

AGENDA

TRI-COUNTY TECHNICAL ADVISORY COMMITTEE

Friday May 8, 2015*
10:00 a.m.

KMPUD Community Services Building, Loop Road, Kirkwood, CA

*NOTE: During the winter months, please check with the Alpine County Planning Department at 530-694-2140 to make sure the meeting has not been canceled due to inclement weather!

For further information on any of the agenda items, please contact El Dorado County Planning Department at (530) 621-5355.

Off-agenda items must be approved by the Tri-County Technical Advisory Committee pursuant to Section 5496.5 of the Government Code.

- A. Call to Order
- B. Approve Agenda
- C. Correspondence
- D. Minutes – April 10, 2015 (Attachment 1)
- E. Public Matters: Information items and persons wishing to address the Committee regarding non-agenda items.
- F. Mitigation Monitoring Programs
- G. Agenda Items:

ITEM NO. 1: (Attachment 2) (CONTINUED FROM APRIL 10, 2015)

Review and possible recommendation to Amador Planning Commission for a Specific Plan Amendment and Rezone for a parking lot at the currently zoned school site at Kirkwood. The Project site is part of the Kirkwood Specific Plan and is currently zoned as partially Multi-Family Residential (the portion of the site on APN 026-270-031 and 026-270-030) and Service / Utilities and Parking Zone (S-P) with parks and recreation / school overlay (the portion of the site on APN 026-270-018). The total site area of the proposed parking lot is a total of approximately 2.03 acres, but only the portion of the site on APN 026-270-018 is proposed to be rezoned. The portion of the site that requires the rezone is approximately 1.98 acres. The portions of the site on the Multi-Family Residential (approximately 0.05 acres) are not proposing any rezone. The proposed zoning for the 1.98 acre portion is Service / Utilities and Parking Zone (S-P), but removes the limitation for surface parking, but adding a prohibition of development of above-ground structures (excluding utility enclosures, similar to the "Meadow" designation). This would eliminate potential uses identified in Table 4.3 including Sheriff Substation, Fire Facility, Equipment Maintenance Facility, Day Care, School and Library and continue to prohibit parking garages.

The parking layout is currently in the conceptual design phase and at this time it is anticipated to include approximately 193 parking spaces.

Applicant: Village East, LLC

Agent: Nathan Whaley

Location: The Project site is located north of Loop Road and is a portion of the assessor parcel numbers (APN) 026-270-018, 026-270-031 and 026-270-030, however, only the portion of the Project site on APN 026-270-018 (approximately 1.98 acres) is proposed to be rezoned.

CANCELLED

**MINUTES
TRI-COUNTY TECHNICAL ADVISORY COMMITTEE**

April 10, 2015

MEMBERS PRESENT: Zach Wood Alpine County
Aaron Mount El Dorado County
Chuck Beatty Amador County

OTHERS PRESENT:

Judy Flinn KMA
Don Erickson Amador Co Resident
Allan Sapp Unit #3
Nancy Trevett KMA
Sandy Sloan Resident
Jan Ibill KMA
Gary Sargent KMA
Standish O'Grady KMPUD
Nate Whaley Village East, LLC
Dolan Beckel Palisades
Geoff Smith KMA
Ailene Smith KMA
Linda Drakulich EMHOA
Vic Drakulich EMHOA
Bertrand Perroud KMA
Lynn Morgan Amador Co Supervisor D3
Michael Sharp KMPUD
Sandy McKay KMPUD
Randy Hamann Contractor
Brian Peters Alpine Co
Bob Ende KMPUD
Casey Blann Vail Resorts

A. Call to Order:

The meeting was called to order by Aaron Mount at 10:04 am.

B. Approve Agenda:

Item 2 was moved to be considered before Item 1. The agenda was approved unanimously, 3-0.

C. Correspondence:

None

D. Minutes:

January 10, 2014 - On a motion by Aaron Mount, seconded by Zach Wood, the previous meeting minutes were approved with the following edit: .

E. Public Matters:

None

F. Mitigation Monitoring

None

F. Agenda Items:

- ITEM 1- Review and possible recommendation to Amador Planning Commission for a Specific Plan Amendment and Rezone for a parking lot at the currently zoned school site at Kirkwood. The Project site is part of the Kirkwood Specific Plan and is currently zoned as partially Multi-Family Residential (the portion of the site on APN 026-270-031 and 026-270-030) and Service / Utilities and Parking Zone (S-P) with parks and recreation / school overlay (the portion of the site on APN 026-270-018). The total site area of the proposed parking lot is a total of approximately 2.03 acres, but only the portion of the site on APN 026-270-018 is proposed to be rezoned. The portion of the site that requires the rezone is approximately 1.98 acres. The portions of the site on the Multi-Family Residential (approximately 0.05 acres) are not proposing any rezone. The proposed zoning for the 1.98 acre portion is Service / Utilities and Parking Zone (S-P), but removes the limitation for surface parking, but adding a prohibition of development of above-ground structures (excluding utility enclosures, similar to the "Meadow" designation). This would eliminate potential uses identified in Table 4.3 including Sheriff Substation, Fire Facility, Equipment Maintenance Facility, Day Care, School and Library and continue to prohibit parking garages. The parking layout is currently in the conceptual design phase and at this time it is anticipated to include approximately 193 parking spaces.**
- Applicant: Village East, LLC**
Agent: Nathan Whaley
Location: The Project site is located north of Loop Road and is a portion of the assessor parcel numbers (APN) 026-270-018, 026-270-031 and 026-270-030, however, only the

portion of the Project site on APN 026-270-018 (approximately 1.98 acres) is proposed to be rezoned.

Item 1 was considered after Items 2. Nate Whaley described ongoing discussion with KMA about the parking lot proposal regarding details of screening and project footprint. Whaley noted that the existing S-P designation allows recreation use similar to KCA Rec Center or a ball field as examples. The historic and current use is not visually pristine as a lay down yard for utility equipment and snow storage for Loop Rd. An aerial view map describing the project location\Loop Rd vicinity was used to locate surrounding residences and existing trees. The project site has trees for visual screening and discussion are continuing regarding establishing trees on the north portion of the project for screening.

Lynn Morgan asked about the notification process for TC-TAC agenda items.

Bruce Lawler stated that there is concern about the visual impact to East Meadows subdivision. Revegetation in Kirkwood is difficult with limited success for visual screening for example the KMPUD screening which is more than 10 years established. Screening is best achieved by avoiding tree removal. Mr. Lawler noted that residences northwest of the site have

Don Erickson inquired about the purpose of the project and if the demand for parking required new parking lots.

Jan Hill described a need to have more details for comprehensive Kirkwood Valley parking plan.

Michael Sharp suggested that the 2001 Parking Master Plan should be amended prior to consideration of new parking lot projects.

Nancy Trevett asked about the relationship between the Parking Master Plan and the annual parking report mitigation.

Chuck Beatty stated that the Specific Plan requires a minimum of 2,500 parking spaces.

Sandy Sloan noted her involvement in the creation of the 2003 Specific Plan and that the intent of the restrictions on the school site property was to provide a service for Kirkwood residents rather than resort visitors. Sloan presented a letter submitted during consideration of the Specific Plan approval in May, 2002 which reiterates that parking is not an acceptable use of the property. Ms. Sloan described objection to the project based on the potential for impact to recreational trails, incompatibility with emergency services, and physical impacts to the site. The project may require additional environmental documentation due to incompatibility with the approved Specific Plan.

Allan Sapp noted that homeowners on Hawkweed would be within 25-35 feet from the proposed parking lot. Mr. Sapp has had contact with East Village, LLC about screening and is opposed to the project.

Bertrand Perroud stated concern about a piecemeal approach to parking. As an example at Heavenly Resort parking is not well located. The Kirkwood Meadows Dr parking improvement project is similar in approach.

Jan Hill described opposition to the proposal while recognizing that parking improvements would be required in the future. The school site is not appropriate. Ms. Hill asked about a recent boundary line adjustment approved for the Renwick\Youth Hostel property.

Nate Whaley detailed the BLA project and stated the purpose was to allow Vail Resorts and East Village, LLC to define property boundaries consistent with new ownership and uses. The BLA does not change the land use designations.

Don Erickson made a comment that there is no expectation that a school will be built after the transfer from ACUSD to the developer. The school as envisioned would have low enrollment and a small footprint.

Elain Smith related that the plan for the parking lot is a piecemeal approach to parking which could encourage more piecemeal project in the future.

Andrew O'Grady is a property owner in East Meadow and is concerned about visual impacts with inadequate screening, project not consistent with the Specific Plan, poor location of a guest parking lot.

Jeff Smith noted that the project would expand existing site disturbance and the site is not appropriate for parking.

Bertrand Perroud stated that re-vegetation of mature trees is difficult in Kirkwood, parking study should be conducted, and project should be analysed for aesthetic compatibility similar to the review of the siding during Item 2.

Vic Drakulich is concerned about visual impacts to East Meadows property after past discussions of screening projects which were never completed.

Nate Whaley made final comments to address issues described during the comments. Mr. Whaley noted that visual impacts would be reduced by preserving trees on the east portion of the site and planting trees on the north side. Discussion is taking place about a transfer of a portion of the site to different ownership and amending the land use designation to Meadow for conservation. The Loop Rd portion of Kirkwood is where the most impactful uses currently exist and are allowed. The parking lot wouldn't be piecemeal considering the adjacent parking and utility uses.

Chuck Beatty described the required project review process; application completeness, TC-TAC recommendation, TAC recommendation, PC recommendation, and Amador BOS decision. If BOS approval of the amendment the next review would be a design review of the parking lot by TC-TAC and Amador County TAC. Mr. Beatty noted that the requirements for review do not require property owner notification until a BOS public hearing. A notice would likely be sent to all property owners in Kirkwood. It has not been determined if or how public notification and land use decisions on a Specific Plan affect Alpine and El Dorado. Zach Wood noted that the most recent specific Plan amendment in Alpine County was language change within Multifamily Commercial for the East Village subdivision.

Michael Sharp stated concern about emergency services response times with guest parking accessing both sides of Loop Rd. Lower 7 parking area creates congestion which makes the north access of Loop Rd the fastest route for response during resort operation.

Chuck Beatty noted that project legal description was required to accompany existing maps. The proposed Plan amendment for the change to Meadow designation is not a formal application and won't be considered for discussion by TC-TAC without a submittal. Mr. Beatty noted that legislative actions including specific plan amendments are not subject to the Permit Streamlining Act.

Aaron Mount asked that the applicant provide an alternatives analysis and project justification to augment the application. The counties will follow up on the subject of processing Specific Plan amendments for Counties which are not the lead agency.

TC-TAC members agreed that May 8th would be the next meeting date.

Zach Wood moved to continue consideration of the Specific Plan Amendment and Rezone by TC-TAC until the applicant has provided the aerial map describing a larger vicinity, alternatives analysis, and a project justification. The motion was seconded by Chuck Beatty. The motion passed, 3-0.

ITEM 2- Review and possible approval of colors and materials for the re-siding of the Dekay residence, Lot 125, 50990 Wintergreen Ct.

Applicant: Peter and Jody Dekay

Agent: Randy T. Hamann

Assessor's Parcel Number: 026-182-009

Item 2 was considered prior to Item 1. Randy Hamann produced a color sample board and reported that no exterior alterations beyond the new siding are proposed. Architectural review is scheduled for April 25.

Nancy Trevett asked about construction of a walkway within the building setback.

Randy Hamann noted that the existing walkway is at grade and will have decking replaced with steel.

Chuck Beatty stated that the colors and materials were considered against the visually sensitive lot guidance in the Specific Plan.

Randy Hamann inquired about an official TC-TAC approval stamp for the plans. Zach Wood stated that TC-TAC doesn't have specific plan stamps but each County could stamp plans with notation of TC-TAC approval.

Zach Wood moved to approve of the siding colors and materials as presented. Chuck Beatty seconded the motion. The motion passed, 3-0.

The meeting was adjourned at 11:45 a.m.

The next meeting is scheduled for May 8, 2015.

EXHIBIT 1

LEGAL DESCRIPTION OF THE PORTION OF PROPERTY

That certain real property situated in Amador County, California and which is described as follows:

All that certain piece, parcel or tract of land situated, lying and being a portion of the east half of the northwest quarter and the west half of the northeast quarter of Section 27, T. 10 N., R. 17 E., MDBM, more particularly described as follows:

BEGINNING at the Southwest corner of the parcel described in Grant Deed 2006-013060, in the Office of the Recorded of Amador County, California; thence along a 145.00 foot radius curve to the left;

Thence along the arc of said curve from a tangent bearing of N 54° 25' 35" W through a central angle of 53° 25' 25", a distance of 135.29 feet;

Thence S 70° 20' 05" W, 79.21 feet;

Thence N 14° 00' 00" W, 186.72 feet;

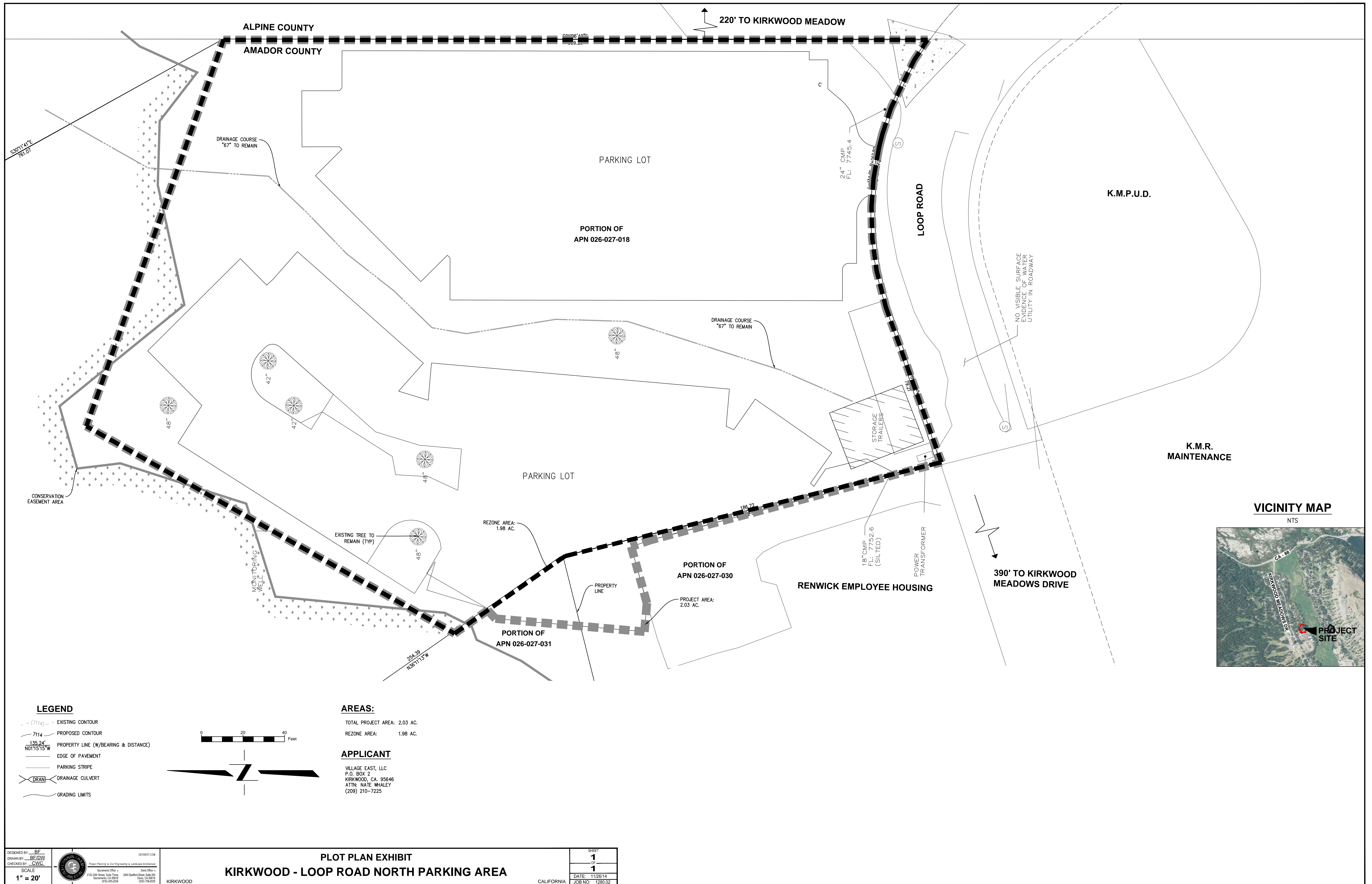
Thence N 34° 59' 27" W, 65.00 feet;

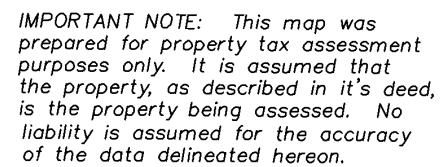
Thence N 29° 24' 58" E, 203.49 feet;

Thence S 70° 26' 43" E, 197.45 feet;

Thence S 00° 00' 49" W, 338.99 feet to the POINT OF BEGINNING.

Containing an area of 1.98 acres, more or less.





Map changes become effective with the 2009–2010 roll year. Parcel numbers are subject to change prior to adoption of roll on each July 1.

NOTE-Assessor's Block Numbers Shown in Ellipses.
Assessor's Parcel Numbers Shown in Circles.

Assessor's Map Bk. 26, Pg. 27
County of Amador, Calif.

KIRKWOOD

RESORT DEVELOPMENT

17 September 2014

Amador County Planning
Attn: Mr. Chuck Beatty
810 Court Street
Jackson, CA 95642

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Amador County
OCT 15 2014
PLANNING DEPARTMENT

Subject: Letter of Authorization

To whom it may concern:

I declare under penalty of perjury that I/ we am/ are the legal owner(s) of the property described below and I hereby authorize the following person(s) / firm to act as my agent(s) to apply for, sign and file the documents related to the following Project:

Owner Info:

Owner Name: Village East, LLC
Contact Name / Title: Nathan Whaley
Address: PO Box 2, Kirkwood, CA 95646
Phone Number: (209) 258-7291

Project Info:

Project Name: Loop Road North Parking Lot
Address / Location: North of Loop Road
Assessor Parcel Number(s): Portion of 26-270-018

Authorized Person / Firm:

Company Name: Cunningham Engineering Corporation
Address: 2940 Spafford Street, Suite 200, Davis, CA 95618
Phone: (530) 758-2026

Sincerely,

VILLAGE EAST LLC



Nathan Whaley
President & Chief Financial Officer

OCT 15 2014

PLANNING DEPARTMENT

APPLICATION FOR ZONE CHANGE

Application for a zoning change shall include the following:

- ____ 1. A. Name of Property Owner Village East LLC; Nathan Whaley
Mailing Address PO Box 2, Kirkwood, CA 95646

Phone Number (209) 210-7225
- B. Name of Applicant Same as Owner
Mailing Address _____

Phone Number _____
- C. Name of Representative Cunningham Engineering; Andi Panagopoulos
Mailing Address 2120 20th Street, Suite 3, Sacramento, CA 95818

Phone Number (916) 455-2026 ext. 151
- ____ 2. Assessor Parcel Number(s)
- ____ 3. Letter of application explaining purpose of request, description of proposed uses, and other pertinent information. **Note: It is to your benefit to be as specific as possible with your application information.**
- ____ 4. Letter of authorization if landowner is being represented by another party.
- ____ 5. Submit a plot plan of parcel showing location of project in relation to property lines and any existing structures/improvements (roads, parking areas, etc.) on the property as well as all proposed structures/improvements (may wish to make separate maps). NOTE: An Assessor Plat Map can be obtained from the Surveying and Engineering Department (500 Argonaut Lane, Jackson, CA) for the purpose of aiding in drawing of the plot plan.
- ____ 6. Copy of deed(s) to property.
- ____ 7. Completed Environmental Information Form and Indemnification Agreement.
- ____ 8. Filing fee of \$_____ (see attached schedule of fees).
- ____ 9. Application Form to be signed at the time of project presentation in the Planning Department.

OCT 15 2014

PROJECT DESCRIPTION

Loop Road North Parking Area Kirkwood, California

PLANNING DEPARTMENT

Village East, LLC is proposing approval of a Specific Plan Amendment / Rezone for a parking lot at the currently zoned school site at Kirkwood. The site is located north of Loop Road and is a portion of the assessor parcel number 26-270-018.

Existing Zoning / Land Use Designation

The project site is part of the Kirkwood Specific Plan and is currently zoned Service / Utilities and Parking Zone (S-P) with parks and recreation / school overlay. The proposed zoning remains Service / Utilities and Parking Zone (S-P), but removes the limitation for surface parking, but adding a prohibition of development of above-ground structures (excluding utility enclosures, similar to the "Meadow" designation). This would eliminate potential uses identified in Table 4.3 including Sheriff Substation, Fire Facility, Equipment Maintenance Facility, Day Care, School and Library and continue to prohibit parking garages.

Project Design

The total site area of the proposed parking lot is approximately 8.4 acres will include approximately 216 parking spaces. The portion of the site that requires the rezone is approximately 2 acres. The parking lot is necessary to provide parking spaces for Kirkwood skiers and this effort is an outstanding requirement of the sale to of Kirkwood Mountain Resort to Vail Resorts. The parking lot may also include some landscape buffer areas (berms and/or trees) along the west portion of the site.

Construction Schedule

The anticipated construction schedule is summer of 2015.

Existing Site Conditions

The existing site is vacant, undeveloped land historically used as the "boneyard" for Mountain Utilities and Resort maintenance parts and equipment storage. There are no known mine shafts, tunnels, air shafts, open hazardous excavations, etc. Refer to the enclosed site photos.

Surrounding Site Conditions

The project site is along Loop Road in Kirkwood, the industrial and parking core of the Kirkwood Valley, and is adjacent to the Kirkwood Mountain Resort Maintenance Shop and resort Chair 7 parking lots and KMPUD wastewater treatment plant, maintenance shop, fire station and administration building to the south, employee housing to the west, Kirkwood Meadow Conservation Easement to the east, undeveloped land to the north.

The site is lightly treed, relatively flat and is not within 1000 feet of a military installation, beneath a low-level flight path or within special use airspace as defined in Section 21098 of the Public Resource Code and within an urbanized area as defined in Section 65944. Refer to enclosed copies of recent biological studies indicating no sensitive biological species are present.



PLANNING DEPARTMENT LAND USE AGENCY

COUNTY ADMINISTRATION CENTER

810 Court Street • Jackson, CA 95642-2132
Telephone: (209) 223-6380

website: www.co.amador.ca.us
e-mail: planning@co.amador.ca.us

PRE-APPLICATION INFORMATION AND CHECKLIST FOR GENERAL PLAN AMENDMENT

General Plan amendments can be processed four (4) times a year. Public hearings will be scheduled approximately on a quarterly basis throughout the year after applications are accepted or the County initiates such action.

Application for General Plan amendment shall include the following:

- ___ 1. Letter of application explaining purpose of request, description of proposed uses, and other pertinent information. NOTE: In the past, the Board of Supervisors has rejected General Plan amendment requests not accompanied by a specific project application (e.g. tentative subdivision map, master plan, use permit, etc.).
- ___ 2. Letter of authorization if landowner is being represented by another party.
- ___ 3. Submit Assessor Plat Map(s) with subject project area outlined neatly with red pencil. NOTE: Assessor Plat Maps can be obtained from the Surveying and Engineering Department (500 Argonaut Lane, Jackson, CA) for putting the project map together.
- ___ 4. Copy of deed(s) and legal description of all property within subject project area.
- ___ 5. Completed Environmental Information Form and Indemnification Agreement.
- ___ 6. Statement as to whether the project area is within 1000' of a military installation, beneath a low-level flight path or within special use airspace as defined in Section 21098 of the Public Resource Code and within an urbanized area as defined in Section 65944 (maps available in Planning Dept or on-line at <http://atlas.resources.ca.gov/>).
- ___ 7. Filing fee of \$_____ (see attached schedule of fees).
- ___ 8. Application Form to be signed at the time of project presentation in the Planning Department.

NOTE: IT IS TO YOUR BENEFIT TO BE AS SPECIFIC AS POSSIBLE WITH YOUR APPLICATION INFORMATION.

NOTE: ALL GENERAL PLAN AMENDMENTS ARE SUBJECT TO SB 18 (TRIBAL CONSULTATION GUIDELINES).

ENVIRONMENTAL INFORMATION FORM

OCT 15 2014

(To be completed by applicant; use additional sheets as necessary.)
Attach plans, diagrams, etc. as appropriate.

PLANNING DEPARTMENT

GENERAL INFORMATION

Project Name: Loop Road North Parking Area

Date Filed: _____ File No. _____

Applicant/Developer Village East, LLC Landowner Same as Applicant
Address PO Box 2, Kirkwood, CA 95646 Address _____
Attn: Nate Whaley
Phone No. (209) 210-7225 Phone No. _____

Assessor Parcel Number(s) Portion of 26-270-018

Existing Zoning District Service / Utilities and Parking Zone (S-P)

Existing General Plan Kirkwood Specific Plan

List and describe any other related permits and other public approvals required for this project, including those required by city, regional, state, and federal agencies: _____

None

WRITTEN PROJECT DESCRIPTION (Include the following information where applicable, as well as any other pertinent information to describe the proposed project):

1. Site Size
2. Square Footage of Existing/Proposed Structures
3. Number of Floors of Construction
4. Amount of Off-street Parking Provided (provide accurate detailed parking plan)
5. Source of Water
6. Method of Sewage Disposal
7. Attach Plans
8. Proposed Scheduling of Project Construction
9. If project to be developed in phases, describe anticipated incremental development.
10. Associated Projects
11. Subdivision/Land Division Projects: Tentative map will be sufficient unless you feel additional information is needed or the County requests further details.
12. Residential Projects: Include the number of units, schedule of unit sizes, range of sale prices or rents and type of household size expected.
13. Commercial Projects: Indicate the type of business, number of employees, whether neighborhood, city or regionally oriented, square footage of sales area, and loading facilities.

14. Industrial Projects: Indicate type, estimated employment per shift, and loading facilities.
15. Institutional Projects: Indicate the major function, estimated employment per shift, estimated occupancy, loading facilities, and community benefits to be derived from the project.
16. If the project involves a variance, conditional use permit, or rezoning application, state this and indicate clearly why the application is required.

Environmental Information Form

Page 2

ADDITIONAL INFORMATION Are the following items applicable to the project or its effects? Discuss below all items checked "yes" (attach additional sheets as necessary).

YES NO

- | | | |
|-------------------------------------|-------------------------------------|---|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 17. Change in existing features or any lakes or hills, or substantial alteration of ground contours. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 18. Change in scenic views or vistas from existing residential areas, public lands, or roads. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 19. Change in pattern, scale, or character of general area of project. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 20. Significant amounts of solid waste or litter. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 21. Change in dust, ash, smoke, fumes, or odors in the vicinity. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 22. Change in lake, stream, or ground water quality or quantity, or alteration of existing drainage patterns. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 23. Substantial change in existing noise or vibration levels in the vicinity. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 24. Site on filled land or has slopes of 10 percent or more. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 25. Use or disposal of potentially hazardous materials, such as toxic substances, flammables, or explosives. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 26. Substantial change in demand for municipal services (police, fire, water, sewage, etc.). |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 27. Substantially increase fossil fuel consumption (electricity, oil, natural gas, etc.). |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 28. Does this project have a relationship to a larger project or series of projects? |

Part of Specific Plan

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ENVIRONMENTAL SETTING

29. Describe the project site as it exists before the project, including information on topography, soil stability, plants and animals, and any cultural, historical or scenic aspects. Describe any existing structures on the site, and the use of the structures. Attach photographs of the site (cannot be returned).
30. Describe the surrounding properties, including information on plants and animals and any cultural, historical, or scenic aspects. Indicate the type of land use (residential, commercial, etc.), intensity of land use (one family, apartment houses, shops, department stores, etc.), and scale of development (height, frontage, setback, rear yard, etc.). Attach photographs of the vicinity (cannot be returned).
31. Describe any known mine shafts, tunnels, air shafts, open hazardous excavations, etc. Attach photographs of any of these known features (cannot be returned).

Certification: I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Date 9/17/2014

MSEJ
(Signature)
For VILLAGE EAST LLC

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Amador County

OCT 15 2014

PLANNING DEPARTMENT

INDEMNIFICATION AGREEMENT

This Agreement is entered into this _____ day of _____, 20____, between the County of Amador ("County") and Village East, LLC ("Applicant") on the following terms and conditions.

Whereas, Applicant has filed an application with County for a project requiring County's discretionary approval, which project is identified in the application attached hereto and incorporated by reference ("Application" and "Project"); and

Whereas, County refers to said Project for administrative purposes as:

Loop Road North Parking Area

Whereas, County is required to process said Application in accordance with the California Environmental Quality Act ("CEQA"); and

Whereas, County has adopted Ordinance 1484 requiring that Applicant indemnify County for any attorney's fees and costs (collectively "Fees") awarded by a court against County to a party objecting to the Project ("Objector") or accruing to the Objector through a settlement agreement approved by County; and

Whereas, the premise of said Ordinance is that Applicant and not the general taxpayers will derive the principal financial benefit of the Project and therefore said Applicant should assume the risk of County's being required to pay said Fees; and

Whereas, Applicant desires that County process said application in order to decide whether or not to approve the Project on its merits;

THE PARTIES HERETO agree as follows.

1. County shall accept the Application when it is complete and shall process it to completion or abandonment by Applicant.
2. County shall determine in its discretion the CEQA document the Project requires and prepare or cause to be prepared and otherwise process said document (collectively "CEQA Determinations"). Prior to finalizing any CEQA Determination, County shall provide administrative drafts to Applicant and allow Applicant a reasonable opportunity

for comment.

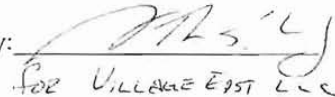
3. In the event that County is sued by an objector challenging County's CEQA Determinations and said objector is awarded Fees, or Fees are agreed by County to be paid in settlement of such a suit (or in anticipation of such a suit), Applicant, upon demand by County, shall pay all said Fees to said objector and hold County harmless therefrom. In addition, Applicant hereby holds harmless County and its officers and employees from any costs, claims, or liability arising or alleged to have arisen from County's CEQA Determinations which Applicant may have against County. County agrees that it will not settle any suit or dispute with an objector in a manner which will require Applicant to pay Fees unless Applicant is in agreement with the proposed settlement.

4. County shall appear and defend its CEQA Determinations if an objector files an action challenging such CEQA Determinations if County determines that such a defense is meritorious and appropriate.

5. Applicant may appear and defend its interest in such an action but shall not be obligated by this Agreement to do so.

APPLICANT

COUNTY

By: 
for VILLAGE EAST LLC

By: _____

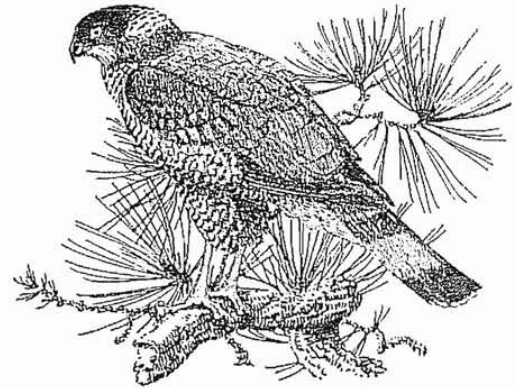
Dale Keyser

Biological & Environmental Consulting
397 East Bald Mountain Road
Sonora, CA 95370
(209) 532-4852

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Amador County

OCT 15 2014

PLANNING DEPARTMENT



WILDLIFE SURVEYS FOR MARTIN POINT, KIRKWOOD NORTH,
NORTHWEST PARCEL, EAST VILLAGE AND SCHOOL SITE ON LOOP
ROAD
AT THE
KIRKWOOD MOUNTAIN RESORT
KIRKWOOD, CALIFORNIA

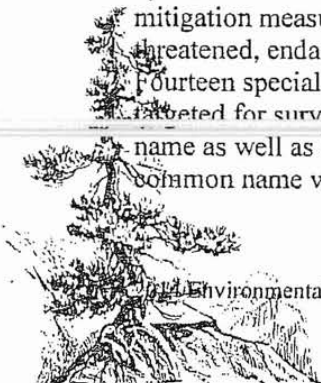
August 14, 2014

Prepared for: Nate Whaley, President and Chief Financial Officer
Kirkwood Mountain Development
1499 Kirkwood Meadows Drive
P.O. Box 2
Kirkwood, CA 95646

Prepared by: Dale Keyser, Wildlife Biologist
397 East Bald Mountain Road
Sonora, CA 95370
(209) 532 4852

Project MARTIN POINT, KIRKWOOD NORTH, NORTHWEST PARCEL, EAST
VILLAGE AND SCHOOL SITE ON LOOP ROAD

Purpose of Surveys: Mitigation requirements for protection of wildlife species were established by the Kirkwood Mountain Resort Final Environmental Impact Report and are identified in mitigation measure 4.3.2 (h) (see attached). This measure requires surveys to be conducted for threatened, endangered, and sensitive wildlife species prior to any individual project construction. Fourteen special status animals listed on Table 4.13 of the Kirkwood EIR (see attached) were targeted for surveys. The animal species listed on this table are identified by both the common name as well as its scientific name. Each is addressed individually in this report but only the common name will be used in the body of the report.



Wildlife Environmental Studies on 5 parcel

Pg1
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Please note: The Mountain Yellow-legged Frog, *Rana muscosa*, had a name change to Sierra Nevada Yellow-legged Frog, *Rana sierrae*.

Survey Methods: The area was surveyed to identify the location of any habitat appropriate to the fourteen species mentioned above and were subjected to ground surveys by two observers on foot. Observations focused on any evidence that would confirm presence of special status wildlife species. Evidence of presence would be established by visual sighting, acoustical evidence, tracks, scats, feathers, eggs or larvae. Survey dates for ground surveys were June 28, July 5, July 12, July 19, July 28 & Aug. 11, 2014

Surveys for the Great Gray Owl were conducted using *Survey Protocol for the Great Gray Owl in the Sierra Nevada of California, May 2000*, by Jon Winter and Thomas Beck. This consisted of five surveys using an MP3 player and broadcast calling technique. Five calling visits were implemented on the following dates: June 28, July 5, July 12, July 19, & July 28. A pellet meadow search was conducted on August 11 in accordance with protocol.

Northern Goshawk surveys were conducted in the Martin Point, Northwest Parcel and Kirkwood North areas on June 28 & July 28 broadcasting the primary call throughout a 300 meter walking transect as allowed by *Survey Methodology for Northern Goshawks in the Pacific Southwest Region, U.S. Forest Service, May 2002*. The survey was conducted by three persons walking through appropriate habitat.

To determine presence of the California Wolverine, Pacific Fisher, Pine Marten and Sierra Nevada Red Fox, remote camera/bait stations were established in the Martin Pt. area, East Village, Kirkwood North and School Site on Loop Road. Bait was replenished weekly for four weeks and lure scent was applied during the last two weeks. Camera cards were exchanged on each of these occasions. Additionally, ground surveys focused on any other evidence of presence of these species.

Surveys for the three amphibian species listed on table 4.13 were conducted wherever appropriate or likely habitat was present. The three species included the Sierra Nevada Yellow-legged Frog, Yosemite Toad, and the Mount Lyle Salamander. Surveys for the Yosemite Toad and Mount Lyle Salamander were conducted by this writer in the year 2008 and no individuals of the target species were observed. Likely habitat did exist in the year 2008 in that winter snow depths were substantial and runoff with rapidly moving streams, water spray from waterfalls and splatter provided the preferred habitat for the salamander and snow melt pools for the toad. The 2014 year survey period was extremely dry due to the light winter snowfall and warm springtime temperatures. At the time of the June 28 survey, all streams flowing into Kirkwood meadow creek were dry.

Field surveys were conducted throughout the Martin Point parcel including the parcel known as the Northwest Parcel, to evaluate likely habitat for the Spotted bat, Peregrine falcon, Bald eagle, Sierra Nevada Snowshoe Hare and the Willow Flycatcher. No likely habitat was found for any of these species.

In addition to the above field activities literature related to the survey requirements, as well as detailed biological information for each target species was reviewed and professional specialists were contacted for comments.

Results of Surveys:

Great Gray Owl: There were no responses to calling activity and no evidence of pellets were observed during the meadow pellet search.

The pellet meadow search was conducted by Brian Harasha and his findings are herein reported:

8/11/2014

Surveyors: Brian Harasha, Megan Harasha

Time: 1330 – 1530

Weather: Partly Cloudy, Calm Wind, 75 Degrees

Kirkwood Meadow North Site:

- The general area between Highway 88 and the forested parcel north of the road near an old corral area was searched for pellets. The area starts about 100 feet west of the west entry to the corral and ends about 75 feet east of the east entry to the corral. A two person team walked north/south transects side by side at arms length back and forth until the area was covered entirely. No evidence of GGOW was observed (pellets, feathers).

Merriel/Freemont Road Site:

- The shoulders of Kirkwood Meadow Drive between Merriel and Freemont Roads were searched for GGOW pellets. A zigzag pattern was walked along both the shoulders of the road until the length of this segment of road was covered entirely. No evidence of GGOW was observed.
- In addition to the Kirkwood Meadow Drive shoulders, the shoulders of Merriel and Freemont Roads were also searched in the same fashion, but also with no positive findings. I decided to survey these shoulders as well, because it seemed like they would still be in the same flight path between the meadow and the fir stand to the west.

The searches shall be repeated in 2015 to fulfill protocol requirements

Northern Goshawk: This species was not found to be present as a result of the broadcast calling survey.

Forest Carnivores: None of the target species were identified by the motion sensor bait /camera stations.

Amphibians: There was no evidence of presence of the Yosemite Toad, the Mount Lyle Salamander or Sierra Nevada Yellow-legged Frog.

Willow Flycatcher: The required willow or alder component necessary for this species is absent on the project site.

Peregrine Falcon: Vertical cliffs represent the relatively strict nesting requirement for Peregrine Falcons. Nesting habitat is not present on the project site.

Spotted Bat: Appropriate habitat is not found on the project site. Distribution in the Sierra is patchy with most locations in restrictive habitat. The Spotted Bat is a nearly obligate cliff roosting species which requires vertical unvegetated cliffs composed of fractured rock > 30 meters high. Foraging is primarily over open meadows. (Pierson pers. con.).

Bald Eagle: There was no evidence of nesting observed in any of the trees on the Martin Point parcel for this species. The Bald Eagle typically nests on cliffs or tall trees where it builds extremely large stick nests. One such nest has been active for several years near Red Lake, approximately three miles east of Kirkwood Meadow.

Snowshoe Hare: No hares were found during the surveys and no evidence of their presence was detected.

Comments: The results of this survey are considered valid for two breeding seasons in compliance with the Kirkwood Mountain Resort Environmental Impact Report. This includes the breeding seasons of the years 2014 and 2015.

Respectfully submitted,



Dale Keyser, Wildlife Biologist

References:

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Bradford, David, *Journal of Herpetology* Vol. 25, no. 2, pp. 174-177, 1991.

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Fellers, Gary & Kathleen Freel, *Standardized Protocol for Surveying Aquatic Amphibians* Technical Report NPS/WRUC/BRTR-95-01, United States Department of the Interior.

Fowler, C., B. Valentine, S. Sanders, M. Stafford. 1991. *Habitat Suitability Index Model: Willow Flycatcher Empidonax trailii*. USDA Forest Service, Tahoe National Forest.

Habitat Mapping (Draft) for El Dorado National Forest. Appendix A.

Jennings, M.R. & M.P. Hayes, *Amphibian & Reptile Species of Special Concern in California*. Prepared for California Department of Fish & Game 1994 Rancho Cordova, CA 1994.

Karlstrom, Ernest, PhD. *The Toad Genus Bufo in the Sierra Nevada*. Museum of Vertebrate Zoology, University of California, Berkeley, CA.

Keyser, Dale, *Raptor Surveys on the Kirkwood Mountain Resort*, Unpublished Report 1994.

Keyser, Dale, *Raptor Surveys on the Martin Point Area of Kirkwood Valley*, Unpublished Report 2000.

Keyser, Dale, *Willow Flycatcher Survey on the Ski In/Ski Out Subdivision of Kirkwood Resort*. Unpublished Report 1999.

Moore Biological Consultants, *Survey for Mountain Yellow-legged Frog in the Ski In Ski Out Subdivision Project, Kirkwood Ski Resort, Kirkwood, CA*. Unpublished Report 1999.

Pierson, Elizabeth, PhD. *Distribution of the Spotted Bat in California*. Journal of Mammology 79(4):1296-1305, 1998

Stebbins, Robert C., *Field Guide to Western Reptiles and Amphibians*. Houghton Mifflin Co. Boston 1985.

US Forest Service, *Survey Methodology for Northern Goshawks in the Pacific Southwest Region*, May 2002

Personal Contact:

Basey, Harold, retired professor and author of books dealing with Sierra Nevada natural history. 209-962-5845. Harold Basey and I have worked together as research field biologists throughout much of the Sierra Nevada range for nearly fifty years and he has intimate knowledge of my ability to evaluate the wildlife species and their environment.

cc: JoAnne Michael, RCI

2001a). The habitat requirements and life history of these species were reviewed. Species identified as threatened, endangered, a sensitive which have a reasonable probability of occurrence within the project area (Simpson 1995) listed in Table 4.13 and discussed in the succeeding text. Additional species identified by the agencies as the greater western mastiff bat (*Eumops perotis californicus*), Pacific western big-eared bat (*Plecotus townsendii townsendii*), and the California spotted owl (*Strix occidentalis occidentalis*) are not addressed as the project area is above the elevational range of these species and/or does not contain suitable habitat.

Table 4.13. Special status wildlife species potentially occurring in the Kirkwood project area

Common name	Scientific name	Federal Status ¹	State Status ²	Forest Service Status
Spotted bat	<i>Euderma maculatum</i>	SC	CSC	--
Sierra Nevada snowshoe hare	<i>Lepus americanus tahoensis</i>	SC	CSC	--
Sierra Nevada red fox	<i>Vulpes vulpes necator</i>	SC	ST	S
Pine marten	<i>Martes americana</i>	SC	--	S
Pacific fisher	<i>Martes pennanti pacifica</i>	SC	CSC	S
California wolverine	<i>Gulo gulo</i>	SC	ST	S
Bald eagle	<i>Haliaeetus leucocephalus</i>	T	SE	--
Northern goshawk	<i>Accipiter gentilis</i>	SC	CSC	S
Peregrine falcon	<i>Falco peregrinus anatum</i>	D/FT	SE	S
Great gray owl	<i>Strix nebulosa</i>	--	SE	S
Willow flycatcher	<i>Empidonax traillii</i>	--	SE	S
Mount Lyell Salamander	<i>Hydromantes platycephalus</i>	SC	CSC	--
Yosemite toad	<i>Bufo canorus</i>	SC	CSC	S
Mountain yellow-legged frog ⁴	<i>Rana muscosa</i>	SC	CSC	S

¹E=Endangered; T=Threatened; D=Delisted; FT=Formerly Threatened; SC=Other species of concern to the Sacramento Fish and Wildlife Office. This is an informal term used by some USFWS offices. These species receive no legal protection.

²SE=State of California Endangered; ST=State of California Threatened; CSC=State of California Species of Special Concern. These have no legal status; this category is intended for use as a management tool.

³S=FS Sensitive

⁴Proposed Endangered only for the southern population in the San Gabriel, San Jacinto, and San Bernardino Mountains.

The USFWS identified two listed or formerly listed wildlife species, the bald eagle and peregrine falcon with the potential to occur in the project area or be affected by the Proposed Project (USFWS 1999, 2001). The federally threatened bald eagle has been observed foraging at Caples Lake and Caple

Table 4.11. State and federal statutes considered in the impact analysis.

Regulated Activity and Resource	Implementing Agency	Regulatory Authority
Activities affecting species listed as Endangered or Threatened.	U.S. Fish and Wildlife Service	Sections 7 & 9, Endangered Species Act (16 USC 1536).
	California Dept. Fish & Game	California Endangered Species Act (California Fish and Game Code, Section 2081).
Activities affecting general fish and wildlife concerns.	U.S. Fish & Wildlife Service California Dept. of Fish & Game	Fish and Wildlife Coordination Act (16 USC 661-666); California Environmental Quality Act; National Environmental Policy Act.
Discharge of dredged or fill material into waters of the United States or construction within a floodplain.	U.S. Army Corps of Engineers	Section 404, Clean Water Act (33 USC 1344); Rivers and harbors Act of 1899 (46 USC 403).
	U.S. Forest Service	Executive Order 11990, Protection of Wetlands. Executive Order 11988, Floodplain Management.
	California Dept. Fish & Game	Streambed Alteration Agreement (California Fish & Game Code, Section 1603).
Activities affecting designated wilderness areas.	U.S. Forest Service	Wilderness Act of 1964 (16 USC 1131).
	California Resources Agency	California Wilderness Act (California Public Resources Code, Section 5093.30 et seq.).
Activities involving timber harvests on private land.	California Dept. Forestry and Fire Protection	Z'berg-Nejedly Forest Practice Act (California Public Resources Code, Section 4511 et seq.).
Source: Bass et al. 1996.		

4.3.2.2.4 Existing Studies and Information

Because the long-term fate of the wildlife resource is closely linked to habitat quality, this analysis heavily on a habitat-based approach to assess development impacts. As a consequence, there is substantial overlap in source materials for this section and the vegetation and wetland impact analyses.

Primary source material for the wildlife analysis includes the following documents:

- California Department of Fish and Game (CDFG) Natural Diversity Data Base (CDFG 1990).
- Special animals. California Natural Diversity Data Base (CDFG 2001a).
- California species of special concern. Habitat Conservation Planning Branch (CDFG 2001b).

Recording Requested by
and when Recorded Mail Documents to:

Village East LLC
Attn: Nate Whaley, CFO
Post Office Box 2
Kirkwood, California 95646



Amador County Recorder
Kimberly L. Grady
DOC- 2013-0010914-00
Check Number 1046
REQD BY VILLAGE EAST LLC
Friday, DEC 27, 2013 10:30
Ttl Pd \$13.00 Nbr-0000248641
CT1/R1/1-3

SPACE ABOVE THIS LINE FOR RECORDING USE

GRANT DEED

The undersigned Grantor declares:

Documentary transfer tax is \$ 0.
() computed on full value of property conveyed, or
() computed on full value of liens and encumbrances remaining at time of sale
(x) Unincorporated area [Kirkwood] () City of _____.

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Kirkwood Capital Partners, LLC, a Delaware limited liability company
(formerly known as Kirkwood Mountain Resort LLC)

hereby grants to

Village East, a California limited liability company

that certain real property located in the County of Amador, State of California, more particularly described Exhibit "A" attached hereto (the "Land"), together with all right, title and interest in and to all buildings and improvements now located or hereafter constructed on the Land, subject to all liens, encumbrances, easements, covenants, conditions and restrictions of record.

Grantor hereby further grants to Grantee all of Grantor's right, title and interest in and to all easements, privileges and rights appurtenant to the Land and pertaining or held and enjoyed in connection therewith.

IN WITNESS WHEREOF, Grantor has executed this Grant Deed as of December 12, 2013.

GRANTOR:
KIRKWOOD CAPITAL PARTNERS, LLC
(f.k.a. KIRKWOOD MOUNTAIN RESORT, LLC)

By: _____

Nathan S. Whaley, its Chief Executive Officer

STATE OF California

COUNTY OF Alpine

On December 12, 2013 before me, Shayma R. Hill,
Notary Public, personally appeared Nathan S. Whaley, who proved to me on the basis of
satisfactory evidence to be the person(s) whose name(s) is are subscribed to the within
instrument and acknowledged to me that he/she/they executed the same in his/her/their
authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s),
or the entity upon behalf of which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.

Signature: [Signature]

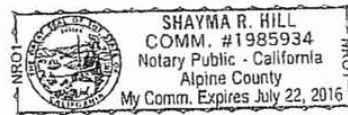


EXHIBIT A

Amador County

All that portion of the East Half of the Northwest Quarter and the West Half of the Northeast Quarter of Section 27, T. 10 N., R. 17 E., MDBM as more particularly described in that certain Grant Deed recorded on November 7, 2006 as instrument no. 2006-13060, Amador County Official Records.

APN 026-270-018

PROJECT DESCRIPTION

Loop Road North Parking Area **Kirkwood, California**

December 9, 2014

Village East, LLC is proposing approval of a Specific Plan Amendment / Rezone for a parking lot at the currently zoned school site at Kirkwood. The Project site is located north of Loop Road and is a portion of the assessor parcel numbers (APN) 026-270-018, 026-270-031 and 026-270-030, however, only the portion of the Project site on APN 026-270-018 (approximately 1.98 acres) is proposed to be rezoned.

Existing Zoning / Land Use Designation

The Project site is part of the Kirkwood Specific Plan and is currently zoned as partially Multi-Family Residential (the portion of the site on APN 026-270-031 and 026-270-030) and Service / Utilities and Parking Zone (S-P) with parks and recreation / school overlay (the portion of the site on APN 026-270-018).

Proposed Zoning

The total site area of the proposed parking lot is a total of approximately 2.03 acres, but only the portion of the site on APN 026-270-018 is proposed to be rezoned. Thus, the portion of the site that requires the rezone is approximately 1.98 acres. The portions of the site on the Multi-Family Residential (approximately 0.05 acres) are not proposing any rezone. The proposed zoning for the 1.98 acre portion is Service / Utilities and Parking Zone (S-P), but removes the limitation for surface parking, but adding a prohibition of development of above-ground structures (excluding utility enclosures, similar to the "Meadow" designation). This would eliminate potential uses identified in Table 4.3 including Sheriff Substation, Fire Facility, Equipment Maintenance Facility, Day Care, School and Library and continue to prohibit parking garages.

Project Design

The parking layout is currently in the conceptual design phase and at this time it is anticipated to include approximately 193 parking spaces. The number of parking spaces will be established as the project proceeds through the design process. The parking lot is necessary to provide parking spaces for Kirkwood skiers and this effort is an outstanding requirement of the sale to of Kirkwood Mountain Resort to Vail Resorts. The parking lot may also include some landscape buffer areas (berms and/or trees) along the west portion of the site.

Construction Schedule

The anticipated construction schedule is summer of 2015.

Existing Site Conditions

The existing site is vacant, undeveloped land historically used as the "boneyard" for Mountain Utilities and Resort maintenance parts and equipment storage. There are no known mine shafts, tunnels, air shafts, open hazardous excavations, etc. Refer to the enclosed site photos.

Surrounding Site Conditions

The project site is along Loop Road in Kirkwood, the industrial and parking core of the Kirkwood Valley, and is adjacent to the Kirkwood Mountain Resort Maintenance Shop and resort Chair 7 parking lots and KMPUD wastewater treatment plant, maintenance shop, fire station and administration building to the south, employee housing to the west, Kirkwood Meadow Conservation Easement to the east, undeveloped land to the north.

The site is lightly treed, relatively flat and is not within 1000 feet of a military installation, beneath a low-level flight path or within special use airspace as defined in Section 21098 of the Public Resource Code and within an urbanized area as defined in Section 65944. Refer to enclosed copies of recent biological studies indicating no sensitive biological species are present.



Loop Road North Parking Area, Kirkwood

To: Chuck Beatty, Amador County

From: Andi Panagopoulos, Cunningham Engineering Corporation (CEC)

cc: Nate Whaley, Village East, LLC

Date: December 9, 2014

Subject: Response to County Comments received via email November 19, 2014 regarding The Loop Road North Parking Area, Kirkwood

This memo is a response to comments received from the County of Amador on November 19, 2014. Our responses are in *italics*.

1. The narrative indicates the "total site area" of the parking lot is 8.4 acres, but the deed says the parcel is only 6.3. *The total parking lot project area is 2.03 acres. However, only the portion of the project area on APN 026-270-018 (1.98 acres) is proposed to be rezoned.*
2. The narrative states that the area to be rezoned is about 2 acres. I want to make sure you're only looking at changing the zoning (and parking prohibition) on the 2-acre portion of the parcel. *Only the portion of the project area on APN 026-270-018 (1.98 acres) is proposed to be rezoned.*
3. The portion of the lot shown in red on the Assessor's Map is only about 1.3 acres, so I'm guessing the 2-acre area to be rezoned is shown inside the dashed line on the site plan. If so, the rezone area encroaches into the employee housing lot (026-270-031), and doesn't have any specific boundary description. We'll need that description in meets & bounds so that we know exactly what property gets rezoned. *Please refer to the revised Plot Plan Exhibit and the Rezone Exhibit for the delineation between the total project area boundary and the rezone area boundary. We also included a legal description of the rezone area as requested.*
4. The plans show 189 parking spaces versus the 216 in the narrative. *The parking layout is currently in the conceptual design phase and at this time it is anticipated to include approximately 193 parking spaces. The number of parking spaces will be established as the project proceeds through the design process.*

Please revise the maps and narrative, and I will submit the tribal notification letter to get the clock started on their 90-day review period.