



COUNTY OF PLACER
Community Development/Resource Agency

Michael J. Johnson, AICP
Agency Director

PLANNING

MEMORANDUM

TO: Honorable Board of Supervisors

FROM: Michael J. Johnson, Director
Planning Department, Community Development Resource Agency

DATE: October 19, 2010

**SUBJECT: GENERAL PLAN AMENDMENT/REZONE/MITIGATED NEGATIVE
DECLARATION - (PREA T20080154)
"CALDWELL REZONE"**

ACTION REQUESTED

The Community Development/Resource Agency Planning Services Division requests your Board approve a request from Troy Caldwell for:

1. An amendment to the Alpine Meadows General Plan to change the land use designation from Community Recreation, Green Belt, Park and Open Space to Single-Family Residential one dwelling unit per acre, and
2. A Rezone from O (Open Space) to RS-B-43 (Residential Single-Family, combining minimum Building Site of 43,560 square feet).

The Amendment to the Alpine Meadows General Plan and Rezone apply to one acre of the 4.77 acre parcel and would allow for the construction of one single-family dwelling.

BACKGROUND

Board of Supervisors hearing

At its May 17, 2010 meeting, the Board considered the Planning Commission's recommendation to deny the amendment as outlined in the attached staff report (Attachment G). The Board also considered the applicant's concerns related to the Planning Commission's recommendation for denial. In general, the Board supported the proposed General Plan Amendment and Rezone request and the Board directed staff to return with the findings to approve the amendment. The Board also directed staff and the applicant to prepare the necessary easements for the water line, sewer line, and avalanche shooting building as well as to provide the County with an indemnification agreement acknowledging the potential for avalanches at the project site.

Project Description

The applicant is proposing to change the land use designation in order to construct one single-family residence on this 4.77-acre parcel in the Alpine Meadows area. The entire parcel is currently zoned Open Space and has the land use designations of Community Recreation, Green Belt, Park, and Open Space in the Alpine Meadows General Plan. The project would change the zoning and the Alpine Meadows General Plan land use designation for one acre of this parcel to a Residential Single Family (RS) Zone District and the General Plan designation for that one acre to Residential Single Family.

DISCUSSION OF ISSUES

EASEMENTS

As part of the Board action, the Board requested that the outstanding issues with the easements for the waterline, sewer line, and avalanche shooting building be resolved. The applicant has secured easements for the water and sewer lines in favor of Alpine Springs Water Company and is also working with Alpine Meadows Ski Resort to grant them an easement for the avalanche shooting building. Copies of the easements with Alpine Springs Water Company are attached. (Attachment E).

INDEMNIFICATION

Included in the Board action, the Board requested that the applicant provide the County with an indemnification agreement as a result of the potential for avalanche danger at the site. The applicant has prepared the attached agreement. (Attachment F).

ENVIRONMENTAL ANALYSIS

The Mitigated Negative Declaration (Attachment D) addresses the environmental effects of the proposed project. This analysis determined that the project could result in potentially significant impacts related to cultural resources, geology and soils, hydrology and water quality, land use planning, and utility and service systems. Specific mitigation measures are recommended to reduce the identified impacts to less than significant levels. Staff has concluded the environmental effects of the project have been addressed in the Mitigated Negative Declaration.

RECOMMENDATION

Staff recommends the Board of Supervisors approve the Caldwell GPA/Rezone project based upon the following actions and findings:

1. Adopt the Mitigated Negative Declaration attached hereto as Attachment D based upon the following findings:
 - A. The Mitigated Negative Declaration for the Caldwell Rezone project has been prepared as required by law. With the incorporation of all mitigation measures, the project is not expected to cause any significant adverse impacts. Mitigation measures include, but are not limited to: having an archeologist present during grading activities, having a California licensed architect or engineer experienced in snow design certify that the proposed structure will be safe under the loads and conditions of an avalanche, and comply with the requirements of the County and Tahoe Truckee Sierra Disposal for solid waste enclosures and bear bins.

- B. There is no substantial evidence in the record as a whole that the project as revised and mitigated may have a significant effect on the environment.
 - C. The Mitigated Negative Declaration as adopted for the project reflects the independent judgment and analysis of Placer County, which has exercised overall control and direction of its preparation.
 - D. The custodian of records for the project is the Placer County Planning Director, 3091 County Center Drive, Suite 140, Auburn CA, 95603.
2. Adopt the Resolution attached hereto as Attachment B amending the Alpine Meadows General Plan to change the land use designation for 1 acre of the 4.77 acre parcel from Community Recreation, Green Belt, Park and Open Space to Single-Family Residential one dwelling unit per acre based upon the following finding:
- A. The proposed General Plan Amendment would be consistent with the envisioned design of the current General Plan in that residential clusters will still provide open space or greenbelt buffer zones between those residential clusters. The change in circumstance identified was the severity of the avalanche danger present at this location, as identified in the report prepared by Dick Penniman. The change in land use designation would not be inconsistent with public health safety and welfare.
3. Adopt the Ordinance attached hereto as Attachment C to Rezone one acre of the 4.77 acre parcel from O (Open Space) to RS-B-43 based upon the following findings:
- A. The zoning, as amended through this action, is consistent with applicable policies and requirements of the Placer County General Plan and Alpine Meadows General Plan and is consistent with the land uses in the immediate area.
 - B. The proposed rezone would not represent spot zoning and would not be contrary to the orderly development of the area, as the proposed zoning of RS-B-43 would allow for a portion of the property to be residential use, while maintaining the open space buffer around the property.

ATTACHMENTS:

- Attachment A: Vicinity Map
- Attachment B: Proposed Resolution amending the Alpine Meadows General Plan
- Attachment C: Proposed Rezone Ordinance
- Attachment D: Mitigated Negative Declaration
- Attachment E: Easements with Alpine Springs Water Company
- Attachment F: Indemnification Agreement
- Attachment G: 05-17-10 Staff Report, Board of Supervisors Hearing
- Attachment H: Avalanche Report by Dick Penniman
- Attachment I: Correspondence Received

cc:

Troy Caldwell – Applicant

Braiden Chadwick – Downey Brand Attorneys, LLP

Copies Sent by Planning:

Sarah Gillmore – Engineering and Surveying Department

Janelle Heinzen – Engineering and Surveying

Grant Miller – Environmental Health Services

Yu-Shuo Chang – Air Pollution Control District

Andy Fisher – Parks Department

Paul Thompson – Deputy Planning Director

Michael Johnson – Community Development Resources Agency Director

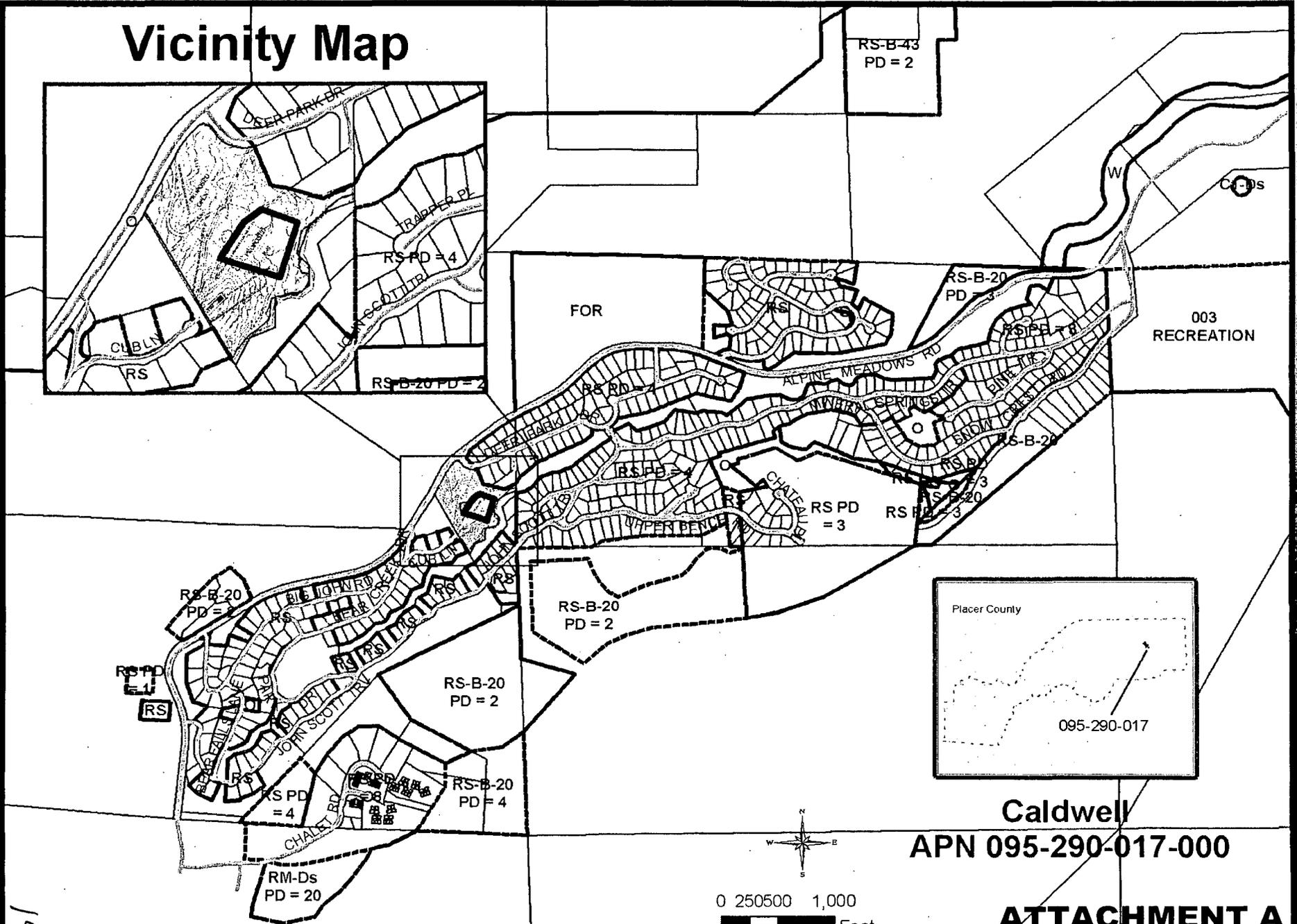
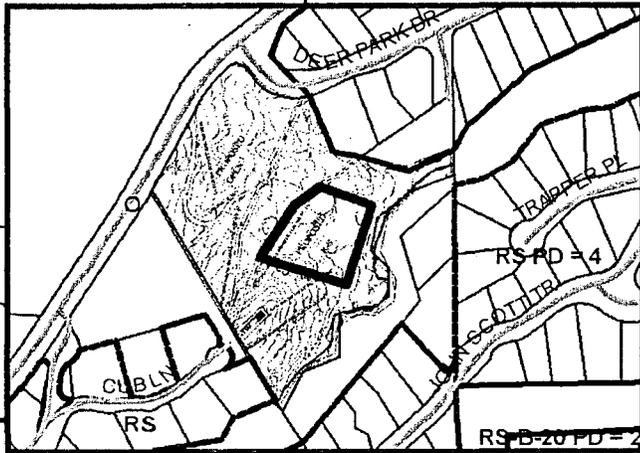
Scott Finley – County Counsel

Tom Miller – County Executive Officer

Steve Buelna – Supervising Planner

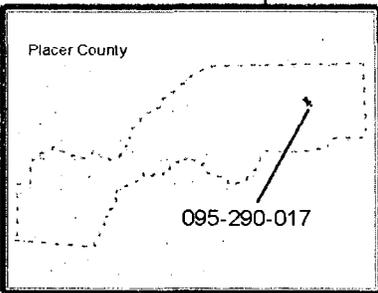
Subject/chrono files

Vicinity Map

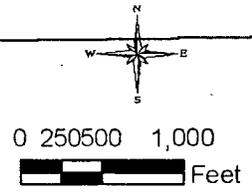


RS-B-43
PD = 2

003
RECREATION



Caldwell
APN 095-290-017-000



ATTACHMENT A

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

In the matter of: **A RESOLUTION AMENDING
THE DEVELOPMENT PROGRAM MAP OF
THE ALPINE MEADOWS GENERAL PLAN
(PREA 20080154)**

Resolution No. _____

The following Resolution was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held October 19, 2010, by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Chairman, Board of Supervisors

Kirk Uhler, Chair

Attest:

Ann Holman
Clerk of the Board of Supervisors

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER, STATE OF CALIFORNIA, AS FOLLOWS:

WHEREAS, on October 22, 2009, the Placer County Planning Commission ("Planning Commission") held a public hearing to consider a proposed amendment to the General Plan Development Program map of the Alpine Meadows General Plan, and the Planning Commission has made recommendations to the Board of Supervisors ("Board") related thereto, and

WHEREAS, on October 19, 2010, the Board held a public hearing to consider the

Attachment B

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recommendations of the Planning Commission and to receive public input regarding the proposed amendments to the Alpine Meadows General Plan, and

WHEREAS, the Board has reviewed the proposed amendments to the General Plan, considered the recommendations of the Planning Commission, received and considered the written and oral comments submitted by the public thereon, and has adopted the Negative Declaration for the amendments to the Alpine Meadows General Plan, and

WHEREAS, the Board finds that the change in land use designation would not be inconsistent with public health, safety and welfare, and

WHEREAS, the Board further finds the proposed amendments are consistent with the provisions of the General Plan and are in compliance with applicable requirements of State law, and

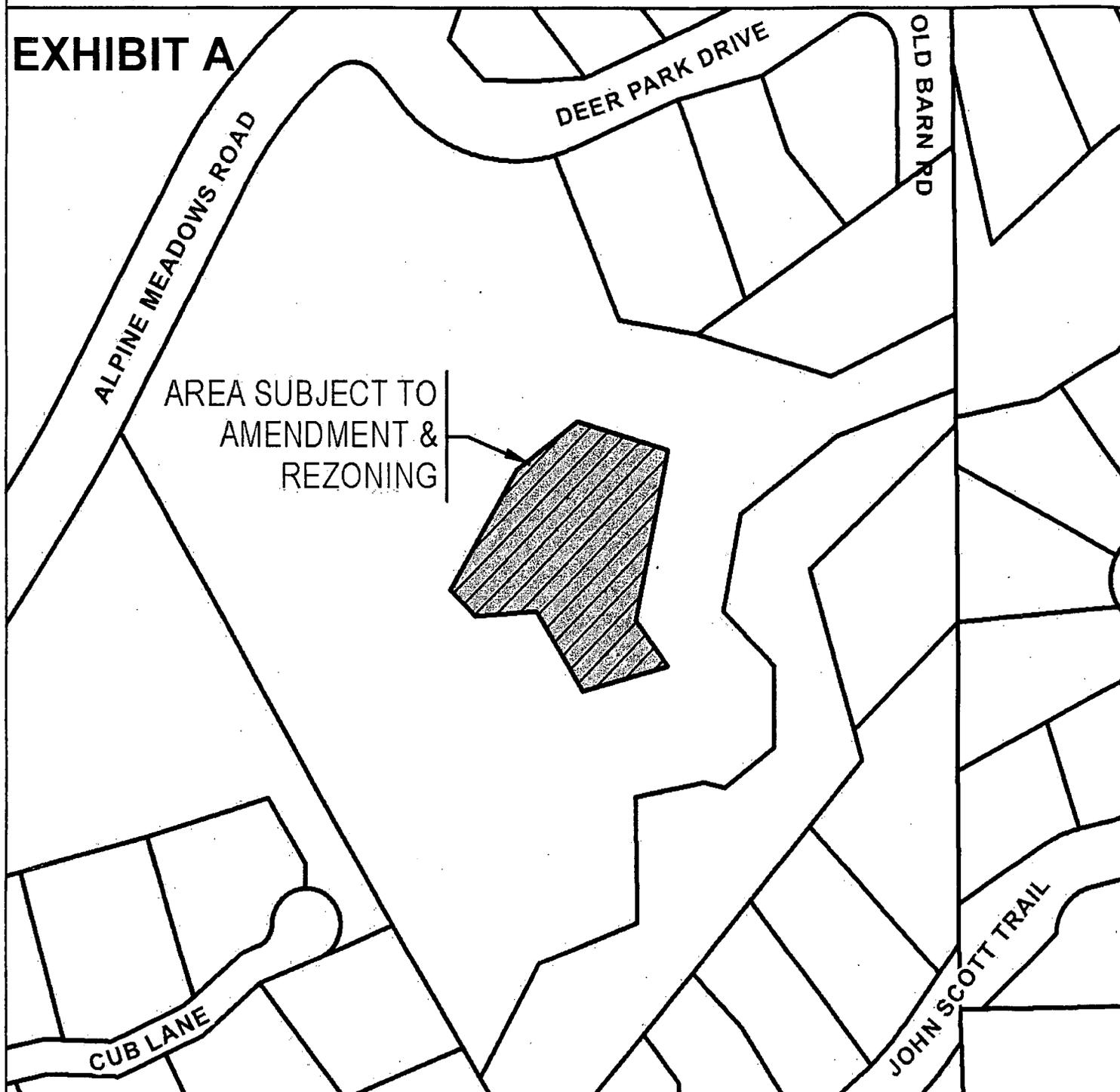
WHEREAS, notice of all hearings required has been given and all hearings have been held as required by County ordinance and State law, and

WHEREAS, the Board finds that the foregoing recitals setting forth the actions of the County are true and correct,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER that the map for General Plan Development Program is hereby amended to change the land use designation for a one (1) acre portion of a 4.77 acre parcel from Community Recreation, Green Belt, Park and Open Space to Single-Family Residential one dwelling unit per acre as shown and described in Exhibit A, attached hereto and incorporated herein by reference.

CALDWELL GENERAL PLAN AMENDMENT AND REZONE

EXHIBIT A



General Plan Amendment to change the Alpine Meadows General Plan Designation from Community Recreation, Green Belt, Park and Open Space to Single Family Residential one dwelling unit per acre.

Rezone from O (Open Space) to RS-B-43 (Residential Single Family, combining minimum Building Site of 43,560 square feet).

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

In the matter of: **AN ORDINANCE AMENDING
PLACER COUNTY CODE, CHAPTER 17, MAPS
R9, RELATING TO REZONING OF A PORTION OF
APN 095-290-017, THE CALDWELL PROPERTY
(PREA 20080154)**

Ord. No. _____

The following Ordinance was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held October 19, 2010, by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed by me after its passage.

Kirk Uhler, Chair
Board of Supervisors

Attest:

Ann Holman

**THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER HEREBY FINDS
THE FOLLOWING RECITALS ARE TRUE AND CORRECT:**

1. The proposed rezoning of a one-acre portion of APN 046-090-012, the property owned by Troy Caldwell, from O (Open Space) to RS-B-43 (Residential, Single-family, Combining Minimum Building Site of 43,560 square feet), as shown in Exhibit A, attached hereto and incorporated herein by reference, is compatible with the objectives, policies, and general land uses specified by the Alpine Meadows General Plan, and is otherwise consistent with the existing uses in the immediate area surrounding the project site.

Attachment C

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2. Notice of all hearings required by statute and ordinance has been given and all hearings have been held as required by statute and ordinance.

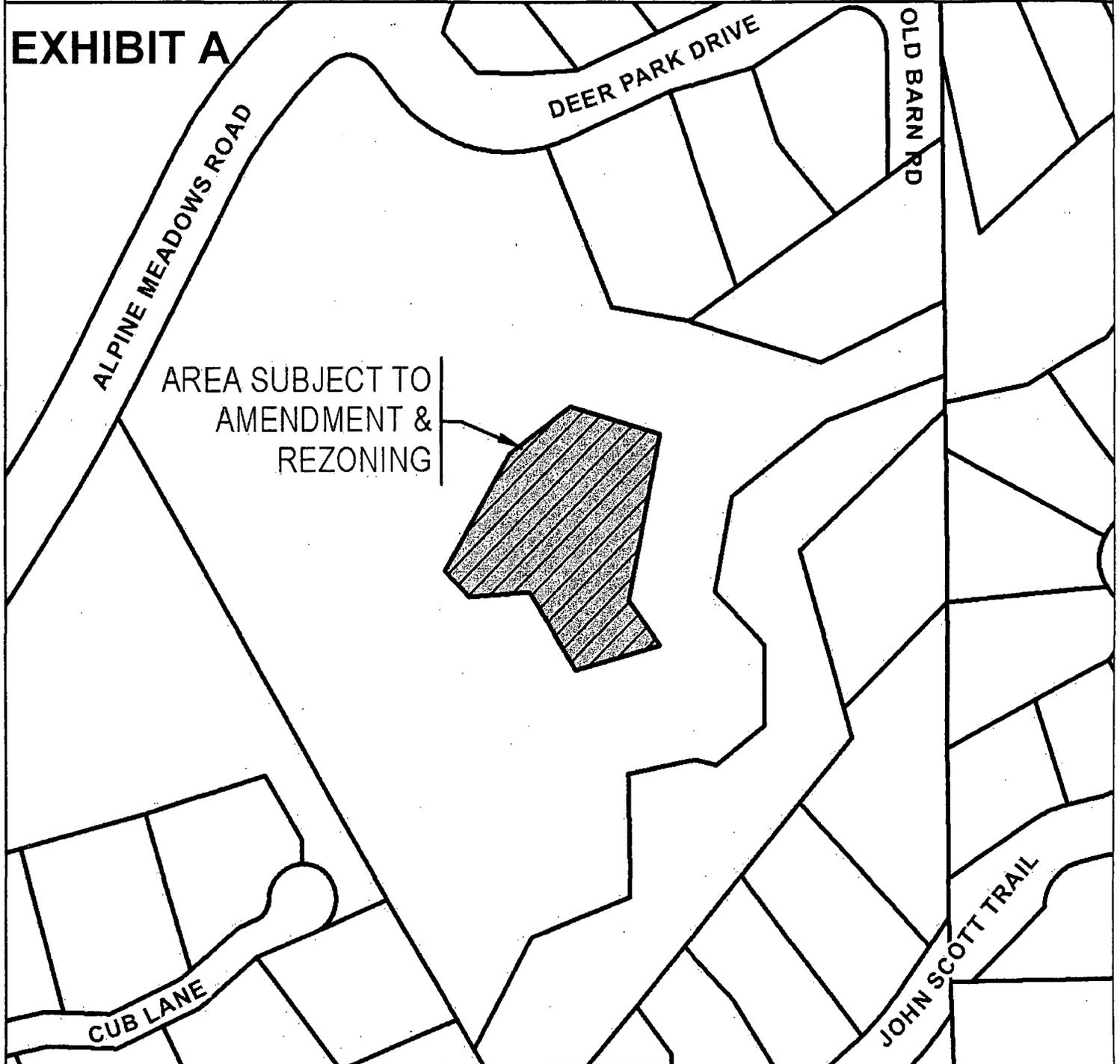
NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER:

Section 1: That portion of Chapter 17 of the Placer County Code relating to the zoning of a one-acre portion of APN 046-090-01, the property owned by Troy Caldwell in the Alpine Meadows area of Placer County, is hereby amended from O (Open Space) to RS-B-43 (Residential, Single-family, Combining Minimum Building Site of 43,560 square feet), as shown in Exhibit A, attached hereto and incorporated herein by reference.

Section 2: This ordinance shall take effect and be in full force and effect upon thirty (30) days after its passage. The Clerk is directed to publish this ordinance within fifteen (15) days in accordance with Government Code Section 25124.

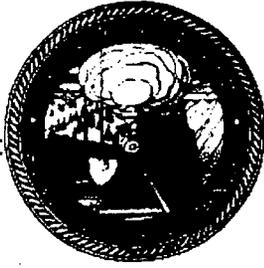
CALDWELL GENERAL PLAN AMENDMENT AND REZONE

EXHIBIT A



General Plan Amendment to change the Alpine Meadows General Plan Designation from Community Recreation, Green Belt, Park and Open Space to Single Family Residential one dwelling unit per acre.

Rezone from O (Open Space) to RS-B-43 (Residential Single Family, combining minimum Building Site of 43,560 square feet).



COUNTY OF PLACER
Community Development Resource Agency

Michael Johnson, AICP, Agency Director

**ENVIRONMENTAL
COORDINATION
SERVICES**

Gina Langford, Coordinator

NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

The project listed below was reviewed for environmental impact by the Placer County Environmental Review Committee and was determined to have no significant effect upon the environment. A proposed Mitigated Negative Declaration has been prepared for this project and has been filed with the County Clerk's office.

PROJECT: Caldwell Rezone

PROJECT DESCRIPTION: The project proposes a Rezone to change the parcel from an Open Space designation to Residential Single Family, and an Appeal to remove the property from a County designated Avalanche Area.

PROJECT LOCATION: Southwest Corner of Deer Park Drive and Alpine Meadows Road, Alpine Meadows, Placer County

APPLICANT: Troy Caldwell, PO Box 1784, Tahoe City, CA 96145, 530-583-5761

The comment period for this document closes on **September 3, 2009**. A copy of the Negative Declaration is available for public review at the County's web site <http://www.placer.ca.gov/Departments/CommunityDevelopment/EnvCoordSvcs/NegDec.aspx>, Community Development Resource Agency public counter, and at the Tahoe City Public Library. Property owners within 300 feet of the subject site shall be notified by mail of the upcoming hearing before the Planning Commission. Additional information may be obtained by contacting the Environmental Coordination Services, at (530)745-3132, between the hours of 8:00 am and 5:00 pm, at 3091 County Center Drive, Auburn, CA 95603.

Newspaper: Sierra Sun

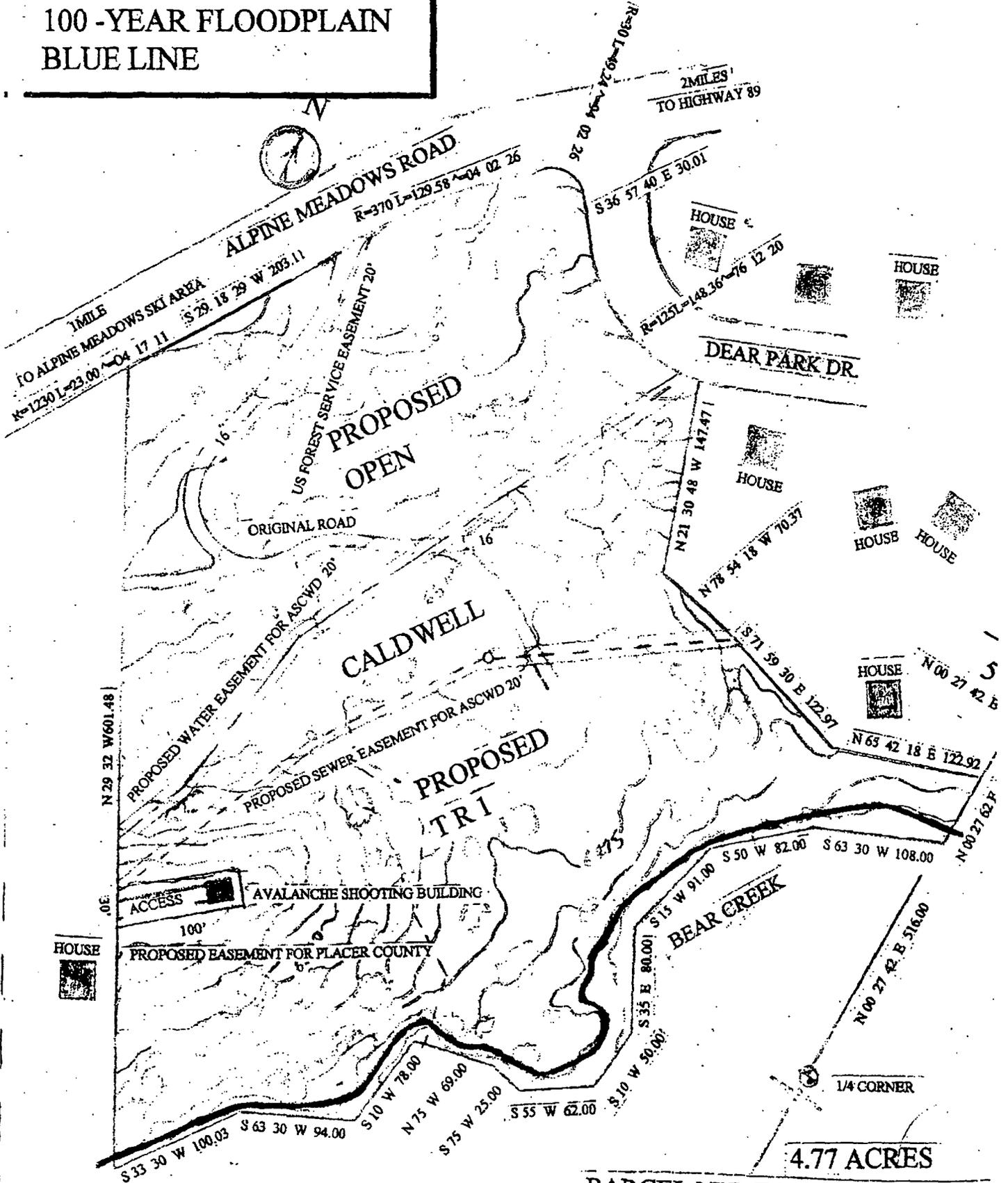
Publish Date: Friday, August 7, 2009

ATTACHMENT D

PLACER COUNTY, ALIFORNIA
 A PORTION OF SECTION 5 T.15N. R.16
 M.D.B.&M.

CALDWELL

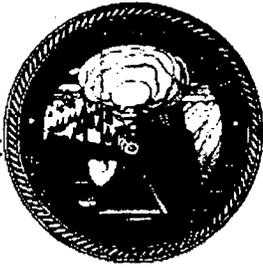
100 - YEAR FLOODPLAIN
 BLUE LINE



4.77 ACRES
 PARCEL NUMBER 095 -029 -017-
 T.15N. R.16E. M.D.B.&M.

SCALE 1" = 100'

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COUNTY OF PLACER
Community Development Resource Agency

ENVIRONMENTAL
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MITIGATED NEGATIVE DECLARATION

In accordance with Placer County ordinances regarding implementation of the California Environmental Quality Act, Placer County has conducted an Initial Study to determine whether the following project may have a significant adverse effect on the environment, and on the basis of that study hereby finds:

- The proposed project will not have a significant adverse effect on the environment; therefore, it does not require the preparation of an Environmental Impact Report and this **Negative Declaration** has been prepared.
- Although the proposed project could have a significant adverse effect on the environment, there will not be a significant adverse effect in this case because the project has incorporated specific provisions to reduce impacts to a less than significant level and/or the mitigation measures described herein have been added to the project. A **Mitigated Negative Declaration** has thus been prepared.

The environmental documents, which constitute the Initial Study and provide the basis and reasons for this determination are attached and/or referenced herein and are hereby made a part of this document.

PROJECT INFORMATION

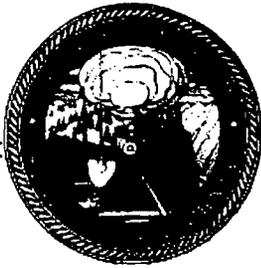
Title: Caldwell Rezone	Plus# PREA T20080154
Description: The project proposes a Rezone to change the parcel from an Open Space designation to Residential Single Family, and an Appeal to remove the property from a County designated Avalanche Area.	
Location: Southwest Corner of Deer Park Drive and Alpine Meadows Road, Alpine Meadows, Placer County	
Project Owner/Applicant: Troy Caldwell, PO Box 1784, Tahoe City, CA 96145, 530-583-5761	
County Contact Person: Steve Buelna	530-581-6285

PUBLIC NOTICE

The comment period for this document closes on **September 3, 2009**. A copy of the Negative Declaration is available for public review at the County's web site (<http://www.placer.ca.gov/Departments/CommunityDevelopment/EnvCoordSvc/EnvDocs/NegDec.aspx>), Community Development Resource Agency public counter, and at the Tahoe City Public Library. Property owners within 300 feet of the subject site shall be notified by mail of the upcoming hearing before the Board of Supervisors. Additional information may be obtained by contacting the Environmental Coordination Services, at (530)745-3075 between the hours of 8:00 am and 5:00 pm at 3091 County Center Drive, Auburn, CA 95603, or at Tahoe Division Office, 565 West Lake Blvd., Tahoe City, CA 96145

If you wish to appeal the appropriateness or adequacy of this document, address your written comments to our finding that the project will not have a significant adverse effect on the environment: (1) identify the environmental effect(s), why they would occur, and why they would be significant, and (2) suggest any mitigation measures which you believe would eliminate or reduce the effect to an acceptable level. Regarding item (1) above, explain the basis for your comments and submit any supporting data or references. Refer to Section 18.32 of the Placer County Code for important information regarding the timely filing of appeals.

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COUNTY OF PLACER
Community Development Resource Agency

**ENVIRONMENTAL
COORDINATION
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3091 County Center Drive, Suite 190 • Auburn • California 95603 • 530-745-3132 • fax 530-745-3003 • www.placer.ca.gov/planning

INITIAL STUDY & CHECKLIST

This Initial Study has been prepared to identify and assess the anticipated environmental impacts of the following described project application. The document may rely on previous environmental documents (see Section C) and site-specific studies (see Section I) prepared to address in detail the effects or impacts associated with the project.

This document has been prepared to satisfy the California Environmental Quality Act (CEQA) (Public Resources Code, Section 21000 et seq.) and the State CEQA Guidelines (14 CCR 15000 et seq.) CEQA requires that all state and local government agencies consider the environmental consequences of projects over which they have discretionary authority before acting on those projects.

The Initial Study is a public document used by the decision-making lead agency to determine whether a project may have a significant effect on the environment. If the lead agency finds substantial evidence that any aspect of the project, either individually or cumulatively, may have a significant effect on the environment, regardless of whether the overall effect of the project is adverse or beneficial, the lead agency is required to prepare an EIR, use a previously-prepared EIR and supplement that EIR, or prepare a Subsequent EIR to analyze the project at hand. If the agency finds no substantial evidence that the project or any of its aspects may cause a significant effect on the environment, a Negative Declaration shall be prepared. If in the course of analysis, the agency recognizes that the project may have a significant impact on the environment, but that by incorporating specific mitigation measures the impact will be reduced to a less than significant effect, a Mitigated Negative Declaration shall be prepared.

A. BACKGROUND:

Project Title: Caldwell Rezone	Plus# PREA T20080154
Entitlements: Rezone, Avalanche Appeal	
Site Area: 4.77 acres	APN: 095-290-017
Location: Southwest Corner of Deer Park Drive and Alpine Meadows Road in the Alpine Meadows area.	

Project Description:

The applicant is requesting approval of a Rezone to change the parcel from an Open Space designation to Residential Single Family and an Appeal to remove the property from a County designated Avalanche Area. With the approval of such entitlements, the following would be permitted:

- o Construction of a single family residence
- o Creation of an easement for access to the avalanche shooting building located on the site.

Project Site:

The subject property is bordered on two sides by roadways and Bear Creek is located along the southern property line. This approximately five acre site contains a steep down slope towards Bear Creek. The site contains relatively dense vegetation consisting primarily of mixed conifers. The western portion of the property contains a small building used for avalanche control. From this building a charge is shot from the Caldwell site across Alpine Meadows Road. Upon impact in the snow on the north side of Alpine Meadows Road, the charge detonates such that an avalanche might occur while the roadway is closed, reducing the potential for placing persons in harm's way. Currently the project site is also designated as a Potential Avalanche Hazard Area (PAHA).

B. ENVIRONMENTAL SETTING:

Location	Zoning	General Plan/Community Plan	Existing Conditions and Improvements
Site	Open Space	Alpine Meadows	Undeveloped with exception of avalanche building in the western portion of property
North	same as project site	same as project site	Undeveloped
South	Residential Single-Family	same as project site	Undeveloped – Bear Creek
East	Residential Single-Family	same as project site	Single Family Dwellings
West	Residential Single-Family	same as project site	Single Family Dwellings

C. PREVIOUS ENVIRONMENTAL DOCUMENT:

The County has determined that an Initial Study shall be prepared in order to determine whether the potential exists for unmitigatable impacts resulting from the proposed project. Relevant analysis from the County-wide General Plan and Community Plan Certified EIRs, and other project-specific studies and reports that have been generated to date, were used as the database for the Initial Study. The decision to prepare the Initial Study utilizing the analysis contained in the General Plan and Specific Plan Certified EIRs, and project-specific analysis summarized herein, is sustained by Sections 15168 and 15183 of the CEQA Guidelines.

Section 15168 relating to Program EIRs indicates that where subsequent activities involve site-specific operations, the agency should use a written checklist or similar device to document the evaluation of the site and the activity, to determine whether the environmental effects of the operation were covered in the earlier Program EIR. A Program EIR is intended to provide the basis in an Initial Study for determining whether the later activity may have any significant effects. It will also be incorporated by reference to address regional influences, secondary effects, cumulative impacts, broad alternatives, and other factors that apply to the program as a whole.

The following documents serve as Program-level EIRs from which incorporation by reference will occur:

- ➔ Placer County General Plan EIR
- ➔ Alpine Meadows Community Plan EIR

Section 15183 states that “projects which are consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified shall not require additional environmental review, except as may be necessary to examine whether there are project-specific significant effects which are peculiar to the project or site.” Thus, if an impact is not peculiar to the project or site, and it has been addressed as a significant effect in the prior EIR, or will be substantially mitigated by the imposition of uniformly applied development policies or standards, then additional environmental documentation need not be prepared for the project solely on the basis of that impact.

The above stated documents are available for review Monday through Friday, 8am to 5pm, at the Placer County Community Development Resource Agency, 3091 County Center Drive, Auburn, CA 95603. For Tahoe projects, the document will also be available in our Tahoe Division Office, 565 West Lake Blvd., Tahoe City, CA 96145.

D. EVALUATION OF ENVIRONMENTAL IMPACTS:

The Initial Study checklist recommended by the State of California Environmental Quality Act (CEQA) Guidelines is used to determine potential impacts of the proposed project on the physical environment. The checklist provides a list of questions concerning a comprehensive array of environmental issue areas potentially affected by the project (see CEQA Guidelines, Appendix G). Explanations to answers are provided in a discussion for each section of questions as follows:

- a) A brief explanation is required for all answers including “No Impact” answers.
- b) “Less Than Significant Impact” applies where the project’s impacts are insubstantial and do not require any mitigation to reduce impacts.
- c) “Less Than Significant with Mitigation Measures” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less than Significant Impact.” The County, as lead agency, must describe the mitigation measures, and briefly explain how they reduce the effect to a less-than-significant level (mitigation measures from earlier analyses may be cross-referenced).

- d) "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- e) All answers must take account of the entire action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts [CEQA Guidelines, Section 15063(a)(1)].
- f) Earlier analyses may be used where, pursuant to the tiering, Program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or Negative Declaration [CEQA Guidelines, Section 15063(c)(3)(D)]. A brief discussion should be attached addressing the following:
 - ➔ **Earlier analyses used** – Identify earlier analyses and state where they are available for review.
 - ➔ **Impacts adequately addressed** – Identify which effects from the above checklist were within the scope of, and adequately analyzed in, an earlier document pursuant to applicable legal standards. Also, state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - ➔ **Mitigation measures** – For effects that are checked as "Less Than Significant with Mitigation Measures," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- g) References to information sources for potential impacts (i.e. General Plans/Community Plans, zoning ordinances) should be incorporated into the checklist. Reference to a previously-prepared or outside document should include a reference to the pages or chapters where the statement is substantiated. A source list should be attached and other sources used, or individuals contacted, should be cited in the discussion.

I. AESTHETICS – Would the project:

1. Have a substantial adverse effect on a scenic vista? (PLN)				X
2. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings, within a state scenic highway? (PLN)				X
3. Substantially degrade the existing visual character or quality of the site and its surroundings? (PLN)			X	
4. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area? (PLN)			X	

Discussion- Item I-1:

The project site is not located within a scenic vista. The proposed project would result in a new single family dwelling on a currently undeveloped site (with the exception of the avalanche shooting building). The adjacent properties to the east and south of the property contain residential improvements.

Discussion- Item I-2:

The project site is not located near nor is it visible from a scenic highway

Discussion- Item I-3:

The proposed project would not result in a significant impact on the existing visual character of this area as the project is consistent with the development surrounding the project area, south of Alpine Meadows Road. No mitigation measures are required.

Discussion- Item I-4:

It is anticipated that the project will include some lighting, typical of a single family dwelling. Based on the larger parcel size, the larger than normal setback distance from the roadways and adjacent properties, and the developed nature of the parcels surrounding the project, the lighting impacts of this project will be less than significant. No mitigation measures are required.

II. AGRICULTURAL RESOURCE – Would the project:

1. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide or Local Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? (PLN)				X
2. Conflict with General Plan or other policies regarding land use buffers for agricultural operations? (PLN)				X
3. Conflict with existing zoning for agricultural use, or a Williamson Act contract? (PLN)				X
4. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland (including livestock grazing) to non-agricultural use? (PLN)				X

Discussion- All Items:

The project site will not convert any important farmland as the project site is currently zoned Open Space and is predominately surrounded by residential lands. The proposed project is not located in proximity to any farmland or agricultural uses and will not result in the conversion of farmland. Accordingly, the proposed rezoning and potential single family dwelling will not result in any impact upon timber or agricultural resources in this area.

III. AIR QUALITY – Would the project:

1. Conflict with or obstruct implementation of the applicable air quality plan? (APCD)			X	
2. Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (APCD)			X	
3. Result in a cumulatively considerable net increase of any criteria for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? (APCD)			X	
4. Expose sensitive receptors to substantial pollutant concentrations? (APCD)				X
5. Create objectionable odors affecting a substantial number of people? (APCD)				X

Discussion- Item III-1:

The proposed project is located within the Lake Tahoe Air Basin portion of Placer County. As the project related air pollutant emissions are minor, the proposed project will not conflict with the Placer County Air Quality Management Plan to remain in attainment status for the federal and state ambient air quality standards. No mitigation measures are required.

Discussion- Items III-2,3:

The proposed project is located in the Lake Tahoe Air Basin portion of Placer County. This area is designated as attainment for the federal and state ozone standard. Based on the analysis, the project related air pollutant emissions will be minor and the project will below the District's threshold for construction and operation. Therefore, the proposed project would not have a significant impact on air quality. No mitigation measures are required.

Discussion- Items III-4,5:

Based on the analysis, the project will not expose sensitive receptors to substantial pollutant concentrations. In addition, the project would not create objectionable odors affecting a substantial number of people.

IV. BIOLOGICAL RESOURCES – Would the project:

1. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the California Department of Fish & Game or U.S. Fish & Wildlife Service? (PLN)				X
2. Substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining				X

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levels, threaten to eliminate a plant or animal community, substantially reduce the number of restrict the range of an endangered, rare, or threatened species? (PLN)				
3. Have a substantial adverse effect on the environment by converting oak woodlands? (PLN)				X
4. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies or regulations or by the California Department of Fish & Game or U.S. Fish & Wildlife Service? (PLN)				X
5. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (PLN)				X
6. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (PLN)				X
7. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (PLN)			X	
8. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (PLN)				X

Discussion- Items IV-1,2:

A Biological Report was prepared by Biorg in May 2007. This report also indicated that the project will not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the California Department of Fish & Game or U.S. Fish & Wildlife Service and will not reduce the habitat of a fish or wildlife species as the project.

Discussion- Item IV-3:

The project could remove up to five trees, however, these trees are not oak trees. Although the project proposal does not include detailed plans for the proposed residence, the general location of the building envelope is known and the result is that five trees will be impacted. The removal of these trees is addressed below in Discussion Item IV-7. The project will not impact any portion of a mixed oak woodland community.

Discussion- Item IV-4,5:

The Biological Report prepared by Biorg, May 2007 indicates that sensitive habitat such as wetlands were not present on the property. However, the project site is bound on the southern property line by Bear Creek. The proposed project improvements will not be located within the riparian area of this waterway, nor will the improvements be located within the setback requirement for this water course of 100 feet from centerline. Additionally, the project will not have impacts on waters subject to the Clean Water Act.

Discussion- Item IV-6:

The project site consists of a one acre homesite located within an approximately five acre parcel. It is not anticipated that the project will interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites as there are no known migration corridors within the impact area.

Discussion- Item IV-7:

The project may result in a maximum of five trees over six inches dbh being impacted as part of this project. Based on the project area (approximately five acres) and the abundance of trees on the site and the need for the thinning of trees in certain areas, the removal of no more than five trees as part of the site improvements will not require mitigation. The impacts from tree removal have been determined to be less than significant. No mitigation measures are required.

Discussion- Item IV-8:

The proposed project will not conflict with an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

V. CULTURAL RESOURCES – Would the project:

1. Substantially cause adverse change in the significance of a historical resource as defined in CEQA Guidelines, Section 15064.5? (PLN)				X
2. Substantially cause adverse change in the significance of a unique archaeological resource pursuant to CEQA Guidelines, Section 15064.5? (PLN)		X		
3. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (PLN)				X
4. Have the potential to cause a physical change, which would affect unique ethnic cultural values? (PLN)				X
5. Restrict existing religious or sacred uses within the potential impact area? (PLN)				X
6. Disturb any human remains, including those interred outside of formal cemeteries? (PLN)		X		

Discussion- Item V-1:

A records search was conducted for the subject property by North Central Information Center in May 2007. The results indicated that there is a low to moderate potential of identifying pre-historic archeological sites and historic-period cultural resources in the project area. Further archival and/or field study by a cultural resource professional was recommended. This resulted in the preparation of a Heritage Resource Study by Susan Lindstrom, PhD. (Archeologist) dated April 2009. Two areas of concern were evaluated, the potential for the historical Deer Park Springs lodge that may have been located on the site and the potential of the site to have significance to the Washoe Tribe. Deer Park Springs, a historic lodge that was constructed in the late 1890s, was known to be located in the general vicinity. Lindstrom's report arrived at the conclusion that the lodge and all associated activities were located on an adjacent parcel and were not located on the Caldwell property.

Discussion- Items V-2,6:

The proposed project is not anticipated to have any impact on a unique archeological resource. A record search did not reveal any other potential cultural resources. Based upon this information the Heritage Resource Study prepared by Susan Lindstrom (April 2009) focused its search on the location of the Deer Park Springs resort that was constructed in the late 1890s that had been located in the Alpine Meadows area. The results indicate that neither the lodge nor associated activities were to have occurred on the project site.

However, Lindstrom consulted with Darrel Cruz, the Tribal Historic Preservation Officer for the Washoe Tribe. The correspondence from Mr. Cruz included in the report supports Lindstrom recommendation to allow the project to proceed provided that archeological monitoring be provided as a condition of the project approval. In addition the following language that will be implemented as part of the project conditions and required on improvement plans, there will be mitigation required to ensure that impacts to any unknown resources will be less than significant.

"The Placer County Planning Department and Department of Museums must be contacted in the event of any archaeological find(s).

If the discovery consists of human remains, the Placer County Coroner and Native American Heritage Commission must also be contacted. Work in the area may only proceed after authorization is granted by the Placer County Planning Department. A note to this effect will be provided on the Improvement Plans for the project.

Following a review of the new find and consultation with appropriate experts, if necessary, the authority to proceed may be accompanied by the addition of development requirements which provide protection of the site and/or additional mitigation measures necessary to address the unique or sensitive nature of the site."

Mitigation Measures- Items V-2,6:

MM V.1 Prior to submittal of Improvement Plans, the applicant shall provide written evidence to the Planning Department that a qualified archeologist has been retained by the applicant to observe grading activities and be present at the site during all site disturbance activities.

Discussion- Item V-3:

The site has no known potential to yield significant fossils. As such, the proposed project is expected to have no significant impact on paleontological resources. Although no mitigation measures are required, standard construction conditions will apply to this project and a note shall be placed on the improvement plans that indicate the following:

"If paleontological resources are discovered on-site, the applicant shall retain a qualified paleontologist to observe grading activities and salvage fossils as necessary. The paleontologist shall establish procedures for paleontological resource surveillance and shall establish, in cooperation with the project developer, procedures for temporarily halting or redirecting work to permit sampling, identification, and evaluation of fossils. If major paleontological resources are discovered, which require temporarily halting or redirecting of grading, the paleontologist shall report such findings to the project developer, and to the Placer County Department of Museums and Planning Department. The paleontologist shall determine appropriate actions, in cooperation with the project developer, which ensure proper exploration and/or salvage. Excavated finds shall be offered to a State-designated repository such as Museum of Paleontology, U.C. Berkeley, the California Academy of Sciences, or any other State-designated repository. Otherwise, the finds shall be offered to the Placer County Department of Museums for purposes of public education and interpretive displays. These actions, as well as final mitigation and disposition of the resources shall be subject to approval by the Department of Museums. The paleontologist shall submit a follow-up report to the Department of Museums and Planning Department which shall include the period of inspection, an analysis of the fossils found, and present repository of fossils".

Discussion- Item V-4:

The proposed project does not have the potential to cause a physical change that would affect known unique ethnic cultural values. The project site is not currently used in such a way as to sustain unique ethnic cultural values.

Discussion- Item V-5:

The proposed project will not restrict existing religious or sacred uses within the potential impact area, as the project site is not used for known religious or sacred uses. Furthermore, there is no evidence of existing religious or sacred uses on the site or the surrounding areas.

VI. GEOLOGY & SOILS – Would the project:

1. Expose people or structures to unstable earth conditions or changes in geologic substructures? (ESD)				X
2. Result in significant disruptions, displacements, compaction or overcrowding of the soil? (ESD)				X
3. Result in substantial change in topography or ground surface relief features? (ESD)				X
4. Result in the destruction, covering or modification of any unique geologic or physical features? (ESD)				X
5. Result in any significant increase in wind or water erosion of soils, either on or off the site? (ESD)				X
6. Result in changes in deposition or erosion or changes in siltation which may modify the channel of a river, stream, or lake? (ESD)			X	
7. Result in exposure of people or property to geologic and geomorphological (i.e. Avalanches) hazards such as earthquakes, landslides, mudslides, ground failure, or similar		X		

hazards? (ESD)				
8. Be located on a geological unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse? (ESD)				X
9. Be located on expansive soils, as defined in Section 1802.3.2 of the California Building Code (2007), creating substantial risks to life or property? (ESD)				X

Discussion- Items VI-1,2,3,4,5,6,8,9:

The project proposal would result in the rezoning of this parcel from Open Space to Single Family Residential. One additional residential home site would be developed as a result of this rezone. The development of one home site on this parcel would not expose people or structures to unstable earth conditions or changes in geologic substructures. There will be no substantial change in site topography. There are no identified unique geologic or physical features at the site that will be destroyed, covered, or modified by the project. The grading activities for one building pad and one driveway along an existing unimproved road alignment would result in changes in potential deposition, erosion or siltation to Bear Creek that is considered less than significant given the project proposal. The site is located within Seismic Zone 3 and ground shaking will occur during seismic events. One residential structure would ultimately be constructed as a part of the project. The structure will be built according to the current edition of the California Building Code, which includes seismic design criteria, so the likelihood of severe damage due to ground shaking is minimal. According to limited information in the Soil Survey of Placer County (United States Department of Agriculture Soil Conservation Service in cooperation with University of California Agriculture Experiment Station) it appears that expansive soils are not present at this location. No mitigation measures are required.

Discussion- Item VI-7:

The project site is currently located in a Potential Avalanche Hazard Area (PAHA). As part of this project, the applicant has filed for an Appeal of this designation. The submittal includes a report prepared by Dick Penniman that suggests a reclassification of the property based on elevation to Moderate and Low Hazard areas. The recommendation also suggested that the project should be conditioned such that an engineer certify that any structure be designed to withstand the force of an avalanche.

Mitigation Measure- Item VI-7:

MM VI.1 A California licensed architect or engineer experienced in snow design, in conjunction with a recognized avalanche expert or team of experts, shall certify that the proposed structure will be safe under the anticipated loads and conditions of an avalanche prior to submitting for a Building Permit.

VII. HAZARDS & HAZARDOUS MATERIALS – Would the project:

1. Create a significant hazard to the public or the environment through the routine handling, transport, use, or disposal of hazardous or acutely hazardous materials? (EHS)			X	
2. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (EHS)			X	
3. Emit hazardous emissions, substances, or waste within one-quarter mile of an existing or proposed school? (APCD)				X
4. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? (EHS)			X	

5. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? (PLN)				X
6. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing in the project area? (PLN)				X
7. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? (PLN)			X	
8. Create any health hazard or potential health hazard? (EHS)			X	
9. Expose people to existing sources of potential health hazards? (EHS)			X	

Discussion- Items VII-1,2:

The use of hazardous substances during normal construction activities is expected to be limited in nature, and will be subject to standard handling and storage requirements.

Avalanche control activities have been conducted on the property since 1985; hazardous materials used during avalanche shooting include explosives and compressed gas cylinders. The avalanche shooting procedure is contracted to Alpine Meadows Ski Area. Hazardous materials used during this process are stored at Alpine Meadows Ski Area and transported by Alpine Meadows to the property when avalanche control is necessary. A Hazardous Materials Business Plan for Alpine Meadows is on file with Placer County Environmental Health. The project does not propose to store hazardous materials associated with avalanche shooting at the property. Accordingly, impacts related to the release of hazardous substances through routine handling, transport, use, disposal or upset and accident conditions involving hazardous materials are less than significant. No mitigation measures are required.

Discussion- Item VII-3:

Based upon the analysis, the project is not expected to emit hazardous emissions.

Discussion- Items VII-4,9:

A Phase I Environmental Site Assessment, dated May 13, 2008, was conducted for this property by BIORG. The Environmental Site Assessment states that the project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. The Environmental Site Assessment indicates that the Deer Park Inn was located in the vicinity of the property from 1888-1928 and concludes that the property is not currently used and has not historically been used for purposes that would have resulted in the storage and/or use of hazardous materials at the property. However, an avalanche shooting structure has been located and operated on the property since 1986 and is proposed to continue use as a part of the project application. While hazardous materials, including explosives and compressed gas cylinders, are used as a part of this process, these materials are not stored on the property. Therefore, impacts related to prior uses of the property are less than significant. No mitigation measures are required.

Discussion- Items VII-5,6:

The project is located approximately five to six miles from the Truckee Airport. Accordingly, the project will not conflict with nor will it place persons in harm's way of any airport operations.

Discussion- Item VII-7:

Although the subject property is relatively densely forested, based on the project's location in relation to other developed properties, it is not anticipated that this project would result in a less than significant impact as it relates to the potential for wildland fires. The project site appears on the CAL Fire "Fire Hazard Severity Zones in SRA (State Responsibility Area)" map. The area of the project is mapped as a "Very High" fire danger. The surrounding area is moderately forested and subject to destruction by wildfire. The project site is slightly more forested than the surrounding area to the south, east, and west due to the developed nature of those parcels. The vegetation of this site is similar to the undeveloped parcel to the north. The project will be required to conform to the current fire safe building codes including the Placer County Fire Safe ordinance and section 4290 of the California Public Resource Code. The project will also require a review and "will serve" letter from the North Tahoe Fire Protection District.

The required standards and approvals will ensure that the impact is less than significant. No mitigation measures are required.

Discussion- Item VII-8:

Common problems associated with overwatering of landscaping and residential irrigation have the potential to breed mosquitoes. Mosquito breeding is not expected to significantly impact the project. As a condition of the project, it is recommended that drip irrigation be used for landscaping areas. No mitigation measures are required

VII. HYDROLOGY & WATER QUALITY – Would the project:

1. Violate any potable water quality standards? (EHS)				X
2. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lessening of local groundwater supplies (i.e. the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? (EHS)			X	
3. Substantially alter the existing drainage pattern of the site or area? (ESD)				X
4. Increase the rate or amount of surface runoff? (ESD)			X	
5. Create or contribute runoff water which would include substantial additional sources of polluted water? (ESD)		X		
6. Otherwise substantially degrade surface water quality?(ESD)		X		
7. Otherwise substantially degrade ground water quality? (EHS)			X	
8. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard boundary or Flood Insurance Rate Map or other flood hazard delineation map? (ESD)				X
9. Place within a 100-year flood hazard area improvements which would impede or redirect flood flows? (ESD)				X
10. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? (ESD)				X
11. Alter the direction or rate of flow of groundwater? (EHS)				X
12. Impact the watershed of important surface water resources, including but not limited to Lake Tahoe, Folsom Lake, Hell Hole Reservoir, Rock Creek Reservoir, Sugar Pine Reservoir, French Meadows Reservoir, Combie Lake, and Rollins Lake? (EHS, ESD)		X		

Discussion- Item VIII-1:

The project will not rely on groundwater wells as a potable water source. Potable water for the project will be treated water from Alpine Springs County Water District. Therefore, the project will not violate water quality standards with respect to potable water.

Discussion- Item VIII-2:

The project will not utilize groundwater. The project consists of an existing structure that houses an avalanche shooting device and proposes a new residential building that will create an impermeable surface on a portion of the property. This impermeable surface may slightly reduce the rate of groundwater recharge. However, a significant portion of the property will remain unimproved and the impact to groundwater recharge is less than significant. Therefore, the project will not substantially deplete groundwater supplies or interfere with groundwater recharge. No mitigation measures are required.

Discussion- Items VIII-3,4,8,9,10:

The project proposal would result in the rezoning of this parcel from Open Space to Single Family Residential. One residential home site would be developed as a result of approval of this requested rezone. An existing road alignment that enters the site from Alpine Meadows Road would be improved to provide a County standard road encroachment and driveway access to the building site on the lower southern portion of the site. Some grading is anticipated for the driveway to meet the servicing fire protection district's requirements for maximum driveway slope, radii, and turnaround points and the driveway would be paved. The additional pavement and impervious surfaces created by the development of this residential site would not significantly alter drainage patterns or increase the amount and rate of runoff.

The project site is not within a 100-year flood hazard area as defined and mapped by the Federal Emergency Management Agency. No improvements are proposed within a 100-year flood hazard area and no flood flows would be impeded or redirected. The project location is elevated above areas that are subject to flooding, and therefore there are no impacts due to exposing people or structures to a significant risk or loss, injury, or death, including flooding as a result or failure of a levee or dam. No mitigation measures are required.

Discussion- Items VIII-5,6,12:

The rezone would allow for the construction of one single family residential home site on the lower southern portion of the subject parcel. Bear Creek flows along the southern project boundary line. The existing unimproved roadway that enters the site from Alpine Meadows Road will be improved with a County standard driveway encroachment and paved driveway to meet the servicing fire protection district's requirements for maximum grade, radii, and turning points. During construction, the building pad preparation and driveway improvements will potentially cause erosion, sediment, and water quality impacts to the Bear Creek watershed. Erosion potential and water quality impacts are always present and occur when protective vegetative cover is removed and soils are disturbed. This disruption of soils on the site has the potential to result in significant increases in erosion of soils both on and offsite. The proposed project's impacts associated with soil erosion will be mitigated to a less than significant level by implementing the following mitigation measures:

Mitigation Measures- Items VIII-5,6,12:

MM VIII.1 Water quality Best Management Practices shall be designed according to the California Stormwater Quality Association Stormwater Best Management Practice Handbooks for Construction and for New Development/Redevelopment (and/or other similar source as approved by the Engineering and Surveying Department.

Construction (temporary) Best Management Practices for the project include, but are not limited to: Fiber Rolls (SE-5), Hydroseeding (EC-4), Stabilized Construction Entrance (LDM Plate C-4), Silt Fence (SE-1), straw bales, revegetation techniques, dust control measures, concrete truck washout areas, and limiting the soil disturbance.

MM VIII.2 In order to protect site resources and water quality, no grading activities of any kind may take place within the 100-year flood plain of Bear Creek.

Discussion- Item VIII-7:

The project could result in increased stormwater runoff. Standard Best Management Practices will be used and as such, the potential for the project to violate any water quality standards is less than significant. No mitigation measures are required.

Discussion- Item VIII-11:

The project will not utilize groundwater and will not alter the direction or rate of flow of groundwater.

IX. LAND USE & PLANNING – Would the project:

1. Physically divide an established community? (PLN)				X
2. Conflict with General Plan/Community Plan/Specific Plan designations or zoning, or Plan policies adopted for the purpose of avoiding or mitigating an environmental effect? (EHS, ESD, PLN)		X		X
3. Conflict with any applicable habitat conservation plan or natural community conservation plan or other County policies, plans, or regulations adopted for purposes of avoiding or mitigating environmental effects? (PLN)				X
4. Result in the development of incompatible uses and/or the creation of land use conflicts? (PLN)		X		
5. Affect agricultural and timber resources or operations (i.e. impacts to soils or farmlands and timber harvest plans, or impacts from incompatible land uses)? (PLN)				X
6. Disrupt or divide the physical arrangement of an established community (including a low-income or minority community)? (PLN)				X
7. Result in a substantial alteration of the present or planned land use of an area? (PLN)			X	
8. Cause economic or social changes that would result in significant adverse physical changes to the environment such as urban decay or deterioration? (PLN)				X

Discussion- Item IX-1:

The project consists of a rezone to allow the construction of one single-family residence on a property that was zoned as open space. The location of the parcel precludes any division to an established community.

Discussion- Items IX-2,4:

The project proposes a change in the land designation from Open Space to Residential Single Family. Currently, the proposal conflicts with the land use designation contained in the Alpine Meadows General Plan. The 1968 Alpine Meadows General Plan identifies the subject parcel as Community Recreation, Green Belt, Park, and Open Space. The applicant, through a General Plan Amendment, is proposing to change the designation to Single Family Residential, which would be consistent with adjacent properties.

The General Plan designation may have been used to disallow residences on the property due to avalanche hazards as the property is within an area that has been designated as a Potential Avalanche Hazard Area (PAHA). The applicant has applied for an Avalanche Appeal. A report was prepared by Dick Penniman in August 2005 which challenged this designation. The Avalanche Hazard Study recommends the site be reclassified primarily based on elevation ranges at the site. The result of this reclassification would place most of the parcel in a low hazard area and a portion of it would be within a moderate avalanche hazard area. The Avalanche Ordinance would allow for construction of a residence in these areas. The recommendation provided by Penniman is consistent with this Ordinance in that structures are allowed to be constructed if they are engineered to withstand the force of an avalanche.

The information contained within the report may provide evidence that the land use designation should be changed. However, this determination would need to be evaluated and approved by the Placer County Board of Supervisors. If the Board, after reviewing all relevant information, approves the change in land use designation then this project would be consistent with the General Plan. Mitigation measures are required and will prevent significant impacts from occurring as a result of the proposed project.

Mitigation Measures- Item IX-2,4:

MM IX.1 The applicant shall apply for, and receive the approval of, a General Plan Amendment to change the designation to Single Family Residential. This process will require approval from Placer County who will conduct a review of the subject property and land uses within the area to determine whether or not the approval would be consistent with the intent of the General Plan.

MM IX.2 A California licensed architect or engineer experienced in snow design, in conjunction with a recognized avalanche expert or team of experts, shall certify that the proposed structure will be safe under the anticipated loads and conditions of an avalanche prior to submitting for a Building Permit.

Discussion- Item IX-3:

The project would not conflict with any applicable habitat conservation plan or natural community conservation plan or other County policies, plans, or regulations adopted for purposes of avoiding or mitigating environmental effects.

Discussion- Items IX-5,6,8:

The proposed project will not have an impact on agricultural or timber resources in the area as there will be minimal tree removal associated with this project and this site has not been set aside, nor is it suitable for this agricultural operation. The project will not disrupt or divide a community, nor will it cause economic or social changes resulting in significant adverse physical changes as the proposed use is consistent with the uses of the surrounding properties.

Discussion- Item IX-7:

Although the project site is zoned open space and the rezone is requesting to change this to Single-family Residential, the original designation may have been due to the fact that it is within an avalanche area. Typically, the County would not allow residences to be constructed within this zone even though the avalanche ordinance allows residential construction if evidence is presented that suggests a structure could be built to withstand the force of an avalanche. The Placer County hearing bodies will need to review the background information to determine whether or not the Open Space designation is still applicable. In either case, the addition of one residence within an area that was zoned open space will not significantly alter the present or planned land use of the area, especially, if the Open Space zoning was applied due to the concern of the project site being within an avalanche area. No mitigation measures are required.

X. MINERAL RESOURCES – Would the project result in:

1. The loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (PLN)				X
2. The loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? (PLN)				X

Discussion- All Items:

The proposed project will not result in the loss of available mineral resources or impact a mineral recovery site.

XI. NOISE – Would the project result in:

1. Exposure of persons to or generation of noise levels in excess of standards established in the local General Plan, Community Plan or noise ordinance, or applicable standards of other agencies? (PLN)			X	

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2. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (PLN)			X	
3. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (PLN)			X	
4. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (PLN)				X
5. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? (PLN)				X

Discussion- Item XI-1:

The activity of the "avalanche shooting building" involves launching of a charge from the project site. The noise consultant indicated that the sound emanating from this building would be most accurately described as an air gun type of sound. The majority of sound generated is from the location at which the charge is directed at. The practice of this activity involves alerting those residing in the vicinity prior to the avalanche control. Due to the infrequent nature of the activity and the warning in place, the noise impact will be less than significant.

Additionally, the addition of one new residence in this area will not result in a significant noise impact to the surrounding properties. No mitigation measures are required.

Discussion- Item XI-2:

The proposed project will not result in a permanent increase to the ambient noise levels, as the noise impacts will be limited to the temporary construction activity and the typical noise associated with a residence. No mitigation measures are required.

Discussion- Item XI-3:

The proposed project may result in a short term increase in the noise levels from construction activities for the residents surrounding this project. With the construction hour limitations (six a.m. and eight p.m. Monday through Friday and between eight a.m. and eight p.m. Saturday and Sunday) imposed by the Placer County Noise Ordinance, it will not result in a significant impact. No mitigation measures are required.

Discussion- Item XI-4:

The project is not located within an airport land use plan.

Discussion- Item XI-5:

The project is not located within the vicinity of a private airstrip.

XII. POPULATION & HOUSING – Would the project:

1. Induce substantial population growth in an area, either directly (i.e. by proposing new homes and businesses) or indirectly (i.e. through extension of roads or other infrastructure)? (PLN)			X	
2. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (PLN)			X	

Discussion- All Items:

The proposed project will result in the creation of exactly one new residence in this area. This is not considered a significant impact on population growth or the housing for this area. No mitigation measures are required.

XIII. PUBLIC SERVICES – Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental services and/or facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?

1. Fire protection? (ESD, PLN)			X	
2. Sheriff protection? (ESD, PLN)			X	
3. Schools? (ESD, PLN)			X	
4. Maintenance of public facilities, including roads? (ESD, PLN)			X	
5. Other governmental services? (ESD, PLN)			X	

Discussion- All Items:

The proposed project will add one new residence to the area. This will have a negligible impact on any services and will not create physical impacts associated with expansion or construction of new facilities. No mitigation measures are required.

XIV. RECREATION – Would the project result in:

1. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (PLN)			X	
2. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? (PLN)			X	

Discussion- All Items:

The proposed project does result in the introduction of one new dwelling unit to this area. Accordingly it will result in an impact to the recreational opportunities for this area. The increase of one dwelling unit will not result in a significant impact on the recreational facilities in this area. No mitigation measures are required.

XV. TRANSPORTATION & TRAFFIC – Would the project result in:

1. An increase in traffic which may be substantial in relation to the existing and/or planned future year traffic load and capacity of the roadway system (i.e. result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio			X	

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on roads, or congestion at intersections)? (ESD)				
2. Exceeding, either individually or cumulatively, a level of service standard established by the County General Plan and/or Community Plan for roads affected by project traffic? (ESD)				X
3. Increased impacts to vehicle safety due to roadway design features (i.e. sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (ESD)				X
4. Inadequate emergency access or access to nearby uses? (ESD)				X
5. Insufficient parking capacity onsite or offsite? (ESD, PLN)				X
6. Hazards or barriers for pedestrians or bicyclists? (ESD)				X
7. Conflicts with adopted policies supporting alternative transportation (i.e. bus turnouts, bicycle racks)? (ESD)				X
8. Change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? (ESD)				X

Discussion- Item XV-1:

The project proposal would result in the rezoning of this parcel from Open Space to Single Family Residential. As a result, one additional home site will add approximately ten new average daily trips, with approximately one PM peak hour trip to local area roadways. The proposed project creates site-specific impacts on local transportation systems that are less than significant when analyzed against the existing baseline traffic conditions and roadway segment/ intersection existing level of service, however, the cumulative effect of an increase in traffic has the potential to create significant impacts to the area's transportation system. Article 15.28.010 of the Placer County Code establishes a road network Capital Improvement Program. The project is subject to this code and, therefore, required to pay traffic impact fees to fund the Capital Improvement Program for area roadway improvements. With the payment of traffic mitigation fees for the ultimate construction of the Capital Improvement Program improvements, the project's traffic impacts are less than significant. No mitigation measures are required.

Discussion- Items XV-2,3,4,5,6,7,8:

The project proposal would result in the rezoning of this parcel from Open Space to Single Family Residential. An existing road alignment that enters the site from Alpine Meadows Road would be improved to provide a County standard road encroachment and driveway access to the building site on the lower southern portion of the site. One future additional home site created by this rezone request would not exceed the level of service standard, impact vehicle safety due to roadway design features, create inadequate emergency access or access to nearby uses, cause insufficient parking capacity onsite or offsite, create hazards or barriers to pedestrians or bicyclists, conflict with alternative transportation policies, or result in a change in air traffic patterns.

XVI. UTILITIES & SERVICE SYSTEMS – Would the project:

1. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (ESD)				X
2. Require or result in the construction of new water or wastewater delivery, collection or treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (EHS, ESD)				X

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3. Require or result in the construction of new onsite sewage systems? (EHS)				X
4. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (ESD)				X
5. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? (EHS)			X	
6. Require sewer service that may not be available by the area's waste water treatment provider? (EHS, ESD)			X	
7. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs in compliance with all applicable laws? (EHS)		X		

Discussion- Items XVI-1,4:

The project proposal would result in the rezoning of this parcel from Open Space to Single Family Residential. One additional single family residence and access driveway could be constructed as a result of this rezone. The new residence will connect to existing water and sewer services that are located in the vicinity. The project proposes utilizing Alpine Springs County Water District for water and sewer services. The project will generate a negligible increase in the demand for these utilities and service systems. The applicant will be required to obtain standard "Will Serve" letters from all service providers. The project, as proposed, will not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

Discussion- Item XVI-2:

The project will not require or result in the construction of new water delivery, collection or treatment facilities or expansion of existing facilities, the construction of which would result in significant environmental effects.

Discussion- Item XVI-3:

The project will be served by public sewer and will not result in the construction of new onsite sewage disposal systems.

Discussion- Items XVI-5,6:

Treated water service and sewer service for the project will be provided by Alpine Springs County Water District. Alpine Springs County Water District has indicated their requirements to serve the project. Typical requirements include payment of fees, facility agreements, and installation of piping either onsite or offsite. These requirements are routine in nature and do not represent significant impacts. Typical project conditions of approval require submission of "Will-Serve" letters from the agency. No mitigation measures are required.

Discussion- Item XVI-7:

The proposed project will be served by the Eastern Regional Sanitary Landfill and Tahoe Truckee Sierra Disposal. This landfill has sufficient permitted capacity to accommodate the project's solid waste disposal needs. Tahoe Truckee Sierra Disposal has indicated their requirements to serve the project, these requirements are indicated below.

Mitigation Measures- Item XVI-7:

MM XVI.1 In order to minimize potential health hazards related to solid waste removal, the project will comply with Placer County and Tahoe Truckee Sierra Disposal requirements regarding solid waste enclosures and bear bins. Bear sheds should be placed no closer than 15 feet and not farther than 20 feet from the County maintained road.

E. MANDATORY FINDINGS OF SIGNIFICANCE:

1. Does the project have the potential to degrade the quality of the environment, substantially impact biological resources, or eliminate important examples of the major periods of California history or prehistory?		X
2. Does the project have the potential for impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)		X
3. Does the project have environmental effects, which will cause the potential for substantial adverse effects on human beings, either directly or indirectly?		X

F. OTHER RESPONSIBLE AND TRUSTEE AGENCIES whose approval is required:

<input type="checkbox"/> California Department of Fish and Game	<input type="checkbox"/> Local Agency Formation Commission (LAFCO)
<input type="checkbox"/> California Department of Forestry	<input type="checkbox"/> National Marine Fisheries Service
<input type="checkbox"/> California Department of Health Services	<input type="checkbox"/> Tahoe Regional Planning Agency
<input type="checkbox"/> California Department of Toxic Substances	<input type="checkbox"/> U.S. Army Corp of Engineers
<input type="checkbox"/> California Department of Transportation	<input type="checkbox"/> U.S. Fish and Wildlife Service
<input type="checkbox"/> California Integrated Waste Management Board	<input type="checkbox"/> _____
<input checked="" type="checkbox"/> California Regional Water Quality Control Board	<input type="checkbox"/> _____

G. DETERMINATION – The Environmental Review Committee finds that:

Although the proposed project **COULD** have a significant effect on the environment, there **WILL NOT** be a significant effect in this case because the mitigation measures described herein have been added to the project. A **MITIGATED NEGATIVE DECLARATION** will be prepared.

H. ENVIRONMENTAL REVIEW COMMITTEE (Persons/Departments consulted):

- Planning Department, Steve Buelna, Chairperson
- Engineering and Surveying Department, Sarah K. Gillmore
- Engineering and Surveying Department, Wastewater, Janelle Fortner
- Department of Public Works, Transportation
- Environmental Health Services, Jill Kearney
- Air Pollution Control District, Yu-Shuo Chang
- Flood Control Districts, Andrew Darrow
- Facility Services, Parks, Andy Fisher
- Placer County Fire/CDF, Bob Eicholtz/Brad Albertazzi

Signature  Date July 14, 2009
 Gina Langford, Environmental Coordinator

I. SUPPORTING INFORMATION SOURCES:

The following public documents were utilized and site-specific studies prepared to evaluate in detail the effects or impacts associated with the project. This information is available for public review, Monday through Friday, 8am to 5pm, at the Placer County Community Development Resource Agency, Environmental Coordination Services, 3091 County Center Drive, Suite 190, Auburn, CA 95603. For Tahoe projects, the document will also be available in our Tahoe Division Office, 565 West Lake Blvd., Tahoe City, CA 96145.

County Documents	<input checked="" type="checkbox"/> Community Plan	
	<input type="checkbox"/> Environmental Review Ordinance	
	<input checked="" type="checkbox"/> General Plan	
	<input type="checkbox"/> Grading Ordinance	
	<input type="checkbox"/> Land Development Manual	
	<input type="checkbox"/> Land Division Ordinance	
	<input type="checkbox"/> Stormwater Management Manual	
	<input type="checkbox"/> Tree Ordinance	
Trustee Agency Documents	<input type="checkbox"/> Department of Toxic Substances Control	
	<input type="checkbox"/> _____	
	<input type="checkbox"/> _____	
Site-Specific Studies	Planning Department	<input type="checkbox"/> Biological Study
		<input checked="" type="checkbox"/> Heritage Resource Study, dated April 2009
		<input type="checkbox"/> Cultural Resources Records Search
		<input type="checkbox"/> Lighting & Photometric Plan
		<input type="checkbox"/> Paleontological Survey
		<input type="checkbox"/> Tree Survey and Arborist Report
		<input type="checkbox"/> Visual Impact Analysis
		<input type="checkbox"/> Wetland Delineation
		<input checked="" type="checkbox"/> Avalanche Hazard Study, dated August 2005
		<input type="checkbox"/> _____
	Engineering & Surveying Department, Flood Control District	<input type="checkbox"/> Phasing Plan
		<input type="checkbox"/> Preliminary Grading Plan
		<input type="checkbox"/> Preliminary Geotechnical Report
		<input type="checkbox"/> Preliminary Drainage Report
		<input type="checkbox"/> Stormwater and Surface Water Quality BMP Plan
		<input type="checkbox"/> Traffic Study
		<input type="checkbox"/> Sewer Pipeline Capacity Analysis
		<input type="checkbox"/> Placer County Commercial/Industrial Waste Survey (where public sewer is available)
		<input type="checkbox"/> Sewer Master Plan
		<input type="checkbox"/> Utility Plan
		<input checked="" type="checkbox"/> Site Plan
	<input type="checkbox"/> _____	
	Environmental Health Services	<input type="checkbox"/> Groundwater Contamination Report
		<input type="checkbox"/> Hydro-Geological Study
		<input checked="" type="checkbox"/> Acoustical Analysis, dated May 14, 2008
		<input checked="" type="checkbox"/> Phase I Environmental Site Assessment, dated May 13, 2008

Initial Study & Checklist continued

		<input type="checkbox"/> Soils Screening
		<input type="checkbox"/> Preliminary Endangerment Assessment
		<input type="checkbox"/> _____
		<input type="checkbox"/> _____
	Air Pollution Control District	<input type="checkbox"/> CALINE4 Carbon Monoxide Analysis
		<input type="checkbox"/> Construction Emission and Dust Control Plan
		<input type="checkbox"/> Geotechnical Report (for naturally occurring asbestos)
		<input type="checkbox"/> Health Risk Assessment
		<input type="checkbox"/> URBEMIS Model Output
		<input type="checkbox"/> _____
	Fire Department	<input type="checkbox"/> Emergency Response and/or Evacuation Plan
		<input type="checkbox"/> Traffic and Circulation Plan
		<input type="checkbox"/> _____
	Mosquito Abatement District	<input type="checkbox"/> Guidelines and Standards for Vector Prevention in Proposed Developments
		<input type="checkbox"/> _____

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**RECORDING REQUESTED BY
and WHEN RECORDED MAIL TO:**

Alpine Springs County Water District
270 Alpine Meadows Rd.
Alpine Meadows, CA 96146

EXEMPT FROM RECORDING FEES PER GOVT. CODE §§ 6103, 27383

GRANT OF EASEMENT

1. **Grant of Easement.** FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, **Troy Caldwell, an individual** ("Grantor"), does hereby GRANT and CONVEY to **Alpine Springs County Water District, a public agency** ("Grantee"), a non-exclusive permanent and perpetual easement, in gross, for the construction, installation, operation, maintenance, repair and replacement of water and sewer pipes (collectively, the "Pipelines") under that certain portion of real property situated in the County of Placer, State of California (the "Easement Area") as more fully described in Exhibit "A" and depicted in Exhibit "B", both attached hereto and made parts hereof, together with ingress and egress to and from said Easement Area across a portion of real property more fully described in Exhibit "A" and depicted in Exhibit "B". The easement described herein shall run with the land and shall be binding upon and inure to the benefit of the parties and their respective assigns, heirs and voluntary and involuntary successors in interest.

2. **Compliance with Law.** Grantee, at Grantee's expense, shall comply with all applicable laws, regulations, rules and orders with respect to the installation, use, maintenance, repair and replacement of the Pipelines and Easement Area, regardless of when they become or became effective, including, without limitation, those relating to the required depth below the surface that the Pipelines can be installed, and any construction, grading, signage, health, safety, noise, environmental protection, waste disposal, and water and air quality regulations (collectively, the "Law"). Grantee shall be obligated to cure any violation of the Law caused by Grantee or its representatives within a reasonable period of time after receipt of notice of said violation.

3. **Pipeline Remain Property of Grantee.** The Pipelines shall at all times remain the property of Grantee, notwithstanding that the Pipelines may be affixed to Grantor's real property.

4. **Grantor Rights.** Grantee and Grantor acknowledge and agree that Grantor may construct, use and maintain a road (the "Road") over the Easement Area provided that (i) the Road does not encumber the majority of the Easement Area, and (ii) Grantor provides adequate

protection to such Pipelines as reasonably determined by Grantee. Grantor hereby covenants that it shall not construct or permit to be constructed, any building within the Easement Area.

5. **Maintenance and Repair.** Grantee, at Grantee's sole expense, may construct, install and operate, and shall maintain, repair and replace (as may be necessary), the Pipelines, and shall ensure the Easement Area is in good repair and in a neat and safe condition following each entry by Grantee on to the Easement Area; provided, however, Grantor shall be responsible for any repairs or replacements to the Pipelines that are made necessary by Grantor's construction, use, and/or maintenance of the Road. Grantee shall promptly backfill any trench made by it on Grantor's real property, and fully restore and level the surface of said Easement Area to the same as it was prior to any such operations so that there shall not be any permanent mounds, ridges, sinks, or trenches along the Easement Area, and promptly repair any damage it has caused to Grantor's real property or the Road. Grantee shall give Grantor reasonable prior notice of any entry by Grantee on to the Easement Area, except in emergency situations in which event such notice shall be given as rapidly as practicable, and shall perform any work thereon in such a manner that Grantor's use of the property is not unreasonably interrupted.

6. **Indemnification.** Grantee shall indemnify, defend and hold Grantor harmless from and against any and all costs (including reasonable attorney's fees), loss, claims, liabilities or damages to the extent arising out of Grantee's or Grantee's agent's or contractor's installation or operation of Pipelines in, or use of, the Easement Area, including all costs of any required environmental clean-up, remediation, inspection or investigation.

7. **Transfer by Grantee.** Upon prior written notice to Grantor, Grantee may transfer, sell, assign, mortgage, pledge and/or encumber all or any portion of Grantee's interests in the Pipelines and/or Grantee's rights hereunder. The purpose of this paragraph is to provide Grantor with notice of who the current owner of the Pipelines and the easement rights granted herein is so that Grantor may notify said new owner in the event any issues arise in connection with this agreement, the Easement Area, the Pipelines or any items related thereto.

8. **Termination.** If Grantee fail to utilize said Pipelines for any consecutive period of ten (10) or more years, Grantor may submit a written notice to Grantee requesting Grantee to notify Grantor whether it intends to resume use of the Pipelines within 90 days of Grantor's notice or whether the Pipelines have been abandoned. If Grantee does not respond within 90 days of Grantor's notice to Grantee, Grantee shall be deemed to have abandoned the Pipelines. If the Pipelines have been abandoned or are deemed to be abandoned, Grantee shall execute and record in Placer County Official Records a good and sufficient quitclaim deed releasing all of Grantee's right, title and interest in the Easement Area and Grantor's real property, and Grantee shall promptly cap the Pipelines at both ends where they enter and exit the property of Grantor.

9. **Entire Agreement.** Grantor and Grantee acknowledge and agree that this Agreement contains the entire agreement between the parties hereto with respect to the subject matter hereof, and no addition to or modification of any term or provision of this agreement shall be effective unless set forth in writing and signed by both parties hereto.

10. **Governing Law.** The rights and obligations of the parties and the interpretation and performance of this agreement shall be governed by the law of the State of California,

excluding its conflict of laws rules. Any action to interpret or enforce this agreement shall be brought and maintained exclusively in the courts of and for Placer County, California.

11. **Attorneys' Fees.** If the services of an attorney are required by any party to secure the performance of this agreement or otherwise upon the breach or default of another party, or if any judicial remedy or arbitration is necessary to enforce or interpret any provision of this agreement or the rights and duties of any person in relation thereto, the prevailing party shall be entitled to reasonable attorneys' fees, costs and other expenses, in addition to any other relief to which such party may be entitled.

12. **No Waiver.** Failure by either party to enforce any covenant, restriction or other provision of this agreement or to seek redress for the breach of or default in performance under any such covenant, restriction or other provision of this agreement shall in no way constitute a waiver of the right to enforce such covenant, restriction or provision of this agreement or seek redress for the breach thereof. The waiver by either party hereto of a breach of any provision of this agreement shall not be deemed a continuing waiver or a waiver of any subsequent breach of the same or any other provision hereof.

13. **Severability.** In the event any term or provision of this agreement shall be held to be unenforceable for any reason whatsoever by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other term or provision hereof.

14. **Counterparts.** This agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. This agreement shall not be effective until the execution and delivery between each of the parties of at least one set of counterparts. The parties authorize each other to detach and combine original signature pages and consolidate them into a single identical original. Any one of such completely executed counterparts shall be sufficient proof of this agreement.

The Parties have executed this agreement as of the date(s) set forth below.

GRANTOR:

GRANTEE:

By:

Troy Caldwell
TROY CALDWELL, an individual

Date:

9/17/10

By:

John M. Collins
John M. Collins, General Manager

Date:

9/17/10

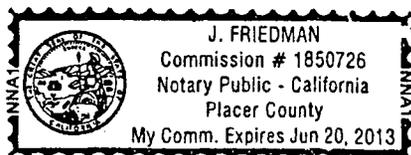
NOTARY ACKNOWLEDGMENT
(California All-Purpose Acknowledgment)

STATE OF CALIFORNIA)
COUNTY OF Placer) ss.

On Sept 14, 2010 before me, J. Friedman, Notary notary public, personally appeared Troy Caldwell, 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.



J. Friedman
Signature of Notary Public

(Seal)

ATTACHED TO: Grant of Easement
[APN 095-290-017]

**EXHIBIT A TO
GRANT OF EASEMENT**

Legal Description of the Easement
[APN 095-290-017]

[attached behind this page]

EXHIBIT A

EXHIBIT "A"
SEWER LINE EASEMENT
DESCRIPTION

Being a portion of that certain parcel of land described in the Grant Deed, conveyed to Troy Caldwell, recorded in that certain document No. 90-21139, filed in the Recorders Office of Placer County, California, located in Section 5, Township 15 North, Range 16 East, M.D.B. & M., and more particularly described as follows:

A strip of land running over the top of an existing sewer line, being 10 feet in width being 5 feet to the right and 5 feet to the left of the following described center line.

Beginning at a point that bears North 29°32'00" West, 84.85 feet, from the southeast corner of Lot B, of the Bear Creek Association Subdivision, as filed in Book H of Maps at Page 40, Official Records of Placer County; thence from said point of beginning, North 13°11'47" East, 167.13 feet; thence North 29°13'54" East, 88.74 feet; thence North 39°45'24" East, 82.84 feet; thence North 50°41'20" East, 118.51 feet; thence North 61°48'51" East, 70.55 feet more or less, to a point on the southwesterly line of the Smerdon property as shown on Record of Survey No. 1314, filed in Book 11 of Surveys at Page 40.

The side lines of the above described strip of land are to be lengthened or shortened to intersect with the adjacent boundary lines where they meet.

Above described easement parcel contains 5,278 square feet more or less.

The Basis of Bearings for this easement description is the easterly line of Lot B, of the Bear Creek Association Subdivision, as filed in Book H of Maps at Page 40, Official Records of Placer County.

APN: 095-290-017



EXHIBIT "A"
WATER LINE EASEMENT
DESCRIPTION

Being a portion of that certain parcel of land described in the Grant Deed, conveyed to Troy Caldwell, recorded in that certain document No. 90-21139, filed in the Recorders Office of Placer County, California, located in Section 5, Township 15 North, Range 16 East, M.D.B. & M., and more particularly described as follows:

A strip of land running over the top of an existing waterline, being 10 feet in width being 5 feet to the right and 5 feet to the left of the following described center line.

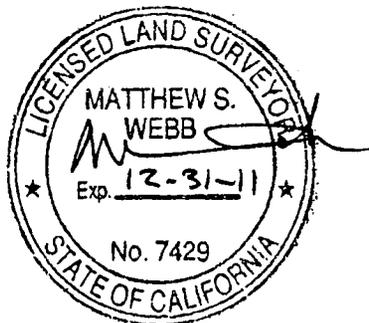
Beginning at a point that bears North 29°32'00" West, 105.52 feet, from the southeast corner of Lot B, of the Bear Creek Association Subdivision, as filed in Book H of Maps at Page 40, Official Records of Placer County; thence from said point of beginning, North 29°05'45" East, 27.12 feet; thence North 4°56'57" East, 148.13 feet; thence North 22°56'21" East, 212.43 feet; thence North 27°17'16" East, 190.62 feet more or less, to a point on the South line of Deer Park drive.

The side lines of the above described strip of land are to be lengthened or shortened to intersect with the adjacent boundary lines where they meet.

Above described easement parcel contains 5,784 square feet more or less.

The Basis of Bearings for this easement description is the easterly line of Lot B, of the Bear Creek Association Subdivision, as filed in Book H of Maps at Page 40, Official Records of Placer County.

APN: 095-290-017



**EXHIBIT B TO
GRANT OF EASEMENT**

Map of the Easement

[attached behind this page]

EXHIBIT B

EXHIBIT 'B'
SEWER EASEMENT

BEING A PORTION OF THAT CERTAIN PARCEL OF LAND, AS RECORDED
IN DOCUMENT NO. 90-21139, OFFICIAL RECORDS PLACER COUNTY.

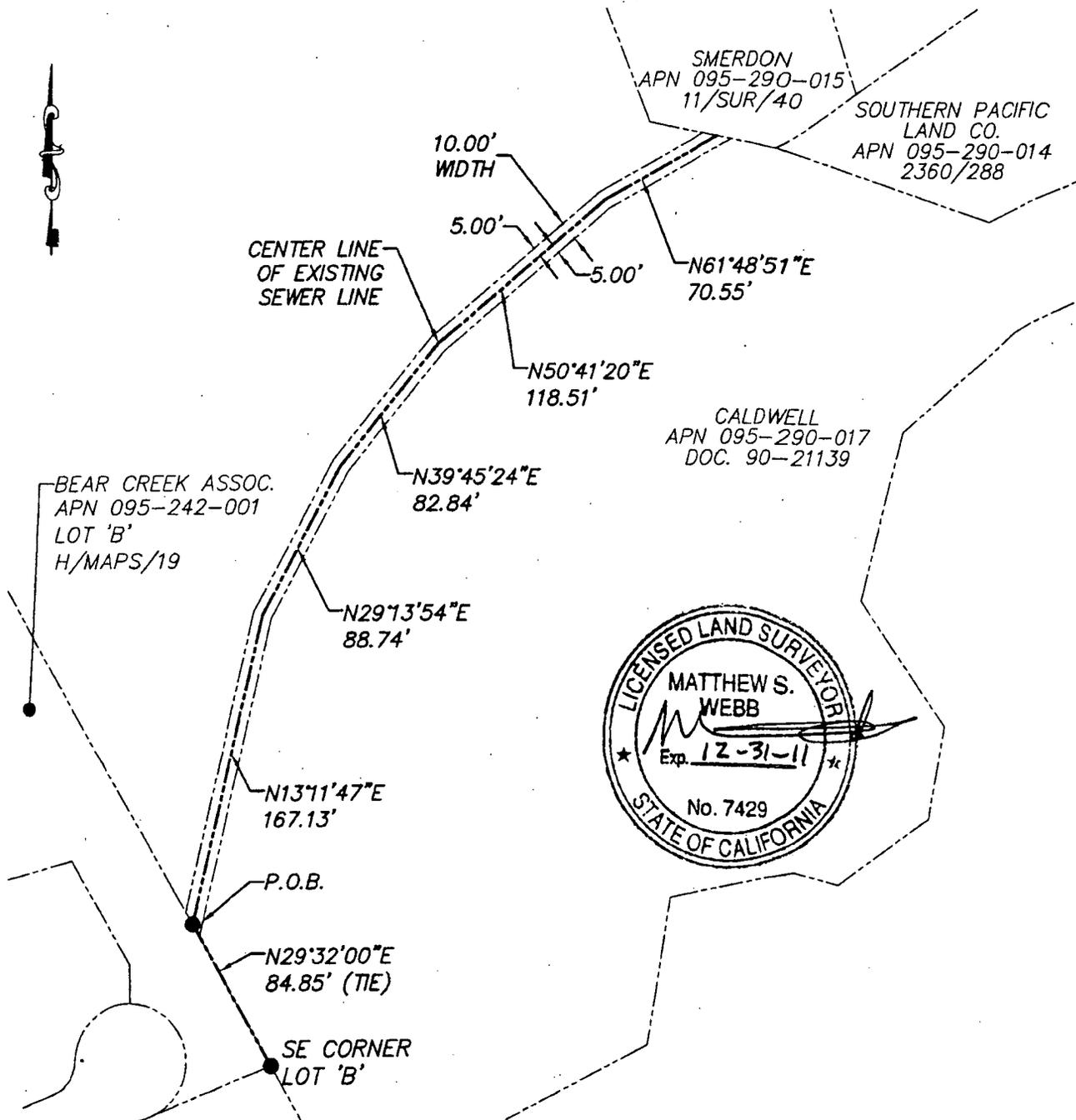
SECTION 5, TOWNSHIP 15 NORTH, RANGE 16 EAST, M.D.B. & M.

COUNTY OF PLACER

CALIFORNIA

SCALE: 1" = 80'

SEPTEMBER, 2010



WLS
WEBB LAND SURVEYING, INC.

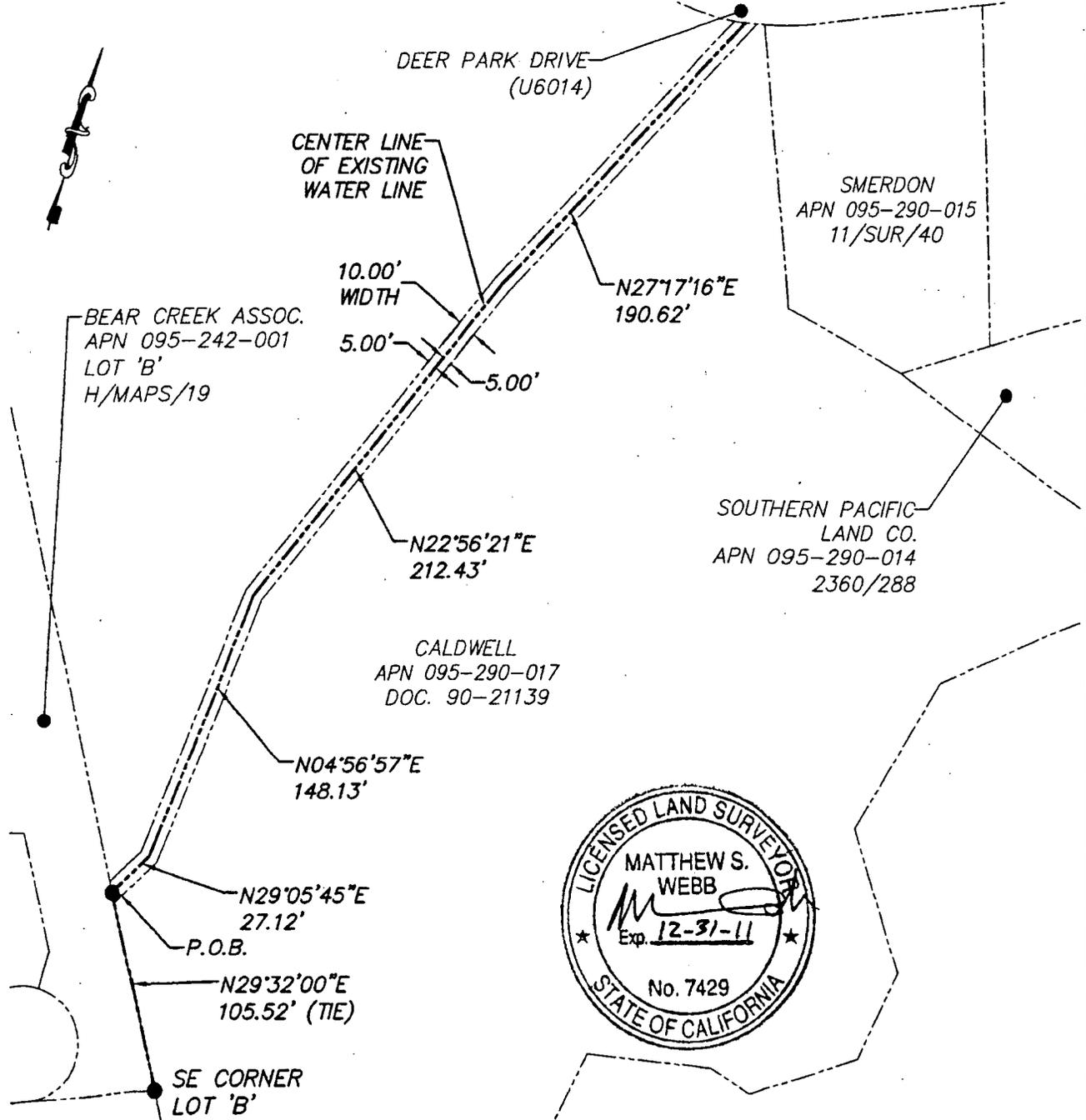
3190 Fabian Way, Unit C
Tahoe City, CA 96145
P.O. Box 1222
Carnelian Bay, CA 96140
(530) 581-2599
FAX (530) 581-3231

EXHIBIT TO ACCOMPANY
LEGAL DESCRIPTION

PREPARED FOR:
TROY CALDWELL
APN: 095-290-017 1898.00
189800T01.DWG

EXHIBIT 'B'
WATER LINE EASEMENT

BEING A PORTION OF THAT CERTAIN PARCEL OF LAND, AS RECORDED
 IN DOCUMENT NO. 90-21139, OFFICIAL RECORDS PLACER COUNTY.
 SECTION 5, TOWNSHIP 15 NORTH, RANGE 16 EAST, M.D.B. & M.
 COUNTY OF PLACER CALIFORNIA
 SCALE: 1" = 80' SEPTEMBER, 2010



WLS
 WEBB LAND SURVEYING, INC.
 3190 Fabian Way, Unit C
 Tahoe City, CA 96145
 P.O. Box 1222
 Carnelian Bay, CA 96140
 (530) 581-2599
 FAX (530) 581-3231

EXHIBIT TO ACCOMPANY
 LEGAL DESCRIPTION
 PREPARED FOR:
 TROY CALDWELL
 APN: 095-290-017 1898.00
 189800T01.DWG

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ALPINE SPRINGS COUNTY WATER DISTRICT

**CERTIFICATE OF ACCEPTANCE OF
GRANT OF EASEMENT**

This Certificate of Acceptance pertains to the easement interest in certain real property conveyed by the Grant of Easement dated 9/17/10 ("Grant of Easement") and to which this Certificate of Acceptance is attached,

from: **Troy Caldwell, an individual**

to: **Alpine Springs County Water District, a public agency ("Grantee")**

Said Grant of Easement is hereby accepted by the undersigned officer on behalf of Grantee pursuant to authority conferred by the Grantee's governing body, and Grantee hereby consents to recordation of said Grant of Easement.

Dated: 9/17/10

ALPINE SPRINGS COUNTY WATER DISTRICT,
a public agency

By: John M. Collins
John M. Collins
General Manager

ATTEST:

Pam Zinn

RECORDING REQUESTED BY AND
WHEN RECORDED, MAIL TO:

Placer County
Community Development Resources Agency
3091 County Center Drive
Auburn, CA 95603

ASSUMPTION OF RISK, INDEMNIFICATION AND RELEASE

WHEREAS, Troy Caldwell ("Caldwell") is the owner in fee simple of that certain real property located in Alpine Meadows, California, more particularly described on Exhibit "A" (the "Property") and shown on Exhibit "B", both attached hereto and incorporated herein by reference, and

WHEREAS, Caldwell has submitted a request to the County of Placer, a political subdivision of the State of California ("County") to rezone the Property from O (Open Space) to RS-B-43 (Residential Single-Family, combining minimum Building Site of 43,560 square feet), and

WHEREAS, the County has agreed to rezone the Property, however portions of the Property are located in a Potential Avalanche Hazard Area (PAHA); and although the Placer County Planning Commission reclassified the relevant portions of the Property to moderate and low hazard areas which allow new building construction under the County Code, the County requires that Caldwell and any future owner of the Property assume all risk of liability for development of the Property, and Caldwell is agreeable and willing to do so, and

WHEREAS, Caldwell, on behalf of himself and all successors-in-interest to the Property, agrees to release the County from any claim that may arise from the PAHA reclassification and any subsequent development on the Property,

NOW, THEREFORE, CALDWELL AGREES AS FOLLOWS:

1. Caldwell, for himself and for his successors-in-interest and assigns, hereby agrees to assume all responsibility for and discharges the County from, any liability with the use of the Property in any way associated with the rezone of the Property by the County from O (Open Space) to RS-B-43 (Residential Single-Family, combining minimum Building Site of 43,560 square feet). Caldwell, for himself and for his successors-in-interest and assigns, agrees to protect, defend, indemnify, and hold County free and harmless from any and all losses, claims, demands, and causes of action of every kind and character including, but not limited to, the amounts of judgments, penalties, interest, court costs, legal fees, and all other expenses incurred by County arising in favor of any party, including claims, personal injuries, death, or damages to property and without limitation by enumeration, all other claims or demands, arising out of the use by Caldwell of the Property from the rezoning of the Property from O (Open Space) to RS-B-43 (Residential Single-Family, combining minimum Building Site of 43,560 square feet) by the County. This provision does not, and is not intended to, create any cause of action in favor of any third party against Caldwell or the County or to enlarge in any way Caldwell's liability, but is intended solely to provide for indemnification of County from liability for damages or injuries to third persons or property to the extent alleged to be arising from the use of the Property by Caldwell and the County's rezone of the Property from

O (Open Space) to RS-B-43 (Residential Single-Family, combining minimum Building Site of 43,560 square feet). The term "County" means Placer County and its officers, agents, employees, and designated volunteers.

2. This obligation shall run with the Property and shall be binding on the heirs, successors and assigns of Caldwell to the Property. Caldwell agrees to provide a copy of this document to all buyers of the Property and require any such buyer to acknowledge and assume the obligations set forth herein.

3. This obligation shall remain in full force and effect as long as all or any portion of the Property is zoned RS-B-43 (Residential Single-Family, combining minimum Building Site of 43,560 square feet).

By: Troy Caldwell
Troy Caldwell
TROY CALDWELL, an individual
Date: 10/13/10

Dated :

STATE OF CALIFORNIA)
COUNTY OF PLACER)

On 10/13/2010 before me,
MIKE FARWELL, Notary Public, personally
appeared
TROY CALDWELL

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/het/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.

Mike Farwell

Signature



(Seal)

-----OPTIONAL-----

Description of Attached Document

Title or Type of Document: ASSUMPTION OF RISK (PLACER County)

Document Date: 10/13/2010 Number of Pages: 2

Signer(s) Other Than Named Above:

EXHIBIT "A"

All that portion described as follows:

A portion of Section 5 TWP 15 North, Rge. 16 East, MDM., County of Placer, State of California.

BEGINNING at the East 1/4 corner of Section 5, T. 15 N., R. 16 E., M.D.B. & W., as shown on Final Map of Alpine Meadows Estates Subdivision Unit No. 1; running thence along East line of said Section 5, North 00 degrees 27 minutes 42 seconds East, 516 feet to center of Bear Creek; thence Southwesterly and upstream along the center of Bear Creek, the following eleven courses to a point on the boundary of that certain 85 acre parcel of Bear Creek Association:

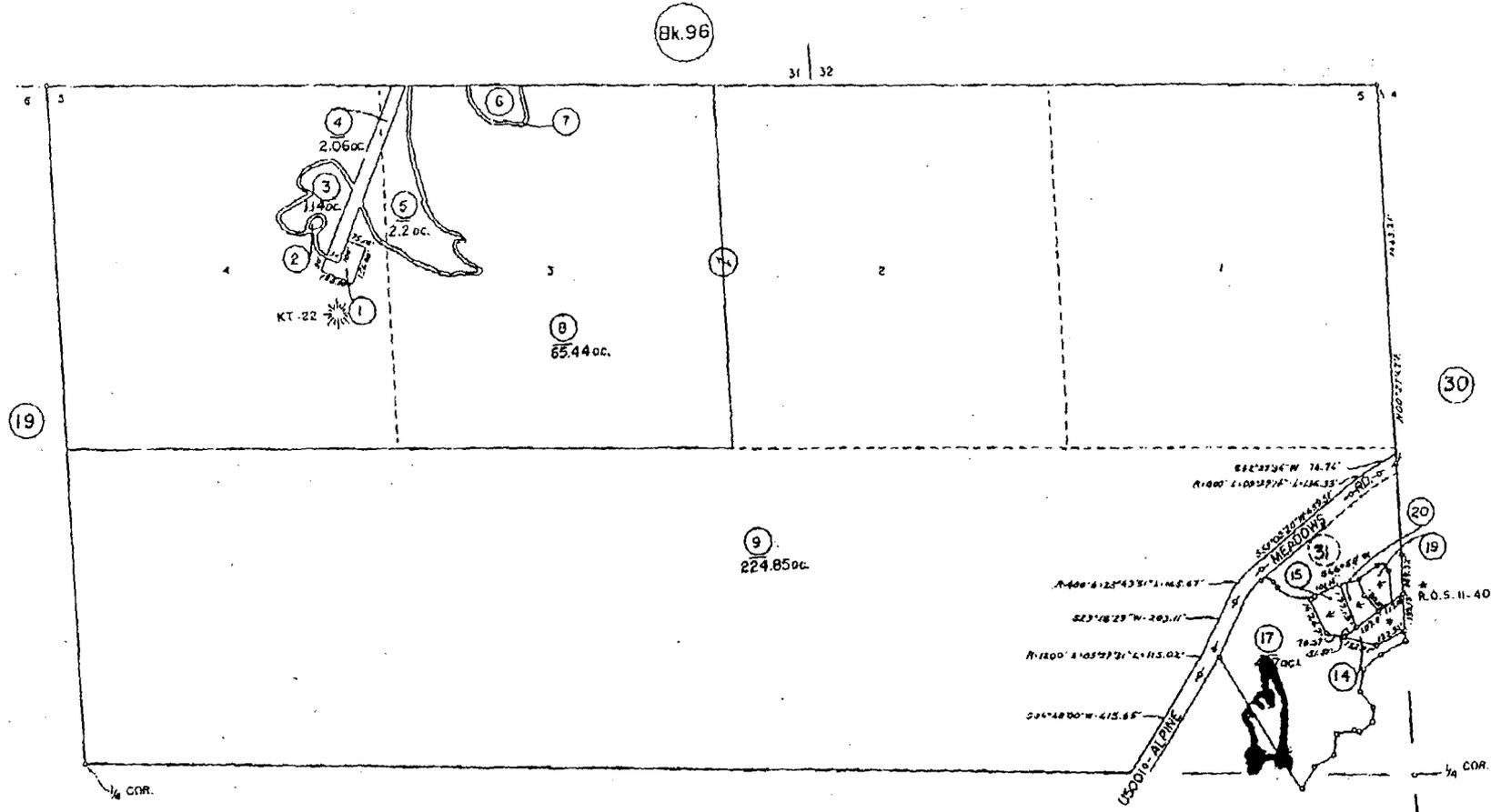
- (1) South 63 degrees 30 minutes West, 108 feet;
- (2) South 50 degrees West 82 feet;
- (3) South 15 degrees West, 91 feet;
- (4) South 35 degrees East, 80 feet;
- (5) South 10 degrees West, 50 feet;
- (6) South 55 degrees West, 62 feet;
- (7) North 75 degrees West, 25 feet;
- (8) South 79 degrees West, 69 feet;
- (9) South 10 degrees West, 78 feet;
- (10) South 63 degrees 30 minutes West, 94 feet;
- (11) South 33 degrees 30 minutes West, 100.03 feet;

more or less; thence along the boundary of said Bear Creek Association, the following five courses to the East Right-of-Way line of Main Access Road to Alpine Meadows Ski Lodge;

- (1) South 29 degrees 32 minutes East, 554.72 feet;
- (2) South 00 degrees 40 minutes East, 100.00 feet;
- (3) South 64 degrees 45 minutes West, 1241.71 feet;
- (4) South 43 degrees 42 minutes 52 seconds West, 1772.35 feet;
- (5) North 86 degrees 10 minutes 45 seconds West, 549.85 feet;

thence Southerly along the East Right-of-Way of said Main Access Road, South 7 degrees 00 minutes West, 30.00 feet; thence along a curve to left, tangent to the preceding courses, to a point on the South line of said Section 5, said curve's dimensions are; radius 470 feet, arc length 35.284 feet, more or less, the chord of which bears South 4 degrees 50 minutes 58 seconds West, 35.276 feet; thence along the South line of said Section 5, South 86 degrees 10 minutes 45 seconds East, 486.96 feet to the South 1/4 corner of said Section 5; thence along the South line of said Section 5; South 86 degrees 10 minutes 45 seconds East, 2638.85 feet to the Southeast corner thereof; thence along the East line of said Section 5, North 01 degrees 08 minutes 43 seconds West, 2662.49 feet to the point of beginning of this description.

N 1/2 SEC. 5, T.15N., R.16E., M.D.B. & M.
Survey M.O.R. Bk. II, Pg. 40 No. 1314



This map was prepared for assessment purposes only, and is not intended to illustrate legal building area or interpret local ordinances. Official information concerning the size or use of any parcel should be obtained from recorded documents and local governing agencies.

11-22-02
5-58

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

Assessor's Map Bk.95-Pg.29
County of Placer, Calif.

“Exhibit B”

67



COUNTY OF PLACER
Community Development/Resource Agency

Michael J. Johnson, AICP
Agency Director

PLANNING

MEMORANDUM

TO: Honorable Board of Supervisors

FROM: Michael J. Johnson, Director
Planning Department, Community Development Resource Agency

DATE: May 17, 2010

SUBJECT: **GENERAL PLAN AMENDMENT/REZONE/MITIGATED NEGATIVE DECLARATION
CALDWELL REZONE (PREA T20080154)**

ACTION REQUESTED

Staff brings forward the Planning Commission recommendation to deny a request from Troy Caldwell for:

1. An amendment to the Alpine Meadows General Plan to change the land use designation from Community Recreation, Green Belt, Park and Open Space to Single-Family Residential one dwelling unit per acre,
 - a. The Amendment to the Alpine Meadows General Plan and Rezoning applies to one acre of the 4.77-acre parcel and would allow for the construction of one single-family dwelling.
2. A Rezone from O (Open Space) to RS-B-43 (Residential Single-Family, combining minimum Building Site of 43,560 square feet).

In the event that the Board desires to take action to approve any or all of these actions, staff recommends continuing the hearing and directing staff to return with findings for approval.

BACKGROUND

Project Site

The subject property is bordered on two sides by roadways (Alpine Meadows Road and Deer Park Drive) and Bear Creek is located along the southern property line. This approximately five acre site contains a steep down slope towards Bear Creek. The site contains relatively dense vegetation consisting primarily of mixed conifers. An Equestrian Easement transects this property in a north/south direction providing access from the Five Lakes Trailhead to Bear Creek. The site also contains a water and a sewer line crossing the parcel in an east/west direction and are not currently contained within easements. The western portion of the property contains a small building used for avalanche control. From this building, a charge is shot across Alpine Meadows Road. Upon impact in the snow on the north side of Alpine Meadows Road, the charge detonates such that an avalanche might occur while the roadway is closed, reducing the potential for placing persons in harm's way. Currently, the project site is also designated as a Potential Avalanche Hazard Area (PAHA).

Project Description

The applicant is proposing to change the land use designation in order to construct one single family residence on this five acre parcel in the Alpine Meadows area. The entire parcel is zoned Open Space and has the designations of Community Recreation, Green Belt, Park, and Open Space from the Alpine Meadows General Plan. The project would change the zoning and the Alpine Meadows General Plan land use designation for one acre of this parcel to a Residential Single Family (RS) Zone District and the General Plan designation for that one acre to Residential Single Family. In addition to the land use designations, the project is currently designated as a Potential Avalanche Hazard Area (PAHA). The applicant has included an Appeal of this designation as part of this project.

ACTION OF THE PLANNING COMMISSION

On October 22, 2009, the Planning Commission adopted a motion (3-2, with Commissioners Sevison and Moss voting against the motion and Commissioners Denio and Crabb absent) recommending that the Board of Supervisors deny the requested General Plan Amendment and Rezone. Commissioner Sevison found merit in the applicant's proposal to resolve a number of easement issues as well as the location of the avalanche control building. Commissioner Brentnall acknowledged the benefit of addressing the easement issues, but expressed concern with the being able to make the findings that are required to approve a General Plan Amendment and Rezone. Commissioner Brentnall asked what change(s) in circumstances have occurred since the approval of the 1968 Alpine Meadows General Plan that would warrant the change in land use designation and zoning. The first motion, to continue the item allowing staff and the applicant the opportunity to address the easement issues, failed.

In a subsequent motion, a majority (4:1 with Commissioner Gray voting no) of the Planning Commission concluded the Avalanche Appeal should be approved to reduce the levels of avalanche risk of the parcel as recommended in the Penniman report, but not to remove the parcel from the PAHA designation (this issue is discussed in detail later in this report).

DISCUSSION OF ISSUES

General Plan/Zoning Consistency

The project site is designated Community Recreation, Green Belt, Park, and Open Space in the Alpine Meadows General Plan. As a policy in the General Plan, in an effort to maintain open space character, this open area is to be left in as much a natural state as possible. In staff's evaluation of the General Plan map, it is apparent that the plan envisioned a pod like design with several open space areas separating residential clusters of development. This project site is one of the areas identified as open space. The Plan further identifies the avalanche area upslope of this site on the property across Alpine Meadows Road from this site.

The applicant is requesting to change the land use designation for one acre of the project site to allow the construction of a single-family residence. The Residential Single Family zoning designation accounts for a vast majority of the parcels contained within the Alpine Meadows General Plan with densities ranging from one to four dwelling units per acre.

The project, if approved, would eliminate the buffer between two of the residential pods for which this site has served since the Alpine Meadows General Plan was adopted in 1968. The small foot trail on the parcel that provides a connection between Bear Creek and the Five Lakes Trailhead provides evidence of this historic use.

In its review, the Planning Commission concluded that the proposed amendment to the Alpine Meadows General Plan and Rezone would not be consistent with the intended vision for land use pattern in this area. In arriving at its recommendation to the Board, the Planning Commission determined that there have been no changes in circumstances over time that would warrant a

change in the original policy and zoning designations of the Board of Supervisors associated with the adoption of the Alpine Meadows General Plan.

REZONE

When staff began reviewing this application, the project proposal was for the relocation of Residential Single Family zoning within the subject parcel. The applicant was of the understanding that there was a portion of this 4.77 acre parcel along Bear Creek that was zoned residential based on maps he obtained around the time her purchased the parcel. Staff has conducted an extensive review of our records and has not been successful in identifying any maps or documents approved by the County since the 1968 adoption of the Alpine Meadows General Plan that would identify a residential land use for this parcel.

Avalanche Designation

The project site is currently located in a Potential Avalanche Hazard Area (PAHA). County Code (Section 12.40.010) defines PAHAs as areas "intended to identify those areas where, after investigation and study, the County finds that an avalanche potential exists because of steepness of slope, exposure, snow pack composition, wind, temperature, rate of snowfall, and other interacting factors." This section of County Code does not prohibit construction in these areas, but does include measures to address the potential risks associated with construction in potential avalanche areas. While the Avalanche Ordinance regulations do not apply to existing structures or parcels, Section 12.40.020 states that a building permit will not be issued for a new building associated with General Plan Amendments and Rezonings, unless a California licensed architect or engineer experienced in snow design, in conjunction with a recognized avalanche expert or team of experts, certifies that the structure will be safe under the anticipated loads and conditions of an avalanche.

There is a provision in the ordinance that allows for a property owner to appeal this designation as a PAHA. As part of this project, the applicant has filed for such an appeal. This process requires that an expert or team of experts shall {defined by County Code 12.40.060 (c) as individuals with existing demonstrable recognition as "experts" among the community of avalanche practitioners} provide a report to the County as part of the submittal. It is the responsibility of the project architect/engineer to demonstrate the recognition of this individual as an expert on the identification of avalanche prone areas.

The application includes a report (Exhibit E) prepared by Avalanche Specialist, Dick Penniman, that suggests a reclassification of the property, based on elevation, to Moderate and Low Hazard areas {the County does recognize Mr. Penniman as an expert, as defined by County Code 12.40.060 (c) in this area}. The recommendation also suggested that the project should be conditioned such that an engineer certify that any structure be designed to withstand the force of an avalanche. This recommendation is consistent with the Avalanche Ordinance requirements for construction in PAHAs.

Although Mr. Penniman's report suggests a reclassification of portions of the property (to Moderate and Low Avalanche Hazard Area), the report does not recommend the removal of this property from a PAHA. The Planning Commission concurred with this recommendation and voted (4:1) to adopt the hazard classifications as they appear in the Penniman Report. In addition to the concerns described for the loss of open space, the Planning Commission expressed concerns in supporting the Rezone of an area that is within an Avalanche Zone. It would appear that the steep slope across Alpine Meadows Road and its potential to create avalanches may have been an underlying reason the Board of Supervisors designated this parcel as a Greenbelt area when this Plan was approved.

EASEMENTS

The applicant has offered, as part of this project approval, to provide easements for the avalanche shooting building as well as the water and sewer lines. While staff is in agreement that these

concerns should be addressed, staff does not believe that the General Plan Amendment and Rezone are necessary to resolve the issue of the lack of easements on this property.

NORTH TAHOE REGIONAL ADVISORY COUNCIL

The North Tahoe Regional Advisory Council (NTRAC) reviewed this proposal at its October 8, 2009 meeting and voted unanimously (7-0) to recommend approval of the project. The only public comment was provided by Alpine Meadows Ski Resort, which spoke in support of the project. The majority of the questions of the Council centered on avalanche issues, the future easement agreement for the avalanche shooting building, the Alpine Meadows General Plan, and the processes for plan amendments and rezoning.

ENVIRONMENTAL ANALYSIS

Although this staff report does not recommend approval of an environmental document at this time, the following synopsis of the Mitigated Negative Declaration (which is attached for reference as Exhibit D) addresses the environmental effects of the proposed project should it be considered for approval. This analysis determined that the project could result in potentially significant impacts related to cultural resources, geology and soils, hydrology and water quality, land use planning, and utility and service systems. Specific mitigation measures are recommended to reduce the identified impacts to less than significant levels. In the event the Board was to consider approval of the requested actions, staff has concluded the environmental effects of the project have been addressed in the Mitigated Negative Declaration.

RECOMMENDATION

Staff brings forward the Planning Commission recommendation to deny a request from Troy Caldwell for:

1. An amendment to the Alpine Meadows General Plan to change the land use designation from Community Recreation, Green Belt, Park and Open Space to Single-Family Residential one dwelling unit per acre,
 - a. The Amendment to the Alpine Meadows General Plan and Rezoning applies to one acre of the 4.77-acre parcel and would allow for the construction of one single-family dwelling.
2. A Rezone from O (Open Space) to RS-B-43 (Residential Single-Family, combining minimum Building Site of 43,560 square feet).

In the event that the Board desires to take action to approve any or all of these actions, staff recommends continuing the hearing and directing staff to return with findings for approval.

FINDINGS

CEQA:

The action to deny the proposed general plan amendment and rezoning is exempt from environmental review pursuant to Public Resources Code Section 21080(b)(5) (projects which a public agency rejects or disapproves).

In the event that the Board of Supervisors desires to take action to approve any or all of the actions to change the land use designation for the property, staff recommends continuing the hearing and directing staff to return with CEQA findings for approval.

GENERAL PLAN AMENDMENT:

The proposed General Plan Amendment would be inconsistent with the envisioned design of the current General Plan that provides open space or greenbelt buffer zones between the residential clusters. No change in circumstances was identified supporting any change in the General Plan for

this area. The change in land use designation would not be consistent with the public health safety and welfare.

REZONE:

The rezoning would not facilitate logical and efficient land use within the Alpine Meadows General Plan area. In addition to providing open space, the current zoning this property was address the avalanche concerns created by the slope to the north and insufficient evidence was presented to justify a change in the designation. Absent such justification, the change in land use designation would not be consistent with the public health safety and welfare.

Respectfully submitted,



MICHAEL J. JOHNSON, AICP
Planning Director

ATTACHMENTS:

- Exhibit A – General Plan Amendment Exhibit
- Exhibit B – Existing/Proposed Zoning
- Exhibit C – Vicinity Map
- Exhibit D – Mitigated Negative Declaration
- Exhibit E – Dick Penniman Avalanche Report
- Exhibit F – Correspondence Received

cc: Troy Caldwell - Applicant

Copies Sent by Planning:

Sarah Gillmore – Engineering and Surveying Department

Janelle Heinzen – Engineering and Surveying

Grant Miller – Environmental Health Services

Yu-Shuo Chang – Air Pollution Control District

Andy Fisher – Parks Department

Paul Thompson – Deputy Planning Director

Michael Johnson – Community Development Resources Agency Director

Scott Finley – County Counsel

Tom Miller – County Executive Officer

Michael Johnson – CDRA Director

Steve Buelna – Supervising Planner

Subject/chronos files

RECEIVED
AUG 21 2008

PLANNING DEPT.
TAHOE

AVALANCHE HAZARD STUDY

**APN 095-290-017
ALPINE MEADOWS ROAD
ALPINE MEADOWS, CALIFORNIA**

AUGUST 2005

Prepared for: Troy Caldwell
Tahoe City, California

Prepared by: Dick Penniman
Avalanche Specialist
Snowbridge Associates
Truckee, California

RECEIVED
AUG 21 2008

PLANNING DEPT.
TAHOE

ATTACHMENT H

AVALANCHE HAZARD STUDY

APN 095-290-017
ALPINE MEADOWS ROAD
ALPINE MEADOWS, CALIFORNIA

AUGUST 2005

I. Introduction

Snow avalanches are a natural phenomenon resulting from the interaction of site-specific weather, terrain, and snowpack conditions. Because of the inevitable variability in these factors, precise determination of return probabilities for potentially destructive avalanches is limited.

Two universally accepted methods of predicting return probabilities for potentially destructive avalanches currently exist. The best method is to keep accurate, continuous, and long-term records of weather patterns, snowpack characteristics, and avalanche occurrence for the path. The other method is to deduce return probabilities for the path from site-specific observations of the physical topography and of vegetation growth patterns and damage. To date, no known analytical procedures using mathematical or statistical models have proven to be reliable for determining return probabilities for potentially destructive avalanches within the confines of the maximum runout distance for the path.

A limited historical record exists for the specific slopes of this study. Sufficient vegetation also existed on the slopes at the time of the field study for analysis of growth patterns and damage. Therefore, return probabilities in this report have been assigned from available historical information and by using a number of subjective assumptions derived from widely accepted principles of avalanche phenomena, from field observations of terrain topography and vegetation, and from known climatological patterns and the sizes, runout distances, and frequencies of observed avalanche events on similar slopes in the Alpine Meadows area.

This is a site-specific study for APN 095-290-017, Alpine Meadows Road in Alpine Meadows, California. The field study for this report was conducted in July and August of 2005. Subsequent changes in any of the factors known or observed at that time may change the boundaries of the hazard zones as assigned in this report. No attempt should be made to infer generally or specifically from any part

of this study, the hazard zones for any other property or area.

II. Zoning Criteria

The hazard zones for the purposes of this study follow the criteria set forth in the Avalanche Hazard Study, Placer County, Fall 1982, by Norman A. Wilson as follows:

Red(high hazard) Zones: Areas where avalanches that could damage standard wood frame structures and/or bury automobiles are expected to occur with a probability of one chance in twenty per year;

Blue(moderate hazard) Zones: Areas where avalanches that could damage standard wood frame structures and/or bury automobiles are expected to occur with a probability of less than one chance in twenty per year, but more than one chance in one hundred per year;

Yellow(low hazard) Zones: Areas where avalanches that could damage standard wood frame structures and/or bury automobiles are expected to occur with a probability of less than one chance in one hundred per year;

White(no hazard) Zones: Areas where, barring cataclysmic or unprecedented events, avalanches will not occur.

When heavily water-saturated, wet snow avalanche debris flows onto unconfined, low angle slopes, flow patterns can be erratic. Such "slush flows" have been known to run very long distances and to follow unpredictable courses. Therefore, where avalanche hazard zones in this study have been designated on such slopes, those zones reflect the expected performance parameters of dry snow avalanches only. Special reference is made in this report to wet snow avalanches where appropriate.

III. Terrain Analysis

APN 095-290-017 is located on the southeast side of Alpine Meadows Road across from the Five Lakes Trail Head as depicted on the accompanying topographic map (Map 1). The southeast-facing gullies northwest of the study

property are well known to produce large avalanches and are, therefore, the focus of this report.

The East Gully Avalanche Path (Figure 1) begins at elevation 7650' and falls a total of 1190' to Bear Creek at elevation 6460'. Slope angles range from 39° near the top of the known starting zone, to nearly 0° at the south boundary of the study property. The average slope angle(α) from the top of the starting zone to the south boundary of the study property is 27°.

Extensive records of first-hand observation of avalanche occurrences for the East Gully have existed ever since avalanche control operations on this slope began in the early 1960s by the Alpine Meadows Ski Patrol. Little is known of the avalanche history of this slope prior to that time. However, aerial photographs kept by the U.S. Forest Service show changes in vegetation patterns suggesting that in the past, avalanches have run further than the Alpine Meadows Ski Patrol observations show.

The known starting zone of the East Gully (elevation 7650' to 7140') is devoid of any substantive anchors, has an average slope angle(θ) of 38°, and tends to be cross-loaded by the predominantly south to southwest storm winds in the Alpine Meadows area. Between elevation 7140' and 6920', the slope angles fluctuate and decrease to 22° where small avalanches are expected to slow and stop.

From elevation 6920' to Alpine Meadows Road at elevation 6540' slope angles increase substantially to 43° and then decrease in a sharp transition to 3°. The velocity of larger avalanches would be expected increase somewhat in the steeper areas and then decrease sharply and stop at or just below Alpine Meadows Road. Indeed, this has been the case in all observations recorded by the Alpine Meadows Ski Patrol for this avalanche path. Below Alpine Meadows Road slope angles decrease substantially to 11° and 9° consecutively, and drop to near 0° at the south boundary of the study property. The direction and distance of flow for wet snow avalanches when they reach Alpine Meadows Road (3°) can be and have been erratic, turning north, impacting, and damaging the corner property on Deer Creek Drive.

A comparison of the average angle of the study slope to the alpha angles of other known avalanche paths in the Alpine Meadows area indicates that there is a potential for long-running, destructive avalanches to run well into and possibly beyond the study property. However, because of the southeastern

exposure of the slope and the heretofore consistent avalanche control operations conducted on this slope by the Alpine Meadows Ski Patrol, such avalanches are expected to occur rarely.

The West Gully Avalanche Path (Figure 2) begins at elevation 7520' and falls a total of 1050' to Bear Creek at elevation 6460'. Slope angles range from 39° near the top of the known starting zone, to nearly 0° at the south boundary of the study property. The average slope angle(α) from the top of the starting zone to the south boundary of the study property is 24°.

Extensive records of first-hand observations of avalanche occurrences for this slope have existed ever since avalanche control of the slope began in the early 1960s by the Alpine Meadows Ski Patrol. Little is known of the avalanche history of this slope prior to that time. However, aerial photographs kept by the U.S. Forest Service show changes in vegetation patterns that suggest that in the past, avalanches have run further than these observations show.

The known starting zone of the West Gully (elevation 7520' to 7060') is devoid of any substantive anchors, has an average slope angle(θ) of 36°, and tends to be cross-loaded by the predominantly south to southwest storm winds in the Alpine Meadows area. Between elevation 7060' and 6570', the slope angles gradually decrease to 23° where small and moderate sized avalanches are expected to decelerate and stop. Below elevation 6550' at Alpine Meadows Road slope angles decrease to 17°, 9°, and 3° consecutively. The velocity of larger avalanches would be expected to decrease sharply and stop at or just below Alpine Meadows Road. Indeed, this has been the case in all observations recorded for this avalanche path by the Alpine Meadows Ski Patrol. The direction and distance of flow for wet snow avalanches when they reach Alpine Meadows Road (3°) can and have been erratic, turning north and impacting the corner property on Deer Creek Drive.

Between elevation 6500' to 6450' a ridge of rock running in a southwest to northeast direction juts up creating a natural diverting feature that would cause avalanche debris to shift abruptly to the north of the fall line above. This feature affords a significant degree of protection from avalanches for the area east of the ridge.

A comparison of the average angle of the West Gully to the alpha angles of other known avalanche paths in the Alpine Meadows area indicates that there is a potential for long-running, destructive avalanches to run well into and

possibly beyond the study property. However, because of the southeastern exposure of the slope and the heretofore consistent avalanche control operations conducted on this slope by the Alpine Meadows Ski Patrol, such avalanches are expected to occur rarely.

IV. Vegetation

During the days of the field study, the study slopes were devoid of snow cover, and the vegetation could be observed. The vegetation in the East Gully above Alpine Meadows Road was mostly low shrubs interspersed with barren patches of scree and rock outcrops. Occasional, solitary pines and junipers were also observed. It is suspected that the lack of vegetation on this portion of the slope is caused in large part by the rocky, arid nature of the ground, but also by the frequent avalanches that occur in this area.

Below Alpine Meadows Road down to elevation 6520', a moderately dense forest of mixed pines and firs of differing ages exists showing clear evidence of damage from frequent avalanche activity. Below this elevation, little or no evidence of damage to the forest is evident.

In the West Gully the vegetation above elevation 6870' was similar to that of the East Gully with mostly low shrubs interspersed with barren patches of scree and rock outcrops. Occasional, small, solitary evergreens were also observed. It is likewise suspected that the lack of vegetation on this portion of the slope is caused in large part by the rocky, arid nature of the ground, but also by the frequent avalanches that occur in this area.

Below elevation 6870' down to the southern boundary of the study property, a moderately dense forest of mixed pines and firs of differing ages exists showing clear evidence of damage from frequent avalanche activity down to elevation 6520'. Below this elevation, little or no evidence of damage to the forest is evident.

Some of the largest avalanches so far observed in either the East or West Gullies occurred in 1982, 1983, 1986, and 2004. None of these avalanches ran beyond elevation 6520'. An examination of forest patterns in aerial photographs taken in 1939, when compared to those taken in 1966, 1977, and 1986 suggests that prior to 1939 large, destructive avalanches may have run to the south boundary of the study property and beyond from one or both avalanche paths. The size and density of trees in the 1939 photograph appear to be less than those

in subsequent photographs. It is not known if avalanches caused this discrepancy. Logging, fire, disease, drought, or photo quality may also be the cause or causes. However, for the purposes of this report, it is assumed that avalanches were the likely cause.

V. Climate and Snowpack

The Alpine Meadows area has a typically maritime climate with generally deep snowpacks, warm temperatures, and often strong, predominantly south to southwest storm winds. A well bonded basal snowpack normally prevails under these conditions, with direct action avalanches of newly fallen snow (and often rain) being characteristic. These conditions are most likely to occur on the study slopes during the winter months.

In the fall and early winter, a more continental climate may predominate on north- and northeast-facing slopes in the Alpine Meadows area. Structural instability within the basal snowpack is common under these conditions, and heavy snowfall or rain can result in large, potentially destructive climax avalanches which involve many layers and/or the entire snowpack. These conditions may continue to exist well into the winter despite a later predominance of maritime conditions. The open, southeast aspect of the study slopes is not conducive to such unstable snowpack conditions. Direct solar radiation after storms can be expected to render any potential instability in the snowpack short-lived.

Wherever deep snow is found on steep slopes, the potential for wet snow avalanches is possible as solar radiation increases in the spring. Such conditions are possible but not likely on the study slope because the direct solar radiation expected on this southeast aspect throughout the winter will act to reduce snow depths continuously between storms.

VI. Observed Avalanche Activity

On the days of this study there was no snow avalanche debris or other evidence of recent avalanche activity in the study area.

VII. History

Numerous personal observations and written records of frequent avalanches down to elevation 6520' exist. Due to avalanche control operations

that have been conducted consistently in the East and West Gullies since the early 1960s, however, no avalanches have been observed to run beyond this elevation. Should avalanche control operations be substantially curtailed for any reason during very large storms, however, avalanches may run beyond elevation 6520'.

VIII. Conclusions

Using the zoning criteria in the Avalanche Hazard Study, Placer County, Fall 1982, by Norman A. Wilson, the Red (high hazard), Blue (moderate hazard), and Yellow (low hazard) Zone for the study area have been delineated on the topographic map (Map 1). No White (no hazard) Zones were found within the study area. The limits of the zone widths are roughly defined by the northeast and southwest boundaries of study property as represented on the map, and are not meant to imply that these zones would not further extend laterally as a result of more field study. In any event, the lateral extension of the hazard zones would have no impact on the zoning status of the study property.

Based on first hand observations and records of avalanche events and of vegetation and the configuration of terrain, and from records of return cycles for heavy wind and precipitation events in the Alpine Meadows area, potentially destructive avalanches between elevation 7650' and 6520' that could damage standard wood frame structures and/or bury automobiles are expected to occur with a probability of more than one chance in twenty per year. This areas has been designated as a Red (high hazard) Zone on the topographic map.

Between elevations 6520' and 6500' avalanches that could damage standard wood frame structures and/or bury automobiles are expected to occur with a probability of less than one chance in twenty per year, but more than one chance in one hundred per year. This area has been designated as a Blue (moderate hazard) Zone on the topographic map.

Below elevation 6500' avalanches that could damage a standard wood frame structure and/or bury automobiles are expected to occur with a probability of less than one chance in one hundred per year. This area has been designated as a Yellow (low hazard) Zone on the topographic map.

X. Recommendations

Based on this site-specific study, it is recommended that APN 095-290-017

on Alpine Meadows Road, Alpine Meadows, California be reclassified by Placer County as being in a Red (high hazard) Zone between elevations 7650' and 6520', a Blue (moderate hazard) between elevations 6520' and 6500', and a Yellow (low hazard) Zone below elevation 6500' as depicted on the topographic map.

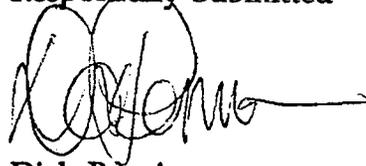
If structures are built on the study property, it is recommended that they be engineered and built to withstand design avalanche impact forces. These forces should be calculated by a qualified and reputable avalanche engineer familiar with or working closely with someone familiar with snow and avalanche conditions in the Alpine Meadows area. It should be noted also that impact forces on a structure may be reduced by constructing diverting structures such as earthen mounds, splitters, and/or shed roofs upslope of the structure. These should also be properly engineered in similar fashion.

XI. Disclaimer

The hazard zones and recommendations in this report are estimates based on reasonably foreseeable snow, weather, and avalanche conditions. Should cataclysmic or unprecedented conditions occur, and/or if consistent avalanche control operations by the Alpine Meadows Ski Patrol should be interrupted during very large storms, avalanches may affect areas beyond the defined hazard zones.

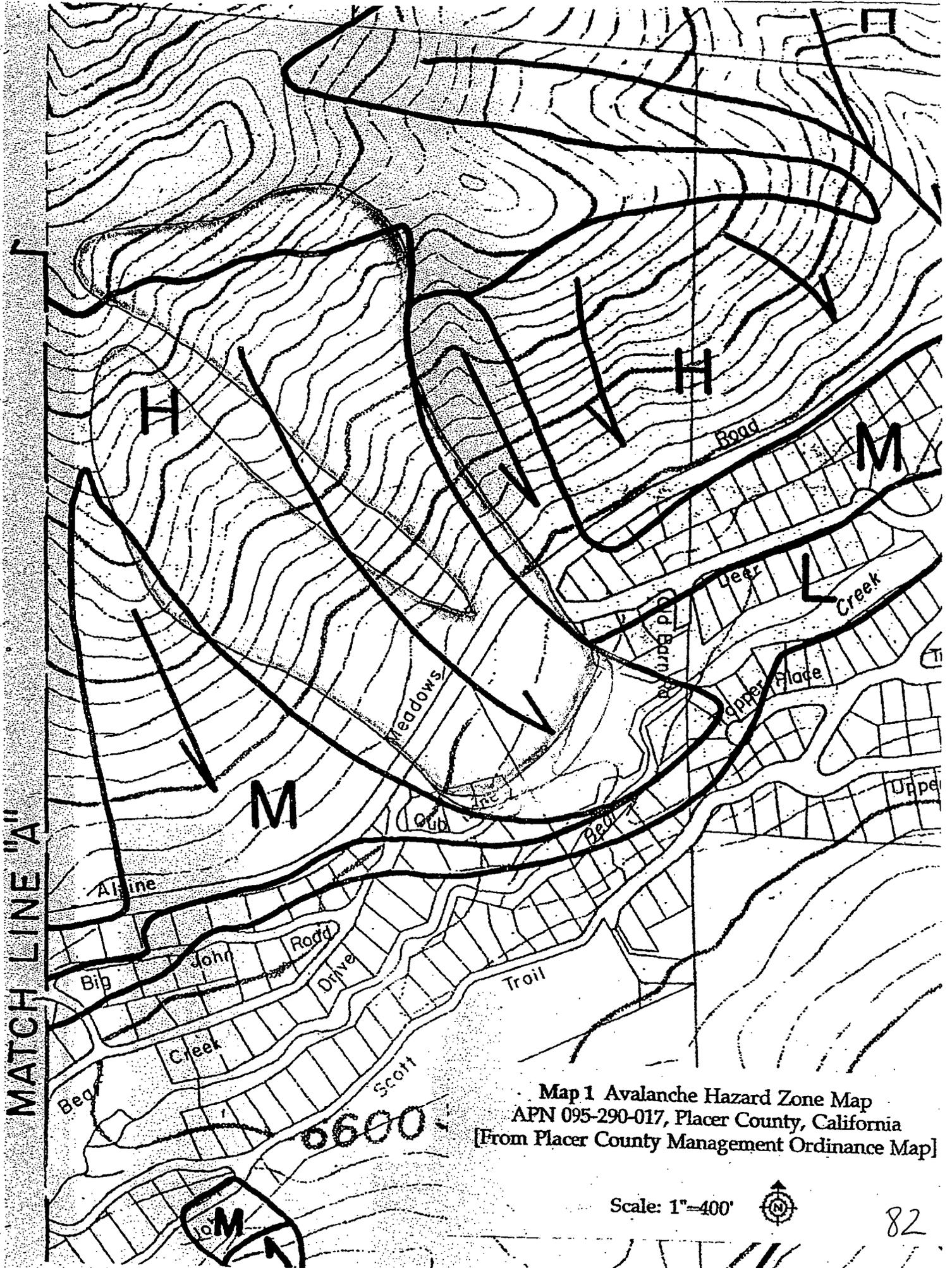
Because of the inherent and unavoidable uncertainty in any study of this kind, and because of the potential for other natural hazards such as land slides and floods, this study does not guarantee the safety of APN 095-290-017 nor the persons, property, or structures nearby or thereon.

Respectfully Submitted

A handwritten signature in black ink, appearing to read 'Dick Penniman', with a long horizontal line extending to the right.

Dick Penniman

MATCH LINE "A"



Map 1 Avalanche Hazard Zone Map
 APN 095-290-017, Placer County, California
 [From Placer County Management Ordinance Map]

Scale: 1"=400' 

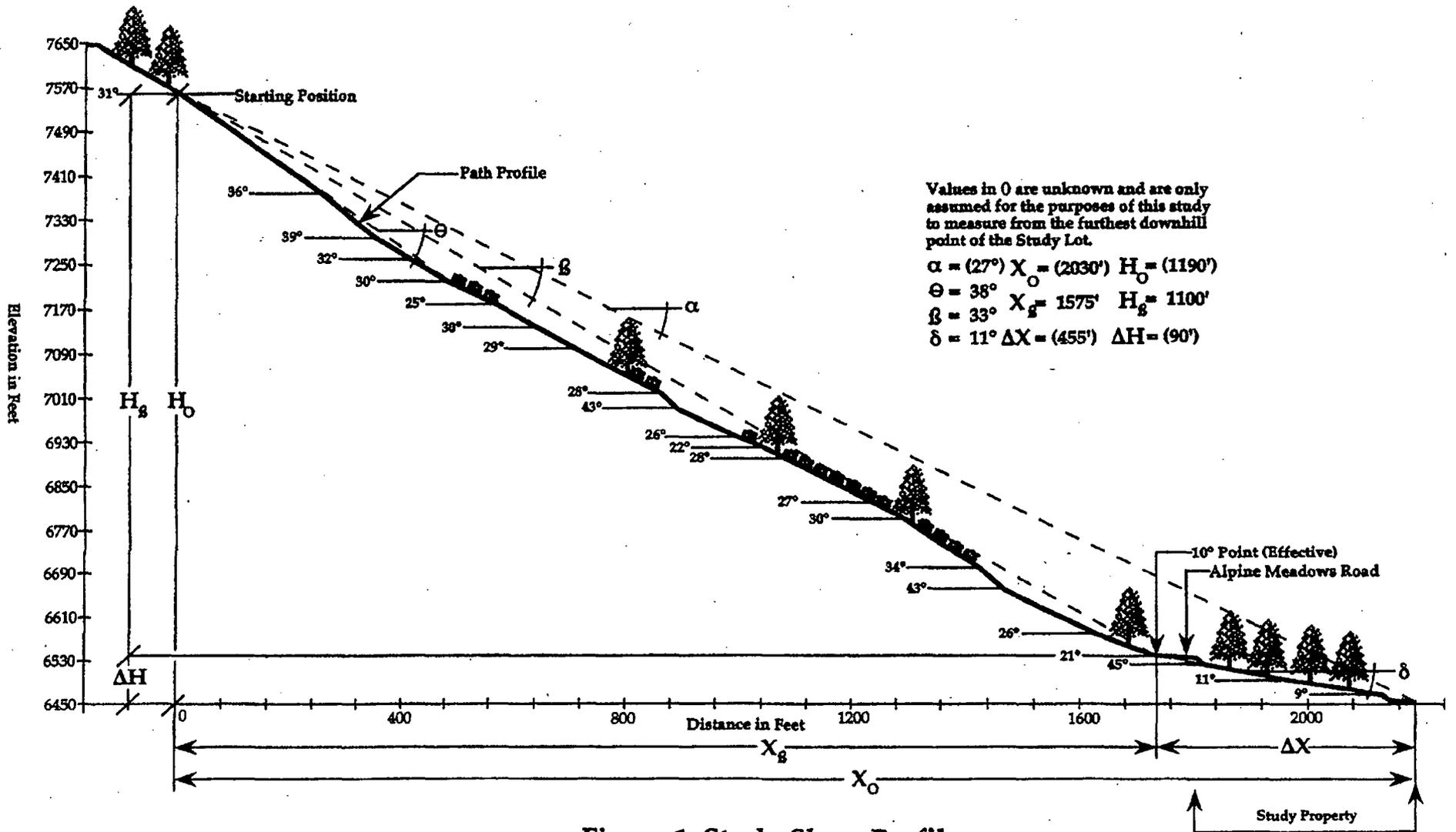


Figure 1 Study Slope Profile
 (Computer enhanced Path Profile is $\pm 2^\circ$ of indicated slope angles)

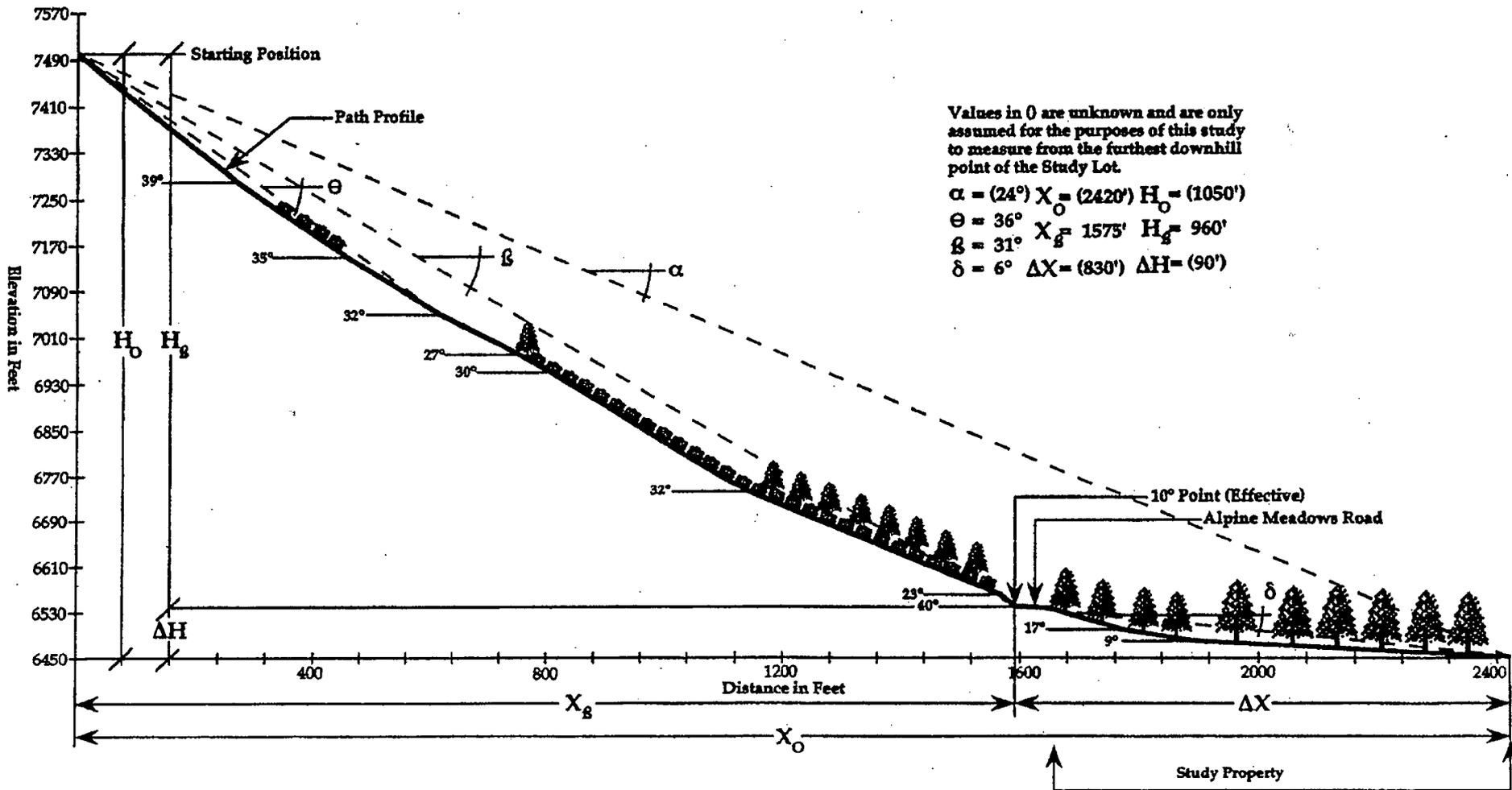


Figure 2 Study Slope Profile

(Computer enhanced Path Profile is $\pm 2^\circ$ of indicated slope angles)

**WERTHEIM
VAN DER PLOEG &
KLEMEYER**

Architecture Landscape Architecture
2145 NINETEENTH AVENUE SAN FRANCISCO, CA

Planning
94116

Tel 415 / 664-0832

Fax 415 / 664-0102

19 February 2010

Board of Supervisors
Clerk of the Board, Ann Holman
Staff Planner: Steve Buelna

- DATE 2/22/10
- Board of Supervisors - 5
 - County Executive Office
 - County Counsel
 - Mike Boyle
 - Planning *VIA email*

RECEIVED
FEB 22 2010
CLERK OF THE
BOARD OF SUPERVISORS

Subject: Amendment of the Alpine Meadows General Plan

Dear Mr. Buelna:

Unfortunately I will not be able to attend the Board of Supervisor's meeting on 23 February. You may remember that I attended the hearing of the Placer County Planning Commission last October and made a statement which was in objection to Mr. Caldwell's request for a change in the open space.

I hope that my objection will be voiced during the meeting of the Board of supervisors. I did give you a copy of my notes. In addition I wrote you a letter following the meeting which called attention to the Green line on Mr Caldwell' drawings he presented during the meeting. This green line along the river did not show up on any drawings that I am familiar with and does not make any sense; this small section does not have any access from Alpine Meadows Road. The area is mostly wooded; the proposed drive way and the new Placer county and state of California State law requires the removal of trees up to 100' from a building. This would create a good sized area without trees which would certainly be a mayor change from the existing condition. The removal of the trees on the site Mr. Caldwell wishes to convert to residential may cause erosion problems which is not desirable so close to the Creek.

My presentation was made by myself as a homeowner and long time residence in Alpine Meadows. I am not speaking for the Bear Creek Association. One change from OPEN SPACE to residential may set a precedent that could result in other applications asking for changes from open space to residential or some other zoning.

Thank you for the opportunity to express my opinion, namely to not give approval to the request of changing OPEN SPACE to Residential.

Respectfully Yours:

Ernest Wertheim
Ernest Wertheim (lot 84 Bear Creek Association)

Ernest Wertheim ASLA
Landscape Architect CA Lic 229

Frederick J. Klemeyer, Jr. AIA/FCSI
Architect CA Lic C9491, NCARB

C:\Documents and Settings\Ernest\My Documents\BCA General Plan Caldwell 23 feb 2010 board of Supervisors.doc

AGENDA ITEM
DATE: <u>2/23/10</u>
TIME: <u>10:00</u>

ATTACHMENT I

85

From: Michael Hennessey [mailto:henstire@mac.com]
Sent: Monday, February 22, 2010 1:23 PM
To: Steve Buelna
Cc: Earthlink heflin; Placer County Planning
Subject: Re: Caldwell Staff Report

Steve,

Thanks for the call today regarding the Caldwell rezoning. My wife and I own a cabin on the lot directly across (bear creek) from the proposed development. One of the reasons we purchased at the end of the cul-de-sac was because of its location next to green zone and open space. Our neighbor, Bob Heflin, and I spoke about the proposed project and although we never would wish to interfere with someone's use of their property, we have a few questions.

Our main concerns are:

1. Size, Height, and Location of property. The document says the minimum building site is 43,560 square feet. How large and tall is the proposed home going to be?
2. Use. I understand that Troy owns the private ski lift and has day permission for 25 "friends" to ski the terrain. It occurred to us that a large structure could potentially be a base of operations for the lift? There is a mention of pods and open space is this part of a single family dwelling?
3. Zoning and building. Is this property under Bear Creek Planning Committee jurisdiction? If the land is rezoned, will the regular BCPC and county building uses still apply?

Thank you for your consideration,

Mike Hennessey, Lot 85
Bob Heflin, Lot 86

- 5/14/10
- Board of Supervisors - 5
 - County Executive Office
 - County Counsel
 - Mike Boyle
 - Planning *VIA MAIL*

RECEIVED
MAY 14 2010
 CLERK OF THE
 BOARD OF SUPERVISORS

Placer County Board of Supervisors
 Clerk of the Board, Ann Holman
 175 Fulweiler Avenue
 Auburn, California 95603

RE: Caldwell Parcel 095-290-017

ITEM # 1

AGENDA ITEM	
DATE:	<i>5/17/10</i>
TIME:	<i>2:05 PM</i>

Dear honorable Board Members,

We have had a 'second home' in Alpine Meadows Estates since 1971. First renting, then 1982, purchasing a cabin located across the creek and to the east about 5 lots from Troy and Sue Caldwell's parcel 095-290-017. Both my wife and I have been active in the Alpine Meadows Estates Association. For the past 10+ years I have been a member of the Bear Creek Planning Committee Board of Appeals representing the ski area.

We have known Troy and Sue since the mid 1970's and have a great deal of respect for them and for what they have contributed to our valley. They are a true asset to the community.

We understand the Caldwell's would like to use their lot, mentioned above, for one single family home. We whole heartily support them in this effort. The Equestrian Trail that crosses this lot is very important to the neighbors and it could not be in better hands than the Caldwell's. We feel the community owes a great deal to them for allowing hiking trail easements on their beautiful property. (Five Lakes Trail is almost all on their property.)

It would be greatly appreciated if you would support them in whatever procedures necessary as they relate to this parcel.

Sincerely,



Rich Irvine

Shirlee Herrington

From: Gina Fleming
Sent: Friday, May 14, 2010 11:43 AM
To: Ann Holman; Anthony La Bouff; Beverly Roberts; Gina Fleming; Melinda Harrell; Mike Boyle; Placer County Board of Supervisors; Shirlee Herrington; Tom Miller
Subject: BOS 051710 - Correspondence Received today

For Caldwell REA – Item #1, 2:05 pm,

Gina Fleming, Senior Board Clerk
Placer County Clerk of the Board of Supervisors
175 Fulweiler Ave Rm #101
Auburn Ca 95603
(530) 889-4020
(530) 889-4099 FAX

-----Original Message-----

From: Kay Cash-Smith [mailto:siriusa@comcast.net]
Sent: Friday, May 14, 2010 11:38 AM
To: Ann Holman
Cc: troy.caldwell@att.net
Subject: Amendment to the Alpine Meadows General Plan

TO: Ann Holman, Clerk of the Board
Placer County Board of Supervisors
DATE: May 7, 2010
SUBJECT: Caldwell Proposal to Alter Open Space/Alpine Meadows

We are residents of 1901 Cub Lane, the property bordering the west side of Troy Caldwell's Alpine Meadows Road property, and wish to respond to his proposal for an adjustment to its designation as open space to allow for the construction of one dwelling on one acre of that land.

After looking at the proposal, both on paper and by walking the proposed lot, we tried to consider not just polar positions: permission to build or refusal to build--but to envision a solution in which everyone's needs can be met. To that end, we remain, in principle, opposed to losing ANY open space for any reason except public safety. Nevertheless, we could support Mr. Caldwell's request for permission to build one home on only one designated acre of the open space parcel, IF there is a written agreement that Mr. Caldwell will make no attempt to develop any other part of that open space parcel, for any reason, for the next twenty five years.

Our great concern is that an exception granted for one acre to be developed could be the nibble that leads to the bite that leads to the complete consumption of the open space over time. Consequently, if Mr. Caldwell is willing to make a binding agreement that he will make no attempt to further release land in this parcel for development within the next twenty five years, we support approving his request for a one acre exception; if not, we oppose giving the right to develop one acre.

Keith and Kay Smith
1901 Cub Lane, Alpine Meadows, CA.

415-435-4402

Gleb Belonogoff
550 - 45th Avenue
San Francisco, CA 94121

RECEIVED
MAY 14 2010
CLERK OF THE
BOARD OF SUPERVISORS

May 12, 2010

Placer County Board of Supervisors
Clerk of the Board, Ann Holman
175 Fulweiler Avenue
Auburn, CA 95603

Dear Board Members,

Please enter my name among those that support the rezoning for Troy Caldwell's rezone application.

I am a second home owner in the Alpine Meadows Valley for the past 36 years. I served on the Bear Creek Planning Committee for many years and I am familiar with the lot Troy Caldwell is asking to build a home on. The location of the home is not obtrusive and it will make a good addition to the area as well as provide employment in our current depressed economy.

Sincerely,


Gleb Belonogoff

AGENDA ITEM
DATE: 5/17/10
TIME: 2:05 PM

DATE: 5/14/10
 Board of Supervisors - 5
 County Executive Office
 County Counsel
 Mike Boyle
 Planning

JMA zmad

90

Michael R. Henn
P.O. Box 7548
Tahoe City, Ca.
96145

RECEIVED
MAY 14 2010
CLERK OF THE
BOARD OF SUPERVISORS

Placer County Board of Supervisors
Clerk of the Board, Ann Holman
175 Fulweiler Avenue
Auburn, California 95603

RE: REZONING FOR CALDWELL

Placer County Board of Supervisors;

My name is Michael Henn and I am a long time resident of Tahoe area. I have been associated with Alpine Meadows Ski Area dating back to the late 1960's. Laying out ski areas and analyzing avalanche potentials is part of my job descriptions. Myself and Jim Plehn worked many years with Norm Wilson who was the Counties Avalanche expert . The Parcel on the south side of Alpine Meadows that is up for this rezone I specifically recall this Lot being set aside for the run out zone known as the East and West Gully Slide paths. The issue, as I understand it, is not how far into the lot the avalanche would travel but the actual reason for setting this lot aside.

I can attest to the fact the lot was designated for the avalanche run out. With site specific studies done at later dates, room at the bottom of the lot was found to locate the avalanche control building and, after investigating the site, I believe there is also room to locate a residence . I hope this information is helpful in making your decision on the Rezone For Mr. and Mrs. Caldwell. I would support the Rezone effort and would also emphasize the importance of the avalanche control building's preservation as it is essential for the safty of Alpine Meadows Road in the winter months.

Respectfully,



Michael R. Henn

AGENDA ITEM
DATE: <u>5/17/10</u>
TIME: <u>2:05 PM</u>

DATE 5/14/10
 Board of Supervisors - 5
 County Executive Office
 County Counsel
 Mike Boyle
 Planning
VIA Email

May 14, 2010

Placer County Board of Supervisors
175 Fulweiler Avenue
Auburn, CA 95603

Re: **Troy Caldwell - General Plan Amendment, Rezone, Mitigated Negative Declaration**

Dear Supervisors:

I represent Troy Caldwell regarding his application for a general plan amendment and zone change for a small portion of his 4.77-acre property ("Property"). The Property is currently zoned a combination of Open Space (OS) and TR-1 (Tahoe Single-Family Residential per the official County Zoning Map for the area). The proposed general plan amendment and rezone would allow Mr. Caldwell to construct only one single-family home on the Property, with the remainder of the property to remain open space. Based on the information presented below, my client respectfully requests that this Board grant his requested general plan amendment and zone change.

Mr. Caldwell's application is intended to allow him to construct a single-family home on his Property as well as "tidy up" existing trespass issues. For example, the County constructed and currently maintains an avalanche shooting house on the Property, for which the County obtained neither the owner's permission nor an easement. Similarly, the Alpine Springs County Water District installed water and sewer lines across the Property in a similar manner, without permission or an easement. Mr. Caldwell wishes to resolve these trespass issues via easement or agreement with the County and the Water District to allow these uses to legally remain on the Property.

Mr. Caldwell's application was submitted based on County Planning staff's belief that the official zoning map for the area, which shows approximately one-half acre of residential zoning along the southern portion of the Property, is somehow "in error." The Planning Department recommended filing this application for both a General Plan Amendment and a Rezone, and Mr. Caldwell did so to cooperate with County staff even though his proposed single-family home was already allowed on the face of the official zoning map. Mr. Caldwell selected the location and orientation of his proposed single-family home in consultation with the Planning

Department, to be consistent with the purposes of the General Plan, to protect the 100-year floodplain, to preserve the use and enjoyment of the equestrian trail on the Property, and to minimize any potential view impacts.

As discussed further herein, Mr. Caldwell's proposed single-family home is consistent with historic zoning and general plan designations for the Property. Further, substantial evidence supports any findings necessary to approve the zone change and general plan amendment requested by Planning staff.

I. PROCEDURAL HISTORY

On October 8, 2009, the North Tahoe Regional Advisory Council *unanimously* (7-0) recommended approval of the Amendment and Rezone. However, on October 22, 2009, the Planning Commission, with two commissioners absent, voted 3-2 recommending denial of Mr. Caldwell's request. The Planning Commission's recommendation, however, was partially based on the Commissions' concern that a "finding" of "changed circumstances" supporting the zoning change could not be made. As shown below, while such a finding requirement is *not* a requirement of the County Zoning Ordinance, it could nonetheless be made and supported by substantial evidence.

II. RESIDENTIAL ZONING EXISTS ON THE PROPERTY

As shown on the Official 1968 Zoning Map, the Property already contains approximately one-half acre of land zoned for residential use. The proposed action will simply relocate that residential area to the proposed building site, which has been selected based on discussions with County Planning Staff.

The unofficial maps used by the County in its Staff Report do not reflect the residential zoning on the Property; however, these maps contain the following disclaimer:

The features on this map were prepared for geographic purposes only and are not intended to illustrate legal boundaries or supersede local ordinances. Official information concerning the features depicted on this map should be obtained from recorded documents and local governing agencies.

The Official 1968 Zoning Map, supplied to Mr. Caldwell by Chris Brown, GIS Analyst at the Placer County Community Development Resource Agency, clearly shows that the Property includes an area that was zoned TR-1, or Tahoe Single Family Residential. The proposed change is consistent with the historic zoning, because Mr. Caldwell is only proposing one single family dwelling on a nearly 5-acre parcel.

III. A GENERAL PLAN AMENDMENT IS NOT NEEDED, BECAUSE THE GENERAL PLAN CONTEMPLATES BUILDINGS AND STRUCTURES IN OPEN SPACE AREAS

The General Plan always intended to allow structures, buildings and other facilities in open space areas. As noted by the General Plan; “there is considerable park and “open space” shown on the plan[.]” (See General Plan p. 34.) However, it is important to note that the “open space” contemplated by the General Plan does *not* have the same meaning as the more modern understanding of “open space.” For example, The General Plan notes that “...most, if not all [open space], would fall under Sec. 8.100(7) allowing private recreation lands, etc. and would also be zoned TR-1.” The Placer County Zoning Ordinance refers to the TR-1 zoning designation as the “Single Residence District.” (Placer County Zoning Ordinance, Section 800; (1968) p. 61.)

In addition to openly allowing residential uses in the TR-1 zone, Section 8.100(7) of the Zoning Ordinance, into which most open space would be classified per the General Plan, contains building setback requirements and also allows (and in some cases even mandates) a litany of structures, many of which are much more intrusive than a single family residence. A sampling of the structures specifically contemplated in the Zoning Ordinance under Section 8.100(7) includes garages, picnic tables and even swimming pools.

Finally, some structures are obviously allowed without a general plan amendment or a zone change, as the County has already constructed a shooting house on the Property.

IV. SUBSTANTIAL EVIDENCE SUPPORTS A “FINDING” OF CHANGED CIRCUMSTANCES RELATED TO AVALANCHE DANGER

The Planning Commission’s recommendation on October 22, 2009, was based on an assumption that a “finding” of “changed circumstances” was required to support Mr. Caldwell’s proposed general plan amendment and zone change. While we have been unable to locate this requirement in the County Zoning Code, the finding can nonetheless be made and supported by substantial evidence.

By way of background, as shown in the attached map from the 1968 Placer County Alpine Meadows General Plan (Attachment 1), a portion of Mr. Caldwell’s Property was designated as open space in what would otherwise be residential development. Rather than acting as some kind of buffer between “pods” of residential development, the map in Attachment 1 shows that this open space designation directly corresponded to slopes that were historically identified as avalanche danger areas.

In 1984, a County consultant, Norman A. Wilson submitted a letter describing these avalanche “runout zones,” stating: “because of the discerned [avalanche] hazard, subdivision of the land for homesite development was disallowed at the time of formulation of subdivision plans for the Bear Creek and Alpine Estates subdivisions (circa 1959-62).”¹ Michael R. Henn, who worked with Norman Wilson has also submitted a letter to the County testifying to this fact. (Attachment 3.) Additionally, the May 17, 2010 Planning Staff Report acknowledges that the Property’s current designation is likely the result of the perceived avalanche danger at the time of adoption in the late 1960’s.² (See May 17, 2010 Staff Report, p. 3.) In other words, the “runout zones,” including Mr. Caldwell’s Property and two other parcels further west in the development, were designated as open space because these parcels were at one time thought to be at risk of an avalanche.

In 2005, Mr. Caldwell hired avalanche specialist, Dick Penniman, a County-recognized expert,³ to conduct a site-specific analysis of the avalanche dangers existing on his Property. The Penniman Report concluded that the PAHA Avalanche Danger Zones should be adjusted on the Property to more accurately reflect the actual danger of avalanche. Specifically, the report recommended reclassifying the Property to reflect moderate and low danger areas. At the October 22, 2009 Planning Commission hearing, the Planning Commission voted to reduce the avalanche risk levels on the Property as recommended in the Penniman Report. Accordingly, the proposed site for the single family zoning is no longer subject to a PAHA designation that precludes residential development.

Therefore, to the extent such a finding is actually necessary to approve the general plan amendment and zone change, the Board can make the “finding” of “changed circumstances” on the Property based on this substantial evidence of a change in avalanche risk status of the Property.

V. UNRESOLVED TRESPASS ISSUES AFFECTING PROPERTY

We are aware of at least two unresolved trespass issues on the Property that Mr. Caldwell is interested in resolving to the benefit of the County and the neighborhood.

First, despite the much-touted open space designation in the Staff Report and letters from one of Mr. Caldwell’s neighbors, the County constructed a shooting-house on the Property. While the

¹ Letter to Alpine Meadows Ski Corporation, September 25, 1984 (Attachment 2).

² “It would appear that the steep slope across Alpine Meadows Road...may have been an underlying reason the Board of Supervisors designated this parcel as a Greenbelt area when this Plan was approved.” (May 17, 2010 Staff Report, p. 3.)

³ The County recognizes Mr. Penniman as an expert pursuant to Placer County Code §12.40.060. (May 17, 2010 Staff Report p. 10.)

presence of the shooting house constitutes a trespass onto Mr. Caldwell's private property, Mr. Caldwell does not wish to instigate legal action against the County or even request removal of the structure. Rather, Mr. Caldwell wishes to resolve this outstanding issue through an easement or other agreement allowing the County to legally maintain its facilities on the Property. Moreover, the fact that this County-built structure already exists on the Property is evidence that the Property is not, as one of Mr. Caldwell's neighbors alleged, such "pristine" open space that the addition of one single-family home would drastically impact the character of nearly five acres of "untouched" land.

Second, the Alpine Springs County Water District installed water and sewer lines beneath the Property without an easement or the permission of the owner. Mr. Caldwell desires to grant the Water District an easement giving it a legal right to maintain the existing facilities.

VI. PROPOSED SOLUTION

We respectfully request that the Board of Supervisors approve the general plan amendment and zone change at its meeting on May 17, 2010, and thereby facilitate resolution of the outstanding trespass issues.

Following this action by the Board, Mr. Caldwell will diligently work with County and Water District personnel to accomplish the following:

- Enter into an easement agreement that would allow the County to legally maintain and operate its shooting house on the Property.
- Enter into an Easement and Maintenance Agreement to allow the Alpine Springs County Water District to legally maintain its underground facilities on the Property.

VII. CONCLUSION

In sum, the Board of Supervisors has substantial evidence to approve Mr. Caldwell's application due to the changed circumstances on the Property. As stated above, Mr. Caldwell is only proposing to build one single family home on an extremely large lot as compared to the surrounding subdivisions. The Property's PAHA reclassification removes the sole reason that the Property was designated as open space in the late 1960's. Further, this "changed circumstance" allows the County to make any required findings.

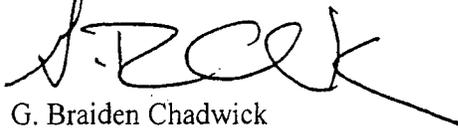
Mr. Caldwell has already changed the location of the proposed building site at the request of County Staff to ensure that the structure is not within the 100-year floodplain and to facilitate the unobstructed use of the existing equestrian trail onsite. The remainder of the Property will retain its Open Space designation, and the Property will still function as a buffer between higher density residential development. Finally, the general plan amendment and rezone will not create

any conflict between surrounding uses, i.e. one single family home in the same area of other single family homes.

Mr. Caldwell is grateful for the Staff's diligence and cooperation regarding his proposed use of his Property. We respectfully request that the Board grant Mr. Caldwell's requested zone change and general plan amendment due to the changed circumstances, minimal impact and overall planning consistency of the application as outlined above.

Very truly yours,

DOWNEY BRAND LLP

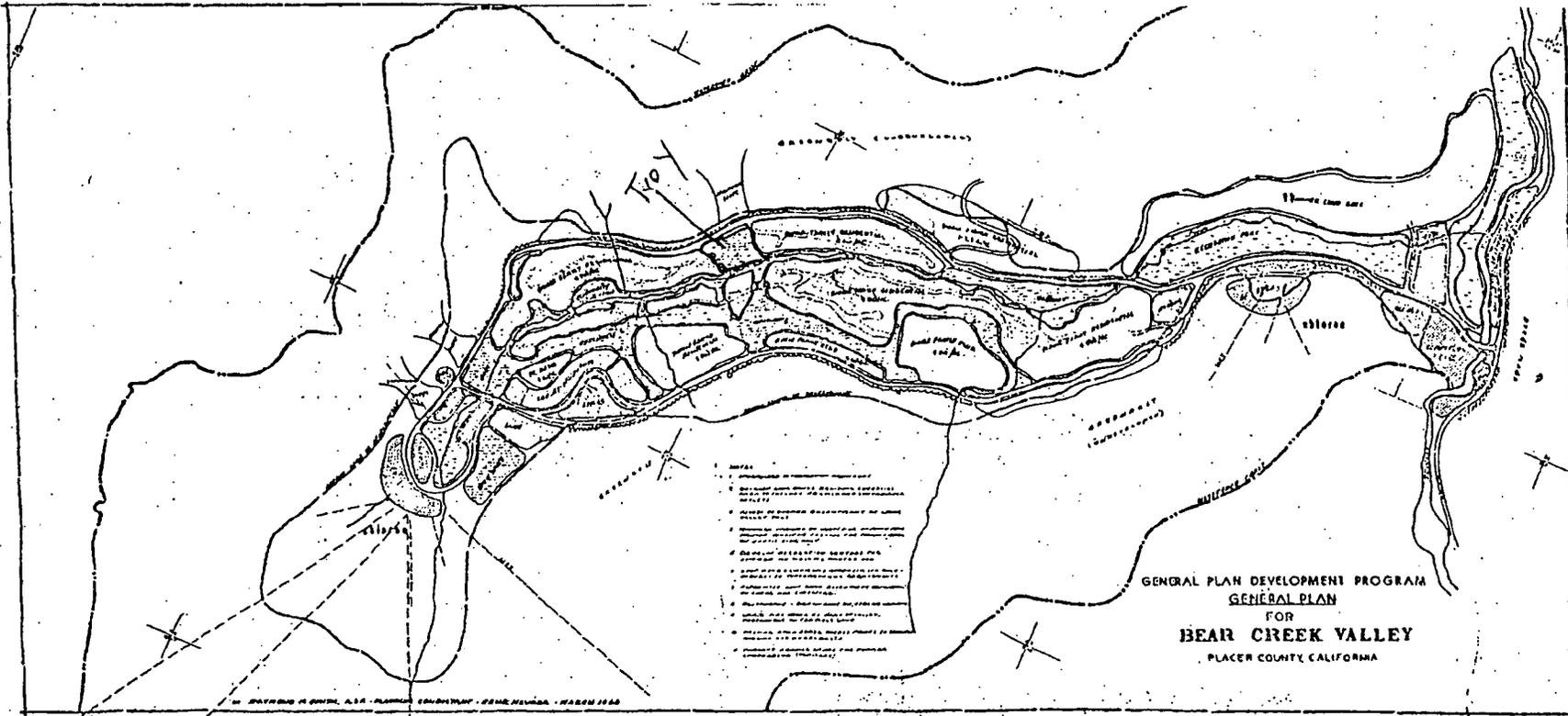


G. Braiden Chadwick

BC:jw

Enclosures

ATTACHMENT 1



058010317

ATTACHMENT 2



NORMAN A. WILSON

SNOW CONSULTANT SERVICES • P.O. BOX 8010 • TRUCKEE, CA 95737 • (916) 587-1593

AVALANCHE CONTROL
SITE PLANNING
AVALANCHE ZONING
OPERATIONS PLANNING, TRAINING
EXPLOSIVES TRAINING
TECHNICAL WITNESS

25 September 1984

Alpine Meadows Ski Corporation
PO Box AM
Tahoe City CA 95730

ATTN: Larry Heywood

RE: Avalanche Control
AM Road

With regard to avalanche control procedures, and the need for same, along the Alpine Meadows access road, specifically at the areas of the East and West Gullies, the following summarizes my observations and thoughts:

1. Major avalanches intrude onto the roadway and travel beyond, to the south of the road, threatening users of the road. The avalanche runout zones for the two Gullies merge at and beyond the road in a forested area where, because of the discerned hazard, subdivision of the land for homesite development was disallowed at the time of formulation of subdivision plans for Bear Creek and Alpine Estates subdivisions (circa 1959-62). Since that time, experience with the subject avalanche paths, along with a general increase in understanding of avalanche behavior, indicates that the effects zones of these avalanches are larger than previously believed.

Current avalanche hazard zoning for the area indicates that small adjacent portions of Bear Creek and Alpine Estates subdivisions are within Red, Blue, or Yellow Zones of the East and West Gully slidepaths. It is clear that an intensive avalanche control effort is required to provide as high a degree of safety as possible for road users. This control effort also reduces, in large measure, the likelihood of avalanche effects to those portions of the subdivisions that lie within the avalanche zones.

2. Avalanche control methods used at East and West Gullies have included:
(a) Closure of the hazard zone at times of discerned hazard and when the avalanche control effort is about to take place. Closures are affected

by radio-equipped members of Alpine Meadows staff stationed at strategic points on the road above and below the hazard zone in coordination with Alpine's avalanche control personnel.

(b) Hand-thrown explosive charges delivered by ski patrolmen who gain access to the avalanche starting zones via one of Squaw Valley's chairlifts and thence an occasionally dangerous ski journey along ridges to the start of the avalanche control routes. This method is the preferred method; but is not always possible during storm periods.

(c) Road-fired Avalauncher and/or 75mm howitzer. This system, as used at these slidepaths, has generally yielded satisfactory results; but entails a significant degree of danger for the firing crew because the best field of fire from the road is attained at points well within the major runout zones of these slidepaths. Thus, one round from the weapon would be fired from a point on the road, followed immediately by a hurried exit from the firing site. If further rounds are then deemed necessary, the process would be repeated until the control crew is satisfied that the control effort has been effective.

3. Control with artillery and Avalauncher could be rendered significantly more reliably effective, by virtue of greater accuracy at these targets' ranges, and the safety of the firing crew could be greatly enhanced, if a fixed firing position, from which projectiles could be fired 'blind' during all weather and at any time of day or night, were activated. (see my report of August 1982) Such a position has been installed some 70' east of the east end of Cub Lane, in the Bear Creek subdivision. The firing position site lies near the easterly edge of the red avalanche zone of the West Gully slidepath, and within the red zone.

The Red, Blue, and Yellow Zones mentioned above were defined by the writer in a study performed for Placer County in 1982. The zones refer to estimated hazards that occur in the natural state, where avalanche control efforts are not performed. Given intensive control efforts as performed by Alpine Meadows staff under the terms of an existing contract with Placer County, the writer estimates that the firing position site is actually affected by a much lower frequency and degree of hazard than would occur if the slidepaths were not controlled.

The degree of protection provided by the avalanche control program will be increased dramatically when all-weather, all-hours blind firing from the Cub Lane position commences. Some degree of crew exposure to hazard will occur during extreme hazard conditions; but this degree of hazard will, in my opinion, be significantly less than that experienced by the crew when firing from the road as before, and also significantly less than that experienced by the handcharge crews when skiing those avalanche paths during storm conditions.

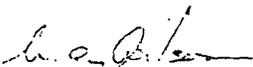
The crew hazard can be further reduced by implementation of procedures that reduce the time of exposure to hazard to a minimum. Methods for reducing the time of exposure include establishment of a firing environment and procedure that will require a minimum of time to set up, load, aim,

and fire each round. This environment and procedure, ideally, would minimize the need for time-consuming chores at the firing position, such as snow shovelling and chipping of ice accumulations from critical areas. Elimination of, or at least major reduction of such chores can be accomplished by the simple expedient of installation of a small structure that will house and protect the artillery piece or the Avalauncher from the elements.

A second important method for reduction of exposure to hazard will be to actually fire, after loading and aiming, the weapon from a remote, safe position by use of a long lanyard.

The structure itself need not be larger than required to house the weapons and to allow efficient personnel movement when loading, aiming, firing, and servicing the weapons. The structure, further, could be considered expendable, constructed in such a manner that if it were struck by an avalanche, it will breakaway without damage to the actual concrete firing pad, which would then remain usable although much less convenient. In this instance, Alpine Meadows could accept the low degree of risk to the structure in the greater interest of increased public and personnel safety.

Respectfully submitted,


Norman A Wilson

ATTACHMENT 3

Michael R. Henn
P.O. Box ? 7578
Tahoe City, Ca.
96145

Placer County Board of Supervisors
Clerk of the Board, Ann Holman
175 Fulweiler Avenue
Auburn, California 95603

RE: REZONING FOR CALDWELL

Placer County Board of Supervisors;

My name is Michael Henn and I am a long time resident of Tahoe area. I have been associated with Alpine Meadows Ski Area dating back to the late 1960's. Laying out ski areas and analyzing avalanche potentials is part of my job descriptions. Myself and Jim Plehn worked many years with Norm Wilson who was the Counties Avalanche expert . The Parcel on the south side of Alpine Meadows that is up for this rezone I specifically recall this Lot being set aside for the run out zone known as the East and West Gully Slide paths. The issue, as I understand it, is not how far into the lot the avalanche would travel but the actual reason for setting this lot aside.

I can attest to the fact the lot was designated for the avalanche run out. With site specific studies done at later dates, room at the bottom of the lot was found to locate the avalanche control building and I believe there is also room to locate a residence . I hope this information is helpful in making your decision on the Rezone For Mr. and Mrs. Caldwell. I would support the Rezone effort and would also add the infaces on the importance of the avalanche control building's presurvation as it is esential for the safty of Alpine Meadows Road in the winter months.

Respectfully,



Michael R. Henn

