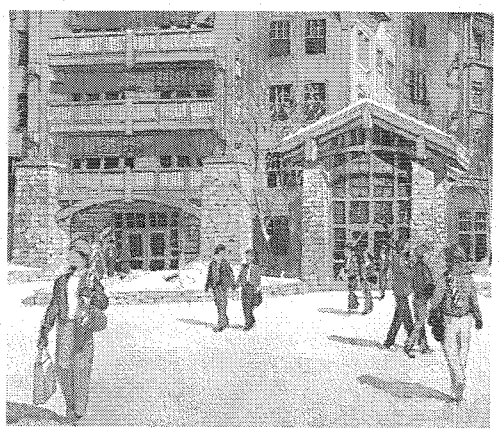
Chimneys add interest to the building architecture.

4.9 BUILDING OPENINGS

Openings are an important expression of the building's relationship to human functions and uses. They are much more than just access points and view areas, they are the elements that tie together exterior walls, help animate adjacent public spaces, and provide the interface between the interior and exterior spaces of a building. As such special care should be taken to ensure that windows and doors are well-designed, scaled and proportioned in a manner that is appropriate to the building form. Windows and doors that are unusual in shape or located in arbitrary ways can distract or appear self-conscious. Conversely, openings that are only placed at very controlled locations can produce a formality that is not characteristic of Bear Valley.

Entries should be designed to serve as welcoming portals and a respite from the elements, particularly falling snow and ice. Doors that serve as the primary entrance to buildings should relate to the building's interior and be appropriately scaled and detailed. Doors, in particular, can express the personality of the building. They shall be built up of stiles, rails and panels, and may be carved with designs appropriate to Bear Valley. Simple designs are preferred.

Windows provide a vital connection between the interior and the outdoor mountain setting characteristic of Bear Valley. Windows should be sized and proportioned in relation to the exterior materials that surround them. Traditional window divisions can be used to reduce the impact of large planes of glass. Window lights should have simple square or vertical proportions. Repetitive grids or geometric patterns and horizontally-proportioned windows should be avoided.



Well proportioned windows help animate adjacent public spaces.

When divided lights are used, they should appear authentic, using true divided lights or spacers designed to mimic the look of a true divided light.

Windows within stone walls should be designed to acknowledge the mass and weight of these walls and should be narrower in size than windows within other exterior wall materials. Deep headers or arches of stone or timber can also be used to express mass and detailed so as to provide visual interest. Larger windows may be designed within stone walls when the spans are subdivided by appropriately-sized vertical supports that carry deep stone or timber headers.

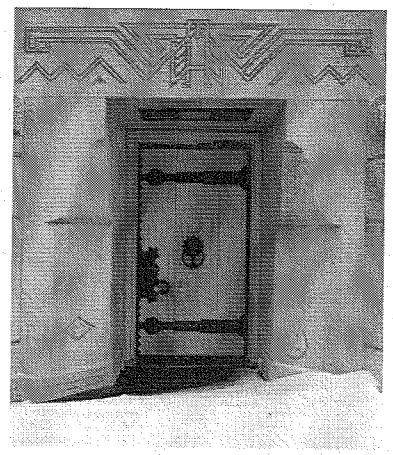
Window and door frames shall be wood, metal or metal-clad in approved colors.

Glass shall be clear or lightly tinted and must be set in manufactured glazing stops or otherwise concealed sealants. Low emission, high altitude insulated glazing is recommended. Reflective glass is not allowed.

Retail Openings

The doors and windows of commercial shop fronts should serve to encourage pedestrians to enter within, add visual interest, and clearly express the individual personality of each shop. This can be achieved through an increased transparency between the public way and the retail space, or by providing visual interest to the space that will serve to draw the customer into the shop. Transparent shop windows shall be placed at least 30 inches above walkways and shall be divided to reflect a pedestrian or human scale. Door openings shall be recessed so that no doors project beyond the face of the storefront when opened. Stock commercial storefront and doorway assemblies will not be allowed. Likewise, standard storefronts and related signage by retail chains are discouraged.

- *Doors* should be scaled according to the functional needs of the shop but may be oversized to relate to the public space they are fronting, and reinforce the perception of a portal from the public to the semi-public domain. The storefront fenestration provides a great opportunity to instill a creative, artistic sensibility to the shop with the use of varying materials, finishes and colors.



Doors add visual interest while expressing a store's personality.

- *Windows* also provide an opportunity to animate and energize the adjacent public way by utilization of unique sizes, proportions, patterns and finishes, as well as incorporating various glazing types to add creative, eye catching detail. Etched glass, seeded glass, colored glass, and other types of decorative glazing should be considered. Mirror glass, highly reflective glazing, over repetitive grids, and geometric window patterns are not to be used. Materials that may be used include wood, wood with metal cladding, or store front systems with finishes that are factory-applied. Divided lights are to be true divided lights or appear to be true divided lights by incorporating internal spacer bars between glass panes.

4.10 EXTERIOR MATERIALS AND COLORS

Exterior wall materials shall draw upon a set of materials consistent with those traditionally used in the Sierra Nevada, i.e. wood, metal, stone and brick masonry.

In addition to design and contract documents, color samples must be submitted to the DRC for review and approval.

The use of exterior colors provides an opportunity to establish the visual tone for the buildings of Bear Valley Village. Colors that feature the natural tones of the environment, including those found in the soils, rocks, and vegetation, should be utilized to help blend the development into the natural surroundings.

The Guidelines encourage stone colors that are muted hues of natural gray and brownish-gray.

Wood Siding and Trim should be finished with either a transparent or semi-transparent stain that is reflective of the site's natural landscape and geology. Opaque or solid-body stains on natural woods are discouraged, though may be required on cement-based products. Stains tones are to be reminiscent of weathered and natural colors, such as russet, muted or gray tan, and subtle browns. Accents painted in rich and deep tones, like dark green, maroon and gold, can be used in limited quantities to accent specific areas or trim.

Door and Window colors should be used as a way to accent these unique parts of the building form. Colors should reflect the hues in both the wood stain and wood paint used on exterior walls, but may be darker tones to create visual interest. Colors for metal-clad doors and windows can match the colors of exterior walls or be of an accent color that complements the exterior wall, but still relate to the natural colors of the site.

Roof colors will be perceived as a major unifying factor from many viewpoints and should consist of a combination of natural hues. Roofing materials should have an appearance of weathering, with texture and variation in tone. The colors for asphalt and composite shingles can also match the natural stone as well as the colors of the surrounding forest. Acceptable colors include muted greens, gray-greens, and browns infused with ochre and russet. Solid-bodies of colors of a uniform hue are to be avoided. Roofing materials with a proven record of service in high mountain locations, and have surface textures that help hold the snow cover. Feature roofs at architectural appurtenances may utilize metal roofing.

If used, copper may not patina in a relatively pollution free mountain environment. Painted metal roofing materials should match the appearance of natural metal. Finishes that are shiny and industrial in appearance are not allowed.

All exposed metals shall be painted to match adjacent wall or trim colors. Plumbing vents shall be grouped, carried to peaks and painted to match roofing.

Retail Areas

Exterior walls that frame commercial shop fronts and retail spaces act as the primary interface between public and semi-public areas of the plaza and provide an opportunity to offer pedestrians a variety of personalized experiences throughout the Village.

Exterior colors for walls, roofs, and fenestration at the storefronts should generally be complementary to the overall colors of the Village, though the palette may be more varied and intense than the colors employed elsewhere, to accent the special personality and artistry of the retail spaces. Interesting and unexpected colors can add life to the storefronts, though overly flashy and trendy colors will not age well and should be avoided.

Well chosen materials and colors for retail areas add life and identity to storefronts.

- *Retail Materials* — Commercial shop fronts should use natural, authentic materials such as indigenous stone, timber and metal with natural finishes and colors that are sympathetic to the design of the Village. Structural elements such as timber or metal should reflect a rational structure, but may be expressed, organized and detailed in more imaginative and unexpected ways. Groupings of timbers or metal members, expressed as unique shapes and finished with interesting colors may be used to create a more animated façade and contribute to the atmosphere and interest at the retail level.

- *Masonry* should be used in ways that are complementary to the building exterior wall. Stone may be of the same type used elsewhere, such as weathered granite, quartzitic sandstone, or slate, and may be laid in patterns that reflect the shop's design aesthetic. Mosaic patterns are not allowed.

- *Other materials,* such as cut stone, solid metals or metal panels and siding, and distinctive types of wood or timbers may be used if their use is appropriate to the shop's function and design, complementary to the architecture of the building, add interest to special retail areas, and help express the personality of individual shops.

- *Wood shakes and shingles, wood siding, and chinked timbers* may be used if they are clearly associated with a specific function of the commercial shop front.

- *Timber-framed elements* with large expanses of glazing may be appropriate functionally as well as aesthetically, if they help animate the retail level. The use of stucco or exposed concrete in limited areas may be appropriate, subject to the discretion and approval of the DRC.

4.11 MISCELLANEOUS STRUCTURES

Open Structures or Outdoor Space Enclosures: Garden trellises, posts, pergolas and fencing shall be used to reduce apparent building bulk and extend the buildings into the outdoors.

Arcades: In snow country, arcades provide shelter from bad weather and protect pedestrians from sliding snow. Additionally, they can provide pedestrian friendly elements that modulate scale and provide a "base" to the massing. Arcades may be designed of stone, masonry, painted wood or metal.

Service Structures: Service structures shall be located away from primary visitor entrances and be screened from direct views. Transformers and other building equipment shall be placed underground, within service structure or screened by vegetation and/or fencing.

4.12 UTILITIES AND EXTERIOR EQUIPMENT

Utilities and exterior equipment including metering devices, gas service lines, propane tanks, transformers and air conditioning units should be screened from public view within the Village. They should be painted to match the color of adjacent walls or roofs and screened to mitigate sound pollution whenever possible. The use of window-mounted air conditioning units and other types of units is not allowed.

Utilities that are wall-mounted should be screened to the degree approved by utility companies, with either landscaping or materials that are similar to those used on exterior walls. All screening materials must comply with the guidelines for Walls, Fences and Gates.

Site and building utilities should be placed underground within service structures, wherever possible. Propane needs for the Village will be met with underground propane tanks. Site utilities that serve Bear Valley Village should be located to minimize grading and the removal of trees, installed underground and aligned to follow driveways, pathways, and other areas of disturbance. In instances where it may be necessary to construct long runs through wooded areas, utilities should be aligned to include changes in direction to interrupt cuts that are visually imposing.

The use of satellite dishes or any other exterior equipment must be documented and submitted to the DRC for review and approval in addition to other required approvals.

4.13 EXTERIOR LIGHTING

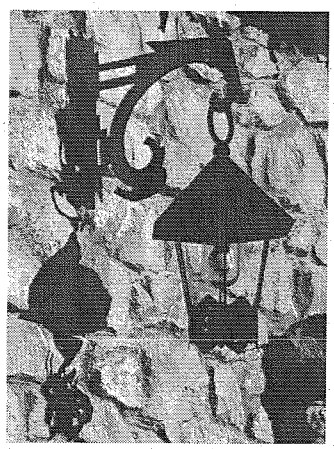
An important natural amenity of Bear Valley is the clear night sky. One aspect of maintaining the pristine mountain environment is to consider the design and placement of light sources. Exterior lighting must at a minimum adhere to the quantity and brightness (lamp wattage) requirements for safety and egress, as identified by the local fire and life safety codes. High quality materials, in colors and finishes that are complementary to metal work in the Village, should be used in providing exterior lighting fixtures. Lighting should be scaled appropriately to the architecture that surrounds it and for the purpose its use is intended. Additionally light sources for all light fixtures should be completely contained within the fixture (cutoff luminaries) and shielded or not visible from off-site.

Site Lighting

Exterior lighting shall not be installed where its direct source is visible from neighboring properties, or where it produces excessive glare to pedestrian or vehicular traffic. Where feasible and desired, pedestrian paths to be traveled at night should be illuminated with low sidewalk lights or bollard-type path lights enclosed in stone, metal or wood structures. Pathway and other intermittent use lighting fixtures should be no more than 10 feet high, unless higher fixtures are needed due to snow depth considerations.

Retail Lighting

Successful lighting of the commercial shop fronts will welcome passerby and provide adequate illumination to promote the product within, while still providing a subdued level of light at the pedestrian street. Lighting should not overwhelm the pedestrian plaza or reduce the significance of the nighttime sky. Lighting for all commercial shop fronts should provide, at a minimum, an adequate amount to light both the contents of the retail frontage and safe passage along the shop front. Light fixtures may be designed to reflect the personality of individual shops and should complement the architectural character of Bear Valley Village.



Light fixtures should be expressive of the store's personality.

4.14 ENERGY AND CLIMATE CONSIDERATIONS

Green building principles including energy efficiency, sustainability and the use of recycled materials is encouraged for all buildings within Bear Valley Village. Accreditation requirements for certification such as LEED (U.S. Green Building Council Leadership in Energy and Environmental Design rating system), or programs like Energy Star (U.S. Environmental Protection Agency and the U.S. Department of Energy management program and rating system) should be considered in addition to any local and state guidelines or regulations that may apply including CA Title 24. At a minimum all mechanical and energy systems are required to meet the requirements of CA Title 24, Part 6 of the California Code of Regulations (California's Energy Efficiency Standards for Residential and Nonresidential Buildings).

The following considerations represent standard practice in Snow Country locations. Passive solar design is encouraged but should not dictate design.

- When possible, take advantage of a footprint's east-west orientation where solar radiation can be controlled.
- Employ overhangs and covered porches (particularly at south facing facades) to protect from summer sun/heat yet allow the winter sun to penetrate.
- Protect north facing facades and wind exposed walls with berms, air locks and/or evergreen trees. Use air lock vestibules to reduce heating costs.
- Locate major entries and/or public activity zones in southeast to southwest locations where winter sun will help animate the spaces and melt ice/snow.
- Establish and preserve sunny paved areas for sitting and outside dining, particularly between noon and 3 PM on winter days.
- Building Designers shall incorporate methods to reduce fuel use for heating, cooling and lighting through the use of fuel-efficient heating systems, adequate insulation, thermal pane windows, etc. For roofing assemblies, the Guidelines encourage a minimum insulation value equal to R-50.

5.0 SNOW COUNTRY CONSIDERATIONS

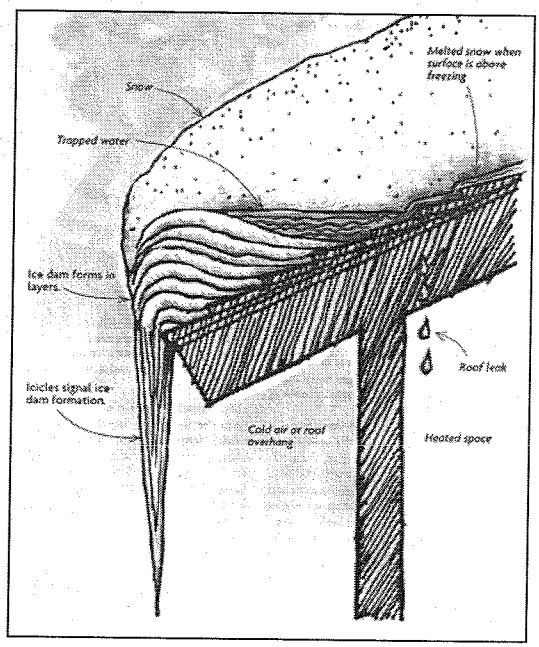
5.1 SLIDING SNOW

Given the significant average annual snowfall in Bear Valley, the building forms for the new buildings should derive from a common-sense attitude toward the forces of nature, including snow and ice. Particularly important are covered arcades and covered entries that protect pedestrian travel paths from sliding snow or falling ice. In new pedestrian areas, building bases must be resistant to damage caused by sliding snow or falling ice.

Roof pitches greater than 5 feet in 12 feet require careful consideration in order to prevent snow accumulation and sliding that can injure individuals, destroy private property and create unnecessary maintenance headaches. Unprotected roof pitches should slope away from parking, roadways, service zones and accessible public areas. Snow fences and snow guards, flat roof sections[1] and/or arcades shall additionally be utilized as necessary to provide adequate snow protection.

Gabled roof forms are encouraged at entries as they protect from both sliding snow and annoying drips. Gabled dormers, however, create unnecessary valley conditions which can create significant snow build-up, flashing and related leakage problems. In order to minimize these problems, the Guidelines encourage simple roof forms, the elimination of unnecessary valleys and the use of flat vs. gabled dormers when possible.

In order to minimize sliding snow, use of high friction roofing materials such as asphalt shingles is recommended. Metal roofs are not recommended due to their relative lack of friction which can encourage snow sliding. Standing seam metal roof systems can additionally be damaged by creep or sliding snow.



Ice dam formation.

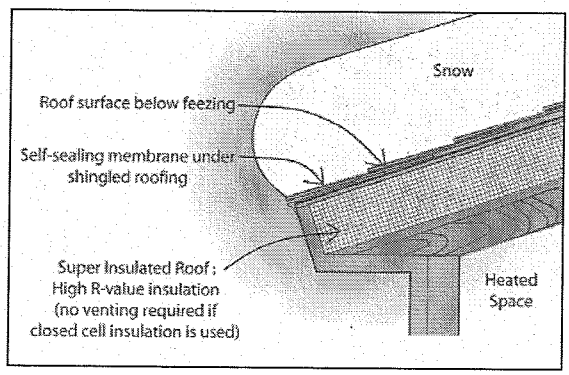
5.2 ICE DAMS

In addition to sliding, ice dams can create serious problems including roof leaks and the formation of potentially hazardous icicles. Ice dams form when snowmelt runs down a roof surface over a heated space, then hits the roof overhang, which is below freezing. The ice blocks the runoff, forcing it to

[1] A "flat" roof section should have a minimum positive slope of 1/4 inch per foot and drain toward a warm wall and away from pedestrians where possible.

back up under shingles and roofing felt, and eventually into the building. To prevent leaks, in general, the Guidelines recommend the use of self-sealing rubberized membranes under the selected roofing material.

To prevent falling ice and damage at the eaves/gutters, the Guidelines recommend heavy insulation to minimize melting and/or heated roof edges. The use of a super insulated roof assembly is effective in minimizing the formation of ice dams, keeping the roof cold with thick layers of rigid insulation atop the rafters that prevents the interior heating from melting snow on the roof.



Super insulated roof configuration.

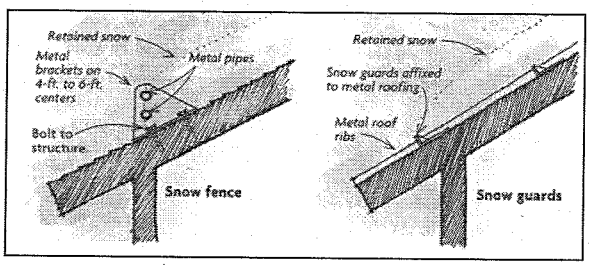
5.3 SNOW LOADING

Roofs shall be engineered to handle the maximum possible snow load in accordance with standard engineering practice and all applicable codes.

5.4 SNOW CLIPS AND FENCES

Although the roof forms of the buildings within Bear Valley Village represent the primary method for managing snow, additional systems, including snow guards, snow fences and snow clips, can help prevent snow slides by giving the snow a toehold near the edge of the roof. Heated eave systems, gutters, downspouts, and flashing should be used to further ensure safety to people and property. Snow fences may be made of timber or log members and should match the wood used on the building.

Heated gutters and downspouts may also be used as part of a well-functioning roof system. Gutter systems must be designed to prevent them from being destroyed by sliding snow.



Snow fences and snow guards can help prevent snow slides.

5.5 SNOW MELT SYSTEMS

Heated outdoor terracing and walkways can:

- Help eliminate slippery conditions for pedestrians (thereby reducing potential liability).

- Create outdoor activity zones.
- Reduce snow removal and maintenance.
- Prevent surface deterioration due to extreme freeze thaw cycles.

The downside is that heated walks can consume a considerable amount of energy; thereby undermining conservation efforts and increasing operation costs.

Where heated walkways are desirable (for example, the plaza areas where snow build-up is a problem), the Guidelines recommend using a sand or concrete system utilizing glycol/water filled polybutylene piping. A slip resistant surface is also important. For instance, a heated exposed aggregate surface, when wet, is less slippery than a broom finished concrete surface and does not suffer from the spalling characteristic of unheated areas. Pavers over glycol/water filled polybutylene piping have also been used successfully in resort areas, although the thickness of the paver can adversely affect heat transmission and, thus, the melting capacity of the surface.

6.0 APPLICATION OF THE GUIDELINES

6.1 CONSTRUCTION MANAGEMENT

All construction programs shall be compatible with Alpine County regulations and shall be administered by the DRC in accordance with the rules and regulations as set out in the Bear Valley Village Master Association Documents. No significant changes in plans or materials previously approved may be undertaken without approval by the DRC. In addition to the DRC, contract documents shall be submitted for approval to the Alpine County Planning, Building and other departments, as required, for all necessary permits or authorizations. Once begun, construction must be completed with expedition, strictly in accordance with the approved plan.

The area of disturbance for construction should be kept to a minimum and limited whenever possible to the immediate areas around the building excavation, in order to maintain existing natural landforms, drainages, vegetation, and other site characteristics, such as large trees. Some allowances will be required due to the practicality of the construction process, including accessibility. Fencing should be used to delineate and enclose all areas of disturbance.

A Construction Management Plan that clearly identifies the Area of Disturbance, construction parking, temporary buildings, fencing, signage, tree protection, erosion control measures, and other construction related items must be submitted and approved by the DRC prior to the start of construction.

Recommendations and criteria for construction activities are necessary and are addressed in the Bear Valley Village Master Plan. To verify the progress of all building projects and compliance with the required approvals, the DRC or its representative(s) may visit and monitor construction activity over its duration.

Please note the following:

- Every developer or his/her general contractor shall give written communication to the DRC and adjacent neighbors regarding the proposed and ongoing construction schedule and possible construction related inconveniences.

- Every general contractor shall provide a detailed plan of the construction site, including all proposed staging areas. The plan area shall be protected with unobtrusive snow fencing or other barricades prior to the commencement of construction.

- Construction trailers, fences and temporary structures shall be approved by the DRC before their erection.

- Best Management Practices (BMPs) measures are to be followed as outlined in the Bear Valley Village Master Plan.
- Excavation materials shall be removed to approved and regulated sites.
- Proper soil stabilization, re-vegetation and water control must be utilized during and subsequent to construction to minimize soil erosion and provide dust abatement.
- Daily cleanup of the construction site is mandatory. Trash and debris removal are the contractor's responsibility.
- Contractors shall comply with Alpine County's guidelines regarding noise and hours of construction and equipment operation. Materials, tools, equipment and construction trailers shall only be located in the approved staging area(s).
- Temporary self-contained chemical toilet facilities must be provided during construction. Toilets should be screened from public view.
- Upon completion of the building, the structure shall receive final review and approval by the DRC before a certificate of occupancy may be issued.

BEAR VALLEY VILLAGE
PLANNED DEVELOPMENT ZONING DESIGNATION

EXHIBIT A-4: MITIGATION MEASURES/CONDITIONS OF APPROVAL

Bear Valley Village Conditions of Approval/Mitigation Measures

Development of the project shall fully comply with all mitigation measures included in the Final Environmental Impact Report (FEIR) as certified by the Board of Supervisors on May 29, 2009, and in the Addendum as considered by the Board of Supervisors on December 18, 2012. These mitigation measures are included as conditions of approval and are specifically listed in this exhibit. For convenience, they have been renumbered as conditions of approval (e.g. Condition #1 is Mitigation Measure PHE-3/PHE-4). Conditions of approval that are separate and in addition to the mitigation measures included in the FEIR are also listed in this exhibit. Development of the project shall fully comply with these conditions of approval.

The County is also adopting findings under Public Resources Code section 21081, and a Mitigation Monitoring and Reporting Program ("MMRP") for the project. The findings and MMRP also adopt and require the project to carry out the mitigation measures listed in the findings and MMRP. These conditions of approval, the findings and the MMRP are intended to parallel one another, and to commit the project to the same set of mitigation measures. To the extent there are any discrepancies in the mitigation measures set forth in these documents, these discrepancies are inadvertent. In that event, the most stringent formulation of the mitigation measures shall apply.

1. Mitigation Measure PHE-3 & PHE-4: Develop an Employee Housing Implementation Plan.

The County will require the applicant to develop an Employee Housing Implementation Plan (EHIP) that ensures adequate employee housing is available to serve each phase of the project, including construction phases. The plan shall document the existing seasonal and permanent employee housing supply, estimate the number of new seasonal and permanent jobs that would be generated by each phase of development (including sheriff deputies), estimate the demand for employee housing needed for each phase of development, and describe whether the demand would exceed employee housing supplies. The plan shall describe feasible measures to be implemented by the applicant to ensure adequate employee housing is available for each phase of the project, including construction. Such measures may include but shall not be limited to:

- Construction of an employee housing facility
- Establishment of an employee rental housing placement program that matches employees with rooms or houses available for rent in or near Bear Valley
- Rental or purchase of existing housing in or near Bear Valley to be leased or provided to project employees

The EHIP shall be submitted to the Alpine County Planning Department for review and approval as part of the application for the first conditional use permit (CUP) for the project. An updated EHIP shall be submitted with each successive CUP application to the County Planning Department for review and acceptance prior to approval of the requested CUP.

If at a later date the applicant were to propose building an employee housing facility in an alternate location to meet the requirements of Mitigation Measure PHE-3, the County would perform subsequent environmental analysis in accordance with CEQA.

2. Mitigation Measure PS-1a: Provide funding for new firefighting equipment required to serve the project.

Prior to County approval of any CUP for the project, the County will require the applicant to provide documentation to the Planning Department that it has coordinated with the Bear Valley Public Safety Supervisor to determine the equipment levels required to serve each new phase of development. New equipment required to serve the project may include, but is not limited to, a ladder truck or hydraulic platform (snorkel) truck to serve buildings taller than 30 feet. The demand for new fire equipment may be reduced by incorporating fire-suppressing design and building materials into the project, or by reducing building height. To accommodate the demand for additional work space generated by the project, the sheriff and fire station building could be modified to allow for use of the second floor by installing an elevator to provide access to persons of all physical challenges in compliance with ADA. Other needed modifications include interior improvements for offices and retrofitting to accommodate the new fire equipment required for the project, Other equipment needed to serve the project may include emergency service communication equipment or facilities.

The applicant shall provide to the County the required funding needed for each development phase prior to approval of Improvement Plans/Grading Permit or other authorization to begin on site construction for that phase. When determining the amount of funding required for each project phase, the County will consider the conclusions of its FIA for the Bear Valley Village project and will ensure that all mitigation imposed on the project is roughly proportional to the project's impact. The County will ensure adequate equipment is in place to serve each phase of development prior to occupancy.

This mitigation measure is partly needed to mitigate the impacts of cumulative growth. As a result, the applicant would be eligible for reimbursement of equipment costs to implement this mitigation measure in excess of its fair share. A method of reimbursement shall be established by the County, which may include an executed agreement between the County and the applicant that is consistent with state law.

3. Mitigation Measure PS-1b: Provide funding for new emergency medical equipment required to serve the project.

Prior to County approval of any CUP for the project, the County will require the applicant to provide documentation to the Planning Department that it has coordinated with the Bear Valley Public Safety Supervisor to determine the equipment levels required to serve the portion of the project subject to the requested approval.

Equipment required to serve the project may include emergency medical vehicles (including oversnow vehicles) and emergency medical supplies. If the County determines that tax revenues from the project over time are not sufficient to pay for additional equipment to serve the project, the County will require the applicant to provide the equipment (or funding for the equipment) to serve the portion of the project subject to the requested approval as a condition of the approval.

This mitigation measure is partly needed to mitigate the impacts of cumulative growth. As a result, the applicant would be eligible for reimbursement of equipment costs to implement this mitigation measure in excess of its fair share. A method of

reimbursement shall be established by the County, which may include an executed agreement between the County and the applicant that is consistent with State law.

4. Mitigation Measure PS-3: Assess developer fees to help pay for additional facilities, or provide other methods for mitigating the impact in a manner acceptable to ACUSD.

ACUSD can assess developer fees for the project to help pay for additional facilities needed to serve new students generated by the project. ACUSD can assess these fees at a maximum rate of $2.97 per square foot of assessable space for residential development and $0.47 per square foot for commercial or industrial development as specified in Government Code Section 65995. These fees constitute the exclusive means of both "considering" and "mitigating" school facilities impacts of projects and are "deemed to provide full and complete school facilities mitigation" (Government Code Section 65996[a][h]). Alpine County will collect these fees from the applicant on behalf of the ACUSD before approval of Improvement Plans/Grading Permit or other authorization to begin on site construction for any project phase.

The applicant may propose alternative methods that accomplish needed mitigation to the satisfaction of ACUSD. Alternative methods may include provision of school facilities by the applicant within the Village project. Such facilities would be required to meet California state standards for construction of new school facilities. Any alternative method for mitigating school impacts would need to be acceptable to ACUSD. The applicant would be required to provide documentation of ACUSD's acceptance of alternative mitigation measure upon submittal of any application for a CUP.

5. Mitigation Measure U-2a: Provide proof of available sanitary sewer pipeline capacity prior to County approval of tentative subdivision maps and/or conditional use permits for each construction phase.

As part of the submittal for each CUP, the County will require the applicant to provide documentation to the Planning Department that BVWD has sanitary sewer line capacity available to meet the demand for the requested phase.

6. Mitigation Measure U-2b: Construct additional sanitary sewer system improvements if needed to serve the project.

BVWD can and should require the applicant to construct any improvements to BVWD sanitary sewer system necessary to serve the project. Improvement may include replacing existing pipelines with larger diameter pipelines. The applicant may be eligible for reimbursement of construction costs to implement this mitigation measure in excess of its fair share.

BVWD would perform California Environmental Quality Act (CEQA) review for any sanitary sewer system projects that have not already been evaluated under CEQA, and be required to adopt feasible mitigation measures for any significant impacts.

7. Mitigation Measure U-2c: Provide proof of available wastewater disposal facility capacity prior to County approval of conditional use permits for each construction phase.

As part of the submittal for each CUP, the County will require the applicant to provide documentation to the Planning Department that BVWD has wastewater disposal capacity available to meet the demand for the requested phase. The County will not approve any development phase without such documentation. Proof of wastewater disposal availability shall include documentation from BVWD stating that wastewater disposal capacity can meet wastewater disposal demands for the portion of the project subject to the requested CUP. Several alternatives may be available to BVWD for increasing its disposal capacity to accommodate wastewater generated by the project.

Any improvements to BVWD facilities would need to be carried out by BVWD or their assignees. Improvements to BVWD facilities, therefore, would not be considered County projects and would be subject to BVWD's oversight and approval authority. BVWD can and should verify the effectiveness of these or other wastewater facility improvements after their implementation and before quantifying the wastewater capacity increase derived from the improvements. In addition, BVWD would serve as lead agency under CEQA and would perform CEQA review for any wastewater disposal projects subject to CEQA, and would be required to adopt feasible mitigation measures for any significant impacts.

- Lining of the Diversion Ditch. One feasible method of increasing disposal capacity involves lining the earthen cutoff diversion ditch that runs along the southeast side of BVWD's polishing reservoir. According to a memorandum prepared by engineering consultant MWH, re-grading and lining this earthen ditch would improve the performance of the ditch by 60 percent, increasing BVWD's wastewater disposal capacity by 264 SFE's (MHW 2011). When combined with BVWD's disposal capacity that is currently available for the project (223 SFEs), this improvement would increase BVWD's total wastewater disposal capacity available to the project to an estimated 487 SFEs (223 SFEs + 264 SFEs = 487 SFEs). This would be sufficient to accommodate all 385 SFEs of wastewater that would be generated by the project.

- Grading of the Diversion Ditch. According to the MWH memorandum, re-grading the cutoff diversion ditch would increase BVWD's disposal capacity by up to 130 SFEs (MWH 2011). When combined with BVWD's disposal capacity that is currently available for the project (223 SFEs), this improvement would increase BVWD's total wastewater disposal capacity available to the project to an estimated 353 SFEs (223 SFEs + 130 SFEs = 353 SFEs). Because this capacity would not be sufficient to accommodate all 385 SFEs of wastewater that would be generated by the project, this alternative may need to be combined with other alternative solutions for increasing BVWD's disposal capacity.

- Additional Spray Fields. Adding spray fields to increase the amount of land discharge of treated wastewater would increase BVWD's disposal capacity. According to BVWD, the addition of approximately 52 acres of spray fields would provide BVWD with 650 additional SFEs, which would be sufficient to accommodate build-out of the entire BVWD service area, including the project (BVWD 2011).

- Other Options. Other options for increasing BVWD's wastewater disposal capacity may include planting hydrophytic vegetation such as pasture grasses, willows, or aspens in the spray fields to increase transpiration; or installation of

subsurface irrigation fixtures to extend the length of the disposal season when snow covers the ground and spraying is not feasible.

BVWD would perform project-level CEQA review for any wastewater disposal projects that have not already been evaluated under CEQA, and would be required to adopt feasible mitigation measures for any significant impacts. ***8. Mitigation Measure U-2d: Fair-share funding for BVWD wastewater disposal facility improvements.***

BVWD can and should require the applicant to provide fair-share funding for any improvements to BVWD wastewater disposal facilities (i.e., post-treatment) necessary to serve the project. These improvements could include expansion of the disposal facilities to accommodate the increase in wastewater generated by the project.

In order to be implemented, the costs of the wastewater disposal facilities improvements would need to be determined, and the project's fair share calculated. Payment of these costs should be required by BVWD prior to issuance of sewer connection permits for the project. BVWD would perform CEQA review for any wastewater disposal projects that have not already been evaluated under CEQA, and would be required to adopt feasible mitigation measures for any significant impacts.

9. Mitigation Measure U-3: Minimize the use of copper water supply and wastewater pipes and fixtures.

The County will require the applicant to minimize use of water supply and wastewater pipes and fixtures that contain copper. To the degree allowed by the California Plumbing Code, the applicant shall specify non-copper plumbing materials on building plans submitted to the County Building Department for review and approval. Non-copper plumbing materials for water supply may include chlorinated polyvinyl chloride (CPVC) and cross-linked polyethylene (PEX). Non-copper plumbing materials for wastewater disposal may include cast iron and polyvinyl chloride (PVC). All plumbing pipes, fixtures, and materials shall conform with the California Plumbing Code and shall be subject to review and approval by the County Building Department.

The use of copper pipe shall be allowed if the applicant demonstrates any one of the following:

- Copper piping would not result in exceedence of BVWD's water quality limits for copper
- The water flowing through the copper piping would not contribute to elevated copper concentrations in BVWD wastewater
- The source of elevated copper concentrations is identified and addressed and BVWD concludes that copper piping would not affect these elevated concentrations
- Further testing shows that copper concentrations in BVWD wastewater meets the water quality standards for copper.

BVWD can and should require the applicant to use non-corrosive sewer pipeline materials when constructing sewer collection lines.

10. Mitigation Measure HWQ-1: Implement BMPs to control construction-related stormwater runoff, erosion, and sedimentation.

As part of the submittal for each discretionary entitlement request that would involve construction activity (i.e., conditional use permit [CUP] and/or tentative map [TM]), the County will require the applicant to provide construction staging plans for the requested phase of construction to the County Public Works Department. Such plans shall, at a minimum, include the following provisions to reduce construction-generated erosion and minimize potential adverse construction impacts on water quality in Bear Creek, its tributaries, and downstream surface waters:

- The limiting of site disturbance for all construction associated with the proposed activity or phase of construction and the methods of limiting site disturbance adjacent to these areas
- Limit site disturbance such as clearing, grubbing, and grading to between May 1 and October 15, unless special authorization is provided by the County
- No heavy construction equipment shall operate within 100 feet of any creek during periods when soils are saturated from rain or snowmelt
- No heavy construction equipment shall operate within 100 feet of any creek unless temporary BMPs are installed to ensure that such operation does not result in any discharge of pollutants to the drainage whatsoever
- Temporary measures for controlling seasonal runoff and stormwater flows from the construction area, including all staging areas and any other area where site disturbance will occur during construction
- Protect exposed soil during the spring and summer construction season from erosion caused by thunderstorms, focusing particular attention on areas near Bear Creek and wetland habitat
- Locations of stockpiles for excavated materials and the method of stabilizing stockpiles in order to reduce the potential for soil erosion
- Locations of all staging areas for construction offices, equipment, and construction materials and the methods of limiting site disturbance adjacent to these areas
- Identification of all trees, drainages, and wetland areas within 25 feet of all areas subject to construction activity or used as a construction staging area and the method of isolating or protecting these features so that they are not disturbed except where disturbance or removal of the identified feature is specifically allowed by the project approvals

Prior to County approval of a TM and/or CUP for any phase that would involve construction activity, the County will require the applicant to provide proof of coverage under the General Permit for Discharges of Stormwater Associated with Construction Activity from the Central Valley RWQCB. The SWPPP will identify the sources of sediment and other pollutants on site and ensure the reduction of such pollutants in stormwater discharged from the site. The SWPPP will include an Erosion and Sedimentation Control Plan and provide descriptions of BMPs selected to control erosion, sediment discharge, and other pollutant sources during construction. Appropriate BMPs will be implemented throughout the duration of construction activities.

Typical BMPs may include the following:

- Use temporary erosion control measures (such as silt fences, staked straw bales, and temporary revegetation) in disturbed areas, and ensure no disturbed surfaces are left without erosion control measures in place during the winter and spring months.
- Retain sediment on-site by a system of sediment basins, traps, or other appropriate measures.
- Develop a spill prevention and countermeasure plan to identify proper storage, collection, and disposal measures for potential pollutants (such as fuel, fertilizers, pesticides, etc.) used on-site.
- Schedule construction activities to minimize land disturbance during peak runoff periods and restrict to the immediate area required for construction.
- Implement soil conservation practices to reduce erosion during spring and summer runoff, and retain existing vegetation where possible.
- Control surface water runoff by directing flowing water away from critical areas and by reducing runoff velocity; use diversion structures such as terraces, dikes, and ditches to collect and direct runoff water around vulnerable areas to prepared drainage outlets; use surface roughening, berms, check dams, hay bales, or similar devices to reduce runoff velocity and erosion.
- Contain sediment when conditions are too extreme for treatment by surface protection; use temporary sediment traps, filter fabric fences, inlet protectors, vegetative filters and buffers, or settling basins to detain runoff water long enough for sediment particles to settle out; store, cover, and isolate construction materials, including topsoil and chemicals, to prevent runoff losses and contamination of groundwater.
- Store and treat topsoil removed during construction as an important resource, and place berms around topsoil stockpiles to prevent runoff during storm events.
- Establish fuel and vehicle maintenance areas away from all drainage courses and design these areas to control runoff.
- Revegetate disturbed areas after completion of construction activities.

To reduce construction-generated erosion and minimize potential adverse water quality impacts from construction of its proposed snowmobile parking and trailer loading areas, the County shall also develop and implement a SWPPP that includes BMPs.

11. Mitigation Measure HWQ-2: Implement Water Quality Control Measures

Prior to any site disturbance associated with any phase of construction, the applicant shall obtain approval of improvement plans for that phase of construction from the County Public Works Department. Such phased improvement plans shall, at a minimum, include the following provisions to reduce erosion and minimize potential adverse impacts on water quality in Bear Creek and downstream surface waters:

- Permanent sediment control structures designed to achieve a minimum 80 percent reduction in sediment load leaving the site and to comply with the design standards contained in the Alpine County Subdivision Ordinance and any other applicable ordinances or standards addressing site grading, erosion control, or drainage that may be adopted by Alpine County.

- Permanent drainage control structures which prevent non-point source runoff from directly entering the natural drainage courses or wetland areas within or adjacent to the site.
- A water quality control program identifying stormwater BMPs to incorporate into project design and manage urban runoff. Monitoring of stormwater runoff may be required to ensure surface water quality in downstream drainages is not substantially affected by the project.

A variety of stormwater BMPs is available for managing urban runoff. Stormwater BMPs are most effective when implemented as part of a comprehensive stormwater management program that includes proper selection, design, construction, inspection, and maintenance measures. Stormwater BMPs can be grouped into two broad categories: structural and non-structural. *Structural* BMPs are used to treat the stormwater at either the point of generation or the point of discharge to the stormwater sewer system or to receiving waters. *Non-structural* BMPs include a range of pollution prevention, education, institutional, management, and development practices designed to limit the conversion of rainfall to runoff and to prevent pollutants from entering runoff at the source of runoff generation. Table 3.5-2 provides a summary of a variety of commonly used structural and nonstructural stormwater BMPs.

Typical BMPs for Managing Post-construction Urban Runoff

BMP	Purpose
General community outreach	Increase public awareness of the need to and how to control non-point source pollution
Constructed wetland basin or water quality basin	Permanent or temporary storage for regulating downstream releases to reduce pollutant discharge
Catch basin cleaning	Capture and remove sediment and debris such as trash and leaf litter
Commercial and retail space: good housekeeping	Reduce pollutants in runoff by using porous pavement or modular paving systems for vehicle parking lots, limit exposure of materials and equipment to rainfall, clean up spills, use dry cleanup techniques instead of wet techniques, and limit direct runoff of rooftops to storm drains
Pesticide/herbicide use	Reduce the amount of pesticides that are carried by urban runoff through education and using alternatives to pesticides, such as an integrated pest management program and insecticide soap or natural bacteria
Street cleaning program	Remove a significant portion of pollutants contributed from streets and parking lots
Filtration systems	Remove constituents found in runoff
Vegetated systems (biofilters)	Convey and treat either shallow flow (swales) or sheetflow (filter strips) runoff
Minimize directly connected impervious surfaces	Reduce amount of surface area directly connected to the storm drainage system by minimizing or eliminating traditional curbs and gutters
Pervious paving	Reduce stormwater runoff by allowing snowmelt and rainfall to infiltrate the ground

12. Mitigation Measure BR-2a: Implement a wetland mitigation plan for permanent impacts to wetlands and water features related to the Village, the Village Lift, and SR 4 improvements in compliance with the Clean Water Act and Alpine County General Plan to achieve no net loss.

The County will require the applicant to implement a wetland mitigation plan to achieve no net loss of wetland functions and values. The applicant shall conduct a waters of the U.S. delineation for the SR 4 improvement portion of the project area and submit it to the USACE for formal verification. Further, the applicant shall submit the waters of the U.S. Primary Delineation prepared by Jones and Stokes for the Village and Village Lift project areas to USACE for verification. Estimated impacts to waters of the U.S. shall be refined based on the verified delineation and specific grading plans. Proof of verification of the waters of the U.S. delineation by the USACE for each phase of development shall be submitted to the County as part of the discretionary permit application (tentative map [TM] and/or conditional use permit [CUP]) for each phase of development that would involve construction activity. The applicant will be responsible for obtaining a Clean Water Act Section 404 permit if required and implementing a wetland mitigation plan to offset the loss of impacts to jurisdictional waters.

A wetland mitigation plan that mitigates impacts caused by a particular phase of development shall be provided to the County prior to approval of a CUP for that phase. The wetland mitigation plan shall include measures to avoid direct impacts to jurisdictional resources wherever possible, discuss compensatory mitigation measures for permanent impacts, and describe mitigation measures for temporary impacts. Within the Village Lift alignment, chair lift towers and supporting structures shall be designed to avoid wetlands and ephemeral drainages if feasible. Permanent impacts to waters of the U.S. will require compensatory mitigation to ensure no net loss of aquatic functions or values. For direct impacts that cannot be avoided, mitigation measures may include on-site restoration of wetlands or off-site mitigation through creating or restoring off-site wetlands.

The wetland mitigation plan shall also include measures to avoid or minimize temporary impacts to jurisdictional waters. These measures may include best management practices (BMPs) for erosion control (see Section 3.5 [Hydrology and Water Quality] and Mitigation Measures HWQ-1 and HWQ-2) as well as measures to maintain normal downstream flows and minimize flooding to the maximum extent practicable. Temporary fills shall be placed in a manner that will not be eroded by expected high flows, and they shall be removed in their entirety following construction. All temporarily affected areas shall be returned to pre-construction elevations and conditions, including revegetating, as appropriate.

13. Mitigation Measure BR-2b: Implement a wetland mitigation plan for permanent impacts to wetlands and water features related to the proposed ski runs to achieve no net loss.

The USFS can and should require the applicant for the installation of the proposed ski runs to conduct a waters of the U.S. delineation for USFS land within the ski run alignments and implement measures during ski run design and construction to achieve no net loss of wetland functions and values. The results of the delineation shall be submitted to the USACE for formal verification. Ski runs shall be designed to avoid direct impacts to jurisdictional resources wherever possible. To achieve no net loss, the USFS can and should require mitigation measures to minimize temporary impacts, as well as compensatory mitigation for permanent impacts, if any will occur as a result of ski run improvements. [Note to County: applicant for ski trails may not be the "applicant" for BVV.]

Prior to granting approval for use of County owned open space/common area for the ski runs on non USFS lands, the County will require the implementation of a wetland mitigation plan to achieve no net loss of wetland functions and values for portions of the ski runs outside of USFS land. There shall be a formal delineation of portions of the ski runs outside of USFS land for waters of the U.S. and submittal a Preliminary Delineation to the USACE for verification. Specific direct impacts to jurisdictional waters shall be calculated based on the proposed ski run alignments and the verified delineation. Proof of verification of the waters of the U.S. delineation by the USACE shall be required prior to the County granting approval for the ski runs. A Clean Water Act Section 404 authorization shall be obtained and if required and the requestor shall implement a wetland mitigation plan to offset the loss of impacts to jurisdictional waters.

A wetland mitigation plan that mitigates impacts caused by ski run improvements outside USFS land shall be provided to the County prior to the County granting approval for the ski runs. The wetland mitigation plan shall include measures to avoid direct impacts to jurisdictional resources wherever possible, discuss compensatory mitigation measures for permanent impacts, and describe mitigation measures for temporary impacts. New ski runs shall be aligned to avoid wetlands and other jurisdictional waters wherever possible. Permanent impacts to waters of the U.S. will require compensatory mitigation to ensure no net loss of aquatic functions or values. For direct impacts that cannot be avoided, mitigation measures may include on-site restoration of wetlands or off-site mitigation through creating or restoring off-site wetlands. The wetland mitigation plan shall also include measures to avoid or minimize temporary impacts to jurisdictional waters.

14. Mitigation Measure BR-2c: Comply with terms of a Streambed Alteration Agreement and implement best management practices during construction.

The County will require the applicant to notify the CDFG of any activities outside of USFS land that could adversely affect fish and wildlife resources associated with construction activities in drainages on-site or in downstream drainages (i.e., North Fork Stanislaus River). A notification package for a Streambed Alteration Agreement shall be submitted to CDFG prior to project construction activities that may affect these resources. The CDFG will determine if the project requires a Streambed Alteration Agreement and will issue a draft agreement to the applicant, if necessary. The applicant will be required to comply with terms of the agreement and implement measures to avoid, minimize, or compensate for impacts to drainages and wetlands that could adversely affect fish and wildlife. These measures may include best management practices (BMPs) for erosion control (see Section 3.5 [Hydrology and Water Quality], Mitigation Measures HWQ-1 and HWQ-2), compensatory mitigation for impacts to wetlands and drainages (Mitigation Measure BR-2a), and minimization of activities during the wet season. Proof of compliance with the terms of the Streambed Alteration Agreement shall be provided to the County prior to approval of Improvement Plans/Grading Permit or other authorization to begin on site construction.

The USFS can and should require the applicant to submit a notification package for a Streambed Alteration Agreement to the CDFG for activities on USFS land that could adversely affect fish and wildlife resources associated with construction in drainages on-site or in downstream drainages. The applicant shall comply with terms of the agreement and implement measures to avoid, minimize, or compensate for impacts to drainages and wetlands that could adversely affect fish and wildlife.

15. Mitigation Measure BR-2d: Implement a wetland mitigation plan for permanent impacts to wetlands and water features related to the County snowmobile parking and trailer loading areas.

The County shall conduct a formal waters of the U.S. delineation for the proposed snowmobile parking area and trailer loading area and shall submit the results to the USACE for verification. If waters of the U.S. are present that would be affected by development of the parking and loading areas, the County shall implement a wetland mitigation plan to achieve no net loss of wetland functions and values. The County shall first consider using snow as fill material in the snowmobile parking area rather than earth.

The mitigation plan shall include measures to minimize temporary impacts and return affected areas to pre-construction conditions, where possible. Permanent impacts would require compensatory mitigation to ensure no net loss of aquatic functions or values (see Mitigation Measure BR-2a above).

The County shall also comply with the terms of a Streambed Alteration Agreement, if required by the CDFG. A notification package for a Streambed Alteration Agreement shall be submitted to CDFG if impacts to fish and wildlife resources in downstream or project area drainages are anticipated. The CDFG will determine if the project requires a Streambed Alteration Agreement and will issue a draft agreement to the County if necessary. Specific requirements may include BMPs for erosion control, implementation of compensatory mitigation, and minimization of activities during the wet season.

16. Mitigation Measure BR-3a: Avoid direct take of special status plant species during construction activities for the ski runs and snowmobile trailer loading area.

The USFS can and should require the applicant for the installation of the proposed ski runs to conduct focused surveys for special status plants within the ski run alignments on USFS land and implement measures during ski run design and construction to avoid and minimize impacts to individuals and local populations. Surveys shall focus on species listed in the Plant Survey Report (Basey 2007) as having the potential to occur within the greater project area and shall occur during the appropriate blooming period for the species.

Prior to granting approval for use of County owned open space/common area for the ski runs on non USFS lands, the County will require focused surveys for special status plants within the portions of the ski run alignments outside USFS land and implement measures during ski run design and construction to avoid and minimize impacts to individuals and local populations. The surveys shall be conducted within the ski run alignments to assess potential direct impacts and determine if a local population exists on-site that would be affected by ski run construction. Surveys shall focus on species listed in the Plant Survey Report (Basey 2007) as having the potential to occur within the greater project area and should occur during the appropriate blooming period for the species. The focused surveys will be required prior to County approval of the ski runs. The surveys shall be conducted by a qualified botanist during the appropriate blooming period for each species (July to August) in accordance with CDFG's *Guidelines for Assessing the Effects of Proposed Projects on Rare, Threatened, and Endangered Plants and Plant Communities* (CDFG 2000).

Prior to constructing the snowmobile trailer loading area, the County will conduct focused surveys for special status plants within the portions of the loading area outside the Village Lift alignment to assess potential direct impacts and determine if a local population exists on-site that would be affected by loading area construction. The County will implement measures during the loading area design and construction to avoid and minimize impacts to individuals and local populations. Surveys shall focus on species listed in the Plant Survey Report (Basey 2007) as having the potential to occur within the greater project area and should occur during the appropriate blooming period for the species. The surveys shall be conducted by a qualified botanist during the appropriate blooming period for each species (July to August) in accordance with CDFG's *Guidelines for Assessing the Effects of Proposed Projects on Rare, Threatened, and Endangered Plants and Plant Communities* (CDFG 2000).

If the results of the surveys determine that no special status plant species exist within the ski run alignments or snowmobile trailer loading area, then no further measures are necessary.

If the survey determines that special status plant species exist within the project area, the survey shall evaluate the potential for modifying the ski run alignments (or trailer loading area) to avoid populations or individuals of special status plants. The survey shall also include individual or population counts and an assessment of the potential to relocate individuals. A CDFG-approved restoration plan shall also be provided to the County prior to County approval for the ski runs, and the County will prepare such a plan prior to construction of the trailer loading area. Relevant provisions of the restoration plan (e.g., a clearly marked 50-foot "no-disturbance" buffer around individuals or populations) shall be included in the grading and construction plans.

17. Mitigation Measure BR-3b: Implement a restoration plan for the loss of special status plants.

If any special status plant species would be directly affected by construction activities outside USFS land, the County will require the applicant to prepare and implement a restoration plan, in coordination with CDFG, to compensate for take of the plants. The plan shall discuss the ability to relocate individuals (transplant) to suitable habitat in the project area or a designated off-site area that would be preserved. If individuals cannot be transplanted, they shall be replaced through artificial propagation or seed transfer of plant materials from the project area to a designated restoration site. The ratio of replacement to loss shall exceed a 1:1 ratio (based on number of individuals and in coordination with CDFG) for all species and shall replace the quality of the habitat affected by the project. The restoration plan shall also describe site selection criteria, propagation methods, irrigation, installation designs, maintenance procedures, monitoring guidelines, success criteria, and a project timeline.

If transplanting or replacing plants is not determined to be feasible, the County will require the applicant to provide off-site mitigation by protecting suitable habitats that support populations of special status plants. The size and location of the acquisition will vary depending upon the results of the focused survey and the type, condition, extent and rarity of the habitat and species, and must be approved by CDFG.

The CDFG-approved restoration plan shall be provided to the County prior to approval of Improvement Plans/Grading Permit or other authorization to begin on site construction for any phase affecting special status plants.

If any special status plant species would be directly affected by snowmobile trailer loading area construction activities, the County will prepare and implement a restoration plan, in coordination with CDFG, to compensate for take of special status plants within the trailer loading area.

The USFS can and should require the applicant to prepare and implement a restoration plan, in coordination with CDFG, to compensate for take of special status plants within the ski run alignments on USFS land.

18. Mitigation Measure BR-6: Avoid impacts to raptor and other protected bird nest sites during construction activities.

The County will require the applicant to conduct pre-construction nest surveys in the portions of the applicant's proposed project area (and surrounding 100–500 feet) located outside USFS land within 30 days prior to grading, vegetation removal, or other ground-disturbing construction activities when those activities would occur during the breeding season for birds (March 1 to August 31).

The County shall conduct pre-construction nest surveys in the snowmobile loading area (and surrounding 100–500 feet) located outside USFS land within 30 days prior to grading, vegetation removal, or other ground-disturbing construction activities when those activities would occur during the breeding season for birds (March 1 to August 31).

The surveys will be conducted by a qualified biologist to identify and locate active nests of raptors and migratory and resident songbirds. Surveys shall be limited to suitable habitat within the project area and surrounding 100-foot buffer for songbirds; raptor surveys will be limited to suitable habitat within the project area and surrounding 500 feet. Trees containing active nests shall be removed during the non-nesting season (September through February). If no active nests are found during the pre-construction surveys, no further measures relating to nest disturbances would be necessary.

All active nest sites identified during field surveys shall be flagged, and a "no-disturbance" buffer shall be established around the nest site using bright-colored flagging, stakes, and other means necessary to inform construction crews to avoid the area. The surveying biologist shall determine the appropriate size for the buffer in consultation with CDFG, and shall be based on the nesting species, its sensitivity to disturbance, and the expected types of disturbance. Construction activities shall be directed away from the nest site until the young have fledged or as determined appropriate by a qualified biologist or the CDFG.

The USFS can and should require the applicant to conduct pre-construction nest surveys within the ski run alignments and along the Village lift alignment on USFS land and implement measures during ski run and chair lift construction to avoid and minimize impacts to nesting birds, including construction outside of the breeding period or use of no-construction buffers.

19. Mitigation Measure BR-7: Conduct pre-construction surveys, and avoid or minimize impacts to roosting pallid bats and their young during construction.

The County will require the applicant to conduct pre-construction bat surveys in the applicant's proposed project areas subject to disturbance and outside USFS land within 30 days prior to construction activities that would occur during the reproductive period for bats (April 1 to October 31).

The County shall conduct pre-construction bat surveys in the snowmobile trailer loading area 30 days prior to construction activities that would occur during the reproductive period for bats (April 1 to October 31).

The surveys will be conducted by a qualified biologist to identify and locate active roost sites of special status bats. The survey shall include suitable habitat in the project area and a 100-foot buffer and should focus on large trees and snags that would be removed within the project area. If no active roost sites are found during the pre-construction surveys, no further measures relating to roost disturbances would be necessary.

All active maternity roost sites identified during field surveys shall be flagged, and a 100-foot "no-disturbance" buffer shall be established around the site using bright-colored flagging, stakes, and other means necessary to inform construction crews to avoid the sites. Construction activities shall be directed away from the roost site until the young are capable of flying or as determined appropriate by a qualified biologist or the CDFG. For active day-roost sites, bats shall be excluded from or otherwise removed from the trees or structures prior to removal or demolition. For bats that must be relocated due to project activities, the applicant and/or County shall coordinate with CDFG, and a qualified biologist in possession of an applicable CDFG Memorandum of Understanding shall remove and relocate the roosting bats prior to construction activities within 100 feet of the roost site.

Construction crews will also be informed about the identification and regulatory protections of the pallid bat.

The USFS can and should require the applicant to conduct pre-construction surveys within the ski run and Village Lift alignments on USFS land and implement measures during ski run and chair lift construction to avoid and minimize impacts to pallid bat, including construction outside of the breeding period, use of no-construction buffers, exclusion measures, or relocation by a qualified biologist.

20. Mitigation Measure BR-9a: Avoid impacts to raptor and other protected bird nest sites during construction activities.

Implement Mitigation Measure BR-6.

21. Mitigation Measure BR-9b: Conduct pre-construction surveys, and avoid or minimize impacts to roosting pallid bats and their young during construction.

Implement Mitigation Measure BR-7.

22. Mitigation Measure CR-1: Implement construction monitoring by a qualified archaeologist for the protection of known cultural resources.

The County will require a qualified archaeologist who meets the Secretary of the Interior's Standards for archaeologists (National Park Service 1983) to monitor ground-disturbing activities in native sediments/soils within 100 feet of sites CA-ALP-100 and CA-ALP-138. Construction work within stockpile and/or fill material does not require monitoring. The monitor shall be empowered to temporarily halt construction in the immediate vicinity of a discovery while it is evaluated for significance. Construction activities could continue in other areas. If the discovery proves to be significant, the following measures shall be implemented. Preservation is the preferred treatment, but if preservation is not feasible by such measures as avoidance, incorporation within open space or conservation easement, or capping beneath a layer of sterile soil, data recovery through excavation may be required (PRC Section 21083.2, Section 21084.1; CEQA Guidelines Section 15126.4[b][3]). The qualified archaeologist shall prepare a data recovery plan, to be approved by the Alpine County Planning Department (and any other relevant regulatory agencies [e.g., USACE if the resource is located within its area of potential effect]) prior to the start of any archaeological excavation. The technical report detailing the results of the data recovery shall be submitted to the Alpine County Planning Department; Bear Valley Village I and II, LLC; the CCIC; and any relevant regulatory agency. At the conclusion of archaeological monitoring, a monitoring report shall be prepared and submitted to the Alpine County Planning Department; Bear Valley Village I and II, LLC; the CCIC; and any relevant regulatory agency.

23. Mitigation Measure CR-2a: Conduct a pre-construction survey for cultural resources and ensure adequate recordation, protection, or recovery of any significant resources.

The County will require the applicant to obtain a qualified professional archaeologist to complete an intensive-level pedestrian survey of the portion of its proposed project area outside USFS land that was not surveyed in October 2006 and July 2007 prior to initiation of ground-disturbing activities. The unsurveyed areas generally refer to the portions of the proposed ski runs located outside USFS land.

The County shall obtain a qualified professional archaeologist to complete an intensive-level pedestrian survey of the portion of the snowmobile trailer loading area that was not surveyed for the Village Lift in October 2006 and July 2007 (e.g., less than 0.1 acre) prior to initiation of ground-disturbing activities.

The pedestrian survey shall be conducted in compliance with Section 106 requirements of the NHPA (36 CFR 800) and CEQA requirements (14 CCR 15064.5 and PRC 21083.2) and in accordance with the standards set by the Secretary of the Interior. After completion of the surveys, the qualified archaeologist shall complete a technical report documenting the results of all work, and any cultural resources identified during the survey shall be formally recorded on Department of Parks and Recreation series 523 forms. The report shall meet the Secretary of Interior's Standards and Guidelines and follow the Office of Historic Preservation's ARMR guidelines (*Archaeological Resource Management Reports: Recommended Contents and Format*). The report shall include assessment of the significance of any newly identified resources, and recommend appropriate procedures to either further investigate or mitigate adverse impacts in conformance with the protocols set forth in Section 106 and PRC Section 5097.98.

The applicant shall submit a copy of the technical report for its proposed project area as part of any application for a tentative map (TM) and/or conditional use permit (CUP) that would involve construction activity for any portion of the project area that has not been surveyed. The applicant shall include on all grading plans and construction contracts notation of the discovery measures (see below) that would be implemented if cultural resources are discovered during project implementation.

The USFS can and should require the applicant to obtain a qualified professional archaeologist to complete an intensive-level pedestrian survey of the portion of the project area on USFS land that was not surveyed in October 2006 and July 2007 prior to initiation of ground-disturbing activities.

24. Mitigation Measure CR-2b: Implement inadvertent discovery measures for the protection of cultural resources, including human remains.

The County will require the applicant to include on all grading plans and construction contracts for work outside USFS land notation of the following cultural resource discovery measures that shall be implemented if cultural resources are discovered during project implementation.

If cultural resources, including human remains, are discovered during construction or earth-disturbing activities without an archaeological monitor present, the applicant or County shall halt all activities within 100 feet of the find until a qualified professional archaeologist can evaluate it. The archaeologist shall examine the resources, assess their significance, and recommend appropriate procedures to either further investigate or mitigate adverse impacts on the resources encountered in consultation with the relevant regulatory agencies and/or in conformance with the protocols set forth in PRC Section 5097.98. Any human remains and associated funerary objects encountered during construction shall be treated in accordance with the California Health and Safety Code Section 7050.5 if on private land and in accordance with the requirements of the Native American Graves Protection and Repatriation Act (NAGPRA) of 1990 (25 USC 3001-3013), and implementing regulations at 43 CFR 10.4 if on federal land.

The USFS can and should require the applicant to include on all grading plans and construction contracts for work on USFS land notation of the cultural resource discovery measures described above.

25. Mitigation Measure CR-3: Incorporate bedrock mortar into relocated fireplace or place in interpretive exhibit.

The bedrock mortar in the existing fireplace should not be destroyed but should be incorporated into the project in a way that guarantees public enjoyment and appreciation of this type of grinding tool, such as at an outdoor exhibit within the new Village with interpretive signage to explain its function and association with indigenous Californians.

26. Mitigation Measure CR-4: Implement inadvertent discovery measures for the protection of paleontological resources.

The County will require the applicant to include on all grading plans and construction contracts for work outside USFS land notation of the following paleontological resource discovery measures that shall be implemented if such resources are discovered during

project implementation. The County shall include these measures on all grading plans and construction contracts for the snowmobile parking and trailer loading areas.

If paleontological resources are discovered during construction, the applicant or County shall halt all activities in the immediate vicinity of the find until a qualified professional paleontologist can evaluate it. The paleontologist shall examine the resources, assess their significance, and recommend appropriate procedures to either further investigate or mitigate adverse impacts on the resources encountered in conformance with CEQA statutes and guidelines for the protection of paleontological resources. Mitigation measures may include salvage of macrofossils, sampling of sediments for microfossils, and curation. Once mitigation measures are complete, the paleontologist shall prepare a technical report detailing the results of the recovery to be filed with the Alpine County Planning Department; Bear Valley Village I and II, LLC; and any relevant regulatory agency.

The USFS can and should require the applicant to include on all grading plans and construction contracts for work on USFS land notation of the paleontological resource discovery measures described above.

27. Mitigation Measure A-4: Implement a lighting plan for every development phase.

As part of the application submittal for a conditional use permit (CUP) for each phase of development, the project proponent shall submit to the County a plan for outdoor lighting (and interior lighting sources visible from off-site locations) showing all proposed exterior lighting (and interior lighting sources visible from off-site locations) on the site, including all light sources for buildings, driveways, landscaping, signs, parking structures, commercial windows, and public areas. All exterior lighting fixtures shall be full cutoff type and provide only the minimal amount of light necessary for safe pedestrian and vehicular access to the site and the dwelling units. All interior lighting sources visible from off-site locations should be shielded in a manner that precludes light sources from shining directly toward the sky. Project lighting shall not cause glare beyond the boundaries of the site.

28. Mitigation Measure TC-2: Contribute traffic mitigation fees to reduce SR 4 traffic congestion in Arnold and Murphys generated by the project.

Passing Lanes

The traffic study prepared by LSC determined that construction of 8.8 miles of climbing or passing lanes on SR 4 between Moran Road East (on the eastern edge of Arnold) and Big Trees Road (in Murphys) would allow SR 4 to operate at LOS "C" or better, thereby reducing this impact to a less-than-significant level. One mile of passing lane would mitigate an existing deficiency; therefore, the project would be responsible for 7.8 miles. Constructing 7.8 miles of climbing or passing lanes, however, would be financially infeasible for the project. Based on average costs for SR 4 projects included in the Calaveras County 2007 Regional Transportation Plan (LSC 2007), and adjusting for terrain, a unit cost of $630,000 per mile (2007 dollars) is estimated, which equals $645,000 per mile in 2008 dollars. For 7.8 miles of additional lanes, the total construction cost for the applicant would be $5 million (2008 dollars), which equates to more than $10,000 per privately owned Equivalent Dwelling Unit (EDU) and would render these

improvements infeasible (refer to *Feasibility of Funding SR 4 Widening* memo in Appendix G).

The environmental consequences of constructing 8.8 miles of climbing or passing lanes in this area may also be undesirable. For example, widening of SR 4 could adversely affect sensitive habitats (e.g., wetland and riparian) or other environmental resources along the roadside. In addition, widening the highway between central Arnold and Moran Road East could alter the scenic character of a 1-mile section of SR 4 that has been designated a state scenic highway and holds National Scenic Byway (NSB) status. For these reasons, neither Alpine County nor Calaveras County supports constructing 8.8 miles of climbing or passing lanes to mitigate this impact. Calaveras County indicated its opposition to these passing lanes during two meetings with Alpine County in June and August 2008, and in written correspondence to Alpine County dated June 30, 2008 (Appendix G).

Calaveras County Road Impact Mitigation Fee Program

This impact is located entirely within Calaveras County. Therefore, Alpine County considered whether requiring the applicant to pay into the Calaveras County Road Impact Mitigation (RIM) Fee program would mitigate the project's LOS impact on SR 4. Under this program, Calaveras County imposes RIM fees on development projects throughout Calaveras County, and is used to fund a variety of improvements both on and off of the state highway system. If the RIM fee rates are applied to the proposed project, a total fee of roughly $1.2 million is identified. However, few projects within the project impact area are slated to be funded by the RIM. Payment of Calaveras RIM fees would therefore not effectively mitigate project impacts.

SR 4 Improvement Projects in Arnold and Murphys

Alpine County will require the applicant to provide fair-share funding of roadway improvements along SR 4 in Arnold and Murphys that will offset project impacts on SR 4.

The Arnold Rural Livable Community-Based Mobility Plan (ARLCBMP) was completed in June 2008 for the Calaveras Council of Governments. The ARLCBMP provides a strategy to enhance overall mobility conditions in the Arnold area was based upon an extensive public input process (Calaveras Council of Governments 2008). The following projects identified in the ARLCBMP are directly associated with traffic volumes along SR 4:

- The Meadowmont Gateway project includes constructing a roundabout at the intersection of SR 4 and Fir Drive in Arnold to reduce the speed of vehicles entering Arnold from the west.
- The Eastern Gateway project in the eastern portion of Arnold along SR 4 is a traffic calming project that would include a raised intersection, alerting drivers that they have entered the community of Arnold and may need to reduce their speed.
- Constructing intersection improvements at the SR 4/Blagen Road/Dunbar Road/Henry Street intersection complex would reduce congestion and improve traffic flow between SR 4 and county roads in the eastern portion of Arnold.

- The Meadowmont Roadway Infrastructure Improvement project includes constructing raised roadway medians, sidewalks, striped crosswalks, and curb enhancements along SR 4 located between Fir Drive and Country Club Drive.
- The SR 4 Sidewalk Implementation project includes constructing sidewalks along the eastbound travel lane of SR 4 between Country Club Drive and Sierra Pine Way. These sidewalks would provide a safe route for pedestrians to travel and would provide an opportunity for travel between commercial shopping areas.
- The SR 4 Infrastructure Improvements project (Applewood Center to Meadowview Road) includes various roadway infrastructure improvements along SR 4 between Applewood Center and the eastern intersection of Meadowview Road and SR 4. The roadway improvements would include raised roadway medians, sidewalks, and striped crosswalks to provide a safe route for pedestrians and bicyclists to travel and enhance the pedestrian and bicycle amenities in Arnold.
- The SR 4 Infrastructure Improvements project (Meadowview Road to Manual Road) includes roadway medians, sidewalks, curb extensions, and striped crosswalks. The roadway improvements would improve both vehicular and pedestrian/bicycle transportation gaps by providing a more balanced transportation network and would increase the bicycle and pedestrian amenities throughout town.
- The SR 4 Infrastructure Improvements project (Pine Drive to Lilac Drive) would include striped crosswalks, sidewalks, raised medians, and curb extensions to help improve resident mobility in town by creating a recognized space for pedestrians. In addition, the raised medians and sidewalks would reduce the tendency to speed by narrowing the travel lanes.
- The SR 4 Infrastructure Improvements project (Manual Road to Henry Street) would include striped crosswalks, sidewalks, raised medians, and curb extensions.

Alpine County will also require the applicant to provide fair share funding to widen and re-stripe SR 4 to provide a three lane cross-section from the vicinity of Main Street to Apple Blossom Drive in Murphys. This project would improve traffic flow at the SR 4 intersections with Main Street, Williams Street, and Apple Blossom Drive and also has the benefit of providing a two-way left-turn lane to serve other public streets and commercial driveways. This project is consistent with the Murphys Circulation, Pedestrian, Bicycling, and Parking Study (LSC 2002), which calls for a consistent center turn lane along SR 4 through Murphys. Total length of widening (including the tapers at both ends) would be 4,705 feet, or roughly 0.9 mile (see *Draft Bear Valley Village SR 4 Mitigation Plan* dated August 8, 2008, in EIR Appendix G for more details on this project).

The projects listed above are consistent with recent planning studies prepared for the Calaveras Council of Governments, including the ARLCBMP (Calaveras Council of Governments 2008), the Draft Calaveras County Bicycle Master Plan (Alta Planning and Design 2007a), the Draft Calaveras County Pedestrian Master Plan (Alta Planning and Design 2007b), and the Murphys Circulation, Pedestrian, Bicycling, and Parking Study (LSC 2002).

Project Costs

Estimated costs for the projects in Arnold are based upon those presented in the ARLCBMP. The consultant that developed these costs, however, indicates that the costs presented in that document are strictly construction cost estimates, and do not include the costs necessary for design and engineering. To estimate the actual funding that would be needed to implement the projects, the construction costs were increased by 30 percent. These projects in the Arnold area are estimated to require $12,998,700 in construction, design, and engineering costs (2008 dollars).

An estimate of total costs associated with the Murphys turn lanes is provided in the *Draft Bear Valley Village SR 4 Mitigation Plan* (EIR Appendix G). Including project design and engineering costs, the total cost of this combined project is estimated to equal $845,000 (2008 dollars). Total costs for all mitigation projects equal $13,843,700.

Cost Allocation

The proportion of total costs attributable to the Bear Valley Village project was determined based on the proportion of total impacts associated with the project. As discussed in the *Draft Bear Valley Village SR 4 Mitigation Plan* (EIR Appendix G), the proportion of total growth in summer traffic along SR 4 generated by Bear Valley Village ranges from 28 percent at the east end of Arnold to 20 percent in Murphys. In winter, this proportion ranges from 26 percent to 17 percent.

Multiplying the total project costs by the associated proportion of total future growth in traffic volumes yields the proportion of costs potentially allocated to Bear Valley Village. Summing across all projects yields a total cost potentially attributable to Bear Valley Village of $3,002,400.

Reflecting the fact that there are other potential funding sources available for roadway projects (state and federal programs), impact fee programs typically are not designed to fully fund roadway project using impact fees, particularly along state highways. The Calaveras County RIM fee program allocates 25 percent of costs for projects on state highways to the fee program. Applying this same reduction factor to the impact fees imposed on Bear Valley Village for improvements along SR 4 in Calaveras County results in total fees of $750,600 to be provided upon full build-out of Bear Valley Village. This amount does not take into account reductions in total fees associated with the elimination of the South Village.

Funding Mechanism

Alpine County will impose the required traffic mitigation fees using an impact fee of $1.132 per sf imposed on project lodging/residential land uses ($1.132/sf × 463,083 sf = $524,210. Improvements to SR 4 in Calaveras County could adversely affect sensitive habitat (e.g., streams, wetlands) and cultural resources, and construction of the improvements could result in temporary traffic, water quality, soil, or noise impacts. SR 4 improvements are subject to review, approval, and subsequent environmental review pursuant to CEQA by Caltrans and Calaveras County. Alpine County will hold the collected funds in escrow until the improvements are approved by Caltrans District 10 and are programmed by Calaveras County. This will allow Calaveras County (or Caltrans) to draw on these funds when they are needed to construct the improvements.

As an alternative to implementing Mitigation Measure TC-2, provide funding in accordance with Condition of Approval (COA) number 65 set forth below. The payments set forth in COA 65 are in excess of the project's "fair share" for improvements along the SR4 corridor, as calculated in the FEIR. The applicant has agreed to provide such additional funding in lieu of implementing Mitigation Measure TC-2.

Mitigation Measure TC-2 was developed in 2008, at the time the traffic study for the project was prepared. The County has received no information to indicate that the improvements recommended in the traffic study, and the costs associated with those measures, are invalid. During the intervening years, traffic levels have generally been static or declined as a result of the economic downturn, and costs associated with road improvements have not changed significantly. The calculations set forth above therefore continue to represent the best available information regarding the project's fair-share funding for traffic improvements.

In addition, Mitigation Measure TC-2 was developed for the project as originally proposed, rather than the down-sized project that the applicant is now proposing. As a result of the smaller size of the project, the project's contribution to traffic impacts on SR 4 will be proportionately lower. Because the project's traffic impact fee is expressed in terms of cost per square foot of development, the fees paid by the project will also be scaled to correspond to the project. The per-square-foot fee therefore represents an exaction that is roughly proportional to the project's traffic impacts.

29. Mitigation Measure TC-5: Prepare a Parking Management Plan for Bear Valley.

The County will require the applicant to prepare a Parking Management Plan (PMP) for the Village area of Bear Valley for each development phase. An updated PMP shall be submitted with each conditional use permit (CUP) application to the County Planning Department for review and acceptance prior to approval of the requested CUP.

The purpose of the PMP will be to establish methods to control parking within Bear Valley to ensure the Village Lift does not reduce existing parking availability for existing users. The PMP will include specific actions to be implemented by the applicant (at the applicant's expense) and may suggest actions for the County to implement. The PMP will include a schedule for implementation that ensures adequate parking will be available during each phase of project development. In no way shall the actions be designed to limit Village Lift access to specific users (such as residents or lodging guests of the Bear Valley area) or to deny equal access to the lift. However, public access to the Village Lift may be limited indirectly by limited public parking availability on busy days.

Actions to be considered for inclusion in the PMP may include, but shall not be limited to:

- **Parking Surveys:** The applicant will conduct a survey of persons parking in the Village public parking areas on peak ski days. The survey will be conducted for a minimum of six days per year (selected to represent the days of greatest skier activity) from 8 a.m. to 1 p.m. Using a minimum of two surveyors, driver destinations will be identified either through direct questioning or through observation. These surveyors will also record total parking counts in each available parking area on an hourly basis, as well as whether active parking enforcement is in effect. These surveys will be required until two years after completion of any new development phases of Bear Valley Village.

- **Annual Parking Management Report:** An annual parking management report will be prepared by the applicant and provided to Alpine County by May 1 of each year that surveys are required. This report will present the collected data regarding parking demand and the number of parked cars associated with the Village Lift, and will also identify any proposed changes in parking management for the next ski season.
- **Parking Permits:** Permits will be made available (possibly using a reservation system) to Bear Valley homeowners and employees. Daily permits will also be made available to local businesses (not located within the Bear Valley Village development) for the vehicles of their customers.
- **Parking Signs:** The County may post signs stating "Permit Parking Only" in public parking areas and authorize an ordinance to allow enforcement of this restriction. Specific dates for the ski season may be defined and included on the signs. Also, a limited time of enforcement may be considered (restricting parking between 8 a.m. and 3 p.m. on weekends and holidays may be sufficient to address the skier parking issues). Recommended sign locations include: Bear Valley Road north of Quaking Aspen Road, No Name Road, Creekside Drive, Lots B and C, Lot A (near the community center), and South Lot. All signs will be located so that at least one sign is visible from all restricted parking spaces. Signs will also be posted by the applicant to direct Bear Valley Village residents to appropriate private parking.
- **Parking Enforcement:** The PMP will describe methods and funding sources to enforce parking restrictions as necessary to address periods of potential parking shortages. Enforcement personnel will only issue tickets for vehicles parked without a valid permit for more than 15 minutes to allow drivers an opportunity to obtain a day permit.
- **Parking Attendants:** Parking attendants may be used during peak demand periods to maximize parking capacity (e.g., double-parking) of public parking areas.
- **Satellite Parking:** Overflow parking may be provided at remote satellite parking locations during peak demand periods. Ski area shuttle buses may serve the satellite parking locations, carrying skiers to the ski area and carrying homeowners and visitors to town.

30. Mitigation Measure TC-6a: Provide bicycle storage facilities within Bear Valley Village.

The County will require the applicant to include safe and secure bicycle storage facilities within Bear Valley Village. Storage facilities may include bike racks where bicyclists can lock their bikes, or bike lockers for Village residents and guests. Bike storage facilities shall be shown on plans for each development phase submitted as part of any CUP application.

31. Mitigation Measure TC-6b: Contribute traffic mitigation fees to reduce SR 4 traffic congestion in Arnold and Murphys generated by the project.

Implement Mitigation Measures TC-2 and TC-11. (See also COA 65.)

32. Mitigation Measure TC-7: Prepare a Construction Traffic Control Plan for review and approval by Alpine County prior to commencement of each year of construction.

The County will require the applicant to prepare a Construction Traffic Control Plan (CTCP) for each development phase. An updated CTCP shall be submitted with each application for any TM and/or CUP approval that would involve construction activity to the County Public Works and Planning departments for review and acceptance prior to approval of the requested TM/CUP. Each such TM and/or CUP will include conditions requiring the applicant to update the CTCP prior to commencement of each year of construction activity and submit it to the County Public Works and Planning departments for review and acceptance.

At a minimum, the plan shall address truck haul routes, truck turning movements, traffic control signage, parking supply, bicycle and pedestrian traffic, on-site circulation and staging areas, and monitoring of the in-place traffic controls.

Actions to be considered for inclusion in the CTCP may include, but shall not be limited to:

- **Provide public outreach for construction activities:** The applicant would post public notices of construction activities along affected roadways one week prior to construction. The applicant would also provide written notice to property owners along affected roadways one week prior to construction or closures.
- **Identify a temporary automobile circulation route** for the period when No Name Road is closed for construction.
- **Place steel plates over open trenches in roadways** at the end of each workday to restore full vehicle access to all residents.
- **Limit daily construction equipment traffic** by staging heavy construction equipment and vehicles on the project site at the end of each workday, rather than removing them, to the degree possible. Construction staging areas would be included on improvement and grading plans in a location acceptable to the County.
- **Provide replacement public parking spaces** to ensure an adequate seasonal parking supply, including parking needed for the Bear Valley Music Festival. During the winter ski season, provide parking equal to the number of spaces lost

to public use because of construction staging and access restrictions, two-way winter traffic on town roadways, and removal of the Lodge Lot.

- **Provide pedestrian routes** between the event/festival venues and Lots B and C that are as direct as possible given construction site access restrictions.
- **Design temporary roadways and intersections** so that all emergency response vehicles would be accommodated.
- **Direct construction traffic** that could access construction sites from either Bear Valley Road or Creekside Drive to use Creekside Drive.

In addition, Alpine County will modify the County Code to temporarily allow two-way traffic on Bear Valley Road and Creekside Drive while No Name Road is closed for relocation.

33. Mitigation Measure TC-8: Prepare a Construction Traffic Control Plan for review and approval by Alpine County prior to commencement of each year of construction.

Implement Mitigation Measure TC-7.

34. Mitigation Measure TC-11: Contribute traffic mitigation fees to reduce SR 4 traffic congestion in Arnold and Murphys generated by the project.

The traffic study prepared by LSC determined that construction of approximately 29.5 miles of climbing or passing lanes on SR 4 between Bear Valley and Angels Camp would allow SR 4 to operate at LOS "C" or better, thereby reducing this cumulative impact to a less-than-significant level. Approximately 27.7 miles of additional travel lanes along SR 4 would be required to mitigate this cumulative impact even if the project were not built. The project's contribution would therefore be 1.8 miles (29.5 – 27.2 = 1.8).

Such passing lanes, however, are neither programmed nor funded by Caltrans or Calaveras County. The passing lanes are not programmed in the Calaveras County 2007 RTP (LSC 2007) or the 2006 Alpine/Amador/Calaveras Tri-County Regional Transportation Improvement Program (Alpine County 2005c). Based on average costs for other projects included in the Calaveras County RTP and adjusting for terrain, a unit cost of $630,000 per mile (2007 dollars) is estimated, equal to $645,000 per mile in 2008 dollars. For 29.5 miles of additional lanes, total construction cost is estimated to be $19 million. The project's fair share can be estimated by considering the proportion of total future growth in traffic generated by the project. This varies from 35 percent (closest to Bear Valley) to 10 percent (in Arnold). Applying the proportion for each roadway segment to the total cost of additional travel lanes in each link, the total allocated cost to the applicant would be about $4 million. If the applicant were to provide the $4 million, Caltrans and the Calaveras Council of Governments (and possibly others, as part of the three-county coalition with Alpine and Amador Counties) would be faced with identifying the remaining $15 million. The current Calaveras RTP does not include plans for substantial widening of SR 4 east of Angels Camp. The RTP does include some programmed improvements along SR 4 between Bear Valley and SR 49, including curve corrections near Arnold and near the entrance to Calaveras Big Trees State Park, and some additional turn lanes. These projects, however, would not significantly address the need for additional passing or climbing lanes. State Transportation Improvement Program (STIP) funds are already fully allocated for projects such as the Angels Camp Bypass and improvements of SR 4 west of Angels Camp. The likelihood of raising $15

million of additional funds from non-applicant sources is extremely low. This would require substantial re-allocation of highway funds (both those controlled directly by the state and those controlled by Calaveras Council of Governments) away from other projects to address this specific deficiency.

The environmental consequences of constructing 29.5 miles of climbing or passing lanes in this area may also be undesirable. For example, widening of SR 4 could adversely affect sensitive habitats (e.g., wetland and riparian) or other environmental resources along the roadside. In addition, widening the highway between central Arnold and Bear Valley could alter the scenic character of a 25-mile section of SR 4 that has been designated a state scenic highway and holds NSB status, including the section of SR 4 passing through Calaveras Big Trees State Park. For these reasons, neither Alpine County nor Calaveras County supports constructing 29.5 miles of climbing or passing lanes to mitigate this impact. Calaveras County indicated its opposition to these passing lanes during two meetings with Alpine County in June and August 2008, and in written correspondence to Alpine County dated June 30, 2008 (Appendix G).

This impact is located entirely within Calaveras County. Therefore, Alpine County considered whether requiring the applicant to pay into the Calaveras County Road Impact Mitigation (RIM) Fee program would mitigate the project's LOS impact on SR 4. Under this program, Calaveras County imposes RIM fees on development projects throughout Calaveras County, and is used to fund a variety of improvements both on and off of the state highway system. If the RIM fee rates are applied to the proposed project, a total fee of roughly $1.2 million is identified. However, few projects within the project impact area are slated to be funded by the RIM. Payment of Calaveras RIM fees, therefore, would not effectively mitigate project impacts.

Therefore, Alpine County will require the applicant to implement Mitigation Measure TC-2 as mitigation for cumulative impacts on SR 4. In addition, Calaveras County can and should require projects within their jurisdiction to mitigate their contributions to this significant cumulative impact on SR 4.

Improvements to SR 4 in Calaveras County are subject to review, approval, and subsequent environmental review pursuant to CEQA by Caltrans and Calaveras County.

As an alternative to implementing Mitigation Measure TC-11, provide funding in accordance with COA number 65 set forth below. The payments set forth in COA 65 are in excess of the project's "fair share" for improvements along the SR4 corridor, as calculated in the FEIR. The applicant has agreed to provide such additional funding in lieu of implementing Mitigation Measure TC-11.

35. Mitigation Measure SNO-2a: Re-establish the 2006/2007 snowmobile trail between Bear Valley Road and Creekside Drive through Open Space Parcel E.

Alpine County and applicant shall implement the recommendations of the Bear Valley Snowmobile Committee to re-establish the 2006/2007 snowmobile trail between Bear Valley Road and Creekside Drive through Open Space Parcel E. Full implementation includes the following actions by the County:

1. Adjust the alignment of the trail to stay within the County owned Open Space Parcel E and not encroach onto or travel across any private property (except the area now used for the Lodge Lot snowmobile parking area).
2. When practical given snow depths and snow conditions, use trail grooming techniques such as trenching the trail through the snow or creating a sound wall with snow to reduce noise impacts to surrounding properties.
3. Provide the County Sheriff officers with equipment to monitor travel speeds and sound generated by snowmobiles.
4. Request that the Sheriff's office actively monitor and enforce applicable requirements, including existing state and federal noise limits for snowmobiles. More restrictive local regulation of sound levels is not recommended.
5. Reconstitute the committee in 2010 to evaluate trail use and the effectiveness of the noise reduction measures, and to make further recommendations as necessary.

The County will ensure the route will be available for public use prior to County approval of conditional use permit (CUP) and/or tentative map (TM) approvals for any construction phase of the Bear Valley Village project.

36. Mitigation Measure SNO-2b: Allow snowmobile access through the Lodge Lot to access the groomed snowmobile route to be re-established through Open Space Parcel E.

The County will require the applicant to allow snowmobiles to travel through the northern most portion of the area now used as the Lodge Lot snowmobile parking area to access the groomed snowmobile route to be re-established through Open Space Parcel E.

37. Mitigation Measure AQ-2a: Comply with GBUAPCD Rule 401 to reduce construction pollutants through water application, stabilizing exposed soil, and periodic cleaning of paved areas.

The County shall require the applicant to prepare a construction pollutant reduction plan that implements the mitigation measures listed below, including those recommended by the GBUAPCD to reduce air emissions from short-term construction. The applicant shall submit the construction pollutant reduction plan to the County as part of the discretionary permit application (tentative map [TM] and/or conditional use permit [CUP]) that would involve construction activity for each phase of development.

Reasonable precautions shall be taken to prevent visible particulate matter from being airborne, under normal wind conditions, beyond the property from which the emission originates. Reasonable precautions include, but are not limited to:

- Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
- Application of asphalt, water, or suitable chemicals on dirt roads, material stockpiles, and other surfaces that can give rise to airborne dusts;

- Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty materials. Adequate contaminant methods shall be used during such handling operations;
- Use of water, chemicals, chuting, venting, or other precautions to prevent particulate matter from becoming airborne in handling dusty materials to open stockpiles and mobile equipment; and
- Maintenance of roadways in a clean condition.

38. Mitigation Measure AQ-2b: Reduce temporary batch plant construction pollutants through proper siting and control and use of equipment, materials, and waste products.

The County shall require the applicant to implement the following mitigation measures, including those recommended by the *California Stormwater Best Management Practices Handbook* to reduce short-term construction emissions from the temporary batch plant:

- Temporary batch plants shall be managed to comply with AQMD Statewide Registration Program and/or local AQMD Portable Equipment Registration requirements
- Locate temporary batch plants downwind of existing developments whenever possible
- Placement of access roads shall be planned to mitigate water and air quality impacts
- Filter, contain, and/or suppress particulate matter to eliminate visible emissions beyond the property line while the equipment is being operated

The applicant shall demonstrate compliance with these measures as part of the discretionary permit application (TM and/or CUP) that would involve construction activity for each phase of development.

39. Mitigation Measure AQ-3: Ensure the number of wood-burning fireplaces does not exceed the maximum number allowed by the GBUAPCD.

The County will require the applicant to coordinate with the GBUAPCD to ensure the project does not exceed the number of wood-burning fireplaces allowed under Rule 431. As part of the CUP for each phase of development, the applicant shall submit documentation from the GBUAPCD to the County indicating the maximum number of wood-burning fireplaces allowed for that phase or, alternatively, for the entire project.

40. Mitigation Measure AQ-6a: Comply with GBUAPCD Rule 401 to reduce construction pollutants through water application, stabilizing exposed soil, and periodic cleaning of paved areas.

Implement Mitigation Measure AQ-2a.

41. Mitigation Measure AQ-6b: Reduce temporary batch plant construction pollutants through proper siting and control and use of equipment, materials, and waste products.

Implement Mitigation Measure AQ-2b.

42. Mitigation Measure N-1a: Limit construction to the hours between 7 a.m. and 7 p.m. Monday through Friday, and 9 a.m. and 5 p.m. Saturday.

The County will require the applicant to limit construction activities to the hours between 7 a.m. and 7 p.m. Monday through Friday, and 9 a.m. and 5 p.m. Saturday to avoid noise-sensitive hours of the day. No construction work shall be allowed on Sundays and federal holidays. This measure does not apply to construction activities that take place entirely within an enclosed and insulated building (including no open windows or doors). This requirement shall be identified on all grading plans and construction contracts. The County will include this noise limitation as a condition of all tentative subdivision map and conditional use permit (CUP) approvals.

43. Mitigation Measure N-1b: Locate portable but temporarily fixed construction equipment (such as temporary batch plants, compressors, and generators) and construction staging and parking areas as far from existing residences as possible.

The County will require the applicant to identify locations of temporarily fixed construction equipment and proposed staging and parking areas on plans submitted for tentative map (TM) and/or CUP submittals that would involve construction activity, and shall assure that they are located as far away from existing residences as possible. The locations for the batch plant and parking areas shall be approved by the Alpine County Planning Department prior to approval of the TM and/or CUP. The approved locations shall be identified in construction contracts and drawings.

44. Mitigation Measure N-1c: Post signs at the construction site that include permitted construction days and hours, expected timeframe for construction, a day and evening contact number for the job site, and a County contact number for complaints about construction noise.

The County will require the applicant to ensure signs are posted at the construction sites to specify permitted construction days and hours (7 a.m. to 7 p.m., Monday through Friday; 9 a.m. to 5 p.m., Saturday), expected timeframe for construction, and contact numbers for the contractor and County. The signs would help to facilitate rapid communication of any problems related to noise. Posting of the hours and duration would allow the adjacent residences to understand the length of the proposed construction phase and also the limits on activity each day and week. This measure shall be identified on grading plans and construction contracts.

45. Mitigation Measure N-1d: Implement "quiet" pile-driving technology and notify neighbors about the estimated duration of the pile-driving activity.

The County will require the applicant to implement technologies such as pre-drilling of piles and the use of more than one pile driver to shorten the total pile-driving duration, unless the applicant provides documentation to the County from a geotechnical (or other qualified) engineer that such techniques are either not feasible or are not recommended from an engineering perspective. The applicant shall notify property owners within 300 feet of the project construction area about the estimated duration of the pile-driving at least 10 days in advance of the activity.

Mitigation Measure N-1e: Implement noise muffling technology to further reduce the impacts of construction related noise.

The County will require the applicant to implement the following technologies, unless the applicant provides documentation to the County that such techniques are not feasible, effective, or reasonably available.

- Muffle stationary noise sources and enclose them within temporary sheds, incorporate insulation barriers, or employ other measures to the extent feasible.
- Use equipment and trucks equipped with the best available noise control techniques (for example, improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds, wherever feasible).
- Ensure all construction equipment is properly maintained and operated and equipped with mufflers.

Use hydraulically or electrically powered impact tools (such as jackhammers, pavement breakers, and rock drills) for project construction wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools shall be used where feasible. Quieter methods or tools, such as using drills rather than impact tools, shall be used whenever feasible.

46. Mitigation Measure N-2: Conduct crack survey before pile-driving activities that could cause damage to nearby structures.

The County will require the applicant to conduct a two-phase crack survey of the Creekside Condominium building located on Bear Valley Road directly south of the Bear Valley Lodge, if pile-driving is proposed within 50 feet of this building. The first phase of the survey shall include pre-construction photograph or video documentation of the interior and exterior of structural and cosmetic architectural features (e.g., walls, floors, driveways). All existing cracks shall be documented with sufficient detail for comparison after construction to determine whether actual vibration damage has occurred. The second phase of the crack survey shall include post-construction photograph or video documentation of the features evaluated during the first phase of the survey. If the survey indicates that cosmetic or structural damage has resulted from pile-driving, the County will hold the applicant financially responsible for the damage.

The applicant shall submit the pre-construction crack survey to the Alpine County Planning Department for review as part of any application submittal for CUP and/or TM approval for any phase that requires pile-driving within 50 feet of this Creekside Condominium building. The applicant shall submit the post-construction crack survey to the Alpine County Planning Department following cessation of pile-driving for the relevant phase. If the survey indicates that cosmetic or structural damage has resulted from the applicant's pile-driving, the County shall not issue an occupancy permit for the relevant phase until the applicant has demonstrated it has provided restitution to the owner of the damaged property.

47. Mitigation Measure N-4: Re-establish the 2006/2007 snowmobile trail through Open Space Parcel E and allow snowmobile access through the Lodge Lot to the trail.

Implement Mitigation Measures SNO-2a and SNO-2b.

48. Mitigation Measure Soils-1a: Perform subsurface geotechnical investigations.

The County will require the applicant to perform subsurface geothechnical investigations within the portions of the project area that were not previously investigated. Specifically, these areas shall include the portion of the Village Center south of No Name Road and west of Bear Creek. The resulting investigation reports shall include recommendations for feasible engineering techniques to protect project structures from liquefaction hazards revealed during the investigation(s). As part of the application for conditional use permit (CUP) and/or tentative map (TM) approvals for any phase of development that would involve construction activity, the applicant shall submit the geotechnical investigation report(s) pertaining to the requested development phase.

49. Mitigation Measure Soils-1b: Implement proper engineering techniques to protect structures from liquefaction hazards.

The County will require the applicant to identify and implement adequate measures to ensure proper engineering techniques are included in the project to protect structures within the North Village and Village Center from liquefaction hazards based on recommendations from the preliminary geotechnical study (Condor Earth Technologies, Inc. 2006) or other qualified engineer as part of the application for CUP and/or TM approvals. The measures shall be approved by the County prior to approval of a CUP and/or TM that would involve construction activity for the North Village and Village Center.

Appropriate measures may include, but not be limited to the following:

- Excavation of liquefiable soil, backfilling the excavation with compacted soil, and constructing a mat foundation over the backfill
- Construction of deep foundations supported by driven or drilled piles
- Installation of rammed aggregate piers (RAPs) and using a mat foundation. RAPs are constructed by drilling an approximate 30-inch diameter hole beneath shallow foundations, and replacing the excavated soil with compacted aggregate fill.

If the subsurface geotechnical investigations performed pursuant to Mitigation Measure Soils-1a identify potential liquefaction hazards within other portions of the project area, the applicant shall also identify and implement adequate measures to ensure proper engineering techniques are included in the project to protect structures within those areas. These measures shall be based on the recommendations of the geotechnical study or other qualified engineering report as part of the application for CUP and/or TM approvals that would involve construction activity. These measures shall be approved by the County prior to approval of a CUP and/or TM for the relevant project phase.

50. Cumulative Mitigation Measure PHE-2: Develop an Employee Housing Implementation Plan.

Implement Mitigation Measure PHE-3.

51. Cumulative Mitigation Measure PS-1a: Provide funding for new firefighting equipment required to serve the project.

Implement Mitigation Measure PS-1a.

52. Cumulative Mitigation Measure PS-1b: Provide funding for new emergency medical equipment required to serve the project.

Implement Mitigation Measure PS-1b.

53. Cumulative Mitigation Measure PS-1c: Assess developer fees to help pay for additional facilities, or provide other methods for mitigating the impact in a manner acceptable to ACUSD.

Implement Mitigation Measure PS-3.

54. Cumulative Mitigation Measure U-2a: Provide proof of available sanitary sewer pipeline capacity prior to County approval of tentative subdivision maps and/or conditional use permits for each construction phase.

Implement Mitigation Measure U-2a.

55. Cumulative Mitigation Measure U-2b: Construct additional sanitary sewer system improvements if needed to serve the project.

Implement Mitigation Measure U-2b.

56. Cumulative Mitigation Measure U-2c: Provide proof of available wastewater disposal facility capacity prior to County approval of tentative subdivision maps and/or conditional use permits for each construction phase.

Implement Mitigation Measure U-2c.

57. Cumulative Mitigation Measure U-2d: Require payment of fair-share funding for BVWD wastewater disposal facility improvements.

Implement Mitigation Measure U-2d.

58. Cumulative Mitigation Measure U-3: Minimize the use of copper water supply and wastewater pipes and fixtures.

Implement Mitigation Measure U-3.

59. Cumulative Mitigation Measure HWQ-1a: Implement best management practices (BMPs) to control construction-related stormwater runoff, erosion, and sedimentation.

Implement Mitigation Measure HWQ-1.

60. Cumulative Mitigation Measure HWQ-1b: Implement Water Quality Control Measures

Implement Mitigation Measure HWQ-2.

61. Cumulative Mitigation Measure BR-1: Avoid adverse impacts to sensitive habitats, and provide appropriate mitigation to offset unavoidable adverse impacts.

The County and the U.S. Forest Service (USFS) will ensure new development in Bear Valley and construction at the ski area comply with applicable biological regulations (i.e., Clean Water Act, Fish and Game Code), as required, and implement mitigation measures to avoid impacts to sensitive habitats such as wetlands and drainages, where

feasible, and offset unavoidable impacts through habitat replacement or other measures. Impacts to waters of the U.S. would require proper authorization from the U.S. Army Corps of Engineers. A Streambed Alteration Agreement with California Department of Fish and Game (DFG) would be required for substantial impacts to drainages and adjacent riparian habitat. These regulatory agencies would identify appropriate mitigation, in coordination with the project proponents, to fully mitigate impacts to sensitive habitats. Typical mitigation would include replacing habitat, either through an on-site or off-site conservation easement or use of an existing mitigation bank; construction avoidance measures, such as using construction fencing around avoidance areas; and implementing BMPs for erosion control (see Section 3.5 [Hydrology and Water Quality], Mitigation Measures HWQ-1 and HWQ-2) during construction.

The County will be responsible for ensuring its projects comply with applicable biological regulations as well as the adopted General Plan, as required, and implement appropriate mitigation measures to reduce impacts.

62. Cumulative Mitigation Measure BR-2: Avoid adverse impacts on special status species, and provide appropriate mitigation to reduce direct and indirect impacts.

The County and USFS will ensure new development in Bear Valley and construction at the ski area comply with applicable biological regulations (i.e., federal and state Endangered Species Acts), as required, and implement mitigation measures to avoid impacts to special status species where feasible and offset unavoidable impacts through habitat replacement or other measures. For impacts to federally or state listed species, applicants may be required to consult with the U.S. Fish and Wildlife Service (USFWS) or CDFG and obtain incidental take permits. These regulatory agencies would identify appropriate mitigation, in coordination with the applicant, to fully mitigate impacts to special status species. Pre-construction surveys may be required for state and federally listed species, as well as other special status species considered under CEQA. Typical mitigation would include preserving habitat on-site or protecting off-site habitat through a conservation easement; construction avoidance measures, such as establishing buffers around active nest sites, limiting construction to the non-breeding period, or using construction fencing around avoidance areas; and transplanting sensitive plant populations or relocating sensitive wildlife to a suitable off-site location.

The County will be responsible for ensuring its projects comply with applicable biological regulations and the adopted General Plan, as required, and implement appropriate mitigation measures to reduce impacts.

63. Cumulative Mitigation Measure A-2: Implement an outdoor lighting plan for every project.

The County will ensure new development projects in Bear Valley implement an outdoor lighting plan. Prior to approval of an Improvement Plans/Grading Permit or other authorization to begin on site construction for any phase of development, the project proponent shall submit to the County a plan for outdoor lighting showing all proposed exterior lighting on the site, including all light sources for buildings, driveways, landscaping, signs, and public areas. All exterior lighting fixtures shall be full cutoff type and provide only the minimal amount of light necessary for safe pedestrian and vehicular access to the site and the dwelling units. Exterior lighting shall not cause glare beyond the boundaries of the site.

64. Mitigation Measure CC-1: Prepare and implement a GHG Reduction Plan.

The applicant shall prepare a GHG Reduction Plan for each phase of development describing feasible measures the applicant will incorporate into the project for construction activities and operation to ensure consistency with the GHG-reduction targets established in Executive Order S-3-05 and AB 32. The GHG Reduction Plan shall be submitted to the Alpine County Planning Department as part of the application for any conditional use permit approval. The plan shall describe the method for ensuring the measures will be incorporated into the subject phase of the project and shall quantitatively demonstrate how the project will help the State of California achieve its year 2020 goal of a 29-percent reduction in GHG emissions, as compared to Business as Usual, for the subject phase. The applicant has prepared a GHG Reduction Plan, which has been submitted as an Additional Condition of Approval.

The California Attorney General's publication entitled *The California Environmental Quality Act Addressing Global Warming Impacts at the Local Agency Level* (Department of Justice 2008) lists examples of measures that could be applied to a diverse range of projects. The following list includes mitigation measures that may be applicable to the Bear Valley Village project. Some of the mitigation measures on the following list might not be feasible for the project and therefore would not be included in the project. The Attorney General's publication includes other measures that may also be applicable to the project.

Energy Efficiency

- Design buildings to be energy efficient. Site buildings to take advantage of shade, prevailing winds, landscaping, and sun screens to reduce energy use.
- Install efficient lighting and lighting control systems. Use daylight as an integral part of lighting systems in buildings.
- Install light-colored "cool" roofs, cool pavements, and strategically placed shade trees.
- Install energy-efficient heating and cooling systems, appliances and equipment, and control systems.
- Install light-emitting diodes (LEDs) for traffic, street, and other outdoor lighting.
- Limit the hours of operation of outdoor lighting.
- Use solar heating, automatic covers, and efficient pumps and motors for pools and spas.
- Provide education on energy efficiency.

Renewable Energy

- Install solar or wind power systems, solar and tankless hot water heaters, and energy-efficient heating ventilation and air conditioning. Educate buyers about existing incentives.
- Use combined heat and power in appropriate applications.

Water Conservation and Efficiency

- Create water-efficient landscapes.
- Install water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls.
- Design buildings to be water-efficient. Install water-efficient fixtures and appliances.
- Restrict watering methods (e.g., prohibit systems that apply water to non-vegetated surfaces) and control runoff.
- Restrict the use of water for cleaning outdoor surfaces and vehicles.
- Provide education to residents and guests about water conservation and available programs and incentives.

Solid Waste Measures

- Reuse and recycle construction and demolition waste (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard).
- Provide storage areas for recyclables and green waste and adequate recycling containers located in public areas.
- Provide education and publicity about reducing waste and available recycling services.
- Reuse building materials from the Bear Valley Lodge after demolition.

Transportation and Motor Vehicles

- Limit idling time for commercial vehicles, including delivery and construction vehicles.
- Use low or zero-emission vehicles, including construction vehicles.
- Provide information on all options for individuals and businesses to reduce transportation-related emissions. Provide education and information about public transportation, including the ski area shuttle bus.

ADDITIONAL CONDITIONS OF APPROVAL

Conditions of approval listed below are separate and in addition to the mitigation measures included in the FEIR. Development of the project shall fully comply with these conditions of approval.

65. Highway 4 Project Funding

COAs 28 and 34 (mitigation measures TC-2 and TC-11) require the applicant to make certain fair-share payments for regional traffic improvements. The County has engaged in further consultations with Calaveras County, Calaveras County Council of Governments, and Caltrans. Based on those consultations, the applicant has proposed to provide additional funding for regional traffic improvements. The funding proposed by the applicant is in excess of the fair share calculations set forth in COAs 28 and 34. Based on these consultations, and the applicant's consent to providing additional

funding, the applicant shall provide the funding required by this condition of approval. This condition of approval shall substitute for the payments required by COAs 28 and 34.

The project applicant will provide $2,975,000 in funding for future improvements to Highway 4 west of Bear Valley per the funding schedule indicated below. The schedule relies on the economic viability of the project in light of other obligations of the project to provide up front funding for necessary infrastructure in Bear Valley, the Village Lift and early project components. The full funding amount shall be provided in increments that are tied to actual development of the project. It is anticipated that development thresholds or milestones will trigger payments.

Details for providing this funding and agreements among the agencies will be consistent with TC-2: Alpine County will hold the collected funds in escrow until the improvements are approved by Caltrans District 10 and are programmed by Calaveras County. This will allow Calaveras County (or Caltrans) to draw on these funds when they are needed to construct the improvements. This condition shall supersede and replace mitigation measure TC-2 and TC-11/condition of approval #28 and #34, but it does not supersede the applicant's voluntary funding of $73,260 to the 'Wagon Trail Realignment' project on SR 4 (see COA 66). The following concepts are incorporated to guide implementation of this condition:

- Funding payment schedule for SR 4 improvements:

Number of units in application	Fees per unit	Dollars generated
0 to 50	$1,700	$85,000
51 to 100	$3,000	$150,000
Milestone payment (100th unit)		$200,000
101 to 200	$4,000	$400,000
Milestone payment (200th unit)		$250,000
200 to 300	$5,000	$500,000
Milestone payment (300th unit)		$250,000
300 to 490	$6,000	$1,140,000
	TOTAL	$2,975,000

- Projects to be funded per the above schedule shall be located along Highway 4 between the Alpine County line and Angles Camp.

- Fees per unit are due concurrent with issuance of a building permit for construction of the unit.

- Milestone payments for the 100th, 200th and 300th units are due concurrent with the final occupancy approval granted for the respective unit.

Alpine and Calaveras Counties and CCOG are engaged in discussions to reach agreement regarding the specific projects along the SR4 corridor to which this funding will be directed. The funding generated by this condition of approval shall be dispersed in accordance with such agreement.

COA 65 was developed for the project as originally proposed, rather than the down-sized project that the applicant is now proposing. As a result of the smaller size of the project, the project's contribution to traffic impacts on SR 4 will be proportionately lower. Because the fee schedule in this COA 65 is based on the number of units constructed, the fees paid by the project will also be scaled to correspond to the reduced size of the project. The per-unit fee therefore represents an exaction that is roughly proportional to the project's traffic impacts.

66. Funding for Improvements to SR 4 west of SR 49 intersection.

Although not required by the traffic study, the applicant has voluntarily agreed to provide funding for improvements to SR 4 in Calaveras County west of SR 49. In accordance with this commitment, the applicant shall pay a fee of $198 per residential unit for specific improvements on SR 4 west of SR 49. These improvements consist of two potential projects: the *Wagon Trail Realignment* project and the *Passing Lanes between the Stanislaus County Line and West of Reeds Turnpike* project identified in the Calaveras County RIM program. The Wagon Trail project is the higher priority to receive funding identified in this condition. The passing lanes will only receive funds if the Wagon Trail project does not occur.

67. Pine Marten and Fisher Impacts

To address commenters' concerns regarding the project's impact on habitat, the applicant has agreed to implement the following COA. If trees or vegetation that provide potential denning habitat for the marten or fisher will be removed during the denning season, then project applicant shall retain a qualified biologist approved by the County to conduct focused preconstruction surveys for active dens of martens and fishers. These surveys shall be conducted within 30 days of the onset of each construction phase of the project, initiated during or extending into the denning season. Such preconstruction surveys for active dens of martens and fishers shall be conducted within 500 feet of active construction areas within the Bear Valley Village project area, including the ski lift line and return ski run areas as they cross non-USFS land. If an active den for either species is located during the preconstruction surveys, then the applicant shall notify the County. Construction shall be delayed within a ¼ mile of the den to avoid disturbance until the den is no longer active. The ¼ mile-buffer may be reduced through consultation with the County and the qualified biologist if the County determines that, based on site specific conditions, a lesser buffer will still protect the active den from disturbance from construction activities. The County may consult with DFG and/or USFWS in implementing these requirements.

The Bear Valley Mountain Resort is seeking approval to construct ski runs on US Forest Service (USFS) lands which will cross County land. In conjunction with that license, the USFS is developing appropriate conditions to address active marten/fisher dens. In the event USFS adopts additional or more stringent measures in connection with its approval of ski runs on USFS land, those measures shall also apply to all project-related construction activities located on land within County jurisdiction.

68. Donate $50,000 to Wildlife Conservation Board. To address commenters' concerns regarding the project's impact on habitat, the applicant has proposed to donate $50,000 to the California Wildlife Conservation Board (WCB). At the applicant's request,

the County agrees to adopt a condition of approval incorporating this proposal into the project. The donation shall be made in two installments. The first installment of $25,000 will be paid to WCB upon issuance of the Conditional Use Permit for the 100th unit of the project. The second installment of $25,000 will be paid upon issuance of the Conditional Use Permit for the 200th unit. The donation shall be made to WCB in order to provide funding for the acquisition of a conservation easement or other interest in land in Alpine or Calaveras Counties, in consultations with CDFG.

69. GHG Reduction Plan. In order to implement COA 64 (mitigation measure CC-1), the applicant has prepared a GHG Reduction Plan. (See AECOM, Greenhouse Gas Reduction Plan Prepared for the Bear Valley Village Project, prepared for Alpine County (revised February 10, 2010).) The applicant proposes to implement the GHG Reduction Plan, as modified to reflect the reduced size of the project, as set forth in a letter to the County dated December 8, 2012 (attached). The County accepts the GHG Reduction Plan as satisfying COA 64 and mitigation measure CC-1. The applicant shall carry out the measures set forth in the GHG Reduction Plan, as modified in the December 8, 2012, letter.