



COUNTY OF PLACER
Community Development Resource Agency

John Marin, Agency Director

PLANNING

Michael J. Johnson, AICP
Planning Director

TO: Board of Supervisors

FROM: Michael Johnson, Planning Director

DATE: January 9, 2007

SUBJECT: APPEAL – PLANNING COMMISSION APPROVAL OF A VARIANCE (PVAA 2004 0468) BURKE/THREE CHIEFS RESIDENCE

ACTION REQUESTED

The Board is being asked to consider an appeal from Squaw Valley Ski Corp of the Planning Commission's approval of a Variance for the Burke/Three Chiefs residence in Squaw Valley. It is staff's recommendation that the Board uphold the decision of the Planning Commission and deny the appeal.

BACKGROUND

Project Site

Mr. Robert Burke owns a 6,100 square foot lot (APN 096-030-043) that is the center parcel of a group of three parcels located approximately 120 feet south of the first switchback on Granite Chief Road (see Exhibit 1). As shown in Exhibit 1, the three parcels are not contiguous to the Granite Chief Subdivision to the north; a ski run that leads east and downhill to the base of Squaw Valley separates the parcels from the subdivision. Although there is no formal roadway access to these three properties, an irregularly shaped parcel (APN 096-030-034), also owned by Mr. Burke, provides legal access to the three parcels from Granite Chief Road.

The Burke parcel and the adjacent parcel downslope to the east are currently undeveloped; the adjacent parcel to the west (the Weber property) is the site of an abandoned residence (see Exhibit 2). These properties, and the Granite Chief Subdivision, are situated on the mountainside above the commercial and residential development near the Village at Squaw Valley. The Burke property is currently undeveloped, but has been graded at some time in the past. This earlier grading is evidenced by graded slopes on the western and eastern portions of the property (slopes ranging from 65 percent to 70 percent, respectively) with a 25-foot-wide, relatively level area between these slopes. The eastern and southern portions of the property slope down steeply towards Squaw Creek, which flows through a ravine in this area.

Project Description

Mr. Burke proposes constructing a new, three-level, three-bedroom, 4,550 square foot, single-family residence on his Granite Chief property in Squaw Valley (see Exhibits 3 and 4). The site plan shows that the new residence would be situated generally in the northern portion of the parcel, near the west (side) and north (front) property lines. The site plan also proposes that the new residence would encroach into both the 20-foot front property line setback along the north parcel boundary and the 100-

foot stream setback associated with Squaw Creek to the east. (Note: Mr. Burke also owns APN 096-030-034 which abuts the north property line of the subject parcel). Mr. Burke is requesting a variance to reduce these setback requirements to 5 feet to structure (2.5 feet to eaves) and 55 feet to structure, respectively.

As described, the subject parcel is not large (6,113 square feet in size) and has significant slopes. Approximately two-thirds of the lot is within the 100-foot watercourse setback. Between the existing cut-slopes and the watercourse setback area, the parcel is very constrained, and the area available for development is quite limited (see Exhibit 5). In his Variance application, Mr. Burke noted that several developed properties along Squaw Creek in the vicinity of the project site are within the 100-foot stream setback.

Entitlement History

In January 2003, the Zoning Administrator approved a Variance to the parking requirement of two on-site spaces for each residential unit to allow two off-site parking spaces for both Mr. Burke (VAA-3724) and Mr. Weber, the neighboring property owner. In approving the Variance, the Zoning Administrator found that the unique location of the Burke parcel (-043), the lack of direct roadway access to this parcel and the shape of Mr. Burke's second parcel (-034) represented special circumstances that justified approval of the Variance. The conditions of approval for that Variance addressed the location of the parking spaces (two on -034 at Granite Chief Road and two at the bottom of Granite Chief Road), a limitation of no more than three bedrooms in any future residential construction on the Burke and Weber properties, deed restrictions/easements related to parking and access between the Burke and Weber parcels, verification that Mr. Burke has physical access to his properties, proof of liability insurance related to pedestrian access between the parking area on Granite Chief Road and the Burke/Weber properties, execution of a hold harmless agreement with the County, and an inspection of the property by County staff to determine if the property is in violation of County codes. The Variance was approved for a two-year period, expiring in January 2005.

In November 2004, the Zoning Administrator considered applications from Mr. Burke and Mr. Weber for an extension of time for their previously-approved parking Variances. The Planning Department received correspondence from Squaw Valley Ski Corp objecting to these extensions and a public hearing was scheduled. At a hearing on November 4, 2004, the Zoning Administrator considered staff's recommendation, as well as testimony from both the applicants and a representative from Ski Corp, and approved an extension of time for the parking Variance. As there was no specific timeframe included in the extension request, the extensions were approved for a period of three years, expiring in November 2007. No appeal to this extension of time was filed.

In summer 2004, Mr. Burke prepared plans for the construction of a new single-family residence on his Granite Chief property. As described in the Project Description, above, the proposed residence encroaches into the front and stream setbacks that apply to this parcel. Mr. Burke requested a Variance to reduce these setbacks to 5 feet and 55 feet, respectively, in order to allow for the construction of his new residence.

On October 7, 2004, the Zoning Administrator heard Mr. Burke's Variance application regarding the proposed reduction in setbacks. At that hearing, the Zoning Administrator considered reports from staff and received both oral testimony from Mr. Burke and Mr. Tom Kelley (Squaw Valley Ski Corp), and written testimony from Ski Corp and the Squaw Valley MAC. Based upon the information received at

that hearing, the Zoning Administrator determined that the required findings could be made to support a Variance. The Zoning Administrator concluded:

- 1) the project site was "unduly burdened" by setback limitations;
- 2) water quality issues could be addressed by implementing BMPs and that Engineering and Surveying should add a condition requiring BMPs;
- 3) the reduction in front setback does not represent a skier safety issue; and,
- 4) the applicant will be required to develop an access solution that separates pedestrian movements from skiing activities.

The Zoning Administrator approved the applicant's request for a Variance to setbacks; Squaw Valley Ski Corp appealed that decision on October 15, 2004.

Appeal of Zoning Administrator Decision

Ski Corp's appeal of the approved Variance to setbacks was included on the Planning Commission's March 24, 2005 agenda. During staff's presentation of the appeal, County Counsel indicated that, because Best Management Practices (BMPs) were included as a grading condition, the Variance was not exempt from CEQA and that environmental analysis was required. The Planning Commission continued its consideration of the appeal to an open date, directing staff to proceed with environmental review. Staff conducted the environmental analysis and prepared a Mitigated Negative Declaration for the project, completing the document on June 22, 2006.

ACTION OF THE PLANNING COMMISSION

The appeal of the Zoning Administrator's approval of the setback Variance was considered by the Planning Commission at its October 12, 2006 meeting. Comments raised by the appellant and members of the public included:

- The scale of the residence is not consistent with the Squaw Valley General Plan;
- The environmental analysis for the project is lacking, and an EIR should be prepared;
- Concern with impacts to water quality in Squaw Creek; and
- Concerns with skier safety.

The project applicant and adjoining property owner also provided testimony on the project.

After reviewing the staff report and considering public testimony, the Planning Commission unanimously adopted a motion (7-0) to deny the appeal and approved the Mitigated Negative Declaration and Variance to setback for the Three Chiefs project. In its deliberations, the Planning Commission concluded that legal access was in fact available to the project site, and that the perceived danger to pedestrians trying to walk to the proposed residence was no greater than if someone fell in front of a skier on the slopes. The Planning Commission concluded that the proposed residence was consistent with height requirements for the site, and that the footprint of the residence would only be double the size of the 775 square foot area that is currently permitted. Lastly, the Planning Commission concluded that any perceived impacts associated with located a residence at 55 feet from the centerline of Squaw Creek would not be an issue when compared to the failure of a sedimentation pond (resulting from improper construction) associated with the ski resort.

LETTER OF APPEAL

On October 23, 2006, Ski Corp appealed the Commission's action from the October 12, 2006 hearing (see Exhibit 7). The appeal application referenced a August 17, 2006 letter from Paul Minasian, counsel for Ski Corp, as the basis for the appeal. To assure that all aspects of the appeal were thoroughly analyzed, staff has provided a response to each issue raised by the appellant.

Issue 1: Squaw Valley MAC Opposition

The Squaw Valley MAC held a Special Meeting on Monday, October 4, 2004, and the Burke Variance application was one of the agenda items scheduled at this meeting. Following a site visit with the applicant's architect, a representative of Ski Corp and staff, the MAC considered the Burke application and passed a motion recommending the Zoning Administrator deny the Variance because of concerns related to water quality impacts to Squaw Creek and skier safety. At its regular October 28, 2004 meeting, the MAC passed a motion restating its opposition to the Burke Variance.

Staff Response: At the time of the MAC meeting, the MAC did not have the benefit of the Mitigated Negative Declaration and its expanded analysis. As noted above, mitigation measures and conditions are included in the Mitigated Negative Declaration, as well as the Conditions of Approval, that address the issues and concerns raised by the MAC members. As the Board is aware, the MAC is only responsible for providing a recommendation, and the MAC performed that duty.

Issue 2: Design Characteristics

The Ski Corp appeal states that, given its size and location, the proposed 4,550 square foot residence is out of character with the surrounding Granite Chief subdivision and that, when created in 1960, this lot and surrounding lots were intended to be used for seasonal summer cottages. The appeal questions whether Mr. Burke intends to limit his residence to three bedrooms (a condition of the parking Variance) and raises concerns related to emergency access along Granite Chief Road (specifically roadway width, grade and corners), especially during winter conditions. There is no winter road access to the property.

Staff Response: The proposed residence is consistent with the height and lot coverage requirements of the Squaw Valley General Plan and Land Use Ordinance. Based upon the scale and design of residential development that has occurred in the Granite Chief Subdivision, as well as the scale of the commercial, residential and recreational buildings associated with the adjacent ski area, the proposed residence is not inconsistent with the character of the surrounding residences and other structures. Staff has been unable to locate any documentation related to the formation of this lot, or the surrounding lots that limits their development to seasonal summer cottages.

Granite Chief Road currently provides access to approximately 24 parcels. This roadway is narrow, there are some tight turns and it is steep in some areas. As stated in the appeal, the road is very challenging in winter conditions. No information has been provided to show how the development of one or two additional legally created residential parcels in this vicinity will have any significant effect on roadway operations.

Issue 3: Lack of Access and Skier/Pedestrian Safety

The appeal states that there is no easement on record that provides winter access (pedestrian or otherwise) across the ski run between the parking area on parcel -034 at Granite Chief Road and the Burke parcel and, from a practical standpoint, people will park on -034 and cross the well-traveled ski

run to access the Burke property. In addition, the appeal states that there is a substantial likelihood that collisions between pedestrians and skiers and snow grooming or other equipment on the hill could result.

Staff Response: Condition 7 of the Burke setback Variance, added by the Zoning Administrator, required the applicant to develop an "access solution which separates pedestrian traffic from Granite Chief Road to the subject property from skiers utilizing the intervening ski slope". Mr. Burke owns both the project parcel (-043) and parcel -034, an irregularly-shaped parcel, and maintains that parcel -034 provides legal access to the project parcel. However, since the time of the Zoning Administrator approval and after considerable investigation by Mr. Burke, staff determined that constructing a bridge or tunnel across the ski run is not economically feasible, and staff recommended that this condition be deleted. The Planning Commission deleted Condition 7 when approving the Variance. Staff has reviewed the deeds and maps relating to the parcel and the easement rights on adjoining parcels. A reasonable reading of the material reflects that the applicant has the easement rights that he claims (which allows access from Granite Chief Drive to the three parcels in an undefined, open location). The County recognizes, however, that Ski Corp disputes these rights; however, the County does not resolve private disagreements.

The proposed project includes the construction of a single-family residence where none currently exists. A summer access road to the home site will be constructed across an existing ski run on private property. The subject property has easement rights over the private ski run property for a permanent summer access road. During summer use, between May 1 and October 15, skiers are not present on the ski run and, therefore, impacts to pedestrian safety are minimal to none.

The primary route of travel for downhill skiers at Squaw Valley is the Mountain Run, a large run that connects the ski areas in the vicinity of Squaw Peak with the lodge and commercial facilities at the base of the mountain. The Mountain Run is located on the south side of the Squaw Creek drainage, across from the Burke and Weber properties. The ski slope that runs north of and adjacent to the Burke and Weber properties is used primarily by local residents as a means to access the nearest lift at the lodge area at the base of the hill. Directly downslope from the Burke property, this run narrows and the slope increases significantly. There is a residence at the base of this steep hill that is regularly accessed by pedestrians crossing this ski run. Although pedestrians will cross this same run to access the Burke residence, the ski path in the vicinity of the project parcel is significantly wider and the slope is significantly less than the path in the vicinity of the residence at the base of the slope. As a result, potential conflicts between pedestrian and skiing activities will also be reduced because of these same factors. Staff finds that pedestrians are less likely to slip and fall on gentle slopes and that sight safety factors are significantly better at the section of the ski run that is wider and more gently sloped.

The current summer access road for the adjacent uphill property measures about 130 feet in length. The applicant proposes to realign approximately half of the existing summer access road (about 65 feet) to improve access to the property for construction purposes. This realigned portion of the road will be graded and the entire length of the road will be surfaced with gravel as part of this project. Grading will be along the path of least disturbance, with minimal cut and fill slopes. The realigned summer access road will result in fills of no more than two feet and resulting finished grades no steeper than 2:1. Staff finds that the minor compacting and widening of the summer access road will not significantly alter the topography or change the existing conditions of the ski slope to any great extent.

The proposed Burke residence is a single-family residence; the maximum estimated number of ski run crossings by pedestrians during the busiest winter day is anticipated to be 10 crossings per day. Based

on site visits and sight line analyses by staff, staff has concluded that sight distance is adequate for skiers to react to maneuver around pedestrians, and that pedestrians have adequate visibility to see skiers and avoid potential conflicts. Skiers accept the inherent risks of skiing by engaging in the sport of skiing within the boundaries of a ski area. According to County Code Section 9.28.050, it is the responsibility of the skier "to ski in a safe and reasonable manner, under sufficient control to be able to stop or avoid other skiers or objects." Under the reasonable assumption that competent skiers are using this ski run since they are mainly local residents, and given the considerations provided above, staff concludes that the construction of this residence at this location will not create a condition very different than that which exists today and that skier safety is not significantly impacted as a result of construction of this proposed single-family residence.

Issue 4: Front Setback

The Burke property fronts onto a ski run, and Ski Corp asserts that reducing the required 20-foot front setback to 5 feet would introduce an additional hazard to skiers on this run. Ski Corp maintains that the 20-foot front setback should be retained in order to protect skier safety.

Staff Response: The residence will be constructed within the property lines of the parcel, and staff could find no evidence to show that a 15-foot difference in the location of a residence would significantly affect skier safety. If Ski Corp is concerned with skier safety, Ski Corp has the ability to construct fences or barriers on its property to assure skier safety.

Issue 5: Stream Setback

The Lahontan Regional Water Quality Control Board lists Squaw Creek as an "impaired waterway" from sediment. Ski Corp states that allowing the construction of the Burke residence within the 100 feet from centerline setback area represents an unacceptable risk to the water quality of the creek.

Staff Response: The County Grading, Erosion, and Sediment Control Ordinance and the Drainage section of the Land Development Manual require erosion control Best Management Practices (BMPs) to prevent quantities of material substantially in excess of natural levels to be moved from the site in any manner that could potentially cause water quality degradation. The Advisory Comment that Engineering and Surveying Department added to the conditions for the approved Variance requires a Grading Permit be obtained if certain conditions are met. As noted in the Mitigated Negative Declaration, implementation of the required BMP measures will reduce any possible impacts to less than significant levels. As the Board is aware, other improvements within the larger Squaw Valley Resort area have been allowed without the 100-foot setback area from Squaw Creek, and no adverse impacts have resulted. Staff is confident that implementation of the Mitigation Measures with the Variance will provide the same level of success that Squaw Valley Ski Corp has enjoyed.

Issue 6: Code Enforcement

The deed restriction requirements of Condition 3 of the Burke and Weber parking Variances establish an interrelationship between these two parcels with regards to parking and access. Ski Corp states that the abandoned structure on the Weber parcel is an attractive nuisance and is a violation. Since these two parcels are interlinked, Ski Corp states that the County should not be considering an application relating to the Burke parcel while an existing violation exists on the Weber parcel.

Staff Response: Staff from Code Enforcement and Environmental Health Services have visited the Weber property on several occasions. Based upon these site visits, there are no known code violations on the Weber property (-044). Although a Demolition Permit has been issued (118624.04, dated

December 8, 2004), the demolition permit has not yet been exercised, and the structure remains on the parcel.

Adequacy of the Environmental Analysis for the Project

In addition to the above-discussed points of appeal, Ski Corp also made several claims that a single-family residence should require an EIR. In Ski Corp's attempt to put its issues into the context of CEQA, it claims that:

- (A) the approval of the parking variance and the setback variances were an illegal segmentation of one project that should have been considered in one unified CEQA document;
- (B) that the previously approved parking variance should be re-examined;
- (C) that pedestrian safety was not adequately covered in the environmental document;
- (D) that the road construction that is required as a mitigation measure is not adequately analyzed;
- (E) that a smaller structure should be mandated in order to protect water quality; and
- (F) that the single family residence is in conflict with the zoning code.

As with the other points of appeal, staff has individually addressed each of these issues below.

Issue A: The approval of the parking variance and the setback variances were an illegal segmentation of one project that should have been considered in one unified document.

Staff Response: As mentioned above, the applicant has a variance entitlement that was approved in November 2004, and the applicant has until November 4, 2007 to vest this right. Ski Corp claims that CEQA prohibits the processing of the parking variance in 2004 and the current variance request to setback as separate actions.

In reviewing this claim, staff has concluded that the applicant did not have building plans at the time the parking variance was sought. While it is true that CEQA prohibits a piece-meal approach to development, there are no facts on the record that support an accusation that the applicant had made any decisions about construction on the property at the time of the parking variance approval. Rather, it was clear that a parking variance would need to be obtained before the applicant could determine whether or not proceeding with construction plans would be worth while. Accordingly, there was no 'subsequent project' at the time of the approval of the parking variance.

Most importantly, the environmental determination for the parking variance (a Categorical Exemption) was approved in 2003, and then was relied upon again for the extension approval in October 2004. The statute of limitations for legal challenges for the use of the exemption for the parking variance expired in April 2005. Accordingly, it is too late for the appellant to challenge the environmental analysis used for the parking variance.

As to the current variance application, the existence of the previously approved parking variance is considered as a part of the baseline for environmental review. While it is not appropriate to re-analyze the parking variance, staff has taken its existence into account as it worked through environmental review for the variances at issue.

Issue B: The parking variance should be re-examined.

Staff Response: The Ski Corp letter seems to indicate in several places that the parking variance should be re-examined. As stated above, the statute of limitations of environmental determination has run. It is important to note that Ski Corp knew about the hearing for the parking variance as evidenced by their testimony at that hearing; however, Ski Corp did not choose to appeal that decision at the time. Once an entitlement is sought and granted, it becomes a property right. Revocation of any entitlement would require compliance with County, State and Federal laws that protect private property rights.

Issue C: Pedestrian safety is not adequately analyzed in the document.

Staff Response: In response to Ski Corp's continued comments on this issue, staff commented under the heading "Issue 3" above. In addition, Ski Corp submitted a letter written by Larry Heywood (See Exhibit C to the Minasian letter) that argues that the construction of the residence itself, and winter access across the adjacent ski slope to the property, poses a safety hazard to skiers using the slope. Staff has considered this letter, as well as a significant amount of other information as discussed above, and has concluded that this issue has been addressed adequately for the purposes of a variance approval, and for the purposes of CEQA, as well.

Issue D: The road construction that is required as a mitigation measure is not adequately analyzed.

Staff Response: The Ski Corp letter claims that the County is requiring that a new road be constructed across the burdened lot, and that such construction would be so significant that it would require a Statement of Overriding Consideration made within an EIR document.

Staff makes no reference to where the access road must be located on the burdened property. The County is requiring that a summer road access the parcel (as evidenced by the conditions of approval) in order to ensure that any potential impacts from emergency situations can be handled. Staff understood that the current existing dirt road may be used, but as CEQA requires, staff considered the worst case scenario and required mitigation measures that would mitigate the construction of an entirely new road (see discussion on page 4 of the Initial Study).

The Ski Corp letter spends a considerable amount of time discussing legal issues pertaining to the scope of the easement rights and argues that the road mitigation measure is not legally feasible, and is therefore inadequate. As mentioned earlier, staff has reviewed the deeds and maps relating to the parcel and the easement rights on adjoining parcels. A reasonable reading of the material reflects that the property owner has the easement rights that he claims. Nevertheless, to ensure the CEQA mitigation is adequate, the County added a Condition of Approval to ensure that the mitigation measure will be complied with before a building permit for the construction of the home is issued.

Issue E: A smaller structure should be mandated in order to protect water quality.

Staff Response: As previously discussed above, staff has concluded that the water quality impacts have been addressed and mitigated within the environmental document. It is important to note that the applicant will also still have to comply with any restrictions or requirements from Federal or State agencies, including Lahontan.

Issue F: The single-family residence is in conflict with the zoning code.

Staff Response: Placer County's Initial Study check list does require that the County consider compatibility of a project application with existing land use and zoning regulations. If a project is in conflict with an existing law, then an application for a change in that law is required in order for a "less than significant" determination to be made within an environmental document.

This project, however, is not in conflict with the applicable zoning standards. As previously stated, the subject parcel, and the adjoining parcels to the west and east, were legally created in 1960. The Density Factor (Land Use Intensity) in the Squaw Valley General Plan and Land Use Ordinance limits the number of bedrooms in the Low-Density Residential District to a maximum of 10 bedrooms per acre. This density factor does not apply, however, to "residential subdivision lots legally created prior to January 1, 1983". This proposed project, therefore, is not in conflict with the applicable zoning standards.

CONCLUSION

As discussed above, staff has concluded that there are no merits to the issues raised by the appellant. The Planning Commission considered these same issues and voted unanimously to deny Ski Corp's appeal and approve the setback Variance and the Mitigated Negative Declaration that has been prepared for this entitlement. No new information is provided in the appeal that would necessitate reversing the Planning Commission's action.

RECOMMENDATION

Staff recommends that the Board of Supervisors adopt the Mitigated Negative Declaration and deny the appeal, thereby approving the Variance, based upon to the following Findings.

FINDINGS:

CEQA FINDINGS:

The Planning Commission has considered the proposed Mitigated Negative Declaration, the proposed mitigation measures, the staff report and all comments thereto and hereby adopts the Mitigated Negative Declaration for the project based upon the following findings:

1. The Mitigated Negative Declaration for the Three Chiefs 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.

POTENTIAL IMPACT 3b & 3c: Significant disruptions, displacements, compaction or overcrowding of the soil and Substantial change in topography or ground surface relief.

DISCUSSION: The proposed project includes the construction of a permanent summer access road, trenching for new utility services, and construction of a single family residence. The residential structure will be constructed on a parcel that overlooks Squaw Creek and is separated from the nearest roadway, Granite Chief Road. The parcel is separated from Granite Chief Road by an access parcel, owned by 3 Chiefs, LLC, and by Squaw Valley Development Property land which is used as a ski run during the winter season. The applicant has legal rights and ownership over the access parcel, APN 096-030-034, which also allows for parking for the residential lots on the other side of the ski run, adjacent to Granite Chief Road. An existing easement (683 OR 514) grants the applicant rights to construct a road over the Squaw Valley Development Property land in order to access the residential lots during the summer months. The summer use period is considered to be between May 1 and October 15 each year. The applicant intends to construct this summer access road as a permanent feature that will remain in place after the construction of the residence is completed. Grading and compaction of soils for construction of the road will disturb areas as wide as 65 feet over a length of approximately 125 feet to install a 20 foot wide gravel access road and provide for finished slopes of no more than 2:1. It is estimated that approximately 183 cubic yards of material (cut and fill) will be required for the construction of the permanent access road. In addition, this project may include trenching for approximately 800 feet of new 8" waterline. The largest portion of the new water line would be placed on previously disturbed ground along Granite Chief Road. In addition, the applicant estimates that approximately 500 cubic yards of material will be excavated to construct the basement and foundation for the residence. Given the highly erodible nature of the soils present at the site, the steep topography, and the proximity to Squaw Creek, staff considers impacts due to soil disruption, displacement, and changes in topography to be potentially significant unless mitigation is incorporated.

MITIGATION MEASURES

MM 3.1 Prior to Building Permit issuance, obtain a Grading Permit for any grading work outside the building footprint for construction of the summer access road. All proposed grading, drainage improvements, vegetation, tree impacts and tree removal shall be shown on the Grading Plans and all work shall conform to provisions of the County Grading Ordinance (Section 15.48, Placer County Code) and the Placer County Flood Control District's Stormwater Management Manual. No grading, clearing, or tree disturbance shall occur until the Grading Permit is issued and any required temporary construction fencing has been installed and inspected by a member of the DRC. All cut/fill slopes shall be at 2:1 (horizontal:vertical) unless a soils report supports a steeper slope and the Engineering and Surveying Department (ESD) concurs with said recommendation.

MM 3. Staging Areas: Stockpiling and/or vehicle staging areas shall be identified on the Grading Plans and located as far as practical from existing dwellings and protected resources in the area.

FINDING: With implementation of the mitigation measures these impacts can be reduced to a less than significant level.

POTENTIAL IMPACT 3e & 3f: Potential significant increase in wind or water erosion of soils, either on or off the site and changes in deposition, or erosion or changes in siltation may modify the channel of Squaw Creek.

DISCUSSION:

This project includes the grading and construction of a permanent summer access road, trenching for new utility services, and the development of one residential lot in close proximity to Squaw Creek. Soil types in this area are highly erodible and as a result, years of development within the Squaw Valley area have contributed to the impaired water quality of Squaw Creek due to sediment loading. Due to grading activities, an increase in wind and water erosion of soils will occur with the development of this property. The construction phase will create significant potential for erosion as disturbed soil may come in contact with wind or precipitation that could transport sediment to the air and/or adjacent waterways. Erosion generated both during construction and from post construction activities has the potential of degrading water quality and adding additional sediment to Squaw Creek. With implementation of the following mitigation measures these impacts can be reduced to a less than significant level.

MITIGATION MEASURES

MM 3.1, MM 3.2 Refer to Item 3b and 3c for the text of these mitigation measures.

MM 3.3 Water quality treatment facilities (BMPs) shall be designed according to the California Stormwater Quality Association Stormwater Best Management Practice Handbooks for Construction and for New Development / Redevelopment (or other similar source as approved by the ESD) and shown on the Grading Plans to be submitted with the application for the Grading Permit. BMPs for the project include, but are not limited to: Fiber Rolls, Silt Fence, Combination Fiber Roll, Silt Fence, and Chain Link Fence, Hydroseeding, Stabilized Construction Entrance, and revegetation techniques. BMPs will be reviewed and approved by the ESD during the Grading Permit application process.

MM 3.4 In order to protect site resources, no grading activities of any kind may take place within the 100-year flood plain of the stream/drainage way unless otherwise approved as a part of this project.

FINDING: With implementation of the mitigation measures these impacts can be reduced to a less than significant level.

POTENTIAL IMPACT 4a: Changes in absorption rates, drainage patterns, or the rate amount of surface runoff.

DISCUSSION:

The proposed project includes the construction of a summer access road and a single family residence on one parcel. The proposed residential structure will be partially located within the 100 foot setback to the center of the flowline of Squaw Creek and will be approximately 50 feet above Squaw Creek. The addition of impervious surfaces for the residential structure will result in an increase to the rate and amount of surface water runoff generated from this site. However, the project proposal includes permanent infiltration trenches and landscape treatment areas to absorb and infiltrate stormwater

runoff which helps to reduce any impacts due to additional surface water runoff to a less than significant level. Changes in the direction of runoff flow are slight and considered to be less than significant. The construction of a permanent summer access road will result in soil compaction and less infiltration potential for the native soil, however, a gravel surfaced road is proposed which will allow some permeability. Changes in absorption rates and the rate and amount of surface runoff due to the addition of the gravel surfaced access road are considered to be less than significant.

FINDING: The impact does not need mitigation because its effect is less than significant.

POTENTIAL IMPACT 4c & 4j: Discharge into surface waters or other alterations of surface water quality (e.g., temperature, dissolved oxygen, or turbidity) within the Lake Tahoe watershed area.

DISCUSSION: The proposed project includes utility trenching, grading of a summer access road, and residential structure grading including basement and foundation grading activities that, given the proximity of the lot to Squaw Creek, the topography, and the erodible soils in this area, could potentially cause water quality degradation due to construction and post-construction activities. The Lahontan Regional Water Quality Control Board recently modified its Basin Plan to include TMDL requirements for sediment in Squaw Creek. This project could directly impact the water quality of Squaw Creek if effective BMPs are not incorporated and properly installed and maintained both during and after construction. The project proposes construction (temporary) and post-construction (permanent) BMPs to reduce water quality impacts both for near-term and long-term operation. In addition, the proposed project's impacts associated with increase in water quality degradation will be mitigated to a less than significant level by implementing the following mitigation measures.

MITIGATION MEASURES

Mitigation Measures-items 4c, 4j:

MM 3.3 Refer to Item 3e and 3f for the text of this mitigation measure.

MM 4.1 Water quality "Best Management Practices" (BMPs) shall be applied according to guidance of the California Stormwater Quality Association (CASQA) Stormwater Best Management Practice Handbooks for Construction, for New Development/Redevelopment, or for Industrial and Commercial, (or other similar source as approved by the ESD). BMPs shall be designed to mitigate (minimize, infiltrate, filter, or treat) stormwater runoff. Flow or volume based post-construction BMPs shall be designed at a minimum in accordance with the Placer County Guidance Document for Volume and Flow-Based Sizing of Permanent Post-Construction Best Management Practices for Stormwater Quality Protection. BMPs for the project include, but are not limited to dripline infiltration trenches and landscape treatment areas. All BMPs shall be maintained as required to insure effectiveness. Said BMP measures for this project shall include: Minimizing drainage concentration from impervious surfaces by using infiltration trenches, construction management techniques, erosion protection at downhill outfall locations, and establishment of permanent landscape treatment features to capture and treat runoff prior to flow to Squaw Creek.

FINDING: With implementation of the mitigation measures these impacts can be reduced to a less than significant level.

POTENTIAL IMPACT 6C: Inadequate emergency access or access to nearby uses.

DISCUSSION: The proposed project includes the construction of a single family residence where none currently exists on a parcel that is not directly accessible from a roadway capable of supporting a 40,000-pound vehicle. Construction of the property is not possible unless an access road is provided for vehicles to drive to the property. The applicant has proposed the construction of a permanent summer access road to the property but has not demonstrated that the road will be capable of supporting the required vehicle loads. A letter from the Squaw Valley Fire Department requires the installation of an automatic fire sprinkler system and otherwise states that they will serve the property provided that applicable fees and charges are paid. The proposed project's impacts associated with inadequate access will be mitigated to a less than significant level by implementing the following mitigation measure.

MITIGATION MEASURE

Mitigation Measures-item 6c:

MM 6.1 Construct a 20 foot all-weather surface road from Granite Chief Road across the access parcel (APN 096-030-034) to the residential lot (APN 096-030-043) for an access roadway capable of supporting a 40,000-pound emergency vehicle. Minimum recommended surfacing on 90 percent compacted soil is 6 inch aggregate base.

FINDING: With implementation of the mitigation measures these impacts can be reduced to a less than significant level.

POTENTIAL IMPACT 6e: Pedestrian/skier safety

DISCUSSION: The proposed project includes the construction of a single family residence where none currently exists. A summer access road to the home site will be constructed across an existing ski run on private property. The subject property has easement rights over the private ski run property for a permanent summer access road. During summer use, between May 1 and October 15, skiers are not present on the ski run and therefore, impacts to pedestrian safety are minimal to none.

The primary route of travel for downhill skiers at Squaw Valley is the Mountain Run, a large run that connects the ski areas in the vicinity of Squaw Peak with the lodge and commercial facilities at the base of the mountain. The Mountain Run is located on the south side of the Squaw Creek drainage, across from the Burke and Weber properties. The ski slope that runs north of and adjacent to the Burke and Weber properties is used primarily by local residents as a means to access the nearest lift at the lodge area at the base of the hill. Directly downslope from the Burke property, this run narrows and the slope increases significantly. There is a residence at the base of this steep hill that is regularly accessed by pedestrians crossing this ski run. Although pedestrians will cross this same run to access the Burke residence, the ski path in the vicinity of the project

parcel is significantly wider and the slope is significantly less than the path in the vicinity of the residence at the base of the slope. As a result, potential conflicts between pedestrian and skiing activities will also be reduced because of these same factors. Staff finds that pedestrians are less likely to slip and fall on gentle slopes and that sight safety factors are significantly better at the section of the ski run that is wider and more gently sloped.

The current summer access road for the adjacent uphill property measures about 130 feet in length. The applicant proposes to realign approximately half of the existing summer access road (about 65 feet) to improve access to the property for construction purposes. This realigned portion of the road will be graded and the entire length of the road will be surfaced with gravel as part of this project. Grading will be along the path of least disturbance, with minimal cut and fill slopes. The realigned summer access road will result in fills of no more than two feet and resulting finished grades no steeper than 2:1. Staff finds that the minor compacting and widening of the summer access road will not significantly alter the topography or change the existing conditions of the ski slope to any great extent.

The proposed Burke residence is a single-family residence; the maximum estimated number of ski run crossings by pedestrians during the busiest winter day is anticipated to be 10 crossings per day. Based on site visits and sight line analyses by staff, staff has concluded that sight distance is adequate for skiers to react to maneuver around pedestrians, and that pedestrians have adequate visibility to see skiers and avoid potential conflicts. Skiers accept the inherent risks of skiing by engaging in the sport of skiing within the boundaries of a ski area. According to County Code Section 9.28.050, it is the responsibility of the skier "to ski in a safe and reasonable manner, under sufficient control to be able to stop or avoid other skiers or objects." Under the reasonable assumption that competent skiers are using this ski run since they are mainly local residents, and given the considerations provided above, staff concludes that the construction of this residence at this location will not create a condition very different than that which exists today and that skier safety is not significantly impacted as a result of construction of this proposed single-family residence.

FINDING: The impact does not need mitigation because its effect is less than significant.

POTENTIAL IMPACT 9e: Increased fire hazard in areas with flammable brush, grass, or trees.

DISCUSSION: The project will result in the construction of residential structures and introduce human activities in an area of potential wildland fire hazard. The Squaw Valley Public Service District (PSD) is responsible for providing fire protection services to the project area.

MITIGATION MEASURE

Mitigation Measures-item 9e:

MM 9.1 The applicant shall obtain a "will serve" letter from the PSD.

FINDING: With implementation of the mitigation measures these impacts can be reduced to a less than significant level.

POTENTIAL IMPACT 10b: Exposure of people to noise levels in excess of County standards.

DISCUSSION: Noise from construction activities may noticeably increase noise levels above existing ambient noise levels. This is a potentially significant event.

MITIGATION MEASURE 10.1

MM 10.1 In order to mitigate the impacts of construction noise noted above, construction noise emanating from any construction activities for which a building permit or grading permit is required is prohibited on Sundays and Federal Holiday, and shall only occur:

- A) Monday through Friday, 6:00 am to 8:00 pm (during daylight savings)
- B) Monday through Friday, 7:00 am to 8:00 pm (during standard time)
- C) Saturdays, 8:00 am to 6:00 pm

In addition, a temporary sign shall be located throughout the project (4' x 4'), as determined by the DRC, at key intersections depicting the above construction hour limitations. Said signs shall include a toll free public information phone number where surrounding residents can report violations and the developer/builder will respond and resolve noise violations. This condition shall be included on the Improvement Plans and shown in the development notebook.

The Planning Director is authorized to waive the time frames based on special circumstances, such as adverse weather conditions

FINDING: With implementation of the mitigation measures these impacts can be reduced to a less than significant level.

POTENTIAL IMPACT 11a- 11e: Provision of services by The Squaw Valley Public Service District (PSD) (which provides fire protection services to the project area); the Placer County Sheriff's Department (which provides police protection services to the project area); the Tahoe Truckee Unified School District (TTUSD) oversees the elementary and secondary schools; and the Placer County Engineering and Surveying Department is responsible for maintaining County roads.

DISCUSSION: Project development will result in an additional demand on the need for these public services.

MITIGATION MEASURE 11.1: Obtain will serve letters from all service providers.

FINDING: With implementation of the mitigation measures these impacts can be reduced to a less than significant level.

POTENTIAL IMPACT 12A – 12G: The new residence will connect to existing water and sewer services that are located in the vicinity. The project proposes utilizing the services of Sierra Pacific for electric power, Southwest Gas for natural gas, SBC for

telephone, Squaw Valley Public Service District (PSD) for water and sewer and Sierra Disposal for solid waste removal.

DISCUSSION: The project will generate an increased demand for these utilities and service systems.

MITIGATION MEASURE:

MM 12.1 The applicant will be required to obtain "will serve" letters from these service providers.

FINDING: With implementation of the mitigation measures these impacts can be reduced to a less than significant level.

2. 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.
3. 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.
4. The mitigation plan/mitigation monitoring program prepared for the project is approved and adopted as attached in Exhibit 5.
5. The custodian of records for the project is the Placer County Planning Director, 3091 County Center Drive, Auburn CA, 95603.

VARIANCE FINDINGS:

6. There are special circumstances applicable to this project, specifically the shape and steep topography of the project parcel and close proximity of a stream and the resulting setback restrictions that make the strict application of Chapter 17.60.100 (D) (Action on a Variance), Placer County Code, result in depriving the property of privileges enjoyed by other property in the vicinity under identical zoning classification.
7. The Variance authorized does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and in the same zone district.
8. The Variance does not authorize a use that is not otherwise allowed in the zoning district because the property is zoned for residential use.
9. The granting of the Variance does not, under the circumstances and conditions, applied in the particular case, adversely affect public health or safety, is not materially detrimental to the public welfare, nor injurious to nearby property or improvements because the change in stream setback and front yard setback width will not cause any hazard to skiers or pedestrians at or near the project site because of the visibility and site distance of the home.
10. The Variance is consistent with the Placer County General Plan and the Squaw Valley General Plan & Land Use Ordinance, including the provisions within these Plans related to density. The bedroom density limitations in the Squaw Valley plan are not applicable to subdivision lots created prior to January 1, 1983; the subject parcel was created in 1960.

11. The Variance is the minimum departure from the requirements of the ordinance necessary to grant relief to the applicant, consistent with Chapter 17.60.100 (D) (Action on a Variance), Placer County Code.

Respectfully submitted,



MICHAEL J. JOHNSON, AICP
Planning Director

MW: CH

EXHIBITS:

- Exhibit 1 - Vicinity Map
- Exhibit 2 - Photos
- Exhibit 3 - Site Plan
- Exhibit 4 - Elevations
- Exhibit 5 - Setback Constraints
- Exhibit 6 - Revised Mitigated Negative Declaration
- Exhibit 7 - Ski Corp Appeal

cc: Tom Kelly - Appellant (Squaw Valley Ski Corp)
Robert Burke - Applicant
Don Barrientos - SVMAC

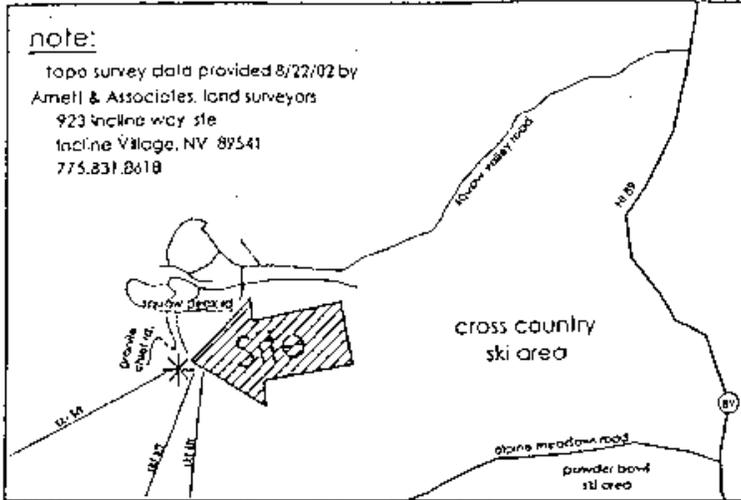
Copies to be sent by Planning:

- Rebecca Maddex - Engineering and Surveying Department
- Dana Wyingner - Environmental Health Services
- Brent Backus - Air Pollution Control District
- Christa Darlington - County Counsel
- Michael Johnson - Planning Director
- Michael Wells - Supervising Planner
- Subject/chrono files

O:\PLUS\PL\MICHAEL\BOS\THREE CHIEFS\BOS MEMO.DOC

note:

topo survey data provided 8/22/02 by
 Amell & Associates, land surveyors
 923 Incline way ste
 Incline Village, NV 89541
 775.831.8010



location map

scale: nts



legend

- | | |
|-----------|---------------------|
| — G — | gas line |
| — Ph — | phone line |
| — S — | sewer line |
| — W — | water line |
| — C — | cable line |
| — E — | electrical line |
| — — — — — | easement |
| — — — — — | centerline of creek |
| — — — — — | setbacks |
| — — — — — | property lines |

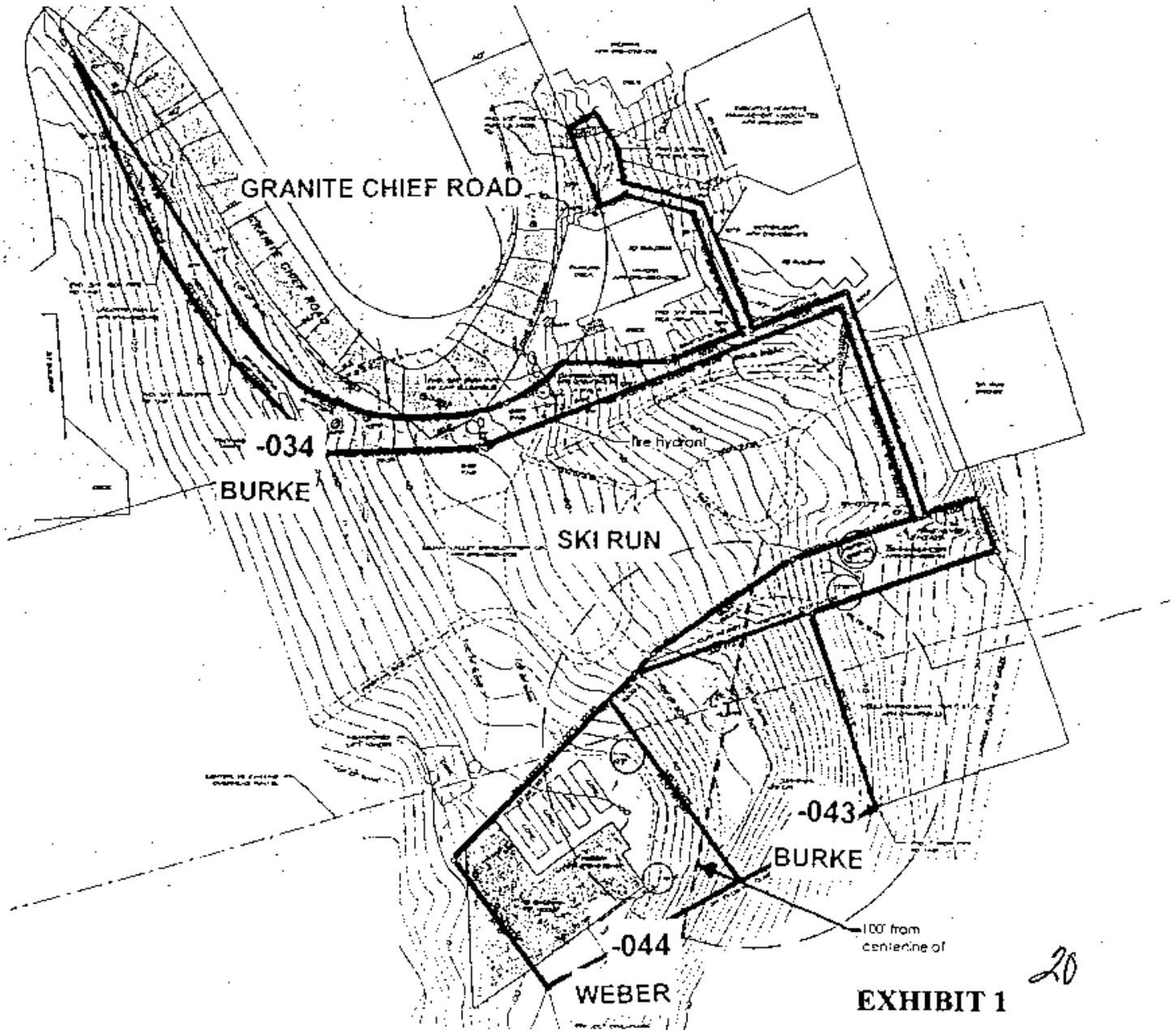


EXHIBIT 1

20

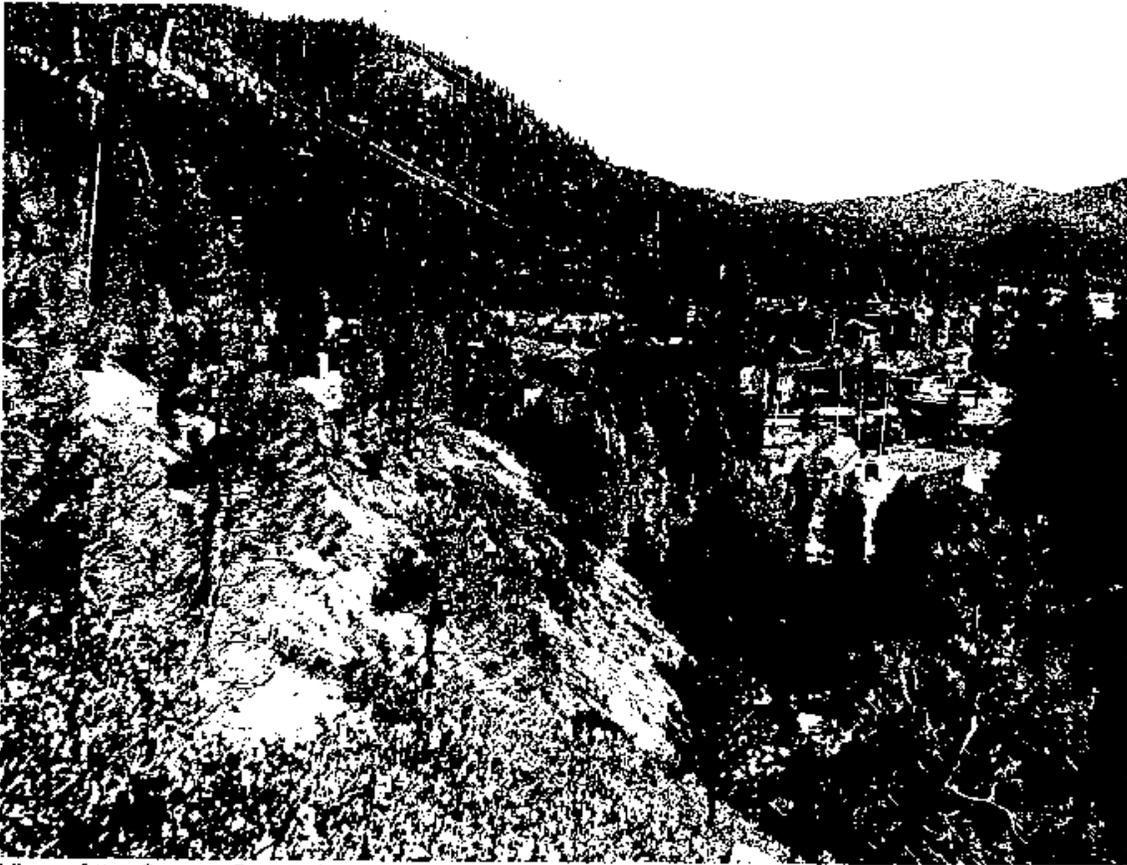


Burke property from Granite Chief Road. Cut and fill is evidence of earlier grading. Abandoned structure above the project site is on property owned by Franz Weber.



Another view of Burke property from Granite Chief Road. The small group of pines in the center of the photo are located in the proposed building site of the new residence

21



View of the Squaw Creek drainage from a position up the mountain from the Weber and Burke parcels. This photo shows the slopes associated with the Squaw Creek drainage in the vicinity of the project site. The roof of the abandoned structure on the Weber property is visible through the trees at left of center. The small clearing to the right of the structure is the Burke property.

notes

1) water line service with fire sprinkler system upgrade - relocate hydrant

V.A.A.# 3724

Zoning: HDR-DF-0-25

Building type: VN

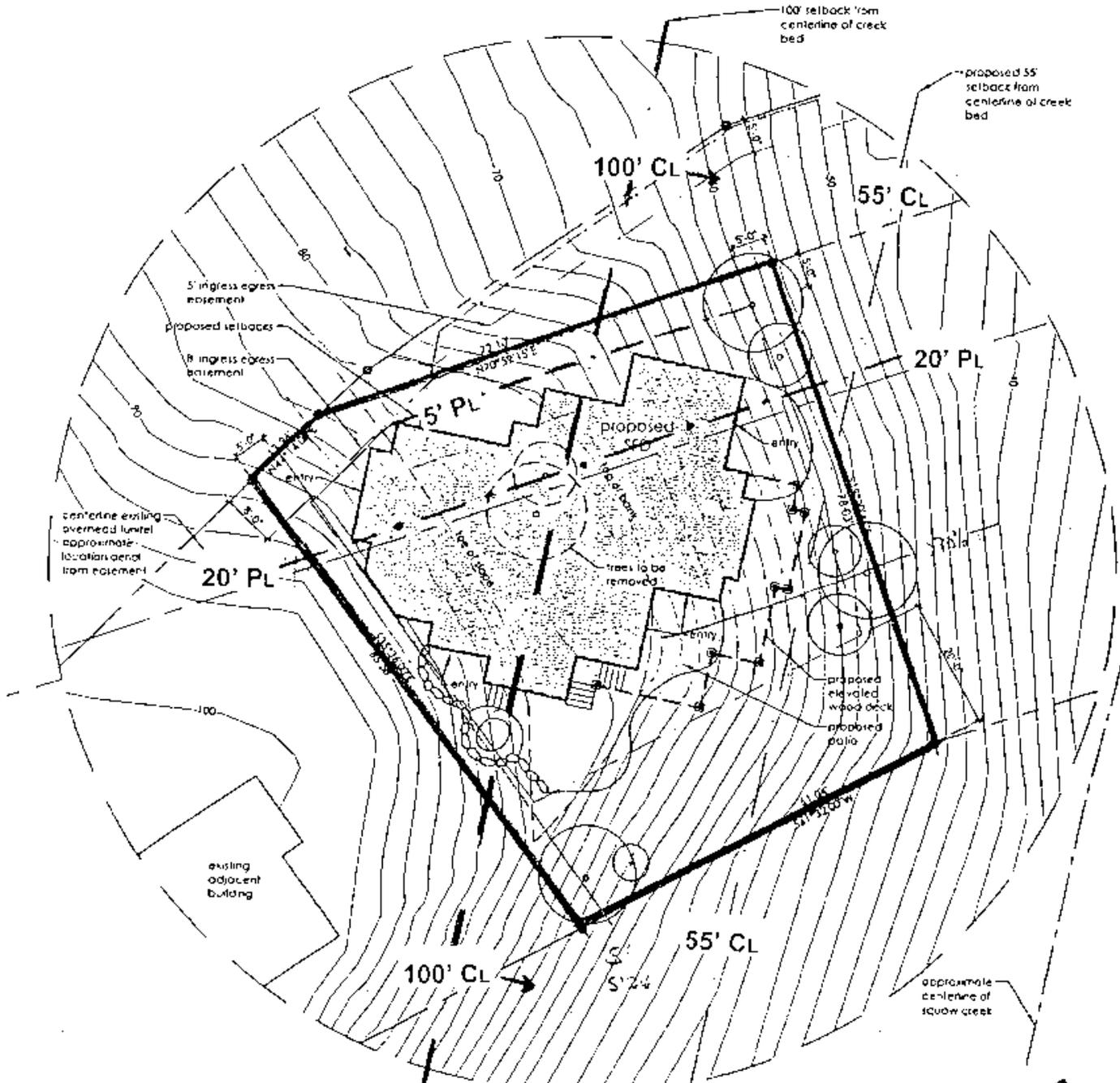
Building Height: 34.5'

Building Areas:

| | |
|---------------------|--------------|
| lower | 2,095 sq ft. |
| main | 2,474 sq ft. |
| upper | 1,912 sq ft. |
| total | 4,790 sq ft. |
| patio (@ grade) | 600 sq ft. |
| deck (@ main level) | 470 sq ft. |

Parking Requirements:

3 bedrooms x 3/4 space per bedroom = 2.25 spaces located off site



SITE PLAN

scale 1" = 10' 0"



p.o. box 19108
 Reno, NV 89511
 email: info@eddigital.com
 tel: 775.852.3555
 fax: 775.852.5488

Three Chiefs Residence
 o.p.n. 096-036-043

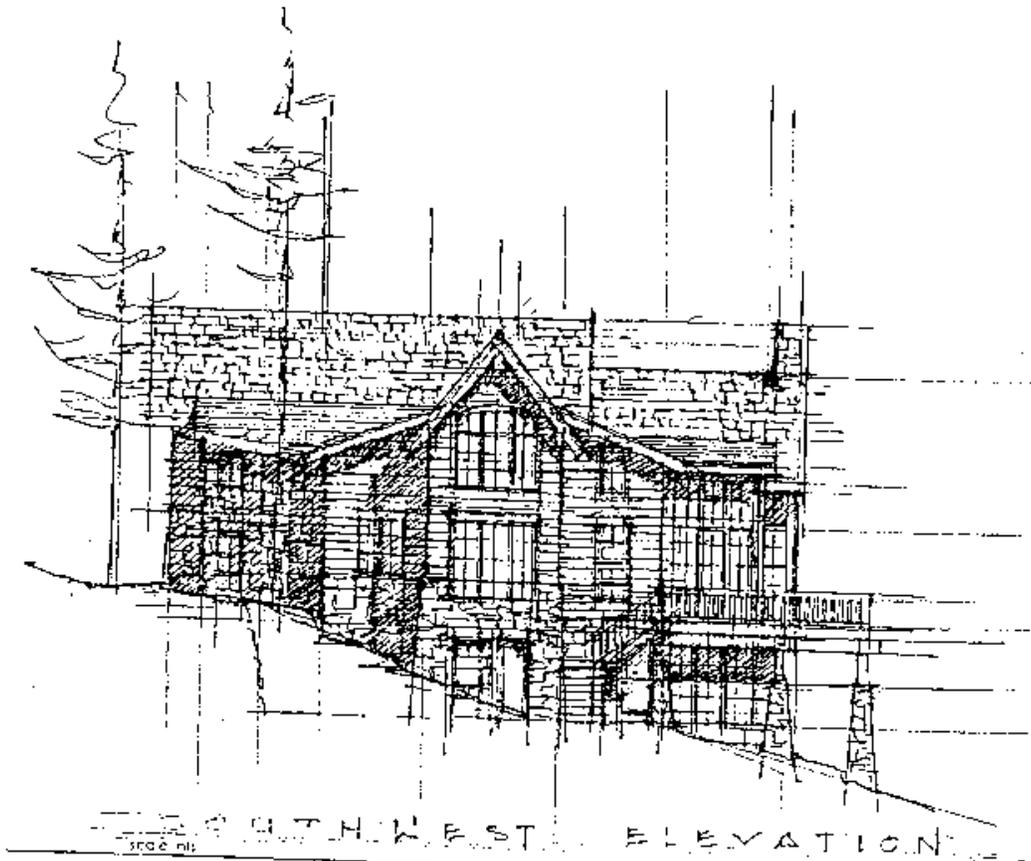
additional info.

Site Plan



NORTH WEST ELEVATION

scale: 1/4"



NORTH WEST ELEVATION

scale: 1/4"

24



COUNTY OF PLACER
Community Development Resource Agency

John Marin, Agency Director

**ENVIRONMENTAL
COORDINATION
SERVICES**

Gina Langford, Coordinator

REVISED 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. This document has not been circulated because the changes have only clarified already stated issues pertaining to the project pursuant to CEQA Guidelines Section 15073.5c(4).

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: Three Chiefs Residence | Plus# PVAA T20040468 |
| Description: Proposed to construct one residential unit of 4,950 sq ft with 3 levels and 3 bedrooms. | |
| Location: on Granite Chief Road in Squaw Valley, Placer County | |
| Project Owner: Robert Burke, Three Chiefs LLC, PO Box 823, Orinda, CA 94563-0823, 925-254-7246 | |
| Project Applicant: KB foster Civil Engineering Inc., PO Box 129, Carnellian Bay, CA 96140 | |
| County Contact Person: Michael Wells | 530-745-3024 |

PUBLIC NOTICE

A copy of the Negative Declaration is available for public review at the Community Development Resource Center public counter and at the Tahoe City Library. Additional information may be obtained by contacting the Community Development Resource Agency, 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.

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.

| | | |
|---|---------------|--------------------------|
| The owner/applicant hereby acknowledges that the above mitigation measures will be incorporated as part of the project. | | Recorder's Certification |
| _____ Name of Owner (print) | | |
| _____ Name of Owner (sign) | _____ Date | |
| _____ Name of Applicant (print) | | |
| _____ Name of Applicant (sign) | _____ Date | |

EXHIBIT 6 *Al*



COUNTY OF PLACER
Community Development Resource Agency

John Marin, Agency Director

**ENVIRONMENTAL
COORDINATION
SERVICES**

Gina Langford, Coordinator

REVISED INITIAL STUDY

In accordance with the policies of the Placer County Board of Supervisors regarding implementation of the California Environmental Quality Act, this document constitutes the Initial Study on the proposed project. This Initial Study provides the basis for the determination whether the project may have a significant effect on the environment. If it is determined that the project may have a significant effect on the environment, an Environmental Impact Report will be prepared which focuses on the areas of concern identified by this Initial Study.

I. BACKGROUND

Project Title: Three Chiefs Residence (PVAA T20040468) – Variance

Environmental Setting: The project parcel is $\pm 6,113$ sq. ft. in size and is the center parcel of three contiguous parcels that are located on a hillside above the Squaw Valley Lodge in the western portion of Squaw Valley. The three parcels are approximately 120 feet south of the first switchback on Granite Chief Road in the Granite Chief Subdivision. These parcels are not a part of, nor are they directly connected to this subdivision, however. They are separated from the subdivision by a portion of a ski run that leads to the Squaw Valley Lodge at the base of the mountain.

The vegetation on the site is characterized by a small number of mixed conifer and montane chaparral species (Jeffrey, ponderosa and lodgepole pines) with some aspens and willows. These trees have varying diameters and are located primarily along the northern frontage of the property and near the southern corner of the site. There are two pines with dbh of 6 inches or greater that are located in the center of the lot.

Although this property is currently undeveloped, it is not undisturbed. Some time in the past, the site was graded, as evidenced by graded slopes in the western and eastern portions of the property (slopes of ± 65 percent and ± 70 percent, respectively) and a ± 25 -foot wide relatively level area situated between these slopes. The eastern and southern portions of the property slope down steeply towards Squaw Creek, a perennial stream that flows through a ravine in this area.

Project Description: The Three Chiefs project proposes constructing a new three-level, three-bedroom, $\pm 4,550$ sq. ft. single-family residence on a $\pm 6,113$ sq. ft. parcel located south of the Granite Chief subdivision in Squaw Valley. The site plans for the project show that the new residence would be situated generally in the northern portion of the parcel, near the west and north property lines. The structural setback requirements of the Squaw Valley General Plan and Land Use Ordinance are 20 feet from the front property line (along the north parcel boundary) and 100 feet from centerline of Squaw Creek (to the east). As proposed, the new residence would not be consistent with these requirements; the project proponent has requested a variance to reduce these setbacks to 5 feet and 55 feet, respectively.

Approximately 500 cubic yards of material will be excavated to construct the basement and foundation for the residence. It is estimated that an additional 183 cubic yards of material (cut and fill) will be required for the construction of a permanent summer construction road to the site. The potential grading and drainage impacts resulting from these development activities are the primary focus of this environmental review.

II. EVALUATION OF ENVIRONMENTAL IMPACTS:

- A. A brief explanation is required for all answers except "No Impact" answers.
- B. "Less than Significant Impact" applies where the project's impacts are negligible and do not require any mitigation to reduce impacts.

27

Environmental Issues
 (See attachments for information sources)

| No Impact | Less Than Significant Impact | Potentially Significant Unless Mitigation Incorporated | Potentially Significant Impact |
|-----------|------------------------------|--|--------------------------------|
|-----------|------------------------------|--|--------------------------------|

- C. "Potentially Significant Unless Mitigation Incorporated" 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 Section IV, EARLIER ANALYSES, may be cross-referenced).
- D. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect is 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 off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts [CEQA, 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 [Section 15063(c)(3)(D)]. Earlier analyses are discussed in Section IV at the end of the checklist.
- G. References to information sources for potential impacts (e.g., 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.

1. LAND USE PLANNING. Would the proposal:

- | | | | | |
|---|-------------------------------------|-------------------------------------|--------------------------|--------------------------|
| a. Conflict with general plan/community plan/specific plan designation(s) or zoning, or policies contained within such plans? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Conflict with applicable environmental plans or policies adopted by responsible agencies with jurisdiction over the project? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Be incompatible with existing land uses in the vicinity? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Affect agricultural and timber resources or operations (e.g., impacts to soils or farmlands and timber harvest plans, or impacts from incompatible land uses)? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Disrupt or divide the physical arrangement of an established community (including a low-income or minority community)? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Result in a substantial alteration of the present or planned land use of an area? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Planning Department:

Discussion-item 1a:

The Squaw Valley General Plan and Land Use Ordinance Land Use Designation for this property is LDR 10 (Low Density

28

| Environmental Issues (See attachments for information sources) | No Impact | Less Than Significant Impact | Potentially Significant Unless Mitigation Incorporated | Potentially Significant Impact |
|---|-----------|------------------------------------|--|--------------------------------------|
| | | | | |

Residential, 10 bedrooms/acre). Single-family dwellings are a permitted use under this designation; the proposed project is consistent with the Plan's land use and zoning designations. As stated in the Project Description, the project proposes constructing a three-bedroom house, a configuration that is within the density limitation of the General Plan. (Note: The total number of bedrooms permitted on this parcel, as well as the adjoining parcel to the west, were established by a previously approved variance [VAA-3724] that allowed for off-site parking.)

Discussion-item 1b:

This CEQA review of the project will provide additional analysis of potential project impacts and mitigations. The project does not represent a conflict with applicable environmental plans or policies adopted by responsible agencies.

Discussion-item 1c:

Existing land uses in the vicinity of the project are residential to north (Granite Chief subdivision) and recreation (ski runs) to the south and immediately adjacent to the project site to the north. The land use designation/zoning on the two parcels that flank this site on the east and west is LDR DF10. The parcel to the east is undeveloped; an abandoned residence occupies the parcel to the west. The residential use proposed by the project is consistent with surrounding land uses.

Discussion-item 1f:

Refer to item 1a and 1c above.

2. POPULATION AND HOUSING. Would the proposal:

- | | | | | |
|---|-------------------------------------|-------------------------------------|--------------------------|--------------------------|
| a. Cumulatively exceed official regional or local population projections? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Displace existing housing, especially affordable housing? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Planning Department:

Discussion-item 2a:

See Section 1a. The project is consistent with the land use designations and zoning of the Squaw Valley General Plan and Zoning Ordinance. As the development of the project site is addressed in the Plan, the increased population resulting from this development does not exceed population projections and is not significant.

Discussion-item 2b:

The project will represent additional or new growth in the Granite Chief area. As described above, the Plan addresses the types and densities of the land uses proposed by the Three Chiefs project.

3. GEOLOGIC PROBLEMS. Would the proposal result in or expose people to potential impacts involving:

- | | | | | |
|--|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| a. Unstable earth conditions or changes in geologic substructures? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Significant disruptions, displacements, compaction or overcrowding of the soil? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. Substantial change in topography or ground surface relief | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

29

Environmental Issues

(See attachments for information sources)

| No Impact | Less Than Significant Impact | Potentially Significant (Unless Mitigation Incorporated) | Potentially Significant Impact |
|-----------|------------------------------|--|--------------------------------|
|-----------|------------------------------|--|--------------------------------|

features?

- | | | | | |
|--|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| d. The destruction, covering or modification of any unique geologic or physical features? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Any significant increase in wind or water erosion of soils, either on or off the site? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f. Changes in deposition or erosion or changes in siltation which may modify the channel of a river, stream, or lake? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| g. Exposure of people or property to geologic and geomorphological (i.e. avalanches) hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Planning Department:

Discussion-item 3c:

Site preparation and development will require the excavation of approximately 500 cubic yards of material to construct the basement and foundation for the residence and an additional 183 cubic yards of material (cut and fill) will be required to construct a permanent summer construction road to the site.

Engineering & Surveying Department:

Discussion-items 3b, 3c:

The proposed project includes the construction of a permanent summer access road, trenching for new utility services, and construction of a single family residence. The residential structure will be constructed on a parcel that overlooks Squaw Creek and is separated from the nearest roadway, Granite Chief Road. The parcel is separated from Granite Chief Road by an access parcel, owned by 3 Chiefs, LLC, and by Squaw Valley Development Property land which is used as a ski run during the winter season. The applicant has legal rights and ownership over the access parcel, APN 096-030-034, which also allows for parking for the residential lots on the other side of the ski run, adjacent to Granite Chief Road. An existing easement (683 OR 514) grants the applicant rights to construct a road over the Squaw Valley Development Property land in order to access the residential lots during the summer months. The summer use period is considered to be between May 1 and October 15 each year. The applicant intends to construct this summer access road as a permanent feature that will remain in place after the construction of the residence is completed. Grading and compaction of soils for construction of the road will disturb areas as wide as 65 feet over a length of approximately 125 feet to install a 20 foot wide gravel access road and provide for finished slopes of no more than 2:1. It is estimated that approximately 183 cubic yards of material (cut and fill) will be required for the construction of the permanent access road. In addition, this project may include trenching for approximately 800 feet of new 8" waterline. The largest portion of the new water line would be placed on previously disturbed ground along Granite Chief Road. In addition, the applicant estimates that approximately 500 cubic yards of material will be excavated to construct the basement and foundation for the residence. Given the highly erodible nature of the soils present at the site, the steep topography, and the proximity to Squaw Creek, staff considers impacts due to soil disruption, displacement, and changes in topography to be potentially significant unless mitigation is incorporated. However, with implementation of the following mitigation measures these impacts can be reduced to a less than significant level.

Mitigation Measures-items 3b, 3c:

MM 3.1 Prior to Building Permit issuance, obtain a Grading Permit for any grading work outside the building footprint for construction of the summer access road. All proposed grading, drainage improvements, vegetation, tree impacts and tree removal shall be shown on the Grading Plans and all work shall conform to provisions of the County Grading Ordinance (Section 15.48, Placer County Code) and the Placer County Flood Control District's Stormwater Management Manual. No grading, clearing, or tree disturbance shall occur until the Grading Permit is issued and any required temporary construction fencing has been installed and inspected by a member of the DRC. All cut/fill slopes shall be at 2:1 (horizontal:vertical) 30

| Environmental Issues (See attachments for information sources) | No Impact | Less Than Significant Impact | Potentially Significant Unless Mitigation Incorporated | Potentially Significant Impact |
|---|-----------|------------------------------------|--|--------------------------------------|
|---|-----------|------------------------------------|--|--------------------------------------|

unless a soils report supports a steeper slope and the Engineering and Surveying Department (ESD) concurs with said recommendation.

MM 3.2 Staging Areas: Stockpiling and/or vehicle staging areas shall be identified on the Grading Plans and located as far as practical from existing dwellings and protected resources in the area.

Discussion-items 3e, 3f:

This project includes the grading and construction of a permanent summer access road, trenching for new utility services, and the development of one residential lot in close proximity to Squaw Creek. Soil types in this area are highly erodible and as a result, years of development within the Squaw Valley area have contributed to the impaired water quality of Squaw Creek due to sediment loading. Due to grading activities, an increase in wind and water erosion of soils will occur with the development of this property. The construction phase will create significant potential for erosion as disturbed soil may come in contact with wind or precipitation that could transport sediment to the air and/or adjacent waterways. Erosion generated both during construction and from post construction activities has the potential of degrading water quality and adding additional sediment to Squaw Creek. With implementation of the following mitigation measures these impacts can be reduced to a less than significant level.

Mitigation Measures-items 3e, 3f:

MM 3.1, MM 3.2 Refer to Item 3b and 3c for the text of these mitigation measures.

MM 3.3 Water quality treatment facilities (BMPs) shall be designed according to the California Stormwater Quality Association Stormwater Best Management Practice Handbooks for Construction and for New Development / Redevelopment (or other similar source as approved by the ESD) and shown on the Grading Plans to be submitted with the application for the Grading Permit. BMPs for the project include, but are not limited to: Fiber Rolls, Silt Fence, Combination Fiber Roll, Silt Fence, and Chain Link Fence, Hydroseeding, Stabilized Construction Entrance, and revegetation techniques. BMPs will be reviewed and approved by the ESD during the Grading Permit application process.

MM 3.4 In order to protect site resources, no grading activities of any kind may take place within the 100-year flood plain of the stream/drainage way unless otherwise approved as a part of this project.

| 4. WATER. Would the proposal result in: | No Impact | Less Than Significant Impact | Potentially Significant Unless Mitigation Incorporated | Potentially Significant Impact |
|---|-------------------------------------|-------------------------------------|--|--------------------------------------|
| a. Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Exposure of people or property to water related hazards such as flooding? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Discharge into surface waters or other alterations of surface water quality (e.g., temperature, dissolved oxygen, or turbidity)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d. Changes in the amount of surface water in any water body? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Changes in currents, or the course or direction of water movements? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Change in the quantity of groundwater, either through direct additions of withdrawals, or through interception of an aquifer by cuts or excavations, or through substantial loss of groundwater recharge capability? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

31

| Environmental Issues (See attachments for information sources) | No Impact | Less Than Significant Impact | Potentially Significant Unless Mitigation Incorporated | Potentially Significant Impact |
|---|-----------|------------------------------------|--|--------------------------------------|
|---|-----------|------------------------------------|--|--------------------------------------|

- | | | | | |
|--|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| g. Altered direction or rate of flow of groundwater? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| h. Impacts to groundwater quality? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| i. Substantial reduction in the amount of groundwater otherwise available for public water supplies? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| j. Impacts to 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Engineering & Surveying Department:

Discussion-item 4a:

The proposed project includes the construction of a summer access road and a single family residence on one parcel. The proposed residential structure will be partially located within the 100 foot setback to the center of the flowline of Squaw Creek and will be approximately 50 feet above Squaw Creek. The addition of impervious surfaces for the residential structure will result in an increase to the rate and amount of surface water runoff generated from this site. However, the project proposal includes permanent infiltration trenches and landscape treatment areas to absorb and infiltrate stormwater runoff which helps to reduce any impacts due to additional surface water runoff to a less than significant level. Changes in the direction of runoff flow are slight and considered to be less than significant. The construction of a permanent summer access road will result in soil compaction and less infiltration potential for the native soil, however, a gravel surfaced road is proposed which will allow some permeability. Changes in absorption rates and the rate and amount of surface runoff due to the addition of the gravel surfaced access road are considered to be less than significant.

Discussion-item 4c, 4j:

The proposed project includes utility trenching, grading of a summer access road, and residential structure grading including basement and foundation grading activities that, given the proximity of the lot to Squaw Creek, the topography, and the erodible soils in this area, could potentially cause water quality degradation due to construction and post-construction activities. The Lahontan Regional Water Quality Control Board recently modified its Basin Plan to include TMDL requirements for sediment in Squaw Creek. This project could directly impact the water quality of Squaw Creek if effective BMPs are not incorporated and properly installed and maintained both during and after construction. The project proposes construction (temporary) and post-construction (permanent) BMPs to reduce water quality impacts both for near-term and long-term operation. In addition, the proposed project's impacts associated with increase in water quality degradation will be mitigated to a less than significant level by implementing the following mitigation measures.

Mitigation Measures-items 4c, 4j:

MM 3.3 Refer to Item 3e and 3f for the text of this mitigation measure.

MM 4.1 Water quality "Best Management Practices" (BMPs) shall be applied according to guidance of the California Stormwater Quality Association (CASQA) Stormwater Best Management Practice Handbooks for Construction, for New Development / Redevelopment, or for Industrial and Commercial, (or other similar source as approved by the ESD). BMPs shall be designed to mitigate (minimize, infiltrate, filter, or treat) stormwater runoff. Flow or volume based post-construction BMPs shall be designed at a minimum in accordance with the Placer County Guidance Document for Volume and Flow-Based Sizing of Permanent Post-Construction Best Management Practices for Stormwater Quality Protection. BMPs for the project include, but are not limited to dripline infiltration trenches and landscape treatment areas. All BMPs shall be maintained as required to insure effectiveness. Said BMP measures for this project shall include: Minimizing drainage concentration from impervious surfaces by using infiltration trenches, construction management techniques, erosion protection at downhill outfall locations, and establishment of permanent landscape treatment features to capture and treat runoff prior to flow to Squaw Creek.

32

| Environmental Issues (See attachments for information sources) | No Impact | Less Than Significant Impact | Potentially Significant Unless Mitigation Incorporated | Potentially Significant Impact |
|---|-----------|------------------------------|--|--------------------------------|
|---|-----------|------------------------------|--|--------------------------------|

MM 4.2 Prior to Grading Permit issuance, provide the Engineering and Surveying Department with permits/comments from the Lahontan Regional Water Quality Control Board indicating their approval.

Environmental Health Services:

Discussion-item 4c:

The project could result in urban stormwater runoff. Standard Best Management Practices (BMPs) will be used.

| 5. AIR QUALITY. Would the proposal: | No Impact | Less Than Significant Impact | Potentially Significant Unless Mitigation Incorporated | Potentially Significant Impact |
|--|-------------------------------------|------------------------------|--|--------------------------------|
| a. Violate any air quality standard or contribute to an existing or projected air quality violation? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Expose sensitive receptors to pollutants? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Have the potential to increase localized carbon monoxide levels at nearby intersections in exceedance of adopted standards? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Create objectionable odors? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

| 6. TRANSPORTATION/CIRCULATION. Would the proposal result in: | No Impact | Less Than Significant Impact | Potentially Significant Unless Mitigation Incorporated | Potentially Significant Impact |
|--|-------------------------------------|-------------------------------------|--|--------------------------------|
| a. Increased vehicle trips or traffic congestion? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Hazards to safety from design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Inadequate emergency access or access to nearby uses? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d. Insufficient parking capacity on-site or off-site? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Hazards or barriers for pedestrians or bicyclists? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Conflicts with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| g. Rail, waterborne, or air traffic impacts? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Engineering & Surveying Department:

Discussion-item 6c:

The proposed project includes the construction of a single family residence where none currently exists on a parcel that is not directly accessible from a roadway capable of supporting a 40,000-pound vehicle. Construction of the property is not possible unless an access road is provided for vehicles to drive to the property. The applicant has proposed the construction of a permanent summer access road to the property but has not demonstrated that the road will be capable of supporting the required vehicle loads. A letter from the Squaw Valley Fire Department requires the installation of an automatic fire sprinkler system and otherwise states that they will serve the property provided that applicable fees and charges are paid. The proposed project's impacts associated with inadequate access will be mitigated to a less than 33

Environmental Issues

(See attachments for information sources)

| No Impact | Less Than Significant Impact | Potentially Significant Unless Mitigation Incorporated | Potentially Significant Impact |
|-----------|------------------------------|--|--------------------------------|
|-----------|------------------------------|--|--------------------------------|

significant level by implementing the following mitigation measure.

Mitigation Measures-item 6c:

MM 6.1 Construct a 20 foot all-weather surface road from Granite Chief Road across the access parcel (APN 096-030-034) to the residential lot (APN 096-030-043) for an access roadway capable of supporting a 40,000-pound emergency vehicle. Minimum recommended surfacing on 90% compacted soil is 6" aggregate base.

Discussion-item 6c:

The proposed project includes the construction of a single family residence where none currently exists. A summer access road to the home site will be constructed across an existing ski run on private property. The subject property has easement rights over the private ski run property for a permanent summer access road. During summer use, between May 1 and October 15, skiers are not present on the ski run and therefore, impacts to pedestrian safety are minimal to none.

The primary route of travel for downhill skiers at Squaw Valley is the Mountain Run, a large run that connects the ski areas in the vicinity of Squaw Peak with the lodge and commercial facilities at the base of the mountain. The Mountain Run is located on the south side of the Squaw Creek drainage, across from the Burke and Weber properties. The ski slope that runs north of and adjacent to the Burke and Weber properties is used primarily by local residents as a means to access the nearest lift at the lodge area at the base of the hill. Directly downslope from the Burke property, this run narrows and the slope increases significantly. There is a residence at the base of this steep hill that is regularly accessed by pedestrians crossing this ski run. Although pedestrians will cross this same run to access the Burke residence, the ski path in the vicinity of the project parcel is significantly wider and the slope is significantly less than the path in the vicinity of the residence at the base of the slope. As a result, potential conflicts between pedestrian and skiing activities will also be reduced because of these same factors. Staff finds that pedestrians are less likely to slip and fall on gentle slopes and that sight safety factors are significantly better at the section of the ski run that is wider and more gently sloped.

The current summer access road for the adjacent uphill property measures about 130 feet in length. The applicant proposes to realign approximately half of the existing summer access road (about 65 feet) to improve access to the property for construction purposes. This realigned portion of the road will be graded and the entire length of the road will be surfaced with gravel as part of this project. Grading will be along the path of least disturbance, with minimal cut and fill slopes. The realigned summer access road will result in fills of no more than two feet and resulting finished grades no steeper than 2:1. Staff finds that the minor compacting and widening of the summer access road will not significantly alter the topography or change the existing conditions of the ski slope to any great extent.

The proposed Burke residence is a single-family residence; the maximum estimated number of ski run crossings by pedestrians during the busiest winter day is anticipated to be 10 crossings per day. Based on site visits and sight line analyses by staff, staff has concluded that sight distance is adequate for skiers to react to maneuver around pedestrians, and that pedestrians have adequate visibility to see skiers and avoid potential conflicts. Skiers accept the inherent risks of skiing by engaging in the sport of skiing within the boundaries of a ski area. According to County Code Section 9.28.050, it is the responsibility of the skier "to ski in a safe and reasonable manner, under sufficient control to be able to stop or avoid other skiers or objects." Under the reasonable assumption that competent skiers are using this ski run since they are mainly local residents, and given the considerations provided above, staff concludes that the construction of this residence at this location will not create a condition very different than that which exists today and that skier safety is not significantly impacted as a result of construction of this proposed single-family residence.

7. BIOLOGICAL RESOURCES. Would the proposal result in impacts to:

- | | | | | |
|---|-------------------------------------|-------------------------------------|--------------------------|--------------------------|
| a. Endangered, threatened or rare species or their habitats (including, but no limited to plants, fish, insects, animals, and birds)? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Locally occurring natural communities (e.g., oak woodlands, | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

34

Environmental Issues

(See attachments for information sources)

| No Impact | Less Than Significant Impact | Potentially Significant Unless Mitigation Incorporated | Potentially Significant Impact |
|-----------|------------------------------|--|--------------------------------|
|-----------|------------------------------|--|--------------------------------|

mixed conifer, annual grasslands, etc.)?

- | | | | | |
|---|-------------------------------------|--------------------------|--------------------------|--------------------------|
| c. Significant ecological resources including: | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 1) Wetland areas including vernal pools; | | | | |
| 2) Stream environment zones; | | | | |
| 3) Critical deer winter ranges (winter and summer), migratory routes and fawning habitat; | | | | |
| 4) Large areas of non-fragmented natural habitat, including but not limited to Blue Oak Woodlands, Valley Foothill Riparian, vernal pool habitat; | | | | |
| 5) Identifiable wildlife movement zones, including but not limited to, non-fragmented stream environment zones, avian and mammalian routes, and known concentration areas of waterfowl within the Pacific Flyway; | | | | |
| 6) Important spawning areas for anadromous fish? | | | | |

Planning Department:

Discussion-item 7b:

As described in the Project Description, vegetation on the site is characterized by a small number of pines, willows and aspens that are growing primarily along the northern frontage of the property and near the southern corner of the site. Two of these trees (Jeffrey pines) exceed 6-inches dbh and these two trees, located near the center of the site, will be removed to allow for the development of the proposed residence. The applicant has submitted landscape plans that identify significant plantings of native trees along portions of the perimeter of the site. These tree plantings will offset the loss of the two trees.

Discussion-item 7c:

Squaw Creek flows through a well-defined ravine that is south of the project site; the site is not within a stream environment zone. There are no wetlands on the site.

8. ENERGY AND MINERAL RESOURCES. Would the proposal:

- | | | | | |
|--|-------------------------------------|--------------------------|--------------------------|--------------------------|
| a. Conflict with adopted energy conservation plans? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Use non-renewable resources in a wasteful and inefficient manner? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Result in the loss of availability of a known mineral resource that would be of future value to the region and state residents? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

9. HAZARDS. Would the proposal involve:

- | | | | | |
|---|-------------------------------------|-------------------------------------|--------------------------|-----------------------------|
| a. A risk of accidental explosion or release of hazardous substances (including, but not limited to, oil, pesticides, chemicals, or radiation)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Possible interference with an emergency response plan or emergency evacuation plan? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> 35 |

| Environmental Issues (See attachments for information sources) | No Impact | Less Than Significant Impact | Potentially Significant Unless Mitigation Incorporated | Potentially Significant Impact |
|--|-----------|------------------------------|--|--------------------------------|
|--|-----------|------------------------------|--|--------------------------------|

- | | | | | |
|--|-------------------------------------|-------------------------------------|--------------------------|--------------------------|
| c. The creation of any health hazard or potential health hazard? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Exposure of people to existing sources of potential health hazards? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Increased fire hazard in areas with flammable brush, grass, or trees? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Planning Department:

Discussion-item 9e:

The project will result in the construction of residential structures and introduce human activities in an area of potential wildland fire hazard. The Squaw Valley Public Service District (PSD) is responsible for providing fire protection services to the project area. The applicant will be required to obtain a "will serve" letter from the PSD as part of the entitlement process.

Environmental Health Services:

Discussion-item 9a:

The use of hazardous substances during normal construction and residential activities is expected to be limited in nature, and will be subject to standard handling and storage requirements. Accordingly, impacts related to the release of hazardous substances are considered less than significant.

10. NOISE. Would the proposal result in:

- | | | | | |
|--|--------------------------|-------------------------------------|-------------------------------------|--------------------------|
| a. Increases in existing noise levels? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Exposure of people to noise levels in excess of County standards? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Environmental Health:

Discussion-items 10a-10b: Noise from construction activities may noticeably increase noise levels above existing ambient noise levels. This is a potentially significant event.

Mitigation Measures-items 10b:

MM 10.1 In order to mitigate the impacts of construction noise noted above, construction noise emanating from any construction activities for which a building permit or grading permit is required is prohibited on Sundays and Federal Holiday, and shall only occur:

- A) Monday through Friday, 6:00 am to 8:00 pm (during daylight savings)
- B) Monday through Friday, 7:00 am to 8:00 pm (during standard time)
- C) Saturdays, 8:00 am to 6:00 pm

In addition, a temporary sign shall be located throughout the project (4' x 4'), as determined by the DRC, at key intersections depicting the above construction hour limitations. Said signs shall include a toll free public information phone number where surrounding residents can report violations and the developer/builder will respond and resolve noise violations. This condition shall be included on the Improvement Plans and shown in the development notebook.

ADVISORY COMMENT: Essentially, quiet activities, which do not involve heavy equipment or machinery, may occur at other times. Work occurring within an enclosed building, such as a house under construction with the roof and siding completed, may occur at other times as well.

The Planning Director is authorized to waive the time frames based on special circumstances, such as adverse weather conditions

| Environmental Issues (See attachments for information sources) | No Impact | Less Than Significant Impact | Potentially Significant Unless Mitigation Incorporated | Potentially Significant Impact |
|---|-----------|------------------------------------|--|--------------------------------------|
|---|-----------|------------------------------------|--|--------------------------------------|

11. PUBLIC SERVICES. Would the proposal have an effect upon, or result in need for new or altered government services, in any of the following areas:

- | | | | | |
|---|--------------------------|-------------------------------------|--------------------------|--------------------------|
| a. Fire Protection? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Sheriff Protection? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Schools? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Maintenance of public facilities, including roads? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Other governmental services? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Planning Department:

Discussion-items 11a-11e:

The Squaw Valley Public Service District (PSD) provides fire protection services to the project area; the Placer County Sheriff's Department provides police protection services to the project area; the Tahoe Truckee Unified School District (TTUSD) oversees the elementary and secondary schools; and the Placer County Department of Public Works is responsible for maintaining County roads. Project development will result in an additional demand on the need for these public services. The applicant will be required to obtain "will serve" letters from these public service providers as part of the entitlement process.

12. UTILITIES AND SERVICE SYSTEMS. Would the proposal result in a need for new systems or supplies, or substantial alterations to the following utilities:

- | | | | | |
|--|--------------------------|-------------------------------------|--------------------------|--------------------------|
| a. Power or natural gas? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Communication systems? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Local or regional water treatment or distribution facilities? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Sewer, septic systems, or wastewater treatment and disposal facilities? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Storm water drainage? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Solid waste materials recovery or disposal? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| g. Local or regional water supplies? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Planning Department:

Discussion-items 12a-12g:

The new residence will connect to existing water and sewer services that are located in the vicinity. The project proposes utilizing the services of Sierra Pacific for electric power, Southwest Gas for natural gas, SBC for telephone, Squaw Valley Public Service District (PSD) for water and sewer and Sierra Disposal for solid waste removal. The project will generate an increased demand for these utilities and service systems. The applicant will be required to obtain "will serve" letters from these service providers as part of the entitlement process.

Environmental Health Services:

Discussion-items 12c, 12d, 12f, 12g:

The agencies charged with providing treated water, sewer services, and refuse disposal have indicated their requirements

37

| Environmental Issues (See attachments for information sources) | No Impact | Less Than Significant Impact | Potentially Significant Unless Mitigation Incorporated | Potentially Significant Impact |
|---|-----------|------------------------------------|--|--------------------------------------|
|---|-----------|------------------------------------|--|--------------------------------------|

to serve the project. These requirements are routine in nature and do not represent significant impacts. Typical project conditions of approval require submission of "will-serve" letters from each agency.

13. AESTHETICS. Would the proposal:

| | | | | |
|---|-------------------------------------|-------------------------------------|--------------------------|--------------------------|
| a. Affect a scenic vista or scenic highway? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Have a demonstrable negative aesthetic effect? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Create adverse light or glare effects? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Planning Department:
Discussion-item 13b:
 The Three Chiefs project proposes constructing a single-family residence on a vacant residential lot in Squaw Valley. The plans and elevations for the house indicate that the new residence will be consistent with the height and coverage requirements of the Squaw Valley General Plan and Land Use Ordinance. The residential use of the property is consistent with neighboring uses (Section 1 - Land Use Planning) and the design of the new home will be compatible with neighboring development.

Discussion-item 13c:
 All outdoor lighting will be shielded to minimize potential glare impacts.

14. CULTURAL RESOURCES. Would the proposal:

| | | | | |
|---|-------------------------------------|-------------------------------------|--------------------------|--------------------------|
| a. Disturb paleontological resources? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Disturb archaeological resources? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Affect historical resources? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Have the potential to cause a physical change, which would affect unique ethnic cultural values? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Restrict existing religious or sacred uses within the potential impact area? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Planning Department:
Discussion-items 14b, 14c:
 Dr. Susan Lindstrom performed a Heritage Resource Inventory for the site and determined that there are no historic or prehistoric resources on the site. The following will be included in the Conditions of Approval for the project:
ADVISORY COMMENT: If any archaeological artifacts, exotic rock (non-native), or unusual amounts of shell or bone are uncovered during any on-site construction activities, all work must stop immediately in the area and a qualified archaeologist retained to evaluate the deposit. The Placer County Planning Department and Department of Museums must also be contacted for review of the 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 shall be provided on the Improvement Plans for the project.

| Environmental Issues (See attachments for information sources) | No Impact | Less Than Significant Impact | Potentially Significant Unless Mitigation Incorporated | Potentially Significant Impact |
|---|-----------|------------------------------------|--|--------------------------------------|
|---|-----------|------------------------------------|--|--------------------------------------|

15. **RECREATION.** Would the proposal:

| | | | | |
|---|-------------------------------------|--------------------------|--------------------------|--------------------------|
| a. Increase the demand for neighborhood or regional parks or other recreational facilities? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Affect existing recreational opportunities? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

III. MANDATORY FINDINGS OF SIGNIFICANCE

| | | |
|---|--|------------------------------|
| A. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of rare or endangered plants or animals, or eliminate important examples of the major periods of California history or prehistory? | NO <input checked="" type="checkbox"/> | YES <input type="checkbox"/> |
| B. Does the project have 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.) | NO <input checked="" type="checkbox"/> | YES <input type="checkbox"/> |
| C. Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly? | NO <input checked="" type="checkbox"/> | YES <input type="checkbox"/> |

IV. EARLIER ANALYSIS

Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effect has been adequately analyzed in an earlier EIR or Negative Declaration [State CEQA guidelines Section 15063(c)(3)(D)]. In this case a discussion should identify the following on attached sheets.

A. **Earlier analyses used.** Identify earlier analyses and state where they are available for review.

B. **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.

C. **Mitigation measures.** For effects that are checked as "Potentially Significant Unless Mitigation Incorporated," 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.

Authority: Public Resources Code Sections 21083 and 21087
 Reference: Public Resources Code Sections 21080(c), 21080 (, 21080.3, 21082.1, 21083, 31083.3, 21093, 21094, 21151;
Sundstrom v. County of Mendocino, 202 Cal. App. 3d 296 (1988); *Leonoff v. Monterey Board of Supervisors*, 222 Cal. App. 3d 1337 (1990).

V. OTHER RESPONSIBLE AND TRUSTEE AGENCIES WHOSE APPROVAL IS REQUIRED

California Department of Fish and Game Local Agency Formation Commission (LAFCo)

39

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

VI. DETERMINATION (to be completed by the Lead Agency)

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.

VII. ENVIRONMENTAL REVIEW COMMITTEE (Persons/Departments Consulted):

Planning Department, Michael Wells, Chairperson
 Engineering and Surveying Department, Rebecca Maddex
 Environmental Health Services, Grant Miller
 Air Pollution Control District, Brent Backus

Signature: Michael Wells
 ENVIRONMENTAL REVIEW COMMITTEE CHAIRPERSON

18 DEC 06
 Date

Staff report due 11/14/06



PLACER COUNTY PLANNING DEPARTMENT

AUBURN OFFICE
3091 County Center Dr
Auburn, CA 95603
530-886-3000/FAX 530-886-3080
Web page: www.placer.ca.gov/planning

TABOE OFFICE
565 W. Lake Blvd./P. O. Box 1909
Tahoe City CA 96145
530-581-6280/FAX 530-581-6282
E-Mail: planning@placer.ca.gov

Reserved for Date Stamp

RECEIVED
OCT 23 2006

PLANNING APPEALS

PLANNING DEPT.

The specific regulations regarding appeal procedures may be found in the Placer County Code, Chapters 16 (Subdivision), 17 (Planning and Zoning), and 18 (Environmental Review Ordinance).

OFFICE USE ONLY

Last Day to Appeal 10/23/06 (5 pm)
Letter [checked]
Oral Testimony [checked]
Zoning LDR PD=10
Maps: 7-full size and 1 reduced for Planning Commission items

Appeal Fee \$ 405
Date Appeal Filed 10/20/06
Receipt # 010-33094
Received by ALK
Geographic Area EAST

TO BE COMPLETED BY THE APPLICANT

1. Project name BURKE/THREE CHIEFS VARIANCE (PVA 2004-0468)
2. Appellant(s) SQUAW VALLEY SKI CORPORATION (530) 581-7162 (530) 581-7106
Address P O Box 2007 Olympic Valley, CA 96146
Assessor's Parcel Number(s): 96-030-043

4. Application being appealed (check all those that apply):
Administrative Approval (AA-)
Use Permit (CUP/MUP-)
Parcel Map (P-)
General Plan Amendment (GPA-)
Specific Plan (SPA-)
[X] Planning Director Interpretation Density Requirement
Minor Boundary Line Adj. (MBR-)
Tentative Map (SUB-)
[X] Variance (VAA- PVA 2004-0468)
Design Review (DSA-)
Rezoning (REA-)
Rafting Permit (RPA-)
Env. Review (EIAQ-)
Other:

5. Whose decision is being appealed: Placer County Planning Commission
6. Appeal to be heard by: Placer County Board of Supervisors
7. Reason for appeal (attach additional sheet if necessary and be specific):
see letter of August 17, 2006 and attachments

(If you are appealing a project condition only, please state the condition number)

Note: Applicants may be required to submit additional project plans/maps.

Signature of Appellant(s)

[Handwritten Signature]

PAUL. R. MINASIAN on behalf of SQUAW VALLEY SKI CORP

Planner: Mike Wals
ESD - Phil Frantz
EH - Dana Winyinger
APDC - Brent Backus
Parks - Vance Kumbrell
Building Dept.
6/6/06 / county council minutes

PLACER COUNTY ZONING ORDINANCE SECTION 17.60.110

Rulings made by the below are considered by the Planning Commission:

Planning Director (interpretations)

Zoning Administrator

Design/Site Review Committee

Parcel Review Committee - other than road improvements which should be appealed to the Director of Public Works

Environmental Review Committee

Rulings made by the Planning Commission are appealed directly to the Board of Supervisors.

Rulings made by the Development Review Committee are appealed to the hearing body having original jurisdiction

Note: An appeal must be filed within 10 calendar days of the date of the decision. Appeals filed more than 10 days after the decision shall not be accepted by the Planning Department.

For exact specifications on an appeal, please refer to Section 17.60.110 of the Placer County Code.



PLACER COUNTY PLANNING DEPARTMENT

Reserved for Date Stamp

AUBURN OFFICE
 3091 County Center Dr
 Auburn, CA 95603
 530-745-3000/FAX 530-745-3080
 Web page: www.placer.ca.gov/planning

TAHOE OFFICE
 565 W. Lake Blvd./P. O. Box 1909
 Tahoe City CA 96145
 530-581-6280/FAX 530-581-6282
 E-Mail : planning@placer.ca.gov

PLANNING APPEALS

The specific regulations regarding appeal procedures may be found in the Placer County Code, Chapters 16 (Subdivision), 17 (Planning and Zoning), and 18 (Environmental Review Ordinance).

---OFFICE USE ONLY---

Last Day to Appeal 10/23/06 (\$ pm)
 Letter _____
 Oral Testimony
 Zoning LDR PD-10
 Maps: 7-full size and 1 reduced for Planning Commission items

Appeal Fee \$ 465
 Date Appeal Filed 10/20/06
 Receipt # 016-33098
 Received by AK
 Geographic Area EAST

---TO BE COMPLETED BY THE APPLICANT---

- Project name Robert Burke/Three Chiefs
- Appellant(s) Squaw Valley Ski Corp/Tom Kelly 386 2533 581 7152
 Telephone Number _____ Fax Number _____
 Address P O Box 2007 Olympic Valley, CA 96146
 City _____ State _____ Zip Code _____
- Assessor's Parcel Number(s): 096-030-043
- Application being appealed (check all those that apply):

| | |
|--|--|
| <input type="checkbox"/> Administrative Approval (AA-_____) | <input type="checkbox"/> Tentative Map (SUB-_____) |
| <input type="checkbox"/> Use Permit (CUP/MUP-_____) | <input checked="" type="checkbox"/> Variance (VAA-_____) |
| <input type="checkbox"/> Parcel Map (P-_____) | <input type="checkbox"/> Design Review (DSA-_____) |
| <input type="checkbox"/> General Plan Amendment (GPA-_____) | <input type="checkbox"/> Rezoning (REA-_____) |
| <input type="checkbox"/> Specific Plan (SPA-_____) | <input type="checkbox"/> Rafting Permit (RPA-_____) |
| <input type="checkbox"/> Planning Director Interpretation _____ (date) | <input type="checkbox"/> Env. Review (EIAQ-_____) |
| <input type="checkbox"/> Minor Boundary Line Adj. (MBR-_____) | <input type="checkbox"/> Other: _____ |
- Whose decision is being appealed: Planning Commission
(see reverse)
- Appeal to be heard by: Board of Supervisors
(see reverse)
- Reason for appeal (attach additional sheet if necessary and be specific):
Please see attached letter

(If you are appealing a project condition only, please state the condition number)

Note: Applicants may be required to submit additional project plans/maps.

Signature of Appellant(s) _____

Tom Kelly

**MINASIAN, SPRUANCE,
MEITH, SOARES &
SEXTON, LLP**

ATTORNEYS AT LAW
A Partnership Including Professional Corporations

1681 BIRD STREET
P.O. BOX 1679
OROVILLE, CALIFORNIA 95965-1679

Writer's email: pminasian@minasianlaw.com

PAUL R. MINASIAN, INC.
JEFFREY A. MEITH
M. ANTHONY SOARES
MICHAEL V. SEXTON
DAVID J. STEFFENSON

TELEPHONE:
(530) 533-2885

FACSIMILE:
(530) 533-0197

WILLIAM H. SPRUANCE,
Of Counsel

October 16, 2006

R E C E I V E D
OCT 17 2006

PLANNING DEPT.

PLACER COUNTY PLANNING COMMISSION
11414 "B" Avenue
Auburn, California 95603

Re: BURKE/THREE CHIEFS VARIANCE (PVAA 2004-0468)

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that the SQUAW VALLEY SKI CORPORATION does hereby appeal the following determinations by the Placer County Planning Commission:

1. The certification and approval of a Mitigated Negative Declaration for the Project known as the "Burke/Three Chiefs Variance (PVAA 2004-0468); and,
2. The purported Prior Approval of Variance 3724, a parking variance, which is a part of the proposed Project, and of variances from the stream setback requirement to reduce the setback from 100' to 55', and a front property setback requirement of 20' to 5' from the property line and a distance of approximately 2.5' from the caves.

Enclosed is a check in the amount of \$465 which we believe to be your appeal fee.

Very truly yours,

MINASIAN, SPRUANCE,
MEITH, SOARES & SEXTON, LLP

By:


PAUL R. MINASIAN

PRM:df
Enclosure
cc: Clients
S:\Denise\SQUAW\Notice of Appeal - 3 Chiefs-Burke.wpd

MINASIAN, SPRUANCE,
MEITH, SOARES &
SEXTON, LLP

ATTORNEYS AT LAW
A Partnership Including Professional Corporations

1681 BIRD STREET
P.O. BOX 1679
OROVILLE, CALIFORNIA 95965-1679

PAUL R. MINASIAN, INC
JEFFREY A. MEITH
M. ANTHONY SOARES
MICHAEL V. SEXTON
DAVID J. STEFFENSON

WILLIAM H. SPRUANCE,
Of Counsel

TELEPHONE:
(530) 533-2885

FACSIMILE:
(530) 533-0197

RECEIVED
OCT 23 2006

PLANNING DEPT.

August 17, 2006

Placer County Planning Commission
11414 "B" Avenue
Auburn, California 95603

Via facsimile and mail (530) 886-3080

Re: Appeal – Variances for Burke/Three Chiefs Development

Ladies and Gentlemen:

Following is a discussion of the Appeal of the determination that no EIR is required for this Project and the determination that the variances from set back requirements and parking requirements requested for the Three Chiefs development in Squaw Valley should be granted¹:

Summary of Issues

1. A full EIR is required because there are significant impacts to the environment which have not been addressed or mitigated. Attachment 1.
2. The process of granting a parking variance, then considering granting further variances without one unified environmental document is an impermissible splitting of CEQA Projects. Granting a parking variance based upon a categorical exemption of minor land alterations, then purporting to grant variances from the 100-foot creek setback requirement (allowing a massive construction project within 55 feet of Squaw Creek on a steep slope) and a variance from the 20-foot front setback requirement (placing the house within 5 feet and overhangs and walkways actually on the edge of the ski slope) in order to allow construction of a 4,550 square foot, three story house on a 6,100 foot parcel as a separate project without unified environmental impact consideration clearly violates the law. Attachment 1.
3. The Zoning requirement (Section 242.24) provides for a density of 10 bedrooms per acre. This applicant proposes 3 bedrooms but the parcel is only 6,100 square feet. $6,100 \div 43,560 \text{ sq ft} = 0.14$ or 14% of an acre. Thus, this parcel is entitled to 1.4 bedrooms (14% of 10

¹ In each case, the Attachment provides the supporting information or evidence for the Summary.

bedrooms). A copy of the density requirements request is attached. No variance for a larger number of bedrooms has been applied for and no exception is applicable because this parcel was not created by a subdivision map or parcel map. If the Applicant is proposing to add the square footage of the Webber parcel and the four foot wide access way to obtain the square footage to meet the density requirement, the properties must first be merged into one parcel and all development rights on Webber's parcel must be relinquished. This has not been done. Even with that merger, three bedrooms cannot comply with the density zoning requirements. If an EIR had been required, all environmental impacts on the project, including a wholesale ignoring of density requirements, would have been considered. Attachment 2.1.

4. An EIR must be prepared and consider alternatives and mitigation measures for the following impacts:

- A. Pedestrians trying to cross this busy ski slope dragging their luggage behind them are going to be hit and injured by fast-moving skiers. They, in turn, will injure skiers by attempting to use the four-foot wide pedestrian access way because the sight distance is blocked by the planned mansion. For the whole of the winter, any repair or replacement of heating, plumbing or disposal of garbage must occur by hand hauling large items of equipment across a busy ski slope on this four foot strip. The Applicants themselves impliedly admit the risk when they proposed an underground passage. If an EIR had been prepared and there was a basis for overriding consideration finding, this construction could move forward. There is no basis for approval declaring this is not a significant impact. Attachment 2.2.
- B. There is no right to build a second roadway for summer access across Ski Corporation property. There is a right to only one summer use road which is already in existence to the Webber property. Therefore, the existing roadway to the Webber parcel is the only road access, and the proposal of the Applicant to grade and construct a second massive road across Squaw Valley Development Company property is an improper project description. To extend the existing road on a 40 degree slope from the Webber parcel to the Applicant's parcel is a different CEQA project than the one examined under this Application, and has significant sedimentation impacts to Squaw Creek. Attachment 3.
- C. Squaw Valley Ski Corporation holds a recorded easement for an underground existing 8" water main line from its upstream reservoir to the valley floor through the Webber property and the Three Chiefs property granted in 1962. The Applicant's project description proposes to ignore the easement for a water line and build a home over it, a use not legally permitted. The same instrument grants to SVDC a right to come upon the Webber and Three Chiefs property "to construct and maintain an aerial tramway" and provides that the tramway shall not be over buildings. The applicants' building will prevent access to construct and maintain the funitel and the new building would lie directly under it within the

easement. The project description is therefore incorrect since these acts may not legally be done. Attachment 4.

- D. The surrounding homes are less than 1/2 the size of the footprint of this proposed mansion. If CEQA had lawfully been complied with, the plan that would avoid significant impacts from the parking problem, reduce the pedestrian access and skier risk problem, eliminate the sight distance problem, and avoid the need for setback variances from Squaw Creek, thus protecting water quality by moving construction disturbance off of the steep slope, would be a much smaller residence or apartment with fewer impacts as an alternative required to be considered. Attachment 5.
- E. The Granite Chief Road paved surface occupies a large part of the area proposed to be used to park 4 private vehicles. This means that a massive construction and excavation project to relocate the curve and rebuild Granite Chief Road to allow a safe grade and vehicle clearance will be required. These impacts were never considered and must be examined. The residents of the Granite Chief Subdivision have a prescriptive easement to utilize the area proposed to be parked upon as a traveled roadway by the Applicant. No feasible snow storage area for these parking places exists. Attachment 6.
- F. Approval of the exterior design of this building by the Granite Chief Homeowners' Association is required before this Commission acts. This includes its site, size and the proposed setbacks. Attachment 7. No CEQA process should be conducted until Homeowner Association approval has been granted.

2. Not every parcel has a right to be built upon. There is substantial question as to whether this parcel was lawfully created as a separate parcel from Webbers'. The EIR process requires that the Planning Commission stop ignoring legal requirements to allow yet another developer to have his profit.

3. The Squaw Valley Municipal Advisory Commission and the Squaw Valley Fire Department each recommended disapproval of this Project and of the Parking and Setback Variances. This Commission should not ignore the numerous legal and factual deficiencies with this Project because Squaw Valley Development Company joins the Municipal Advisory Commission and Fire Department. Attachment 8.

Conclusion:

- 1. The appeal should be granted, and a full EIR should be prepared including the whole project which includes the parking, the building, and the impacts of each proposed variance and peculiarity of this site.

2. If the landowner wishes to challenge the right of the Granite Chief landowners to drive vehicles upon and use as a traveled roadway the paved portion of the road located in the proposed parking area, the Applicant should file a quiet title action and declaratory relief action to confirm the Applicant's right to require that the Granite Chief curve be rebuilt to the North and the duty of the Granite Chief homeowners to pay for that relocation. The Applicant should take these actions before preparing its EIR so that the full scope of its "project" is established.
3. If the Applicant truly believes it can built a home atop a water line and easement granted by its predecessor to the Squaw Valley Development Company, it can file an action against SVDC to confirm that and to confirm how much open space is required to be left on its land to repair and reconstruct that line and how it would be reconstructed in proximity to the dwelling. The Applicant can also determine if the easement for the funitel permits blocking maintenance and construction access with a mansion.
4. If the Applicant believes that it can construct a second road, simultaneously, it can file a declaratory relief action to resolve this issue with SVDC before it prepares its EIR so that the Commission is not considering elements of a Project that cannot be built.
5. When the Applicant has in fact determined what a legally permissible "project" is, it can then prepare a proper EIR and apply for any and all variances that are in fact necessary and perform any mergers of parcels necessary to comply with density requirements or parking requirements.

The enclosed exhibits and appendices support each of the presentations on the requirements of CEQA, the significant impacts that must be examined and considered in an EIR, and the lack of rights to utilize and occupy the real property in the manner proposed by the Applicant.

Very truly yours,

**MINASIAN, SPRUANCE,
MEITH, SOARES & SEXTON, LLP**

By: 
PAUL R. MINASIAN
On behalf of Squaw Valley Ski Corporation

ATTACHMENT 1

I. The "Project" to be examined under CEQA is the whole of the action. It is unlawful to separate and divide a "Project" so that several approvals are sought without examining the environmental impacts of the whole of the action. Separation of the variance in regard to parking from the consideration of the variances in regard to residential use is a violation of CEQA.

It is impermissible to divide consideration of the whole of an action by attempting to treat an undertaking as separate "Projects". *CEQA Guidelines*, section 15063 states:

In keeping with this principle, if a project requires multiple discretionary governmental approvals, then the environmental analysis for the first discrete approval must analyze the impacts of the entire project, and not merely the particular approval at issue. (*CEQA Guidelines*, Remy & Thomas, p.234; *Citizens Association for Sensible Development of Bishop Area v. County of Inyo* (1985) 172 Cal. App. 3d 151, 165-166)

The Initial Study includes a Project Description that mentions only the house, its proposed exemptions from set back requirements and mentions nothing about the obvious environmental impacts due to access by pedestrians from the area where vehicles are proposed to be parked or vehicle parking as part of the Project. (Initial Study, p. 1) In the Land Use Planning section of the study, the author of the study explains why the impacts of vehicle parking and pedestrian access from that area do not need to be examined and states that vehicle parking and access have already been decided by this Commission. (Initial Study, p. 2 " The total number of bedrooms permitted on this parcel, as well as the adjoining parcel to the west, were established by a previously approved variance (VAA3724) that allowed for offsite parking.")

This is not in compliance with CEQA for two reasons: First, CEQA does not permit deciding the number of bedrooms or whether vehicles may be parked in a certain area to allow a residence to be constructed ahead of examining and describing all significant environmental impacts of the whole of the Project; and second, the parking variance did not exist as of January 2006. No variance from the density requirement of 10 bedrooms/acre has ever been ruled upon. The CEQA Supplement admits that the variance for parking had lapsed by its own terms at the time that the CEQA process for the home and the Initial Study were prepared. "The variance was approved for a two-year period expiring, January 2005." (CEQA Supplement, p. 2)

The zoning administrator approved a one-year extension of time for the parking variance. The variance approval has been extended to January 2006. The applicant will apply for an extension of time if this becomes necessary." (CEQA Supplement, p. 2)

The parking variance was never subject to the CEQA process. A Categorical Exemption from the CEQA process was claimed. The author of the CEQA examination in this instance finds no potentially significant environmental impacts from parking cars in front of and adjacent to a fire hydrant and blocking Granite Chief Road (see Attachment 6 hereto) without abiding by the requirement that all parts of the car be off of the public right of way because absolutely no examination of the parking plan is included. The proper baseline for a CEQA study is the condition at the time that the environmental study is commenced. (*CEQA Guidelines*, §15125; *Christward Ministry v. Superior Court* (1986) 184 Cal. App. 3d 180, 186)

At the time this study was commenced, the parking variance had lapsed by its own terms, and, in any case, no CEQA analysis of the Project as a whole had occurred at the time of this application.

Conclusion: The Project Description in this CEQA study upon which the recommendation for a negative declaration is based is incomplete. The whole of the Project must be examined, including the proposed parking, in such a fashion that fire hydrants are blocked and the prohibition that vehicles be at least five (5) feet from the edge of a traveled right of way and off of the traveled right of way when parked. There is insufficient space to meet each of these requirements. As discussed in Attachment 6 hereto, the parking area is part of the traveled way of Granite Chief Road. The "Project" of the Applicant, in fact, to provide parking will require rebuilding the curve on Granite Chief Road and moving it approximately 15 feet north. CEQA must examine these impacts.

II. The Applicant assumes in describing its "Project", that it has a right to construct a second, separate "summer" road. This is not the case. The Project can only use the existing summer road through the Weber property. Because significant environmental impacts will arise from attempting to construct a road on 40-degree slopes on the Weber property, the environmental impacts to sedimentation and the environment must be quantified in an EIR and an Overriding Consideration Finding must be approved if this Project is to be advanced.

The Applicant proposes to build a new road across the ski slope parallel to the summer road constructed to the Weber property. The Applicant does not have a right to a separate road. The Deed from Squaw Valley Development Company to Margaret Cross recorded in the Official Records of Placer County in Vol. 683, Page 514 on September 6, 1955, was for one parcel of property. (See Attachment 3) The divisions of property which occurred subsequently, apparently without proof of vehicular access or proximity to streets and emergency vehicles and perhaps in violation of Placer County ordinances, do not expand the right of summer road access. The

Deed states: "Grantor grants to Grantee easements across the above-described property for the construction of a summer road." (emphasis added) Note that there is no provision for more than one road. The summer road was constructed and has existed for many years, and it leads to the Weber property. Once it enters the Weber property, it may be extended to the Three Chiefs' property, but there is no legal right of access to grade upon Squaw Valley Development Company ski slopes.

CEQA requires that significant environmental impacts be fully examined and quantified. The engineer for the Applicant states in its letter of May 1, 2006: "The proposed project only includes the construction of a new summer road". The engineer rules out the alternatives of hand-carrying supplies across the 4-foot pedestrian easement area and states in regard to connecting through Mr. Webber's property to the existing summer road: "Utilizing the existing road would require disturbance of slopes of 40 percent from the Weber parcel to the Three Chiefs' parcel. . ." and does not quantify the environmental impacts from that alternative presumably because they are significant and would require a full EIR.

The CEQA process undertaken is insufficient because the Project Description must be accurate and legally achievable. CEQA Guidelines, section 15124: "An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR". (*County of Inyo v. City of Los Angeles* (1977) 71 Cal. App. 3d 185, 193). Here, the Project Description assumes that a separate road may be constructed with massive cuts on Squaw Valley Development Property when it cannot be. The Initial Study does not examine the environmental impacts of extending the existing road on 40 degree slopes and attempting to maintain such a road forever, without sedimentation of Squaw Creek, within the 100-foot setback area from Squaw Creek. Obviously, the impacts would be

significant, cannot be mitigated fully and require an Overriding Consideration Finding after a full EIR if the Project is to be approved.

III. Whether treated as an impermissible segmenting of a project into separate, smaller projects or as a failure to properly analyze the baseline for determining significant environmental impacts, the treatment of the parking variance as already determined and without examination of the environmental impacts is unlawful.

Placer County issued a variance to the Project proponents for parking based upon a categorical exemption, without examination of any impacts, much less the combined impacts of permitting the construction of a residence across a ski slope which can only be assessed by the vehicle occupants walking down a steep slope, then traversing on foot across the ski slope in a 4-foot wide area and then up a substantial grade. Thus, the impacts of parking, together with the impacts of the total use planned, were never examined, including the fact that the parking is to occur at a site on a curve of Granite Chief Road immediately adjacent to a fire hydrant in an area currently used as a roadway without any feasible snow disposal area to maintain the parking spaces and requiring Granite Chief Road to be moved to the north and evacuation of a hillside. (See Attachment 6)

The Applicant has now submitted an Initial Study which assumes that the Project does not include the parking or pedestrian arrangements since those issues were resolved by granting of the variance, the conditions of which have not been performed. CEQA does not permit this type of evasion of its requirements. "The agency must consider all phases of project planning, implementation and operation." (*CEQA Guidelines*, §15063(a)(1)) In *City of Antioch v. City Council of Pittsburgh* (1986) 187 Cal. App. 3d 1325, 1336, a road and sewer line were proposed to

be constructed by Pittsburgh. No specific land development was proposed. The Court required that the CEQA examination include both the original undertaking and the ultimate development even though many alternatives were possible, stating: "In sum, our decision in this case arises out of the realization that the sole reason to construct the road and sewer project is to provide a catalyst for further development in the immediate area." (*Id.* at p. 1337). In *Bozung v. LAFCO* (1975) 13 Cal. 3d 263, 283-284 the Court similarly expressed the requirement.

... the mandate of CEQA that environmental considerations do not become submerged by chopping a large project into many little ones — each with a minimal potential impact on the environment — which ultimately may have disastrous consequences. (*Ibid* at p. 283-284)

The Initial Study and proposed Mitigated Negative Declaration also do not consider any of the impacts arising from having parking in a remote location where pedestrians must cross a busy ski hill on foot with limited sight distance and with their suitcases and groceries. These impacts have never been considered because the County purported to adopt a Categorical Exemption for the parking variance and now purports to exclude the parking and access to the site from examination as to whether there are significant environmental impacts because "the parking has already been approved". There is no authority for treating this aspect of the development as excluded from environmental impact examination. Substantial evidence exists that the development of the remote parking location in a narrow strip of land with no reasonable means of snow disposal and with only pedestrian access to the homesite across a busy ski slope with fast moving skiers and limited sight distance for the skiers and pedestrians will result in significant environmental impacts. A full EIR, including the alternative of a different development or no development at all must be considered and the environmental impacts quantified and examined of the alternatives.

An EIR is required if substantial evidence in the record supports that significant environmental impacts may occur. (*Friends of B Street v. City of Hayward* (1980) 202 Cal. App. 3d 296, 304). Look at the photos showing the pedestrian easement location (Attachment 2.2). Look at the speed with which skiers will be proceeding down the slope when pedestrians dragging their goods proceed out onto this slope. Look at the restrictions in sight distance posed to skiers approaching this turn from behind the building of this massive size (Attachment 2.2) and read the Report of Mr. Heywood, the snow safety expert (Attachment 2.2), in regard to the dangers to skiers and pedestrians alike from this development and its intrusion into the usual set back areas. Look at the slope of this lot and its proximity to Squaw Creek and ask how exactly the excavation of foundations is going to be accomplished without disturbing soil that will runoff into Squaw Creek for decades (Attachment 2.2). Look at the contours on the Weber property where a vehicular road will have to be built and maintained for summer use on a 40 degree slope because there is no easement to construct on Ski Corp property any second road (Attachment 2.2). These are the "fair arguments" of significant environmental impacts which require the preparation of a full EIR.

ATTACHMENT 2.1

The General Plan and Zoning requirements are very clear. A density of 10 bedrooms per acre is provided. No variance has been applied for, nor could grounds for granting it be provided. All other lot owners within the Granite Chief area are required to comply with this density requirement. This development has sufficient lot area for one (1) bedroom. If all other areas were merged, and Mr. Webber gave up all rights to construct upon his parcel, still less than 1/4 acre would exist - justifying two (2) bedrooms. The General Plan and Zoning Section 242.24 is attached.

242.12 - Permitted Accessory Uses and Structures: Uses and structures which are customarily accessory and clearly incidental to permitted principle uses and structures shall be permitted in this district, subject to the general restrictions on principle uses and structures.

242.14 - Planned Unit Development: The standards contained in Chapter 30, Subchapter 10, Section 1000 of the Placer County Zoning Ordinance shall apply in this district except where the requirements noted herein are more restrictive.

242.24 - Density Factor (Land Use Intensity): The land use intensity of this district shall not exceed the density factor, expressed in bedrooms per acre, shown on the plan map. The maximum density used in the Low-Density Residential District in the Squaw Valley General Plan shall not exceed 10 bedrooms per acre. The density factor shall not apply to residential subdivision lots legally created prior to January 1, 1983.

242.26 - Parking Requirements: Parking spaces shall be provided in this district at the ratio of 3/4 space per bedroom. Such parking required to meet the requirements of this ordinance must be located on the building site, not within County road rights-of way.

242.30 - Minimum Lot Area: The minimum permissible lot area within this Land Use District shall be 10,000 square feet.

Section 246 - High-Density Residential: In creating this district it is the intent of the County to provide for a variety of residential development relying on the planned unit development concept to create desirable living environments. The majority of residential construction outside of the "Village-Commercial" areas is expected to take place in this district. This district allows the greatest flexibility in the design of residential projects.

The Planned Unit Development concept is required as a means of minimizing the geographic area affected by development activity and in order to reduce adverse impacts related to vegetation removal, erosion, and reduction of wildlife habitat.

ATTACHMENT 2.2

1. The only access to this property during the snow fall periods will be by pedestrian access, walking in a 4-foot wide area downhill from the edge of Granite Chief Road, then in a 4-foot wide pedestrian access easement directly across a ski slope where skiers are attempting to maintain their speed to cross a flat area, then climbing in a 4 to 5 foot side easement up a hill. The access is shown on the attached photos.

2. Squaw Valley submitted the report of Larry Heywood, an experienced ski safety expert. A copy of that report is attached. The planning department has no oral or written evidence to contradict that this proposed usage and this sole means of access is dangerous to both the pedestrians and skiers and will result in potentially severe injuries, nor has the Applicant provided any contrary evidence that this is safe. Nevertheless, no EIR is required and no mitigation measures to bring the risk of injury to below significance. This record will speak to a court that the County was willing to totally ignore significant risks to public health and didn't even attempt to provide a record of why that risk would not exist or could not be mitigated by requiring an EIR. Hold harmless and indemnity agreements should not be relied upon by the County. The owner of the home will charge, and its insurer may well argue, that such an agreement is such a blatant violation of public policy that the agreement is void.

3. Understand, no snowmobiles or snow cats will be able to access this proposed mansion. All garbage will have to be dragged across this ski slope. If a heater or refrigerator breaks, it will have to be wrestled across this 4-foot pedestrian easement. There is simply no substantial evidence to justify a Negative Declaration.

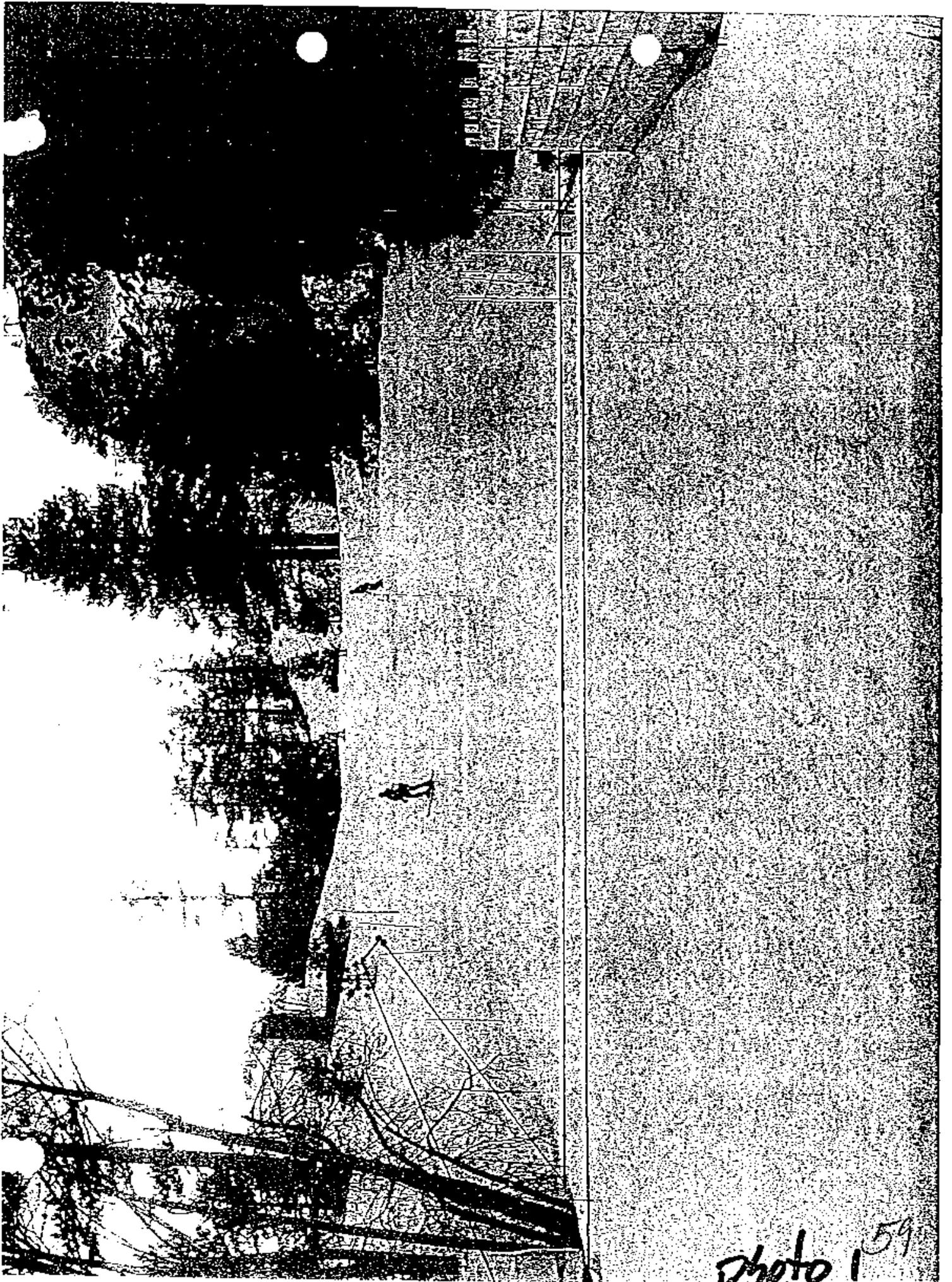


photo 159



photo 2⁶⁰



20° slope

15° slope

photo 3
Lot



15° slope

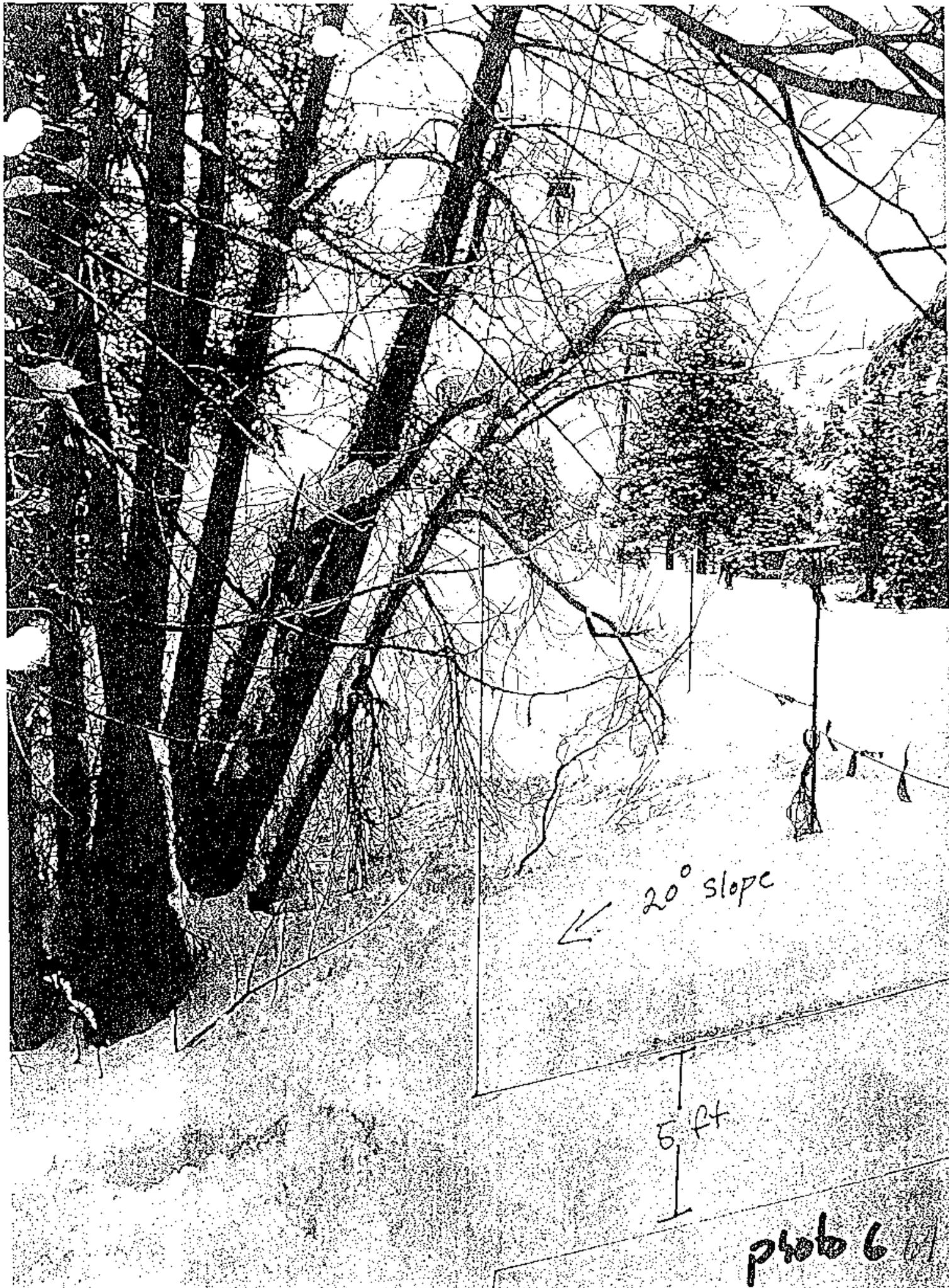
photo 4 62



25°
slope

5 ft

photo 5 13



LARRY HEYWOOD
SNOW & SKI SAFETY CONSULTANT
P.O. BOX 222
610 PARK AVE
HOMEWOOD, CA. 96141
Tel & Fax 530-525-1077
Email larryheywood@sbcglobal.net

February 12, 2006

Michael Gross
Director of Safety and Risk Management
Squaw Valley USA
P.O. Box 2007
Olympic Valley, CA 96151

RE: Safety Considerations for Three Chiefs Project

Dear Mr. Gross

As requested, I am providing the following comments on the proposed Three Chiefs Project. The proposed Project includes the construction of a large residence adjacent to a heavily used ski trail at the Squaw Valley Ski Area. I understand that the owner of the property has applied for a variance from Placer County that will allow the residence to be built five feet from the property line. Access to the residence will be from a parking site located off of Granite Chief Way. From the parking site users of the residence will be required to descend a relatively steep (15 to 20 degree) and narrow (five foot) strip of property along the left edge of the ski trail for approximately 150 feet in length, then make a sharp 90 degree right hand turn and cross approximately 60 feet of the 12 degree slope which is the Squaw Valley's Tower 10 ski trail. It is my understanding that the five foot strip is the only winter access to the property and the owner has proposed the use of snowmobiles and foot travel to access the property from this five foot strip. You have asked me to evaluate and comment on the safety issues this project if built as proposed will present to the guests of Squaw Valley skiing on the trail as well as the safety issues of the users of the residences as they negotiate the five foot wide access strip.

The project as proposed presents three distinct safety hazards for the skiers using the Tower 10 Trail. The first is the presence of the house in close proximity to a high traffic high speed ski trail. The second is the changes the structure will create in snow deposition patterns and the large tree well type depression that will be formed around the structure. The third is the hazards associated with the users of the residence crossing the trail on the five foot access strip either on foot or snowmobile. All of these issues will adversely affect the skiers using the trail and will create significant hazards for these users.

Safety Hazards Due To Residence Location

The Tower 10 Trail provides one of the main accesses off of the ski area and into the ski area base area. The trail is heavily used by skiers of all abilities and given its pitch and proximity to the base area many skiers descend it a considerable speeds. The configuration of the trail above the Three Chief Project requires skiers to make a right turn over a blind rollover as they approach the site of the proposed residence and access strip. As a result the proposed residence site as well as the access strip are not visible to skiers as they descend until are within a relatively short distance. Based upon my observations skiers descending the trail may be traveling at speed over

65

30 miles an hour with many traveling in excess of 20 mph. At a speed of 30 mph a skier travels 44 feet a second and at 20 mph travels 29 feet a second. Skiers traveling at these speeds have little time to react to unexpected developments.

The proposed location of the structure only five feet from the property line is in an area already frequently skied by skiers. With placement of the structure in this location the structure will be too close to leave any margin of safety for skiers who may fall and slide toward the structure or momentarily lose control. Skiers frequently fall and slide significant distance particularly on firm snow and when traveling at high speeds. It certainly can be anticipated that skiers either skiing along the right side of the trail or approaching the right side and making a left turn will fall and slide in the direction of the structure. Similarly skiers who momentarily lose control will not have sufficient space or time to recover. It is imperative given the possibility of serious injury in the event of a collision with the structure that any structure built in the area be located as far as possible from the edge of the trail.

The construction of any structure in heavy snow fall areas like Squaw Valley will change the snow deposition and snow melt pattern in the immediate area of the structure. The proposed structure will at a minimum result in the creation of a large well (i.e. tree well) around the structure. This will extend some distance beyond the structure and most likely out onto Squaw Valley Ski Corporation property. The presence of this well will create an additional hazard for skiers. Should a skier fall in the vicinity of the well, its slope will direct the falling – sliding skier toward the structure with a resulting collision and the possibility of serious injury.

Safety Hazards from Accessing the Residence

The proposal for the users of the residence to access the house within the five foot access strip presents a number of hazards. First and foremost are the problems and risks associated with crossing a heavily used high speed ski trail. Given the blind approach for skiers descending into the proposed access strip across the trail any person crossing the trail will be at significant risk of being hit by descending skiers. Additionally, given the heavy traffic on the trail and the speed of skiers it will be difficult, at times, for persons crossing the trail to do so without avoiding a collision with descending skiers. Collisions between skiers result in some of the worst injuries seen at ski areas. Persons attempting to cross the trail in the five foot access strip will be exposed to this significant risk and at the same time present a similar risk to the skiers. For this reason ski areas do not allow foot traffic on ski slopes.

I understand the owner of the proposed residence has suggested the option of utilizing snowmobiles to access the residences using the five foot access strip. This proposal is completely unworkable and would create a significant and unacceptable risk to both the operators of the snowmobile as well as skiers using the trail. Given the slope angle and width of the access strip from the parking site and down along the left side of the trail it will not be physically possible to maneuver a snowmobile. The access strip along the left edge of the trail has a slope angle of up to 20 degrees in sections with a significant side hill slope. Although in some situations it may be possible to negotiate a snowmobile down a slope with this configuration given the narrow five foot width and the sharp right hand turn at the bottom to cross the slope not even expert snowmobile riders could negotiate this area and stay within the five foot access strip. It is likely that less experienced riders would be either unable to stop at the turn and run out onto the trail or possibly end up in the creek or be pulled off the left by the side hill slope. Additionally even persons on foot attempting to negotiate the access strip will have difficulties and in some snow

conditions to attempt it would be very dangerous and present the likely possibility of serious injury.

The proposal to use snowmobiles to access the residence and cross the ski trail will create an extreme hazard to the skiers using the trail. In the past few years there have been an alarming number of skier – snowmobile collisions which have resulted in fatalities and very serious injuries. In response to this trend Squaw Valley and ski areas across the country have implemented snowmobile safety programs. At the core of all of these programs is the effort to decrease snowmobile traffic in ski areas to an absolute minimum. Allowing inexperienced snowmobile users outside of the ski areas control to use snowmobiles to travel across open ski trails would present a risk that is unacceptable.

It can be assumed that the users of the residence will attempt to access the residence after ski area operating hours and after day light hours. This prospect presents additional safety issues that can not be resolved. Persons either on foot or snowmobiles crossing the trail without the knowledge of the ski area staff would be exposed to numous hazards associated with ski trail maintenance. This would most certainly present an unworkable situation and an unacceptable risk.

I hope this report provide the information you need. Please contact me if you have any questions.

Respect fully submitted

Larry Heywood

ATTACHMENT 3

1. The Applicant proposes to grade and build an extensive "summer" road on Squaw Valley Development Company (SVDC) property to provide for the construction of the proposed mansion. The property between Granite Chief Road and the Three Chiefs property and the Webber property is owned by SVDC. There is no right to build and maintain more than one summer road. That road already exists and is well established.

2. The Deed from SVDC to Cross in 1955 contains the following language: "Grantor grants to Grantee easements across the above described property for the construction of a summer road." Note that the reference to a "summer road" is singular. There is no grant of a right to build more than one road if by subsequent action more than one parcel is created out of the property deeded to Cross. Also note that the right is limited to the area described in Parcel E in the same instrument. See attached Deed SVDC to Cross

3. The summer road already exists to the Webber derelict home. The Applicant and Mr Webber can cooperate to provide for the extension of that road on the Webber parcel to proceed on the Webber property down the slope to connect with the Applicants parcel, but no new road or grading is authorized. This is not the "project" proposed in the application and of course will involve different building configurations and construction impacts none of which is examined in this environmental questionnaire or included and described in the "project." The Applicant should be sent back to revise its project and prepare an EIR.

RECEIVED

MAR 27 2006

APR 26 2006

ENVIRONMENTAL COORDINATION SERVICES

8175

683 PAGE 514
OFFICIAL RECORDS
RECORDED AT REQUEST OF
PLACER COUNTY TITLE CO
SEP 6 1955
25 MIN PAST 4 O'CLOCK P.M.
PLACER COUNTY, CALIFORNIA
8175

DEED
SQUAW VALLEY DEVELOPMENT CO. TO
MARGARET CROSS

STATE OF CALIFORNIA
COUNTY OF PLACER
KNOW ALL MEN BY THESE PRESENTS:

That, Squaw Valley Development Co., a Nevada Corporation, acting through its duly authorized officers in accordance with its by-laws, Grantor, for and in consideration of the sum of \$10,000.00, paid and to be paid by Margaret Cross of 111 Prospect Drive, Redlands, California; Grantee, does hereby transfer assign convey and deliver to Margaret Cross, grantee, expressly subject to the Vendor's liens, hereby retained, the following described property, being five acres more or less in Placer County, California, to wit:

Real property situate in Section 31, Township 16 North, Range 16 East, T.16.N. & E., Placer County, California, described as follows:

beginning at a point whence the Northeast corner of said Section 31 bears North 55°45'19" East a distance of 1374.11 feet; and running thence South 18°45'45" East 236.99 feet; thence South 9°43'30" East 247.42 feet; thence North 75°09'15" East 205.76 feet; thence South 18°45'45" East 2.15 feet; thence South 68°44' West 150.00 feet; thence South 68°40'30" West 58.35 feet; thence South 73°40' West 147.65 feet; thence South 13°52' West 94.55 feet; thence South 65°31' West 80.91 feet; thence South 7°33' East 254.25 feet; thence South 82°27' West 171.33 feet; thence North 7°33' West 254.25 feet; thence North 18°46' West 68.09 feet; thence North 9°13' East 410.85 feet; thence North 71°14' East 275.00 feet; thence North 18°45'45" West 118.10 feet; thence North 71°14' East 20.00 feet to the point of beginning.

Together with real property situate in section 31, Township 16 North, Range 16 East, T.16.N. & E., Placer County, California, described as follows:

beginning at a point whence the Northeast corner of the said section 31 bears North 32°36'55" East 1548.00 feet; and running thence South 33°49' West 65.34 feet; thence South 44°29' West 109.84 feet; thence South 35°21' East 59.70 feet; thence North 61°47' East 145.85 feet; thence North 18°45'45" West 100.00 feet to the point of beginning.

The total agreed consideration is the amount of \$10,000.00 paid and to be paid as follows: \$2,000.00 is to be paid by Grantee to Grantor at the time of this conveyance, the receipt of which is to be acknowledged; and an additional \$2,000.00 shall be paid on or before August 1, 1955. The balance of \$6,000.00 is to be paid on or before December 31, 1955. Said installment payments are evidenced by Vendor's liens promissory notes of even date herewith. Said notes providing for interest at 6% per annum after maturity.

Grantor expressly retains herein a Vendor's Lien to secure payment of all notes and obligations of Grantee hereunder, together with all rights and remedies incident to the holder of a Vendor's lien as provided by law, together with all rights of fore-closure. On the payment and the discharge of the Vendor's lien notes hereunder, Grantor will when requested execute and deliver to the Grantee or his assigns recordable instrument fully releasing all liens retained hereunder.

Grantor, for the consideration above recited, expressly covenants agrees and grants unto Grantee, his heirs and assigns, the following covenants which shall be covenants running with the land and shall remain fixed and binding obligations hereafter:

S&I RUN-OUT AREA: Parcel "E", being the land hereinafter described by meets and bounds is hereby permanently dedicated as a ski-run-out area and accordingly Grantor agrees that said land will be maintained in its natural state, that no trees or natural shrubs shall be cut or removed therefrom; that no structures or dwelling houses shall ever be erected thereon. Grantee shall have the right to use parcel "E" for access tile fields or effluent lines provided same are properly buried and maintained in accordance with customary sanitary practice. Grantor grants to Grantee easements across the above described property for the construction and maintenance of underground utilities such as gas, water, electricity, and telephone provided, however, that no overhead lines shall be allowed. Grantor grants to Grantee easements across the above described property for the construction of a summer road.

parcel "D":

Real property, situate in Section 31, Township 16 North, Range 16 East, M.D.S. & M., Placer County, California, described as follows:

beginning at a point whence the Northeast corner of the said Section 31 bears North 39° 48' 16" East 1517.19 feet; and running thence South 73° 40' West 147.65 feet; thence South 13° 57' West 94.56 feet; thence South 65° 31' West 80.91 feet; thence South 7° 33' East 325.00 feet; thence North 82° 27' East 173.67 feet; thence North 22° 15' East 296.63 feet; thence North 25° 21' West 59.70 feet; thence North 41° 19' East 109.69 feet; thence North 55° 49' East 65.34 feet; thence North 71° 14' 15" East 59.00 feet; thence North 18° 45' 45" East 87.98 feet; thence South 69° 44' West 150.00 feet; thence South 85° 40' 30" East 68.35 feet to the point of beginning.

WATER: Grantee is granted the right to obtain water for the use and development of said property and the others thereof in dwelling houses at the agreed sum of \$80.00 per year per each parcel which may be connected to and using said water, provided that Grantee shall pay all costs of connection with the pipe lines and reservoir owned by Grantor. Existing connection has been made near the shut-off valve by the ski run-out bridge. If this connection is not satisfactory for the development of the property the Grantee may at his own expense make additional connections anywhere along the pipeline where it is practical. Grantor shall not be required to furnish water during any period that the water system may be out of order or inadequate because of an act of God, or damage to the system.

EASEMENTS ACROSS LODGE PROPERTY: Grantor grants Grantee the right and easement to cross all the following described property owned by Grantor for the purpose of tying to, using and connecting with utility lines and facilities, and the right to cross said lands for the purpose of access for the property herein granted.

Being a portion of the North East Quarter of Section 51, Township 16, North Range 16 East, M.L.S. & M., more particularly described as follows:

beginning at a point from which the North East corner of said Section bears North 53 30'15" East, a distance of 1191 (one thousand one hundred ninety one) feet more or less; said point being the NE corner of said Parcel "A"; running thence South 18 45'45" East, a distance of 42.00 feet; thence North 89 30'00" East, a distance of 950.00 feet; thence North 0 30'00" West, a distance of 40.00 feet; thence South 89 30'00" West, a distance of 963.60 feet to the point of beginning.

Grantor agrees to warrant and defend the title to said land conveyed herein to Grantee, his heirs, and assigns, and warrants that said lands are free and clear of all liens and encumbrances save and except the Vendor's lien retained herein.

RESTRICTIONS: The following covenants shall be covenants running with the land and shall remain a fixed and binding obligation hereafter:

1. No buildings shall be erected other than family dwellings together with private garages.
2. The exterior design of all buildings shall be approved by Paul E. Avery.
3. No trees are to be cut down without written permission of Paul E. Avery.

All obligations and covenants hereunder shall remain expressly binding on the heirs, successors and assigns of the parties hereto, and shall accrue to the benefit of any person or persons owning or holding all or part of the property herein referred to, whether one or several.

EXECUTED AND DELIVERED THIS 14TH DAY OF MAY, 1955.

SIGNED:

Quas Valley Development Co. Alexander C. Cushing
President
John W. Linniger
Secretary & Treasurer

STATE OF CALIFORNIA
County of San Francisco
On the 14th day of May in the year one thousand nine hundred and fifty-five
before me MARGARET M. LYNCH, a Notary Public in and for the City and County of San Francisco, State of California, residing therein, duly commissioned and sworn, personally appeared Alexander C. Cushing
known to me to be the President
of the corporation described in and that executed the within instrument, and also known to me to be the person who executed the within instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the same.
IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal in the City of San Francisco County of San Francisco the 14th day of May 1955 in this certificate first above written.
Margaret M. Lynch
Notary Public in and for the City and County of San Francisco, State of California.
My Commission Expires Dec. 31, 1956

Notary Form No. 25 (Approved 1953) (C. C. Sec. 1190-1190.1)

CORPORATE ACKNOWLEDGMENT

State of California
County of San Francisco SS.
On this 19 day of May, 1955, before me John W. Linniger, Notary Public in and for said County, personally appeared Alexander C. Cushing
known to me to be the President
and Quas Valley Development Co. known to me to be the Secretary & Treasurer
the Corporation that executed the within instrument, and also known to me to be the person who executed the within instrument on behalf of the Corporation herein named, and acknowledged to me that such Corporation executed the same.
WITNESS my hand and official seal.
John W. Linniger
Notary Public in and for said County and State of California
My Commission Expires Dec. 31, 1956



ATTACHMENT 4

In 1962, Mr Anderson granted to Squaw Valley Development two easements across and upon the property of Webber and Three Chiefs. The first easement was for a water line which led from the dam and reservoir on Squaw Creek to the valley floor. That pipeline was an 8 inch diameter buried metal pipe and the easement is located in the area which the Applicant proposes to build his building upon and across. See attached Deed Vol 942 page 75. The pipeline easement includes a right of access and egress for the purposes of maintenance and reconstruction. We know of no legal authority that a person can build a building over or close to such an easement in such a way that the pipeline cannot be repaired or replaced with reasonable equipment access. Nothing in the easement provides that it will be extinguished after a period of years.

In the same instrument, Mr Anderson granted to SVDC an easement for the right to construct and maintain the then gondola and now Funitel. This easement specifically includes the right to enter the property and occupy the property for the purposes of "construction and maintenance" and it is well known that occasionally cables and apparatus of such a lift need to be lowered to the ground. The Applicant does not explain to the Planning Commission how these heavy cables are to be lowered to the ground without danger to the house and occupants. The easement in fact states, "The gondola or any component part for which this easement is given shall not pass over any area which now has improvements." This language does not state that the owner of the land subject to the easement may construct homes which would interfere with or unreasonably burden the maintenance and construction activities associated with the maintenance of an existing aerial tramway. The Applicant, if it wishes to assert that it may build a structure which extends three stories above the land surface directly under this aerial tramway when his predecessor granted and accepted value and payment for an easement which negates those rights, should provide some evidence in the form of a Court judgment that its interpretation of the easement is correct.

19438

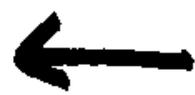
Grant Deed

J. S. ANDERSON, a single man, party of the first part,
does hereby GRANT to SQUAW VALLEY DEVELOPMENT COMPANY, a corpo-
ration, party of the second part, all that certain real property
situated in the County of Placer, State of California, described
as follows:

WIC 342 PAGE 75



Parcel 1: An easement for a buried water pipe as the
same now exists crossing the property of
said grantor located in the Northeast quar-
ter of Section 31, Township 16 North, Range
16 East, M.D.B. & M.; said easement being
located in the portion of the said property
now reserved as a ski easement.



Parcel 2: An easement for one aerial tramway crossing
the property of said grantor, located in
the Northeast quarter of Section 31, Town-
ship 16 North, Range 16 East, M.D.B. & M.;
together with the right to construct and
maintain the same, provided that said ease-
ment shall not permit the construction of
towers, and the main tramway cable (on which
cars ~~will~~ will ride) shall be at least
fifty (50) feet above the ground. The gondola
or any component part for which this easement
is given shall not pass over any area which now
has improvements.



WITNESS my hand this 16th day of November, 1962.

J. S. Anderson

STATE OF HAWAII)
COUNTY OF HONOLULU) ss.

On this 16 day of November, 1962, before me,
David G. Stephens, a Notary Public in and for
the said County and State, personally appeared J. S. ANDERSON,
known to me to be the person whose name is subscribed to the
foregoing instrument, and acknowledged that he executed the
same.

OFFICIAL RECORDS
PLACER COUNTY-CALIF.
RECORD REQUESTED BY
John L. Bondley, Atty
NOV 21 9 43 AM '62
CLAYTON JOHNSON
COUNTY RECORDER

David G. Stephens
NOTARY PUBLIC
in and for the County of Honolulu,
State of Hawaii

19438

19438



ATTACHMENT 5

1. The surrounding homes are all much smaller than the proposed 4,900 square foot structure on a 6,110 square foot lot . The approximate square feet of the adjacent structures mentioned in the CEQA Questionnaire are:

The document identifies five nearby residentially zoned parcels which contain single family residences, including 096-030-001, 026, 035, 040, and 048. The square footage of the identified "comparable" structures is as follows:

096-030-001 1,304 square feet

096-030-026 1,278 square feet

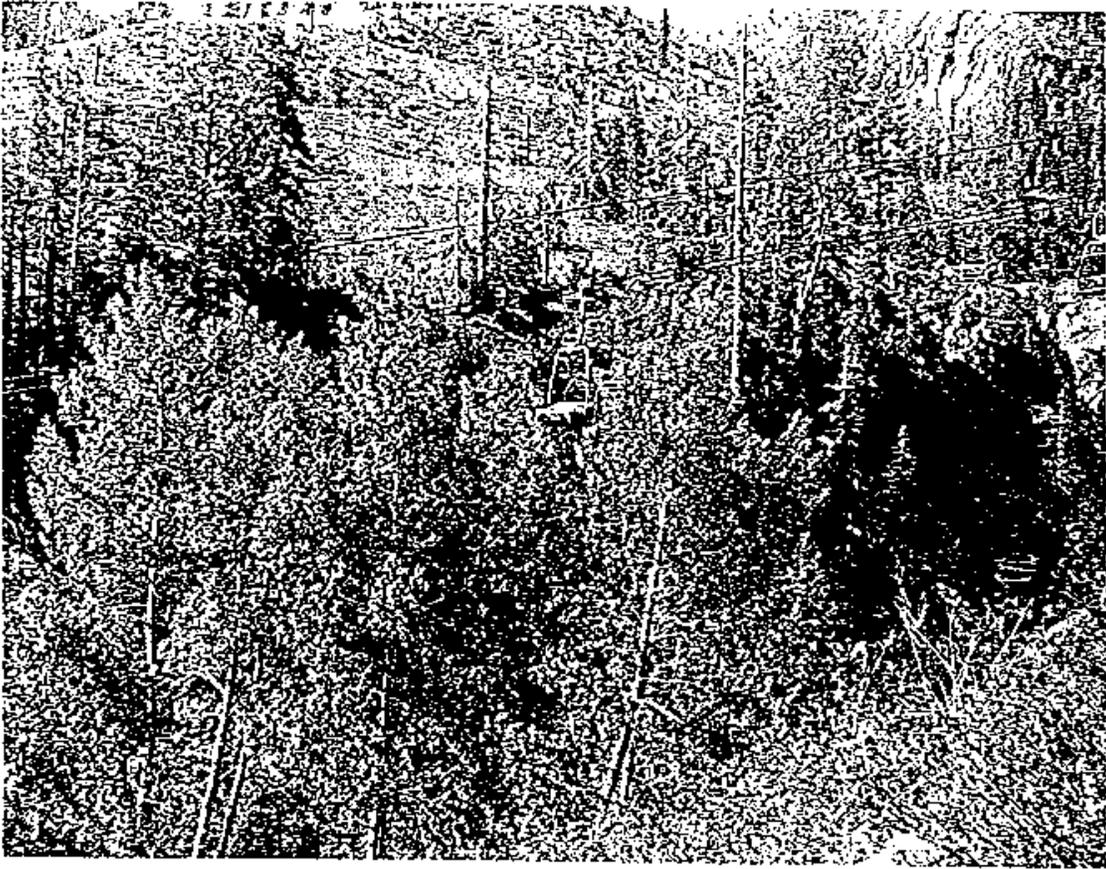
096-030-035 1,798 square feet

096-030-040 2,548 square feet

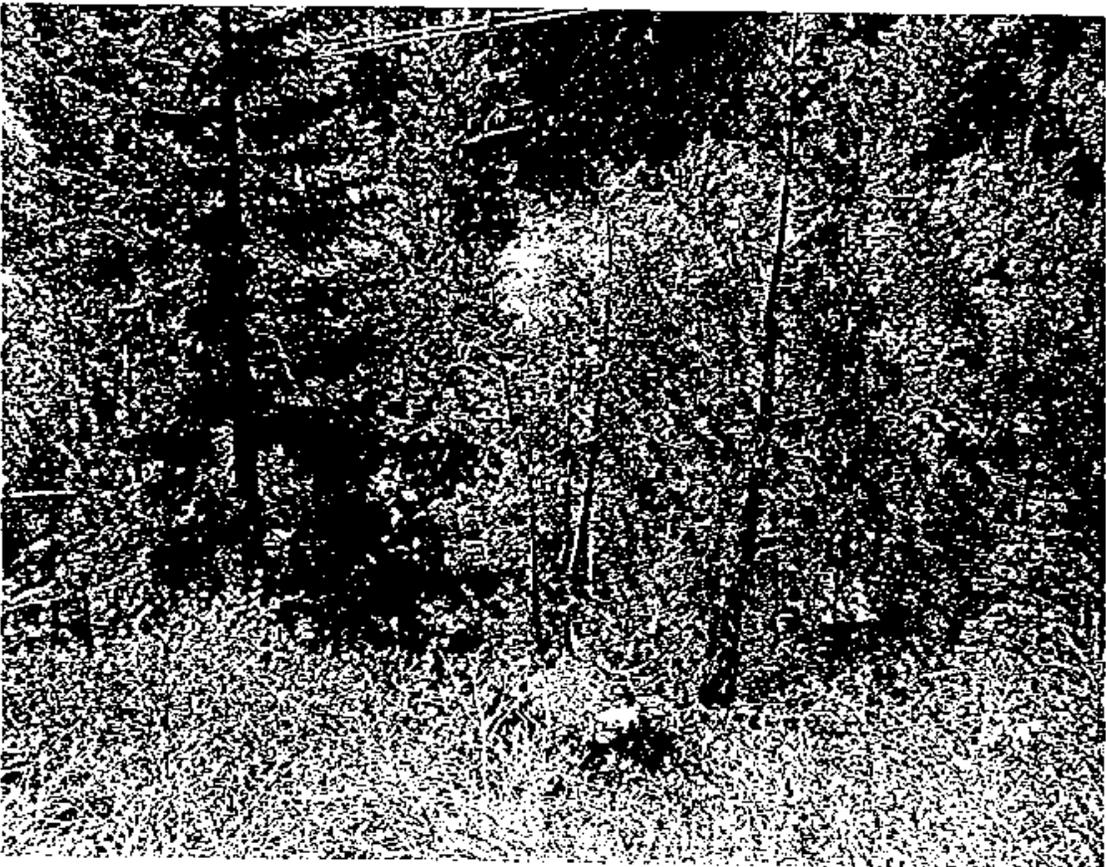
096-030-048 1,902 square feet

The existing structures are NOT similar in size to the proposed Three Chiefs project, as noted in the neighboring homes' square footage listed above. **The proposed residence for this tiny lot is almost twice as large as the largest existing structure nearby.**

2. The set back variances will insure that the steepest portions of the land are disturbed and the areas closest to Squaw Creek will be disturbed and sedimentation caused. The general assurance that BEST Management Practices will be utilized is not a specific mitigation measure nor is there any examination or evidence that whatever is implemented will prevent increased sedimentation to the Creek. CEQA requires that specific measures which are shown to be achievable can be implemented. Filter fabric and hay bales on these steep slopes for a building that will occupy 80% of the surface is not a valid or effective mitigation plan. See attached photos of site and its steepness.



Views of Squaw Creek from the project site.



ATTACHMENT 6

1. As often happens in mountain areas, the paved and usable area of a road are developed outside of the area shown on a subdivision map as devoted to the roadway. In this case, the area proposed by the Applicant for offsite parking is in fact a paved portion of the roadway accessing the Granite Peak Subdivision. See attached Andregg Survey map showing paved and used area of Granite Chief Road extending into proposed offsite parking area.

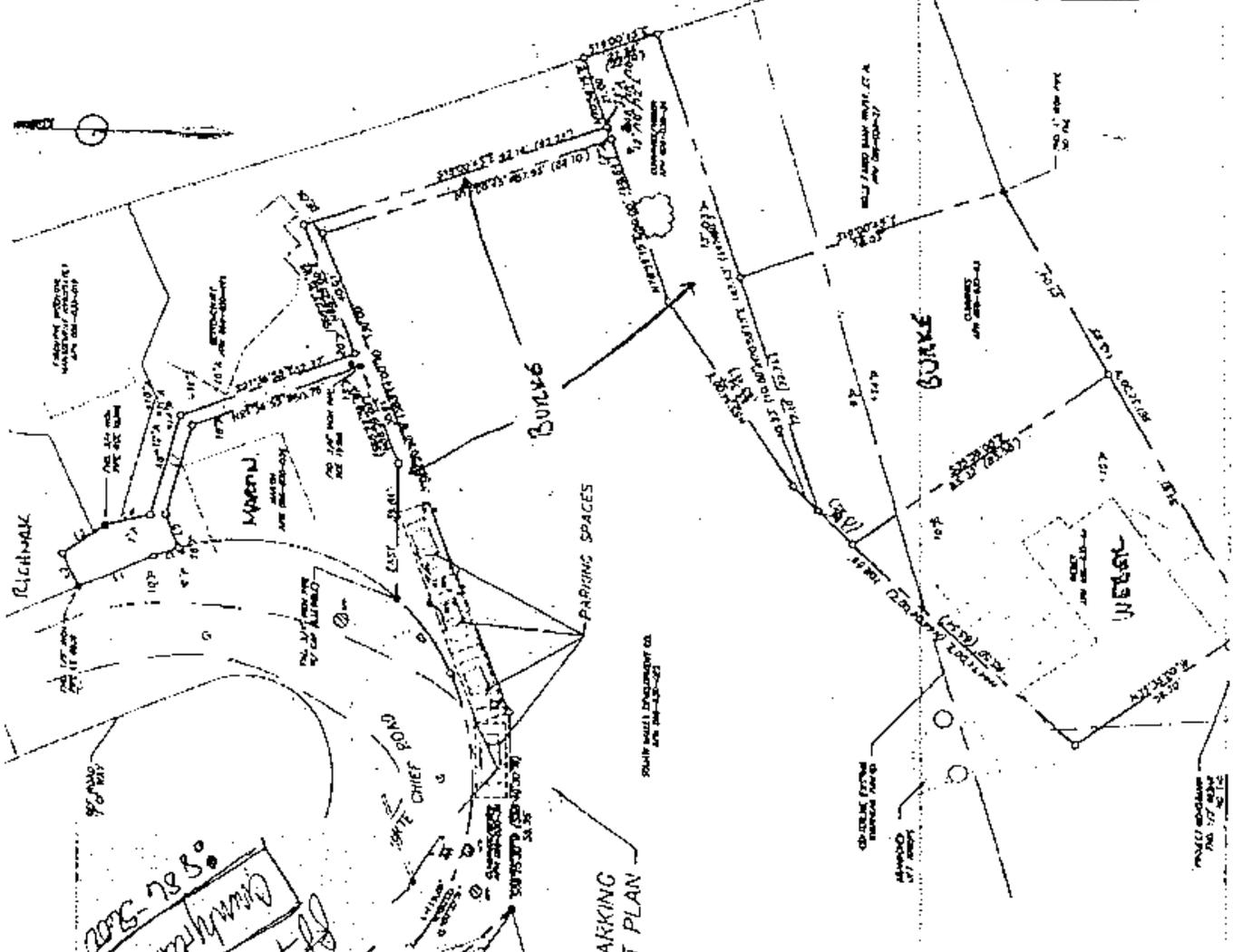
2. The County purported to approve a parking variance for 4 cars to be parked in this area despite the use of the area for roadway purposes for more than 5 years, the prescriptive period. See attached plan showing 4 parking spaces attached to Variance Application.

3. The Applicant's proposed use requires that the hillside to the North on this curve be excavated and that the road turn be sharpened and rebuilt to the North. This is a major expense and project which will have significant environmental impacts and was not considered in the supposed "Categorical Exclusion" exemption from CEQA granted to the Applicant. Nor was the question of who would pay for these changes considered. The Homeowners within the Granite Chief Subdivision have not been given notice of this change.

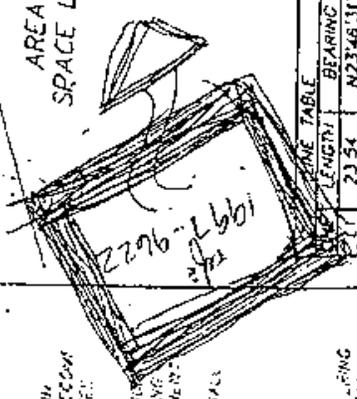
4. CEQA requires that the whole of the project be considered. This is a significant impact upon the environment. Either the Applicant does not have a right at this time to require the Granite Chief Homeowners to relocate the road and the curve and therefore there is no area for parking to occur or the Applicant can compel that relocation and the environmental impacts of that relocation have to be considered as part of and required by the Applicants "project". This project should not move forward until these questions are resolved by the Applicant.

GENERAL NOTES

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF COUNTY OF PLACER, ALL REFERENCES TO S.D.S. STANDARD SPECIFICATIONS FOR STANDARD SPECIFICATIONS FOR STANDARD SPECIFICATIONS AT DRAWINGS CONTAINED IN THE CURRENT EDITION OF THE CALIFORNIA STANDARD SPECIFICATIONS ARE INCLUDED IN THESE DRAWINGS.
2. COUNTY DEPARTMENT OF PUBLIC WORKS SHALL BE REFERRED TO THE DIRECTOR OR AN AUTHORIZED ASSISTANT.
3. A REGISTERED CIVIL ENGINEER SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF ANY ADDITIONAL STAKING AND ENGINEERING SURVEY AT THE DONE FOR SECTION 2-107 IN.
4. THE CONTRACTOR IS HEREBY RESPONSIBLE FOR OBTAINING THE CONSTRUCTION SITE OF SUCH FACILITIES (AS POSSIBLE) IMPROVEMENTS SHOWN ON THE 800-227-2600 THE (2) DATE ANY EXCAVATION IS STARTED.
5. ALL AREAS DISTURBED BY ROADWAY SURFACES, SHOULD SATISFACTION OF GRANITE ONE.
6. NO CONSTRUCTION SHALL BE UNDERTAKEN WITHOUT THE COUNTY APPROVED SEWER, AND/OR WRITTEN APPROVAL FROM THE COUNTY ENGINEER. (DOW) AND LARSEN'S SEWERTREATMENT CONTROL MEASUREMENTS AND RETENTION CONTROL GUIDELINES FOR DEVELOPERS, OCTOBER, 1991.
7. INSTALLATION AND MAINTENANCE RESPONSIBILITY OF THE CONTRACTOR SHALL BE THE PREVENTION OF SIGNIFICANT EROSION, NATURAL DRAINAGE SYSTEMS, ROADWAYS AND PROPERTIES. PLANS IS INTENDED AS A GUIDELINE AS DETERMINED BY THE CONTRACTOR. RESPONSIBILITY SHALL APPLY TO ALL DISTURBED AREAS DURING WEATHER PERIODS.
8. AFTER STRIPPING THE TOPSOIL AND DEPOSITS OR DISTURBED AREAS SHALL BE RESTORED TO THE ORIGINAL CONDITION.
9. THE COUNTY MAY REQUIRE THAT HAVE BEEN COMPLETED APPROVAL IF THE INSTALLING PREVIOUSLY APPROVED ACTIONS BE REQUESTED TO REPEAT AND
10. ASHRAE 62-1989 SHALL BE COMPLIED TO SECTION 9.0 OF THE COUNTY OF PLACER.
11. ACCESSIBLE BASE SHALL BE



Handwritten notes:
 08-26-500
 [Signature]



| CURVE NO. | LENGTH | BEARING |
|-----------|--------|-------------|
| 1 | 23.54 | N23°46'31"W |
| 2 | 10.95 | N67°02'08"E |
| 3 | 15.00 | N64°31'00"E |
| 4 | 13.64 | S13°30'40"E |
| 5 | 10.31 | S88°22'36"W |
| 6 | 30.52 | S75°03'11"E |
| 7 | 27.18 | N75°03'13"W |

| CURVE NO. | LENGTH | RADIUS | DELTA |
|-----------|--------|--------|--------|
| 1 | 7.18 | 63.94 | 63°52' |
| 2 | 9.60 | 75.00 | 77°55' |
| 3 | 15.00 | 112.50 | 90°00' |

66

ATTACHMENT 7

1. The Deed from Squaw Valley Development Company to Cross for the Three Chief parcel and the Webber parcel which were one parcel of land at Book 683 page 514 states:

“Restrictions: The following covenants shall be covenants running with the land....(2) The exterior design of all buildings shall be approved by Paul Avery.”

2. The CCR's for the Granite Chief Homeowners Association were recorded in Vol 997 page 370 *et seq.* by Paul Avery and establish a comprehensive system for approval. Section 18(b) states:

“No structures ... shall be constructed ..without the written approval as to location, height and design thereof having been first obtained from the Architectural Supervising Committee.”

3. No such approval has been obtained and such approval should be obtained before the Planning Commission or its staff devotes any attention to this proposition. It seems unlikely that the parking arrangement which requires building and construction or the design and location of this home within the legal set back areas would ever be approved.

RECEIVED
MAR 27 2006

8175

683-514
8175
OFFICIAL RECORDS
RECORDED AT REQUEST OF
PLACER COUNTY TITLE CO
SEP 6 1955
25 MIN PAST 4 O'CLOCK P.M.
PLACER COUNTY, CALIFORNIA
8175 *off copy*

DEED
SQUAW VALLEY DEVELOPMENT CO. TO
MARGARET CROSS

STATE OF CALIFORNIA
COUNTY OF PLACER
KNOW ALL MEN BY THESE PRESENTS:

APR 26 2006

ENVIRONMENTAL COORDINATION SERVICES

That, Squaw Valley Development Co., a Nevada Corporation, acting through its duly authorized officers in accordance with its by-laws, Grantor, for and in consideration of the sum of \$10,000.00, paid and to be paid by Margaret Cross of 111 Prospect Drive, Redlands, California; Grantee, does hereby transfer assign convey and deliver to Margaret Cross, Grantee, expressly subject to the Vendor's liens, hereby retained, the following described property, being five acres more or less in Placer County, California, to wit:

Real property situate in Section 31, Township 16 North, Range 16 East, S.D.B. & M., Placer County, California, described as follows:

beginning at a point whence the Northeast corner of said Section 31 bears North 55°45'19" East a distance of 1374.11 feet; and running thence South 18°45'45" East 236.99 feet; thence South 9°43'50" East 249.42 feet; thence North 79°05'15" East 205.76 feet; thence South 18°45'45" East 2.15 feet; thence South 68°44' West 150.00 feet; thence South 68°40'30" West 56.35 feet; thence South 73°40' West 147.65 feet; thence South 13°59' West 94.56 feet; thence South 65°31' West 80.91 feet; thence South 7°33' East 254.25 feet; thence South 82°27' West 171.33 feet; thence North 7°33' West 254.25 feet; thence North 18°45' West 88.00 feet; thence North 9°13' East 410.85 feet; thence North 71°14' East 275.00 feet; thence North 18°45'45" West 118.10 feet; thence North 71°14' East 20.00 feet to the point of beginning.

Together with real property situate in Section 31, Township 16 North, Range 16 East, S.D.B. & M., Placer County, California, described as follows:

beginning at a point whence the Northeast corner of the said Section 31 bears North 32°34'55" East 1548.00 feet; and running thence South 10°49' West 65.34 feet; thence South 44°29' West 109.84 feet; thence South 35°21' East 59.70 feet; thence North 61°47' East 145.65 feet; thence North 18°45'45" West 100.00 feet to the point of beginning.

The total agreed consideration is the amount of \$10,000.00 paid and to be paid as follows: \$2,000.00 is to be paid by Grantee to Grantor at the time of this conveyance, the receipt of which is to be acknowledged; and an additional \$2,000.00 shall be paid on or before August 1, 1955. The balance of \$6,000.00 is to be paid on or before December 31, 1955. Said installment payments are evidenced by Vendor's liens promissory notes of even date herewith. Said notes providing 6% interest at 6% per annum after maturity.

Grantor expressly retains herein a Vendor's Lien to secure payment of all notes and obligations of Grantee hereunder, together with all rights and remedies incident to the holder of a Vendor's lien as provided by law, together with all rights of fore-closure. On the payment and the discharge of the Vendor's lien notes hereunder, Grantor will when requested execute and deliver to the Grantee or his assigns recordable instrument fully releasing all liens retained hereunder.

Grantor, for the consideration above recited, expressly covenants agrees and grants unto Grantee, his heirs and assigns, the following covenants which shall be covenants running with the land and shall remain fixed and binding obligations hereafter:

SKI RUN-OUT AREA: Parcel "E", being the land hereinafter described by meets and bounds is hereby permanently dedicated as a ski-run-out area and accordingly Grantor agrees that said land will be maintained in its natural state, that no trees or natural shrubs shall be cut or removed therefrom; that no structures or dwelling houses shall ever be erected thereon. Grantee shall have the right to use parcel "E" for access tile fields or effluent lines provided same are properly buried and maintained in accordance with customary sanitary practices. Grantor grants to Grantee easements across the above described property for the construction and maintenance of underground utilities such as gas, water, electricity, and telephone provided, however, that no overhead lines shall be allowed. Grantor grants to Grantee easements across the above described property for the construction of a summer road.

parcel "E":

real property, situate in Section 31, Township 16 North, Range 16 East, M.D.S. & M., Placer County, California, described as follows:

beginning at a point whence the Northeast corner of the said Section 31 bears North 38° 45' 16" East 1417.19 feet; and running thence South 73° 40' West 147.65 feet; thence South 13° 57' West 541.56 feet; thence South 65° 31' West 80.91 feet; thence South 7° 53' East 325.00 feet; thence North 62° 27' East 173.67 feet; thence North 22° 16' East 279.63 feet; thence North 35° 21' West 59.70 feet; thence North 44° 19' East 109.69 feet; thence North 55° 49' East 65.34 feet; thence North 71° 14' 15" East 50.00 feet; thence North 18° 45' 45" West 87.98 feet; thence South 68° 44' West 150.00 feet; thence South 88° 40' 30" West 68.35 feet to the point of beginning;

WATER: Grantee is granted the right to obtain water for the use and development of said property and the owners thereof in dwelling houses at the agreed sum of \$80.00 per year per each parcel which may be connected to and using said water, provided that Grantee shall pay all costs of connection with the pipe lines and reservoir owned by Grantor. Existing connection has been made near the shut-off valve by the ski run-out bridge. If this connection is not satisfactory for the development of the property the Grantee may at his own expense make additional connections anywhere along the pipeline where it is practical. Grantor shall not be required to furnish water during any period that the water system may be out of order or inadequate because of an act of God, or damage to the system.

RESERVE RIGHTS ACROSS LODGE PROPERTY: Grantor grants Grantee the right and easement to cross all the following described property owned by Grantor for the purpose of tying to, using and connecting with utility lines and facilities, and the right to cross said lands for the purpose of access for the property herein granted.

Being a portion of the North East Quarter of Section 31, Township 16, North Range 16 East, M.D.S. & M., more particularly described as follows:

beginning at a point from which the North East corner of said Section bears North 53 30'15" East, a distance of 1191 (one thousand one hundred ninety one) feet more or less; said point being the NE corner of said Parcel "A"; running thence South 19 45'45" East, a distance of 42.00 feet; thence North 89 30'00" East, a distance of 950.00 feet; thence North 0 30'00" West, a distance of 40.00 feet; thence South 89 30'00" West, a distance of 963.60 feet to the point of beginning.

Grantor agrees to warrant and defend the title to said land conveyed herein to Grantee, his heirs, and assigns, and warrants that said lands are free and clear of all liens and encumbrances save and except the Vendor's lien retained herein.

RESTRICTIONS: The following covenants shall be covenants running with the land and shall remain a fixed and binding obligation hereafter:

1. No buildings shall be erected other than family dwellings together with private garages.
2. The exterior design of all buildings shall be approved by Paul H. Avery.
3. No trees are to be cut down without written permission of Paul H. Avery.

All obligations and covenants hereunder shall remain expressly binding on the heirs, successors and assigns of the parties hereto, and shall accrue to the benefit of any person or persons owning or holding all or part of the property herein referred to, whether one or several.

EXECUTED AND DELIVERED THIS 4TH DAY OF MAY, 1955.

SIGNED:

Squaw Valley Development Co. Alexander C. Cushing
President
John S. Buchanan
Secretary & Treasurer

STATE OF CALIFORNIA
City of San Francisco
On this 11th day of May in the year one thousand nine hundred and 55
before me MARGARET M. LYNCH, a Notary Public in and for the City and County of
San Francisco, State of California, residing therein, duly commissioned and sworn, personally appeared Alexander C. Cushing
known to me to be the President
of the corporation described in and that executed the within instrument, and also known to me to be
the person who executed the within instrument on behalf of the corporation therein named, and
acknowledged to me that such corporation executed the same.
IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal in the
City of San Francisco County of San Francisco the 11th day of May in this certificate
first above written.
Margaret M. Lynch
Notary Public in and for the City of San Francisco State of California
My Commission Expires Feb. 22, 1956

CORPORATE ACKNOWLEDGMENT

State of California
County of San Francisco S.S.
On this 19th day of May, 1955, before me John S. Buchanan, Notary Public in
and for said San Francisco County, personally appeared John S. Buchanan
known to me to be the Secretary & Treasurer
and Alexander C. Cushing known to me to be the
the Corporation that executed the within instrument, and also known to me to be the person
who executed the within instrument on behalf of the Corporation herein named, and acknowl-
edged to me that such Corporation executed the same.
WITNESS my hand and official seal
John S. Buchanan
Notary Public in and for said San Francisco County and State
My commission expires Feb. 22, 1956

(DW) 65869-Rel. 6
T-I W T Co.

666

DECLARATION OF RESTRICTIONS, CONDITIONS, COVENANTS
AND AGREEMENTS AFFECTING REAL PROPERTY KNOWN AS
GRANITE CHIEF SUBDIVISION, SQUAW VALLEY, PLACER
COUNTY, CALIFORNIA

THIS DECLARATION made this 13th day of January, 1964,
by PAUL H. AVERY and MARTHA AVERY,

W I T N E S S E T H:

A. WHEREAS, the undersigned are the legal owners of a certain tract of land situated in the County of Placer, State of California, and shown and delineated on a map entitled "Granite Chief Subdivision, Placer County, California," recorded in Volume H of Maps, at pages 26 thereof, and "Granite Chief Subdivision Amended Map" recorded January 7, 1964 in Volume H of Maps at page 34, to which reference is hereby made; and

B. WHEREAS, said property shown on said map is about to be sold and the undersigned desire to subject said property to certain restrictions, conditions, covenants and agreements between them and the several purchasers of said property and between the several purchasers of said property as among themselves as hereinafter set forth, pursuant to a general plan of improvement;

NOW, THEREFORE, the undersigned declare that said property is held and shall be sold, conveyed, owned, leased, occupied, resided upon, hypothecated and held subject to the following restrictions, conditions, covenants and agreements between them and the several owners and purchasers of said property and between the several owners and purchasers of said property as among themselves, their heirs, successors and assigns, viz:

1. MUTUAL AND RECIPROCAL BENEFITS. All said restrictions, conditions, covenants and agreements are and shall be for the direct and mutual and reciprocal benefit of each and every lot shown on said recorded map and are intended to create and do create mutual and equitable servitudes upon each of the residential lots shown on said map in favor of each other residential lot shown on said map, and are intended to create and do create reciprocal rights and obligations between the respective owners of all of the lots shown on said map and are intended to and do create a privity of contract and estate among the grantees of said lots, their heirs, successors and assigns, and shall, as to the owner of each lot in said tract, his heirs, successors and assigns, operate as covenants running with the land for the benefit of all other lots in said tract.

2. TERMS OF RESTRICTIONS. Each of and all said restrictions, conditions, covenants and agreements shall continue in full force and effect and be binding until the first day of November, 1983, at which time they may be continued in force and effect by vote of the then record owners of a majority of the property covered hereby for additional periods of twenty years; provided, however,

997 PAGE 370
VEL

Secretary, and the duties of such Chairman and Recording Secretary shall be such as usually appertain to such offices. Any and all rules or regulations adopted by said Committee regulating its procedure may be changed by said Committee from time to time by majority vote and none of said rules or regulations shall be deemed to be any part or portion of these restrictions, conditions, covenants or agreements. Said Committee by a majority vote may also adopt reasonable rules and regulations governing the meetings of the owners of lots or parcels subject hereto and the Chairman of said Committee shall be ex officio the Chairman of any and all meetings of such lot owners and the Recording Secretary of said Committee shall be ex officio the Recording Secretary of any and all such meetings. Written minutes of such meetings shall be kept which shall be open for inspection without limitation to the owners of any such lots or parcels. No such rules or regulations governing the meetings of such lot owners and no action or proceedings taken at such meetings except as herein otherwise expressly provided shall be deemed a part of or to affect these restrictions, conditions, covenants or agreements.

18. A. PERMISSIBLE BUILDINGS. No buildings other than a single family dwelling house, and appropriate outhouses, permitted by law, shall be erected, constructed or maintained on any of said lots, nor shall any house constructed on any of said lots be used for any purpose other than a dwelling house or appurtenant outhouses.

B. APPROVAL OF BUILDINGS. No structures, either residence, or outhouse, or tennis court, swimming pool, wall, fence, or other improvements, shall be constructed upon any of the said lots without the written approval as to location, height and design thereof first having been obtained from the Architectural Supervising Committee. Before construction work of any kind is started a plan of the exterior design of any building to be constructed on any of said lots shall first be submitted to the Architectural Supervising Committee and approved by said Committee. Said plan shall show the four exterior elevations of said building, together with the floor plan plotted on a map of said lot.

C. APPROVAL OF LANDSCAPING. No landscaping, except minor gardening, shall be begun on said property and no planting or removal of trees shall take place, until the plans and specifications therefor have been first approved in writing by the Architectural Supervising Committee.

D. PROSECUTION OF WORK. When the erection of any residence or other structure is once begun, work thereon must be prosecuted diligently and it must be completed within a reasonable time.

VOL 997
PAGE 376

86

ATTACHMENT 8

Squaw Valley MAC recommends denial.

Squaw Valley Fire Department recommends denial and points out danger to fire hydrant and no snow disposal area for parking.

County of Placer
SQUAW VALLEY MUNICIPAL ADVISORY COUNCIL

P. O. Box 2287
Olympic Valley, CA 96146
County Contact: Steve Kastan (530) 546-1950



10 28 2004
10 29 2004

PLANNING DEPT.

October 29, 2004

Placer County Planning Department
Fred Yeager, Director
11414 B Avenue
Auburn, CA 95603

Re: Burke "3 Chiefs Residence" Variances Appeal by Squaw Valley Ski Corp.

On October 28th, 2004, the Squaw Valley Municipal Advisory Council, on its regular meeting agenda, addressed this issue and made the following MOTION:

In regards to the appeal process of the variance approvals on the Burke "3 Chiefs Residence" project, the Squaw Valley Municipal Advisory Council wishes to restate their opposition to the variances as per the motion in this regard to the Zoning Administrator on October 4, 2004 (copy attached).

A quorum was present at the meeting, and this MOTION PASSED.

Sincerely,

A handwritten signature in cursive script that reads "Don Barrientos".

Don Barrientos
SVMAC Secretary

cc: SVMAC and Staff
Supervisor Bloomfield
Ann Holman, Clerk of the Board of Supervisors
Mike Wells, Staff Planner, Planning Department
Mike Livak, Squaw Valley Ski Corporation

SQUAW VALLEY FIRE DEPARTMENT

Post Office Box 2522 • Olympic Valley, California • 96146

Phone: 530/583-6111 • Fax: 530/583-6228

Peter A. Bansen - Fire Chief

January 14, 2003

by facsimile: 889-7499

Mr. Michael Wells, Staff Planner
Placer County Planning Department
11414 B Avenue
Auburn, California 95603

Re: VAA-3724, Robert Burke
VAA-3733, Franz Weber

Dear Mr. Wells:

Thank you for the opportunity to comment on the above-mentioned variance applications. I have several comments that apply to both of the proposed variances:

1. *this has been changed to 2 cars up 2 cars down*
The applicants show the development of four parking spaces within an area some 11 feet wide and approximately 90 feet long. The site plan shows that two of the parking spaces will be on a "new elevated deck", the other two spaces will be on an asphalt concrete slab. The plans show no specific information about the elevated deck. Furthermore, the elevated deck is situated in an area that loses 14 feet of elevation in an approximate 44 foot run - an approximate 32% grade. I need a lot more information about the elevated deck before I could support the variance requested.
2. I am skeptical that four cars can be parked in this small area even under favorable conditions in the summer. This location provides decidedly unfavorable conditions in the winter: Granite Chief Road is extremely narrow and steep and snow removal on the road, even with the latest equipment is marginal. There is no way for a snow removal contractor to put snow removed from these parking places on property belonging to either of the applicants - It will all end up on an adjoining lot. I think it likely that even in a moderate snowfall year, the owners' ability to effectively remove snow from the proposed parking spaces would gradually diminish as snow depth increased and the four parking spaces would start to encroach on Granite Chief Road.
3. There is a fire hydrant located right in the middle of this site that the applicants propose to move to a location about 45 feet west. This would be acceptable, but due to the location, we would require substantial modification to the hydrant so that it would remain accessible during the winter. The proposed site for the relocated hydrant is at the toe of a slope that is the only appropriate snow storage location for a long distance and I'm concerned that the hydrant could become irretrievably buried over the course of even a normal winter.

Mr. Michael Wells
Placer County Planning Department
January 14, 2003
page 2

The residences on Granite Chief Road pose some of the most challenging fire suppression problems that our small fire department faces. These problems have been created by lax and inconsistent application of zoning, planning and building codes in the past. It is my concern that the granting of variances in this area will exacerbate existing problems. For this reason, I have serious reservations about the granting of these variances and would recommend that they be denied.

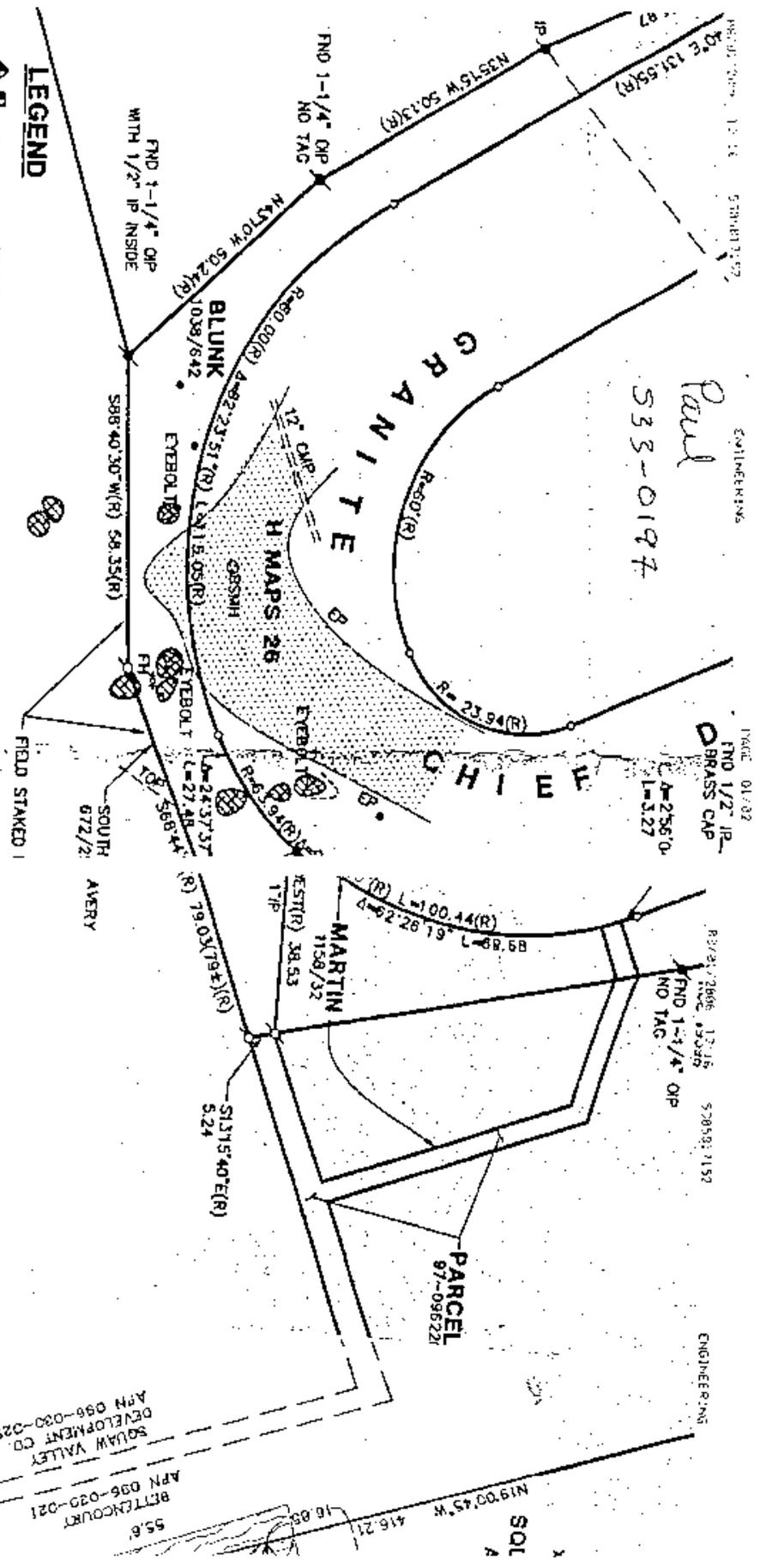
Please call me at 583-5111 if you have any questions or concerns.

Yours very truly,



Peter A. Bansen, Chief

Paul
533-0197



LEGEND

- ◆ FOUND SECTION CORNER, QUARTER CORNER, AS NOTED
- FOUND CHC HRY MONUMENT AS NOTED
- FOUND MONUMENT AS NOTED
- DIMENSION POINT - NOTHING FOUND OR SET
- (R) DENOTES RECORD DIMENSION
- ⌵ SET 3/4" IRON PIN LS
- IP IRON PIN
- OIP OPEN IRON PIPE
- FLH FIRE HYDRANT
- △ CONTROL POINT
- BOULDER
- TREE

SQUAW VALLEY
DEVELOPMENT
COMPANY
574/OR/370

SQUAW
LOWER

SECTION
PLACI
SCA



From: "Franz Weber" <Franz@franzweber.com>
To: <mharrell@placer.ca.gov>
Date: 1/4/2007 10:02:43 AM
Subject: Franz Weber's revised email to Supervisors

RECEIVED

JAN 04 2007

**CLERK OF THE
BOARD OF SUPERVISORS**

Placer County Board of Supervisors

Happy New Year and only the best wishes to all of you in 2007.

Please allow me to express my concern why the Jan. 9th hearing should not be moved to another date. Too much energy and too many resources by all parties concerned, including Placer County, have been wasted over the years by objecting and delaying our project every step of the way due to Squaw Valley Ski Corp's personal agenda. I am sure that Mr. Mike Wells, your Senior Planner, can attest to this.

Ours is a project that has been welcomed by all the neighbors in the Granite Chief subdivision where our project is located. Everything was originally verbally approved by the founder of Squaw Valley Ski Corp, Mr. Alex Cushing, and his approval was witnessed and heard by the planning engineer and our architect, Mr. Larry Henry, who were both at the meeting; included in the original plan was an underground parking and tunnel access that is now also opposed.

Of special note, our plan has been UNANIMOUSLY approved twice by your Planning Staff and it was also unanimously approved at the last Planning Commission hearing.

We are under severe time constraints. All of us have business or family commitments. Mr. Burke has a construction business; Dr. Sax has a medical business; I have a ski consulting and client hospitality business in the United States and Europe with commitments to my sponsors and clients.

The three of us and several others attending have rearranged our lives to accommodate you as you had a retirement luncheon conflict with our December hearing. We agreed to your request for a change to January 9th for the hearing.

In addition to the three of us, we have also scheduled our attorneys and engineers to be present.

These administrative hearings and procedures have gone on for over one year and follow three years of other hearings and procedures due to the single opposition of Squaw Valley Ski Corp. This matter must be resolved now and the hearing be held on January 9th.

Enthusiastically,

Franz

Franz Weber
Olympian & 6x World Speed Skiing Champion
Four World Speed Skiing Records
4185 Caughlin Parkway
Reno, Nevada 89509
USA

Tel: +1 (775) 786-0226
Fax: +1 (775) 746-1993
Email: franz@franzweber.com <mailto:franz@franzweber.com>
www.franzweber.com <http://www.franzweber.com/>

"Our goal is to provide unique life adventures that have my personal touch, which are not offered anywhere else, and that cannot be duplicated."

CC: <dick01@franzweber.com>

92a

