



PLACER COUNTY PLANNING DEPARTMENT

Reserved for Date Stamp

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MAY 24 2010

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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 5/23/10 (5 pm)
Letter
Oral Testimony
Zoning RM-DL10
Maps: 7-full size and 1 reduced for Planning Commission items

Appeal Fee \$ 495.-
Date Appeal Filed 5/24/10
Receipt # 10-0066532
Received by L. Blum
Geographic Area Central

TO BE COMPLETED BY THE APPLICANT

- 1. Project name CUP MODIFICATION/MINOR BYRLINE MINERS RIDGE FAMILY APTS
2. Appellant(s) DR. DALE SMITH 530-888-1523 SAME
Address 3410 SUNSHINE WAY AUBURN CA 95602
3. Assessor's Parcel Number(s):
4. Application being appealed (check all those that apply):
5. Whose decision is being appealed: PLANNING COMMISSION
6. Appeal to be heard by: BOARD OF SUPERVISORS
7. Reason for appeal (attach additional sheet if necessary and be specific): SEE ATTACHED REASONS & SUPPORTING DOCUMENTS

(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]

EXHIBIT G

249

Attached Reasons for appeal: (From front page) May 24, 2010 on the:

CONDITIONAL USE PERMIT MODIFICATION/MINOR BOUNDARY LINE
ADJUSTMENT (PCPM 20100046) MINERS RIDGE FAMILY APARTMENTS ADDENDUM
TO THE PREVIOUSLY APPROVED MITIGATED NEGATIVE DECLARATION.

1. The grounds for appeal are found in the project's administrative record, the contents of which are fully incorporated by this reference, and include, without limitation:

a. Improper adoption of amendment to MND¹ in lieu of preparing an EIR for project calling for changes in usage capable of causing potentially significant impacts not previously addressed.

b. Failure to identify or consider new or more serious evidence/information not previously addressed, particularly in regard to potentially significant impacts on existing contaminated soil, and in light of the obvious impacts caused or contributed to by the substitution of apartments for townhomes as part of the project.

c. Applicant reserves the right to raise other different or more severe information and evidence once the record of proceedings on the present issue is prepared or reviewed.

d. There is every reason to believe that there was a breach of the Settlement Agreement disclosed for the first time by the Real Party in Interest and/or the County a few days before the 05-13-10 Planning Commission hearing where the project was approved.

The Agreement required townhomes, which have significantly lesser environmental impacts than the apartments proposed by defendants. Defendants ignored or greatly trivialized this issue even though it was repeatedly raised by appellant and others.

The issue of possible toxic contamination on that property is of high personal interest to me based on many years of experience on these deadly issues. It is important for the record to show that, as I said in my public testimony, I am not personally against this project, but I do have a very real concern about toxic contamination.

We lived in Europe for 12 years, working mainly in Eastern Europe and the USSR. We still have a mission in Romania and we go there about every other year for a month. We are painfully aware of the horrible problem of toxic contamination. That was then, what about now?

UXBRIDGE, Canada, 29 Oct 2009 (IPS) - Of the tens of thousands of toxic sites affecting the health of 500 million people in the middle- and low-income countries of world, only 12 are being cleaned up, according to a new report.

¹ Mitigated Negative Declaration.

"We could only find 12 sites," said Richard Fuller, founder of the Blacksmith Institute, which issued a report detailing "12 Cases of Clean-up and Success" Wednesday.

"If that was the situation in the West, there'd be a huge public outcry and billions of dollars spent for clean-up," Fuller told IPS. "We've shipped our dirty industries overseas and the pollution moved with them." Previous Blacksmith reports have documented the world's worst pollution problems, such as toxic waste, air pollution, ground and surface water artisanal gold mining.

These affect human health on a scale with HIV/AIDS and malaria, but receive little international attention or funding.

<http://ipsnorthamerica.net/news.php?idnews=2636>

That report was one of over 77,000 when I Googled the words East Europe Toxic Contamination.

There can be absolutely no excuse in the United States of America for endangering the lives of people through toxics in the ground or water, and in my somewhat experienced opinion, that is a very real possibility on the Silver Bend Site.

Perhaps the proponents, USA Properties, can understand my grave concern about this project. In reality, when we raised these very serious questions in the last project, nothing was ever done to correctly investigate this matter.

The new Site I and Site II investigations were found by DSTC's Maria Gillette to be questionable.

Just what lives does Placer County plan to put in jeopardy by not doing the correct and most ample study, and if needed the full cleanup of the site?

Does it not make absolute sense that because the DTSC has ordered a WORK NOTICE for the property only a short way from the Silver Bend proposed apartment property for a parking lot, that a correct and ample investigation must also take place at Silver Bend, close by on the same level?

Several hundred people will be living in that apartment complex. Do they not deserve to know that it is totally safe for them to live there?

Now you know why I have personally taken the time, and made the effort at considerable personal expense to take this matter forward this far. And since this is, at this moment, totally on my own initiative, I have not reviewed this letter with anyone.

I do not know what the future holds, but as long as I am around, I will be alert to follow this to the very end to assure, once and for all, that there is no danger, or if there is, that it is removed at the total cost to the proponents of this project.

**Dale Smith Appeal - CONDITIONAL USE PERMIT MODIFICATION/MINOR
BOUNDARY LINE ADJUSTMENT (PCPM 20100046) - 5-24-2010 - Page 3 of 6**

A letter with seven (7) attachments was addressed to Ms. Leslie Gentry-Lindblo at Environmental Health on May 19, 2010 and **is enclosed as my Exhibit (1) of this document** as it was filed on that date along with the copies to four other recipients.

Another very serious problem was hardly even considered by the Planning Commission, the issue of the extreme fire hazards in that area. This was a problem ten years ago and nothing was done about it at that time. Now there have been three serious fires in that immediate area recently and the width of Silver Bend Road is in serious question. It is my opinion that all of Silver Bend Road must be brought up to the standard of 20 foot wide, with 2 feet shoulders along with the 15' utilities easement.

There is a large area for further development when needed, and it would only be wise to put in that quality of road, not only for that development in the future, but for the added fire safety it will give to the more than a hundred new residents should Miners Ridge Family Apartments be eventually built.

A letter from the Auburn Journal on the fire on August 30, 2008 and a number of pages from the California Fire Safe Field Guard is **Exhibit (2)**.

Another element - Violations of LORS² of the State of California and Placer County at the Planning Commission Hearing of 5-13-2010 - Miners Ridge Apartment Project, Silver Bend Way should be addressed by the Board of Supervisors.

The Preamble of the Ralph M. Brown Act

Public commissions, boards, councils and other legislative bodies of local government agencies exist to aid in the conduct of the people's business. The people do not yield their sovereignty to the bodies that serve them. The people insist on remaining informed to retain control over the legislative bodies they have created.

This Appeal letter is written to fulfill my duties and responsibilities, first to the **LORS** of California and Placer County and to citizens I represent and lastly to my self. It is very rare that I ever take such matters forward, but my experience at this hearing compel me to bring this to the attention of the Placer County Board of Supervisors.

The Chairman of the Planning Commission on May 13, 2010 was Gerry Brentnall, Esq. and I would think that an attorney would understand both the law and the even-handed application of the law. I reminded Mr. Brentnall that in section 664 of the evidence code there is this legal presumption. ***"It is presumed that public officials will do their jobs regularly, correctly, reasonably and honestly."*** I'm sure you will. To the contrary, Mr. Brentnall violated my rights and both the Brown Act and the Bagley-Keen Act.

² - **LORS - Laws, Orders, Regulations, Statutes**

**Dale Smith Appeal - CONDITIONAL USE PERMIT MODIFICATION/MINOR
BOUNDARY LINE ADJUSTMENT (PCPM 20100046) - 5-24-2010 - Page 4 of 6**

§ 54954.3. Public's right to testify at meetings. (c) The legislative body of a local agency shall not prohibit public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body. Nothing in this subdivision shall confer any privilege or protection for expression beyond that otherwise provided by law. Care must be given to avoid violating the speech rights of speakers by suppressing opinions relevant to the business of the body.

On May 13, 2010 this and other Brown Act provisions were violated by Mr. Brentnall several times in that all too brief time of my testimony on this issue. Before I was more than two minutes into my presentation, Mr. Brentnall attempted to curb my participation by telling me I only had three minutes. I contested that because all three of the previous speakers had far more time to make their case. I always script my materials and read them several times to comply with the local rules. My script was timed to five minutes, much shorter than the others took.

Since this is a quasi-judicial manner, I should not have been unfairly limited while the attorneys and others from US Homes had unlimited speaking time. It is possible in this quasi-judicial matter that my due process rights were seriously jeopardized.

The website below has some very important words about the duty of public officials to obey the laws of the State of California on the issues of open meetings.

<http://www.theliberoloc.com/2010/02/01/investigation-finds-more-brown-act-violations-by-ggusd/>

"One of the most important duties for elected officials to perform is to be open and honest about their actions and to maintain their compliance with the minimal disclosure requirements of the Brown Act (and the Bagley-Keene Act). It really isn't that hard. The basic premise of these two Acts is that all business of a public agency, with a few select and specific exceptions, must be conducted in public view.

It is amazing how many public agencies, and the staff supporting them, fail to take these basic tenants seriously. To many the requirements of the Brown Act are seen as a nuisance, rather than a responsibility; an annoyance, rather than an opportunity for accountability."

The Planning Commission Hearing of May 13, 2010 on the section above was recorded and transcribed. A copy will be filed with the Planning Department shortly. This transcript will show that Mr. Brentnall asked a question of the Placer County Staff Attorney Scott Finley if he was right in cutting me off, and Mr. Finley agreed that he was. This is still another item for legal examination.

Both the Brown and Bagley-Keen Acts give individuals the right to file civil lawsuits for injunctive, mandatory or declaratory relief for violations of the Acts. (Gov. Code Sections 11130, 54960.)

Individual persons can, in addition, move to void actions taken during an unlawful meeting. (Gov. Code Sections 11130.3, 54960.1.) Public entities may attempt to cure a violation

**Dale Smith Appeal - CONDITIONAL USE PERMIT MODIFICATION/MINOR
BOUNDARY LINE ADJUSTMENT (PCPM 20100046) - 5-24-2010 - Page 5 of 6**

of either Act before an individual brings a lawsuit. The right to cure applies to violations of some of the Acts' requirements. (Gov. Code Sections 11130.3(a), 54960.1(b).)

A plaintiff who prevails in a suit for Brown or Bagley-Keene violations may recover attorney's fees. (Gov. Code Sections 11130.5, 54960.5.) Public entities, however, can only recover attorney's fees under Bagley-Keene, for example, when the plaintiff's case is "clearly frivolous and totally lacking in merit." (Gov. Code Section 11130; *see also* Gov. Code Section 54960.5 (similar standard under Brown Act).)

This letter is not intended to be a threat in any sense of that word. Lawsuits should be a last resort. However, it seems to me that it is time to hold classes soon for the Placer County Supervisors, the Planning Commission, the attorneys serving as advisers to these various functions and all pertinent Placer County Staff, on **Open, Ethical Leadership as required by AB-1234.**

Some of the comments by other members of the Planning Commission were personally demeaning to me, and certainly show a lack of understanding of the Commission member's legal obligations while sitting in such a hearing.

"The California Supreme Court has stated that members of the public hold a 'privileged position' in the CEQA process. **Public involvement is an essential feature of CEQA -- Guidelines sec. 15201.**

The public plays a major role in the judicial enforcement of CEQA. The vigilance of private citizens has been instrumental in ensuring that agencies comply with the law. **Without the active involvement of citizen 'watchdogs' -- many instances of noncompliance would have gone unchallenged.**

Many Californians have come to expect full compliance with CEQA and are ready and willing to challenge agencies that do not take CEQA seriously. A vigilant, informed, and well-prepared citizenry is the key to the enforcement of CEQA and better environmental decision making by state and local officials."

Another extremely important issue that is totally ignored by Placer County is just what County organization is behind this project? I believe I know, and they can't hide.

That Group is the Placer County Redevelopment Agency directed by Kathy Donovan, but everything the public has heard would indicate that PCRA has nothing to do with this project, but that is not what the law says.

In addressing the issue of whether a certain agency was subject to the Brown Act or the Bagley-Keene Act, which applies to state boards and commissions, the California Court of Appeal looked to whether the agency was *local in scope and character, restricted geographically in its area of operation, and does not have statewide power or jurisdiction even though it is created by and is an agent of,*

the state rather than of the city or county in which it functions. (Torres v. Board of Commissioners , 89 Cal.App.3d 545 (California Court of Appeal, 5th Dist. 1979)

By those standards, the court concluded that a local housing authority, while an agent of state policy, was a local agency for purposes of the Brown Act.

I found it very interesting that the main issues on which this whole project turned in that Hearing was on the problems of rights of way, easements and other entitlements that I believe have not been properly considered by Placer County.

During that very brief time leading up to this Hearing I inserted two lengthy documents on the issues surrounding this development. A large part of those documents were put into the Staff Report for the 4-22-2010 Planning Commission Hearing, which was continued to 5-13-10.

The Addendum to the PCPM 2010046 made it abundantly clear why the Attorney Philips mad that request, and the details contained in our Exhibit (1) will spell this out very clearly. We started this letter with the concern we have with the Toxic Contamination, and we believe it is vital that this be properly addressed. A number of people in Placer County have given strong assurances that this will be done, and we expect it to be done, and will monitor it closely.

While proclaiming no impacts would occur, failing to disclose vital information regarding various matters that include, without limitation, that a state agency has ordered and is conducting an investigation and eventually work on decontaminating the site.

Obviously, decontamination of a project site is a matter to be identified an discussed in CEQA environmental documentation. This violation is made more egregious by the public health & safety implications it raises. I object to approval of this project as it presently stands because an EIR, and not an addendum to existing documentation is required.

Again, as the applicant I reserve the right to raise other different or more severe information and evidence once the record of proceedings on the present issue is prepared or reviewed.

Sincerely yours,

Dale Smith, H.H.D.

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Alfa Omega Associates

Management Consulting • Public Relations • Publicity
Specializing in Environmental Organizational Management

P.O. Box 7171 • Auburn, CA 95604-7171
Tel/Fax: 530-888-1523 • Cell: 530-308-2689
E-mail: drdalesmith@aoaconsult.net
Dr. Dale Smith, H.H.D., General Manager

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May 18, 2010

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MAY 19 2010

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Ms. Leslie Gentry-Lindbo, MBA, REHS
Supervising Environmental Health Specialist
Land Use and Water Resources Section
County of Placer
3019 County Center Drive
Auburn, CA 95603

**REF: CONDITIONAL USE PERMIT MODIFICATION/MINOR BOUNDARY LINE
ADJUSTMENT (PCPM 20100046) MINERS RIDGE FAMILY APARTMENTS ADDENDUM
TO THE PREVIOUSLY APPROVED MITIGATED NEGATIVE DECLARATION.**

Dear Leslie,

Thank you very much for all the help you have provided along with invaluable documentation that aids us a lot in the short time frame we have in dealing with the issue of the Commission's action of 5-13-10. Enclosed is a formal letter version of the email I sent out yesterday along with a number of other documents which should be helpful to you as we go through this process.

The first sets of documents are the ones I sent to Maria Gillette of the Department of Toxic Substance Control back on 5-6 and 5-7-2010. These are more for your records, but the letter and the attached documents of the 7th will give a very good overview of why we see this as a problem that must be investigated.

The two 1952 Aerial Photos give a very fine overview of the area, and the location of the Miners Ridge Family Apartments is not very far from the DTSC Work Notice at PCWA - 240 Ferguson Road, Auburn, CA. **These are marked as Exhibit (1)**

There are a number of old maps that clearly identify the **PG&E EVENDEN SETTLER POND** on the Silver Bend Property. We present three which are marked **Exhibit (2)**

The enclosed 8 X10 back-and-front photo pages will show the two parallel locations, Silver Bend and PCWA Parking Facility DTSC Clean Up very clearly as well as other information, in particular on the PG&E EVENDEN Settling Pond. Each picture has the information that identifies it clearly. There are seven pictures on the three sets of pictures - **Exhibit (3)**

Also enclosed for the Administrative Record in Environmental Health is a copy of the letter form of the email and letter sent to Placer County on Monday, May 17, 2010. This is important as it contains the email sent by Maria Gillette of the CA Department of Toxic Substance Control to me at 3:58pm on Monday, May 17, 2010, the full contents and additional comments and information from AOA for Placer County. This three page record is extremely important as it spells out the

Exhibit (1) - Dale Smith Planning Appeal - PCPM 2010 0046 Miners Ridge

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AOA Letter to Leslie Gentry-Lindbo, MBA, REHS, Supervising Environmental Health Specialist - Land Use & Water Resources Section - Placer County, on the Miners Ridge Apartment Project approved by Planning Comm. 5.18.10 - Pg 2 of 3

initial findings or Ms. Gillette on the proposed Miners Ridge Apartments heard and approved by the Planning Commission on May 13, 2010. **Exhibit (4)**

It is our firm conviction that the possibility of serious toxic contamination does exist on this property and that the further study brought forward by DTSC Project Manager Maria Gillette is most essential, and I like Ms. Gillette have full confidence in you, Leslie to follow through and see that the necessary investigation is accomplished without cutting any corners.

There is considerable additional information, old maps and other details that may be of use to you, and if so please contact me and I will make arrangements to get these materials to you. We also will continue our quest to find additional first-hand information and testimony about this area that might prove helpful in assuring the safety, health and well-being not only for those who will occupy those apartments, but everyone that lives and works in that general area.

In that context, I am enclosing our **Exhibit (5)** consisting of a number of documents from the CA Department of Toxic Substances Control that not only spells out the duties and responsibilities to the public of this agency, but the essential contact information for DTSC. I have found this very informative and helpful, I'm sure you will also.

Exhibit (6) - Dale Smith Commission Testimony Exhibit (7) - Auburn Journal Article

Thank you again, Leslie for your help in making clear what is involved in this issue. Your prompt sending of the Phase I and Phase II documents by email was extremely helpful. It made the time with Ms. Gillette on Saturday, the 8th much more meaningful and productive. I also appreciate your kind and efficient assistance to Maria when she called you on Monday.

It is important for the record to show that, as I said in my public testimony, I am not personally against this project, but I do have a very real concern about toxic contamination. We lived in Europe for 12 years, working mainly in Easter Europe and the USSR. We still have a mission in Romania and we go there about every other year for a month. We are painfully aware of the horrible problem of toxic contamination. That was then, what about now?

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"If that was the situation in the West, there'd be a huge public outcry and billions of dollars spent for clean-up," Fuller told IPS. "We've shipped our dirty industries overseas and the pollution moved with them." Previous Blacksmith reports have documented the world's worst pollution problems, such as toxic waste, air pollution, ground and surface water artisanal gold mining.

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AOA Letter to Leslie Gentry-Lindbo, MBA, REHS, Supervising Environmental Health Specialist - Land Use & Water Resources Section - Placer County, on the Miners Ridge Apartment Project approved by Planning Comm. 5.18.10 - Pg 3 of 3

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<http://ipsnorthamerica.net/news.php?idnews=2636>

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Perhaps you, and others, in particular the proponents, USA Properties, can understand my grave concern about this project. In reality, when we raised these very serious questions in the last project, nothing was ever done to correctly investigate this matter.

The new Site I and Site II investigations were found by Maria Gillette to be questionable.

Just what lives does Placer County plan to put in jeopardy by not doing the correct and most ample study, and if needed the full cleanup of the site?

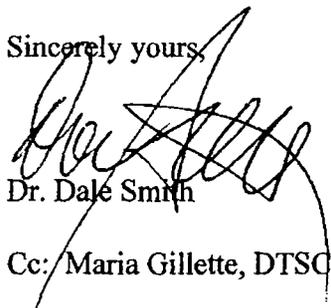
Does it not make absolute sense that because the DTSC has ordered a WORK NOTICE for the property only a short way from the Silver Bend proposed apartment property for a parking lot, that a correct and ample investigation must also take place at Silver Bend, close by on the same level?

Several hundred people will be living in that apartment complex. Do they not deserve to know that it is totally safe for them to live there?

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I do not know what the future holds, but as long as I am around, I will be alert to follow this to the very end to assure, once and for all, that there is no danger, or if there is, that it is removed at the total cost to the proponents of this project.

Sincerely yours,



Dr. Dale Smith

Cc: Maria Gillette, DTSC - Supervisor Montgomery - Kathy Donovan - Gerry Haas

AOA General Letter to Leslie Lindbo after Hearing 5-18-10.doc

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Email sent on 5-6-2010 - 10:47am - CC: RAO@dtsc.ca.gov

Dear Ms. Gillette, Project Manager DTSC - PWCA Sierra Center Parking Facility Site

As a consultant working with a group of citizens who were involved several years ago in opposition to a projected low-income apartment project on the North side of Foresthill Road, opposite the above named DTSC WORK NOTICE project on the South side of Foresthill Road, I wish to call your attention to what I believe to be an even more dangerous project to the public than the one in the DTSC Work Notice.

To support my contention, I have prepared two attached documents for you in this email.

I have obtained Aerial Photos from 1952 that show the area in question, prior to the building of the Foresthill Bridge and Foresthill Road, including the area of the DTSC WORK ORDER you are managing.

I prepared a package for Environmental Equalizers, Inc., the consulting firm we used back in the early 2000's to give us an analysis of the area. Mr. Bernard Sentianin was the lead investigator for EEI and the Report is dated March 4, 2002.

That included your WORK NOTICE and the aerial photos in question. I am keeping that intact as Exhibit (1) for this email.

After the DTSC Work Notice, the first aerial Photo shows the greater area without the Forest Hill Road or any significant improvements.

Where you see the two round tanks in the middle of the white are the PCWA water tanks, where they have now built a huge building. I believe all the area in the red box is in the Work Notice area.

Near the top of the picture, you see a small road going off at an angle from Highway 80 - that is Silverbend Road, and that horseshoe looking plot of land is where they wanted to build the Apartments, and all of it is part of that huge Pear Orchard mentioned in the DTSCA PEA and RAW Executive Summary - **BCI File No. 1674.1**.

The next aerial photo is a blow up of the WORK AREA.

The Fourth document is the current plot plan for the new apartments.

Below is a brief summary of the EEI 2002 Report - a more complete one is attachment Nr. 2 an MS/Word File. The full seven page EEI Report is also immediately available.

Exhibit (1) - AOA Letter to Leslie Lindbo - May 18, 2010

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Linda S. Adams
Secretary for
Environmental Protection



Department of Toxic Substances Control



Arnold Schwarzenegger
Governor

WORK NOTICE

Sierra Center Parking Facility Site
240 Ferguson Road, Auburn, California

A Removal Action Workplan (RAW) outlining how to clean up arsenic-contaminated soil at the Sierra Center Parking Facility site (Site) was approved by the Department of Toxic Substances Control (DTSC) in November 2009. The RAW determined that the most effective cleanup remedy is the selective grading and containment of contaminated soil under clean fill material and asphalt pavement. A deed restriction will be placed on the property to limit future use of the Site to commercial purposes.

The following actions will be implemented during this process:

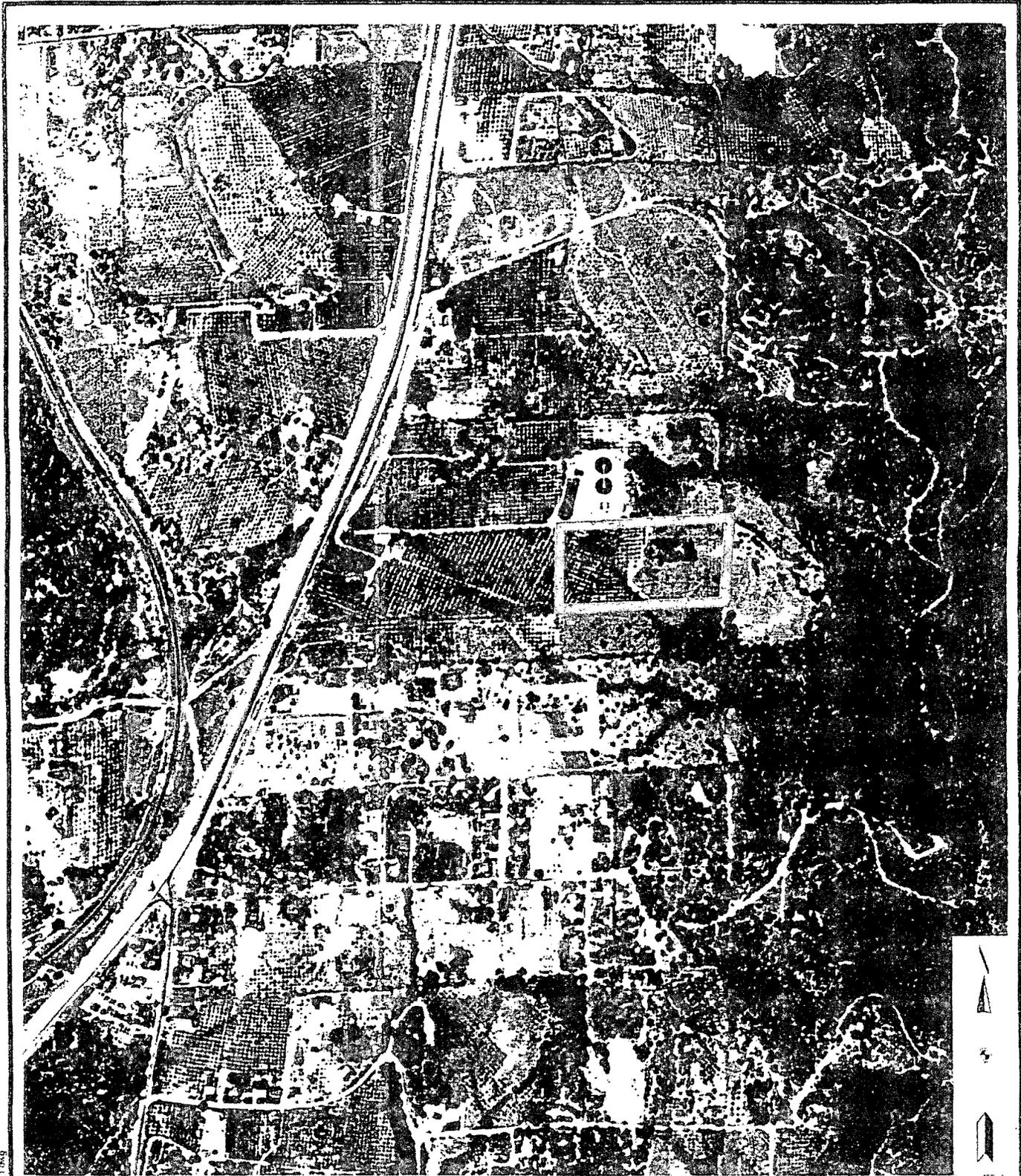
- Dust control measures will be implemented during construction.
- Air monitoring will be conducted to ensure contaminated dust does not go off-site.
- Activities relating to the cleanup will begin in spring 2010, and occur Monday through Friday from 7:00 a.m. to 6:00 p.m. Construction of the parking lot surface will begin after completion of the cleanup. DTSC is only overseeing the cleanup, not the construction of the parking facility. For information on the parking facility construction, please contact Tony Firenzi with the Placer County Water Agency at 530-823-4886.
- Truck travel will be limited to Highway 80, Lincoln Way, and Ferguson Road.
- Soil sampling will be conducted to confirm that cleanup goals have been met.

Additional information can be found at: www.dts.ca.gov. If you have any questions regarding this fieldwork please contact:

Contact Information	
<p>Maria Gillette Project Manager DTSC 916-255-3953 mgillett@dts.ca.gov</p>	<p>Heidi Nelson Public Participation Specialist DTSC 916-255-3575 or toll free at 866-495-5651 hnelson@dts.ca.gov</p>

Media inquiries: Please contact Kam Kimberley Coveyou by phone at 916-324-3048 or via email at kcoveyou@dts.ca.gov

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Source: Southwestern - 1952

4/2/2009 11:41 Sierra Center Parking Lot Air Photo 1.dwg

blackburn
consulting

11521 Blocker Drive, Ste 110
Auburn, CA 95603
Phone: (530) 887-1494
Fax: (530) 887-1495
www.blackburnconsulting.com

1952 AERIAL PHOTO
Sierra Center Parking Facility
Auburn, California

File No. 1674.1

August 2009

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Source: USDA ABM 87-83 - 1938

422204 1674.1 Sierra Center Parking Lot for Phase 2 Map



11521 Blocker Drive, Ste 110
Auburn, CA 95603
Phone: (530) 887-1494
Fax: (530) 887-1495
www.blackburnconsulting.com

1938 AERIAL PHOTO
Sierra Center Parking Facility
Auburn, California

File No. 1674.1

August 2009

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EEI - Geotechnical & Environmental Solutions

March 4, 2002 - (A less than one page excerpt from the seven page letter of 3-4-2002)

Environmental Equalizers, Inc. (EEI) has prepared the following for Document Review and Summary Letter for your review. The subject property is located in the City of Auburn, east of Lincoln Way and south of Silver Bend Way.

EEI has reviewed the Phase I Environmental Site Assessment (ESA) prepared for the subject property by Krazan & Associates in October 2000. Based on a review of the information provided in the ESA, EEI has the following comments:

- A portion of the property was identified as a former pear orchard. However, there is no mention of historical pesticide use. Many of the chemicals historically used in the agricultural industry have been identified by the United State Environmental Protection Agency (USEPA) as toxic, and therefore a potential threat to human health and environment.

Many of these chemicals, such as DDT, chlordane, lead arsenates, or paraquat can remain in the soil for decades. The California Department of Toxic Substances Control's (DTSC) recent Interim Guidance for Sampling Agricultural Soils (June 2000) recommends that sample analysis on historic agricultural properties include, at a minimum, testing for organochlorine pesticides (such as DDT and Chlordane), paraquat, and heavy metals (such as copper, lead, and aresnic).

Given the intended use of the property as a residential housing complex, and the potential for exposure of residents (particularly children) and construction workers to impacted soils, further investigation into the potential use of pesticides on the property and selective testing appears warranted.

- The site contains an undetermined amount (at least 30 feet in places) of undocumented fill material. The presence of fill material is briefly mentioned in the ESA, where a Mr. Donald McMannis is quoted as describing the material as originating from "clean" vacant land. However, the characterization as "clean" appears to have no factual basis. A review of site photographs taken by EEI personnel on site on February 22, 2002, indicate a good deal of construction and other debris in the fill material, as well as illegal dumping of waste oil.

There is an indication in the ESA that some of the material originated from right-of-ways along Interstate 80 and Auburn Ravine Road, yet there is no discussion or evaluation of the potential hazards associated with this material, nor any indication that analytical testing of this material was conducted prior to importation. If this material was taken from in and around previously existing roadways, then accumulation of vehicle exhaust from car and truck traffic may have resulted in elevated concentrations of lead, and or polycyclic aromatic hydrocarbons (PAH's).

If the fill originated from former agricultural properties, then all of the concerns described in item #1 above would apply. Given the unknown provenance of the fill material, the lack of analytical data, and the potential for exposure, further investigation and testing appear to be warranted.

ENVIRONMENTAL EQUALIZERS, INC.

/s/ Bernard A. Sentianin
Bernard A. Sentianin, CPG, RG, REA
Principal Geologist

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(Full Letter available on PDF format on request)

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Alfa Omega Associates letter to:

Ms. Leslie Gentry-Lindbo, MBA, REHS
Supervising Environmental Health Specialist
Land Use and Water Resources Section
County of Placer
3019 County Center Drive
Auburn, CA 95603

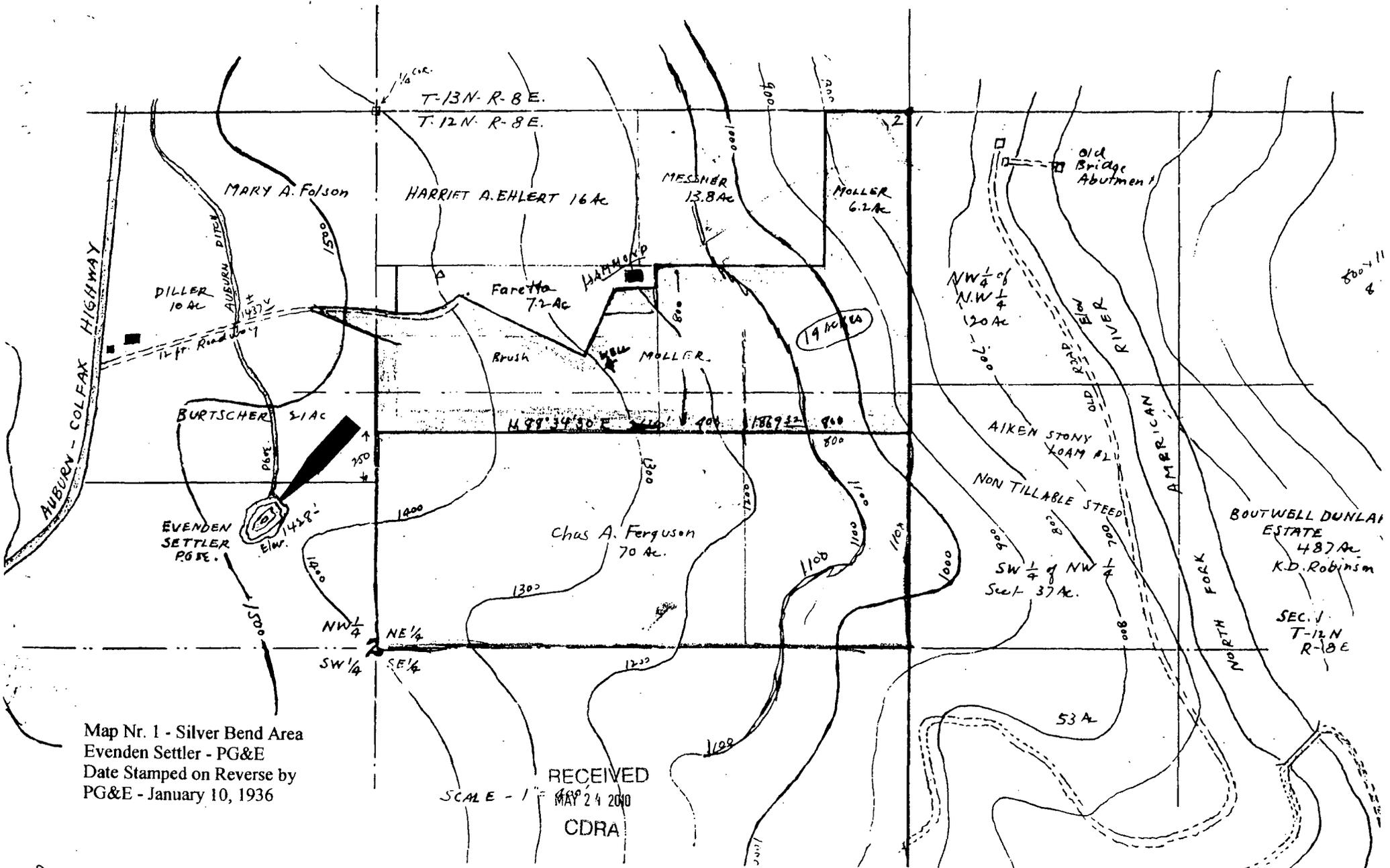
**Exhibit (2) - Three old maps showing PG&E EVENDEN SETTLER
POND Located on the Silver Bend Property.**

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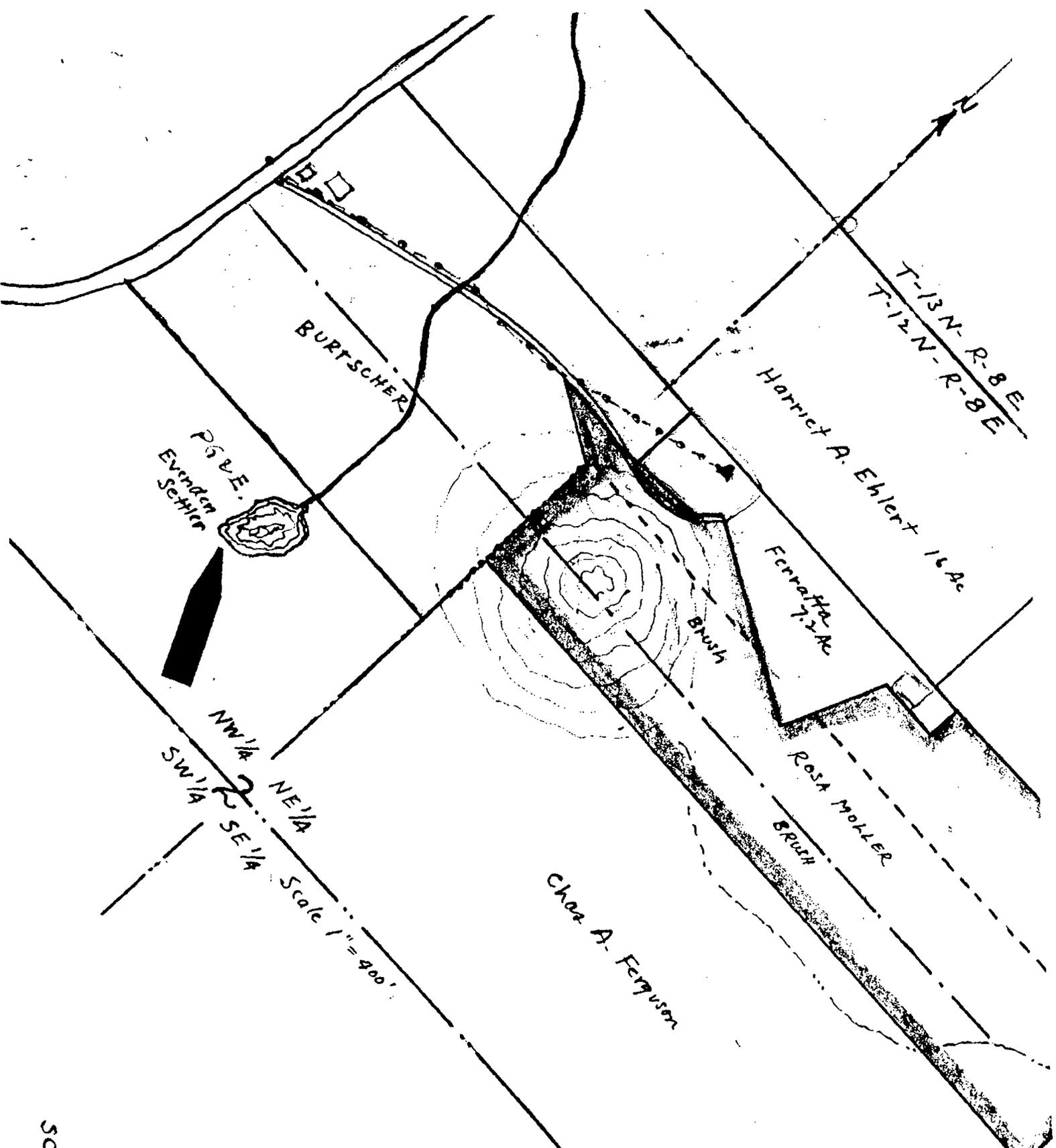
CDRA

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Map Nr. 1 - Silver Bend Area
 Evenden Settler - PG&E
 Date Stamped on Reverse by
 PG&E - January 10, 1936

216

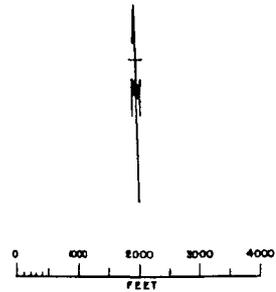
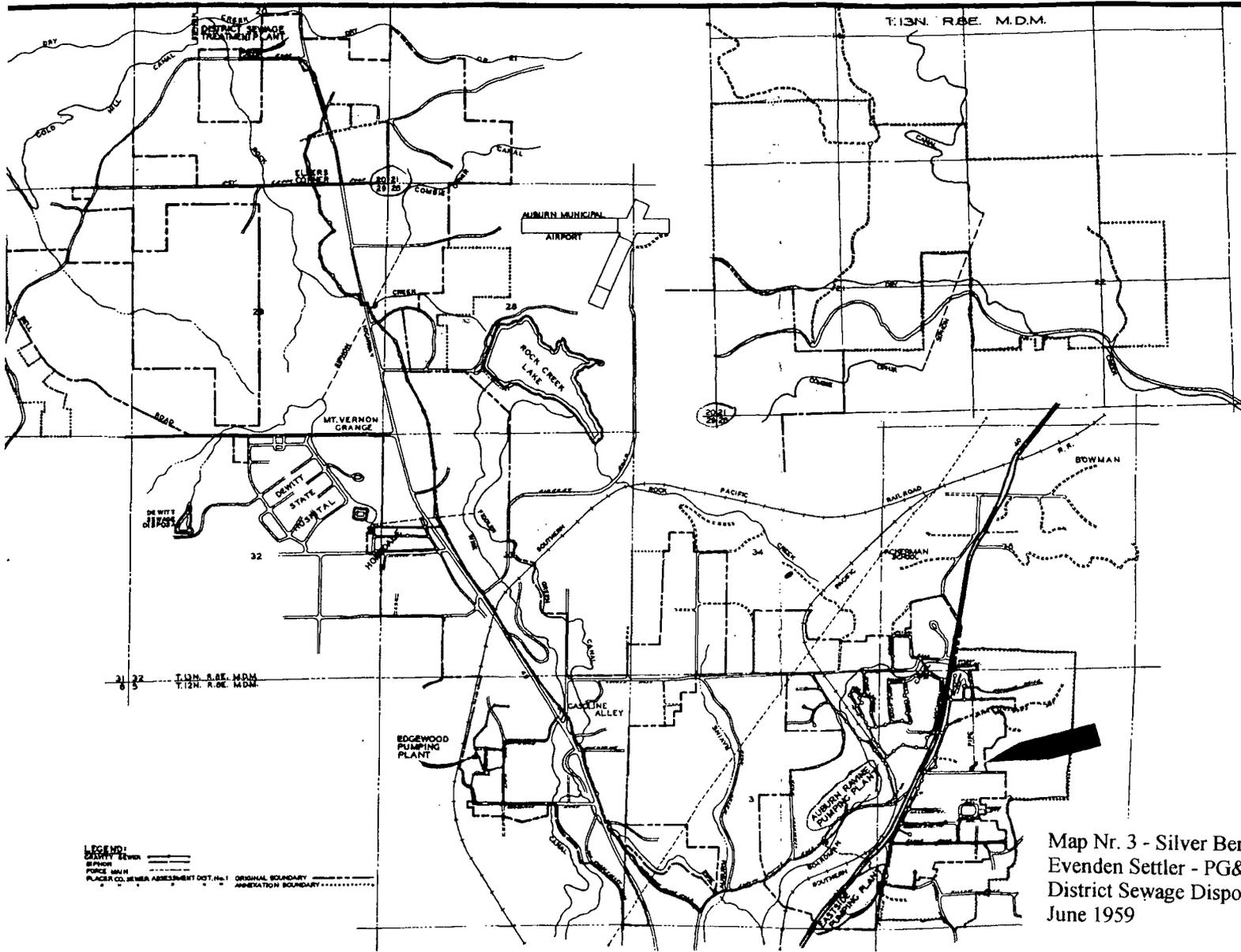


SCALE 1" = 400'

Map Nr. 2 - Silver Bend Area
 Evenden Settler - PG&E
 Date Unknown

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Map Nr. 3 - Silver Bend Area
Evenden Settler - PG&E
District Sewage Disposal
June 1959

LEGEND:
 DASHED LINE
 ORIGINAL BOUNDARY
 DOTTED LINE
 ANNEXATION BOUNDARY

PLACER COUNTY SEWER ASSESSMENT DISTRICT NO. 1 PLACER COUNTY CALIFORNIA	
DISTRICT SEWAGE DISPOSAL PROJECT	
PROJECT LOCATION MAP	
ENGINEER OF WORK HARRY H. JENKINS, CONSULTING SANITARY ENGINEER PALO ALTO, CALIFORNIA	
T. H. MCGUIRE & SON ENGINEERS SURVEYORS GRASS VALLEY, CALIFORNIA	DRAWN BY D.T. CHECKED BY F.L.G.
SCALE AS SHOWN	DWG. DATE JUNE 1959

2108

Alfa Omega Associates letter to:

Ms. Leslie Gentry-Lindbo, MBA, REHS
Supervising Environmental Health Specialist
Land Use and Water Resources Section
County of Placer
3019 County Center Drive
Auburn, CA 95603

Exhibit (3) - Three 8 x 10 Photograph Pages

With seven Photographs showing the two parallel locations, Silver Bend and PCWA Parking Facility DTSC Clean Up on same level, both being part of an old pear orchard.

Other Photos show the pipe coming up from the PG&E Evenden Settling Pond along with other pertinent information on the possible agricultural contamination .

Close up of the PG&E Evenden Settlement Pond shown on a number of old maps. This drained the PG&E Canals in the numerous pear orchards in the area.

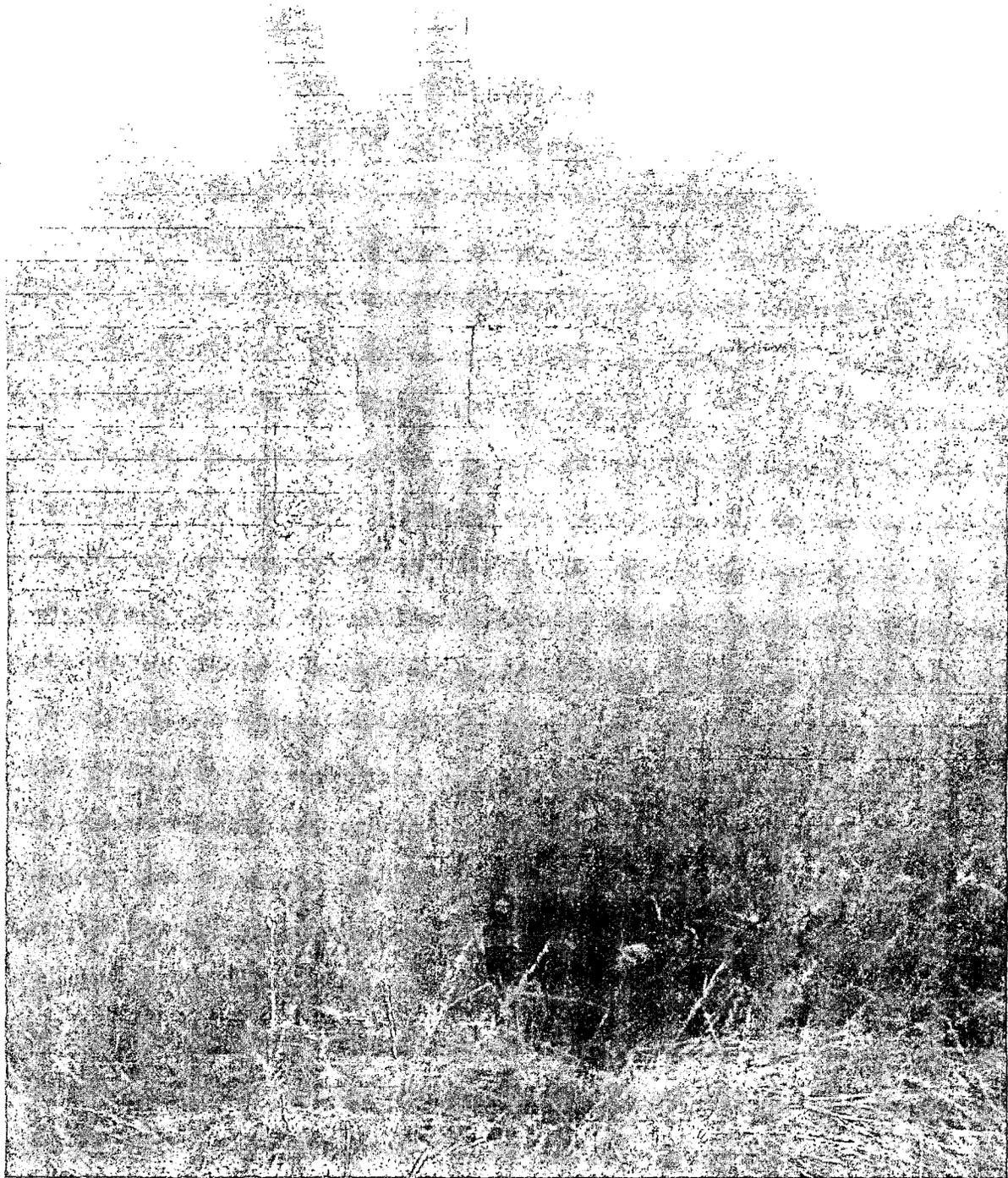


In discussions with old timers living at that time, we found it to be common knowledge that this pond was for the settling of all the toxics and other contaminants in the waters coming off the hills. The State required this pipe to be installed when all the Highway 80 concrete, macadam and other debris was dumped in that steep canyon. Photo taken 5-15-2010.

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Photo of pipe coming out of the ground on the Silver Bend Property. This pipe goes to the PG&E Evenden Settler Pond shown on four different old maps. This site is virtually directly north of the PCWA Clean up Site.



Pipe shown in grass





This photo was taken from the place were the Evenden Pond is located.

This gives a very important visual perspective as it shows the Placer County Water Agency Building where a current DTSC WORK NOTICE CLEAN UP PROGRAM IS IN PROGRESS at 240 Ferguson Rd., Auburn, CA 95603

This is directly across from where the Settling Pond pipe comes out of the ground.

When this matter was brought forward by Dr. Smith at the Planning Commission Hearing of 5-13-2010, it was totally disregarded by the Commission and the Proponent.

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GD/SL

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Another perspective of the short distance between the PCWA Building and the proposed site of the Miners Ridge Apartments which verifies the position that we have taken all along, that this was all one pear orchard at one time. On 5-15-10 when these pictures were taken, we found growing pear trees there.



More evidence of the many trees cut down. These chip mounds are all over the property. And there were many witnesses to the cutting of these trees.



There are a number of trees in this SB area that have been marked as is this tree. We know that Placer County cut a number of trees and when we asked Planning, they did not find any permits for the cutting of the trees. If this is an illegal act, some punishment action should be taken.



There are pear trees and olive trees on the property. Where the Evenden Settlement Pipe comes out there are live pear trees. The pictures of the tags are from the Arborist Report. The county should have a copy of the report that will show each tree, location, type, condition and size. It would be interesting to see exactly how many trees are gone, cut down by the County which will be possible when a close comparison is completed.

Alfa Omega Associates letter to:

Ms. Leslie Gentry-Lindbo, MBA, REHS
Supervising Environmental Health Specialist
Land Use and Water Resources Section
County of Placer
3019 County Center Drive
Auburn, CA 95603

**Exhibit (4) - Letter version of email from DTSC to
Dale Smith, AOA on necessary site testing - 5-17-2010**

**Alfa Omega Associates**

Management Consulting • Public Relations • Publicity
Specializing in Environmental Organizational Management
P.O. Box 7171 • Auburn, CA 95604-7171
Tel/Fax: 530-888-1523 • Cell: 530-308-2689
E-mail: drdalesmith@aoaconsult.net
Dr. Dale Smith, H.H.D., General Manager

Below is the exact text of an email sent out to the parties listed on the issue of the Proposed Miners Ridge Family Apartment Project heard by the Placer County Planning Commission on May 13, 2010. The project was approved unanimously.

This is sent as an official document from Dr. Dale Smith, Alfa Omega Associates for the Administrative Record of this project.

From: Dr. Dale Smith

Monday, May 17, 2010 6:09 PM

To: Michael J. Johnson <planning@placer.ca.gov>; Gerry Haas <ghaas@placer.ca.gov>; Michael Wells <MWells@placer.ca.gov>; Scott Finley <SFinley@placer.ca.gov>; rtaber@placer.ca.gov <rtaber@placer.ca.gov>; cdonovan@placer.ca.gov <cdonovan@placer.ca.gov>; LLindbo@placer.ca.gov <LLindbo@placer.ca.gov>

Cc: Maria Gillette <MGillett@dtsc.ca.gov >; Bill Prior <background@sbcglobal.net>; Jim Holmes <bos@placer.ca.gov>

Attention Placer County Addressee List:

As per my statements on Thursday May 13, 2010, I have met with the CA Department of Toxic Substances Control about my concerns of toxics on the proposed Miners Ridge Family Apartments property. As I suspected DTSC has confirmed that the

". . . Site characterization work as presented in the Project's Phase I and II Environmental Site Assessment documentation (dated 1/29/2009) contained significant soil sampling data gaps, and reports that the County will require additional soil investigation be conducted for the proposed Project area."

The full report is below in the rest of the email from DTSC's Maria Gillette. The purpose of this email is to put this information into the Administrative Record. This is exactly what I was trying to do on Thursday, to make sure that the Planning Department had the necessary information on which to make a quality decision.

It proved to be an exercise in frustration, because the Commission approved the project regardless of any information put forward.

However, this puts Placer County on notice that this project will not go ahead until this "additional soil investigation" takes place.

I am sending this with the original email from Ms. Gillette so there is no misunderstanding about this whatsoever. The two attachments are of considerable interest to the County of Placer. **NOTE: The two attachments sent by Ms. Gillette attached as printed files. (Orig. PDF Files available on email)**

Dr. Dale Smith

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

From: "Maria Gillette" <MGillett@dtsc.ca.gov>
To: "Dr Dale Smith" <drdalesmith@aoaconsult.net>
Sent: Monday, May 17, 2010 3:58 PM
Subject: Proposed Miners Ridge Family Apartment Project

Dear Dr. Smith,

Thank you again for your commitment in addressing the environmental issues within your community. It was a pleasure to meet you and your lovely wife last Saturday.

I just had the opportunity to speak with Ms. Leslie Lindbo (Placer County EHD) regarding the existing environmental documentation for the proposed Miners Ridge Family Apartment Project (Project). Ms. Lindbo recognizes that the Site characterization work as presented in the Project's Phase I and II Environmental Site Assessment documentation (dated 1/29/2009) contained significant soil sampling data gaps, and reports that the County will require additional soil investigation be conducted for the proposed Project area. Placer County EHD is currently preparing a soil sampling work plan for the Project area based upon DTSC's Interim Guidance for Sampling Agricultural Properties, dated August 7, 2008 (please see attached document).

The resulting soil data should be made available for public review and comment. In the event that any of the contaminants of concern (COCs), specifically metals (lead and arsenic) and organochlorine pesticides are reported at concentrations that are unsuitable for future residential development, the County will require some type of clean-up. I will request that DTSC be provided the opportunity to review the resulting soil sampling data analysis.

Dr. Smith, I was also very impressed with Ms. Lindbo, and found her to be a capable and conscientious public servant. Furthermore, I have every reason to believe that Placer County EHD is acting as a responsible regulatory agency with the proposed Site investigation effort.

Thank you again for your important work in the community Dr. Smith. Please let me know if you have any questions, or if I may provide additional assistance.

Thank you, Maria

Maria Gillette
Work Phone # (916) 255-3953
Fax # (916) 255-3696
E-mail: MGillett@DTSC.ca.gov

Another extremely important issue that is totally ignored by Placer County is just what County organization is behind this project? I believe I know, and they can't hide any longer.

That Group is the Placer County Redevelopment Agency directed by Kathy Donovan, but everything the public has heard would indicate that PCRA has nothing to do with this project, but that is not what the law says, specifically the Brown and Bagley-Keen Acts.

In addressing the issue of whether a certain agency was subject to the Brown Act or the Bagley-Keene Act, which applies to state boards and commissions, the California Court of Appeal looked to whether the agency was local in scope and character, restricted geographically in its area of operation, and does not have statewide power or jurisdiction even though it is created by and is an agent of, the state rather than of the city or county in which it functions. (Torres v. Board of Commissioners , 89 Cal.App.3d 545 (California Court of Appeal, 5th Dist. 1979)

By those standards, the court concluded that a local housing authority, while an agent of state policy, was a local agency for purposes of the Brown Act.

I found it very interesting that the main issues on which this whole project turned in that Hearing was on the problems of rights of way, easements and other entitlements that I believe have not been properly considered by Placer County.

The most notable of these is that brought forward again and again by Bill Prior and Mario Ferranti with little or no County response, that is wrong. I also read the complaint from Greg Rosine's attorney. Placer County cannot ignore these legal rights as if they did not exist, they do.

At the Planning Commission Hearing every one of those issues were left to the Redevelopment Agency to solve, so the pretense that the Placer County Redevelopment Agency is not involved go out the window with my observations after the hearing. There was an exchange of calling cards between Kathy Donovan of Redevelopment, showing exactly who is in charge of this process - Placer Redevelopment.

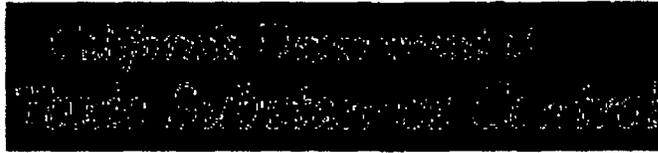
Dr. Dale Smith

This is being sent in this letter form for the Administrative Record

Alfa Omega Associates letter to:

Ms. Leslie Gentry-Lindbo, MBA, REHS
Supervising Environmental Health Specialist
Land Use and Water Resources Section
County of Placer
3019 County Center Drive
Auburn, CA 95603

**Exhibit (5) - Important Information from the
California Department of Toxic Substances Control**



<http://www.dtsc.ca.gov/ContactDTSC/Regulatory-Assistance-Officers.cfm>

Regulatory Assistance Office

Call 1-800-728-6942 or RAO@dtsc.ca.gov

The Department of Toxic Substances Control (DTSC) Regulatory Assistance Officers respond to inquiries from the regulated community, environmental firms, other agencies, and the public at large about Department issues.

DTSC Regulatory Assistance Officer's role is to provide informal guidance about hazardous waste management, site cleanup and other DTSC regulatory information for the convenience of regulated businesses, other government agencies and the public. Such advice is not binding upon DTSC, nor does it have the force of law. If you would like a formal opinion on a matter by DTSC, please contact the responsible program office directly.

Within California, you can contact a Regulatory Assistance Officer by calling (800) 728-6942. If you are calling from out-of-state, please call (916) 255-3618.

In addition to the toll free number, you may email questions directly to the Regulatory Assistance Officers at: RAO@dtsc.ca.gov

The Department of Toxic Substances Control (DTSC) Regulatory Assistance Program provides regulatory compliance assistance, information, research, and ombudsman services to the public. At its core are three Hazardous Substances Scientists, two in Southern California, one in Northern California Regional Offices (PDF map). The Regulatory Assistance Officers respond to inquiries from the regulated community, environmental firms, other agencies and the public at large. Typically, they respond to hundreds of calls per week and, increasingly, to emails.

Tapping into the Regulatory Assistance program gives you the benefit of a combined total of more than 40 years of experience in DTSC, shared by the Regulatory Assistance Officers alone. In addition to the traditional references (regulations, policies and procedures, and other documents) they rely on contacts in and outside of DTSC who are experts in specialized fields. What's more, the key DTSC programs provide on-call Regulatory Assistance Officer points-of-contact, further enriching the information resource.

You can contact the Regulatory Assistance Officers by calling (800) 728-6942, or (800) 72TOXIC. You will reach the Regional Regulatory Assistance Officer covering your part of the state. If you are calling from out-of-state, you will need to call (916) 255-3617. Or email them directly:

Regulatory Assistance Officer	Email	Regions Covered
Mary Misemer (800) 728-6942 (800) 728-6942	<u>MMisemer@dtsc.ca.gov</u>	<u>Northern California</u> : coastal counties from Monterey to the Oregon border <u>Northern California</u> : central counties from the Tehachapis to the Oregon border
Andre Amy (818) 717-6581	<u>Aamy@dtsc.ca.gov</u>	<u>Southern California</u> : Los Angeles, Ventura, Santa Barbara counties
Gloria Conti (714) 484-5400	<u>Gconti@dtsc.ca.gov</u>	<u>Southern California</u> : Southern Los Angeles, Orange, San Diego and eastern counties

Information about other Cal/EPA Boards and Departments can be obtained through their Ombudsmen or Public Affairs.

Finally, other DTSC programs, most notably, Emergency Response, have program-specific Duty Officers, liaisons and contacts. Here are a few key DTSC contact numbers:

Program	Contact Number(s)
Waste Alert Hotline (Complaints)	(800) 698-6942 or 69TOXIC
California Temporary (90 day) EPA ID Numbers	(800) 618-6942 (or "61TOXIC"), or (916) 255-1136 from out-of-state
California Permanent ID Numbers	See <u>Form 1358</u> (no longer issued by telephone)
EPA ID Numbers (US EPA)	(415) 495-8895, after-hours emergency (415) 744-2000
DTSC Transportation Unit (haulers)	(916) 255-4368

**Dale Smith Oral Presentation to the Placer County Planning Commission
Thursday 4-22-2010**

Good Morning Chairman Brentnal, and Esteemed Commissioners I am Dr. Dale Smith, 3410 Sunshine Way, just a half mile from here. The area we are talking about is very important to me, I often fish the American River and want to see it properly taken care of.

Gerry you once thought I was an attorney, and you were amazed when I told you I was not, but you are ---
--- and when you were sworn in, you gave an oath to uphold the law. In section 664 of the evidence code there is a legal presumption. (Quote) "It is presumed that public officials will do their jobs regularly, correctly, reasonably and honestly."(Close quotes) I'm sure you will.

I am only representing myself & my company, Alfa Omega Associates today.

I received the Mitigated Negative Declaration Addendum less than a week ago. This material does not fully or fairly address of my comments on these matters, and the relevant information I previously submitted. You should look at CEQA Guidelines section 15162(a)(2) to see what the County failed to do.

So, who are the new owners? There have already been two very expensive lawsuits over serious developer failures, is this going to happen again? Ownership Info & evidence about a project goes directly to the agency's and developer's ability to perform the CEQA Mitigation. Remember, it's taxpayer money being wasted.

The addendum says it supports the finding that the project does not raise any new issues. I've already named two.

On toxic contamination, the County for the first time addresses this by listing and describing a host of potential mitigation measures recommended but without evidence how they will be done. **Commissioners, have you personally seen this evidence, are you convinced that there is no further clean up required?**

Had we not brought that DTSC material forward, you probably would have plunged right on, **but nothing that I have seen in any of the reports or documents even mentions the Evenden Settling Pond of PG&E as shown in this 1936 map.**

(Hold it up for everyone to see and hand it to Gerry)

Exhibit (6) - Dale Smith Oral Presentation to Planning Commission

From my study and discussions with Area DSTS project officer Maria Gillette and the comments from our expert witness, Geologist Bernard Sentanian, I assure you that this settling pond has arsenic, DDT, chlordane, lead arsenates, and paraquat, perhaps other deadly toxins.

Some remain in the soil for decades and because this settling pond has never been investigated - **it is a weighty potential threat to human health and safety.** Read about this in the 4-22 Staff Report, pages 35 to 41.

Since Placer County has not made any details from the recent Phase I or Phase II reports available to us, we question the very validity of this Addendum.

I have submitted a formal complaint to the DTSC and another will go to the CAWQC Board soon along with the Four Maps, some of them very old, out of a collection of nearly a hundred offered to me earlier this week.

A lot of **those** documents have to do with **rights of way**, **easements** and other **entitlements** that I believe have not been properly considered by Placer County.

The most notable of these is that brought forward again and again by Bill Prior and Mario Ferranti with little or no County response, that is wrong. I also read the complaint from Greg Rosine's attorney. Placer County cannot ignore these legal rights as if they did not exist, they do.

I was shocked the first time I saw that property from the Raleys Parking lot. **Where did all that dirt come from.**

Planning wrote me quote: ". . .there has only been one grading permit issued for the Miners Ridge site. It was issued in February 2009 and allowed for the stockpiling of material, which was dug up from the off-site pipeline upgrades by PCWA." Close quotes.

Is that admission to an illegal act? How can the County issue a permit for the stockpiling of material and without obtaining a specific permit for placing fill material in that very steep canyon, use any fill material to do the exact fill that the ESD says was not legal?

Here's another quote:

"Initially, the Redevelopment Agency wanted Veerkamp to fill the low portion of the site with this material. However, ESD would not allow that due to the previous dumping on the site.

Therefore, the Grading Permit on file (DGP-4559) does not allow for fill, only temporary storage of the material in a flat, stable portion of the site." Close quotes.

There were many witnesses to that fill, what appears to be an illegal act presumably at the direction of the County Redevelopment Agency by the Veerkamp Company -- in defiance of an order by the Placer County Engineering Department (ESD) which is documented in the County Addendum.

Do you have any questions?

I will turn in my detailed AR documents & maps.

... and please Commissioners don't ignore the illegal cutting of protected trees, remember Evidence Code 664. Again, there are plenty of eyewitnesses.

###

Planning Commission gives approval to Silver Bend Way project despite concerns

By Jon Brines Journal Correspondent



Courtesy

The 65-unit Miners Ridge Apartment development proposed by USA Properties was approved by the Planning Commission Thursday.

The Placer County Planning Commission approved a plan Thursday to build an affordable-low income housing complex in Bowman despite lagging concerns.

The 65-unit Miners Ridge Apartment project was approved for construction on Silver Bend Way behind the Raley's Shopping center.

Neighbors adjacent to the Redevelopment Agency-owned property voiced concerns to commissioners at the meeting, saying that the proposed project, to be constructed and operated by USA Properties, would prevent access from their property to the public street.

"I'm concerned about this project," property owner Greg Rosine said. "We shouldn't be gated out or fenced out of our property. The county has a gate and they won't give us the key."

Rosine suggested a lawsuit could be drawn over the easement issue.

"Down the road there is going to be legal actions if they don't clean this stuff up," Rosine said.

In 2002, a community group known as Residents Against Inconsistent Development, known as RAID, filed a lawsuit challenging an inadequate mitigated negative declaration at the site. As a part of the settlement agreement, the group agreed not to challenge the county's approval of a modified ownership version of the project that now exists.

In 2006, the Planning Commission approved a townhouse project on the site called Ridge View Villas, which was never constructed. The current plan is a variation of the original project.

"We are not trying to reinvent the wheel here," Commissioner Gerry Brentnall said. "We are not going back and revisiting the original mitigated negative documents. We are strictly looking at the difference between Ridge View Villas and the addendum."

Exhibit (7) - Auburn Journal Article on Silver Bend Apartments Approval

USA Properties' George Phillips told commissioners he's willing to work it out with the neighbors and allow them to use the private road attached to the project if the Placer County supervisors approve the project.

"We will build this (private) road to county standards," Phillips told the commission. "If there is greater improvement in the future, the county has a right to put those in. USA (Properties) is open to fixing it and making it accommodating to people."

Commissioner Richard Johnson said he was concerned about the neighbors' issues, but said they'd need to be worked out with the applicant.

"We're not prepared to delve into easement issues at this point," Johnson said.

Concerned Auburn resident Dale Smith told commission members they needed to acknowledge toxic contaminants at the site including arsenic used for fertilizer when the property was an orchard.

"This is a good project," Smith said. "(But) it can't be done if there is toxic chemicals underneath. I don't think they've been properly considered by the county."

A representative from USA Properties, Kevin Kemper, objected to Smith's comments at the meeting and said Smith couldn't legally advise the county since he was a party to the original lawsuit.

"Whether Dale Smith is representing RAID or not, we believe he is a bound party by that agreement," Kemper said. "We believe it precludes him from participating as an adversary to this project."

Even so, Kemper addressed his concern by reminding the commission the history of the site is well known.

"It's well documented," Kemper said. "California Environmental Quality Act document is adequate. There is going to be additional testing that's done related to historical use of pesticides on the property. That's what the environmental health department requires."

When Smith wanted to rebut Kemper's comments, he was told to sit down by Commissioner Brentnall and his microphone was muted briefly.

"This is a violation of the Brown Act," Smith said. "Have the sheriff take me out."

The meeting continued and the measure was approved.

"It maybe new to him but not to the rest of the world," Brentnall said. "We have more than enough information from you to make a decision."

After the meeting, members of the RAID refused comment. One member said she received a threat of litigation from the county if she commented publicly on the project.

Smith said he wasn't a party to the agreement and wants to speak out so citizens know any development on the site would be what he called a "death trap."

"I have never been against the project, but I sure am against anything that may jeopardize the health and well being of people who would be living in those apartments," Smith said. "The county just ignores this."

Auburn landlord George Horan said the county is also not thinking about the bigger picture by allowing another affordable housing unit to be built in Auburn. He wrote a letter to the county in protest.

"Build it where you need it," Horan said. "(Auburn) is loaded with affordable housing. It's unsustainable for investors, they'll turn their properties back to the bank."

Horan owns 22 rental units in Auburn and said the recession has created a 20 percent vacancy rate with his properties. He said he's concerned about the glut of available properties could cause the rental housing market to crash.

"The developers don't care if this is economically viable or not," said Horan. "They are going to be paid for putting it up, take their money and move on. We're going to be stuck with the mess."

The Board of Supervisors is expected to review the project in their meeting at the end of June.

###

Fire behind Raley's supermarket initially threatens homes

By Jenna Nielsen, Journal Staff Writer

RECEIVED

August 30, 2008

MAY 24 2010

CDRA

A two-acre vegetation fire threatened dozens of homes behind Raley's supermarket in Auburn Saturday afternoon.

The cause of the fire is under investigation.

Battalion Chief Jeff Brand of Cal Fire said several structures were initially threatened by the blaze, which charred a small area of dry brush behind the Raley's shopping center off Lincoln Way.

Air tankers arrived on scene within minutes, Brand said.

"What is unusual about this incident is the air tankers got here first," Brand said. "They were able to drop (retardant) on it pretty quickly."

The fire, which broke out at approximately 5:30 p.m., was contained by 6 p.m.

Several area residents and passersby gathered to see what was going on.

"I am a retired firefighter and we heard the incident on my scanner," said Randy Morin, who was headed home to Grass Valley on Highway 49 when he heard about the fire. "As soon as we got over here, we saw the huge column of smoke."

A few residents along neighboring streets including Sylvan Vista Drive even resorted to wetting down their roofs, but ceased as soon as Cal Fire and Auburn City Fire crews got a handle on the blaze.

The Journal's Jenna Nielsen can be reached at jennan@goldcountrymedia.com or post a comment.

Why is this worthy of comment on the project: **CONDITIONAL USE PERMIT MODIFICATION/MINOR BOUNDARY LINE ADJUSTMENT (PCPM 20100046) MINERS RIDGE FAMILY APARTMENTS ADDENDUM TO THE PREVIOUSLY APPROVED MITIGATED NEGATIVE DECLARATION.**

Very simple, there were three fires in 2008 in this area, and the roads are not adequate as was very dramatically proved during that time. In one situation, the Fire Department went storming down Silver Bend Way which is very narrow and does not meet the required fire standards only to arrive at the houses

at the dead end Street, Silver Bend Way. It was extremely difficult for the Fire Department to get the Engine out of there, and by that time it was virtually useless for this fire.

Even though this was a battle fought in the first go around on the Silver Bend Project in the early 2000's, the County never did anything about providing for the compliance with the California State LORS¹ and the result is that this whole area is in dire danger of wildfires that can come roaring up the hill from the American River Canyon.

Alfa Omega Associates is so concerned about this that we have researched this matter and post herewith the regulations pertaining to this area. We challenge the Placer County Planning Commission to compare the facts of the Silver Bend Area, the fire possibilities, the woeful protection that is available and still approve this project as it now is presented to the Public. HAD I NOT BEEN FOR PROMPT AIR TANKER RESPONSE, A GOOD PART OF THAT AREA WOULD HAVE GONE UP IN SMOKE.

Here are some of the glaring problems: Section 1273.01 – Road Width. Section 1273.02 – Roadway Surface. Section 1273.03 – Roadway Grades Section 1273.05 – Roadway Turnarounds. Section 1273.08 – One-Way Roads. Section 1273.09 – Dead-End Roads.

Planning Commissioners - How would you like to have a disastrous fire killing and maiming people in the area -- if you could have prevented it?

STATE OF CALIFORNIA FIRE SAFE FIELD GUARD - Appendix G

STATUTES AND REGULATIONS

This appendix has been designed to present only those laws and regulations, or portions thereof, which pertain more or less directly to wildland fire prevention. As such, this appendix should only be used as a quick field reference.

For full and current text, meaning and proper context of laws and regulations, reference should be made to the applicable codes, manuals, directives, etc.

Section 1273.00 – Emergency Access – Intent.

Road and street networks, whether public or private, unless exempted under section 1270.02(e), shall provide for safe access for emergency wildland fire equipment and civilian evacuation concurrently, and shall provide unobstructed traffic circulation during a wildfire emergency consistent with sections 1273.00 through 1273.11.

Section 1273.01 – Road Width.

All roads shall be constructed to provide a minimum of two nine-foot traffic lanes providing two-way traffic flow, unless other standards are provided in this article, or additional requirements are mandated by local jurisdictions or local subdivision requirements.

Section 1273.02 – Roadway Surface.

The surface shall provide unobstructed access to conventional drive vehicles, including sedans and fire engines. Surfaces should be established in conformance with local ordinances, and be capable of supporting a 40,000 pound load.

¹ LORS - Laws, Ordinances, Regulations and Statutes

Section 1273.03 – Roadway Grades.

The grade for all roads, streets, private lanes and driveways shall not exceed 16 percent.

Section 1273.04 – Roadway Radius.

(a) No roadway shall have a horizontal inside radius of curvature of less than 50 feet and additional surface width of 4 feet shall be added to curves of 50-100 feet radius; 2 feet to those from 100- 200 feet.

(b) The length of vertical curves in roadways, exclusive of gutters, ditches, and drainage structures designed to hold or divert water, shall be not less than 100 feet.

Section 1273.05 – Roadway Turnarounds.

Turnarounds are required on driveways and dead-end roads as specified in this article. The minimum turning radius for a turnaround shall be 40 feet from the center line of the road. If a hammerhead/T is used, the top of the “T” shall be a minimum of 60 feet in length.

Section 1273.06 – Roadway Turnouts.

Turnouts shall be a minimum of 10 feet wide and 30 feet long with a minimum 25 foot taper on each end.

Section 1273.07 – Roadway Structures.

(a) All driveway, road, street, and private lane roadway structures shall be constructed to carry at least the maximum load and provide the minimum vertical clearance as required by Vehicle Code sections 35550, 35750, and 35250.

(b) Appropriate signing, including but not limited to weight or vertical clearance limitations, one-way road or single land conditions, shall reflect the capability of each bridge.

(c) A bridge with only one traffic lane may be authorized by the local jurisdiction; however, it shall provide for unobstructed visibility from one end to the other and turnouts at both ends.

Section 1273.08 – One-Way Roads.

All one-way roads shall be constructed to provide a minimum of one 10-foot traffic lane. The local jurisdiction may approve one-way roads. All one-way roads shall connect to a two-lane roadway at both ends, and shall provide access to an area currently zoned for no more than 10 dwelling units. In no case shall it exceed 2640 feet in length. A turnout shall be placed and constructed at approximately the midpoint of each one-way road.

Section 1273.09 – Dead-End Roads.

(a) The maximum length of a dead-end road, including all dead-end roads accessed from the deadend road, shall not exceed the following cumulative lengths, regardless of the number of parcels served: parcels zoned for less than one acre – 800 feet
 parcels zoned for 1 acre to 4.99 acres – 1320 feet
 parcels zoned for 5 acres to 19.99 acres – 2640 feet
 parcels zoned for 20 acres or larger – 5280 feet

All lengths shall be measured from the edge of the roadway surface at the intersection that begins

the road to the end of the road surface at its farthest point. Where a dead-end road crosses areas of differing zoned parcel sizes, requiring different length limits, the shortest allowable length shall apply.

(b) Where parcels are zoned 5 acres or larger, turnarounds shall be provided at a maximum of 1320 foot intervals.

(c) Each dead-end road shall have a turnaround constructed at its terminus.

Section 1273.10 – Driveways.

All driveways shall provide a minimum 10 foot traffic lane and unobstructed vertical clearance of 15 feet along its entire length.

(a) Driveways exceeding 150 feet in length, but less than 800 feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds 800 feet, turnouts shall be provided no more than 400 feet apart.

(b) A turnaround shall be provided at all buildings sites on driveways over 300 feet in length, and shall be within 50 feet of the building.

Section 1273.11 – Gate Entrances.

(a) Gate entrances shall be at least two feet wider than the width of the traffic lane(s) serving that gate.

(b) All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on that road.

(c) Where a one-way road with a single traffic lane provides access to a gated entrance, a 40 foot turning radius shall be used.

Section 1274.00 – Signing and Building Numbering – Intent.

To facilitate locating a fire and to avoid delays in response, all newly constructed or approved roads, street, and buildings shall be designated by names or numbers, posted on signs clearly visible and legible from the roadway. This section shall not restrict the size of letters or numbers appearing on street signs for other purposes.

Section 1274.01 – Size of Letters, Numbers and Symbols for Street and Road Signs.

Size of letters, numbers, and symbols for street and road signs shall be a minimum 3 inch letter height, 3/8 inch stroke, reflectorized, contrasting with the background color of the sign.

Section 1274.02 – Visibility and Legibility of Street and Road Signs.

Street and road signs shall be visible and legible from both directions of vehicle travel for a distance of at least 100 feet.

Section 1274.03 – Height of Street and Road Signs.

Height of street and road signs shall be uniform county wide, and meet the visibility and legibility standards of this article.

Section 1274.04 – Names and Numbers on Street and Road Signs.

Newly constructed or approved public and private roads and streets must be identified by name or number through a consistent countywide system that provides for sequenced or patterned numbering and/or non-duplicating naming within each county. All signs shall be mounted and oriented in a uniform manner.

This section does not require any entity to rename or renumber existing roads or streets, nor shall a roadway providing access only to a single commercial or industrial occupancy require naming or numbering.

Section 1274.05 – Intersecting Roads, Streets and Private Lanes.

Signs required by this article identifying intersecting roads, streets and private lanes shall be placed at the intersection of those roads, streets, and/or private lanes.

Section 1274.06 – Signs Identifying Traffic Access Limitations.

A sign identifying traffic access or flow limitations, including but not limited to weight or vertical clearance limitations, dead-end road, one-way road or single lane conditions, shall be placed:

- (a) at the intersection preceding the traffic access limitation, and
- (b) no more than 100 feet before such traffic access limitation.

Section 1274.07 – Installation of Road, Street and Private Lane Signs.

Road, street and private lane signs required by this article shall be installed prior to final acceptance by the local jurisdiction of road improvements.

Section 1274.08 – Addresses for Buildings.

All buildings shall be issued an address by the local jurisdiction which conforms to that jurisdiction's overall address system. Accessory buildings will not be required to have a separate address; however, each dwelling unit within a building shall be separately identified.

Section 1274.09 – Size of Letters, Numbers and Symbols for Addresses.

Size of letters, numbers and symbols for addresses shall be a minimum 3 inch letter height, 3/8 inch stroke, reflectorized, contrasting with the background color of the sign.

Section 1274.10 – Installation, Location and Visibility of Addresses.

(2) be located at a turnout or turnaround, along the driveway to that building or along the road that intersects with that driveway.

(b) The hydrant head shall be brass with 2 ½ inch National Hose male thread with cap for pressure and gravity flow systems and 4 ½ inch draft systems. Such hydrants shall be wet or dry barrel as required by the delivery system. They shall have suitable crash protection as required by the local jurisdiction.

Section 1275.20 – Signing of Water Sources.

Each hydrant/fire valve or access to water shall be identified as follows:

- (a) if located along a driveway, a reflectorized blue marker, with a minimum dimension of 3 inches shall be located on the driveway address sign and mounted on a fire retardant post, or
- (b) if located along a street or road,

(1) a reflectorized blue marker, with a minimum dimension of 3 inches, shall be mounted on a fire retardant post. The sign post shall be within 3 feet of said hydrant/fire valve, with the sign no less than 3 feet nor greater than 5 feet above ground, in a horizontal position and visible from the driveway, or (2) as specified in the State Fire Marshal's Guidelines for Fire Hydrant Markings Along State Highways and Freeways, May 1988.

This is now part of the Administrative Record for this case.

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