

## Abandonment Responses



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October 8, 2014

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**Re: Vacation of Public Road Easements over Mill Site Road and Cross Cut Court**

Dear Mr. Grehm:

On February 24, 2014, the Retreat at Northstar Homeowner's Association (hereinafter "Retreat Association") filed a Petition to Dissolve County Service Area 28, Zone of Benefit 187 (hereinafter "Petition") with the Placer County Board of Supervisors (hereinafter "Board"). (See Exhibit 1.) As part of this Petition, the Retreat Association requested that the Board adopt a resolution to vacate the public road easements over 0.3 miles of Mill Site Road and 0.2 miles of Cross Cut Court within the Retreat.<sup>1</sup> The Retreat Association's Petition was executed by all 18 home/lot owners within the Retreat, and is supported by, among others, the Northstar Property Owners Association, which represents 1,480 property owners within Northstar, Northstar Mountain Properties, LLC, which represents 1,800 existing and future property owners within Northstar, as well as the Northstar Community Services District, which provides road maintenance and snow removal services for the roads system within Northstar.

The Retreat Association's Petition is necessitated by the unauthorized use of Mill Site Road by members of the private Martis Camp development. As set forth in detail below, every level of planning and environmental document for the Martis Valley, Martis Camp, as well as the Retreat determined that Mill Site Road would not provide a through connection for general Martis Camp traffic traveling to and from Northstar. This determination was not reached haphazardly or by mistake; in fact, Placer County ("County") originally proposed a general traffic connection between Martis Camp and Northstar in the Martis Valley Community Plan ("MVCP"). However, following vociferous public opposition to the proposed general traffic connection, the County decided to allow only emergency and public transit access. Every subsequent environmental document affirmed this decision. The intended use of Mill Site Road was so well-settled that neither the Environmental Impact Report ("EIR") for Martis Camp nor the Retreat EIR considered a general traffic connection in the Alternatives analysis required

<sup>1</sup> Hereinafter, only the proposed vacation of the public road easement over Mill Site Road will be discussed, as the Retreat Association is unaware of any opposition to its request with respect to Cross-Cut Court, which is a small cul-de-sac serving eight homes/lots within the Retreat.

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under the California Environmental Quality Act ("CEQA"). All interested parties, including DMB/Highlands Group, LLC (hereinafter "DMB/H") understood this limitation.<sup>2</sup> For example, in 2007, subsequent to recordation of the Retreat Final Map in 2006, DMB/H's own consultant prepared an Addendum to the Martis Camp EIR, which acknowledged that all access from Martis Camp to Northstar would remain via State Route ("SR") 267. (See Exhibit 2, p. 11, Traffic Evaluation pp. 1-4.) Thereafter, the roadway designs and Improvement Plans for the EVA portion of Schaffer Mill Road within Martis Camp, as well as the roadway and driveway encroachment designs for Mill Site Road within the Retreat, once again reaffirmed the County's decision in the MVCP.

In 2008, the County formally accepted all improvements within the Retreat subdivision, including a gate installed in 2005 to restrict access from Martis Camp to Mill Site Road to emergency vehicles and public transit. Thereafter, sometime in 2010, without providing notice to the Retreat Association, DMB/H removed the Retreat's gate, and erected a new gate under its control. Pursuant to County-approved Improvement Plans, DMB/H erected the following sign on the Retreat side of the new gate:



<sup>2</sup> Moreover, Retreat home/lot owners made purchasing decisions in reliance thereon.

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The County subsequently accepted DMB/H's Improvement Plans as complete, which explicitly include the aforementioned "EMERGENCY VEHICLE ACCESS ONLY" sign. (See Exhibit 3, Sheet A4.)

Sometime after receiving formal Improvement Plan acceptance from the County, including the "EMERGENCY VEHICLE ACCESS ONLY" sign, DMB/H proceeded, again without notice, to flout its own Record set of Improvement Plans and every other planning and environmental document by replacing the "EMERGENCY VEHICLE ACCESS ONLY" sign with the following sign:



Pursuant to the minutes from the First Quarter Meeting of the Board of Directors of the Martis Camp Community Association ("MCCA"), as of January 16, 2014, Martis Camp had issued 1,600 active transponders, each of which operates the Martis Camp-controlled electronic gate to provide unrestricted access through the Retreat to Northstar. (See Exhibit 4.) The Retreat Association is unaware of how many additional transponders have been issued or copied since the date of this meeting. However, as reported by DMB/H's representative, Ron Parr, at the September 24, 2014 Business Meeting, Martis Camp is presently at only 30% build out, with only 197 out of 662 homes completed. Regardless of the ultimate number of active transponders

issued, the current conditions created by Martis Camp's issuance of at least 1,600 active transponders are unacceptable to the Retreat, which the County approved as a ski-back community on the basis that Mill Site Road would not provide a general traffic connection for Martis Camp.

Despite countless representations and assurances for over a decade that Mill Site Road would provide a connection for the sole use of emergency and public transit services, the Retreat Association is now forced to seek vacation of the public road easement over Mill Site Road to restore it to its intended use. The following letter sets forth the legal and factual basis for vacation. Additionally, this letter responds to arguments raised by DMB/H and MCCA in opposition to the Retreat's Petition, the majority of which are simply irrelevant to the findings required in a vacation proceeding.

#### **Authority to Vacate a Public Road Easement**

The Retreat Association submitted its Petition pursuant to the 1980 Public Streets, Highways, and Service Vacation Law. (California Streets and Highways Code § 8300 et seq.<sup>3</sup>) This law authorizes a county's board of supervisors to vacate public streets within its jurisdiction using the procedures provided therein. (§ 8312.) Under Section 8309, a "vacation" is defined as "the complete or partial abandonment or termination of the public right to use a street, highway, or public service easement." General vacation proceedings require public notice and a hearing. (§§ 8320-8323.) At the hearing, a county's board of supervisors may adopt a resolution vacating the subject public road easement where it finds that it "is unnecessary for present or prospective public use." (§ 8324.) Such a resolution may provide that the vacation occurs only after conditions imposed by the county's board of supervisors have been satisfied. (*Id.*) Upon adoption of such a resolution, the road is "thereafter free from the easement for use for street...purposes." (§ 8351.)

Consistent with the provisions of Section 8300 et seq., the Placer County Board of Supervisors has recently adopted resolutions vacating public road easements upon petition. For example, in 2010, the Board vacated public road easements over Mandarin Hill Road and Mandarin Hill Court upon the following findings:

WHEREAS, it has been determined that the public road easements, as shown as Mandarin Hill Road and Mandarin Hill Court on the attached Exhibit "A", are no longer necessary for present or prospective public use; and

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<sup>3</sup> Unless otherwise indicated, all statutory references are to the California Streets & Highways Code.

WHEREAS, vacation of the public road easements is permissible pursuant to Chapter 2 of Part 3 of the Streets and Highways Code, Section 8312.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Placer County that from and after the date this Resolution is recorded, the public road easements, as shown on the attached Exhibit "A", shall be vacated and abandoned, and shall thereafter not constitute a public road easement...

(See Exhibit 5.)

Similarly here, should the Board adopt the requested resolution, the public road easement over Mill Site Road will be extinguished, and title to the easement will revert to the Retreat owners as the owners of the underlying fee. Pursuant to Section 8324, the Board is expressly permitted to impose conditions on the resolution, which must be satisfied prior to vacation.<sup>4</sup> Consistent with this authority, the Board may vacate the public road easement, while simultaneously reserving easements for emergency vehicle access, public transit access, and public utility access. Such conditions would be supported by the Retreat Association because, as discussed more fully below, they would restore Mill Site Road to its designed and intended use.

#### **Mill Site Road is "Unnecessary" for Present and Prospective Public Use**

As described above, in order to vacate the public road easement, the Board must find that Mill Site Road "is unnecessary for present or prospective public use." (§ 8324.) Upon such a finding, "[c]ourts generally are powerless to interfere with municipal control except upon convincing evidence of fraud, arbitrary action or an abuse of discretion." (*Superior Bedding Co. v. Erenberg* (1961) 193 Cal.App.2d 86, 91.)

In *Citizens for Improved Sorrento Access, Inc. v. City of San Diego* (2004) 118 Cal.App.4th 808, opponents argued a road could not be deemed "unnecessary" in light of the undisputed fact that an estimated 16,000 to 17,000 vehicles would use the road on a daily basis, if open. Although *Citizens for Improved Sorrento Access* involved a requested road closure as opposed to a requested vacation of a public road easement as requested here, the court examined the meaning of "unnecessary" as used in Section 8324.

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<sup>4</sup> Section 8324(b) provides, in relevant part, as follows: "...The resolution of vacation may provide that the vacation occurs only after conditions required by the legislative body have been satisfied and may instruct the clerk that the resolution of vacation not be recorded until the conditions have been satisfied."

According to the court, “[u]nder its plain meaning, the word unnecessary connotes something that is not essential or needed for the continuing existence or functioning of something.” (*Id.* at 815-816 (internal citations omitted).) Pursuant to this definition, the court declared that “...the fact that a substantial portion of the public would *like* to have a road reopened or would *use* the road, does not mean the [legislative body] is legally precluded from finding the road is not necessary...” (*Id.* at 816 (emphasis in original).)

In rejecting the opponents’ argument, the court observed that the opponents ignored the word “unnecessary” and attempted to “improperly rewrite[] the statute to say that a street may be closed only if it will no longer be used.” (*Id.* (internal citations omitted).) The court explained that “[i]f a legislative finding that a road is unnecessary could be defeated by a showing that people would use the road, a legislative determination to close a road would be nearly impossible to uphold.” (*Id.*) In order to avoid this “absurd consequence[],” the court concluded that a “governing body may look at the entire system of roads, and reasonably make a judgment that a single road is no longer essential or necessary when viewing the entire transportation network.” (*Id.*)

As set forth more fully below, Mill Site Road is, as the term is defined for purposes of Section 8324, “unnecessary” for the continuing existence and functioning of the Martis Valley transportation network. Mill Site Road was originally conceived, and over time consistently described, as a connection to Martis Camp for the sole use of emergency and public transit services.

#### Martis Valley Community Plan

In 2003, the Board adopted the Martis Valley Community Plan, thereby setting forth the official statement of Placer County in regard to the goals, policies, assumptions, guidelines, standards, and implementation measures that would guide the development of the Martis Valley until at least 2020. Section V of the MVCP, pertaining to transportation and circulation within the Martis Valley, provides as follows:

The County had an in-depth analysis performed for two road networks for the development of this plan. One scenario included a through connection between Schaffer Mill Road and Northstar Drive, through connections between the Eaglewood and Sierra Meadows/Ponderosa Palisades developments, and a through connection from Big Springs Drive into the Highlands development in Northstar-at-Tahoe. The second scenario removed the through connections from Schaffer Mill Road to Northstar and from Eaglewood to Sierra Meadows/Ponderosa Palisades developments.

Of these two roadway network scenarios, the one with the connections was the proposed roadway network initially presented to the community at public meetings due to the overall circulation benefits. Based on community and landowners input however, this Plan proposes the second scenario and further proposes that the Northstar Highlands to Northstar Village connection via Big Springs Road be limited to transit, pedestrian, bicycle and emergency access. Additionally the proposed roadway system includes transit and emergency access only between Shaffer [sic] Mill Road and Northstar.<sup>5</sup>

(See Exhibit 6, p. 71-72.)

As the above-quoted passage reveals, the Board adopted the MVCP on the basis that Mill Site Road would be used for only transit and emergency access following an “in-depth analysis,” and subsequent rejection, of a through connection between Martis Camp and Northstar. In so doing, the Board explicitly determined that a through connection was “unnecessary” for the continuing existence and functioning of the Martis Valley transportation network. As set forth more fully below, this determination was affirmed repeatedly during the environmental review and subdivision design processes for both Martis Camp and the Retreat.

#### Martis Camp Environmental Impact Report

In 2004, the Board certified an Environmental Impact Report (hereinafter “Martis Camp EIR”) and approved the Siller Ranch project.<sup>6</sup> (See Exhibit 7.) Consistent with the MVCP, the Martis Camp EIR repeatedly describes Mill Site Road as a connection for the sole use of emergency and public transit services. The following are just a few of the numerous such references:

- Response to Comment H-15: The commentor requests that the County consider requiring that the connection between Northstar and Siller Ranch be a public access so that the programming of a four-lane SR 267 could be avoided. This comment is noted, but it is also noted that the provisions of this public connection would be inconsistent with the adopted Martis Valley Community Plan... (See Exhibit 7, p. 3.0-50.)

<sup>5</sup> Unless otherwise indicated, emphasis is added.

<sup>6</sup> Siller Ranch was subsequently renamed Martis Camp.

- Response to Comment 4-12: ...Mitigation measure MM 4.4.7b includes performance standards associated with access control for the emergency access roadway and the extent of transit usage. Use of this roadway for transit is expected to result in beneficial effects to traffic conditions in the project area by providing another point of access for transit to the Northstar-at-Tahoe ski resort. Any future decision to open this roadway would require CEQA review and would be a separate project. The occurrence of emergency traffic along the roadway would be considered a special event and not part of a typical peak weekend or weekday traffic volume. The number of transit trips expected on the route has yet to be determined, but Placer County is currently initiating a transit study to identify this number, as required by the Martis Valley Community Plan. However, a preliminary estimate indicates that the number of transit trips would not exceed 20 PM peak-hour trips, which would have a negligible impact on LOS and would provide improved transit service to the area. The proposed use of this roadway is also consistent with the adopted Martis Valley Community Plan. (See Exhibit 7, p. 3.0-211.)
- Response to Comment 4-60: The commentor asks where the trips for the emergency access/transit road are identified and analyzed and how the roadway would be guaranteed to remain open for emergency access/transit use only. The occurrence of emergency traffic along the roadway would be considered a special event and not part of a typical peak weekend or weekday traffic volume. The number of transit trips expected on the route has yet to be determined, but Placer County is currently initiating a transit study to identify this number, as required by the Martis Valley Community Plan. However, a preliminary estimate indicates that the number of transit trips would not exceed 20 PM peak-hour trips, which would have a negligible impact on LOS and would provide improved transit access to Northstar. The proposed use of this roadway is also consistent with the adopted Martis Valley Community Plan. Implementation of Mitigation Measure MM 4.4.7b would include specifications on the use of this roadway. (See Exhibit 7, p. 3.0-222.)

- Response to Comment 4-61: The commentor asks what the potential is for facility sharing between Northstar and Siller and requests that the EIR identify impacts associated with the emergency access connection becoming a full access roadway. The commentor is referred to Response to Comment 4-60. As part of the approval of the Northstar Village expansion, the project applicants of both projects are coordinating regarding the development of this emergency access road. Also, as the project would be approved with the transit/emergency access only (consistent with the adopted Martis Valley Community Plan), the opening of the roadway to the public would be a separate project subject to its own environmental review process. Opening of the roadway would be subject to CEQA and would not change the nature or scope of the Siller Ranch project. There are no current plans on connecting ski terrain facilities and access between the project and Northstar. As shown in Draft EIR Figure 3.0-4, no ski connection is proposed. (See Exhibit 7, p. 3.0-222.)
- Response to Comment 7-6: The commentor suggests that skier shuttle service be provided along Schaffer Mill Road. The current Martis Valley Community Plan and proposed project includes a transit only corridor between the project and Big Springs Drive in the Northstar area...(See Exhibit 7, p. 3.0-255.)
- Policy 6.G.1.: The County shall require new development to be planned to result in smooth flowing traffic conditions for major roadways. This includes traffic signals and traffic signal coordination, parallel roadways, and intra- and inter-neighborhood connections where significant reductions in overall emissions can be achieved.

Analysis: The project would not impair the traffic conditions of major roadways within the project area; see Section 4.4 (Traffic and Circulation). The project only proposes one ingress/egress off of Shaffer [sic] Mill Road, which is not anticipated to impact overall emission levels. (See Exhibit 8, p. 4.0-27.)

- Trip Distribution: It should be noted that the ski lift in Siller Ranch would not connect to Northstar; therefore, residents wishing to go skiing at Northstar-at-Tahoe would need to access Northstar via SR 267. (See Exhibit 8, p. 4.4-33.)

Consistent with the above-quoted excerpts, the Martis Camp EIR's traffic analysis assumed that 100% of Martis Camp traffic traveling to and from Northstar would use SR 267; not a single trip was assigned to Mill Site Road. (See Exhibit 8, p. 4.4-34, Figures 4.4-4, 4.4-5.) In a letter dated February 21, 2014, the County's transportation consultant for the traffic analysis, LSC Transportation Consultants, Inc., confirmed this understanding, stating as follows:

For purposes of the traffic analysis conducted by LSC for the EIR, none of the traffic generated by Siller Ranch was assumed to use the Mill Site Road connection to Big Springs Drive, beyond transit vehicles and emergency vehicles. That is, no private vehicles associated with the Siller Ranch uses were assumed to use the Mill Site Road connection, and no project construction-related traffic was assigned to this route. Consequently, traffic impacts along Mill Site Road and/or Big Springs Drive were not analyzed in the EIR. Furthermore, the provision of a full access roadway connection would be inconsistent with the adopted Martis Valley Community Plan.

(See Exhibit 9.)

#### Retreat Environmental Impact Report

Shortly after approving the Martis Camp EIR, in 2004, the Board certified an EIR for the Retreat ("Retreat EIR"). Consistent with the Martis Valley Community Plan, the Retreat EIR assumed that all Martis Camp traffic to and from Northstar would use SR 267. For example, in finding the impacts from the Retreat's 10 driveway encroachments on Mill Site Road to be "less than significant," the Retreat EIR noted as follows:

Placer County General Plan Policy 3.A.4 and Martis Valley Community Plan Policy 5.A.17 state that the number of driveway encroachments along collector roadways should be minimized. Under the Martis Valley Community Plan, the project access drive is designated a collector roadway, thereby requiring that the number of driveways be limited. However, as the roadway would only be open to transit through traffic, traffic levels along this roadway are expected to remain relatively low and the safety and

delay implications of allowing driveway access along the roadway are considered negligible.

(See Exhibit 10, p. 2.0-14.)

Consistent with the fact that Mill Site Road would not provide a general traffic connection between Martis Camp and Northstar, the Retreat EIR's traffic analysis did not analyze any trips originating from Martis Camp. (See Exhibit 11, Figure 4.4-4.) For example, the traffic analysis assigned a total of four winter peak-hour trips accessing Mill Site Road from Big Springs Drive. (*Id.*) Given this projection, it is clear that the Retreat EIR did not contemplate the use of Mill Site Road by the nearly 700 homes that the Board had recently approved as part of the Martis Camp project.

#### Lookout Martis Amendment – Addendum to the Martis Camp EIR

In 2007, the County certified an Addendum to the Martis Camp EIR (hereinafter “Martis Camp Addendum”) to allow for the reconfiguration and extension of the approved Martis Camp winter recreation component to provide a connection to the existing Lookout Mountain ski trails and lift. Notably, as is typical for a CEQA Addendum, DMB/H's own consultant prepared the Martis Camp Addendum. Consistent with the MVCP and Martis Camp EIR, the Martis Camp Addendum repeatedly declares that Martis Camp owners would access the ski facilities at Northstar via only SR 267, and eventually from the base lift terminal in Martis Camp; there is absolutely no discussion of an internal connection to Northstar via Mill Site Road. The following are just a few of the numerous such references from the Martis Camp Addendum:

- Impact 4.4.3 (Increased Demand on Area Roadways): The Final EIR determined that the Martis Camp project would result in increased demand on area roadways. This was identified as a less than significant impact with implementation of mitigation measure MM 4.4.3. As described in the Introduction, development of residences at Martis Camp will occur at a slower pace than was analyzed in the Final EIR. Thus, there will be fewer residents driving to Northstar™ to ski than was anticipated in the Final EIR during Phase 1 of Martis Camp development. The base terminal would be accessible to Martis Camp residents by the 2010/2011 ski season. The ability of Martis Camp residents to access Northstar™ from the Martis Camp site will result in a slight reduction in projected traffic volumes along SR 267 and Northstar Drive, as Martis Camp residents will not have to drive to the main Northstar™ entrance to access ski facilities beginning in 2010 but rather

will access those facilities via the base lift terminal at Martis Camp. Therefore, the traffic generated by implementation of the Amendment would not result in an increase in traffic levels or increase the severity of this impact. This impact would remain less than significant. (See Exhibit 2, p. 11.)

- **Traffic Generation Considerations of the Proposed Project:** In the short term (2008 and 2009), there would be no physical roadway connection available for resident access (either by car or by shuttle bus) between Martis Camp homes and the North Lookout lift terminal. In 2008 there would be no occupied residences in Martis Camp, while in 2009 up to 20 residences may be occupied. These Martis Camp residents/guests would access Northstar by driving via SR 267, or by using the shuttle service (via SR 267) provided by Martis Camp. (See Exhibit 2, Traffic Evaluation, p. 1.)
- **Ski Area Access Assumptions:** In the short-term, no direct access was assumed in the DEIR analysis. As stated in the Siller Ranch DEIR, "It should be noted that under Phase One the ski lift access would not be complete and residents wishing to go skiing at Northstar-at-Tahoe would need to access Northstar via SR 267." (See Exhibit 2, Traffic Evaluation, p. 2.)
- **Skier Trips:** Prior to 2010, there would be no change in Martis Camp-to-Northstar traffic volumes from those identified in the DEIR, as all access would remain via SR 267. Starting in 2010, Martis Camp residents' use of the Lookout Martis lift to replace a trip via SR 267 would reflect a regional benefit through a reduction in traffic on SR 267 between Schaffer Mill Road and Northstar Drive, as well as a reduction in traffic and parking within Northstar. The original EIR assumed that the Martis Camp winter ski facilities would not be operational until the final phases of constructed [sic], now scheduled for 2013 through 2015. As the on-site lift would be operational (and accessible within the project) as the first phase is under construction, there would be an overall reduction in trips via SR 267 in the short term from the level identified in the EIR. (See Exhibit 2, Traffic Evaluation, p. 3.)

- **Conclusions:** To the degree that a single direct lift would be more attractive than two adjacent lifts, this project could result in a slightly higher proportion of Martis Camp skiers accessing Northstar-At-Tahoe directly from within the development, thereby reducing traffic levels along SR 267 or Northstar Drive from those identified in the DEIR. (See Exhibit 2, Traffic Evaluation, p. 4.)

In conclusion, each and every one of the forgoing documents assumed that Mill Site Road would not provide a general traffic connection from Martis Camp to Northstar. As described in the MVCP, these assumptions were not a mere oversight, but rather a deliberate choice based upon community and landowner input. As a result of this deliberate choice, the Martis Camp EIR traffic analysis assumed that 100% of Martis Camp traffic traveling to and from Northstar would use SR 267, as did the subsequently certified Retreat EIR. In response to comments requesting an internal connection following circulation of the Draft Martis Camp EIR, the County responded in the Final Martis Camp EIR, instructing that such a connection would be inconsistent with the MVCP. When asked how Mill Site Road would be “guaranteed to remain open for emergency access/transit use only,” the County responded that “opening of the roadway to the public would be a separate project subject to its own environmental review process.” (See Exhibit 7, p. 3.0-222.) To the extent the opponents of the Retreat Association’s Petition believed such an assumption was inconsistent with their understanding or expectations, they had ample opportunity to comment. Opponents did not do this; rather, years later, DMB/H’s own consultant prepared the Martis Camp Addendum to the Martis Camp EIR, which assumed, unequivocally, that all traffic from Martis Camp to Northstar would use SR 267.

In light of the foregoing, it is inconceivable that Mill Site Road could be considered necessary to the Martis Valley transportation network. Rather, as every level of planning and environmental review has revealed, Mill Site Road “is not essential or needed for the continuing existence or functioning” of the Martis Valley transportation network, as it was always assumed that it would provide a connection for the sole use of emergency and public transit services. Therefore, Mill Site Road is unnecessary for present and prospective public use, and the public road easement thereon should be vacated by the Board.

#### Improvement Plans Prepared and Improvements Constructed by DMB/H

The aforementioned planning and environmental documents could not be clearer: Mill Site Road was not intended to provide a general traffic connection for use by Martis Camp. Significantly, the improvement plans prepared by DMB/H, as well as the subsequently constructed improvements, confirm that it was even DMB/H’s understanding that Mill Site Road was to provide a through connection to only emergency vehicles and public transit.

Martis Camp's Unit 7A Improvement Plans required two electronic road gates along the EVA portion of Schaffer Mill Road within Martis Camp: one on the eastern end near the Retreat ("east gate"), and the other on the western end near the roundabout at Fallen Leaf way, Bijou Court, and Schaffer Mill Road ("west gate").<sup>7</sup> (See Exhibit 3, Sheet 8 & 8R7 (west gate), 11 & 11R8 (east gate).) Record Improvement Plan sets are significant in that they represent not only the "as-built" conditions accepted by the County, but also in that they include the superseded sheets depicting the improvements as originally approved by the County. Sheet A1.1 contains the "record drawing" of the signage plan for the west gate. As depicted on this County-approved record drawing, traffic traveling east on Schaffer Mill Road within Martis Camp towards the EVA portion of Schaffer Mill Road and the Retreat would see the following sign upon reaching the west gate: "Emergency/Maintenance/Bus Access Only." (See Exhibit 3, Sheet A1.1). Given that all roadways within Martis Camp are private, the only plausible intent of this sign was to inform Martis Camp owners that general traffic over the EVA portion of Schaffer Mill Road and beyond to Mill Site Road was prohibited, which is consistent with each of the planning and environmental documents discussed above. Additionally, Sheet A4 depicts the aforementioned "EMERGENCY ACCESS ONLY" sign that DMB/H installed facing westbound traffic at the east gate, but later removed following Unit 7A Improvement Plan acceptance. Significantly, Ron Parr signed the record Martis Camp improvement plans as Executive Vice President of DMB/H, further indicating DMB/H's awareness of the intended use of not only Mill Site Road, but also the EVA portion of Schaffer Mill Road within Martis Camp. (See Exhibit 3, Sheet 1.)

### **Arguments Raised by Opponents**

DMB/Highlands Group, LLC (hereinafter "DMB/H") and the Martis Camp Community Association (hereinafter "MCCA," and collectively referred to as "Opponents") submitted letters, through counsel, opposing the Retreat Association's Petition. Both letters attempt to inject uncertainty, and add requirements, to what is, in fact, a straightforward process pursuant to which the Board has recently vacated public road easements. Notwithstanding the irrelevance of many of Opponents' arguments to the finding required under Section 8324, that Mill Site Road is "unnecessary for present or prospective public use," for the sake of the record, they are addressed below.

#### **Opponents Mischaracterize the Petition as a Requested Road Closure**

The Retreat Association requests that the Board adopt a resolution vacating the public road easement over Mill Site Road pursuant to Section 8324. As confirmed in a March 18, 2014 letter to the Retreat Association from the County's Right-of-Way Agent, John Weber, "[i]n considering an abandonment, the Board of Supervisors would need to make findings in

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<sup>7</sup> The provision of two electronic gates on either end of an EVA road is not unusual within Northstar, as the same arrangement exists on the Big Springs EVA.

accordance with California Streets and Highways Code Section 8324 that the road is unnecessary for present or prospective public use.” (See Exhibit 12.)

Notwithstanding the foregoing, Opponents repeatedly mischaracterize the Retreat Association’s Petition as a request for a “partial closure of a public road” under California Vehicle Code Section 21101, which sets forth procedures by which a county may “clos[e] any highway to vehicular traffic:

Local authorities, for those highways under their jurisdiction, may adopt rules and regulations by ordinance or resolution on the following matters:

(a) Closing any highway to vehicular traffic when, in the opinion of the legislative body having jurisdiction, the highway is either of the following:

(1) No longer needed for vehicular traffic...

Consistent with this mischaracterization, Opponents contend that a public road easement may be vacated only where it is no longer needed for vehicular traffic, as opposed to public use, and the public unanimously consents:

“[h]ere, the Retreat owners propose to keep using Mill Site Road to access their homes in their automobiles, and the County still needs Mill Site Road for emergency access and transit traffic. Thus, Mill Site Road is, undeniably, still needed for vehicular traffic, and cannot be partially closed over the objections of members of the public who do not agree to its closure.”

(DMB/H, p. 6.)

If the Board adopts the requested resolution, it will be finding that Mill Site Road is “unnecessary for present or prospective public use” as required by Section 8324, not that it is “no longer needed for vehicular traffic” as required by Vehicle Code Section 21101. Thus, just as Martis Camp owners are able to access their lots via the private roads within Martis Camp, and just as the owners of Mandarin Hill Estates retained their ability to access Mandarin Hill Road and Mandarin Hill Court after the Board vacated the public road easements thereon in 2010, so too will Retreat owners be able to access Mill Site Road if the requested resolution is adopted. As described by the court in *Norcross v. Adams* (1968) 263 Cal.App.2d 362, 367-368. “[u]pon abandonment, if the county owns only an easement, title to the easement reverts to the owners of the underlying fee free of the public easement, except to the extent reserved in the order of

abandonment.” Accordingly, if the public road easement over Mill Site Road is vacated, the underlying fee will revert to the owners within the Retreat. In regard to emergency and transit access over Mill Site Road, Section 8324(b) specifically authorizes the Board to impose conditions upon a proposed vacation. Consistent with this authority, the Board may vacate the public road easement over Mill Site Road, while simultaneously reserving easements for emergency vehicle access, public transit access, and public utility access.

Thus, Opponents’ suggestion that the proposed vacation would close Mill Site Road to Retreat owners as well as to emergency and transit access is simply untrue. Retreat owners would still access their lots via Mill Site Road, and as long as the Board resolves to require it, the emergency vehicle access, public transit access, and public utility access easements would remain in place following vacation of the public road easement.

Finally, as discussed previously, “...the fact that a substantial portion of the public would *like* to have a road reopened or would *use* the road, does not mean the [legislative body] is legally precluded from finding the road is not necessary...” (*Citizens for Improved Sorrento Access*, 118 Cal.App.4th at 816 (emphasis in original).) As explained by the court, “[i]f a legislative finding that a road is unnecessary could be defeated by a showing that people would use the road, a legislative determination to close a road would be nearly impossible to uphold.” (*Id.*) Thus, Opponents’ contention that Mill Site Road “cannot be partially closed over the objections of members of the public who do not agree to its closure” is simply untrue.

Opponents’ Reliance on *City of Lafayette* is Misplaced

As set forth above, and as observed by the County, the Petition is not a request to close Mill Site Road pursuant to Vehicle Code Section 21101. Notwithstanding this fact, Opponents rely on *City of Lafayette v. County of Contra Costa* (1979) 91 Cal.App.3d 749, a case interpreting Vehicle Code Section 21101, as the legal basis for denying the Retreat Association’s Petition:

This is essentially a partial closure of a public road. Therefore, under the law delineated in Lafayette (1979), affirmed by the California Supreme Court in Rumsford (1982), and further explained and applied in Whitley Heights (1994), all of which were fully reviewed and analyzed in 2004 by the Sorrento court, petitioners cannot satisfy the well-established statutory and case law bases for abandonment of a public road. Therefore, the County must deny the abandonment petition in its entirety.

(See MCCA, p. 6.)

*City of Lafayette* did not involve a petition to vacate a public road easement, nor did the city in that case find that the road in question was “no longer necessary for present or prospective public use.” Rather, that case involved a city’s attempt, pursuant to Vehicle Code Section 21101, to partially close a public street to nonresidents. (*City of Lafayette*, 91 Cal.App.3d at 756.) According to the Court, Vehicle Section 21101 authorizes complete, but not partial, closures of public roads. (*Id.*) The decision of the court of appeal was subsequently codified in California Vehicle Code Section 21101.6:

Notwithstanding Section 21101, local authorities may not place gates or other selective devices on any street which deny or restrict the access of certain members of the public to the street, while permitting others unrestricted access to the street.

This section is not intended to make a change in the existing law, but is intended to codify the decision of the Court of Appeal in *City of Lafayette v. County of Contra Costa* (91 Cal. App. 3d 749.)

As set forth repeatedly in the Petition and above, the Retreat Association requests that the Board adopt a resolution vacating the public road easement over Mill Site Road pursuant to Section 8324. The Petition does not request partial closure of Mill Site Road pursuant to Vehicle Code Section 21101. This distinction is a critical one. Whereas the City of Lafayette retained the underlying fee after the partial closure, thereby running afoul of the road closure statutes, if the Board adopts the requested resolution here, the easement will revert to the Retreat owners as the owners of the underlying fee. Thus, MCCA’s reliance on the line of reasoning in *City of Lafayette* is misplaced.

#### The MVCP Analyzed Traffic and Circulation Resources

The opposition letter submitted by DMB/H argues that requiring Martis Camp traffic to access Northstar via SR267 will “reduce the efficiency of the County’s traffic and circulation resources in the Martis Valley.” (DMB/H, p. 4.) As discussed above, prior to adoption of the MVCP, the County commissioned an “in-depth analysis...for two road networks.” (MVCP, p. 71.) One scenario included a through connection to Northstar, and the other removed it. (*Id.*) According to the MVCP,

“[o]f these two roadway network scenarios, the one with the connections was the proposed roadway network initially presented to the community at public meetings due to the overall circulation benefits. Based on community and landowners input however...the proposed roadway system includes transit and emergency access only between Shaffer [sic] Mill Road and Northstar.”

(MVCP, p. 71.) Despite DMB/H's attempt to do so here, the time to provide comments on the proposed roadway network passed more than a decade ago. The County deliberately chose to restrict Mill Site Road to only transit and emergency access in 2003, and followed this decision in each of the subsequent environmental documents for both Martis Camp and the Retreat. After the Martis Camp EIR and traffic analysis determined that the traffic system would function efficiently with this restriction in place, the County certified the Martis Camp EIR, and approved Martis Camp on the basis that Mill Site Road would not provide a general traffic connection from Martis Camp to Northstar. Shortly thereafter, the County certified the Retreat EIR, thereby reaffirming that Mill Site Road would provide a connection for the sole use of emergency and public transit services. Thus, DMB/H's assertions are unfounded, in addition to being wholly irrelevant to the Petition before the Board.

#### DMB/H's Interpretation of the MVCP is Untenable

DMB/H contends that the following language in the MVCP supports the use of Mill Site Road by Martis Camp: "the proposed roadway system includes transit and emergency access only between Shaffer [sic] Mill Road and Northstar." According to DMB/H, "includes" is "non-exhaustive," and therefore does not preclude Martis Camp's use of Mill Site Road. However, DMB/H ignores, without any explanation, the use of the term "only" in this sentence, which is indeed "exhaustive."

Moreover, DMB/H's interpretation of the above-quoted language is simply untenable. The County initially proposed the roadway network with a general traffic connection between Schaffer Mill Road and Northstar. Based on community and landowner input, it made a deliberate choice to remove the general traffic connection and allow only transit and emergency access. Notwithstanding the foregoing, DMB/H contends that the County's deliberate choice to restrict the connection between Schaffer Mill Road and Northstar to transit and emergency access only somehow allows Martis Camp to use Mill Site Road as a through connection to Northstar; as was made clear in the subsequent environmental documents, Mill Site Road provides a through connection to only emergency vehicles and public transit.

#### Environmental Impacts Have Been, and Will Be, Analyzed

Opponents argue that vacation of the public road easement on Mill Site Road would constitute a project subject to CEQA. This fact is undisputed, as the Petition requests the exercise of discretion by the County. However, as set forth more fully in Whitman Manley's August 22, 2014 letter to Robert Sandman, the only supplemental review required is an Addendum, which would explain that the Martis Camp EIR already contains an analysis of how the road network would function if the Petition is approved, as the Petition would restore Mill

Site Road to the use proposed in the MVCP, and analyzed in the Martis Camp EIR. (See Exhibit 13.)

Relatedly, Opponents argue that the Board cannot vacate the public road easement "prior to studying the potentially significant adverse environmental impacts." (DMB/H, p. 5.) This point is also undisputed. However, Opponents fail to recognize that both the Martis Camp EIR and the 2007 Martis Camp Addendum, which were certified by the Board, assumed that all trips from Martis Camp to Northstar would use SR 267. Moreover, as discussed above, another Addendum to the EIR would be prepared prior to the proposed vacation. Thus, if the Board adopts the requested resolution, the environmental impacts of vacation will have been extensively analyzed in three separate CEQA documents.

#### Section 8324 Does Not Require Additional Findings

Notwithstanding the plain language of Section 8324 and recent resolutions adopted by the Board, MCCA alleges that "courts have added a requirement that the closure or vacation must be supported by a finding that the closure or vacation of the roadway is 'in the public interest.'" In support of this proposition, MCCA cites two cases, neither of which was decided under Section 8324.

The first case, *People v. City of Los Angeles* (1923) 62 Cal.App. 781, decided nearly a century ago, interpreted a statute that no longer exists. As quoted by the court, that statute (Stats. 1889, p. 70) authorized the vacation of a public road "whenever the public interest or convenience may require." *People*, 62 Cal.App. at 786. Thus, consideration of the public interest appears to have been a requirement of the statute being considered in *People*. Notably, that statute is no longer operative.

The other case cited by MCCA, *Heist v. County of Colusa* (1984) 163 Cal.App.3d 841, which also did not involve Section 8324, contains a section titled "Public Benefit." The entirety of this section provides as follows:

Case law has imposed a second condition upon the abandoning of a public road; the abandonment must be in the public interest. (*People v. City of Los Angeles*, supra, 62 Cal.App. at p. 786.) In the absence of fraud or collusion, a determination by the board as to what constitutes the public interest is legislative in nature and conclusive. (*Ibid.*) In the matter before us, the planning commission found the abandonment to conform with the county general plan. Those persons owning property adjacent to Laux Road would be responsible for maintenance, thus relieving the county of that burden. The reasons are sufficient to rebut a claim of

fraud. (See *Bowles v. Antonetti*, supra, 241 Cal.App.2d at p. 288; *Cramer v. County of Los Angeles*, supra, 96 Cal.App.2d 255.) The fact that amici requested the closure or that they benefited by the abandonment does not in itself establish fraud or collusion. (*Beals v. City of Los Angeles*, supra, 23 Cal.2d at p. 386.)

(*Id.* at 849.) Thus, while neither Section 8324 nor recent resolutions adopted by the Board imply a public interest requirement, even if one exists, *Heist* sets a low bar. Pursuant to *Heist*, in order to be in the public interest, a proposed vacation need only be consistent with the County's general plan, and relieve the County of any maintenance obligations on the portion of the road on which the public road easement is to be vacated.

Here, not only would vacation of Mill Site Road be consistent with the Placer County General Plan, it would be consistent with the MVCP, the Martis Camp EIR, the Retreat EIR, and the Martis Camp Addendum. Moreover, the Retreat Association, as part of its Petition, has requested that all services provided within County Service Area 28, Zone of Benefit 187 be discontinued as of the effective date of the resolution. Therefore, pursuant to the added "requirement" cited by MCCA, the Retreat Association's Petition is in the public interest.

#### Vacation of a Public Road Easement Does Not Impact Abutter's Rights

Opponents make a generalized claim that all MCCA members possess "abutter's rights" to use Mill Site Road. Preliminarily, it should be noted that the Retreat Association vehemently disagrees with this contention, as it is entirely unsupported by case law. No Martis Camp owner has abutter's rights to use Mill Site Road. Regardless, such considerations are irrelevant to the Board's decision under Section 8324. Accordingly, vacation of the public road easement over Mill Site Road would not result in a "taking" as alleged by Opponents.

#### Condition of Approval No. 30 for Martis Camp Does Not Authorize Use of Mill Site Road as a General Through Connection for Martis Camp Residents

DMB/H contends that Martis Camp Condition of Approval No. 30 entitles Martis Camp owners to use Mill Site Road as an entry and exit route. Condition of Approval No. 30 provides as follows:

Construction vehicles' access during construction of this project shall be limited to the following location(s): Schaffer Mill Road. Temporary construction access onto Schaffer Mill Road shall be shown on project Improvement/Grading Plans and shall be improved to the satisfaction of DPW.

(DMB, p. 9, ¶ 4, 5.)

Condition of Approval 30 is a boilerplate provision regarding construction access to Martis Camp. It cannot reasonably be read as an implicit authorization for all Martis Camp traffic to use Mill Site Road as a connection to Martis Camp. Moreover, as stated by DMB, Condition of Approval 30 was imposed concurrent with the approval of Siller Ranch in January 2005. If, as DMB contends, this condition was evidence that “the County consciously elected not to prohibit Martis Camp’s residential traffic from entering and exiting Martis Camp through Northstar,” the 2007 Martis Camp Addendum would have included an updated traffic analysis assigning trips from Martis Camp to Mill Site Road. Significantly, as described above and consistent with the Martis Camp EIR and Retreat EIR, the 2007 Addendum still assumed that all Martis Camp traffic would access Northstar via SR 267.

Current and Future Uses Exceed Mill Site Road’s Capacity and Are Unsafe

Opponents contend that Mill Site Road is capable of handling 6,800 daily vehicle trips, notwithstanding the fact that Condition of Approval 21 for the Retreat required that Mill Site Road and Cross Cut Court be built to a Rural Minor Residential standard. The County’s Rural Minor Residential “detail” depicts a 22-foot wide street section split into two 11-foot lanes, and includes notes addressing “allowable use.” Note No. 1 limits use of this detail to roads serving a small number of lots, up to 75 in the most extreme case: “less than 50 units on a cul-de-sac or 75 units on a through road providing setbacks are a minimum of 40’ from the R/W line. Otherwise this standard applies to 25 units and 50 units respectively.” In contrast, where more than 75 units are served, the County requires roads be built to a Rural Secondary Roadway standard. The Rural Secondary Roadway “detail” depicts a 32-foot wide street consisting of two 16-foot lanes.

In light of the County’s application of a standard intended to serve no more than 75 homes, it cannot reasonably be argued that Mill Site Road was in fact intended to serve 680 homes.<sup>8</sup> By comparison, Schaffer Mill Road, which every planning and environmental document assumed would serve as the only point of ingress-egress from Martis Camp, was built to a Rural Secondary Roadway standard (32-foot wide) with no direct driveway access. In contrast, consistent with its intended use as a connection for the sole use of emergency and public transit services, the EVA portion of Schaffer Mill Road within Martis Camp was built to a Rural Minor Residential standard (22-foot wide). If Mill Site Road and the EVA portion of Schaffer Mill Road were intended to serve the 662 homes within Martis Camp, the County certainly would have required that each be designed to the same standard as the 32-foot wide portion of Schaffer Mill Road.

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<sup>8</sup> 662 Martis Camp homes at build-out + 18 Retreat homes at build-out = 680

Additionally, because Mill Site Road was constructed to only a Rural Minor Residential standard, it cannot safely accommodate traffic from the 662 homes within Martis Camp, or approximately nine times the maximum "allowable use" under that standard. As explained by the Northstar Community Services District in its July 18, 2014 letter to the County in support of the vacation of the public road easement over Mill Site Road:

The District is also concerned that the design standards of this road system (and adjacent intersections within Northstar) are inadequate for the traffic volumes generated by the 650 lot count of Martis Camp. The safety and level of service of this roadway and other affected intersections within Northstar will be compromised with the additional traffic volumes.

(See Exhibit 14.)

Moreover, Mill Site Road is unique in ways that make Martis Camp's use of the road even more unacceptable from a safety perspective. Most significantly, the County approved the Retreat with ski-back access crossing Mill Site Road. (See Exhibit 11, Figure 4.12-1.) The approved ski-back access trail allows adults and children to "ski back" to the Retreat from the Northstar-at-Tahoe ski area. As depicted in Figure 4-12.1, it passes between lots 4 and 6 on the southern side of Mill Site Road, crosses Mill Site Road, continues between lots 3 and 5 on the northern side of Mill Site Road, and finally passes between lots 11 and 12 on the eastern side of Cross Cut Court before terminating thereon. Notably, there is no traffic control device where the ski-back access trail crosses over Mill Site Road. Given this fact, it is inconceivable that the County would approve ski-back access if Mill Site Road was going to be used by the 662 homes within Martis Camp; the County's decision would only make sense if Mill Site Road would be used by only the 18 lots within the subdivision, public transit, and irregularly by emergency vehicles.

Additionally, Mill Site Road contains 10 driveway encroachments in less than 0.3 miles, whereas the planned route between Martis Camp and Northstar via Schaffer Mill Road and SR 267 does not contain a single driveway encroachment. Concerns over the safety of these encroachments were raised during the Retreat planning process by the Placer County Department of Public Works. Accordingly, the Retreat EIR analyzed a "Back-Lot Access Alternative," which would eliminate one lot and provide two additional roads connecting to the main subdivision access road for back-lot access to lots 1-8. (See Exhibit 11, p. 6.0-4.) According to the Retreat EIR, "[t]his alternative layout was prepared to address Placer County Department of Public Works concerns regarding future driveways that would need to be constructed from the subdivision access road to serve lots 1-9 under the proposed project." (Id.) Notwithstanding these concerns, the Retreat EIR declared as follows: "However, as the roadway would only be open to transit through traffic, traffic levels along this roadway are expected to remain relatively

low and the safety and delay implications of allowing driveway access along the roadway are considered negligible.” (See Exhibit 10, p. 2.0-14.) Thus, the County approved the 10 driveway encroachments over DPW’s concerns on the basis that there would be no through traffic from Martis Camp on Mill Site Road. With Martis Camp traffic using Mill Site Road as a through connection to Northstar, the safety concerns associated with the 10 driveway encroachments on Mill Site Road initially raised by DPW have now become a reality for the Retreat. These dangers are exacerbated by the fact that Mill Site Road was built to a 10% grade, which is the maximum allowable steepness in a snow area within Placer County.

Given that Mill Site Road was designed, approved, and built to a Rural Minor Residential standard with ski-back access, 10 driveway encroachments, and a 10% grade, it cannot reasonably be disputed that Mill Site Road was not intended, designed, or constructed to safely accommodate traffic from the 662 homes within Martis Camp. In fact, continued use of Mill Site Road by the 662 homes within Martis Camp presents an unacceptable safety risk to the Retreat home/lot owners and their children, as well as to the County from a liability perspective.

The Prior Litigation Referenced by Opponents is Unrelated to the Present Petition

Interspersed throughout Opponents’ letters are vague references to prior litigation. It should be noted that the Retreat Association was not a party to that lawsuit, and the present Petition is an entirely separate, unrelated action before the Board.

**Conclusion**

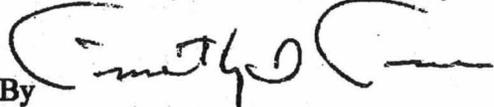
California’s Public Streets, Highways, and Service Vacation Law provides a straightforward process by which the Board may vacate the public road easement over Mill Site Road. Despite Opponents’ numerous attempts to inject uncertainty into the process set forth therein, the only finding required by Section 8324 is that Mill Site Road is “unnecessary for present or prospective public use.” In light of the countless representations made in the planning, environmental, and roadway design documents approved/adopted/certified by the County with respect to Mill Site Road, no other finding can reasonably be made. Whether or not Martis Camp owners may wish to use Mill Site Road, or would like to use Mill Site Road, is wholly irrelevant to such a finding. Mill Site Road was originally conceived, and for more than ten years consistently described, as a connection for the sole use of emergency and public transit services. For the forgoing reasons, the Retreat Association respectfully requests that the Board

Ken Grehm  
October 8, 2014  
Page 24

adopt a resolution to vacate the public road easements over 0.3 miles of Mill Site Road and 0.2 miles of Cross Cut Court, thereby restoring Mill Site Road to the uses contemplated in the planning, environmental, and roadway design documents detailed above.

Very truly yours,

HEFNER, STARK & MAROIS, LLP

By   
Timothy D. Taron

TDT:cer  
Enclosures – Exhibits 1-14  
cc: Robert Sandman  
Chris Hanrattie

# EXHIBIT 1

**PETITION TO DISSOLVE  
COUNTY SERVICE AREA 28, ZONE OF BENEFIT 187**

Whereas Zone of Benefit No. 187 of The Northstar at Tahoe – Retreat Subdivision was created on May 9, 2006 by the Placer County Board of Supervisors (Resolution 2006-107), for the purpose of providing funding for the costs of the following extended County services: road rehabilitation and snow removal; and

Whereas The Northstar at Tahoe – Retreat Subdivision consists of 18 residential lots as shown on Exhibit A, attached hereto; and

Whereas, at least a supermajority (two-thirds) of the property owners within Zone of Benefit No. 187 no longer wish for the County to provide the aforementioned services or to be assessed by the County for the costs of providing said services to Zone of Benefit No. 187 and wish to assume responsibility for providing the aforementioned services through their existing homeowners association;

Now, therefore, the undersigned owners of property within Zone of Benefit No. 187 hereby petition the Placer County Board of Supervisors as follows:

- a) That the Board adopts a resolution to dissolve Zone of Benefit No. 187 effective as of the earliest possible date, subject to the conditions set forth in Section (b), below.
- b) That the dissolution of Zone of Benefit No. 187 shall not be effective until proof of compliance with the following condition has been submitted to the County: (a) The CC&Rs for The Retreat at Northstar Owner's Association have been amended to provide that the Homeowner's Association assumes full responsibility for the CSA services and the property owners have agreed to assess themselves for the costs thereof.
- c) That all services being provided by the County to the property within Zone of Benefit No. 187 be discontinued as of the effective date of the resolution of dissolution.
- d) That imposition of all benefit assessments imposed upon each parcel of property within Zone of Benefit No. 187 to fund the costs of the CSA services be discontinued as of first new secured property assessment roll after the effective date of the resolution of dissolution.
- e) That upon dissolution and after payment of all costs of administration and services for Zone of Benefit No. 187, any unexpended funds collected by the County to provide the aforementioned services be disbursed to The Retreat at Northstar Owner's Association to be held and utilized for the purpose of providing those services.
- f) That the Board of Supervisors consider the adoption of a resolution to dissolve Zone of Benefit No. 187 at a hearing in accordance with Government Code section 25210.39b.
- g) Concurrently or subsequently to the resolution set forth in Section (f) above, that the Board of Supervisors consider the adoption of a resolution to abandon the Public Road Easement(s) and Public Drainage Easement(s) dedicated within the Zone of Benefit No. 187 and within the subdivision refer to as The Retreat at Northstar, Tract No. 930 (Book BB of Maps, Page 8) at a hearing in accordance with Government Code section 25210.39b (Note: The Public Road Easement and Public Drainage Easement abandonment will not include the abandonment of the Emergency Access Easement(s) and Ingress and Egress Support Easement(s) within the Retreat subdivision.)

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PETITION TO DISSOLVE  
COUNTY SERVICE AREA 28, ZONE OF BENEFIT 187

1. Owner: Crescent Crown Land Holding SPV LLC

Signed: Suzanne Stevens Dated: 10/29/13

Printed Name: Suzanne Stevens

APN: 110-650-002

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2. Owner: Crescent Crown Land Holding SPV LLC

Signed: Suzanne Stevens Dated: 10/29/13

Printed Name: Suzanne Stevens

APN: 110-650-003

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3. Owner: Crescent Crown Land Holding SPV LLC

Signed: Suzanne Stevens Dated: 10/29/13

Printed Name: Suzanne Stevens

APN: 110-650-006

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4. Owner: Crescent Crown Land Holding SPV LLC

Signed: Suzanne Stevens Dated: 10/29/13

Printed Name: Suzanne Stevens

APN: 110-650-008

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5. Owner: NORTH STAR LG, LLC

Signed: Lee Leytes Dated: 10/31/13

Printed Name: LEE LEYTES, MANAGER

APN: 110-065-005

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PETITION TO DISSOLVE  
COUNTY SERVICE AREA 28, ZONE OF BENEFIT 187

6. Owner: Crescent Crown Land Holding SPV LLC

Signed: Suzanne Stevens

Dated: 10/29/13

Printed Name: Suzanne Stevens

APN: 110 - 650 - 009

---

7. Owner: Crescent Crown Land Holding SPV LLC

Signed: Suzanne Stevens

Dated: 10/29/13

Printed Name: Suzanne Stevens

APN: 110 - 650 - 010

---

8. Owner: Crescent Crown Land Holding SPV LLC

Signed: Suzanne Stevens

Dated: 10/29/13

Printed Name: Suzanne Stevens

APN: 110 - 650 - 012

---

9. Owner: Crescent Crown Land Holding SPV LLC

Signed: Suzanne Stevens

Dated: 10/29/13

Printed Name: Suzanne Stevens

APN: 110 - 650 - 013

---

10. Owner: DEAN KELLER

Signed: Dean Keller

Dated: 10/31/13

Printed Name: DEAN KELLER

APN: 110 - 650 - 004

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PETITION TO DISSOLVE  
COUNTY SERVICE AREA 28, ZONE OF BENEFIT 187

11. Owner: JJ Real Estate, Inc.

Signed: [Signature]

Dated: 11/5/13

Printed Name: Jeffrey Joyce

APN: 110-650-001

12. Owner: JJ Real Estate, Inc.

Signed: [Signature]

Dated: 11/5/13

Printed Name: Jeffrey Joyce

APN: 110-650-014

13. Owner: JJ Real Estate

Signed: [Signature]

Dated: 11/5/13

Printed Name: Jeffrey Joyce

APN: 110-650-015

14. Owner: MAYON FAMILY TRUST

Signed: [Signature]

Dated: 10/28/2013

Printed Name: MICHAEL H. MAYON, TRUSTEE

APN: 110-650-017-000

**CALLION TO DISSOLVE  
COUNTY SERVICE AREA 28, ZONE OF BENEFIT 187**

15. Owner: James LaChance  
Signed: [Signature]  
Printed Name: James LaChance  
APN: 110-650-011

Dated: 4-8-14

16. Owner: RAN, LLC  
Signed: [Signature]  
Printed Name: David R. DUNCAN  
APN: 110-650-016

Dated: 4/15/14

17. Owner: RAN, LLC  
Signed: [Signature]  
Printed Name: Walter F. McLallen IV  
APN: 110-650-016

Dated: 4/15/14

18. Owner: Schwitzer 2007 Trust / Schwitzer 2005 Trust - TIC  
Signed: [Signature]  
Printed Name: Richard Schwitzer  
APN: 110-650-007

Dated: 4/27/14

PETITION TO DISSOLVE  
COUNTY SERVICE AREA 28, ZONE OF BENEFIT 187

19. Owner: Fred & Lynne Kepkin

Signed: F. Kepkin

Dated: 5/11/14

Printed Name: Fred & Lynne Kepkin :

APN: 110-650-018

# EXHIBIT 2

**PLACER COUNTY**  
**LOOKOUT MARTIS AMENDMENT**  
**ADDENDUM TO THE SILLER RANCH FINAL EIR**

---

Prepared for

Placer County  
3091 County Center Drive  
Auburn, CA 95603

Prepared by

**PMC<sup>®</sup>**

2729 Prospect Park Drive, Suite 220  
Rancho Cordova, CA 95670

**December 2007**

would not increase anticipated traffic levels (see Impact 4.4.6). The Amendment would decrease the traffic on State Route 267 in the long term due to Martis Camp residents using the Lookout Martis lift, (direct access to which would not be available in the short-term) to access Northstar™ facilities (see Impacts 4.4.6, 4.4.12, and 4.4.13). The Amendment would not increase the severity of this impact and this impact would remain **less than significant**.

**Impacts 4.4.2 and 4.4.11: Inadequate Parking Capacity**

The **Final EIR** determined that the Martis Camp project would have a less than significant impact regarding an increased demand for parking facilities at the project level and under cumulative conditions with implementation of mitigation measure MM 4.4.2. The **Final EIR** anticipated that Martis Camp residents would not access the winter recreation area on the Martis Camp site during the Phase 1, but rather that Martis Camp residents would drive to Northstar™ to ski. Martis Camp residents would continue to drive to Northstar™ in order to access the ski facilities as the base lift terminal may not be accessible until the 2010/2011 ski season. Under cumulative buildout conditions, the Amendment would not increase the demand for parking facilities and in fact may decrease the parking demand at Northstar™ due to linking the Lookout Martis project with the Northstar™ ski facilities and thereby reducing the potential number of Martis Camp residents parking at the Northstar™ parking facilities. The Amendment would provide transit service between the Martis Camp residences and the Martis Camp base lift terminal, reducing the need for parking facilities at the Martis Camp base lift terminal under buildout and cumulative conditions. The Amendment would not increase the severity of impacts associated with parking capacity and these impacts would remain **less than significant**.

**Impact 4.4.3: Increased Demand on Area Roadways**

The **Final EIR** determined that the Martis Camp project would result in increased demand on area roadways. This was identified as a less than significant impact with implementation of mitigation measure MM 4.4.3. As described in the Introduction, development of residences at Martis Camp will occur at a slower pace than was analyzed in the **Final EIR**. Thus, there will be fewer residents driving to Northstar™ to ski than was anticipated in the **Final EIR** during Phase 1 of Martis Camp development. The base terminal would be accessible to Martis Camp residents by the 2010/2011 ski season. The ability of Martis Camp residents to access Northstar™ from the Martis Camp site will result in a slight reduction in projected traffic volumes along SR 267 and Northstar Drive, as Martis Camp residents will not have to drive to the main Northstar™ entrance to access ski facilities beginning in 2010 but rather will access those facilities via the base lift terminal at Martis Camp. Therefore, the traffic generated by implementation of the Amendment would not result in an increase in traffic levels or increase the severity of this impact. This impact would remain **less than significant**.

**Impacts 4.4.4 and 4.4.11: Conflicts with Pedestrian and Bicycle Uses External to the Site**

The **Final EIR** determined that the Martis Camp project would increase traffic volumes along Schaffer Mill Road and SR 267 that could conflict with pedestrian and bicycle uses and would also construct at-grade golf cart and pedestrian path crossings along internal project roadways that could result in pedestrian and bicycle conflicts. This impact was determined to be less than significant with implementation of mitigation measure MM 4.4.4. The Amendment would not involve changes to the roadway system and would not result in increased traffic levels (see Impacts 4.4.3, 4.4.6, and 4.4.12). This impact would remain **less than significant**.



LSC Transportation Consultants, Inc.

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Tahoe City, CA 96145  
530/583-4053 FAX: 530/583-5966  
info@lsc Tahoe.com

## TECHNICAL MEMORANDUM

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**DATE:** November 21, 2007  
**TO:** Beth Thompson, PMC  
**FROM:** Gordon Shaw, PE, LSC  
**SUBJECT:** North Lookout Lift Extension to Martis Camp – Traffic Evaluation

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This document presents an evaluation of the traffic issues associated with the proposed extension of the Northstar-at-Tahoe's North Lookout ski lift to directly serve the Martis Camp development. While the original project (then known as Siller Ranch) included a short chairlift to near the base of the existing North Lookout lift, it did not provide a direct connection with the Northstar ski trails system.

This analysis focuses on two future conditions: a short-term (Phase I) analysis period, and a long-term (Martis Camp buildout) analysis period. This evaluation compares the proposed project with that approved in the *Siller Ranch Draft Environmental Impact Report*, dated November 2003.

### Traffic Generation Considerations of the Proposed Project

As a gated community, access to Martis Camp (including the relocated ski lift terminal) will be limited to Martis Camp residents, their guests, employees, and service/delivery trips.

#### **Short Term**

In the short term (2008 and 2009), there would be no physical roadway connection available for resident access (either by car or by shuttle bus) between Martis Camp homes and the North Lookout lift terminal. In 2008 there would be no occupied residences in Martis Camp, while in 2009 up to 20 residences may be occupied. These Martis Camp residents/guests would access Northstar by driving via SR 267, or by using the shuttle service (via SR 267) provided by Martis Camp. As needed to serve skier demand, the shuttle service would be operated seven days a week and approximately 10 hours per day. Internal transit access to the lift would be provided beginning in 2010.

### Long Term

At buildout of Martis Camp, the cumulative long-term condition would be as follows:

- Internal transit shuttle service would be provided between Martis Camp residences and the North Lookout lift. Martis Camp would operate these internal shuttle vans as necessary to meet demand; two shuttle vans are expected to be necessary at buildout.
- Up to four Martis Camp employees would be needed to operate the shuttle program. No Martis Camp employees would be added due to the extended lift. Rather, the Martis Camp employees that would have been required for the separate lift would no longer be needed.
- The extension of the lift would not increase the total number of Northstar-At-Tahoe employees.
- All Northstar-At-Tahoe winter employees would access the lift and associated ski trails via Northstar, and would not access via Martis Camp.
- Up to three employees would be on-site on any one day for summer maintenance functions. While service trips and construction traffic would access via Martis Camp, no ongoing access to the lift via Martis Camp (such as employee reporting to work) is expected.
- While any Northstar skier could use the extended Lookout runs, non-Martis Camp skiers would need to use the lift to return to the remainder of the ski area, and would not be able to exit the ski terrain via Martis Camp.

### **Comparison with the Traffic Analysis in the Siller Ranch EIR**

#### Total Trip Generation

The Siller Ranch DEIR traffic analysis evaluated a total program of 602 single family dwelling units and 124 multifamily dwelling units (a total of 726), along with a variety of recreational amenities. In comparison, the current phasing plans for the project (currently under review by Placer County) would allow a total of 653 single family dwelling units and no multifamily units. Applying the base traffic rates used in the original traffic study, the currently envisioned maximum development levels would generate approximately 7 percent lower traffic volumes (both over the day and in the key PM peak-hour) than the land uses evaluated in the DEIR.

#### Ski Area Access Assumptions

In the short-term, no direct access was assumed in the DEIR analysis. As stated in the Siller Ranch DEIR, "It should be noted that under Phase One the ski lift access would not be complete and residents wishing to go skiing at Northstar-At-Tahoe would need to access Northstar via SR 267"

In the long-term, the original land use proposal included a short ski lift within Martis Camp land that would allow skiers to access the base of the North Lookout lift via a short ski across the property boundary. Reflecting this access option, 90 percent of Martis Camp skiers were assumed to access Northstar-At-Tahoe trails via the lift internal to Martis Ranch, either by driving or by using the internal shuttle system. The remaining 10 percent reflect persons taking ski lessons or renting equipment that choose to access the ski terrain via the Northstar Village facilities.

An important consideration is that these short-term and long-term assumptions remain valid with the proposed North Lookout ski lift extension project.

### **Discussion of Traffic Impacts**

#### **Employee and Service Trips**

The original EIR assumed that employees associated with the on-site lift would access through the Martis Camp site. With the lift extension, however, all winter employees would access the lift via Northstar, thereby slightly reducing traffic on Schaffer Mill Road. Also, the proposed ski lift would replace the existing North Lookout lift, as well as the planned and approved short lift within Martis Camp. As the operating and maintenance requirements of a single longer lift are less than those of two smaller lifts, overall this project would reduce the need for employee trips and service trips to the area. No significant change in the overall number of employee vehicle-trips is therefore expected in either the summer or the winter (in comparison with the condition evaluated in the Siller Ranch EIR), while a very minor reduction (up to a few trips per hour) would occur on Schaffer Mill Road.

#### **Skier Trips**

Prior to 2010, there would be no change in Martis Camp-to-Northstar traffic volumes from those identified in the DEIR, as all access would remain via SR 267. Starting in 2010, Martis Camp residents' use of the Lookout Martis lift to replace a trip via SR 267 would reflect a regional benefit through a reduction in traffic on SR 267 between Schaffer Mill Road and Northstar Drive, as well as a reduction in traffic and parking within Northstar. The original EIR assumed that the Martis Camp winter ski facilities would not be operational until the final phases of construction, now scheduled for 2013 through 2015. As the on-site lift would be operational (and accessible within the project) as the first phase is under construction, there would be an overall reduction in trips via SR 267 in the short term from the level identified in the EIR.

Guests (such as friends or relatives) could be invited to Martis Camp by Martis Camp residents and thus access the new lift. Some level of guest traffic activity is reflected in the standard trip generation rates used in the Siller Ranch EIR. Direct access to a ski area, however, could potentially result in an increase in the number of guests that each residence generates. On the absolute peak ski days when Northstar-At-Tahoe turns day skiers away

due to lack of available parking, the ability of Martis Camp guests to access the ski trails could potentially result in a slight increase in overall skier activity (and thus traffic generation) associated with the ski area as a whole. On the large majority of days, Martis Camp guests accessing the ski area through Martis Camp would represent a diversion of day skier traffic that would otherwise access the ski area via Northstar Drive. As the majority of Northstar-At-Tahoe skiers access from the north, this diversion would largely result in a reduction in traffic volumes on SR 267 between Schaffer Mill Road and Northstar Drive, and a corresponding increase in volume on Schaffer Mill Road. At the key SR 267 / Schaffer Mill Road / Airport Road intersection, in the AM peak period this would result in a replacement of southbound through volumes by southbound right-turn volumes (thereby beneficially reducing the critical volumes through the intersection). In the PM peak period, this would result in a shift in volumes from the northbound through movement to the eastbound left movement; as both of these movements are critical movements, this would have no significant impact on the overall operation of the intersection.

There is a theoretical potential that Martis Camp residents could provide access to the new lift to skiers that are not their specific guests, by agreeing (perhaps at a price) to allow them access through the gate. For instance, a college-age resident could provide access to their classmates. The ability to avoid traffic congestion along Northstar Drive and SR 267 (or to avoid the need for a parking shuttle trip) could make this potentially attractive to day skiers. Any significant level of this type of activity would be noticeable as it would generate a parking demand that would quickly exceed either the parking supply at the lift base or at any one residence. It would be beneficial, however, for the gate personnel to keep a log of the number of guests allowed access by owners of each residence on peak ski days, and investigate any unusually high number of guests.

### Conclusions

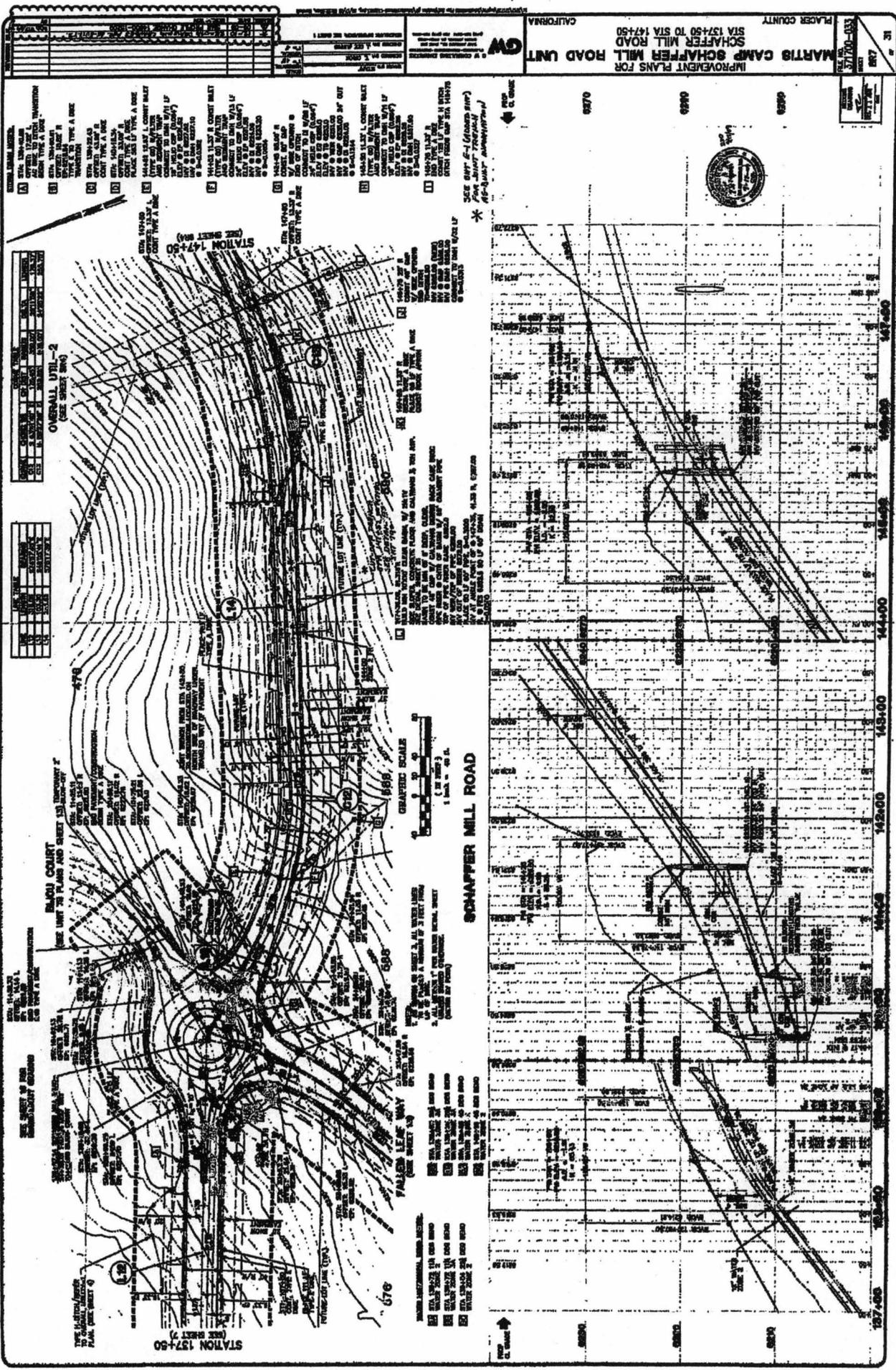
Overall, the proposed lift extension is not expected to generate any significant change in traffic activity generated by skiers or by employees (in both summer or winter) compared with that identified in the *Siller Ranch DEIR*. To the degree that a single direct lift would be more attractive than two adjacent lifts, this project could result in a slightly higher proportion of Martis Camp skiers accessing Northstar-At-Tahoe directly from within the development, thereby reducing traffic levels along SR 267 or Northstar Drive from those identified in the *DEIR*.

There is at least the potential that Martis Camp residents could abuse their ability to have guests access the new lift, by allowing an inordinate number of persons to enter Martis Camp to access the lift. It is recommended that Martis Camp staff monitor the number of guests allowed in the gated community over the course of peak ski days by residents of each home, and limit this ability if it exceeds a level consistent with incidental use by friends and family.

# EXHIBIT 3











# EXHIBIT 4



FIRST QUARTER MEETING BOARD OF DIRECTORS MEETING OF THE MARTIS CAMP  
COMMUNITY ASSOCIATION

Thursday, January 16, 2014 at 8:00am (PST)

1. Meeting Called to Order by President Mark Johnson at 8:30 am
  - a. In attendance were Directors Mark Johnson (President), Bill Beaty (Vice President), Carla Yeager (Treasurer), Tom Bernthal (Secretary), Ron Parr (At-Large), Keith Franke (Director & Architectural). Staff in attendance were Stephanie Murphy (Community Association), Ray Holcombe (Safety and Security), Scott Bower (Roads & Landscaping), and Brian Hanley (Porter & Simon, Association Counsel). Members in attendance were Josh Gainer.
  - b. The preliminary meeting minutes from the October 12, 2013 Quarterly Meeting were unanimously approved
2. Member Comment
  - a. Mr. Gainer commented on speeding within the community and wanted to know how we can better enforce it. It was discussed and the Board agreed that a hand out at the Gatehouse would be useful reminding the members, their guests and contractors to obey the posted speed limit within Martis Camp. The Board also approved a sign at the construction gate reminding the contractors of the penalty of speeding with in Martis Camp. Finally the Board approved to install a permanent speed bump on a trial basis. At the end of the trial the Board will make a decision if more will be installed through out the community.
3. Discussion / Business Items
  - a. The new Board members and their positions are as follows: Mark Johnson (President), Bill Beaty (Vice President), Carla Yeager (Treasurer), Tom Bernthal (Secretary), Ron Parr (At-Large).
  - b. It was noted by Mark Johnson that the 2014 Budget, Supplemental Disclosures and Replacement Reserve Document was mailed in December of 2013.
4. Design Review
  - a. There are currently 200 homes in review, 120 homes are under construction, 80 homes are in various stages of the Architecture Review and 152 homes are complete.
5. Safety & Security
  - a. Security has issued 1,600 active transponders.
  - b. Ray reported that he had not seen any Bear damage to Homes that are full time residents. Mark also noted that an e-blast went out on 1.13.2014 reminding Members to be Bear Aware.
6. Budget
  - a. Carla went over the Monthly Financial and pointed out the current net for the community as of the 31<sup>st</sup> of December 2013 was in the positive of \$309,000. This is mostly due to the Architecture Review and Design submittals and lack of snow. Mark also noted that the Community Association performed fuel management on the west side of the property.
  - b. The Board also unanimously approved liening lot 160.
7. Other Business
  - a. It was mentioned by Ron Parr that there may be a need in the future for a Martis Valley Water Maintenance and Operations Facility. This plan is still in the works and a budget is still being finalized.
  - b. Mark updated the Board that Martis Camp Community and Sudden link are getting closer to an agreement. Mark is hopeful that Suddenlink will start installation in May of 2014.
  - c. Mark in contact with Tesla and a possible charging station with in Martis Camp.
  - d. Ron stated that TART may do another trial run due to lack of snow this year.
  - e. The Board approved to have Curt Sproul amend our CC&R's to comply with the re-coding of the Davis Sterling common Interest Development act.
  - f. Ron reported that he will know more information about the East Gate after March 9<sup>th</sup> or 10<sup>th</sup>.
  - g. The Board unanimously approved releasing bond # CAC53164.
8. Adjourn

The meeting was adjourned at 10:03 am

# EXHIBIT 5

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

**In the matter of: A RESOLUTION ABANDONING  
THE PUBLIC ROAD EASEMENT RIGHTS TO  
MANDARIN HILL ROAD AND MANDARIN HILL  
COURT - NEWCASTLE**

**Resol. No:.....**

**Ord. No:.....**

**First Reading:.....**

The following RESOLUTION was duly passed by the Board of Supervisors  
of the County of Placer at a regular meeting held \_\_\_\_\_,  
by the following vote on roll call:

**Ayes:**

**Noes:**

**Absent:**

**Signed and approved by me after its passage.**

**Attest:  
Clerk of said Board**

\_\_\_\_\_  
**Chairman, Board of Supervisors**

\_\_\_\_\_  
**WHEREAS, public road easements as shown and designated as Mandarin Hill Road and Mandarin Hill Court were dedicated to and accepted by Placer County on the map of Mandarin Hill Estates, filed for record in Book Y of Maps at Page 51, Official Records of Placer County; and**

**WHEREAS, it has been determined that the public road easements, as shown as Mandarin Hill Road and Mandarin Hill Court on the attached Exhibit "A", are no longer necessary for present or prospective public use; and**

**WHEREAS, vacation of the public road easements is permissible pursuant to Chapter 2 of Part 3 of the Streets and Highways Code, Section 8312.**

**Resolution No. \_\_\_\_\_**

**Abandonment of the public road easement rights to Mandarin Hill Road and Mandarin Hill Court.**

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of Placer County that from and after the date this Resolution is recorded, the public road easements, as shown on the attached Exhibit "A", shall be vacated and abandoned, and shall thereafter not constitute a public road easement;

**RESERVING THEREFROM** easements over the entire road easements shown on Exhibit "A" for emergency vehicle access and public utilities and public utility access, together with a private road easement for the benefit of those parcels utilizing this easement for legal access.

**BE IT FURTHER RESOLVED** by the Board of Supervisors of Placer County that the above-described public road easements, as shown on the attached Exhibit, are not useful as a nonmotorized transportation facility, as this is not a through roadway, and a trails network is not proposed at this location .

T:\DPWAbandonments\CountryPlaceDrive.res.doc

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# EXHIBIT 6

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# MARTIS VALLEY COMMUNITY PLAN



**Adopted by the Board of Supervisors  
December 16, 2003**

## 5. Aviation

### Truckee-Tahoe Airport

This regional airport is located on the north side of SR 267 and in the westerly portion of the plan area along the Placer/Nevada County line. The airport handles predominantly smaller aircraft and is not currently served by scheduled airline service. In 1996, the airport handled 32,900 flight operations. The 1988 Master Plan forecasted 83,800 operations by 2010.

### Reno/Tahoe International Airport

The Reno/Tahoe International Airport is located approximately 45 minutes east of the Martis Valley. The airport services about 6 million passengers a year, with over 150,000 flight operations. Approximately 5%, or 255,000 annual passengers are destined for the North Tahoe/Truckee/Martis Valley area.

## 6. Future Transportation Systems

### Future Conditions

As part of the Martis Valley Community Plan Update, a traffic model was developed. The model includes the existing roadway network and land uses within the Placer County portion of Martis Valley and the Town of Truckee. The model was calibrated to 2001 conditions based on the existing roadway network and land uses.

One of the first steps in calibrating the model was to determine the appropriate trip generation rates. The most critical components of developing the trip generation module was determining the percentage of dwelling units in Martis Valley that are used as recreational homes as opposed to primary residences. Based on current practice, it was assumed that 80% of the residential units in the Martis Valley are second, recreational, homes and the remaining 20% are primary residences. Applicable Institute of Transportation Engineers (ITE) trip rates were applied. For the Palisades/Sierra Meadows Developments the percentages were reversed due to the high number of primary residents within this area. All other land uses: commercial, recreational, etc., were assigned ITE trip rates without modification. With these rates the model was run and compared against existing traffic volume data and was determined to be within an acceptable accuracy range.

After the calibration was complete the County determined that two time periods would be used for determining the future roadway network needs. As stated previously, the time periods used for the Martis Valley Community Plan Update were summer weekday PM hour and the winter 30th highest hour. These two time periods were chosen to ensure that the intersections/roadways would be adequately designed for peak directional traffic flows. The volumes obtained from the model for year 2021 assumed full build-out of both the Town of Truckee and Martis Valley Plan Area and are the basis for the future road network used for the Capital Improvement Program (CIP).

The County had an in-depth analysis performed for two road networks for the development of this plan. One scenario included a through connection between Schaffer Mill Road and Northstar Drive, through connections between the Eaglewood and Sierra

Meadows/Ponderosa Palisades developments, and a through connection from Big Springs Drive into the Highlands development in Northstar-at-Tahoe. The second scenario removed the through connections from Schaffer Mill Road to Northstar and from Eaglewood to Sierra Meadows Ponderosa Palisades developments.

Of these two roadway network scenarios, the one with the connections was the proposed roadway network initially presented to the community at public meetings due to the overall circulation benefits. Based on community and landowners input however, this Plan proposes the second scenario and further proposes that the Northstar Highlands to Northstar Village connection via Big Springs Road be limited to transit, pedestrian, bicycle and emergency access. Additionally the proposed roadway system includes transit and emergency access only between Shaffer Mill Road and Northstar.

### **Roadway Improvements**

Improvements to the transportation system in the plan area are required to attain the desired goals and policies of the Community Plan and maintain the County's LOS standards. A majority of the improvements required are capacity enhancing and are due to the large land holdings that are currently undeveloped within Martis Valley. Some examples of these areas are Hopkins Ranch, Eaglewood, Lahontan II, Village at Northstar-at-Tahoe, Waddle Ranch, Martis Ranch, and the Siller Property. The improvements outlined below are based on the Proposed Land Use Plan and if any other Land Use Option is chosen the improvements may change.

#### **State Route 267**

The future traffic projections at full buildout of Martis Valley and Town of Truckee indicate SR 267 will need four-lanes from Waddle Ranch to the intersection of Brockway Road and Joerger Drive. Within a 20-year projection SR 267 may not require four-lanes for the entire segment listed above; however, the segment from Schaffer Mill and Airport Road intersection to the intersection of Brockway Road and Joerger Drive is projected to have four-lanes. Also within 20-years, signalization and intersection improvements will be required at Northstar Drive and SR267.

#### **Schaffer Mill Road**

Schaffer Mill Road is classified as a collector road and will be the access to a majority of the large land holdings remaining within Martis Valley. Dedicated turn lanes will be required into all of the large developments that front Schaffer Mill Road for the entire length of the roadway. This roadway will be extended to make a connection with Northstar-at-Tahoe, via Big Springs Drive as an emergency access and as a local transit route when conditions on SR267 warrant. The decision as to when conditions warrant will be made concurrent with the development of the MVCP transit plan. This roadway connection may also be designated for use as a bicycle and pedestrian trail subject to the principles set forth in Policy 7.E.4.

# EXHIBIT 7

# SILLER RANCH

## FINAL ENVIRONMENTAL IMPACT REPORT

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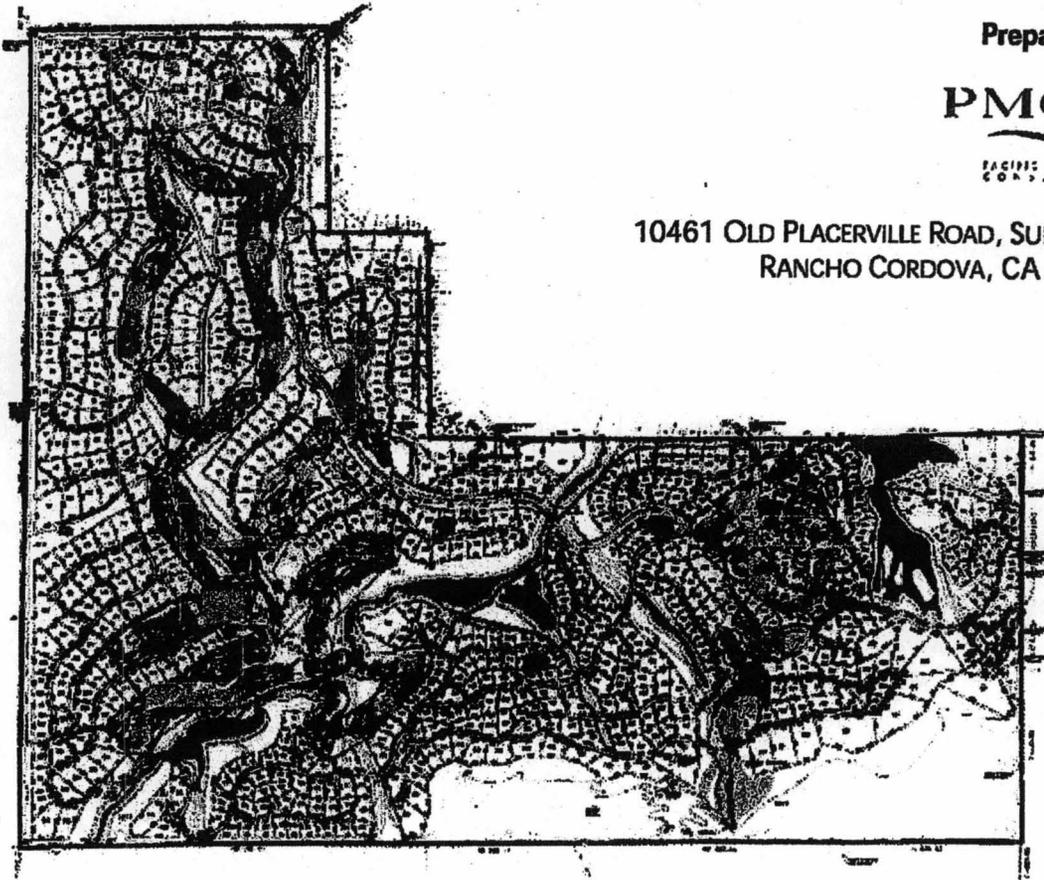
Prepared for

PLACER COUNTY  
PLANNING DEPARTMENT  
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Prepared by

**PMC**  
PACIFIC MUNICIPAL  
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10461 OLD PLACERVILLE ROAD, SUITE 110  
RANCHO CORDOVA, CA 95827



SCH No. 2003022122

APRIL 2004

### 3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

**"MM 4.4.12**

The project applicant shall pay its "fair share" to the of the costs for necessary intersection improvements as identified in Tables 4.4-29, 4.4-30, and 4.4-31 of the Draft EIR. The project's actual fair share contribution to intersection improvements under each land use alternative is shown in Tables 4.4-32 of the Draft EIR. The project shall also pay its fair share of roadway improvements to SR 267 and Schaffer Mill Road. However at the time of the building permit issuance, if a better estimate of the cost of each improvement identified below is available, the better cost estimate shall be used to determine the project's fair share cost. If the Placer County Board of Supervisors adopts a traffic mitigation fee program, or an update to the current traffic mitigation fee ordinance, and the new or updated program recognizes cross-jurisdictional impacts within the Town of Truckee, that action and program will supercede the fair share contribution requirements of this mitigation measure.

*Timing/Implementation: Prior to issuance of building permit. Prior to Final Map approval of the second developed phase or issuance of a building permit for a golf course not included in the first phase of development, whichever comes first.*

*Enforcement/Monitoring: Placer County Department of Public Works."*

**Response H-14:** Comment noted. Mitigation Measure MM 4.4.7a is associated with the County's implementation of a transit plan as part of the implementation of the Martis Valley Community Plan. It is anticipated that the Town of Truckee would participate in the development of this transit plan.

**Response H-15:** The commenter requests that the County consider requiring that the connection between Northstar and Siller Ranch be a public access so that the programming of a four-lane SR 267 could be avoided. This comment is noted, but it is also noted that the provision of this public connection would be inconsistent with the adopted Martis Valley Community Plan. Further, regional traffic on SR 267 will require four-laning of this roadway regardless of the connection between Northstar-at-Tahoe and Siller Ranch.

**Response H-16:** As described on Draft EIR pages 4.7-50 through -59, the project proposes extensive Best Management Practices (BMPs) and water quality control measures for all aspects of project construction and operation in addition to the golf course. Draft EIR pages 4.7-2 through -23 as well as historical water quality data for Martis Creek collected by T-TSA as part of operation of its Water Reclamation Plant (1983 through 1997) (T-TSA, 1999), water sampling data collected by the U.S. Army Corps of Engineers (1998-2002 Annual Water

### 3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

The only difference is that the project site residential land use designation is Rural Residential (rather than Low Density Residential as shown in Draft EIR Figure 3.0-21) and the land use designation and zoning area associated with the southern portion of the site in the vicinity of the project's ski facilities is Forest and Forestry (which is less dense than Open Space as shown in Draft EIR Figures 3.0-20 and -21). Both these differences are less impactful than the MVCP contemplates, thus this project is fully consistent with the MVCP. As noted on Draft EIR page 3.0-60, with the adoption of the Martis Valley Community Plan the project no longer requires a General Plan amendment or rezone. Appendix 4.0 of the Draft EIR provides an extensive consistency analysis as required by CEQA Guidelines Section 15125(d) and provides an adequate analysis based on information provided in the Draft EIR.

*Response 4-10:* The commentor is referred to Response to Comment 4-8.

*Response 4-11:* The commentor is referred to Response to Comment 4-5.

**Response 4-12:** Details regarding the anticipated grading of this specific emergency access and all other project roadways are provided on the project's vesting tentative map, which is available for review at the Placer County Planning Department. Given the size of the project, it is not feasible to show such detail in the Draft EIR. However, environmental impacts of the project's grading activities were considered in the Draft EIR, which includes water quality impacts and impacts to biological resources (see Draft EIR Figure 4.9-5). Project construction staging areas are shown on Draft EIR Figures 3.0-4a and 3.0-4b. Mitigation Measure MM 4.4.7b includes performance standards associated with access control for the emergency access roadway and the extent of transit usage. Use of this roadway for transit is expected to result in beneficial effects to traffic conditions in the project area by providing another point of access for transit to the Northstar-at-Tahoe ski resort. Any future decision to open this roadway would require CEQA review and would be a separate project. The occurrence of emergency traffic along the roadway would be considered a special event and not part of a typical peak weekend or weekday traffic volume. The number of transit trips expected on the route has yet to be determined, but Placer County is currently initiating a transit study to identify this number, as required by the Martis Valley Community Plan. However, a preliminary estimate indicates that the number of transit trips would not exceed 20 PM peak-hour trips, which would have a negligible impact on LOS and would provide improved transit service to the area. The proposed use of this roadway is also consistent with the adopted Martis Valley Community Plan.

*Response 4-13:* Demographic data for the project area and surrounding region is provided in Section 4.2 (Population, Housing and Employment) of the Draft EIR. The commentor suggests that utilization of U.S. Census data is not appropriate, but provides no justification for not using U.S. Census data, which is commonly used by cities and counties to evaluate their demographics. All materials and data utilized to support the analysis provided in Section 4.2 of the Draft EIR is referenced on Draft EIR pages 4.2-19 and -20. The commentor fails to provide reasons or evidence to question the demographic analysis that would require additional evidence to support the conclusions of the Draft EIR.

### 3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

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**Response 4-59:** The commenter asks whether existing trip counts were conducted at existing units at Lahontan. No such counts were conducted for this project. However, the trip rates used in the analysis calibrate to existing conditions. The commenter is also referred to Response to Comment 4-50.

**Response 4-60:** The commenter asks where the trips for the emergency access/transit road are identified and analyzed and how the roadway would be guaranteed to remain open for emergency access/transit use only. The occurrence of emergency traffic along the roadway would be considered a special event and not part of a typical peak weekend or weekday traffic volume. The number of transit trips expected on the route has yet to be determined, but Placer County is currently initiating a transit study to identify this number, as required by the Martis Valley Community Plan. However, a preliminary estimate indicates that the number of transit trips would not exceed 20 PM peak-hour trips, which would have a negligible impact on LOS and would provide improved transit access to Northstar. The proposed use of this roadway is also consistent with the adopted Martis Valley Community Plan. Implementation of Mitigation Measure MM 4.4.7b would include specifications on the use of this roadway.

**Response 4-61:** The commenter asks what the potential is for facility sharing between Northstar and Siller and requests that the EIR identify impacts associated with the emergency access connection becoming a full access roadway. The commenter is referred to Response to Comment 4-60. As part of the approval of the Northstar Village expansion, the project applicants of both projects are coordinating regarding the development of this emergency access road. Also, as the project would be approved with the transit/emergency access only (consistent with the adopted Martis Valley Community Plan), the opening of the roadway to the public would be a separate project subject to its own environmental review process. Opening of the roadway would be subject to CEQA and would not change the nature or scope of the Siller Ranch project. There are no current plans on connecting ski terrain facilities and access between the project and Northstar. As shown in Draft EIR Figure 3.0-4, no ski connection is proposed.

**Response 4-62:** The commenter asks how much this project will generate in mitigation fees. This exact amount has not yet been determined, but will be determined upon the issuance of building permits. An estimate of the fees required under Phase one is provided in the Draft EIR Table 4.4-17.

**Response 4-63:** The commenter is referred to Master Response 3.4.2 (Water Quality) and Appendix 3.0, which includes the Siller Ranch Best Management Practices Report for Water Quality Management and the Siller Ranch Chemical Application Management Plan. Section 6.0 (Project Alternatives) includes several alternatives that include clustering. However, elimination of the golf course would be inconsistent with project objectives. Traffic impact fees are paid well in advance of the projects impacts. There may be a gap if other development precedes Siller Ranch, but impact would be mitigated. Funding mechanisms are designed to ensure that any gap is not caused by this project.

### 3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

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- Response 7-4:** The commentor also states that the project should be responsible for new bus stops, shelters, and transit vehicles, as well as its fair share of additional transit facilities needed to fuel, store, and maintain transit vehicles and that these items should be added to the Capital Improvement Program project list. The commentor provides no evidence to suggest that this project would trigger the need for such facilities. Mitigation Measure MM 4.4.7a specifically requires the project's financial participation in capital improvements and on-going operation of transit services.
- Response 7-5:** The commentor indicates that the conclusion that Phase 1 by itself would not warrant the provision of a transit service is false, as it does not take into account existing transit demand on SR 267 and the fact that it is currently over capacity, and the cumulative impacts of Phase 1 with other projects. However, Impact 4.4.7 discussion on page 4.4-59 of the Draft EIR does identify that the project will have a cumulative impact and requires the project to participate in the development of a transit system. It should also be noted that at least one other project (Northstar Village) is already required to expand transit capacity along the corridor.
- Response 7-6:** The commentor suggests that skier shuttle service be provided along Schaffer Mill Road. The current Martis Valley Community Plan and proposed project includes a transit only corridor between the project and Big Springs Drive in the Northstar area. Placer County is currently initiating a study of potential transit services along this corridor. Mitigation Measure MM 4.4.7b would provide for the potential use of ski shuttles from Northstar.
- Response 7-7:** The project's impacts on the SR 267 / SR 28 intersection (in all directions) is evaluated in Section 4.4 (Transportation/Circulation) of the Draft EIR for year 2007 and 2023 conditions. SR 28 east and west of SR 267 was evaluated in the Draft EIR. As shown in Draft EIR Tables 4.4-13, 4.4-24, 4.4-25 and 4.4-26, SR 28 is not expected to be significantly impacted by the project.
- Response 7-8:** Though the proposed project will increase traffic volumes along SR 28, this will not significantly impact the need for bicycle or pedestrian improvements along the corridor, which are largely a function of existing traffic volumes and the physical characteristics of the corridor. It should also be noted that the impact fees to be generated by the proposed project could be allocated to improvements along SR 28.
- Response 7-9:** The commentor indicates that the proposed project will be contributing to traffic growth in Kings Beach and, therefore, should be required to contribute to the Kings Beach redevelopment project that includes vehicle, bicycle, and pedestrian facilities. Placer County is currently conducting studies in conjunction with Caltrans to evaluate the impacts of redevelopment alternatives for the Kings Beach Commercial Core area, though final selection of an alternative will probably not occur for several years. At present, these studies indicate that major intersections and state highway roadway segments in Kings Beach currently operate at adequate LOS. Given the relatively small increase in traffic associated with the proposed project, it can be concluded that the project traffic would not result in exceedence of existing standards under the current

# EXHIBIT 8

# SILLER RANCH

DRAFT ENVIRONMENTAL IMPACT REPORT  
**VOLUME 1—DEIR**

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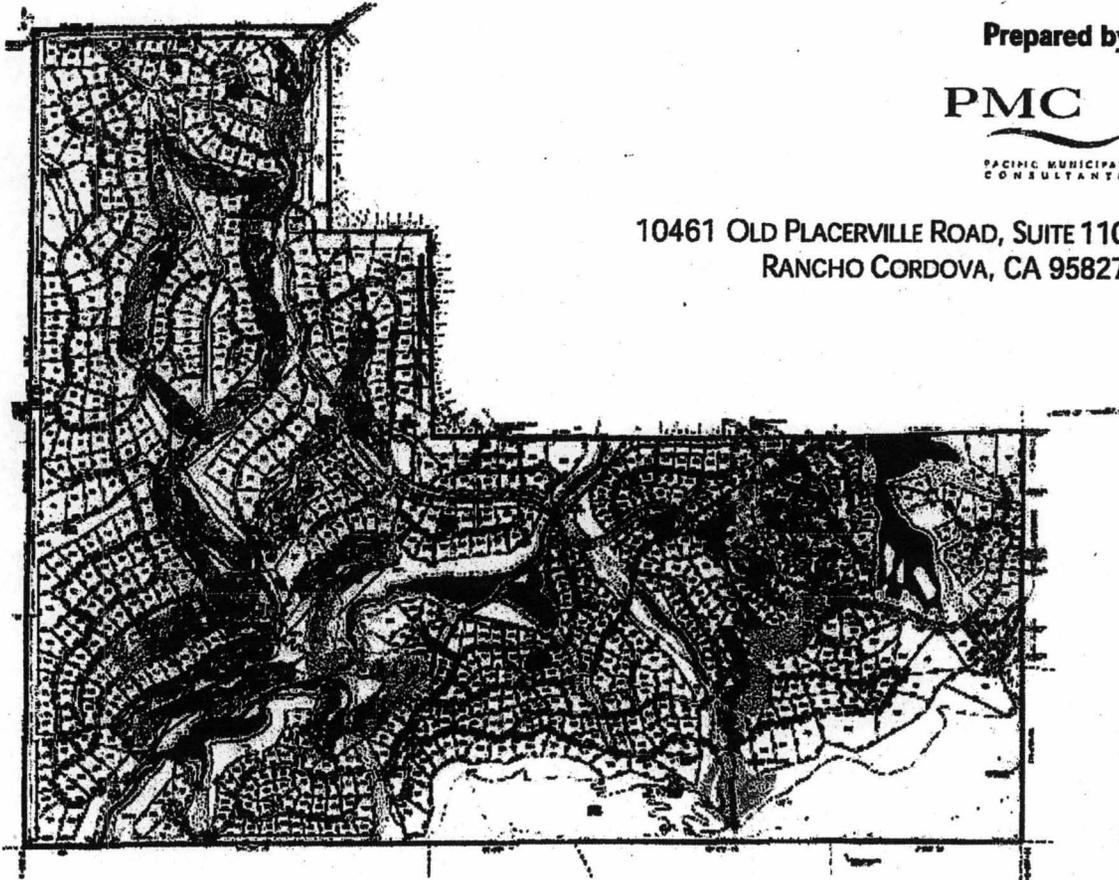
**Prepared for**

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RANCHO CORDOVA, CA 95827



SCH No. 2003022122

NOVEMBER 2003

**APPENDIX 4.0 – GENERAL PLAN CONSISTENCY TABLES**

General Plan Policies	Consistency With General Plan	Analysis
decision-making body.		
<b>Policy 6.F.9.</b> In reviewing project applications, the County shall consider alternatives or amendments that reduce emissions of air pollutants.	Yes	An air quality analysis is being conducted as part of the CEQA process, which provides mitigation measures that would reduce potential impacts. Project alternatives are discussed in Section 6.0 (Alternatives).
<b>Policy 6.F.10.</b> The County may require new development projects to submit an air quality analysis for review and approval. Based on this analysis, the County shall require appropriate mitigation measures consistent with the PCAPCD's 1991 Air Quality Attainment Plan (or updated edition).	Yes, With Mitigation	Section 4.6 (Air Quality) includes mitigation measures to minimize new emissions in a manner consistent with PCAPCD standards. An air quality analysis has been conducted for this project during preparation of this EIR.
<b>Policy 6.G.1.</b> The County shall require new development to be planned to result in smooth flowing traffic conditions for major roadways. This includes traffic signals and traffic signal coordination, parallel roadways, and intra- and inter-neighborhood connections where significant reductions in overall emissions can be achieved.	Yes	The project would not impair the traffic conditions of major roadways within the project area, see Section 4.4 (Traffic and Circulation). The project only proposes one ingress/egress off of Shaffer Mill Road, which is not anticipated to impact overall emission levels.

**TABLE 6-C  
PROJECT CONSISTENCY WITH PROPOSED MARTIS VALLEY COMMUNITY PLAN AIR QUALITY POLICIES**

General Plan Policies	Consistency With General Plan	Analysis
<b>Policy 9.H.3.</b> The County shall solicit and consider comments from local and regional agencies on proposed projects that may affect regional air quality.	Yes, With Mitigation	The Placer County Air Pollution Control District was consulted during the preparation of the DEIR and mitigation measures recommended by the District were included.
<b>Policy 9.H.4.</b> The County shall encourage project proponents to consult early in the planning process with the County regarding the applicability of countywide indirect and area wide source programs and transportation control measures (TCM) programs. Project review shall also address energy-efficient	Yes	The project is currently under review by the Placer County Air Pollution Control District as part of the environmental review.

Northstar-at-Tahoe to ski. These trips were hand-assigned to the network and are not included in the residential trip rates. Upon build-out, however, 150 parking spaces would be provided at the project's ski lift. Therefore, skier trips were assumed to remain internal to the site. In addition, a shuttle service would be provided internal to the site to provide residences access to the ski mountain.

10. The trip generation of the 500-person capacity amphitheatre was estimated based upon the following assumptions:

- The average vehicle occupancy of vehicles traveling to the amphitheatre was assumed to be 2.5 people per vehicle, consistent with the observed vehicle occupancy of recreational trips in the region.
- An estimated 20 daily trips would also be generated by service vehicles and performers.
- Each vehicle would make one entering trip and one exiting trip.
- Only the service and performer trips were assumed to enter during the PM peak hour as most events would likely take place in the evening or on Saturday weekends.
- As only Siller Ranch residents and their guests would be allowed at the amphitheatre functions, it was assumed that 25 percent of the attendee trips would be to/from areas external to the Siller Ranch site (representing guests).

A summary table of the estimated summer and winter trip generation is provided in **Tables 4.4-7 through 4.4-10**. As the table indicates, Phase One is expected to generate a total of 170 internal PM peak-hour trips in the summer weekday and 8 internal PM peak-hour trips in the winter weekend. In addition, Phase One is expected to generate a total of 146 external PM peak-hour trips in the summer weekday (52 entering and 94 exiting) and 86 external PM peak-hour trips in the winter weekend (35 entering and 51 exiting) plus 28 entering ski trips. A total of 982 external trips would be generated per summer day and 714 external trips per winter day upon completion of Phase One.

#### **Trip Distribution**

The distribution of traffic arriving and departing the project site is dependent upon the site's location relative to the surrounding residential areas, land use within the project influence area, and regional access patterns. The distribution of trips to and from the project site was determined by reviewing current traffic patterns and by considering two factors: 1) typical trip purposes and 2) potential destinations. Traffic counts at area intersections (i.e. SR 267/Airport Road/Schaffer Mill Road) indicated that, during various periods, approximately 70 to 75 percent of the traffic entering/exiting the proposed project vicinity arrives/departs to/from the north via State Route 267. In the immediate future, it can be expected that project-generated trips would also follow this pattern. Distribution of traffic in the Truckee and Kings Beach areas was based upon existing observed traffic patterns, adjusted to reflect the presence of the Truckee Bypass. It should be noted that the ski lift in Siller Ranch would not connect to Northstar; therefore, residents wishing to go skiing at Northstar-at-Tahoe would need to access Northstar via SR 267. The winter distribution does not include skier trips, which were "hand-assigned" to the network in

## 4.4 TRANSPORTATION/CIRCULATION

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**Phase One.** The estimated trip distribution to and from the proposed Siller Ranch project is shown in Table 4.4-11.

### **Project Traffic Assignment**

Using these distribution patterns and the traffic generation volumes discussed in the previous section, the traffic assignment for the project-generated traffic can be established, shown in Figures 4.4-4 and 4.4-5. The 2007 summer and winter plus project traffic volumes may be found in Figures 4.4-6 and 4.4-7.

### **2007 Plus Project Intersection LOS**

The plus project LOS conditions were evaluated using the methodologies documented in the Highway Capacity Manual 2000 (Transportation Research Board, National Research Council, 2000), as applied in the Traffix software (Dowling Associates, Version 7.5). Computer output of detailed LOS calculations is provided in Appendix 4.4 of this report. The plus project intersection LOS may be seen in Table 4.4-12, while the roadway LOS may be found in Table 4.4-13.

### **Signal Warrant Analysis**

In addition to the intersection levels of service, this study examines minor approach volumes to determine if signalization would be warranted. Signalizing existing intersections relates to safety and traffic volume considerations. The need for signalization is determined through the signal warrant analysis procedures established by the Federal Highway Administration (FHWA). The warrants are identified in the Manual of Uniform Traffic Control Devices (MUTCD) 2000 (US Department of Transportation, Federal Highway Administration). There are eight signal warrants. The warrants should be considered a guide to determining the need for traffic control signals rather than an absolute criterion. Their use should be tempered with consideration of related factors such as physical roadway features, age of pedestrians, or the effect of adjacent signalized intersections.

Table 4.4-14 indicates the degree to which unsignalized intersections with worst movement LOS exceeding LOS standards meet the MUTCD peak-hour signal (Warrant 3). The peak-hour signal warrant is typically the first warrant to be met as traffic activity levels increase. If the peak-hour warrant is not met it is unlikely that any of the seven other warrants are met. Therefore, in the case that the peak-hour signal warrant is not met, a traffic signal is not usually recommended, unless high pedestrian activity or accident rates exist at the intersection. Please note that whether or not this warrant is met is dependent on the lane configuration of the minor street approach. If a separate right-turn lane is provided, the right-turn traffic volume is typically excluded from the total minor street approach volume because the right-turn volume will not contribute to the worst-movement delay. It was also assumed that a right-turn lane would be provided before a signal is provided. Therefore, the signal warrant analysis assumed the minor street approach volumes consisted of the left-turn and through-movement volumes only. Finally, the MUTCD indicates that these warrants shall be applied to volumes on an average day. Therefore, if the signal warrants were met during the winter peak hours only, a signal is not identified as being warranted. However, if warrants are met during summer peak conditions, warrants are considered to be met.

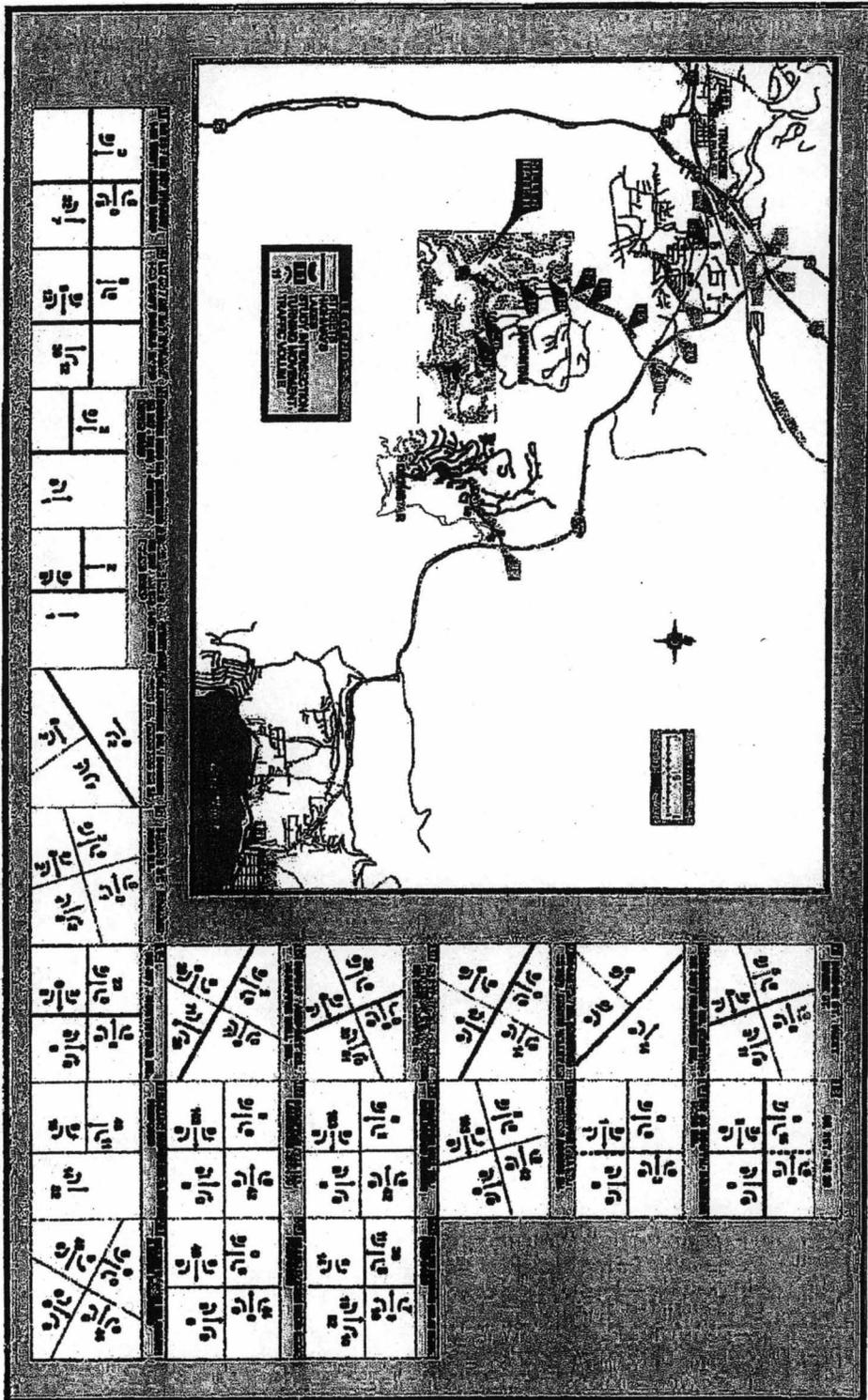
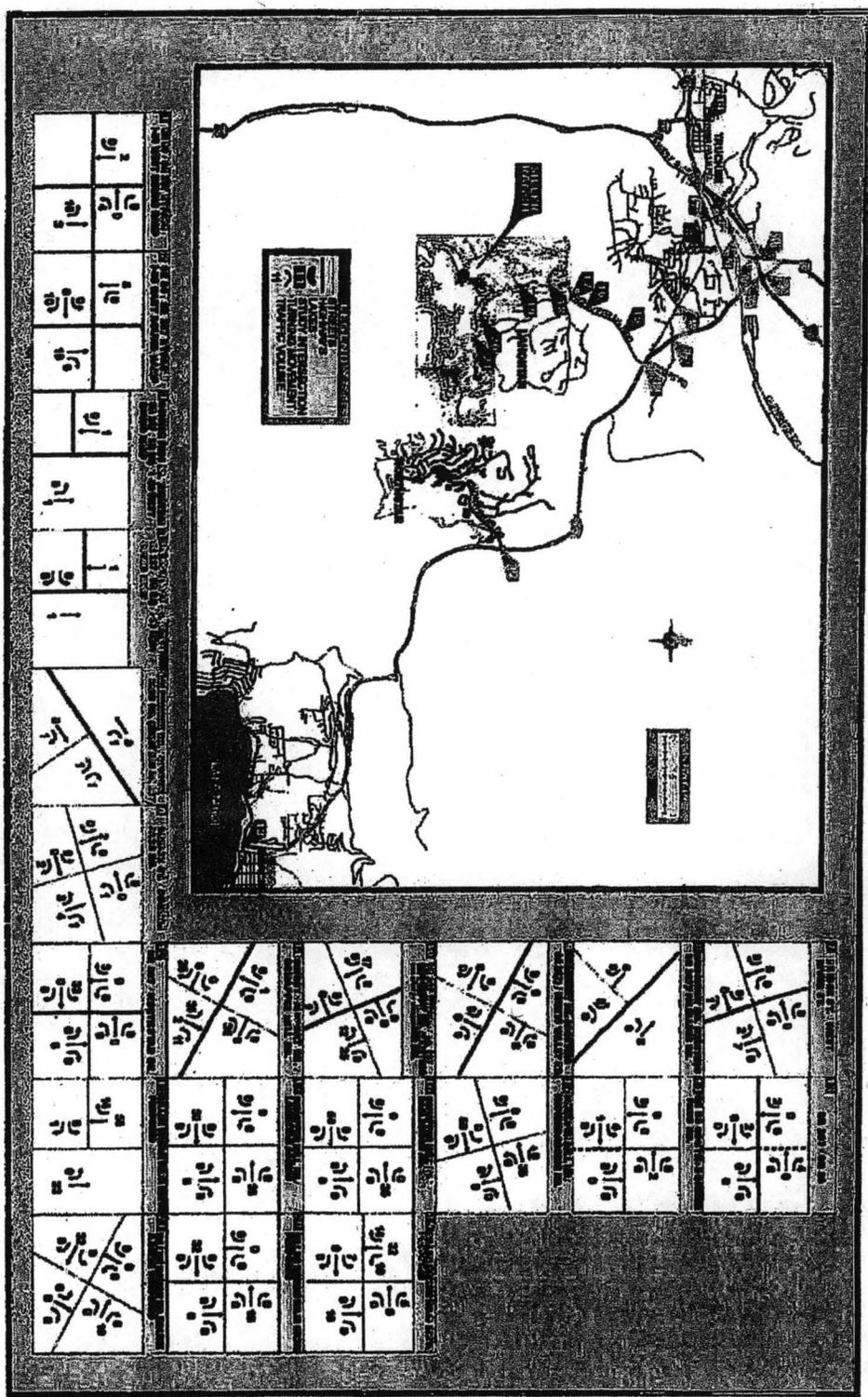


FIGURE 4.4-4  
 SUMMER WEDDAY 2007 PROJECT-GENERATED PM PEAK-HOUR VOLUMES

Source: LSC, 2003



PMC  
PROJECT MANAGEMENT CORPORATION

Figure 4.4-5  
WINTER WEEKEND 2007 PROJECT-GUARANTEED PM PAIR-HOUR VOLUMES

# EXHIBIT 9



**TRANSPORTATION PLANNING AND  
TRAFFIC ENGINEERING CONSULTANTS**

2690 Lake Forest Road, Suite C  
Post Office Box 5875  
Tahoe City, California 96145  
(530) 583-4053 FAX: (530) 583-5966  
info@lscitahoe.com • www.lscitrans.com

February 21, 2014

Chris Hanrattie  
Crescent Crown Land Holding SPV LLC  
777 Main Street, Suite 2000  
Fort Worth, TX 76102

RE: Martis Camp Access via Mill Site Rd

Dear Mr. Hanrattie:

As requested, LSC Transportation Consultants, Inc. has reviewed the assumptions in the EIR prepared for the Martis Camp Development, which was previously referred to as "Siller Ranch" (reference the Siller Ranch EIR, Placer County, April 2004), regarding the connection between Martis Camp and Northstar via Mill Site Road. According to page 3.0-18 of the Final EIR, *"The project would provide a 22-foot wide emergency access road on the eastern border of the project site connecting to a planned emergency access road in "The Retreat" within Northstar-at-Tahoe that would eventually connect to Big Springs Road. Two emergency access roads would be located along the northern edge of the eastern half of the project site, which would connect with Lahontan's southern border at Pete Alvertson and John McKinney roads. The three emergency access roads would be gated and have Knox boxes or similar devices to provide access to emergency service providers. The emergency access roads are shown on Figures 3.0-4 and 3.0-4b."* This page also states, *"Although the project proposes that Siller Ranch Road would be private, the local public transit providers service vehicles would be allowed to use the road to provide transit services through the project using the emergency access road to provide a connection to Northstar-at-Tahoe."*

For purposes of the traffic analysis conducted by LSC for the EIR, none of the traffic generated by Siller Ranch was assumed to use the Mill Site Road connection to Big Springs Drive, beyond transit vehicles and emergency vehicles. That is, no private vehicles associated with the Siller Ranch uses were assumed to use the Mill Site Road connection, and no project construction-related traffic was assigned to this route. Consequently, traffic impacts along Mill Site Road and/or Big Springs Drive were not analyzed in the EIR. Furthermore, the provision of a full access roadway connection would be inconsistent with the adopted Martis Valley Community Plan. Please contact our office at (530) 583-4053 with any comments or questions pertaining to this letter.

Respectfully Submitted,

LSC Transportation Consultants, Inc.

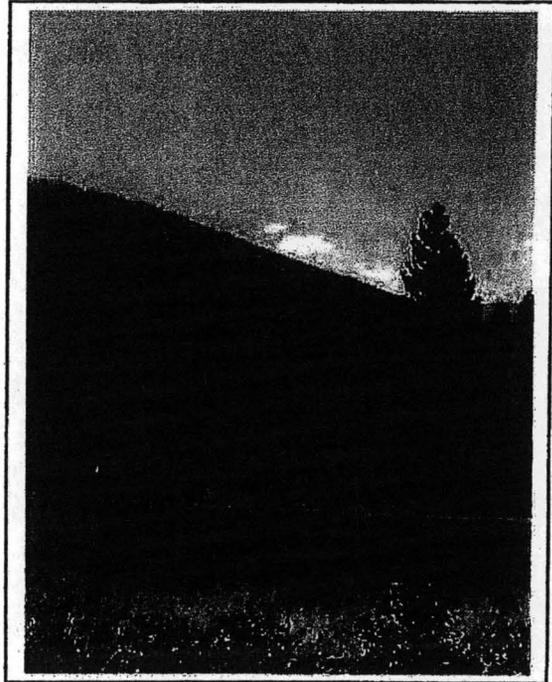
by Sara T. Hawley PE  
Sara T. Hawley, PE, Associate

# EXHIBIT 10

# NORTHSTAR-AT-TAHOE RETREAT SUBDIVISION

FINAL ENVIRONMENTAL IMPACT REPORT

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Prepared for  
PLACER COUNTY  
PLANNING DEPARTMENT  
11414 B AVENUE  
AUBURN, CA 95603

Prepared by

**PMC**  
PACIFIC MUNICIPAL  
CONSULTANTS

10461 OLD PLACERVILLE ROAD, SUITE 110  
RANCHO CORDOVA, CA 95827

SCH No. 2003032042

DECEMBER 2004

## 2.0 EXECUTIVE SUMMARY

Impact	Level of Significance Without Mitigation	Mitigation Measure	Resulting Level of Significance
Subdivision would likely contribute to exceedance of the LOS at four intersections in the Northstar area under the 2008 plus project conditions.		<p>applicant shall pay 0.6 percent of the improvements identified in the Comprehensive Traffic Monitoring and Reporting Program.</p> <p><i>Timing/Implementation: Prior to Final Map Approval.</i></p> <p><i>Enforcement/Monitoring: Placer County Department of Public Works.</i></p>	
<b>Impact 4.4.8</b> The proposed project would not significantly increase the demand for transit services within the Northstar area.	LS		
<b>Impact 4.4.9</b> Placer County General Plan Policy 3.A.4 and Maris Valley Community Plan Policy 5.A.17 state that the number of driveway encroachments along collector roadways should be minimized. Under the Maris Valley Community Plan, the project access drive is designated a collector roadway, thereby requiring that the number of driveways be limited. However, as the roadway would only be open to transit through traffic, traffic levels along this roadway are expected to remain relatively low and the safety and delay implications of allowing driveway access along the roadway are considered negligible.	LS		
<b>Impact 4.4.10</b> Implementation of the project	LS		

S - Significant  
PS=Potentially Significant

LS - Less Than Significant  
CS - Cumulative Significant

SU - Significant and Unavoidable  
B - Beneficial

*Northstar Retreat  
Final Environmental Impact Report*

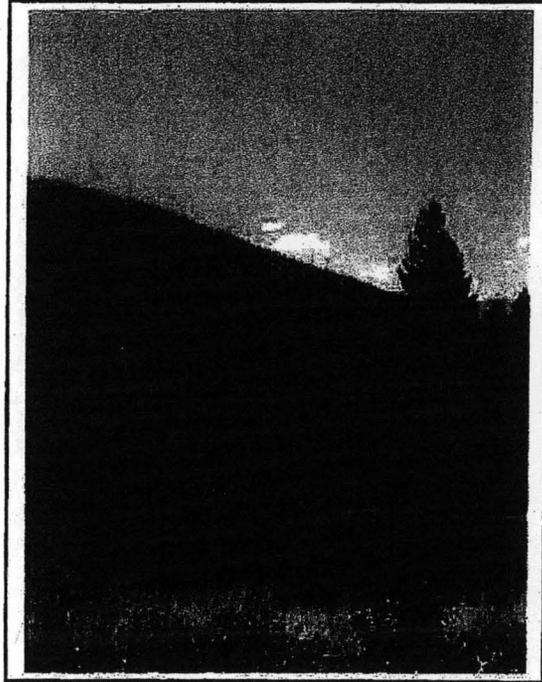
*Placer County  
December 2004*

# EXHIBIT 11

# NORTHSTAR-AT-TAHOE RETREAT SUBDIVISION

DRAFT ENVIRONMENTAL IMPACT REPORT  
**VOLUME 1—DEIR**

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Prepared for  
PLACER COUNTY  
PLANNING DEPARTMENT  
11414 B AVENUE  
AUBURN, CA 95603

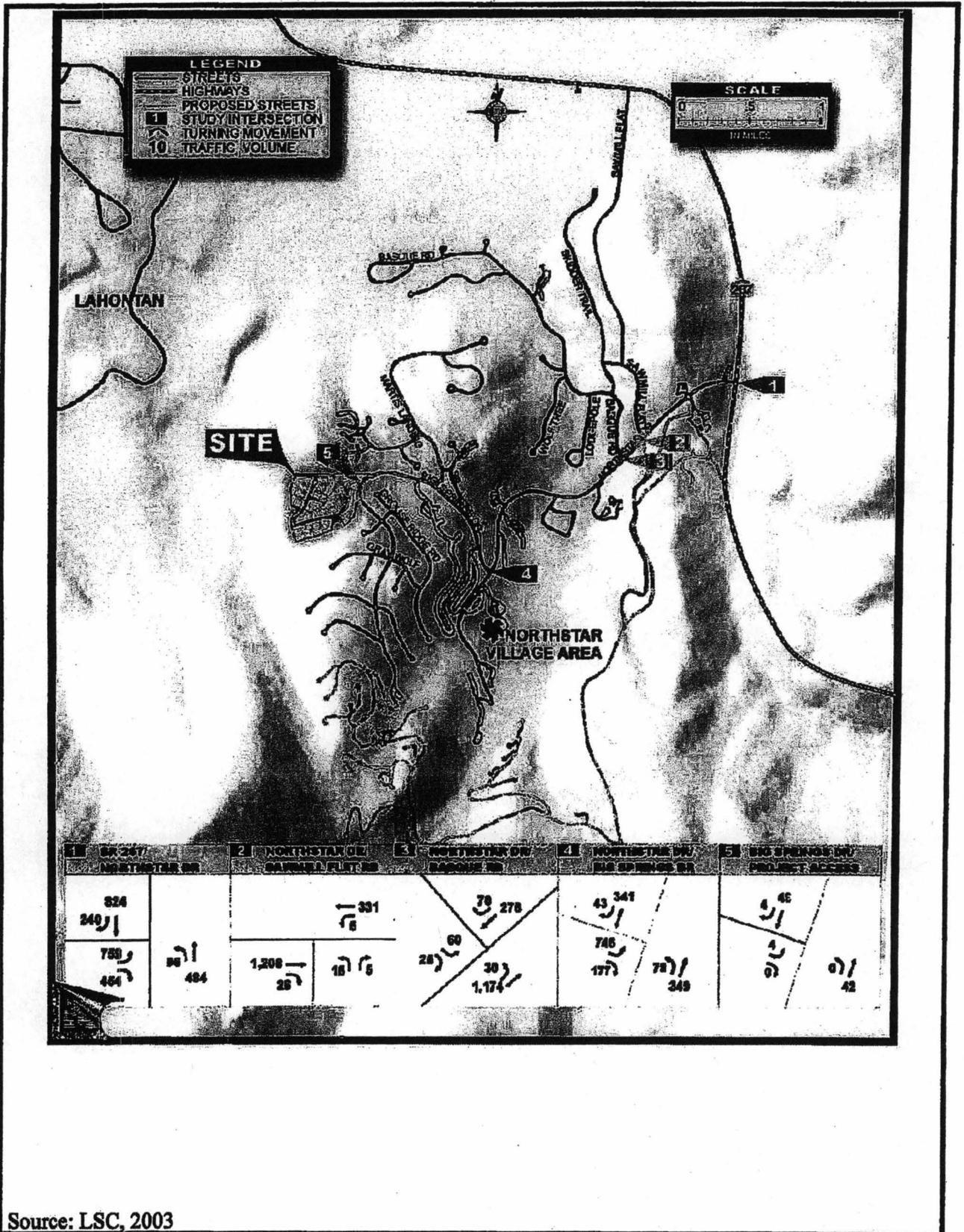
Prepared by

**PMC**  
  
PACIFIC MUNICIPAL  
CONSULTING

10461 OLD PLACERVILLE ROAD, SUITE 110  
RANCHO CORDOVA, CA 95827

SCH No. 2003032042

**AUGUST 2004**



Source: LSC, 2003



**FIGURE 4.4-4**  
**2008 PLUS PROJECT WINTER PM PEAK-HOUR TRAFFIC VOLUMES**



## 6.0 PROJECT ALTERNATIVES

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### Visual Resources/Light and Glare

Section 4.12 (Visual Resources/Light and Glare) identified that the proposed project, in connection with additional development in the Martis Valley area would result in significant visual and lighting impacts. Since the No Project Alternative would not result in further development, it would have no visual impacts.

### 6.3 ALTERNATIVE 2 – BACK-LOT ACCESS ALTERNATIVE

#### CHARACTERISTICS

The Back-Lot Access Alternative is similar to the proposed project, however it eliminates one lot and includes two additional roads connecting to the main subdivision access road for back-lot access to lots 1-8 (see **Figure 6.0-1**). This alternative layout was prepared to address Placer County Department of Public Works concerns regarding future driveways that would need to be constructed from the subdivision access road to serve lots 1-9 under the proposed project. As the subdivision access road is proposed to connect with the proposed Siller Ranch project to the west (as an emergency access and transit corridor, the Placer County Department of Public Works was concerned that driveways should not be located off of a roadway that may support this type use.

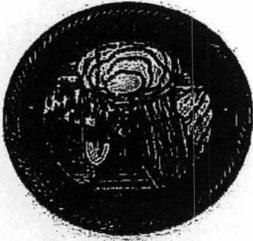
The subdivision access road and associated cul-de-sac would involve construction of approximately 2,700 linear feet of two-lane undivided arterial with 11-foot travel lanes and two-foot gravel shoulders, identical to the proposed project. The additional two-lane undivided arterials with nine-foot travel lanes and one foot shoulders would provide back-lot access to lots 1-4 (northerly road) and lots 5-8 (southerly road). Approximately 1,450 linear feet of additional roadway would be constructed with the two roads. Maximum slopes for the back-lot roads should not exceed 1.5:1. A right-of-way corridor would be required along the entire length of the proposed roads, with the appropriate snow storage, utility, and storm drainage facility easements.

#### COMPARATIVE IMPACTS

##### Land Use

As described under Section 4.1 (Land Use), the proposed project's potentially significant land use impacts are limited to construction-related activities disturbing adjacent land uses, and the conversion of timber/forest resources. Under the Back-Lot Access Alternative, construction related disturbances would be increased as a result of construction activities associated with the two additional roadways. A total of approximately 10.5 acres of trees would be removed as a result of the proposed project, resulting in the conversion of timber/forest resources to other uses. Under the Back-Lot Access Alternative a total of approximately 11.5 acres of trees would be removed (1.0 acre for the new roadways), resulting in greater impacts to timber/forest resources.

# EXHIBIT 12



## PLACER COUNTY DEPARTMENT OF PUBLIC WORKS

Ken Grehm, Director  
Peter Kraatz, Assistant Director  
Robert Costa, Deputy Director

March 18, 2014

Retreat Owners Association  
Attn: Chris Hanrattie  
c/o CAMCO  
12219 Business Park Drive, #8  
Truckee, CA 96160

**SUBJECT: REQUEST FOR ABANDONMENT OF PUBLIC ROADS IN THE RETREAT AT NORTHSTAR**

Mr. Hanrattie,

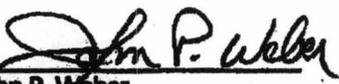
I've been asked to respond to your February 24, 2014 email regarding the above as the Department of Public Works processes requests such as yours. I would ask that subsequent correspondence on this matter be addressed to DPW and to my attention at the County Center Drive address below.

To begin processing your request, we're going to need two things. First, we will need the processing fees for easement abandonment and the Exemption Verification as shown on the enclosed Procedures for Abandonment. Secondly, we would like an indication from all 18 lot owners that they support the request to abandon both Mill Site Road and Cross Cut Court. After we receive the processing fee (check totaling \$866 payable to the County of Placer) we will begin processing your request in accordance with the applicable provisions of the Streets and Highways Code.

Your abandonment proposal will be distributed for comment to parties which may have an interest in these public roads; e.g. utility companies, emergency service and public transit providers, adjacent property owners and/or property owner associations, and local political bodies. When we receive the requested confirmation from the lot owners in The Retreat and comments from interested parties, we will discuss and decide whether to process the request for both streets, or each individually. When we receive comments back on the abandonment of the public's interest in one or both streets, we will have a better understanding of exactly how and when to address your request for the dissolution of County Service Area No. 28, Zone 187. In considering an abandonment, the Board of Supervisors would need to make findings in accordance with California Streets and Highways Code Section 8324 that the road is unnecessary for present or prospective public use. The Department of Public Works anticipates being able to make a recommendation to the Board regarding those findings following receipt of comments from interested parties.

If you have any questions, please feel free to call me at (530) 745-7564 or email at [jweber@placer.ca.gov](mailto:jweber@placer.ca.gov).

County of Placer  
Department of Public Works  
Ken Grehm, Director

  
John P. Weber  
Right-of-Way Agent

# EXHIBIT 13



**REMY | MOOSE | MANLEY**

LLP

Whitman F. Manley  
wmanley@rmmenvirolaw.com

August 22, 2014

Robert Sandman  
Office of the County Counsel  
Placer County  
175 Fulweiler Ave  
Auburn, CA 95603

Re: Application to abandon right-of-way – Mill Site Road / Cross Cut Court

Dear Mr. Sandman:

This letter follows up on our telephone conversations regarding the pending application to abandon right-of-way connection Mill Site Road and Cross Cut Court. I am providing this information on behalf of the Retreat at Northstar Owners' Association. The purpose of this letter is to provide the County with recommendations regarding how to comply with the California Environmental Quality Act ("CEQA") in connection with the application.

The application involves the exercise of discretion by the County. The application is therefore subject to CEQA.

I understand there has been some discussion regarding the appropriate CEQA document to prepare for the application. In my view, the proper approach is to regard the application as a request that may modify a project that has already undergone CEQA review. As such, the County should consider the application using the rules governing supplemental environmental review. (Pub. Resources Code, § 21166; CEQA Guidelines, §§ 15162-15164.)

Public Resources Code section 21166 provides:

When an environmental impact report has been prepared for a project pursuant to this division, no subsequent or supplemental environmental impact report shall be required by the lead agency or by any responsible agency, unless one or more of the following events occurs:

- (a) Substantial changes are proposed in the project which will require major revisions of the environmental impact report.
- (b) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report.

(c) New information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.

In this instance, the County already certified an EIR for the Siller Ranch (now Martis Camp) project. The County certified the EIR and approved the project in July 2004. The County's decision to certify the EIR was not set aside by a court, and the statute of limitations expired years ago. The Siller Ranch EIR must therefore be presumed valid. (Pub. Resources Code, § 21167.2.)

The Siller Ranch EIR included an analysis of the transportation-related impacts of the proposal. The analysis included modeling to determine how the project would affect roads in the area. The analysis also included estimates of how much traffic the project would generate, and of how those trips would be distributed on area roadways. The attachments to this letter include excerpts from the Siller Ranch EIR. Figures 4.4-4 and 4.4-5 graphically represent this information. As these figures show, the analysis assumed that 100% of the project-related traffic traveling to or from Northstar would use State Route 267. No trips were assigned to the Mill Site Road cut-through within the Retreat subdivision. That is because the connection with the Retreat subdivision was conceived, and consistently described, as a connection for the sole use of emergency and transit services. The attached excerpt from the text of the Siller Ranch EIR is one example among many describing how this connection would be used.

In 2007, the County prepared an addendum to the Siller Ranch EIR to analyze the impacts of providing a ski lift connection from Martis Camp to Lookout Mountain at Northstar. Excerpts are attached. These excerpts show, once again, that all traffic from the Martis Camp subdivision to Northstar would use State Route 267.

In subsequent years, the Siller Ranch developer provided transponders allowing thousands of other people to use this same connection. There is much debate about whether that is a good or bad idea, or whether the transponders ought to be deactivated. No one can plausibly dispute, however, that the Siller Ranch EIR and Lookout Addendum assumed that no private vehicles would use this connection.

The current Retreat abandonment application, if approved, would restore the use of the connection so that it matches up with how the Siller Ranch EIR characterized it. The Siller Ranch EIR described the road network, including this particular road segment. The current application proposes to modify the ownership of this segment and, in the process, to restrict the way in which this segment is used. The application thus represents a potential modification of a project (Siller Ranch) that has previously undergone CEQA review. The rules governing supplemental review therefore match up with the nature of the application.

The next question is what sort of supplemental review is appropriate. Such review need not re-evaluate impacts that have previously been disclosed. Rather, such review focuses on changes in the project, or in surrounding circumstances, that may result in new or substantially

more severe environmental impacts that the prior analysis did not disclose. Depending on the conclusions of this review, the appropriate document may be a supplemental or subsequent EIR, a supplemental or subsequent negative declaration, or an addendum. (CEQA Guidelines, §§ 15162-15164.)

Given the nature of the analysis performed in the Siller Ranch EIR an addendum is the appropriate document. The reason is simple. To the extent there is any "changed circumstance" as compared to the road network analyzed in the Siller Ranch EIR, the *current* use of the connection departs from the EIR's assumptions about trip distribution. The pending application, by contrast, seeks to *restore* the use of the road network so that it matches up with the analysis in the EIR. An addendum would simply point out the fact that the analysis of how the road network would function if the application is approved already exists in the Siller Ranch EIR.

If there is interest, we can prepare a draft addendum for the County's consideration. Traffic modeling expertise would not be required. That is because the modeling has already been done. The addendum would simply point to that analysis, and explain why the existing, certified EIR suffices to evaluate the impacts of approving the application.

The irony is that no CEQA analysis has been performed for current conditions. These conditions consist of the use of the short-cut by Martis Camp residents, merchants and visitors. The abandonment application is thus intended to restore a road network that matches up with the Siller Ranch EIR traffic study, and upon which the County based its decision to approve Siller Ranch.

A challenge to the addendum would be subject to the "substantial evidence" standard of review. (See, e.g., *Bowman v. City of Petaluma* (1986) 185 Cal.App.3d 1065, 1074; *Fund for Environmental Defense v. County of Orange* (1988) 204 Cal.App.3d 1538; *Benton v. Board of Supervisors* (1991) 226 Cal.App.3d 1467, 1473-1474, 1480-1481; *River Valley Preservation Group v. Metropolitan Transit Development Bd.* (1995) 37 Cal.App.4th 154, 166-168; *Santa Teresa Citizens Action Group v. Santa Clara Valley Water Dist.* (2003) 114 Cal.App.4th 689, 703; *Mani Brothers Real Estate Group v. City of Los Angeles* (2007) 153 Cal.App.4th 1385; *Abatti v. Imperial Irrigation Dist.* (2012) 205 Cal.App.4th 650, 651; *Latinos Unidos de Napa v. City of Napa* (2013) 221 Cal.App.4th 192.)

In this case, the "substantial evidence" supporting the addendum already exists. That evidence consists of the traffic study prepared in connection with the Siller Ranch EIR. The addendum would point to that evidence.

An addendum does not require circulation, and the County need not provide formal responses to comments on the addendum. Rather, the addendum simply needs to exist at the time the County makes its decision. The decision-making body must "consider" the addendum, together with the underlying EIR, prior to making a decision on the application. (CEQA Guidelines, § 15164, subd. (d).)

Robert Sandman  
August 22, 2014  
Page 4

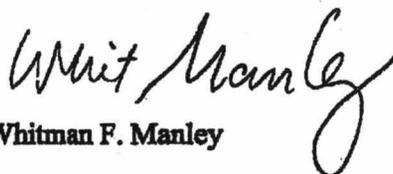
I have reviewed the letters received by the County to date and, predictably, a certain amount of legal chest-thumping is going on. Feelings are running high, and those who are disappointed with the County's decision may file a legal challenge. Such a challenge will invariably include a CEQA claim. In light of that fact, I recommend that the County take the approach that puts the County on the strongest legal footing. In my view, the County can do that by relying on the rules governing supplemental review. Given the record, if the County relies on an addendum, a CEQA lawsuit would likely fail. Discontents may still sue, but they are unlikely to win. That, in itself, may discourage a lawsuit.

To summarize:

- The County should evaluate the pending application against the backdrop of the certified Siller Ranch EIR, using the rules governing supplemental review.
- Given the analysis that has already been performed, an addendum to the Siller Ranch EIR would be appropriate. If requested, we can prepare a draft addendum for the County's consideration.
- An addendum need not be circulated for public review. Rather, in considering the application, the County must simply consider the addendum, together with the certification EIR.
- If the County relies on an addendum, approves the application, and is sued under CEQA, the County will almost certainly win such a claim. Perhaps that fact alone will discourage lawsuits. We can only hope.

Thank you again for your consideration of our comments. Please contact me if you have any questions or would like us to prepare a draft addendum for the County's consideration.

Very truly yours,

  
Whitman F. Manley

Enclosures

# SILLER RANCH

DRAFT ENVIRONMENTAL IMPACT REPORT  
VOLUME 1—DEIR

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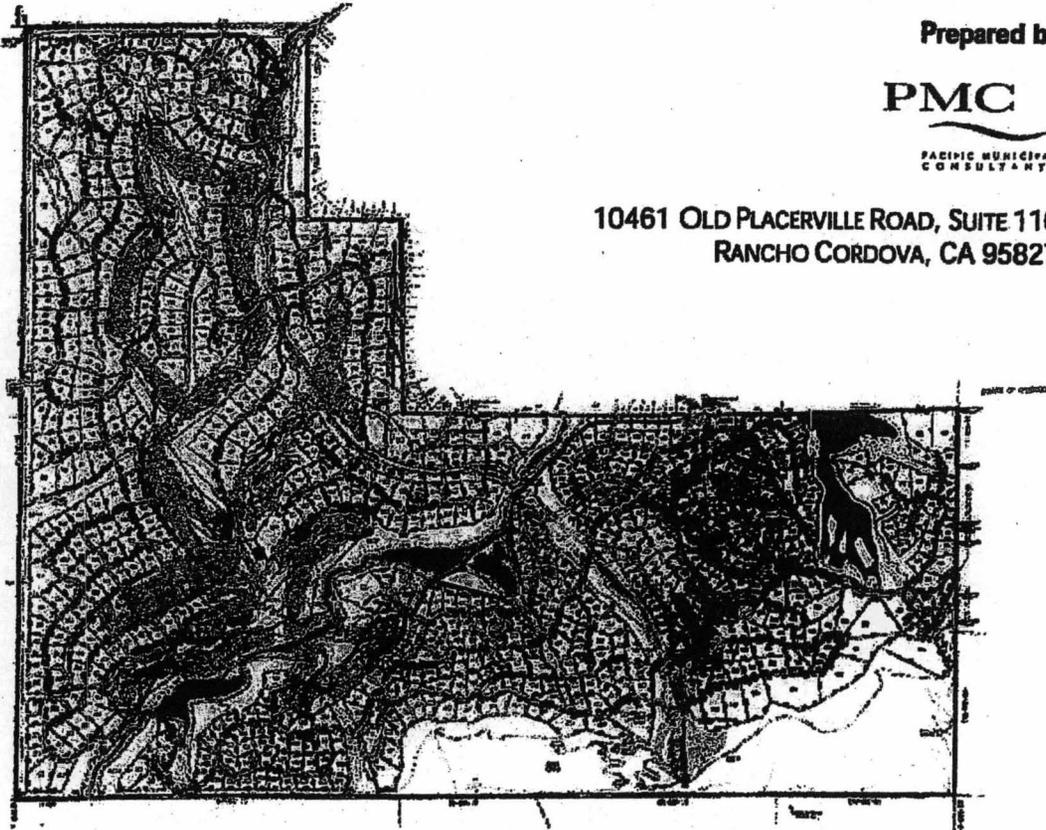
Prepared for

PLACER COUNTY  
PLANNING DEPARTMENT  
11414 B AVENUE  
AUBURN, CA 95603

Prepared by

**PMC**  
PACIFIC MUNICIPAL  
CONSULTANTS

10461 OLD PLACERVILLE ROAD, SUITE 110  
RANCHO CORDOVA, CA 95827



SCH No. 2003022122

NOVEMBER 2003

### **3.0 PROJECT DESCRIPTION**

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#### **Internal Road Improvements**

##### **Project Roadways**

The main roadway into the project would be called Siller Ranch Road. Siller Ranch Road would have an 80-foot right-of-way for a distance of approximately one mile between the project entrance and the cultural park. The road would be located within a 150-foot open space corridor. Beyond the cultural park, the road would taper to a 50-foot right-of-way within a 150-foot open space corridor that would continue to the 9-hole par-3 course. The main project roadways (e.g., Siller Ranch Road, A Drive, B Drive from Siller Road to A Drive, and H Drive from A Drive to Siller Road) would be designed to Plate 3 standards (Rural Secondary) of the Placer County Land Development Manual with a 40-foot right-of-way, 16-foot lanes, and 2- and 3-foot shoulders (see Figure 3.0-15). The other roadways are being designed to Plate 2 standards (Rural Minor) with a 40-foot right-of-way, 11-foot lanes, and 2-foot wide shoulders (see Figure 3.0-15). The typical bridge design for roadway crossings across Marfis Creek would be "con-span" multi-arch bridge structures (see Figure 3.0-16). Two truss bridges for emergency access would be required for the project. One bridge would be made up of three sections of bridge, each spanning 66 feet, with a width of 18 feet over Lot W. This bridge would be used for a trail and emergency access road crossing drainage. The second bridge would be located between H-1 and H-5 Court spanning 100 feet at a width of 18 feet over the ski run. Golf cart paths would be constructed around the golf course.

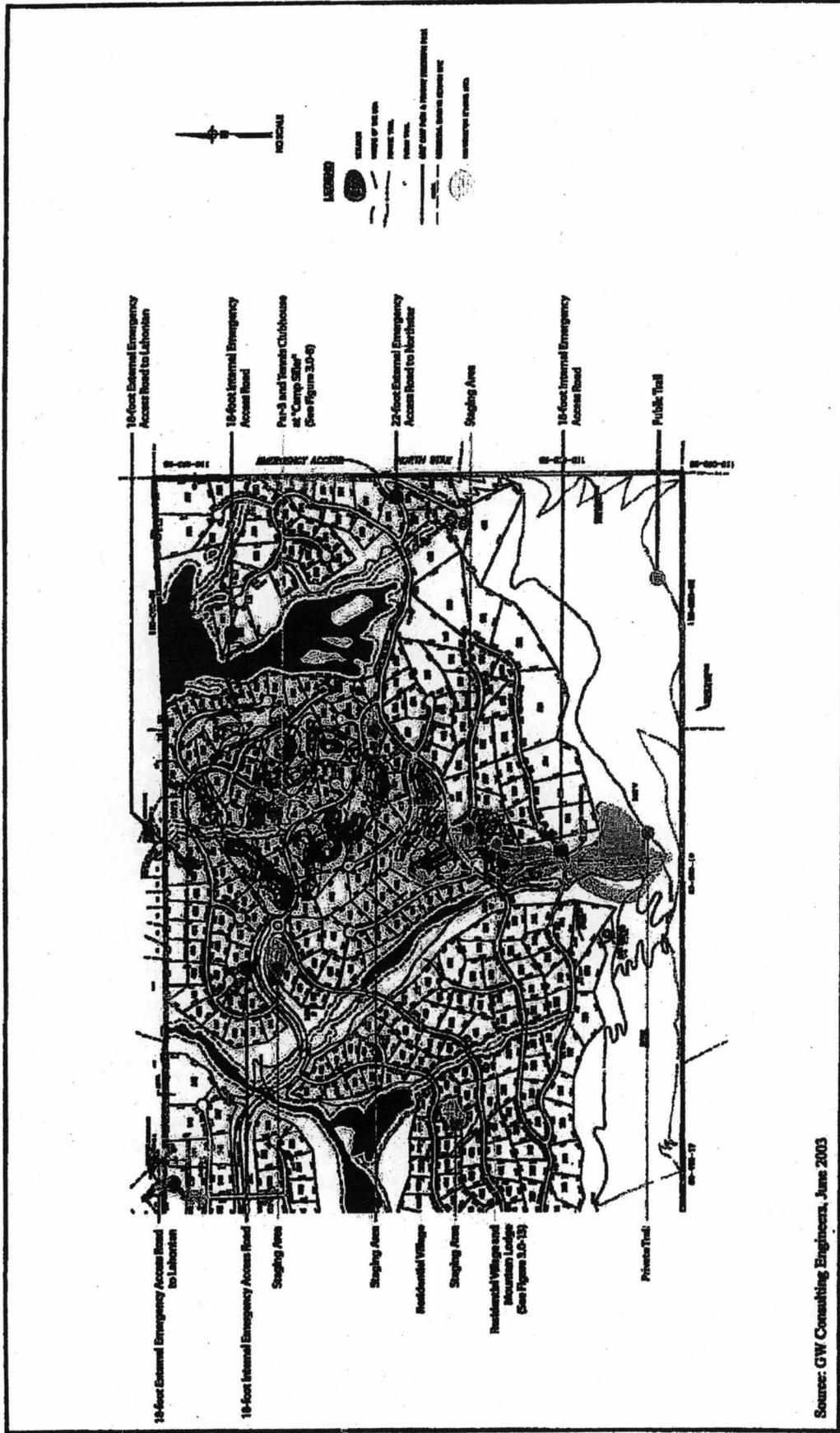
##### **Emergency Access**

The project would provide a 22-foot wide emergency access road on the eastern border of the project site connecting to a planned emergency access road in "The Retreat" within Northstar-at-Tahoe that would eventually connect to Big Springs Road. Two emergency access roads would be located along the northern edge of the eastern half of the project site, which would connect with Lahontan's southern border at Pete Alverison and John McKinney roads. The three emergency access roads would be gated and have Knox boxes or similar devices to provide access to emergency service providers. The emergency access roads are shown on Figure 3.0-4.

Internal emergency access roads would also be located in five locations throughout the project site, providing connections between cul-de-sacs and project roadways (see Figure 3.0-4). These would be located between H-1 Court and H-5 Drive, H Drive and J3 Court, Camp Siller and D Drive, J Drive and Camp Siller, and A-9 Court and the Clubhouse parking area. The internal emergency access roads would be designed to meet Truckee Fire Protection District and County requirements. Emergency access would be designed with an all weather surface capable of supporting a 40,000-pound vehicle (Bena 2003). All bridge structures would be designed to support emergency vehicles.

##### **Transit Access**

Although the project proposes that Siller Ranch Road would be private, local public transit service vehicles would be allowed to use the road to provide transit services through the project using the emergency access road to provide a connection to Northstar-at-Tahoe.



**FIGURE 3.0-4B**  
**VESTING TENTATIVE MAP**  
**DETAIL B**

Source: GW Consulting Engineers, June 2003



## 4.4 TRANSPORTATION/CIRCULATION

Northstar-at-Tahoe to ski. These trips were hand-assigned to the network and are not included in the residential trip rates. Upon build-out, however, 150 parking spaces would be provided at the project's ski lift. Therefore, skier trips were assumed to remain internal to the site. In addition, a shuttle service would be provided internal to the site to provide residences access to the ski mountain.

10. The trip generation of the 500-person capacity amphitheatre was estimated based upon the following assumptions:
  - The average vehicle occupancy of vehicles traveling to the amphitheatre was assumed to be 2.5 people per vehicle, consistent with the observed vehicle occupancy of recreational trips in the region.
  - An estimated 20 daily trips would also be generated by service vehicles and performers.
  - Each vehicle would make one entering trip and one exiting trip.
  - Only the service and performer trips were assumed to enter during the PM peak hour as most events would likely take place in the evening or on Saturday weekends.
  - As only Siller Ranch residents and their guests would be allowed at the amphitheatre functions, it was assumed that 25 percent of the attendee trips would be to/from areas external to the Siller Ranch site (representing guests).

A summary table of the estimated summer and winter trip generation is provided in Tables 4.4-7 through 4.4-10. As the table indicates, Phase One is expected to generate a total of 170 internal PM peak-hour trips in the summer weekday and 8 internal PM peak-hour trips in the winter weekend. In addition, Phase One is expected to generate a total of 146 external PM peak-hour trips in the summer weekday (52 entering and 94 exiting) and 86 external PM peak-hour trips in the winter weekend (35 entering and 51 exiting) plus 28 entering ski trips. A total of 982 external trips would be generated per summer day and 714 external trips per winter day upon completion of Phase One.

### Trip Distribution

The distribution of traffic arriving and departing the project site is dependent upon the site's location relative to the surrounding residential areas, land use within the project influence area, and regional access patterns. The distribution of trips to and from the project site was determined by reviewing current traffic patterns and by considering two factors: 1) typical trip purposes and 2) potential destinations. Traffic counts at area intersections (i.e. SR 267/Airport Road/Schaffer Mill Road) indicated that, during various periods, approximately 70 to 75 percent of the traffic entering/exiting the proposed project vicinity arrives/departs to/from the north via State Route 267. In the immediate future, it can be expected that project-generated trips would also follow this pattern. Distribution of traffic in the Truckee and Kings Beach areas was based upon existing observed traffic patterns, adjusted to reflect the presence of the Truckee Bypass. **It should be noted that the ski lift in Siller Ranch would not connect to Northstar; therefore, residents wishing to go skiing at Northstar-at-Tahoe would need to access Northstar via SR 267.** The winter distribution does not include skier trips, which were "hand-assigned" to the network in

## 4.4 TRANSPORTATION/CIRCULATION

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**Phase One.** The estimated trip distribution to and from the proposed Siler Ranch project is shown in Table 4.4-11.

### **Project Traffic Assignment**

Using these distribution patterns and the traffic generation volumes discussed in the previous section, the traffic assignment for the project-generated traffic can be established, shown in Figures 4.4-4 and 4.4-5. The 2007 summer and winter plus project traffic volumes may be found in Figures 4.4-6 and 4.4-7.

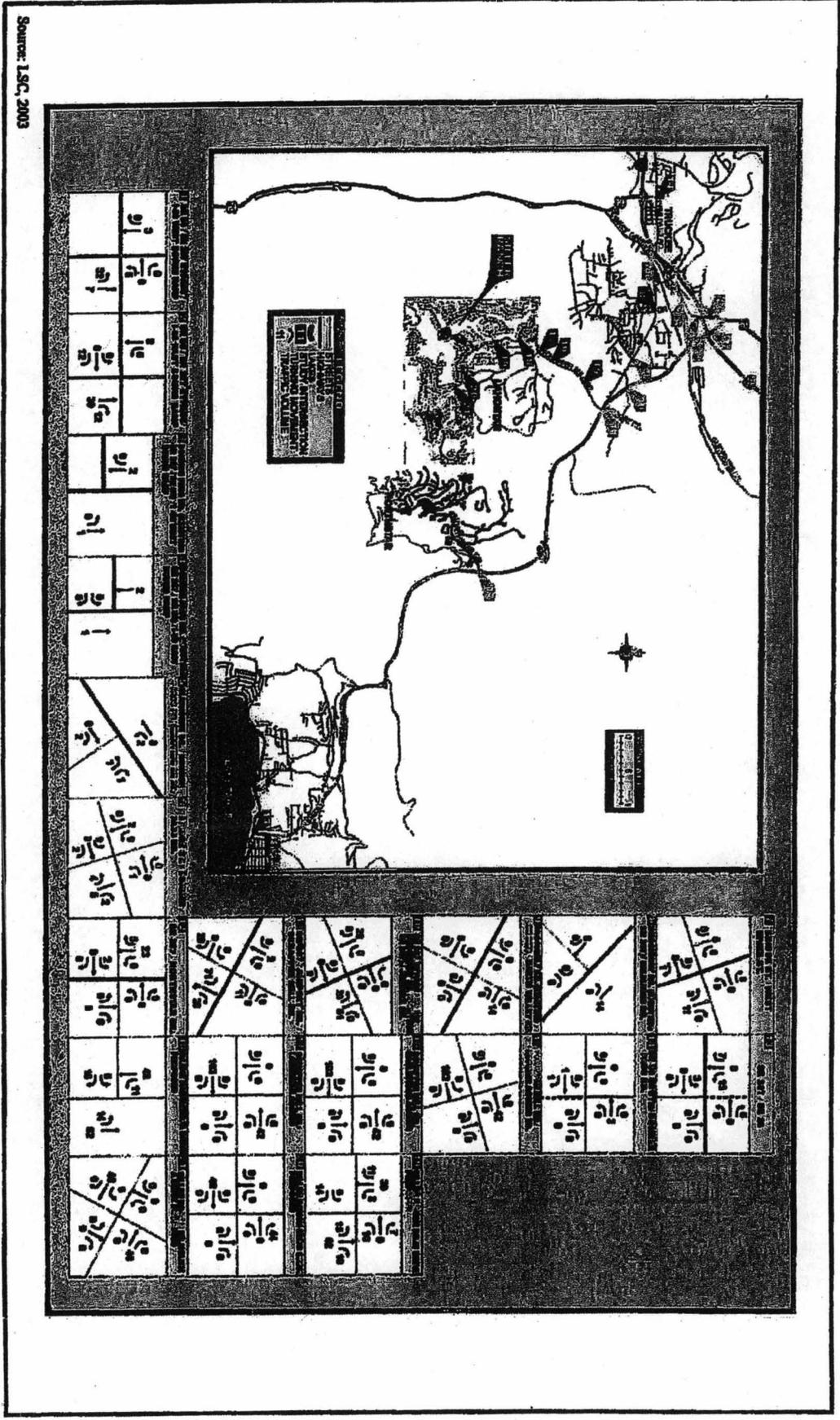
### **2007 Plus Project Intersection LOS**

The plus project LOS conditions were evaluated using the methodologies documented in the Highway Capacity Manual 2000 (Transportation Research Board, National Research Council, 2000), as applied in the Traffix software (Dowling Associates, Version 7.5). Computer output of detailed LOS calculations is provided in Appendix 4.4 of this report. The plus project intersection LOS may be seen in Table 4.4-12, while the roadway LOS may be found in Table 4.4-13.

### **Signal Warrant Analysis**

In addition to the intersection levels of service, this study examines minor approach volumes to determine if signalization would be warranted. Signalizing existing intersections relates to safety and traffic volume considerations. The need for signalization is determined through the signal warrant analysis procedures established by the Federal Highway Administration (FHWA). The warrants are identified in the Manual of Uniform Traffic Control Devices (MUTCD) 2000 (US Department of Transportation, Federal Highway Administration). There are eight signal warrants. The warrants should be considered a guide to determining the need for traffic control signals rather than an absolute criterion. Their use should be tempered with consideration of related factors such as physical roadway features, age of pedestrians, or the effect of adjacent signalized intersections.

Table 4.4-14 indicates the degree to which unsignalized intersections with worst movement LOS exceeding LOS standards meet the MUTCD peak-hour signal (Warrant 3). The peak-hour signal warrant is typically the first warrant to be met as traffic activity levels increase. If the peak-hour warrant is not met it is unlikely that any of the seven other warrants are met. Therefore, in the case that the peak-hour signal warrant is not met, a traffic signal is not usually recommended, unless high pedestrian activity or accident rates exist at the intersection. Please note that whether or not this warrant is met is dependent on the lane configuration of the minor street approach. If a separate right-turn lane is provided, the right-turn traffic volume is typically excluded from the total minor street approach volume because the right-turn volume will not contribute to the worst-movement delay. It was also assumed that a right-turn lane would be provided before a signal is provided. Therefore, the signal warrant analysis assumed the minor street approach volumes consisted of the left-turn and through-movement volumes only. Finally, the MUTCD indicates that these warrants shall be applied to volumes on an average day. Therefore, if the signal warrants were met during the winter peak hours only, a signal is not identified as being warranted. However, if warrants are met during summer peak conditions, warrants are considered to be met.



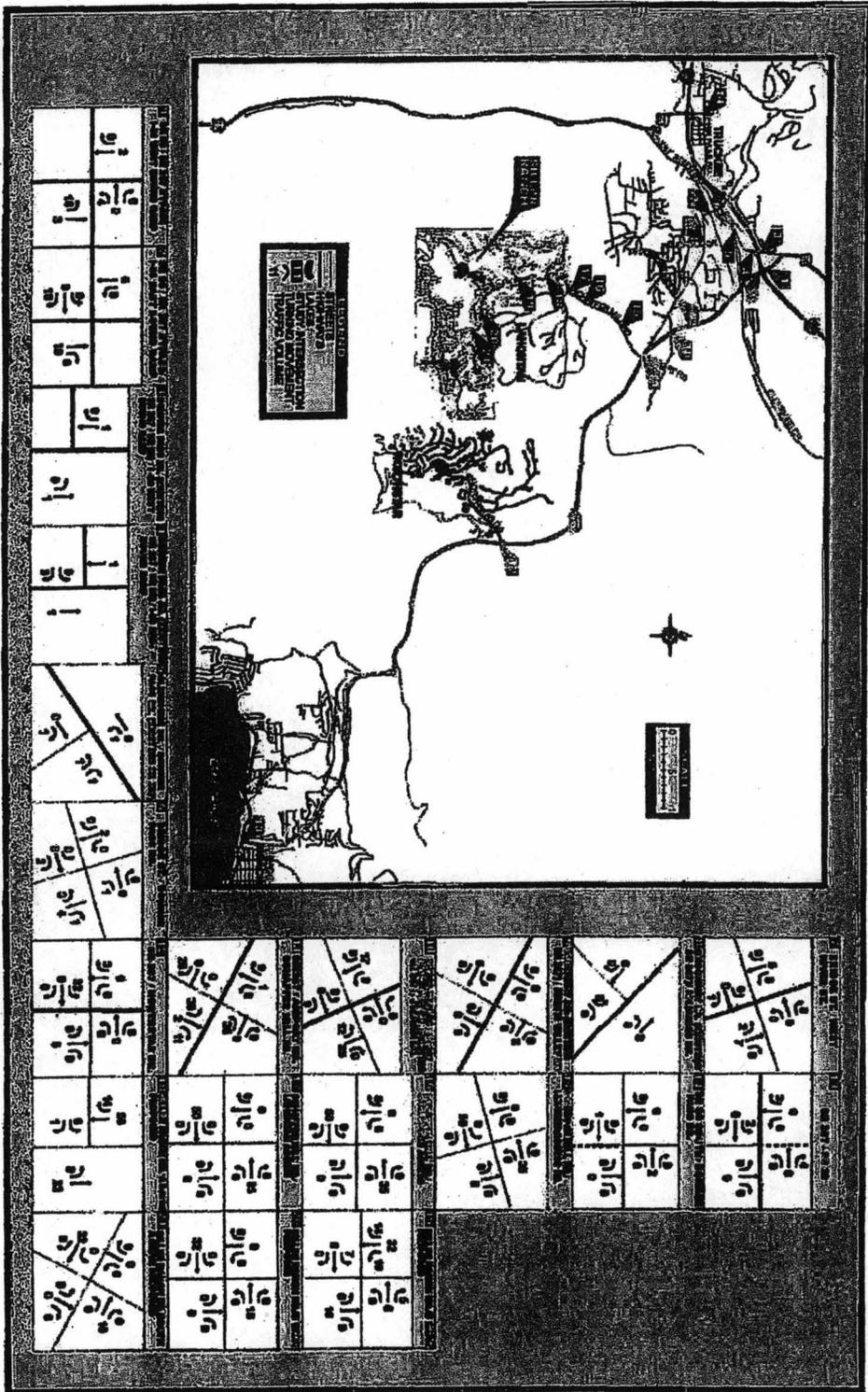


FIGURE 4.4-5  
 WINTER WEEKEND 2007 PROJECT-GUARANTEED PM PEAK-HOUR VOLUMES

**PLACER COUNTY**  
**LOOKOUT MARTIS AMENDMENT**  
**ADDENDUM TO THE SILLER RANCH FINAL EIR**

---

Prepared for

Placer County  
3091 County Center Drive  
Auburn, CA 95603

Prepared by

**PMC**

2729 Prospect Park Drive, Suite 220  
Rancho Cordova, CA 95670

December 2007

**PLACER COUNTY**  
**LOOKOUT MARTIS AMENDMENT**  
**ADDENDUM TO THE SILLER RANCH FINAL EIR**

---

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Rancho Cordova, CA 95670

**December 2007**

would not increase anticipated traffic levels (see Impact 4.4.6). The Amendment would decrease the traffic on State Route 267 in the long term due to Maris Camp residents using the Lookout Maris lift, (direct access to which would not be available in the short-term) to access Northstar™ facilities (see Impacts 4.4.6, 4.4.12, and 4.4.13). The Amendment would not increase the severity of this impact and this impact would remain less than significant.

**Impacts 4.4.2 and 4.4.11: Inadequate Parking Capacity**

The Final EIR determined that the Maris Camp project would have a less than significant impact regarding an increased demand for parking facilities at the project level and under cumulative conditions with implementation of mitigation measure MM 4.4.2. The Final EIR anticipated that Maris Camp residents would not access the winter recreation area on the Maris Camp site during the Phase 1, but rather that Maris Camp residents would drive to Northstar™ to ski. Maris Camp residents would continue to drive to Northstar™ in order to access the ski facilities as the base lift terminal may not be accessible until the 2010/2011 ski season. Under cumulative buildout conditions, the Amendment would not increase the demand for parking facilities and in fact may decrease the parking demand at Northstar™ due to linking the Lookout Maris project with the Northstar™ ski facilities and thereby reducing the potential number of Maris Camp residents parking at the Northstar™ parking facilities. The Amendment would provide transit service between the Maris Camp residences and the Maris Camp base lift terminal, reducing the need for parking facilities at the Maris Camp base lift terminal under buildout and cumulative conditions. The Amendment would not increase the severity of impacts associated with parking capacity and these impacts would remain less than significant.

**Impact 4.4.3: Increased Demand on Area Roadways**

The Final EIR determined that the Maris Camp project would result in increased demand on area roadways. This was identified as a less than significant impact with implementation of mitigation measure MM 4.4.3. As described in the Introduction, development of residences at Maris Camp will occur at a slower pace than was analyzed in the Final EIR. Thus, there will be fewer residents driving to Northstar™ to ski than was anticipated in the Final EIR during Phase 1 of Maris Camp development. The base terminal would be accessible to Maris Camp residents by the 2010/2011 ski season. The ability of Maris Camp residents to access Northstar™ from the Maris Camp site will result in a slight reduction in projected traffic volumes along SR 267 and Northstar Drive, as Maris Camp residents will not have to drive to the main Northstar™ entrance to access ski facilities beginning in 2010 but rather will access those facilities via the base lift terminal at Maris Camp. Therefore, the traffic generated by implementation of the Amendment would not result in an increase in traffic levels or increase the severity of this impact. This impact would remain less than significant.

**Impacts 4.4.4 and 4.4.11: Conflicts with Pedestrian and Bicycle Uses External to the Site**

The Final EIR determined that the Maris Camp project would increase traffic volumes along Schaffer Mill Road and SR 267 that could conflict with pedestrian and bicycle uses and would also construct at-grade golf cart and pedestrian path crossings along internal project roadways that could result in pedestrian and bicycle conflicts. This impact was determined to be less than significant with implementation of mitigation measure MM 4.4.4. The Amendment would not involve changes to the roadway system and would not result in increased traffic levels (see Impacts 4.4.3, 4.4.6, and 4.4.12). This impact would remain less than significant.



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## TECHNICAL MEMORANDUM

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**DATE:** November 21, 2007  
**TO:** Beth Thompson, PMC  
**FROM:** Gordon Shaw, PE, LSC  
**SUBJECT:** North Lookout Lift Extension to Martis Camp – Traffic Evaluation

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This document presents an evaluation of the traffic issues associated with the proposed extension of the Northstar-at-Tahoe's North Lookout ski lift to directly serve the Martis Camp development. While the original project (then known as Siller Ranch) included a short chairlift to near the base of the existing North Lookout lift, it did not provide a direct connection with the Northstar ski trails system.

This analysis focuses on two future conditions: a short-term (Phase I) analysis period, and a long-term (Martis Camp buildout) analysis period. This evaluation compares the proposed project with that approved in the *Siller Ranch Draft Environmental Impact Report*, dated November 2003.

### **Traffic Generation Considerations of the Proposed Project**

As a gated community, access to Martis Camp (including the relocated ski lift terminal) will be limited to Martis Camp residents, their guests, employees, and service/delivery trips.

#### **Short Term**

In the short term (2008 and 2009), there would be no physical roadway connection available for resident access (either by car or by shuttle bus) between Martis Camp homes and the North Lookout lift terminal. In 2008 there would be no occupied residences in Martis Camp, while in 2009 up to 20 residences may be occupied. These Martis Camp residents/guests would access Northstar by driving via SR-267, or by using the shuttle service (via SR 267) provided by Martis Camp. As needed to serve skier demand, the shuttle service would be operated seven days a week and approximately 10 hours per day. Internal transit access to the lift would be provided beginning in 2010.

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**Long Term**

At buildout of Martis Camp, the cumulative long-term condition would be as follows:

- Internal transit shuttle service would be provided between Martis Camp residences and the North Lookout lift. Martis Camp would operate these internal shuttle vans as necessary to meet demand; two shuttle vans are expected to be necessary at buildout.
- Up to four Martis Camp employees would be needed to operate the shuttle program. No Martis Camp employees would be added due to the extended lift. Rather, the Martis Camp employees that would have been required for the separate lift would no longer be needed.
- The extension of the lift would not increase the total number of Northstar-At-Tahoe employees.
- All Northstar-At-Tahoe winter employees would access the lift and associated ski trails via Northstar, and would not access via Martis Camp.
- Up to three employees would be on-site on any one day for summer maintenance functions. While service trips and construction traffic would access via Martis Camp, no ongoing access to the lift via Martis Camp (such as employee reporting to work) is expected.
- While any Northstar skier could use the extended Lookout runs, non-Martis Camp skiers would need to use the lift to return to the remainder of the ski area, and would not be able to exit the ski terrain via Martis Camp.

**Comparison with the Traffic Analysis in the Siller Ranch EIR****Total Trip Generation**

The Siller Ranch DEIR traffic analysis evaluated a total program of 602 single family dwelling units and 124 multifamily dwelling units (a total of 726), along with a variety of recreational amenities. In comparison, the current phasing plans for the project (currently under review by Placer County) would allow a total of 653 single family dwelling units and no multifamily units. Applying the base traffic rates used in the original traffic study, the currently envisioned maximum development levels would generate approximately 7 percent lower traffic volumes (both over the day and in the key PM peak-hour) than the land uses evaluated in the DEIR.

**Ski Area Access Assumptions**

In the short-term, no direct access was assumed in the DEIR analysis. As stated in the Siller Ranch DEIR, *"It should be noted that under Phase One the ski lift access would not be complete and residents wishing to go skiing at Northstar-At-Tahoe would need to access Northstar via SR 267."*

In the long-term, the original land use proposal included a short ski lift within Martis Camp land that would allow skiers to access the base of the North Lookout lift via a short ski across the property boundary. Reflecting this access option, 90 percent of Martis Camp skiers were assumed to access Northstar-At-Tahoe trails via the lift internal to Martis Ranch, either by driving or by using the internal shuttle system. The remaining 10 percent reflect persons taking ski lessons or renting equipment that choose to access the ski terrain via the Northstar Village facilities.

An important consideration is that these short-term and long-term assumptions remain valid with the proposed North Lookout ski lift extension project.

### **Discussion of Traffic Impacts**

#### **Employee and Service Trips**

The original EIR assumed that employees associated with the on-site lift would access through the Martis Camp site. With the lift extension, however, all winter employees would access the lift via Northstar, thereby slightly reducing traffic on Schaffer Mill Road. Also, the proposed ski lift would replace the existing North Lookout lift, as well as the planned and approved short lift within Martis Camp. As the operating and maintenance requirements of a single longer lift are less than those of two smaller lifts, overall this project would reduce the need for employee trips and service trips to the area. No significant change in the overall number of employee vehicle-trips is therefore expected in either the summer or the winter (in comparison with the condition evaluated in the Siller Ranch EIR), while a very minor reduction (up to a few trips per hour) would occur on Schaffer Mill Road.

#### **Skier Trips**

Prior to 2010, there would be no change in Martis Camp-to-Northstar traffic volumes from those identified in the DEIR, as all access would remain via SR 267. Starting in 2010, Martis Camp residents' use of the Lookout Martis lift to replace a trip via SR 267 would reflect a regional benefit through a reduction in traffic on SR 267 between Schaffer Mill Road and Northstar Drive, as well as a reduction in traffic and parking within Northstar. The original EIR assumed that the Martis Camp winter ski facilities would not be operational until the final phases of construction, now scheduled for 2013 through 2015. As the on-site lift would be operational (and accessible within the project) as the first phase is under construction, there would be an overall reduction in trips via SR 267 in the short term from the level identified in the EIR.

Guests (such as friends or relatives) could be invited to Martis Camp by Martis Camp residents and thus access the new lift. Some level of guest traffic activity is reflected in the standard trip generation rates used in the Siller Ranch EIR. Direct access to a ski area, however, could potentially result in an increase in the number of guests that each residence generates. On the absolute peak ski days when Northstar-At-Tahoe turns day skiers away

due to lack of available parking, the ability of Martis Camp guests to access the ski trails could potentially result in a slight increase in overall skier activity (and thus traffic generation) associated with the ski area as a whole. On the large majority of days, Martis Camp guests accessing the ski area through Martis Camp would represent a diversion of day skier traffic that would otherwise access the ski area via Northstar Drive. As the majority of Northstar-At-Tahoe skiers access from the north, this diversion would largely result in a reduction in traffic volumes on SR 267 between Schaffer Mill Road and Northstar Drive, and a corresponding increase in volume on Schaffer Mill Road. At the key SR 267 / Schaffer Mill Road / Airport Road intersection, in the AM peak period this would result in a replacement of southbound through volumes by southbound right-turn volumes (thereby beneficially reducing the critical volumes through the intersection). In the PM peak period, this would result in a shift in volumes from the northbound through movement to the eastbound left movement; as both of these movements are critical movements, this would have no significant impact on the overall operation of the intersection.

There is a theoretical potential that Martis Camp residents could provide access to the new lift to skiers that are not their specific guests, by agreeing (perhaps at a price) to allow them access through the gate. For instance, a college-age resident could provide access to their classmates. The ability to avoid traffic congestion along Northstar Drive and SR 267 (or to avoid the need for a parking shuttle trip) could make this potentially attractive to day skiers. Any significant level of this type of activity would be noticeable as it would generate a parking demand that would quickly exceed either the parking supply at the lift base or at any one residence. It would be beneficial, however, for the gate personnel to keep a log of the number of guests allowed access by owners of each residence on peak ski days, and investigate any unusually high number of guests.

### Conclusions

Overall, the proposed lift extension is not expected to generate any significant change in traffic activity generated by skiers or by employees (in both summer or winter) compared with that identified in the *Silver Ranch DEIR*. To the degree that a single direct lift would be more attractive than two adjacent lifts, this project could result in a slightly higher proportion of Martis Camp skiers accessing Northstar-At-Tahoe directly from within the development, thereby reducing traffic levels along SR 267 or Northstar Drive from those identified in the *DEIR*.

There is at least the potential that Martis Camp residents could abuse their ability to have guests access the new lift, by allowing an inordinate number of persons to enter Martis Camp to access the lift. It is recommended that Martis Camp staff monitor the number of guests allowed in the gated community over the course of peak ski days by residents of each home, and limit this ability if it exceeds a level consistent with incidental use by friends and family.

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# EXHIBIT 14



# N·C·S·D

Northstar Community Services District  
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## Board of Directors

JEANN GREEN  
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## General Manager

MICHAEL STAUDENMAYER

July 18, 2014

John P. Weber  
Right-of-Way Agent  
Placer County Department of Public Works  
3091 County Center Drive, Suite 220  
Auburn, CA 95603

Via email: [jweber@placer.ca.gov](mailto:jweber@placer.ca.gov)

Re: Mill Site Road and Cross Cut Court Request for Abandonment

Mr. Weber:

The Northstar Community Services District (NCSD) appreciates your consideration of its position relative to the Retreat at Northstar Owner's Association Request for Abandonment of the public ROW within their subdivision.

NCSD supports this request and encourages the County to abandon the public ROW as requested.

The County adopted Resolution No. 2006-107 on May 9, 2006 establishing the formation of CSA28 Zone of Benefit No. 187 for the Northstar at Tahoe-Retreat Subdivision. The purpose of the CSA was to collect funds from the property owners within the subdivision to fund snow removal and road maintenance services. NCSD and the County entered into a Road Care and Snow Removal agreement (attached) for the CSA on September 11, 2012 whereby the District provides road maintenance and snow removal services for the road system within the subdivision.

Pursuant to the Engineer's Report established for the CSA (developed in part by NCSD), an annual charge of \$2,885 per parcel was levied. NCSD prepared estimates for road maintenance and snow removal activities and frequencies based on traffic associated with eighteen lots. No traffic generated from the emergency vehicle access road (EVA) connection with Martis Camp was considered in these estimates as this road had been specifically characterized as emergency vehicle and transit use only in all of the associated CEQA and associated planning documents.

NCSD is very concerned that the traffic demands associated with Martis Camp's 650 lots accessing this road system via the EVA will cause an increase in road degradation and snow removal requirements beyond the funding capabilities of the current CSA.

The District is also concerned that the design standards of this road system (and adjacent intersections within Northstar) are inadequate for the traffic volumes generated by the 650 lot count of Martis Camp. The safety and level of service of this roadway and other affected intersections within Northstar will be compromised with the additional traffic volumes.

NCS D believes the request for abandonment of the public ROW will limit traffic to that generated by the eighteen lots within the subdivision relieving the Retreat owners of the increased maintenance and snow removal burden and safety concerns associated with the neighboring private development's roadway usage via the aforementioned EVA.

Thank you again for the opportunity to provide comments on this important request.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Staudenmayer", with a long horizontal flourish extending to the right.

On behalf of the NCS D Board of Directors,

Mike Staudenmayer

CC: NCS D Board of Directors  
NPOA