



COUNTY OF PLACER
Community Development/Resource Agency

Michael J. Johnson, AICP
Agency Director

**PLANNING
SERVICES DIVISION**

Paul Thompson, Deputy Director

MEMORANDUM

TO: Honorable Board of Supervisors

FROM: Michael Johnson, Agency Director
Community Development/Resource Agency

DATE: August 9, 2011

SUBJECT: Consideration of Approval of Entitlements and of Third-Party Appeal of the Planning Commission's Actions Pertaining to the Timberline at Auburn Project

ACTION REQUESTED:

The Board of Supervisors is being asked to consider entitlements for the Timberline at Auburn Project and to consider a third-party appeal of the Planning Commission's action to approve several of the entitlements. Staff recommends the Board take the following actions:

1. Deny the third-party appeal of the Planning Commission's actions filed by Dale Smith and Jon Forslund; and
2. Certify the Final Environmental Impact Report for the Timberline Project; and
3. Approve General Plan Amendment, Rezoning, and Zoning Text Amendment, and following entitlements as approved by the Planning Commission: the Conditional Use Permit, Minor Use Permit, Tentative Phased Map, Noise Exception, Variance for backing into public or private roadways, Parking Variance, Signage Variance, Variance to allow the proposed three entry ways to have increased fence height in the front yard setback, Variance to allow the RV/Storage yard to have an eight foot fence.

PROJECT DESCRIPTION:

The Timberline Continuing Care Retirement Community consists of three distinct project components on the 94-acre project site located on the North side of Bell Road at Richardson Drive in North Auburn. The first area consists of a proposed age-restricted community, which includes a total of 780 dwelling units and encompasses the area to the west of Richardson Drive. The second area is centered on Richardson Drive and includes various office and commercial buildings that include 78 residential lofts in addition to 218,500 square feet of office/commercial space. The third area of the proposed project is a 24-acre Auburn Recreation District parcel in the northernmost portion of the project site, which would include the construction of a trail and wetlands to mitigate for the lost wetlands on the Timberline project site. The trail and wetlands will serve to provide recreational opportunities for the

project residents and other County residents as well as to provide a link to the existing Auburn Recreational District's regional park located northeast of the project site. In addition, the project includes commercial and recreation/fitness center buildings on the east side of Richardson Drive at Bell Road.

The applicant requests approval of a Conditional Use Permit to allow for the development of a continuing care retirement community (CCRC), including up to 858 total residential units, and an associated commercial center. The project will also require approval of a Tentative Subdivision Map to subdivide the project into 54 lots; an amendment to the Auburn/Bowman Community Plan and Rezoning to redistribute land use designations and zoning on the property; a Noise Exception; a Zoning Text Amendment to allow more than one detached single family dwelling on a parcel; and Variances to allow backing into public and/or private roadways, to increase the fence height to eight feet for an RV/storage yard area, to reduce the parking requirement, to reduce setbacks for freestanding signs and allow multi-tenants on the freestanding signs, and to allow three entry ways to have increased fence height within the front setback. Each of these requests is addressed in detail in the "Project Entitlements" section of this report.

The age-restricted component of the project (primary residents are required to be 55 years of age or older) will include one-, two- and three-bedroom residences in the two- and three-story independent living residential buildings. In addition, the project would also include duplexes and detached villas. The detached villas would range in size from 1,400 to 2,100 square feet and the duplex villas would measure 1,200 square feet per unit. All villas are designed as single-story dwellings for the residents' convenience; however, 20 of the villas would be built utilizing a stem wall construction method to better integrate the residence into the existing topography and to allow for the opportunity to add an 800-square-foot daylight basement. This portion of the project will also have three common buildings with lounge facilities for residents and their guests, a library, multipurpose rooms, and a dedicated block of rooms available to residents' guests for short-term stays. There will also be minor commercial activities to serve the residents such as a small convenience store, hair salon/spa, and a banking kiosk. The continuing care retirement community would include installation of a solid perimeter fence along the north, south and west sides. A combination of solid and open fencing, such as wrought iron, will be constructed between the east side of the community and Richardson Drive.

The outdoor environment of the continuing care retirement community would provide both passive and active recreation. An open space network of trails and pathways would link all of the project's proposed complexes and facilities. A series of mini-parks are also planned along a system of trails and pathways. In addition, the project includes a pedestrian/bicycle trail along Richardson Drive.

The proposed commercial center portion of the Timberline project (located along the easterly side of Richardson Drive) will include both commercial and office uses, as well as above- and below-ground parking for the proposed uses. Although the exact commercial tenant mix is not known at this time, the commercial center is intended to satisfy most of the needs of the continuing care retirement community residents as well as the existing area residents and visitors. The retail portion (shopping center) near the corner of Richardson Drive and Bell Road would consist of three buildings totaling 33,500 square feet (28,500 square feet of retail and 5,000 square feet of office). Each of the buildings would be divided further depending on

the tenant mix. Tenants may include a coffee/bagel shop, restaurant, dry cleaners, convenience store, florist, and other neighborhood commercial uses. Residential lofts would occupy the second and third story of each of the I1 and I2 plan retail buildings (Attachment C) and the third floor of the H5 commercial building (Attachment C). The loft units in the retail buildings are anticipated to be available to the general public, including employees of the project. Building I3 (Attachment C) would have 5,000 square feet of retail on the ground floor and 5,000 square feet of Professional Office on the second floor.

To the north of the retail buildings would be five two- to three-story medical office / professional office buildings with a total of up to 90,000 square feet of medical office space or up to 140,000 square feet of professional office space. The tenants of these buildings have not been identified. If the use of the building is professional office, the building would be built three stories tall. However, if the use is medical office, then the buildings would only be built two stories tall.

An RV/boat storage facility and two 23,500-square-foot two-story commercial buildings would be located north of the five medical office/professional office buildings. The RV/boat storage facility will include an eight-foot tall solid perimeter wall. The commercial buildings would potentially contain a variety of uses ranging from professional office to indoor recreation and fitness uses and/or day spa.

The Timberline project is designed to group different segments of the retirement community together, while integrating each component into the overall design, including the indoor and outdoor facilities and proposed adjacent commercial center. Additionally, the project has been designed to encourage the residents living above the commercial buildings along Richardson Drive to walk to work at any of the nearby employment centers such as the Sutter Auburn Faith Hospital, the Dewitt County complex, local medical offices, or at the proposed Timberline project. Residents will be able to utilize the public bus, walking trails, and neighborhood electric vehicles (NEVs) to get to appointments and to conduct their shopping.

BACKGROUND:

The Timberline project site, although undeveloped, has been disturbed by historic grazing, off-road vehicle use, and trenching across the site to accommodate the installation of a sewer line to serve surrounding properties. The following two projects were proposed on the Timberline site, but never completed:

1. Timberline Senior Living Center - The project was approved by Placer County on November 20, 1986 as a 188-unit, age-restricted (55+) senior independent living center. The complex was designed to include community support services including a beauty shop, convenience store, canteen, communal dining hall/recreation hall, library/reading room, self-storage complex, and indoor and outdoor recreation facilities including a swimming pool and spa, shade structure, shuffleboard, and senior par course. The project approval for Timberline Senior Living Center was never exercised and expired prior any construction taking place on the site.

2. Harmon Park Subdivision - This project was withdrawn prior to its approval. The project consisted of a mixed residential community focused primarily on seniors (55+). The project included 80 single-family residential units on 26.5 acres; 60 Manor homes on seven acres; 250 Senior Apartments (up to three-stories in height) on 11.25 acres; 17 Estate lots, (non-age

restricted) on 10.75 acres, 1.5 acres of commercial uses on the corner of Bell Road and Richardson Drive, and 27.75 acres of open space.

North Auburn Municipal Advisory Council

The proposed project was considered by the North Auburn Municipal Advisory Council (MAC) on May 5, 2011. The MAC recommended that the Planning Commission consider limiting the times of noise-generating activities such as a garbage pick-up. The North Auburn MAC then took unanimous action to recommend that the Planning Commission approve the Timberline project. It should be noted the Timberline Project proponent requested that a condition be placed on the project that requires that loading and delivery activities, including trash pickup and trash compaction operations be restricted to the hours of 7:00 AM to 10:00 PM in accordance with the request of a nearby resident and the request of the North Auburn Municipal Council. This condition was approved by the Planning Commission on May 12, 2011.

Planning Commission

On May 12, 2011, the Planning Commission conducted a public hearing on the entitlements proposed for the Timberline at Auburn project. At the hearing, the Commission received comments from approximately fifteen members of the public. Of the fifteen who provided comments, two were in support of the project and thought it would be a good addition to the Auburn Community. Thirteen additional members of the public voiced concerns in relation to the visual, traffic and noise impacts. Concerns were also raised regarding impacts to wetlands, declining property values, and conflicts with the Auburn Airport Land Use Plan. The appellant, V. Dale Smith, also spoke in opposition to the project and voiced the same concerns that are contained in his appeal and are discussed in depth in the appeal section of this staff report.

After considering the comments provided by the public and the information provided by staff, the provided by the public and the information provided by staff, the unanimously adopted a motion (6-0 with Commissioner Grey absent) to approve the following entitlements for the Timberline project: Conditional Use Permit, Minor Use Permit, Tentative Phased Map, Noise Exception, Variance for backing into public or private roadways, Parking Variance, Signage Variance, Variance to allow the proposed three entry ways to have increased fence height in the front yard setback, and a Variance to allow the RV/Storage yard to have an eight foot fence, subject to certification of the Final Environmental Impact Report by the Board of Supervisors. The Planning Commission also recommended that the Board of Supervisors certify the Final Environmental Impact Report and approve the proposed General Plan Amendment, Rezoning, and the Zoning Text Amendment.

PROJECT ENTITLEMENTS:

General/Community Plan Amendment and Rezoning:

While the proposed Timberline Project meets the intent of the 1994 Auburn/Bowman Community Plan, based on today's regulations, it is necessary for the proponents of the project to obtain a General Plan Amendment, Rezoning and Zoning Text Amendment to comply with the mixed-use vision set forth in the Auburn/Bowman Community Plan. Even though the Timberline project is requesting a General Plan Amendment and Rezoning, the project will retain the same amount of Open Space acreage and overall density as called for in the existing Auburn/Bowman Community Plan. Under the current Community Plan and zoning designations, the site would be allowed 551 units plus 551 additional units because of the senior housing density bonus (for a total of 1102 units). The project applicant is only requesting approval of 858 residential units.

The Auburn/Bowman Community Plan envisioned the project site as a mixed-use area and states that it is probably the best opportunity in North Auburn to realize a different type of residential development than the primarily large-lot, single-family residences that have typically been constructed in the recent past. Surrounding amenities also add to the attractiveness of the area. For instance, justification to decrease the minimum lot size and increase density can be found in the proximity of the project area to the Dry Creek Regional Park, a major recreational facility, and the need to preserve many of the on-site oak trees and vegetation. The area is also situated so that it is within walking distance of major employment centers, including the Dewitt Center and Auburn Faith Hospital and its appurtenant medical offices, an elementary school, and major shopping facilities. Parcels fronting Bell Road on the north should be developed with low intensity office buildings designed to preserve existing oak trees. These offices should be designed to retain as much of the scenic view to the north and to act as a transition between the urban development along the Highway 49 corridor and the residential development to the west.

Areas north of the Education Street extension and east of the proposed Richardson Drive extension could be developed as medical related services. This area is immediately adjacent to the Auburn Faith Community Hospital. Development of medical related services in this area provides localized "continuum of care" services to the Auburn community. Development of ambulatory diagnostic and treatment services as well as potential long term care adjacent to existing acute health facilities can create economies that result in affordable health services.

Circulation within this mixed-use area should be improved to include new roads that will help reduce traffic congestion on existing roads. A proposed road system in this mixed-use area would include the extension of Education Street and Quartz Drive to the Richardson Drive extension and the extension of Richardson Drive to the Education Street extension.

The following two tables below illustrate the proposed changes to land use designations and the proposed zoning changes. It should be noted that a change to the Auburn-Bowman Community Plan is considered an amendment of the County General Plan.

Community Plan Land Use Changes			
Land Use Designation	Existing (acres)	Proposed (acres)	Change (acres)
Mixed Use	4.5	-	-4.5
High Density Residential (10-25 dwelling units per acre)	18.3	22.3	+4.3
Medium Density Residential (5-10 dwelling units per acre)	43.7	-	-43.7
Low Medium Density Residential (2-5 dwelling units per acre)	-	6.2	+6.2
Low Density Residential (1-2.5 acres per unit)	27.5	24	-3.5
Open Space	25	25	-
Commercial	-	41.5	+41.5
Total	119	119	-

Proposed Zoning Changes			
Land Use Designation	Existing (acres)	Proposed (acres)	Change (acres)

General Commercial (C2)	-	41.5	+41.5
Office and Professional combining Design Corridor	1	-	-1
Office and Professional and Residential Multi-Family combining Design Corridor	3.5	-	-3.5
Residential Multi-Family (15 units per acre maximum)	18.3	22.3	+4
Residential Single Family (5 units per acre maximum)	43.7	6.2	-37.5
Residential Agriculture (40,000-square-foot lot minimum)	3.5	-	-3.5
Farm	24	24	-
Open Space	25	25	-
Total	119	119	-

Zoning Ordinance Text Amendment:

The County is being asked to approve a Zoning Text Amendment to allow multiple single-family dwelling units on one parcel of land when the land and units are held in one common ownership. Specifically, Section 17.04.030 of the Zoning Ordinance is proposed to be amended as follows:

“Multifamily dwellings” (land use) means and includes: (1) a building or a portion of a building used and/or designed as residences for two or more families living independently of each other, or (2) two or more detached single-family dwellings on a single lot where all of the single-family dwellings and the lot are under common ownership, provided that one of the units is not a secondary dwelling. Includes: halfplex structures (a halfplex is a single dwelling unit that is half of a two-unit building where a property line separates the two units), duplexes, triplexes, and fourplexes (detached buildings under one ownership with two, three, or four dwelling units (respectively) in the same building) and apartments (five or more units under one ownership in a single building); common ownership, attached unit projects such as condominiums and townhouses; and rooming and boarding houses (single dwellings where bedrooms are rented to five or more people and at least one common meal is offered each day). The boarding of four or fewer renters is not considered to be a land use different from a single-family dwelling.

The Planning Commission supported the proposed Zoning Text Amendment as it is in keeping with the intent of Residential Multi-Family Zoning District and the definition of " Multifamily dwellings" in that it was intended to allow any combination of single family units, duplexes, halplexes, triplexes, fourplexes and apartments in any combination that does exceed the density allowed by a parcels Multi-Family zoning as provided for in the Placer County Zoning Ordinance.

Use Permits:

The Timberline project is requesting a Conditional Use Permit and a Minor Use Permit.

The Conditional Use Permit is needed for the continuing care retirement community including the following uses:

1. Construction and operation of model homes for the Richardson Drive at the entry to residential portion of the Timberline project.
2. The construction of the commercial center on 10 acres or more which will consist of retail buildings, 78 residential lofts, medical offices, recreational vehicle/storage yard, and other various commercial uses.
3. The independent living apartment units and various commercial uses proposed in the residential portion of the Timberline project.

The Minor Use permit is needed for the following use:

1. The operation and construction of the off-site trail and the creation of the off-site wetland on the Auburn Recreation District property.

The Planning Commission supported the proposed Conditional Use Permit and Minor Use Permit for the project as the Commission determined that the design and layout of the mixed uses proposed by the Timberline Project took into account the needs of the surrounding property owners and community. Additionally, the Commission concluded that its approval and implementation would not endanger the health safety or general welfare of the surrounding properties.

Phased Tentative Subdivision Maps:

The Timberline project is requesting approval of a Phased Tentative Subdivision Map that would allow for the creation of 54 lots. The "on site" roadways proposed for this project do not meet current County standards for public roadways because the roads are less than 32 feet of pavement width. The Planning Commission concluded this subdivision design is acceptable because this design is a reasonable design for private roads under the circumstances applicable to the subdivision and that the resulting roadway network is engineered so that it does not constitute a danger to the public health, safety, and welfare. The applicant is aware that the road and easement will not be accepted for public maintenance without being modified to meet County road standards.

Noise Exception:

The project includes, as one of its entitlements, an exception to the Placer County property line exterior noise level standard. The reason for the exception is that the Placer County Noise Ordinance requires the exterior noise level standard be applied to the property line of the receiving land use for stationary noise sources (i.e., non-transportation). While stationary noise levels associated with the project loading dock would be well within acceptable limits at the nearest sensitive receptor areas where people would actually be located (on this proposed project site), the noise levels at the nearest property line (i.e., Lot 15, Residential Building D2 "3-story Residential Independent Living" Attachment C), would exceed Noise Ordinance standards. While actual physical noise impacts would not occur, in order to properly address this conflict, an exception to the Placer County property line exterior noise level standard has been included as a project entitlement, requiring Placer County approval. Exceptions to the noise ordinance are allowed in accordance with Subsection (D) of Section 9.36.080 when the applicable factors can be met, which staff believes is the case for this project.

Variance for Increased Fence Height for the Proposed Recreational Vehicle/Storage Yard:

The Timberline project has requested a Variance to increase the allowable fence height from six feet to eight feet surrounding the RV/boat storage yard use located on Richardson Drive within the front setback area. The Planning Commission supported this variance, as an eight-foot wall is necessary to provide adequate screening and security for the RV/boat storage yard facility.

Variance for Backing into Public or Private Roadways:

The Timberline project is requesting approval of a Variance to allow perpendicular parking on private streets. As a result, residents of the continuing care retirement community portion of the project would back into private streets from the on street parking spaces instead of pulling out onto the street in a forward manner. The Planning Commission approved this variance as the traffic in this portion of the project is anticipated to be of a low volume. Therefore, backing into the private streets will not create a safety hazard.

Parking Variance:

The Timberline project is requesting approval of a parking Variance to allow the development of one parking space per loft living unit where normally the Zoning Ordinance would require for one space per room and one space for every four rooms in apartment complex for guest parking. The Planning Commission supported this request as it is anticipated that sufficient parking will be available for the apartments, as the total number of parking spaces proposed for the project – including guest parking – is 1,994, which is 16 spaces less than the amount of parking required for the project per the Zoning Ordinance. While an additional 65 parallel parking spaces are proposed along Richardson Drive, for an overall total of 2,063, the County's parking standards do not allow on-street parking to count towards the provision of needed parking spaces. However, the project has been designed to encourage the residents to utilize the private on-site bus, public bus, walking trails and neighborhood electric vehicles (NEVs) to get to appointments and to conduct their shopping. As such, the need to utilize private automobiles should be reduced as compared to what is typical for residential communities. On this basis, the Planning Commission supported the Variance.

Entry Way Variances to Setbacks:

The Timberline project is requesting approval of a Variance to the front setback to allow the entry way structure at Richardson Drive and Bell and two on Richardson Drive (into the residential continuing care portion of the Timberline project). Due to the large size and scope of the project, the Planning Commission supported support of the entry way features for the project as they will act as directional signage and reduce confusion on Bell Road and Richardson Drive.

Signage Variance:

The Timberline project is requesting approval of a Variance to allow two multi-tenant monument signs for the commercial areas of the project, allow multi-tenants on the sign faces, allow a twelve-foot-high monument sign where eight feet is normally allowed, and allow the signs to be placed less than 100 feet from a street corner. The first sign in question will be located less than 100 feet from the corner of Education Street and Richardson Drive near the proposed medical offices and will serve as medical complex identification directional signage. The Planning Commission supported this variance as it the best location to place the sign to provide adequate medical complex identification to the five medical buildings. The second

proposed sign will be located on Bell Road near the intersection of Bell Road and Richardson Drive, which will be used for the retail shopping area. The sign will be 12 feet in height with up to 12 businesses listed on the sign face. The Planning Commission supported this sign variance as it is located in excess of 100 feet from the intersection of Bell Road and Richardson Drive and without the sign the retail businesses located on Richardson Drive will not have adequate signage exposure.

ENVIRONMENTAL ANALYSIS:

The Environmental Impact Report (EIR) prepared for the project was circulated to the public as a Draft Environmental Impact Report from November 10, 2011 to December 27, 2010 for the required 45-day review period. The Environmental Review Committee received 17 comments: three from State Agencies; two from local agencies; two from concerned citizen groups; and ten from individuals. The comments were all addressed in the Final Environmental Impact Report and circulated to the public from March 16, 2011 to March 25, 2011 for the required 10-day review period.

The Environmental Impact Report (EIR) prepared for the proposed project concludes that, prior to the implementation of mitigation measures, the project could result in significant or potentially significant impacts in the following areas:

- Land Use
- Biological Resources
- Visual Resources
- Transportation and Circulation
- Air Quality
- Noise
- Soils
- Geology and Seismicity
- Hydrology and Water Quality
- Public Services and Utilities
- Hazardous Materials and Hazards

The EIR concluded that, after the implementation of mitigation, some impacts would still remain significant and unavoidable in the following areas, discussed below:

- Air Quality
- Transportation
- Biological Resources

Air Quality:

Project-Level AIR Quality Impacts

Impacts related to long-term increases of criteria air pollutants are according to the URBEMIS-2007 modeling for the proposed project, operation of the proposed project at full buildout would be expected to create 92.83 lbs/day of ROG emissions, which would exceed the PCAPCD's significance threshold of 82.0 lbs/day. In addition, operation of the proposed project at full buildout would be expected to create 86.66 lbs/day of PM₁₀ emissions, which would exceed PCAPCD's significance threshold of 82.0 lbs/day. It was determined that implementation of any feasible mitigation would not reduce the project's long-term emissions of ROG and PM₁₀ below the PCAPCD's thresholds.

Cumulative Air Quality Impacts

Placer County is classified as a severe non-attainment area for the federal ozone standards. In order to improve air quality and attain the health-based standards, reductions in emissions are necessary within non-attainment areas. The rapid growth and combined population, vehicle

usage, and business activity within a non-attainment area, to which the project would cumulatively contribute, would either delay attainment of the standards or require the adoption of additional controls on existing and future air pollution sources to offset project-related emission increases.

It should be noted that the PCAPCD cumulative significance thresholds for emissions are applied to project-level emissions. An increase of more than 10 lbs/day of ROG and/or NO_x (ozone precursors) would be above the PCAPCD cumulative threshold of significance. The PCAPCD does not have cumulative thresholds of significance for PM₁₀ emissions, as Placer County is in attainment for PM₁₀. According to the URBEMIS-2007 modeling for the proposed project, operation of the proposed project at full buildout would be expected to create 92.83 lbs/day of ROG emissions, which would exceed PCAPCD's cumulative significance threshold of 10.0 lbs/day. In addition, operation of the proposed project at full build out would be expected to create 33.73 lbs/day of NO_x emissions, which would exceed the PCAPCD's cumulative significance threshold of 10.0 lbs/day. It was determined that implementation of any feasible mitigation would not reduce the project's cumulative emissions of ROG and NO_x below PCAPCD's thresholds.

Transportation and Circulation:

Project-Level Traffic Impacts

The proposed project would result in a significant and unavoidable impact to roadway segments under Short Term in phase one and two of the project.

Cumulative Traffic Impacts

The proposed project would result in a significant and unavoidable impact to roadway segments under Cumulative Plus Project conditions.

Biological Resources:

Cumulative Biological Impacts

With implementation of mitigation measures, the project's incremental contribution to the cumulative loss of special-status species, trees and other habitats, and waters of the United States was found to be less than cumulatively considerable. However, the project's impacts to biological resources in conjunction with other projects would result in the permanent loss of oak woodland and, therefore, a significant and unavoidable impact.

APPEAL:

On May 20, 2011, Dale Smith and Jon Forslund filed an appeal of the Planning Commission's action regarding the Timberline Project based on the following 10 items, which are paraphrased below:

- The appellants assert that the project has insufficient fire flow water to serve the project in accordance with the requirements listed in the 2007 California Fire Code, January 1, 2008- Fire Flow Water and Chapter 10.40010 California Fire Code.
- The appellants assert that the Timberline Project is required to provide low-income housing units as part of the project per the Placer County Housing Element of the County's General Plan.

- The appellants assert that the Timberline Project is being “piece-mealed” which is prohibited by CEQA as the appellants believe that it is necessary to evaluate impacts associated with the 95-acre project site and to evaluate impacts associated with mitigation actions on the 24-acre Auburn Recreation District property.
- The appellants assert that the assumption of a “less-than-significant” finding in the Draft Environmental Impact Report of the noise levels within the Timberline Project is incorrect because of noise created by airplanes which fly over the project from the Auburn Airport was not adequately addressed.
- The appellants assert that the “hold harmless” provision in the Executive Summary outlined in the Draft Environmental Impact Report does not prevent an airplane from crashing into the three-story buildings proposed in the Timberline Project. Furthermore, the appellants have asserted that they do not believe that Placer County Fire who is the serving fire entity for the North Auburn area, has the fire equipment, training and experience to deal with crashes and resulting fires in the three-story buildings like those proposed by the Timberline project.
- The appellants assert that the Timberline Project is not compatible with the Placer County Airport Land Use Compatibility Plan.
- The appellants assert that the initially proposed “assisted” living units are in inconsistent with the Placer County Airport Land Use Compatibility Plan’s Overflight Zone C-2. The appellants also assert that the proponents of the Timberline Project simply changed the name of the assisted living buildings to independent living and have no intention of changing the use.
- The appellants assert that financial data regarding the gross and net revenue to be generated by the Timberline Project during its anticipated life should be made available to decision-makers as it is essential to make a determination about the “feasibility” of mitigation measures and requested entitlements for the project
- The appellants assert that the County is in no way committed to approving the Timberline Project and that this decision is solely within the discretionary purview of the Placer County Board of Supervisors and that, prior to making any decisions on the project, the Board of Supervisors will need to consider the adequacy of the Final Environmental Impact Report for the Timberline Project.
- The appellants have questioned why the Planning Commission made the statement that citizens need to file an appeal of the Planning Commission’s decision on the Timberline Project to the Board of Supervisors, if they disagree with their action, as the project’s General Plan Amendment, Rezoning, and Zoning Text Amendment need to be approved by the Board of Supervisors. Consequently, the appellants believe that they should be able to have all their concerns addressed by the Board prior to their action on the project without an appeal.

RESPONSE TO APPEAL:

As identified above, the appeal submitted identifies ten issues as the bases for the appeal. A response to each issue is provided below.

Inadequate Fire Flow for the Timberline Project

This issue was addressed in the staff report prepared for the Planning Commission. The staff report stated that, for the Timberline at Auburn project to be built as proposed, the water flow for fire suppression will need to be increased to comply with Chapter 12 of the Public Resources Code. The required increase in fire flow can be accomplished by construction of the Nevada Irrigation District's North Auburn Highway 49 Transmission Main Project. This project is slated to start the summer of 2011 and be completed prior to Timberline at Auburn beginning construction. If the new water main project is not completed, an alternative water source shall be provided or the buildings on the project shall be constructed to a higher fire resistance level in compliance with Chapter 12 of the Public Resources Code. If the buildings are built to the higher fire resistance level, the current water flow will be adequate for the project's fire suppression needs. Any of the above methods used by the Timberline at Auburn project must be approved by Cal Fire.

Lack of Affordable Housing

The Timberline project is not required to provide affordable housing as it is not located within a redevelopment area. Additionally, The Auburn-Bowman Community Plan has no requirement for affordable housing and defers to the Placer County Housing Element, which does not contain any provisions that would require the Timberline project to provide affordable housing.

Project "Piece-Mealed" under CEQA

The Timberline Project site is composed of five parcels totaling 119 acres and includes the construction of trails and mitigation wetlands on the 24-acre Auburn Recreation Park District (ARD) Parcel to the northeast. Per CEQA Guidelines Section 15378(a), "Project" means the whole of an action, which has a potential for resulting in either a direct or physical change in the environment, or a reasonably foreseeable in direct physical change in the environment, and that is any of the following: (1) An activity directly undertaken by any public agency including but not limited to public works constructions and related activities clearing or grading of land, improvements to existing public structures, enactment and amendment of zoning ordinances, and the adoption and amendment of local General Plans or elements thereof pursuant to Government Code Sections 65100-65700" Consequently, the construction of a loop trail and wetlands on the ARD property must be considered project improvements, and included and reviewed as part of the project. To review the Auburn Recreation District's parcel separately from the other parcels that constitute the Timberline Project would in fact be "piece-mealing" as the appellants suggest.

Inadequate Noise Analysis

Impact Statement 9-5 of the Draft Environmental Impact Report discusses aircraft noise levels at the project site. All sensitive receptors associated with the proposed project are anticipated to be exposed to 60 dB CNEL/Ldn, or less. 60 dB CNEL/Ldn is considered to be an acceptable exterior noise exposure by the Placer County Auburn-Bowman Community Plan, as shown in Table 9-7 of the DEIR and Policy 4.1.3 of the Placer County Airport Land Use Compatibility Plan. Additionally, interior noise levels are projected to be less than the County's 45 dB Ldn/CNEL noise level standard, as discussed in Impact Statement 9-5.

Impact Statement 9-6 discusses the potential for sleep disturbance from aircraft overflights in the project area. The discussion of aircraft overflights concluded that aircraft overflights would create a 2.2- to 3.8-percent chance of waking an individual. Placer County does not have adopted standards for sleep disturbance.

Because the project would not expose sensitive receptors to excessive airport noise levels or exceeding the standards of the Placer County General Plan, this issue is considered to be less-than significant according to the project's Standards of Significance, as shown on Page 9-17 of the Draft Environmental Impact Report.

Danger associated with proximity to the Auburn Airport

The Placer County Airport Land Use Commission has determined that the project is consistent with the Airport Land Use Compatibility Plan. The letter stating the Commission's approval is contained in Appendix D of the Draft Environmental Impact Report prepared for the Timberline project.

Staff is not aware of any "hold harmless" provision in the Executive Summary of the Draft Environmental Impact Report. However, staff is aware of a disclosure notice that residents of the Timberline project will receive that states that "Properties within this area are routinely subject to over-flights by aircraft using this public use airport and, as a result, residents may experience inconvenience, annoyance, or discomfort arising from noise of such operations. State law (Public Utilities Code Section 21670 et. seq.) establishes the importance of public-use airports to protection of the public interest of the people of the State of California. Residents of property near such airports should therefore be prepared to accept the inconvenience, annoyance, or discomfort from normal aircraft operations. Residents also should be aware that the current volume of aircraft activity may increase in the future in response to Placer County population and economic growth."

In response to the second portion of the appellants statement, in discussions with representatives of Placer County Fire (the serving fire entity for the Timberline project), fire personnel have the appropriate training and equipment to deal with fires in three-story buildings such as those proposed as part of the Timberline project.

Auburn Airport Compatibility

As stated in the response to appeal issue 5, the Placer County Airport Land Use Commission has determined that the project is consistent with the Airport Land Use Compatibility Plan. The approval letter stating the Commission's approval is contained in Appendix D of the Draft Environmental Impact Report prepared for the Timberline Project.

Assisted Living Units versus Independent Living Units

The Timberline Project originally proposed assisted living units as part of the project. However, upon learning from the Placer County Transportation Planning Agency that this was not consistent with allowed uses in the Auburn Airport Overflight Zone C-2, the project applicant revised the project and removed the assisted living units and replaced it with independent living units, which is a permissible use. The project applicant did not simply change the names of the living units from "independent" to "assisted" as the appellants assert; the project applicant actually changed the land use. The applicant has stated that, in the future, he may go back to the Placer County Transportation Commission and ask that the Commission allow assisted living units in the Timberline Project, but that is not part of the proposal for the project today.

Fiscal Concerns of the Project

The Fiscal Analysis prepared for the project determined that the project would have an effectively neutral impact to the County. See the fiscal analysis prepared for the Timberline project, attached as Attachment G.

Concerns Regarding County's Approval Process

The appellants are correct that the Placer County Board of Supervisors is not obligated to approve the Timberline Project. When the Timberline Project goes before the Board of Supervisors on August 9, 2011, the Board could do any of the following: uphold or deny the Smith/Forslund appeal; Certify the Final Environmental Impact Report for project, or determine that it is not adequate for the project; take action to approve or to deny the requested entitlements for the project.

Appeal Concerns

The Timberline Project was considered by the Planning Commission on May 12, 2011. The Commission took action to approve the following entitlements: Conditional Use Permit; Minor Use Permit; Tentative Phased Map; Noise Exception; Variance for backing into public or private roadways; Parking Variance; Signage Variance; a Variance to allow the proposed three entry ways to have increased fence height in the front yard setback; and a Variance to allow the RV/Storage yard to have an eight-foot wall subject to certification of the Final Environmental Impact Report by to the Board of Supervisors. The Planning Commission also recommended that the Board certify the Final Environmental Impact Report and approve the proposed General plan Amendment, Rezoning , and the Zoning Text Amendment.

The reason the Planning Commission informed members of the public of their appeal rights is because the Planning Commission approved several entitlements subject to the Board of Supervisors certification of the Final Environmental Impact Report and if those entitlements were not appealed, the Board of Supervisors is not obligated to revisit those entitlements in their hearing on the Timberline Project.

CONCLUSION:

After analyzing and responding to the issues raised by the appellant, staff can find no validity in any assertions made in the appeal. The appellant raised many of the same concerns at the Planning Commission hearing, which also concluded that there was no validity to any of the concerns and took action to approve the requested Conditional Use Permit; Minor Use Permit; Tentative Phased Map; Noise Exception; Variance for backing into public or private roadways; Parking Variance; Signage Variance; Variance to allow the proposed three entry ways to have increased fence height in the front yard setback; and a Variance to allow the RV/Storage yard to have an eight-foot wall and recommend approval to the Board of Supervisors of the requested General Plan Amendment, Rezoning, and Zoning Text Amendment for the Timberline Project. Based on the analysis contained in this report, staff is recommending that the Board of Supervisors deny the appeal and approve the project as follows:

RECOMMENDATIONS:

1. Staff recommends the Board of Supervisors deny the appeal filed by Dale Smith and Jon Forslund and uphold the decisions of the Planning Commission as to the entitlements approved by the Commission and make the findings set forth below.
2. Staff recommends that the Board of Supervisors adopt a resolution to certify the Final Environmental Impact Report prepared for the Timberline Project, including the adoption of the Statements of Overriding Consideration, attached as Attachment A.

3. Staff recommends that Board of Supervisors adopt a resolution amending the Auburn Bowman Community Plan land use designations, attached as Attachment B.
4. Staff recommends that Board of Supervisors adopt an ordinance rezoning certain properties comprising the Timberline at Auburn Project, attached as Attachment C.
5. Staff recommends that Board of Supervisors adopt an ordinance amending the definition of multifamily dwellings in Section 17.04.030 of the Placer County Zoning Ordinance, attached as Attachment D.

Staff recommends that the Board of Supervisors approve the Conditional Use Permit, the Minor Use Permit, the Tentative Subdivision Map, the Noise Exception, and the Variances for backing into public or private roadways, parking, signage, to allow the proposed three entry ways to have increased fence height in the front yard setback, and a to allow the RV/Storage yard to have an eight-foot fence, subject to the Conditions of Approval attached as Attachment E, based upon the following findings:

1. Conditional Use Permit: Having considered the staff report, supporting documents and public testimony, the Board of Supervisors makes the following findings with respect to a Conditional Use Permit to permit uses which are contained in the commercial and residential portions of the Timberline at Auburn Project:
 - a) The proposed uses are consistent with all applicable provisions of Chapters 17 and 18 of Placer County Code.
 - b) The proposed uses are consistent with the objectives, policies, general land uses, and programs as specified in the Placer County General Plan and the Auburn Bowman Community Plan Amendment and Rezoning.
 - c) The establishment, maintenance, or operation of the proposed uses will not be detrimental to the health, safety, and general welfare of people residing or working in the neighborhood of the proposed use, and will not be detrimental or injurious to property or improvements in the neighborhood or the general welfare of the County.
 - d) The proposed uses are consistent with the character of the immediate neighborhood and will not be contrary to its orderly development.
2. Minor Use Permit: Having considered the staff report, supporting documents and public testimony, the Board of Supervisors makes the following findings with respect to a Minor Use Permit to permit the creation of the wetlands and trail construction and operation on the Auburn Recreation District parcel:
 - a) The proposed uses are consistent with all applicable provisions of Chapters 17 and 18 of Placer County Code.
 - b) The proposed uses are consistent with the objectives, policies, general land uses and programs as specified in the Placer County General Plan and the Auburn Bowman Community Plan upon approval of the General Plan Amendment and Rezoning.

c) The establishment, maintenance, or operation of the proposed uses will not be detrimental to the health, safety, and general welfare of people residing or working in the neighborhood of the proposed use, and will not be detrimental or injurious to property or improvements in the neighborhood or the general welfare of the County.

d) The proposed uses are consistent with the character of the immediate neighborhood and will not be contrary to its orderly development.

3. Variance: Having considered the staff report, supporting documents and public testimony, the Board of Supervisors makes the following findings with respect to a variance for the proposed recreational vehicle/storage yard eight-foot fence height:

a) Because of the special circumstances applicable to this property, the strict application of the provisions of Chapter 17 would deprive the property of privileges enjoyed by other property in the vicinity and under identical classification. The special circumstances are that due to the close proximity to Richardson Drive, an eight-foot fence is necessary to provide adequate screening from Richardson Drive and security for the RV/boat storage facility, as it will be in close proximity to a main thoroughfare.

b) The granting of this Variance does not constitute a grant of special privileges inconsistent with limitations upon other properties in the vicinity and in the zone district because other properties do not have the same the close proximity to a main thoroughfare necessitating the need for and eight foot fence.

c) The granting of this Variance does not authorize a use that is not other wise authorized in the zone district in which the property is located.

d) The granting of this Variance does not under the circumstances and conditions of this case, adversely affect public health or safety, is not materially detrimental to the public welfare, and is injurious to nearby property or improvements.

e) The proposed use is consistent with the objectives, policies, general land uses, and programs as specified in the Placer County General Plan and Auburn Bowman Community Plan.

f) The Variance as granted is the minimum necessary departure from the applicable requirements of Chapter 17.

4. Variance: Having considered the staff report, supporting documents and public testimony, the Board of Supervisors makes the following findings with respect to a variance to allow backing into private roadways:

a) Because of the special circumstances applicable to this property, the strict application of the provisions of Chapter 17 would deprive the property of privileges enjoyed by other property in the vicinity and under identical classification. The special circumstances are the traffic in this portion of the project is anticipated to be of a low volume; therefore, backing into the private streets will not create a safety hazard.

- b) The granting of this Variance does not constitute a grant of special privileges inconsistent with limitations upon other properties in the vicinity and in the zone district because other properties do not have same predicted low volume traffic.
- c) The granting of this Variance does not authorize a use that is not otherwise authorized in the zone district in which the property is located.
- d) The granting of this Variance does not under the circumstances and conditions of this case, adversely affect public health or safety, is not materially detrimental to the public welfare, and is injurious to nearby property or improvements.
- e) The proposed use is consistent with the objectives, policies, general land uses, and programs as specified in the Placer County General Plan and Auburn Bowman Community Plan.
- f) The Variance as granted is the minimum necessary departure from the applicable requirements of Chapter 17.

5. Variance: Having considered the staff report, supporting documents and public testimony, the Board of Supervisors makes the following findings with respect to a Variance to allow a parking Variance to allow the development of one parking space per loft living unit where normally the Zoning Ordinance would call for one space per room and one space for every four rooms in apartment complex for guest parking:

- a) Because of the special circumstances applicable to this property, the strict application of the provisions of Chapter 17 would deprive the property of privileges enjoyed by other property in the vicinity and under identical classification. The special circumstances are that sufficient parking will be available for the apartments, as the total number of parking spaces proposed for the project – including guest parking – is 1,994, which is 16 spaces less than the amount of parking required for the project per the Placer County Zoning Ordinance. While an additional 65 parallel parking spaces are proposed along Richardson Drive, for an overall total of 2,063, the County's parking standards do not allow on-street parking to count towards the provision of needed parking spaces.
- b) The granting of this Variance does not constitute a grant of special privileges inconsistent with limitations upon other properties in the vicinity and in the zone district because other properties do not have not usually have residential lofts above commercial buildings with on street parking that exceeds the parking requirement of the County per the Zoning Ordinance.
- c) The granting of this Variance does not authorize a use that is not otherwise authorized in the zone district in which the property is located.
- d) The granting of this Variance does not under the circumstances and conditions of this case, adversely affect public health or safety, is not materially detrimental to the public welfare, and is injurious to nearby property or improvements.

e) The proposed use is consistent with the objectives, policies, general land uses, and programs as specified in the Placer County General Plan and Auburn Bowman Community Plan.

6. Variance: Having considered the staff report, supporting documents, and public testimony, the Board of Supervisors makes the following findings with respect to a Variance to allow two entryway structures on Richardson Drive and another on Bell and Richardson Drive into the residential portion of the Timberline project to encroach into the front setback:

a) Because of the special circumstances applicable to this property, the strict application of the provisions of Chapter 17 would deprive the property of privileges enjoyed by other property in the vicinity and under identical classification. The special circumstances are the large size and scope and mixed-use nature of the Timberline project require entryway features for the project, as they will act as directional signage and reduce directional confusion on Bell Road and Richardson Drive.

b) The granting of this Variance does not constitute a grant of special privileges inconsistent with limitations upon other properties in the vicinity and in the zone district because other properties do not normally have the mixed-use nature, size, or scope similar to the Timberline project.

c) The granting of this Variance does not authorize a use that is not otherwise authorized in the zone district in which the property is located.

d) The granting of this Variance does not under the circumstances and conditions of this case, adversely affect public health or safety, is not materially detrimental to the public welfare, and is injurious to nearby property or improvements.

e) The proposed use is consistent with the objectives, policies, general land uses, and programs as specified in the Placer County General Plan and Auburn Bowman Community Plan.

f) The Variance as granted is the minimum necessary departure from the applicable requirements of Chapter 17.

7. Variance: Having considered the staff report, supporting documents and public testimony, the Board of Supervisors makes the following findings to allow a signage Variance to allow two monument multi-tenant signs for the commercial areas of the project, that will allow multi tenants on the sign face, allow them to be no higher than twelve feet where eight is normally allowed, and to be less than 100 from a street corner:

a) Because of the special circumstances applicable to this property, the strict application of the provisions of Chapter 17 would deprive the property of privileges enjoyed by other property in the vicinity and under identical classification. The special circumstances are for the first sign that it will need to be closer than 100 feet from the corner of Richardson and Education to Act directional signage into the medical complex as its entrance is near the corner of the intersection.

The second proposed sign will be located on Bell Road near the intersection of Bell Road and Richardson Drive for the retail shopping area. The sign is proposed to be 12 feet in height with up to 12 businesses listed because without the sign the retail businesses located on Richardson Drive will not have adequate signage exposure as Richardson Drive heading north will dead end at the retirement community negating the usefulness of any signage on Richardson Drive.

b) The granting of this Variance does not constitute a grant of special privileges inconsistent with limitations upon other properties in the vicinity and in the zone district because other properties do not normally have the mixed-use nature, size, or scope similar to the Timberline project.

c) The granting of this Variance does not authorize a use that is not otherwise authorized in the zone district in which the property is located.

d) The granting of this Variance does not under the circumstances and conditions of this case, adversely affect public health or safety, is not materially detrimental to the public welfare, and is injurious to nearby property or improvements.

e) The proposed use is consistent with the objectives, policies, general land uses, and programs as specified in the Placer County General Plan and Auburn Bowman Community Plan.

f) The Variance as granted is the minimum necessary departure from the applicable requirements of Chapter 17.

8 Noise Exception: Having considered the staff report, supporting documents and public testimony, the Board of Supervisors finds the following factors applicable in accordance with Subsection (D) of Section 9.36.080 of the Placer County Noise Ordinance and approves a noise exception, as while the stationary noise levels associated with the project loading dock would be well within acceptable limits at the nearest sensitive receptor areas where people would actually be located, the noise levels at the nearest property line (i.e., Lot 15, residential Building D2 "3-story Residential Independent Living" as shown on the project site plan), where people would not be located, would exceed Noise Ordinance standards:

a) The Timberline loading dock noise exception is in keeping with the intent of the Placer County noise ordinance as stationary noise levels associated with the project loading dock would be well within acceptable limits at the nearest sensitive receptor areas where people would actually be located, although the noise levels at the nearest property line (i.e., Lot 15, Residential Building D2 "3-story Residential Independent Living" as shown on the project site plan), where people would not be located, would exceed Noise Ordinance standards.

9. Tentative Subdivision Map: Having considered the staff report, supporting documents and public testimony, the Board of Supervisors makes the following findings with respect to a the Tentative Map for the Timberline at Auburn project, as shown in Attachment F:

a) With the approval of the proposed amendments to the, Auburn-Bowman Community Plan, Rezoning and Zoning Text Amendment, the proposed subdivision,

together with the provisions for its design and improvements, will be consistent with the Placer County General Plan, the Auburn-Bowman Community Plan and the applicable County Zoning Ordinances.

b) The site of the subdivision is physically suitable for the type and proposed density of development.

c) The project, with the recommended conditions, is compatible with the neighborhood and adequate provisions have been made for necessary public services and mitigation of potential environmental impacts.

d) The design and proposed improvements of the subdivision are not likely to cause substantial environmental damage or public health problems.

e) The design of the subdivision and the type of the proposed improvements will not conflict with easements acquired by the public at large for access through, or use of the property, within the proposed subdivision.

ATTACHMENTS:

- Attachment A: Resolution certifying the Final Environmental Impact Report, Adopting a statement of findings, a statement of overriding consideration and a Mitigation Monitoring Plan
- Attachment B: Resolution amending the Auburn/Bowman Community Plan
- Attachment C: An Ordinance amending Placer County Code Chapter 17, relating to the Rezoning of the Timberline property
- Attachment D: Ordinance amending the definition of multifamily dwellings in section 17.04.030 of Chapter 17 of the Placer County Code
- Attachment E: Recommended Conditions of Approval
- Attachment F: Site Plan
- Attachment G: Vesting Tentative Map
- Attachment H: Correspondence on Final EIR
- Attachment I: Timberline at Auburn Final Environmental Impact Report *(under separate cover)*
- Attachment J: Planning Commission Staff Report
- Attachment K: Fiscal Analysis Report
- Attachment L: Smith/Forslund Appeal

ATTACHMENTS PROVIDED UNDER SEPARATE COVER AND AVAILABLE AT THE CLERK OF THE BOARD'S OFFICE:

Draft Environmental Impact Report
Final Environmental Impact Report

cc: John Margowski- Applicant
Michael J Johnson - CDRA Director
Paul Thompson - Deputy Planning Director
Karin Schwab - County Counsel's Office
Scott Finley - County Counsel's Office
Holly Heinzen - CEO Office
Angel Rinker- Air Pollution Control District
Phil Frantz- Engineering and Surveying Department
Andrew Gaber - Department of Public Works
Grant Miller - Environmental Health Services
Andy Fisher - Parks Department
Michael Wells - Supervising Planner