

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

In the matter of: A RESOLUTION ADOPTING
FINDINGS AND STATEMENTS OF FACT
RELATED TO THE ABANDONMENT OF MILL
SITE ROAD AND CROSS CUT COURT – THE
RETREAT AT NORTHSTAR SUBDIVISION

Resol. No: 2015-232

The following RESOLUTION was duly passed by the Board of Supervisors
of the County of Placer at a regular meeting held November 3, 2015,

by the following vote on roll call:

Ayes: DURAN, WEYGANDT, HOLMES, MONTGOMERY, UHLER

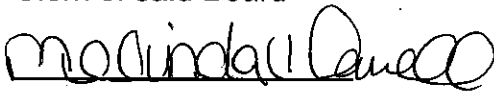
Noes: NONE

Absent: NONE

Signed and approved by me after its passage.


Chair, Board of Supervisors

Attest:
Clerk of said Board



WHEREAS, the Board of Supervisors of the County of Placer, State of California heard and considered public testimony and other evidence regarding the proposed abandonment of Mill Site Road and Cross Cut Court in the Retreat at Northstar Subdivision at public hearings held on August 4, 2015 and November 3, 2015.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Placer, State of California, that the Board of Supervisors hereby adopts the following findings and statements of fact:

1. In December 2003, the County of Placer certified an EIR for the Martis Valley Community Plan (MVCP). The MVCP did not assign any private vehicle trips to the future connection between the then-proposed Siller Ranch Subdivision, now known as Martis Camp, and the then-proposed Retreat at Northstar Subdivision.

2. As part of the MVCP planning process, the County studied a potential public connection between the Retreat and Martis Camp for private vehicle traffic. At the conclusion of the public planning process, the County elected not to pursue a through connection alternative and chose a roadway network that included public transit and emergency access only between the Retreat and Martis Camp. In so doing, the County determined that SR 267 provided a superior route for private vehicle traffic travelling eastbound to reach Northstar, and for private vehicle traffic travelling westbound to reach Truckee.

3. In January 2005, the County certified a final EIR (hereinafter "Siller Ranch FEIR") and approved the Siller Ranch (now Martis Camp) project. The Siller Ranch FEIR included an analysis of the transportation-related impacts of the Siller Ranch project on the Martis Valley roadway network. The analysis included modeling to determine how the project would affect roads in the area, and estimates of how much traffic the project would generate, and of how those trips would be distributed on area roadways. The analysis assumed that one hundred percent (100%) of the project-related private vehicle trips traveling to or from Northstar would use State Route 267 via Schaffer Mill Road. No private vehicle trips within the Martis Valley roadway network were assigned to Mill Site Road or to Cross Cut Court.

4. In February 2005, the County certified a final EIR (hereinafter "Retreat FEIR" and approved the Retreat at Northstar project. Consistent with the Siller Ranch FEIR, the Retreat FEIR did not analyze or assign any trips from Siller Ranch to Mill Site Road. Other than those trips originating from the eighteen (18) lots within the Retreat Subdivision, no private vehicle trips within the Martis Valley roadway network were assigned to Mill Site Road or Cross Cut Court.

5. None of the foregoing environmental documents for the MVCP, Martis Camp, or Retreat projects assumed that any private vehicles would use the connection between Martis Camp and Northstar. Reservation of a public transit easement over Mill Site Road was made to ensure that Martis Camp residents had continued access to the public transit connection between the Retreat and Martis Camp.

6. On May 16, 2006, the County of Placer's acceptance of the offer of dedication of Mill Site Road and Cross Cut Court became effective.

7. In December 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. The analysis assumed that one hundred percent (100%) of the project-related traffic traveling to or from Northstar would use State Route 267 via Schaffer Mill Road, including private Martis Camp shuttles. No private vehicle trips within the Martis Valley roadway network were assigned to Mill Site Road or Cross Cut Court.

8. Subsequent to the EIR certified for the Martis Valley Community Plan, the Siller Ranch FEIR, and the Retreat FEIR, the Martis Camp developer issued and continues to issue transponders to Martis Camp residents to allow gated access from the private roads within Martis Camp to Mill Site Road. No other member of the public is

able to use the connection between Martis Camp and Mill Site Road because Martis Camp is a gated community with private roads. Thus, for the public, except for Martis Camp residents, both Mill Site Road and Cross Cut Court do not provide access to or from Martis Camp.

9. The present use of Mill Site Road by Martis Camp residents is a convenience to a limited subset of the public, and is not necessary for general public travel. As described in the Siller Ranch FEIR and Addendum to the Siller Ranch FEIR, the County approved the Martis Camp project on the basis that one hundred percent (100%) of the project-related traffic traveling to or from Northstar would use State Route 267 via Schaffer Mill Road and access to Northstar via Mill Site Road from Martis Camp would not be available. Thus, upon abandonment of Mill Site Road and Cross Cut Court, the Martis Valley roadway network will function as it was analyzed and planned to function.

10. Because the present use of Mill Site Road by a limited subset of the public was not analyzed in the EIR certified for the Martis Valley Community Plan, the Siller Ranch FEIR, the Retreat FEIR, or the Addendum to the Siller Ranch EIR, various impacts associated with such use were not analyzed, including impacts on noise within the Retreat and impacts on pedestrian and bicycle use within the Retreat.

11. The Rural Minor road standard to which the County required Mill Site Road and Cross Cut Court to be constructed, which is generally allowed to serve less than fifty (50) units on a cul-de sac or less than seventy five (75) units on a through road, was chosen, in part, on the basis that Mill Site Road and Cross Cut Court would serve only the eighteen (18) lots within the Retreat Subdivision.

12. The County's decisions to allow nine (9) driveway encroachments on Mill Site Road and nine (9) driveway encroachments on Cross Cut Court, to allow Mill Site Road to be constructed to the maximum allowable slope in snow country, and to allow the Gateway ski trail, owned and operated by Northstar, to terminate on Mill Site Road were made in part, on the basis that Mill Site Road and Cross Cut Court would serve only the eighteen (18) lots within the Retreat Subdivision.

13. The eighteen (18) owners within the Retreat rely on Mill Site Road and/or Cross Cut Court to reach their properties. Accordingly, a private road easement for the benefit of these eighteen (18) owners is necessary as part of the proposed abandonment. Access to Mill Site Road and/or Cross Cut Court is not presently or prospectively necessary to other members of the public.

14. Reservations from the proposed abandonment should be made for public utilities, public transit service, emergency access, and a public trail crossing near the terminus of Mill Site Road.

15. Mill Site Road and Cross Cut Court are not useful as a nonmotorized transportation facility, as these are not through roadways, and a trails network, other than the aforementioned reserved public trail crossing, is not proposed at these locations.

16. The public interest is served by abandonment of Mill Site Road and Cross Cut Court because the County has a substantial interest in ensuring that the existing road network matches that which was analyzed and represented to the public.

17. The public interest is served by abandonment of Mill Site Road and Cross Cut Court because the County has a substantial interest in ensuring that its roads are used consistently with the road standards to which they were designed.

18. The public interest is served by abandonment of Mill Site Road and Cross Cut Court because the County has a substantial interest in ensuring that the public is presented with accurate planning information such that all interested persons have an opportunity to provide input during the public hearing process.

19. The public interest is served by abandonment of Mill Site Road and Cross Cut Court because the County would be relieved of the burden of road and drainage maintenance.

20. The public interest is served by abandonment of Mill Site Road and Cross Cut Court because abandonment of the public road easements over Mill Site Road and Cross Cut Court is consistent with the County's General Plan.

21. The public interest is served by abandonment of Mill Site Road and Cross Cut Court because abandonment is consistent with the Martis Valley Community Plan.

22. The Northstar Property Owners Association, which represents approximately one thousand five hundred (1,500) members, as well as the Northstar Community Services District ("NCSD"), which provides utilities and road maintenance services to the Northstar community, have submitted testimony supporting the abandonment of Mill Site Road and Cross Cut Court.

23. NCSD has entered into an agreement with the County to provide road maintenance and snow removal services within the Retreat Subdivision. The annual charges levied pursuant to Engineers Report on which the agreement is based were, and still are, based upon traffic from only the 18 lots within the Retreat subdivision. Continued use of Mill Site Road by Martis Camp will over time increase road degradation and service requirements beyond the current funding capabilities of the County/NCSD contract.

24. Over the past decade, the County, NCSD, and property owners have spent, based on information provided by NCSD, approximately Twelve Million Dollars (\$12,000,000) on the implementation of the Northstar Traffic Management System. The success of the Northstar Traffic Management System is predicated in part upon the provision of a single point of ingress/egress into Northstar and on traffic conditions on Northstar Drive. As designed, traffic on Northstar Drive is stopped infrequently, and generally only when traffic queues at the Big Springs Drive intersection with Northstar Drive. When traffic flow conditions on Northstar Drive are impeded, traffic congestion stretching to SR 267, and further, can result.

25. That based upon the documentary evidence and testimony presented at public meetings and public hearings, including the December 2003 certification of the Final Environmental Impact Report for the Martis Valley Community Plan that did not assign any private vehicle trips to Mill Site Road from the Siller Ranch (now Martis Camp) subdivision to the Retreat at Northstar, the January 2005 certification of the Final Environmental Impact Report for the Siller Ranch project that assumed 100% of project related vehicle trips traveling to the Northstar Resort would travel by way of State Route 267, the February 2005 certification of the Final Environmental Impact Report for the Retreat at Northstar project that did not analyze or assign any trips from Siller Ranch to Mill Site Road, and the August 4, 2015 and November 3, 2015 hearings on the proposed abandonment of Mill Site Road and Cross Cut Court, as well as the Retreat at Northstar conditions of approval that called for a Rural Minor road standard for Mill Site Road with nine (9) driveway encroachments, the Board of Supervisors hereby overrules the November 1, 2012 and December 12, 2011 letters from Michael Johnson, Community Development Resource Agency Director, to the extent that those letters found or implied that the use of the Martis Camp emergency and public transit vehicle access by private vehicles to and from the Martis Camp subdivision was consistent with the Conditions of Approval of that project. The Board further finds that the project condition providing for the emergency vehicle access between Mill Site Road in the Retreat at Northstar subdivision to Schaffer Mill Road in the Martis Camp subdivision prohibits any private vehicle use for ingress or egress of the Martis Camp subdivision.

26. Implementation of the Northstar Traffic Management System during the past decade has helped relieve congestion that previously affected Northstar, SR 267, and the region. However, the Northstar Traffic Management System was devised, in part, on the basis that all Martis Camp traffic would access Northstar via SR 267, not Mill Site Road and Big Springs Drive. As Martis Camp builds out, use of Mill Site Road by Martis Camp residents will produce additional, unintended traffic from Big Springs Drive at the Northstar Drive intersection. This additional and unintended traffic will cause traffic queues at the Big Springs Drive and Northstar Drive intersection to multiply and further disrupt traffic flow on Northstar Drive. Such disruptions will affect the design of the Northstar Traffic Management System and create additional traffic congestion in Northstar, on SR 267, and, in some cases, other roadways.

27. The public interest is served by abandonment of Mill Site Road and Cross Cut Court because the County has a substantial interest in protecting the County's investments in, as well as the integrity and successful operation of, the Northstar Traffic Management System.

28. The public interest is served by abandonment of Mill Site Road and Cross Cut Court because the use of SR 267 by Martis Camp to reach Northstar will help maintain traffic flow on Northstar Drive, thereby improving circulation within Northstar, on SR 267, and in some cases, other roadways.

29. The public interest is served by abandonment of Mill Site Road and Cross Cut Court because a public transit easement over Mill Site Road consistent with the existing public

transit easement over Schaffer Mill Road within Martis Camp will be reserved for use by members of the public, including Martis Camp.

30. Mill Site Road and Cross Cut Court are not needed by the public for the continuing existence or functioning of the Martis Valley roadway network, including, without limitation, for private vehicles access to or from the Martis Camp Subdivision.

31. An additional reservation from the proposed abandonment should be made for a conditional Irrevocable Offer of Dedication (IOD) which the County may accept upon a finding by the Board of Supervisors, based on substantial evidence, that, (i) the Retreat at Northstar Association is in material breach of its obligations under the Indemnity Agreement between the County of Placer and the Retreat at Northstar Association and fails to cure said material breach within thirty (30) days of receipt of written notice from the County, or (ii) the Retreat at Northstar Association is maintaining Mill Site Road in a manner that materially interferes with the reservations for public transit service, emergency access and public utilities and fails to cure said material breach within thirty (30) days of receipt of written notice from the County. The County may also accept the IOD if ordered by a court of competent jurisdiction or upon the written consent of the Retreat at Northstar Association or its successor in interest. Any acceptance would include the right to remove of any gates or other obstructions.

32. Based on the above findings and statements of fact, and other evidence in the record, the public road easements over Mill Site Road and Cross Cut Court are not necessary for present or prospective public use.

33. Abandonment of the public road easements over Mill Site Road and Cross Cut Court, as conditioned in the Resolution of Abandonment presented to the Board of Supervisors on November 3, 2015, is therefore in the public interest.