



Julie Saylor <julie.saylor@edcgov.us>

Fwd:

1 message

Aaron Mount <aaron.mount@edcgov.us>
To: Julie Saylor <julie.saylor@edcgov.us>

Wed, Apr 8, 2015 at 3:29 PM

More comments for Friday, please post.

Aaron Mount
Associate Planner

County of El Dorado
Community Development Agency
Planning Services
2850 Fairlane Court
Placerville, CA 95667
(530) 621-5355 / FAX (530) 642-0508
aaron.mount@edcgov.us

----- Forwarded message -----

From: **Tim Gonzales** <amtg@att.net>

Date: Wed, Apr 8, 2015 at 2:48 PM

Subject:

To: cbeatty@amadorgov.org, zwood@alpinecountyca.gov, aaron.mount@edcgov.us

I am submitting the present letter and accompanying report of Arborist John Kipping in connection with the April 10, 2014 Tri-County Technical Advisory Committee's meeting as it relates to Village East, LLC's October 15, 2014 application for a zoning change.

If I have not directed this e-mail to the correct person, please forward it to the correct person.

A hard copy has been sent by Federal Express and will arrive tomorrow.

Thank you

NOTICE: This e-mail and any files transmitted with it may contain confidential information, and are intended solely for the use of the individual or entity to whom they are addressed.

Any retransmission, dissemination or other use of the information by persons other than the intended recipient or entity is prohibited.

If you receive this e-mail in error please contact the sender by return e-mail and delete the material from your system.

Thank you.

4/9/2015

Edcgov.us Mail - Fwd:

2 attachments

 **Letter to TC-TAC re parking lot opposition.pdf**
3002K

 **Arborist Kipping Report.pdf**
1794K

TIMOTHY A. GONZALES
ATTORNEY AT LAW

6 VUELO DE LAS PALOMAS
CARMEL, CALIFORNIA 93923
(415) 706-1799

April 8, 2015

Chuck Beatty
Amador County Planning Dept.
810 Court Street
Jackson, Ca 95642

Zach Wood
Alpine County Planning Dept.
50 Diamond Valley Road
Markleeville, Ca 96120

Aaron Mount
El Dorado County Planning Dept.
2850 Fairlane Court
Placerville, Ca 95667

Re: Kirkwood Park to Parking Lot Rezone Proposal

Dear Planners:

I am submitting the present letter and accompanying report of Arborist John Kipping in connection with the April 10, 2014 Tri-County Technical Advisory Committee's meeting as it relates to Village East, LLC's October 15, 2014 "Application For Zone Change." I am a resident of Kirkwood and am opposed to the application. I am making this submission in writing as I may not be able to attend the meeting due to prior commitments.

It is very common for developers who seek approval of large or complex projects to dedicate land for public purposes and recreation as a part of an overall development plan. Few developers, however, have the nerve to turn around and try to escape that commitment after the project is approved. This, of course, is what Kirkwood is seeking to do here. (Unless otherwise stated, "Kirkwood" as used in this letter refers to Kirkwood Mountain Resort, LLC as it relates to its action prior to the Vail sale, Kirkwood Associates, Inc., Kirkwood Capital Partners, Village East, LLC, and the various other companies related to and controlled by the former companies and their principals.)

The proposed rezoning application should be rejected out of hand. This conclusion is inescapable. When Kirkwood drafted the Specific Plan it was fairly clear the school would not be built, and it stated in the plan that, "[i]n the event that a school is not constructed on the dedicated parcel and the area reverts to KMR or its successor, the parcel is restricted from any

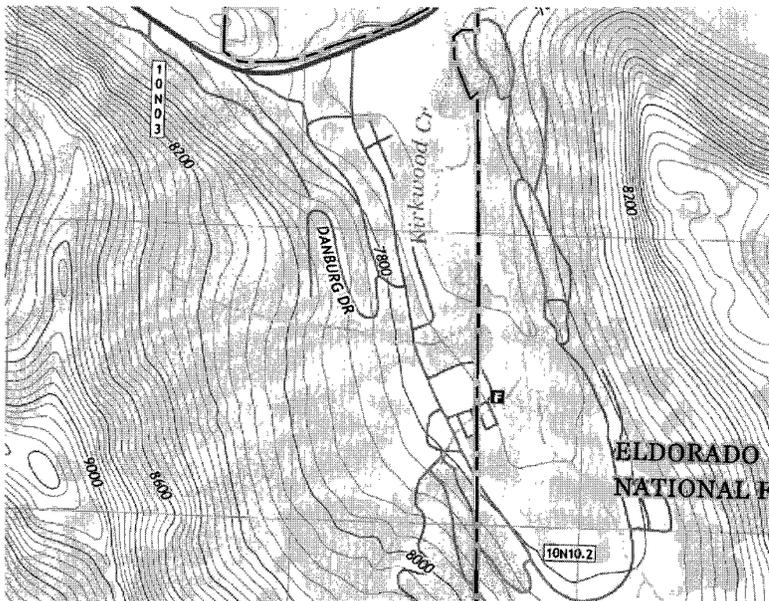
use or uses except parks and recreation facilities." (Specific Plan, p. 35, fn 2. to Table 4.3., Exhibit 1.) The Specific Plan also affirmatively states the School Site could not be used as a location for a surface parking lot or garage. (Specific Plan, p. 34, Table 4.3.) Kirkwood added the foregoing to the Specific Plan because it knew the site was an unsuitable location for a parking lot and the plan would not have been approved without such limiting language. Nothing has changed since that time except for that fact that now Kirkwood's actions are not being subjected to the same level of scrutiny.

1. The School Site

At the time the Specific Plan was adopted there were seven children in school at Kirkwood, taking classes in the basement of the Sun Meadows Condominium Project. Property was set aside to build a small elementary school. (Specific Plan, pp. 50-51.) The property was deeded to the Alpine County School District on April 12, 1992. The deed provided that the property would be deeded back in the event a school was not built. The property was deeded back to Kirkwood on August 18, 2006. The property was subsequently deeded to the applicant, Village East, LLC on December 12, 2013.

The school was to be accessed from the Loop Road. Presumably the school would have been built towards the North end of the six acre parcel, as the parcel is bisected by a major seasonal stream, two acres being on the south bank, i.e., the area of the proposed parking lot, and four acres being on the north bank.

The application does not mention the stream or show it on the maps. The USGS topographical map of the area shows the stream and appears to reflect the stream has a catchment area of over 200 acres.



It is difficult to decipher the staking Kirkwood placed around the site, but stakes appear on both sides of the stream bank.



April 8, 2015
Page 4

A conservative estimate of the flow of the stream is well over 100 million gallons a year. (In a normal year I estimate the stream flows at a rate of no less than 5 cubic feet a minute for at least a month. A similar minimum volume figure can be deduced by looking at the catchment area.)

The undeveloped land and plant life along the stream, which Kirkwood seeks to replace with asphalt, acts as an important riparian buffer, filtering out sediment before it reaches the stream and protecting the stream bank.

The undeveloped land also represents a corridor for wildlife to reach and transit the meadow. As will be noted by reviewing the USGS topographical map set forth above, the land north of the stream and south of Highway 88 is fully developed, and wildlife would need to cross as many as four roads to get to the meadow by a route other than following the stream. The land south of the stream is Timber Creek, the Loop Road area and the ski area. I have personally seen deer, bear, and coyote following the stream bed on the way to the meadow.

Just as important as the undeveloped land is for the environment, it serves its intended purposes as a visual buffer against the industrial area of the Loop Road. The photograph found immediately below was taken from next to the two massive propane tanks. It shows that even with the existing trees screening the loop, the meadow and houses in Alpine County situated in East Meadows, can clearly be seen, and by definition the industrial area of the loop can be seen from those locations. Clear cutting the two acres of trees would exacerbate this condition and create a visual blight.





The Specific Plan zones the property for recreational purposes. It would not be an understatement to say that it is likely that every resident of Kirkwood, and thousands of visitors, have used this site for recreation. The outer loop of the cross-country trail goes through what is to be the middle of the two proposed parking lots. What is left of the cross-country trail is shown in the photograph below. Notably, not withstanding the narrow field of vision, five homes in Alpine County are clearly visible. Under Kirkwood's proposal these homes, and all who use the meadow, would not be looking out on a dense forest, but rather a parking lot and propane tanks. It should also noted that the property is unique. It is the only place on the meadow where a person can cross-country ski through a dense stand of trees and only one of two places where there is a perceptible change in elevation.



April 8, 2015

Page 6

The photograph below, taken last week after a few inches of fresh snow, shows the path of the cross-country trail through the proposed parking lot and Kirkwood's staking. (Due to lack of snow Vail stopped grooming the trail.)



2. Kirkwood's Application for Zone Change

On October 15, 2014, Kirkwood filed an "Application for Zone Change." In its application, Kirkwood states it "is proposing approval of a Specific Plan Amendment / Rezone for a parking lot at the currently zoned school site at Kirkwood." Kirkwood disingenuously fails to address the fact the Specific Plan expressly identifies the parcel in question by parcel number, and expressly states that it cannot be used for parking but rather only as a park and for recreational uses. Notably, the parcel in question is the only parcel expressly identified in the 160 page plan by its APN, and the only parcel that has this restriction.

On the "Project Description" page offered in support of its application Kirkwood states, "[t]he 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." Not a single fact is offered in support of the foregoing conclusory statements. More importantly, not a single fact is offered in support of the conclusion that the parcel is no longer needed or useful as presently zoned, i.e., useful for recreation purposes and a buffer.

April 8, 2015
Page 7

Factual support is critical. The California Supreme Court made this clear long ago in *Topanga Assn. for a Scenic Community v. County of Los Angeles*, 11 Cal.3d 506, 515 (1974):

we hold that regardless of whether the local ordinance commands that the variance board set forth findings, that body must render findings sufficient both to enable the parties to determine whether and on what basis they should seek review and, in the event of review, to apprise a reviewing court of the basis for the board's action. We hold further that a reviewing court, before sustaining the grant of a variance, must scrutinize the record and determine whether substantial evidence supports the administrative agency's findings and whether these findings support the agency's decision.

The fact there may not be as many parking spaces as desired, or envisioned in the Special Plan does not establish need, the Special Plans sets forth aspirational goals, not mandates. Kirkwood, and now Vail, fall short in meeting countless goals set forth in the Special Plan.

I personally dispute the fact additional parking is needed. I have seen very few days over the last ten years when parking was full, and none during the last two years since Vail took over the resort and raised day ticket prices to \$92.

The Forest Services Environmental Impact Statement states that, "parking demand has not exceeded supply more than an average of two times per year." (Exhibit 2.) Meaning parking demand is met 99.5% of the time.

One of the mitigation measures Kirkwood was required to comply with as part of the EIS was to submit an annual report to TC-TAC regarding parking. (Exhibit 3.) Any discussion regarding the need for more parking should start with a review of these annual reports. If no reports have been filed recently it can be presumed there is no longer any parking shortages or a need to mitigate shortages by creating more spaces.

To the extent additional parking is needed, the Specific Plan, the EIS, and Master Parking Plan all indicate that Kirkwood would build parking structures:

If demand indicates the need, the greatest number of expansion spaces would come from the creation of one or more multi-floor parking lots on the site of existing surface parking areas. Although no design or detailed analysis has been done, the concept is to set a parking structure into a hillside, thus providing a minimalized visual impact., Half of the structure, more or less could be under the ground surface.

Kirkwood Master Parking Plan, Exhibit 4, p. 4.

In isolation, it may be difficult to rationalize the cost of a parking structure given the limited need for the spaces it would provide i.e., overflow parking two days a year. The appropriate

focus though is not on the value of the parking space itself, but its ancillary value, e.g., allowing Kirkwood to sell the resort to Vail for \$18 million, allowing Kirkwood to make millions of dollars of profit by building homes in the Timber Creek parking lot, etc.

Kirkwood states that one of the reasons it is seeking to convert the park land into a parking lot is an "outstanding requirement of the sale to of Kirkwood Mountain Resort to Vail Resorts." Any private contractual obligation is irrelevant. To the extent Kirkwood contends to the contrary it needs to support its application with a copies of the relevant contracts so the nature of that obligation can be determined. Is it an obligation to provide one additional parking spot or ten? What happens if it fails to do so? A cynical person might believe Kirkwood is merely trying to convert the park land into a parking lot so it can convert other parking lots into home sites.

3. Misstatements In The Environmental Information Form

Kirkwood has responded "no" to a number of the enumerated questions on the Environmental Information Form that makes up part of the Application for Zone Change. I strongly dispute the negative response given to a number of the questions posed by the form. Each of these questions will be discussed separately.

17. Change in existing features or any lakes or hills, or substantial alteration of ground contours.

Using the land for the proposed parking lot will greatly change the contour. The entry of the parking lot is on Loop Road. The opposite ends of the proposed lots are many feet lower. The November 5, 2014 drawing of the lot I reviewed contains contour lines, but does not provide a contour interval or otherwise label the contours. (Exhibit 5.) Constructing the parking lot may entail the placement many hundreds of yards of fill, or many thousands. That there will be a substantial amount of fill can be gleaned by looking at the many closely spaced contour lines surrounding the "Existing Tree to Remain" symbol found between the two parking lots.

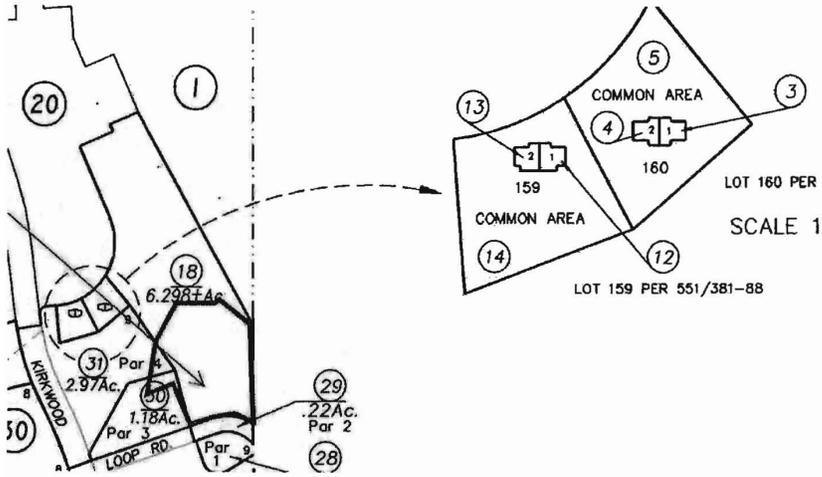
One thing the contour lines do show is that the proposed parking lot will lie at an oblique angle, thus giving residence of Alpine County and users of the meadow a broadside view of the asphalt.

The contour lines also show that cars are to be parked perpendicular to the fall line, which is not conducive to a parking lot covered with ice and snow. How often the cars slide into the side of each other when pulling in and out of the slots is any ones guess.

18. Change in scenic views or vistas from existing residential areas, public lands, or roads.

As discussed earlier in this letter, the proposed parking lot will result in a drastic change in scenic views for the people using the meadow and residents of Alpine County. Instead of viewing park land, they will view cars, asphalt, massive propane tanks, dumpsters and other industrial equipment stored around Loop Road.

An even greater change will be experienced by the four homes in Amador County that occupy the lots contiguous to the School Site. These homes, which are located in two duplexes, make up the "Unit 3 Owners Association." The close proximity of the home to the site can be seen on the following excerpt from the map submitted by Kirkwood in support of its application.



The photograph below shows the view of the homes are directed towards the proposed lot.



April 8, 2015

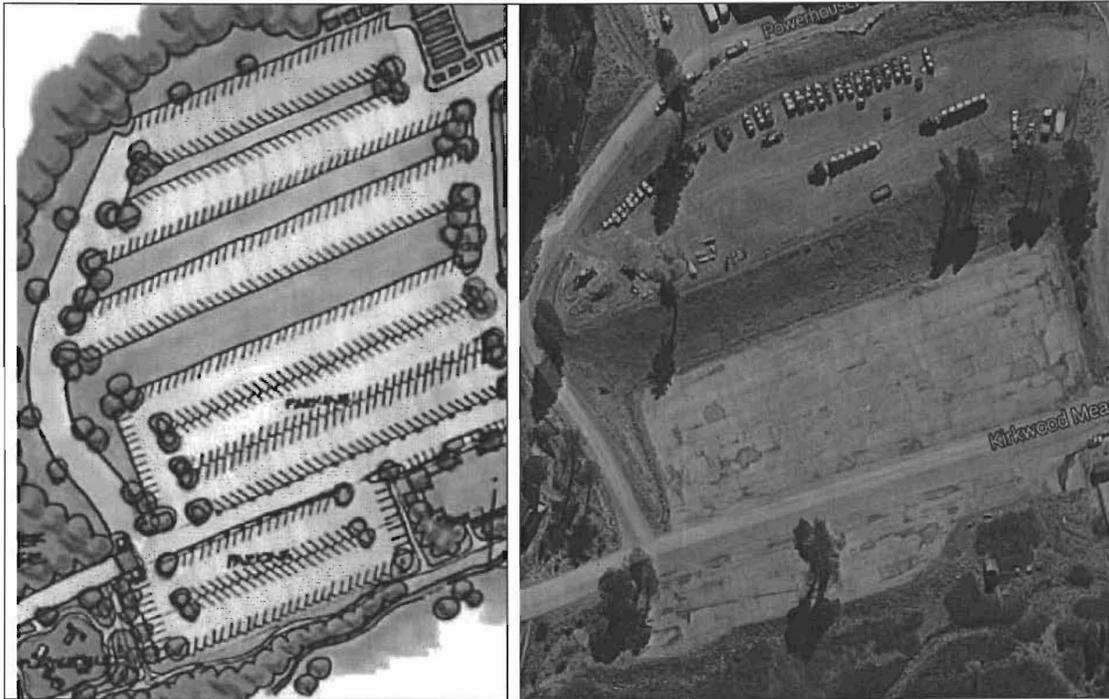
Page 10

One of these homes is owned by my wife and myself. The view out of the front window of our house will be, under Kirkwood's proposal, a parking lot, not the current park land.



Given the presence of screening trees on the parking lot drawing, Kirkwood appears to recognize the parking lot will have a detrimental effect on scenic views, not only from the adjacent residences but also from the meadow and Alpine County. As discussed extensively in arborist John Kipping's report which accompanies this letter, any attempt to screen the parking lot and the propane tanks and other equipment on Loop Road would be futile. Not only would the screening trees not grow, the trees left in place may die, and even if they lived, would do little in the way of screening.

It is not difficult to draw screening trees on a plan, it is another thing to actually plant them and get them to grow. This is exemplified by Kirkwood's rendering of the Red Cliff's parking lot in the Specific Plan (below left) and a current aerial photo of the lot (below right). The only trees on or near the lot of any size are mature trees, and they have no branches on the first thirty feet or so of their trunks.



The trees left standing in the Timber Creek parking lot also have no branches for the first thirty feet.



If permission was granted to build the proposed parking lot it is unlikely that any trees still standing after five years would have any branches that would screen the parking lot.

The creation of the parking would be detrimental to all residents and visitors to Kirkwood as there would be a drastic change in scenic views or vistas.

The parking lot would be even more detrimental to the adjoining homes. At the time of purchasing our property Kirkwood expressly represented that it was unlikely the School would be built and if it was not, the parcel would be park land. This representation may become relevant at a later time in a different forum.

19. Change in pattern, scale, or character of general area of project.

The parcels fronting on Loop Road are of a fairly uniform depth. Kirkwood is proposing to, in essence double or triple the useable depth of the parcel compared to its neighbors and have the use intrude into a residential area. This expansion of the Loop Road area also changes the nature of the use of the area. Currently this area of Loop Road is used primarily by employees and residents, not hundreds of day visitors.

20. Significant amounts of solid waste or litter.

It is inevitable that the proposed parking lot is going to generate a substantial amount of liter. In its Master Parking Plan, Kirkwood estimates there are about 2.5 people per car. That means close to 500 people will be using the parking lot. Whatever liter they drop will either be blown by the wind into the stream bed or meadow, or shot into those areas by a snow blower.

21. Change in dust, ash, smoke, fumes, or odors in the vicinity.

By definition there will be a substantial change in the level of pollutants released on the parcel if its use is changed from a park to a parking lot. This will be in the form of noise, exhaust, and light associated with a parking lot. If the proposed parking lot is anything like other parking lots at Kirkwood, it will also be the source of tail gate parties, loud rap music blaring out of car stereos, the smells of barbecuing and marijuana, and a copious amount of beer bottles.

22. Change in lake, stream, or ground water quality or quantity, or alteration of existing drainage patterns.

The proposed parking lot will have a substantial impact on water quality and the streams. As mentioned above, there are basically two places to dump the snow from the parking lot. To the north which is the stream bed, or to the east which is the meadow. Whatever liter or pollutants are left from the people and cars using the parking lot will quickly find their way into the stream and Kirkwood Creek.

The large amount of asphalt, the asphalt's slope towards the meadow and stream, coupled with the steep slope of the grading at the periphery of the asphalt will likely result, when it rains, in

surface water causing abnormal erosion of the both the fill soil supporting the parking lot and native soil.

4. Goals of the Specific Plan

A reading of the Specific Plan reflects an overriding goal of maintaining the beauty of Kirkwood, particularly as it relates to vistas from the meadow. Parking is also referenced in the specific plan, but the plans speaks of minimizing parking at adequate levels, i.e., levels far below the 99.5% demand level currently being met.

a. Specific Plan Provisions relating to Parking

Section 4.5.2 of the plan provides for, "Policies for the Service Facilities/Parking Areas." It states the policy is to "[p]rovide adequate parking for patrons, day skiers and employees. " Section 5.2.1, "Objectives for Parking," again states, "[p]rovide adequate parking for residents and day visitors alike" and "[m]inimize large expanses of unnecessary surface parking."

Merriam-Webster's online dictionary defines adequate as, "good enough : of a quality that is good or acceptable : of a quality that is acceptable but not better than acceptable."

As previously referenced, the Forest Services Environmental Impact Statement states that, "parking demand has not exceeded supply more than an average of two times per year." (Exhibit 2.) Meaning parking demand is met 99.5% of the time. Clearly an acceptable level.

If a planner had to determine an "adequate" level of parking for a large retail store it would hardly be reasonable for him to conclude "adequate" meant enough parking spaces to accommodate every shopper who may want to shop at the store on Black Friday.

To the extent more parking is needed, then Kirkwood should construct a parking structure in Kirkwood Village as envisioned in the EIS, the Master Parking Plan and the Specific Plan:

Although the Snowkirk/Red Cliffs parking lot located northeast of the Village is zoned so that expansion may take place, the topography of the site does not readily lend itself to surface parking expansion. However, a parking garage may be well suited to this area due to the topography and the ability to top-load the garage from parking bays higher on the slope. This garage could be designed so that it blends into the mountain.

Specific Plan, 4.5.4 Proposals for Service Facilities/Parking Areas Development.

A structure would be consistent with the goal of "[m]inimize large expanses of unnecessary surface parking." (5.2.1, Objectives for Parking.) It would also be consistent with the plan's goal or reducing in-valley traffic. (4.5.2, Policies for the Service Facilities/Parking Areas.)

b. Specific Plan Provisions relating to Maintaining Scenic Beauty

The objectives of the Specific Plan are 3.2.1:

1. To create a year-round destination resort with a diversity of residential, commercial, recreational, and cultural activities.
2. To balance Kirkwood development with the skiing capacity of the mountain while protecting the environmental and visual quality of the area.
3. To develop a full-service resort with lodging, restaurants, shops and attendant services to accommodate the summer and winter visitor, while paying particular attention to preservation of the natural beauty and mountain atmosphere that makes Kirkwood unique.
4. To develop Kirkwood in such a way as to emphasize the quality of the visitor/resident experience by the types and designs of buildings, the types of services offered and the protection of valuable open space.
5. To concentrate development at Kirkwood in the Village Center where residential, commercial and recreational uses are closely intermixed promoting a strong pedestrian
6. To enhance the quality of the skier experience by maintaining and improving mountain support facilities.

The sensitive nature of the view shed of the meadow and maintaining the natural beauty of Kirkwood is exemplified by the second item on the Committee's agenda for the April 10, 2015 meeting, "[r]eview and possible approval of colors and materials for the re-siding of the Dekay residence."

The meadow is surround by million dollar plus homes, and in each case they are screened by native trees in order to not degrade the vista. The Kirkwood Tree Ordinance requires a hearing if a resident seeks to cut down a single tree. Yet here, Kirkwood seeks to clear cut two acres of forest that screen the industrial area it created on the Loop Road and to shoe horn in two sloped, awkwardly conceived slabs of asphalt which will be seen by all users of the meadow and many of the residents of Alpine County.

The introduction to the plan's "Chapter 7 - Natural Resource Conservation And Visual Sensitivity Introduction", rightly states that, "[a]s a mountain resort, KMR's success is largely dependent upon protection of the natural resources that make Kirkwood a unique area." The chapter goes on to stated that an objective of the plan is to "[m]aintain and protect the riparian corridor of Kirkwood Creek, both within and outside Kirkwood Meadow and to "[m]inimize unnecessary tree removal." Neither objective is furthered by turning the park into a parking lot.

April 8, 2015
Page 15

The Specific Plan also identifies the School Site as a visually sensitive area, specifically Midground, Zone B. (Exhibit 6.) The most appropriate place for more parking, if needed, under the Specific Plan is in the Background, Zone C, e.g., a parking structure in the Red Cliff parking area. This would be consistent with paragraph 6., cited above, " to concentrate development at Kirkwood in the Village Center."

As rezoning the park land would not be consistent with the objectives of the plan, Kirkwood's application must be denied. The plan provides:

3.10 PROJECTS REQUIRED TO BE CONSISTENT WITH THE KIRKWOOD SPECIFIC PLAN

Rezoning, Tentative and Final subdivision maps and public works projects within Kirkwood are required by law to be consistent with the Plan. All residential, commercial, mixed-use, public works, recreation and conservation projects must comply and be consistent with polices of the Plan and implementation of those projects must comply with the Ordinances of the Plan.

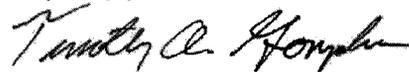
As discussed above, the plan specifies that only adequate levels of parking should be provided and that unnecessary surface parking should be minimized. There is more than adequate parking at Kirkwood as demand is met 99.5% of the time. This in itself forms a sufficient basis to deny the request to rezone the property.

The most obvious basis for denying the application though is that the overriding objective of the plan is to protect the beauty of Kirkwood and protect the water flowing into the meadow and that policy would be inconsistent with clear cutting a two acre forest and putting in parking lot adjacent to a major stream. As discussed in Arborist Kipping's report, what trees left after clear cutting will likely die, and any planted would not provided screening in our life time. No measure is sufficient to cure or mitigate the environmental effects of the proposed parking lot.

An additional ground for denying the zoning change is estoppel. A developer should not be allowed to dedicate a parcel of land for public purposes in order to obtain development rights for other parcels and then turn around and seek to renege on the commitment to the public. The deed Kirkwood prepared conveying the property back to itself from the Alpine County School District should have had an appropriate restrictive covenant in it, but as it was prepared by Kirkwood, did not. (Copies of the deeds conveying the property, to the School District, back to Kirkwood, and then to Village East, LLC are attached respectively as Exhibits, 7, 8 and 9.)

If you have any questions, or comments, or would like further input, please contact me at your convenience.

Very truly yours,



Timothy A. Gonzales

1

S-P	Service Facilities and parking	<ul style="list-style-type: none"> * Sheriff Substation * Fire Station (with employee housing) * Day Care * Parks and Recreation Facilities * Wastewater Treatment and Distribution Facilities * Water Production, Treatment and Distribution Facilities * School (Amador Co APN# 026-270-018-000) (2) * Snow-making Facilities * Road and Slope (grooming) Maintenance Equipment and Facilities (ski mountain operations) * Telephone/Communication Facility * Power Generation/Conveyance Facilities * Construction-related Facility * Waste transit/storage * Library * Propane/Natural Gas Facilities * Cable Television Facilities * Transportation Facilities * Surface parking lots (does not include 6 acre school site) * Areas for Short Term recreational vehicle parking * Parking garages(does not include 6 acres school site) * Appropriately located effluent absorption beds
M	Meadow	<ul style="list-style-type: none"> * No development of permanent above-ground structures, excluding utility enclosures such as well pump enclosures and creek crossings (bridges) * Temporary structures on skids for winter activities * Maintenance of existing utility facilities * Maintenance of winter uses (trail grooming) * Trailhead markers
OS-R	Open Space and Recreation	<ul style="list-style-type: none"> * Outdoor recreational facilities (e.g., tennis courts, playing fields, playgrounds, park & recreational facilities)
OS	Open Space	<ul style="list-style-type: none"> * Recreational trails * Trailhead Markers * Outdoor recreational activities that do not lead to the degradation of the environment * Recreational trail development and use * Ski mountain operations and equipment (i.e., ski lifts) * Appropriately located effluent absorption beds

Notes to Table 4.3

(1) Typical "home occupations" are allowed. Should the occupation be a true 'business out of the home', such as a dentist's office, and not simply a telecommuter, then approval must be obtained from the appropriate County.

(2) Six (6) acre site deeded by KMR to Alpine County Unified School District for school use only. This does not preclude the use of the existing school located in Sun Meadows 4. In the event that a school is not constructed on the dedicated parcel and the area reverts to KMR or its successor, the parcel is restricted from any use or uses except parks and recreation facilities.

4.10 DEVELOPMENT CONTROLS

A variety of development controls are part of the Plan. First, a population estimate based on unit count and type and the associated land use designations, as shown in Table 4.2, is employed to control density. Second, mapped building envelopes are utilized to dictate the area suitable for development within a particular parcel. Third, to aid in minimizing negative visual effects, building heights are restricted for all structures. These items are reviewed for general architectural and site design elements by various design review and architectural control entities and other appropriate local, State, and Federal agencies. All controls are discussed in more detail below.

4.10.1 Population Estimate By Unit Type and Land Use

By the assignment of a population density by unit type, the developer will have flexibility to provide a mixture of residential unit types and sizes while staying within the allowable 6,558 population limit. At Kirkwood, density within particular parcels is considered as population potential and not necessarily a limit to a number of units per acre, thereby reducing the focus on maximizing the number of units that can be constructed on a site.

Kirkwood retained the services of RRC Associates, a firm experienced in the study and prediction of population trends in resort areas. RRC has analyzed Kirkwood's plan and from surveys and experience developed a methodology to estimate population in the resort at buildout. The following factors are RRC's recommendation to estimate ultimate population, based on unit type, size and assuming 100% pillow occupancy.

Single-family homes are counted at 5.8 persons per household.

The following population assignment calculations are for multi-family projects. A population count is assigned to the bedroom count for residential units as follows:

<u>Studio:</u>	<u>2.2</u>	<u>people per occupied unit</u>
<u>1 bedroom:</u>	<u>2.2</u>	<u>people per occupied unit</u>
<u>2-bedroom:</u>	<u>4.3</u>	<u>people per occupied unit</u>
<u>3-bedroom:</u>	<u>6.5</u>	<u>people per occupied unit</u>
<u>4-bedroom:</u>	<u>8.6</u>	<u>people per occupied unit</u>
<u>service</u>	<u>2.2</u>	<u>People per occupied unit</u>

(Factors developed by RRC Associates)

4.10.2 Building Envelopes

Building envelopes are identified at the time of the subdivision requests. For each single-family lot, building envelopes will outline the area that can be occupied by residential uses. Driveways are not included in building envelopes. The identification of

2

F. TRAFFIC, PARKING AND SKI AREA ACCESS

SCOPE OF THE ANALYSIS

The scope of this analysis is limited to State Road (SR) 88 (in Amador and northern Alpine counties), Kirkwood Meadows Drive and Kirkwood's parking facilities are located on private land.

EXISTING CONDITIONS

This analysis of traffic conditions on SR 88 and Kirkwood Meadows Drive incorporates by reference the 2002 EIR Traffic and Circulation analysis (Section 4.7 of the 2002 EIR).²²³ At the request of Kirkwood, the 2002 EIR Traffic and Circulation analysis was reviewed by LSC Transportation Consultants, Inc. (LSC).²²⁴ Therefore, the Final EIS also incorporates the conclusions of the LCS review by reference.

Ski Area Access

Kirkwood is accessed via SR 88, which is the principal east-west arterial in Amador County and northern Alpine County, and the only through-road in the project vicinity. SR 88 is a major trans-Sierra route from the town of Stockton through the Sierra Nevada Mountains, ending at the border with Nevada. SR 88 is a year-round, two-lane, designated State Scenic Highway and National Forest Scenic Byway. SR 88 is kept open year-round, with the California Department of Transportation (Caltrans) taking responsibility for highway snow removal, highway sanding, and the snow safety/avalanche control programs associated with the Carson Pass and Carson Spur areas. Although a year-round highway, it can be temporarily closed during major winter storms. At its intersection with Kirkwood Meadows Drive, SR 88 has an eastbound auxiliary lane for traffic turning right into Kirkwood, and a left turn lane for westbound traffic turning into Kirkwood.

Kirkwood Meadows Drive is a two-lane paved roadway, providing the only access from SR 88 to the ski area base facilities and residential areas within Kirkwood. An emergency access road connects East Meadows Drive to SR 88, but it is not open to the public during normal conditions.

Parking

As indicated in the 2003 Kirkwood Specific Plan, parking demand at Kirkwood is highest during winter months when skiing activity is at its peak.²²⁵ For this reason, Kirkwood has developed a number of surface parking areas that are in the vicinity of the skiing facilities. All of Kirkwood's parking facilities are located on private lands in the base area. On-site, day parking is available in four major surface parking areas – one at the Red Cliffs portal, one at the Village, and two at the Timber Creek portal – plus parking on the shoulder of Kirkwood Meadows Drive.

²²³ Cirrus Ecological Solutions, Inc. 2002c

²²⁴ Shaw, 2003

²²⁵ Kirkwood Mountain Resort, 2003 p 41-44

Currently there are approximately 2,500 parking spaces available on a daily basis for day visitors, and approximately 10 percent more during the summer when snow storage is not required. At an average of approximately 2.5 guests per vehicle, these 2,500 spaces provide parking for approximately 6,250 guests.²²⁶ Kirkwood estimates that the ratio of day to destination skiers is in the approximate 60 percent to 40 percent (respectively) range. Therefore, under the current CCC of 6,460, day skiers are estimated to account for approximately 3,876 guests, or 1,550 vehicles.

Destination skier parking for individual residences and condominium buildings is not included in the 2,500 spaces previously mentioned. Through the 2003 Kirkwood Specific Plan, Kirkwood strives to provide adequate parking for both residents and destination/day visitors.

Heavy snow loads, combined with sometimes disorderly parking, can lead to a decrease in the total number of vehicles that can be parked, particularly on busy weekends or after big storms. As detailed in the 2002 EIR, the Kirkwood Master Parking Plan outlines parking procedures at Kirkwood. Kirkwood has a policy that, should the number of vehicles entering Kirkwood exceed the number of available parking spaces, visitors are turned away. Historically, lots do not approach capacity more than ten times throughout the ski season (e.g., popular weekends and holidays) and parking demand has not exceeded supply more than an average of two times per year.

The Cross Country Day Lodge parking lot contributes approximately 105 vehicles (the surface parking lot on the north side of SR 88) and another 25 spaces are available at the Schneider trailhead.

Kirkwood issued approximately 315 employee parking passes for the 2005/06 season. It is estimated that employees consume approximately 200 parking spaces on weekends and considerably less on mid-week days. Kirkwood designates some areas for employee parking, including middle #7 lot, middle Snowkirk lot, as well as other areas near employee housing.

Traffic on SR 88 & Kirkwood Meadows Drive

Caltrans records traffic volumes on state highways. Traffic volumes are expressed in terms of Average Daily Traffic (ADT) and Average Annual Daily Traffic (AADT). ADT is the number of vehicles passing a count location in both directions in a 24-hour period. The peak month ADT is the average daily traffic for the month of heaviest traffic flow; peak-hour traffic is also measured to show how near capacity the highway operates at peak-hour conditions. Raw data is processed and converted to AADT volumes. AADT is defined as the total volume of traffic on a road segment for one year, divided by 365 days. Both directions of traffic volumes are reported. AADT can be adjusted to compensate for monthly and daily fluctuations in traffic; the basic intent being to provide traffic volumes which best approximate the use of a given highway section for a typical day of the year.

Traffic congestion is typically described using the concept of Level of Service (LOS), in which a letter grade from 'A' (completely free flow) to 'F' (forced flow, roadway service breaks down)

²²⁶ Based on surveys conducted between 1998 and 2000.

3

fee system would be based on a similar mitigation fee program already in place within Amador County, which is applicable to development at Kirkwood within Amador County.

Status of Compliance

Both Alpine and Amador County are now collecting traffic impact mitigation fees. Three of the target highway widening projects in Amador County were completed in the summer of 2006 and these fees made important contributions to these projects.

ADEQUACY OF PARKING

Mitigation Measure 4.7 (d)

Kirkwood will prepare an annual report that includes a detailed analysis of day-visitor parking during peak periods such as the Christmas holiday, Presidents Day weekend and other weekends during the ski season, peak periods during the summer, and special events, when more than 4,000 day-use visitors are at the resort. The study will compare day-visitor parking demand during these periods to day-visitor parking capacity at the resort. The results will be reported to TC-TAC in June of each year. If the study shows that the number of day-visitor related vehicles parked within the resort exceeds the amount of parking spaces available for day visitors (approximately 2,500 spaces), TC-TAC will require Kirkwood to implement a mitigation plan which will include one or more of the following actions:

- Provide additional parking spaces in surface lots or parking structures.
- Implement methods to provide greater efficiency in the use of existing parking lots.
- Reduce parking demand through greater utilization of mass transit, increased vehicle occupancy, car/van pools or other programs that will result in reduced parking demand during peak periods.
- Restrict day-visitor use to a level that allows parking demand to be accommodated in existing day-visitor parking areas.
- Implementation of the actions under this mitigation measure will result in adequate day-visitor parking capacity for the expected day-visitor demand at the resort in a manner that does not result in potentially significant adverse environmental effects that have not been identified and evaluated in the EIR.

Status of Compliance

In the summer of 2006, Kirkwood conducted a full engineering field study of its main parking lots. The study recommended a four-phase parking lot improvement plan to improve the efficiency and therefore capacity of Kirkwood's largest parking lots. The eventual goal is a 10 to

4

KIRKWOOD MASTER PARKING PLAN 2001

The following plan and description is best understood by reference to the attached figure 1 and associated detailed site maps.

Within Kirkwood there are six major areas to park guests. Four major areas have been designated and developed with guest ability and guest services as initial criteria. The fifth is designated entirely for cross country skiing and related activity along hwy 88 east and west of the Kirkwood Inn. The sixth is resident parking. The major parking areas identified as follows:

- Red Cliffs Parking (day use for intermediate to advanced)
- Village Parking (village use, paid parking and overnight guests)
- Timber Creek Parking (day use for intermediate skiers, beginners and children.)
- Kirkwood Meadows Drive Parking (overflow)
- North of Hwy 88 parking for cross country skiers, stables and the Kirkwood Inn
- Resident Parking associated with the various multi-family and condo units

Parking Procedures at Kirkwood:

Entry signage along Kirkwood Meadows Drive greets day visitors and informs guests to park by ability and services. The directional signs continue along Kirkwood Drive giving more details and direction. In addition to the signage there are strategic points where parking attendants are located to give direction and information for parking purposes. Parking attendants valley wide are connected via radio communications.

The typical parking procedure is as follows:

The parking attendants begin by directing the efficient and compact filling of the parking areas closest to the appropriate guest services and/or lifts. The parking attendants encourage the guest to park first by ability and proximity to the guest services and/or lifts they need, then by parking availability.

When the southern parking areas fill up, (Red Cliffs & Village) the parking attendants begin directing the guests to park in the next available parking along Kirkwood Meadows Drive proceeding northward toward Timber Creek.

When parking in Red Cliffs and the Village is full, a control station is set up at the junction of Kirkwood Meadows Drive and the Loop Road from which attendants direct traffic into the Timber Creek area lots.

If the Timber Creek lots become full, the attendants begin parking guests along the east side of Kirkwood Meadows Drive towards Highway 88.

On the rare occasion when the shoulders of Kirkwood Drive become full and no more approved parking spaces available, the guest is intercepted at the entrance to Kirkwood and politely told that the resort is full and there is no admittance.

In times of high traffic and large numbers of vehicles entering Kirkwood, vehicles entering are grouped in a quantity of 25-50 and directed by group the four major areas by parking attendants. The concept is to avoid backup by splitting the traffic to spread the flow to all of Kirkwood parking areas. Higher traffic days require a greater number of parking attendants to maintain traffic flow and to ensure that guests park at maximum density.

Red Cliffs Parking

Red Cliffs Parking includes all areas that are North of the Red Cliffs Lodge and before the entrance to the East Meadows subdivision. This area has three basic sections for guest parking and one that is specifically for buses. The guest parking sections within the Red Cliffs Parking Area are divided into three bays with lower, middle and upper divisions. The operation plan provides for the parking attendants to fill the lower parking bay first, then the middle and finally the upper bay.

The Village Parking

The Village Parking at Kirkwood has four major components; Preferred Parking, Guest Parking, resident parking and Limited Time Zone Parking. The Preferred Parking (for guests) has two sections, one adjacent to The Lodge (VIP Parking) and one in front of the Snowcrest development at the base of Chair Lift #6 (Preferred Parking). VIP and preferred parking charge a fee, all other areas are free. Resident parking is located under and adjoining the various multi-family and condominium units within the village development. The Limited Time Zone Area is located around the General Store and Post Office to allow non-skiing guests short term access to retail and service areas. The Guest Parking is located on the north and east side of the preferred parking near the base of Chair #6. Limited time parking is not included in the totals indicated for day skier or event parking.

Timber Creek Parking

The Timber Creek Parking Area has two main sections, one is on the mountain side of Kirkwood Meadows Drive (Chair #9 Lot) and the other is located on the meadow side of Kirkwood Meadows Drive (The Chair 7 Lots). The Chair 9 lot is designated for the beginners, ski school participants and children. The Chair 7 lots are designated for all skiers and also serve to accommodate overflow parking on higher demand days.

Kirkwood Meadows Drive Parking

Kirkwood Meadows Drive Parking is restricted to the east side of the road and guest vehicles are parked in a south to north direction by filling the closest spots first. On low traffic days cars are parked parallel; on higher traffic days diagonal parking is used for more space availability.

Shuttle System

In order to transport guests throughout the valley at Kirkwood there is a transportation system provided. There are six 14-passenger vans, three 28-passenger trailers and a bus which holds about 35 passengers. The shuttle system operates along Kirkwood Meadows Drive and completes constant loops, running until shortly after the lifts shut down.

Parking Area Capacity (March 31, 2001)

The range of cars accommodated as shown is due to individual daily conditions, which include snow removal conditions, icy or bare ground in the areas, and the ability of staff to facilitate maximum or minimum car density.

Red Cliffs	780-850
Kirkwood Meadows Drive	500-700
VIP	30-40
Preferred Parking	140-150
Village parking	75-80
The 7 Lots	450-580
Chair 9 Lots	370-400
Cross Country N of Hwy 88	125-175
Totals: Minimum	2470; maximum 2975

On average, 2500 day visitor cars can be parked without problem.

Persons per vehicle / Parking Capacity in Persons

Over the winters of 1998/1999 and 1999/2000, observed persons per vehicle from surveys ranged from 2.1 to 2.9 persons per vehicle, averaging approximately 2.5 overall.

Therefore, considering the 2.5 average occupancy per vehicle, the parking plan provides for between 6175 and 7437 guests considering only current parking areas. This range does not take into consideration guests who come by bus, therefore is biased on the low side. Four to eight busses per day, carrying an average of 50 people each are usual. The effective occupancy per vehicle is higher than 2.5 due to the effect of the 200 to 400 bus transported guests. With average bus traffic of 6, the number of day skiers capable of being accommodated is 6475 to 7737.

Accommodation for Special Events

Special events of short duration have the potential to reach the upper limits of existing parking capacity. Most Special events will be of 1 to 3 day duration in warm seasons, where ski traffic is not a factor. In the warmer seasons, the absence of snow allows snow storage areas in existing parking lots to be utilized for vehicle parking. This marginal increase is estimated at 10 percent of the total, or approximately 275 additional spaces, valley wide.

Parking Area capacity, at Buildout

The EIR and Draft Specific Plan estimates that at buildout, 6647 day skiers will need to be accommodated. This will require 2659 parking spaces at the 2.5 persons per vehicle rate, which is within the range of spaces available under this plan.

If skier capacity increases, or if day use vs residential/destination skiers grows, a need for additional parking capacity may be experienced.

Alternate Plans

Past practice has, by special arrangement, used areas not normally considered for guest parking. These included the use of both sides of portions of Kirkwood Meadows Drive, along Fremont Street at its lower extremes, and the Juniper Ridge lower areas. This Master Parking Plan does not depend on or plan to use these areas for guest parking.

Planned Changes in Parking Capacity

There are planned changes in parking areas that will increase capacity slightly. These changes are in connection with proposed development under both the 1988 existing master plan and the proposed Specific Plan. Specifically, abandonment of the chair 9 lot to development is planned, with the transfer of these spaces to an expansion of the lower 7 lots across Kirkwood Meadows Drive. This expansion of the chair 7 lots is already approved.

Additionally, the ongoing development of the Village will provide additional parking up hill to the east from East Meadows drive, along the access road to Whiskey Towers. As many as 100 new spaces are possible in this area with minimal grading .

Future Additional Capacity If Needed

The future parking expansion needs, if required, have several options.

Additional parking on an opportunistic basis can be created by dressing the edges of the main access roads to be wider and thus accommodate additional cars.

If demand indicates the need, the greatest number of expansion spaces would come from the creation of one or more multi -floor parking lots on the site of existing surface parking areas. Although no design or detailed analysis has been done, the concept is to set a parking structure into a hillside, thus providing a minimized visual impact., Half of the structure, more or less could be under the ground surface. This design can provide for multi level ramp access, and reduced snow removal requirements in addition to possibly providing areas for comercila or residential development on the top of the structure.

Parking associated with Development

Local regulations provide that parking must be furnished for single and multifamily development within Kirkwood. For greater clarity, and for full understanding of this plan, it should be noted that the parking requirements for development, present or planned, are not included in the parking capacity outlined in this parking plan. At buildout, conservatively estimating an average of 1.5 parking space per unit, there will be in excess of 2200 spaces connected with the various single, multi-family , commercial and employee housing units projected at buildout.

Parking appurtenant to development is in excess of the parking that is the subject of this plan and not included in the totals described as available for the day use visitor.

5

6

5. Residents shall be informed of the Landscape Guidelines so that new landscaping is compatible with existing landscaping and is appropriate for the climate, elevation and other conditions at Kirkwood.
6. Lighting of public areas (including recreational facilities, commercial plazas, and parking areas) shall avoid light and glare impacts to nearby residents by incorporating shielding and other means to direct lighting to specific target areas.
7. New signs shall comply with the Kirkwood Sign Ordinance in effect at the time of sign construction.
8. Short-term, special events to be held at Kirkwood shall follow Use Permit regulations from the appropriate agency and shall not result in visual degradation. Such special events shall include programs for litter control and monitoring of cleanup.
9. All new development shall comply with the Kirkwood Tree Ordinance to prevent unnecessary tree removal.

7.6.3 Kirkwood Meadow

Preservation of the Kirkwood Meadow and the viewshed corridor from State Route 88 are important issues to KMR and the U.S. Forest Service. A Scenic Agreement has been adopted as part of the Special Use Permit that KMR has with the U.S. Forest Service (Ref. FSM 2710, dated 12/29/94). This agreement identifies the boundaries of the meadow where no new development shall be allowed. In addition, the Scenic Agreement identifies a second scenic zone, which is the balance of the private land forming part of the scenic backdrop to the meadow and visible from State Route 88.

7.6.4 Visually Sensitive Areas

This Plan identifies "visually-sensitive areas", defined as "foreground", "midground" and "background" and shown in Figure 7.1:

Foreground. Most highly visible and most sensitive area from State Route 88. Extends from State Route 88 to the first major promontory on the west.

Midground. Has moderate visibility and sensitivity. Extends from the promontory (edge of foreground) to naturally-occurring "neck down" in the meadow.

Background. Least visible from State Route 88. Extends from the meadow "neck down" to the ski slopes south of the Village Center.

As can be seen by comparing Figure 4.1 with Figure 7.1, most of the new development proposed for Kirkwood is planned for the "background" area.

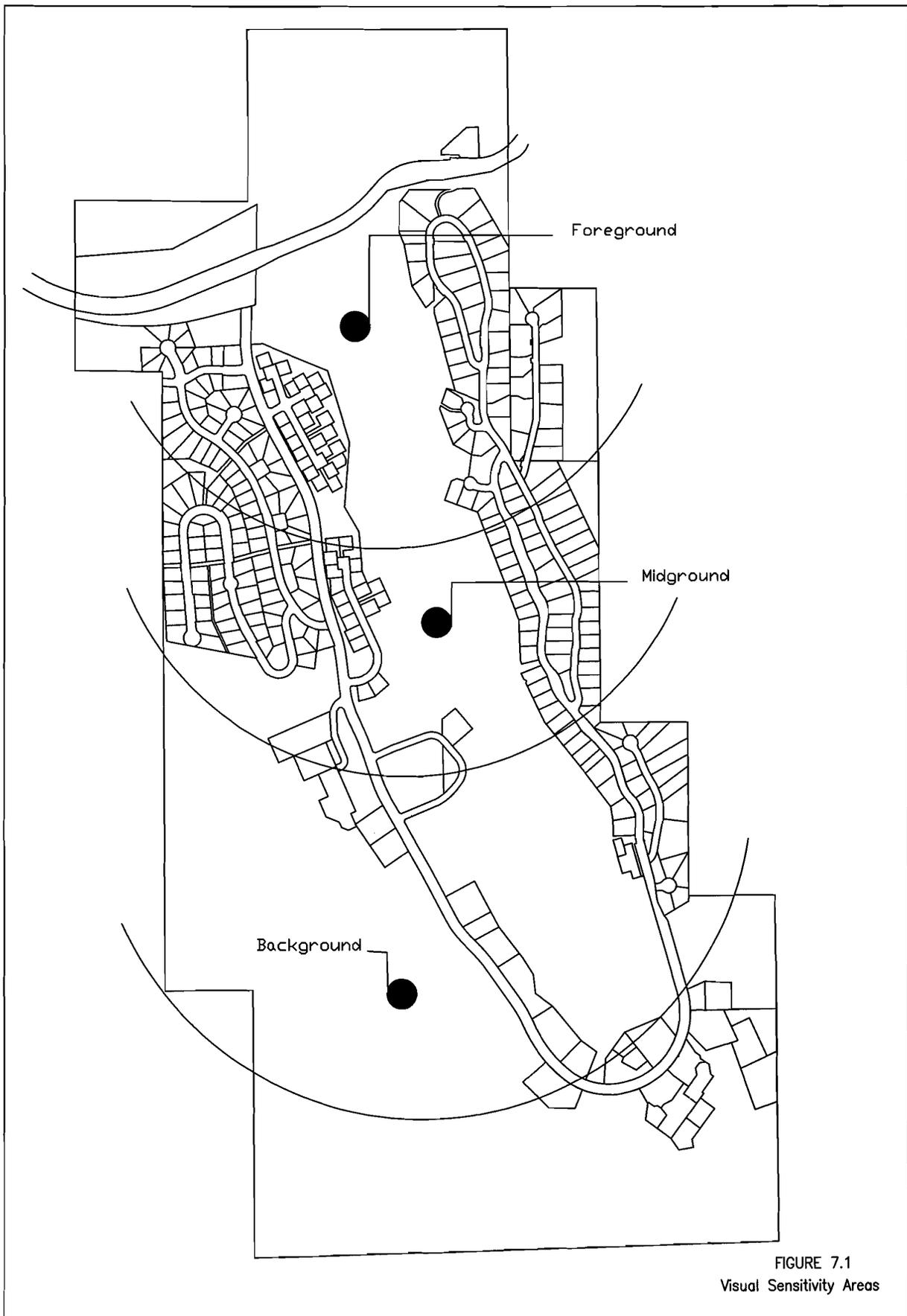
7.6.5 Landscape Zones

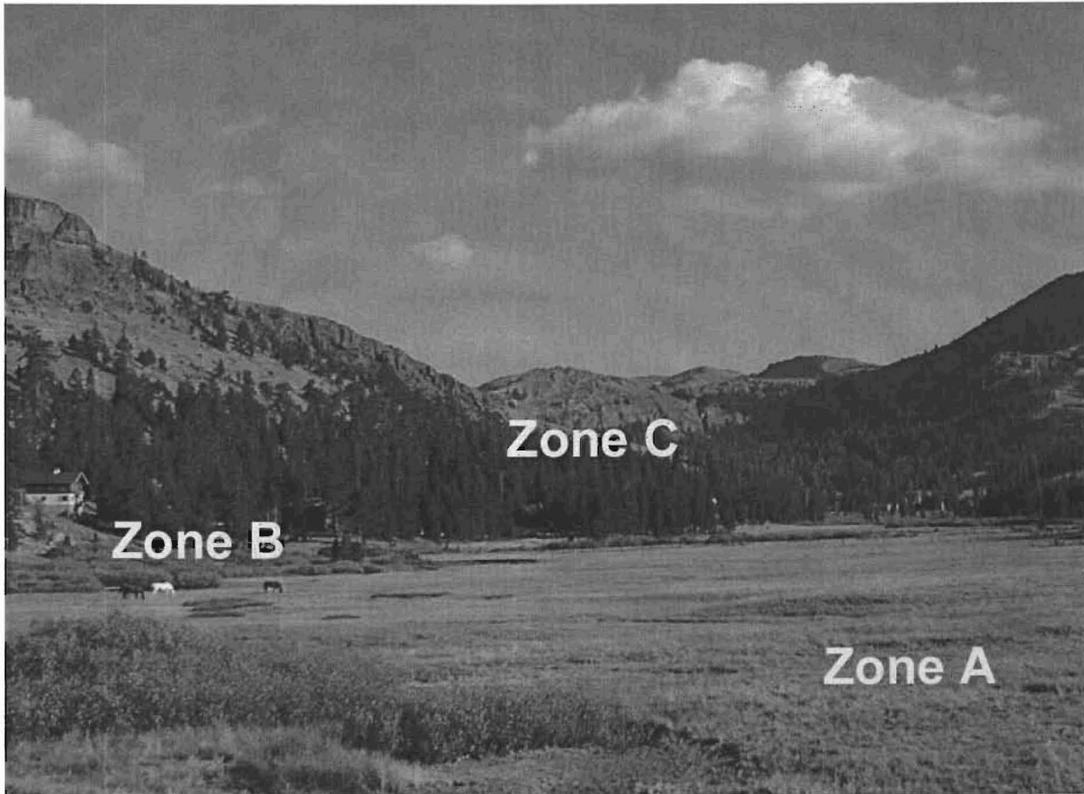
Three landscape zones have been identified within the valley to determine the amount and type of modification or development as related to visual sensitivity and revegetation. These areas are based primarily on predominant vegetation types, topographic relief and soil type, as illustrated in Figure 7.2. Zone A consists of the stream, riparian edge condition, willows and flat grasslands. Zone B is the transition zone from meadow/willow/grass edge to dryer soils, predominately sagebrush and isolated clusters of conifers. Zone C is similar to Zone B except rockier and dominated by heavy tree cover and steeper slopes.

Although all three zones are found in each of the visually sensitive areas, they will be treated differently in each area based on their visual sensitivity from Highway 88. No development, except as previously described and exempted from this condition, will occur throughout Zone A.

Some parts of Zone B, when found in the foreground area, will be visible from Highway 88, while other areas will not be as visible. Care in sighting, construction and revegetation will be necessary to develop this area. However, Zone B in the middle and background areas will be less visible from Highway 88, which will allow for more development flexibility.

Heavily forested Zone C is the most amenable zone for development in terms of modifying visual impacts in all three areas. Again, care in building siting and retention of vegetation will be maximized in all visually sensitive areas.





Zone A: stream, riparian edge, willows, flat grasslands
Zone B: transition zone, sagebrush, isolated conifers
Zone C: heavy tree cover, steep side slopes

**Figure 7.2
Landscape Zones**

7

9

RECORDED 1993 007796
AT 55 MIN PAST 1 P M
VOLUME 28 OFFICIAL RECORDS PAGE 230-237
ALPINE COUNTY, CALIFORNIA
BARBARA J. RYAN
County Recorder
BOOK 285 PAGE 236

Recording requested by:
ALPINE COUNTY SCHOOL DISTRICT

When recorded mail to:
Allan R. Vinson, Esq.
Girard & Griffin
3478 Buskirk Avenue, Suite 220
Pleasant Hill, California 94523

Space above this line for recorder's use

Mail tax statements to:
Alpine County Unified
School District
43 Hawkside Drive
Markleeville, California 96120
Attention:

Change of Ownership Statement N/A
Attached? Yes No

GRANT DEED
(Subject to Conditions Subsequent and a Retained Right of Termination in Favor of the Grantor)

FOR GOOD AND VALUABLE CONSIDERATION, KIRKWOOD ASSOCIATES, INC., a California corporation, and ALPINE COUNTY UNIFIED SCHOOL DISTRICT, a political subdivision of the State of California, agree as follows:

1. Definitions. As used herein, the terms set forth below shall have the meanings set forth below:

- (a) "KAK" shall mean Kirkwood Associates, Inc. and its successors and assigns with respect to the rights retained or granted herein.
- (b) "District" shall mean Alpine County Unified School District and its successors and assigns with respect to any part or all of the Property.
- (c) "Property" shall mean that certain unimproved real property located in Amador County, California, and which is described more fully in Exhibit 1 attached hereto and incorporated herein by this reference.
- (d) "Kirkwood Area" shall mean the unincorporated area commonly referred to as "Kirkwood, California" or "Kirkwood Meadows, California," which is located in portions of the Counties

5179/548-300d
1/11/93

-2-

AMADOR COUNTY

RECORDED AT REQUEST OF
Alpine County
at 22 Min. Past 11 A M
AUG - 5 1993
Official Records
Amador County, California
Barbara J. Ryan
Recorder
\$ NO FEE

DOCUMENTARY RECORDS TAX \$
COMPUTED ON FULL VALUE OF PROPERTY COVERED
ON COMPUTED ON 1/1 WITH 50% USE AND
EXEMPTION FROM TAXES AT TIME OF SALE
Signature of Recorder or Agent Accepting Tax, See Note

INDEXED BOOK 28 PAGE 230

This is certified to be a correct and true copy of the original record if it bears this seal, in testimony whereof, the date of issuance and an official seal are hereunto set.



JUL 29 1993

Barbara J. Ryan, Recorder
Alphonso Lopez, California

By *[Signature]* Deputy

AMADOR COUNTY

of Alpine, Amador and El Dorado, California, and which is shown in EXHIBIT A to the Kirkwood Master Plan (as defined below).

(e) "Kirkwood Master Plan" shall mean the Kirkwood Master Plan Amended 1988, as approved by ordinances adopted by the Counties of Alpine, Amador and El Dorado, California.

(f) "Public School Use" shall mean the use of the Property as a site for a permanent, temporary, or portable structure which is used for elementary and/or secondary classroom educational purposes.

(g) "90% Completion Date" shall mean the date on which at least ninety percent of the "units" anticipated under the Kirkwood Master Plan have been constructed and completed. A "unit" shall be deemed constructed and completed on the date on which a certificate of occupancy for such "unit" has been issued by the appropriate governmental agency.

2. Grant of Property. Subject to the terms and conditions set forth herein (and subject to the retained power of termination in favor of KAI as set forth below), KAI hereby grants and conveys the Property to the District.

3. Uses and Development of the Property.

(a) Pursuant to the Kirkwood Master Plan, the Property has been designated as a site for the future construction of a school for the Kirkwood Area.

(b) The conveyance of the Property pursuant to this Grant Deed is made on the condition that the Property be used solely and exclusively for the following purposes:

(i) Public School Use, and

(ii) any community related use for which public school are customarily made available (e.g., community meetings, cub scout meetings, girl scout meetings, etc.) or for which public school must be made available under applicable law.

(c) The conveyance of the Property pursuant to this Grant Deed is made on the condition that, prior to locating any improvements on the Property, the District shall first hold a hearing and determine, based on the evidence presented at the hearing, that the construction and location of the proposed improvement is necessary for school purposes and serves the public interest of the District and of the residents and property owners of the Kirkwood Area. Prior to the approval of the construction and location of any improvements on the Property, the District

347874-3-00
07/07/93

BOOK 28 PAGE 231

AMADOR COUNTY

shall also determine that the proposed approval complies with the California Environmental Quality Act, as applicable. This condition is made for the benefit of the residents and property owners of the Kirkwood Area and may be enforced by any interested party.

4. Construction and Installation of the school and Approvals for the School.

(a) The public school to be operated on the Property (as well as any access road and other improvements to be installed on the Property) shall be constructed and installed by, and at the expense of, the District.

(b) The District acknowledges that it will be required to obtain all necessary permits, authorizations and approvals required in connection with the development of the Property and that such permits, authorizations and approvals will require compliance with the following:

(i) the Kirkwood Master Plan, as amended from time to time;

(ii) the Final Environmental Impact Report, Kirkwood Meadows Ski Development - SCH 74032032; and

(iii) the Final Environmental Statement, Kirkwood Winter Sports Development, USDA Forest Service, California Region (State Clearinghouse No. 72100913).

(c) The District acknowledges and agrees that the location of any improvements on the Property will be reviewed in a public hearing by the Tri-County Technical Advisory Committee established by Alpine, Amador, and El Dorado Counties, prior to the commencement of the installation thereof.

5. Condition Subsequent No. 1. In the event that, within two (2) calendar years of the POC Completion Date, the District has not installed a permanent, temporary or portable school on the Property and commenced classroom instruction therein, then KAI shall have the right to exercise the power of termination provisions set forth in Section 6, below.

6. Condition Subsequent No. 2. In the event that, at any time the District makes a formal determination not to use the Property for Public School Use, then KAI shall have the right to exercise the power of termination provisions set forth in Section 6, below.

7. Condition Subsequent No. 3. In the event that, at any time after the date which is two (2) years after the POC

BOOK 28 PAGE 232

DATE/Doc-Book
4/10/93

AMADOR COUNTY

Completion Date, the District ceases to conduct public school instructional activities on the Property substantially in accordance with the public school instructional calendar utilized by the District for its other schools, then KAI shall have the right to exercise the power of termination provisions set forth in Section 8, below.

8. Power of Termination: Reversion to KAI.

(a) Upon the occurrence of any one or more of the conditions subsequent set forth above in Sections 5, 6 and 7 (a "Condition Subsequent"), KAI shall have the right, power and option to terminate all right, title, and interest in the Property granted by this Grant deed to the District in the manner provided by law for the exercise of such a power of termination (the "Termination Right").

(b) The Termination Right may be exercised by KAI without paying the District any compensation for any buildings or other temporary or permanent improvements on the Property and without making any compensation to the District or incurring any liability to the District for damages or losses of any kind.

(c) Immediately on exercise of the Termination Right, by KAI, the District shall surrender all rights and title to the Property, and legal and beneficial title to the Property (as well as the exclusive right to occupancy and possession of the Property) shall revert to KAI. Upon request of KAI made on or after the occurrence of a Condition Subsequent, the District shall duly execute and acknowledge an appropriate deed, in recordable form, conveying the Property to KAI.

(d) The Termination Right shall survive for the longest period permitted under applicable California law. Upon request of KAI, the District shall execute, acknowledge and deliver to KAI such instruments as may be necessary or helpful to renew, extend or continue the effectiveness of the Termination Right.

9. School Site Approvals. At such time as the District makes a decision to construct or install a school building on the Property, the District shall use its best efforts to obtain all approvals necessary for the development of the Property as a public school site.

10. Nonwaiver. The failure of KAI to enforce any of its rights hereunder upon the occurrence of any Condition Subsequent shall not preclude KAI from enforcing such rights during any continuance of such Condition Subsequent or upon the occurrence of any other Condition Subsequent.

AMADOR COUNTY

2476/248-Deed
01/10/93

-4-

BOOK 28 PAGE 233

11. Amendment. The provisions of this Grant Deed may be amended or modified only by a written instruments signed by KAI and the District.

12. Removal of Personal Property and Fixtures. At anytime during the ninety (90) day period following the exercise by KAI of the Termination Right under Section 8, above, the District shall have the right to remove from the Property any and all personal property and fixtures on the Property, including, without limitation, any portable or temporary classrooms installed or placed upon the Property; provided, however, in the event that access to the Property is impeded by snow or other weather conditions to the extent that removal of any of the District's property becomes impossible or unreasonably difficult or costly, the foregoing ninety (90) day period shall be extended to the date which is ninety (90) days after which such snow or other weather condition no longer exists.

13. Attorney Fees. If any litigation is commenced by KAI or the District to enforce or interpret the provisions of this Grant Deed, the prevailing party in such litigation (as determined by the Court in such litigation or in a separate proceeding brought for such purpose) shall be entitled to recover from the other, in addition to any judgment or award, all costs and expenses incurred in such litigation, including, without limitation, reasonable attorneys' fees.

14. Entire Understanding. The entire understanding of KAI and the District as to the subject matter hereof is set forth in this Grant Deed.

15. Time. Time is of the essence in each and every provision of this Grant Deed.

16. Successors and Assignments. The provisions set forth in this Grant Deed shall be binding upon KAI, the District and their run with the Property and shall be binding upon any successors in ownership of any part or all of the Property.

17. Liens and Encumbrances. The conveyance of the Property pursuant to this Grant Deed is made subject to all matters of record against the Property or any portion thereof as of the date of the recording of this Grant Deed in the Official Records of the Recorder for Amador County, California.

18. Partial Validity. In the event that any provision of this Grant Deed is ruled unenforceable, invalid, void or illegal by a Court of competent jurisdiction, such ruling shall in no way affect, impair or invalidate any other provisions of this Grant Deed and such other provisions shall remain in full force

2479/24-2nd
4/10/92

BOOK 78 PAGE 224

AMADOR COUNTY

1993 007796

and effect and shall be enforced to the fullest extent possible so as to carry out the purpose and intent of this Grant Deed.

Executed on 4/12, 1992, at Kirkwood California.

KIRKWOOD ASSOCIATES, INC.,
a California corporation

By: [Signature]
Its: [Signature]

ACCEPTANCE OF THE DISTRICT

ALPINE COUNTY UNIFIED SCHOOL DISTRICT hereby accepts the foregoing Grant Deed and agrees to be bound by, and to comply with, all of the terms and provisions set forth therein.

ALPINE COUNTY UNIFIED
SCHOOL DISTRICT

By: [Signature]
Its: [Signature]

[ATTACH NOTARIAL ACKNOWLEDGEMENTS FOR KIRKWOOD AND THE DISTRICT.]

[ATTACH AN EXHIBIT 1 THE LEGAL DESCRIPTION OF THE PROPERTY.]

CERTIFICATE OF ACKNOWLEDGMENT

State of California } ss On 4/12/92 before me, Nina C. [Signature]
County of ALPINE }
NICOLE BERRY personally appeared
NICOLE BERRY
personally known to me (or proved true 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 for the purposes and consideration therein expressed, and that he/she/they acknowledged the instrument for the purposes, or the party upon behalf of which the instrument was executed, executed the instrument.
WITNESS my hand and official seal.
[Signature]
Notary's Signature

NOTED-1000
4/12/92

BOOK 22 PAGE 235

AMADOR COUNTY

AMADOR COUNTY

ALL-PURPOSE ACKNOWLEDGMENT

State of California
 County of Yuba

On July 13, 1992 before me, Deborah Dognotti
Notary Public in and for the State of California

personally appeared Jessie W. Pennington
known to me

personally known to me - OR - 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.

Witness my hand and official seal.

CAPACITY CLAIMED BY SIGNER

INDIVIDUAL
 CORPORATE OFFICER (Title) _____
 PARTNER
 ATTORNEY-IN-FACT
 TRUSTEE
 SUCCESSION WITNESS
 SUPERVISOR/REGISTRAR
 Other: Significant

SIGNER IS REPRESENTING:
Yuba County
Deborah Dognotti

NOTARY PUBLIC
 DEBORAH DOGNOTTI
 NOTARY PUBLIC - CALIFORNIA
 ALPINE COUNTY
 By statute, expires FEB 7, 1994

ATTENTION NOTARY: Although the information supplied helps to guarantee, it could prevent fraudulent acquisition of this certificate to another person.

THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED AT RIGHT:

Title or Type of Document _____
 Number of Pages _____
 Date of Document _____
 Signer(s) Other Than Named Above _____

BOOK 28 PAGE 236

EXHIBIT 1

LEGAL DESCRIPTION OF THE PROPERTY

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

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, more particularly described as follows:

Beginning at the Southwest corner of Lot 157 as shown on the Final Map titled Kirkwood Meadows Unit #2 recorded on October 11, 1972 in Book 3 of Subdivision Maps at page 91, in the Office of the Recorder of Amador County, California;

thence N 68° 24' 09" E, 119.53 feet;

thence N 25° 35' 51" W, 25.00 feet;

thence N 68° 24' 09" E, 100.00 feet;

thence S 28° 55' 55" E, 761.07 feet;

thence S 00° 00' 49" W, 338.99 feet to the beginning of a non-tangent 145.00 foot radius curve to the left;

thence along the arc of said curve from a tangent bearing of N 54° 27' 35" W through a central angle of 53° 27' 25", a distance of 135.29 feet;

thence S 72° 05' W, 79.21 feet;

thence N 14° 00' W, 186.72 feet;

thence N 34° 59' 27" W, 254.39 feet;

thence N 38° 54' 00" W, 124.06 feet to the beginning of a non-tangent 205.00 foot radius curve to the left;

thence along the arc of said curve from a tangent bearing of N 31° 30' E through a central angle of 55° 05' 51", a distance of 197.14 feet;

thence N 23° 35' 51" W, 244.89 feet to the Point of Beginning.

Containing an area of 4.296 acres of land, more or less.

AMADOR COUNTY

BOOK 78 PAGE 937

RECORDER'S MEMO: Legibility of writing, Typing or Printing UNSATISFACTORY in Portions of this document when received.

"END OF DOCUMENT"



Amador County Recorder
 Sheldon D. Johnson
DOC- 2006-0013060-00

Check Number 839
 REQD BY NATE WHALEY
 Tuesday, NOV 07, 2006 08:55:00
 Ttl Pd \$12.00 Nbr-0000137672
 SDJ/R1/1-3

GRANT DEED

Recording Requested by,
 When Recorded Return to and
 Mail Tax Statements to:

Kirkwood Mountain Resort
 Attn.: Dave Likins
 P.O. Box 1
 Kirkwood, CA 95646

 SPACE ABOVE THIS LINE FOR RECORDING USE

GRANT DEED

THE DOCUMENTARY TRANSFER TAX IS NOT FOR PUBLIC RECORD.

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Alpine County Unified School District, ("ACUSD"), hereby grants to Kirkwood Mountain Resort, LLC, ("KMR"), that certain real property located in the County of ~~Alpine~~ ^{Amador}, State of California, more particularly described in Exhibit "1" 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 8-18, 2006.

GRANTOR:
 ALPINE COUNTY UNIFIED SCHOOL DISTRICT

By: James Walter Parsons
 James Walter Parsons, Ed.D., Its Superintendent

ACKNOWLEDGMENT

State of California
County of Alpine

On Aug 18, 2006 before me, SANDY MCKAY, NOTARY PUBLIC
(here insert name and title of the officer)

personally appeared James Walter Parsons

personally known to me (or 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.

WITNESS my hand and official seal.

Signature Sandy McKay



(Seal)

EXHIBIT 1

LEGAL DESCRIPTION OF THE PROPERTY

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

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, more particularly described as follows:

Beginning at the Southwest corner of Lot 157 as shown on the Final Map titled
Kirkwood Meadows Unit #2 recorded on October 11, 1972 in Book 3 of Subdivision
Maps at page 91, In the Office of the Recorder of Amador County, California; *thence*
N 68° 24' 09" E, 119.53 feet;

thence N 25° 35' 51" W, 25.00 feet;

thence N 66° 24' 09" E, 100.00 feet;

thence S 28° 58' 55" E, 761.07 feet;

thence S 00° 00' 49" W, 338.99 feet to the beginning of a non-tangent 145.00 foot
radius curve to the left;

thence along the arc of said curve from a tangent bearing of N 54° 21' 35" W through a
central angle of 53° 21' 25", a distance of 135.29 feet,

thence S 72° 05' W, 79.21 feet;

thence N 14° 00' W, 186.72 feet;

thence N 34° 59' 27" W, 254.39 feet;

thence N 39° 54' 00" W, 124.06 feet to the beginning of a non-tangent 205.00 foot
radius curve to the left;

thence along the arc of said curve from a tangent bearing of N 31° 30' E through a
central angle of 55° 05' 51", a distance of 197.14 feet;

thence N 23° 35' 51" W, 244.89 feet to the Point of Beginning.

Containing an area of 6.29B acres of land, more or less.

8



Amador County Recorder
Sheldon D. Johnson
DOC- 2006-0013060-00

Check Number 839
REQD BY NATE WHALEY
Tuesday, NOV 07, 2006 08:55:00
Ttl Pd \$12.00 Nbr-0000137672
SDJ/R1/1-3

GRANT DEED

Recording Requested by,
When Recorded Return to and
Mail Tax Statements to:

Kirkwood Mountain Resort
Attn.: Dave Likins
P.O. Box 1
Kirkwood, CA 95646

SPACE ABOVE THIS LINE FOR RECORDING USE

GRANT DEED

THE DOCUMENTARY TRANSFER TAX IS NOT FOR PUBLIC RECORD.

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Alpine County Unified School District, ("ACUSD"), hereby grants to Kirkwood Mountain Resort, LLC, ("KMR"), that certain real property located in the County of Alpine, State of California, more particularly described in Exhibit "1" 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 8-18, 2006.

GRANTOR:
ALPINE COUNTY UNIFIED SCHOOL DISTRICT

By: James Walter Parsons
James Walter Parsons, Ed.D., Its Superintendent

ACKNOWLEDGMENT

State of California
County of Alpine

On Aug 18, 2006 before me, SANDY MCKAY, NOTARY PUBLIC
(here insert name and title of the officer)

personally appeared James Walter Parsons

personally known to me (or 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.

WITNESS my hand and official seal.

Signature Sandy McKay



(Seal)

EXHIBIT 1

LEGAL DESCRIPTION OF THE PROPERTY

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

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, more particularly described as follows:

Beginning at the Southwest corner of Lot 157 as shown on the Final Map titled Kirkwood Meadows Unit #2 recorded on October 11, 1972 in Book 3 of Subdivision Maps at page 91, In the Office of the Recorder of Amador County, California; *thence N 68° 24' 09" E, 119.53 feet;*

thence N 25° 35' 51" W, 25.00 feet;

thence N 66° 24' 09" E, 100.00 feet;

thence S 28° 58' 55" E, 761.07 feet;

thence S 00° 00' 49" W, 338.99 feet to the beginning of a non-tangent 145.00 foot radius curve to the left;

thence along the arc of said curve from a tangent bearing of N 54° 21' 35" W through a central angle of 53° 21' 25", a distance of 135.29 feet,

thence S 72° 05' W, 79.21 feet;

thence N 14° 00' W, 186.72 feet;

thence N 34° 59' 27" W, 254.39 feet;

thence N 39° 54' 00" W, 124.06 feet to the beginning of a non-tangent 205.00 foot radius curve to the left;

thence along the arc of said curve from a tangent bearing of N 31° 30' E through a central angle of 55° 05' 51", a distance of 197.14 feet;

thence N 23° 35' 51" W, 244.89 feet to the Point of Beginning.

Containing an area of 6.29B acres of land, more or less.

9



Amador County Recorder
Kimberly L. Grady
DOC- 2013-0010914-00

Check Number 1046
REQD BY VILLAGE EAST LLC
Friday, DEC 27, 2013 10:30
T&I Pd \$13.00 Nbr-0000248641
CT1/R1/1-3

Recording Requested by
and when Recorded Mail Documents to:

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

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

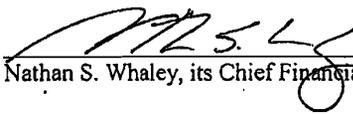
Village East, a California limited liability company

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)

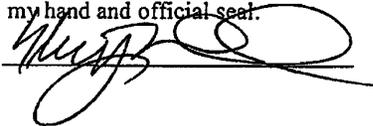
By: 
Nathan S. Whaley, its Chief Financial Officer

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: 





JOHN KIPPING, MA.

CERTIFIED ARBORIST WC-0205

6 April 2015

Mr. Timothy A. Gonzales
6 Vuelo de las Palomas
Carmel, CA 93923

RE: Loop Road North Parking Lot Project, Kirkwood

Dear Mr. Gonzales:

I am a Consulting and Certified Arborist, as well as a Certified Tree Risk Assessor, field biologist, and naturalist. You contacted me for assistance in addressing your concerns about the proposed parking lot project at Kirkwood. At your request, on 31 March 2015, I met with your neighbor Mr. Alan Sapp and Mr. Michael Sharp of Kirkwood Meadows Public Utility District. We walked the site with the Kirkwood Parking Lot Expansion map in hand. My observations and concerns are as follow:

1. Although the Application for Zone Change to Amador County describes the site as "lightly treed," inferring that tree loss would be minimal, I observed numerous large red fir and lodgepole pines (see photographs 1 and 2). Most development plans show the locations, species, and sizes of all trees on site, but this proposal lists only four trees proposed for preservation, as well as two other old-growth trees to be removed. This lack of data makes total loss of canopy cover difficult to assess.

2. Deforestation of these two acres will expose neighboring properties and roads to views of the KMPUD facilities, such as buildings and large propane tanks, existing parking lots, and employee housing (see photograph 3). The applicant seeks to mitigate the loss of screening by retaining four mature lodgepole pines on site and installing new landscape trees on the north and northeast edges of the project.

3. I have concerns regarding these mitigation measures. One tree to be spared is listed as a 48" diameter breast height (dbh) specimen located in a drainage swale (photograph 4). This specimen has twin trunks growing parallel to each other with bark included between their union and no common band of wood connecting them. Structurally, this union is very weak, and such trees are at great risk of failure. As a professional tree risk assessor, I would advise its removal as it is not compatible with a high-use area. There would then only remain three large trees on the lots, providing very little screen.

4. Altering a forested stand by radical thinning exposes the remaining trees to forces to which they are unaccustomed. Strong wind loads can uproot or break trunks. Isolated trees and those with high canopy distribution and poor trunk taper (such as occur in denser stands) are especially vulnerable to wind throw. Some of the large lodgepoles on site show evidence of surviving past fire events: seams in the bark,



5520 Five Spot Road, Pollock Pines, CA 95726

phone/fax: (530) 644-5929

mobile: (530) 957-0726

Contractor Lic. #652923



TC-TAC Public Comment
PC Rcvd 04-08-15

open hollows bounded by wound-wood, and carbonized wood. Fire-wounding of the trunk usually results in heart decay, reducing tree strength, and increased risk of breakage.

I noted on nearby lot 160 a recently fallen, large lodgepole that has extensive basal heart rot at the failure site (see photograph 5). This tree missed a nearby dwelling, but a failure in a crowded parking lot can have severe consequences.

5. Two trees proposed for retention in the west lot are marked 42" dbh. The plan shows very little space being reserved for the tree roots, with encroachment within six feet of the trunks. One doesn't require a chainsaw to kill a tree; destroying the rooting area is also effective. Most governing bodies realize that trees need healthy root systems and try to ensure this by requiring that the rooting zone beneath the canopy is protected from construction activities, such as compaction, grade cuts or fills, trenching, and paving. This is known as the Tree Protection Zone and is often defined as a circle whose radius is scribed by the length of the longest limb. Kirkwood Specific Plan 7.1.1 calls for tree root protection by ensuring adequate setbacks during construction, but does not define "adequate." My opinion is that too much encroachment of the remaining trees by proposed fill and paving will terminally affect them.

5. The applicant proposes to mitigate visual and sound impacts of this project by planting trees to replace the natural screen. Revegetation has been a difficult task at Kirkwood. KMPUD manager Michael Sharp showed me a group of spruce planted 15 years ago to replace screening lost during building construction. The trees shown in photograph 6 have faired poorly and have lost their tops in winter storms. Despite good care and one-and-a-half decades, they have not yet provided effective screening. Kirkwood resident Alan Sapp drove me to some buildings at Kirkwood that he had constructed more than a decade ago; his landscaping with new trees was not successful, despite professional care. The current drought makes mestablishment even more doubtful.

While examing the parking site, I noted numerous signs of active pocket gophers. These voracious rodents are major predators of newly planted conifers and have caused failure of numerous red fir plantations on the nearby El Dorado National Forest.

Natural revegetation of conifers seems more successful than traditional landscape endeavors here, but the time frame is quite slow. I doubt that present Kirkwood residents and visitors will live long enough to enjoy the screenings promised by the applicant.

6. The 2003 Kirkwood Specific Plan Section 7.2.2 refers to wetland and riparian protections. I note that the stream that bounds the northern side of the proposal is not located on the site map, making comments about impacts difficult. However, photograph 7 shows some newly placed red survey stakes near and in the creek bed that seem to approximate locations of proposed screening trees as shown on the project map.

7. The stream, and hence meadow, will be impacted by pollutants, such as petroleum products, coolants, and brake dust from parked vehicles. Snow removal operations can harm surrounding woody vegetation by flinging snow, ice, and sand/gravel against green leaves and branches and bark. This occurs at the present parking lot where most lower branches of surrounding trees are dead. I believe that this activity will impact the success of the proposed screening trees as well as possibly harming the four retained large trees.

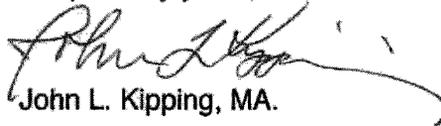
8. In the Application for Zoning Change contained in the Environmental Information Form, page 2 Additional Information items have all been checked "No" except the last item. I dispute numbers 17, 18, 19, and 23. Number 17 denies that the project changes existing features; I believe that a two-acre stand of trees constitutes a feature. Number 18 relates to views from neighboring properties; most of the screen will be eliminated with no realistic replacement for decades, if ever. Number 19 says that there will be no change in character at this site. Number 23 covers noise levels; removal of the evergreen forest will certainly bring the noise of hundreds of additional vehicles, as well as sounds from the PUD and housing areas.

In summation, I believe that this proposal has serious consequences for the neighboring residents. The trees provide visual and auditory screening. The mitigation measures proposed in the zoning application of installing new, small trees are inadequate to ensure timely effectiveness. Leaving a handful of old trees as visual buffers is quite inadequate. They may be exposed to extreme winds in a high target area, and this creates a risky scenario, especially if support roots are compromised by cutting, compaction, fill, and paving. Loss of the conifer stand also increases exposure of down-wind trees on neighboring properties.

This very sensitive riparian area is a tributary to Kirkwood Creek and thence Caples Creek, which eventually provides El Dorado County with precious water.

If I may be of further assistance, please do contact me.

Respectfully yours,



John L. Kipping, MA.

ISA Certified Arborist # WE- 205
Member, American Society of Consulting Arborists
Certified Tree Risk Assessor #1850 PNW ISA



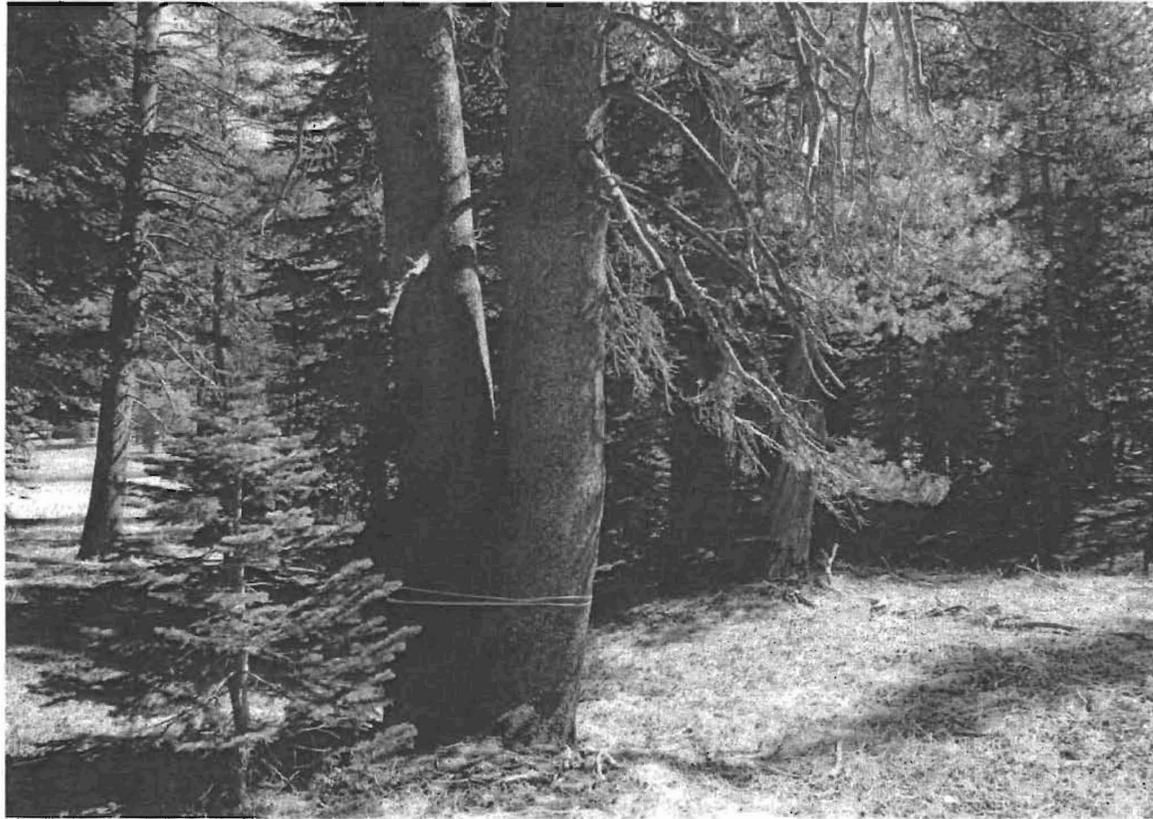
Photograph 1. View of "lightly treed" project site, view looking south from Lot 159. Note stream bordering proposed project.



Photograph 2. View of project site looking north from Loop Road.



Photograph 3. KMPUD facility viewed through lodgepole pines from proposed parking lot.



Photograph 4. View of proposed retention tree with co-dominant weak union.



Photograph 5. Storm-broken mature lodgepole pine which snapped off 3 to five feet above grade at decayed bole. Decay was result of old fire injury; trees of similar size and age on the proposed project also bear sign of fire injury to trunks.



Photograph 6, Mr, Michael Sharp of WMPUD stands next to trees he planted fifteen years ago to provide visual screening. Despite professional care, they have grown very little.



Photograph 7, Creek flowing along northern boundary of proposed project. Note several dark red stakes, perhaps denoting locations of proposed landscape replacement trees.