



COUNTY OF PLACER
Community Development/Resource Agency

Michael J. Johnson, AICP
Agency Director

PLANNING

MEMORANDUM

DATE: June 22, 2010
TO: Honorable Board of Supervisors
FROM: Michael Johnson, Agency Director
SUBJECT: REQUEST FOR CONTINUANCE - APPEAL - PLANNING COMMISSION'S APPROVAL OF A CONDITIONAL USE PERMIT MODIFICATION - "MINER'S RIDGE FAMILY APARTMENTS" (PCPM 2010 0046)

ACTION REQUESTED

The Board of Supervisors is being asked to consider two separate requests from two appellants to continue the June 22, 2010 Board appeal hearing to the August 10, 2010 Board meeting.

BACKGROUND

On May 13, 2010, the Planning Commission approved a modification of the Conditional Use Permit for the Miner's Ridge Family Apartments, with the inclusion of a new condition to allow for a 64-unit apartment development in place of the 64-lot Ridge View Villas townhome development that was approved by the Board of Supervisors in March 2006. The Commission also approved a density bonus to increase the number of units from 61 to 64 and approved an Addendum to the previously approved Mitigated Negative Declaration.

APPEAL

On May 21, 2010, Mario Ferrante and William Prior filed an appeal of the Commission's action that focused on the provision of guaranteed access to their property and the perimeter fencing that was proposed for the development site. Three days later, on May 24, 2010, Dr. Dale Smith filed a separate appeal that: challenged the use of a Mitigated Negative Declaration for the CEQA review of the project; addressed concerns regarding site soil contamination; discussed a possible breach in the settlement agreement between RAID and the previous developer; and questioned the construction standards for improvements to Silver Bend Way.

REQUEST FOR CONTINUANCE

The two appeals were scheduled to be considered by the Board at its June 22, 2010 meeting. The June 22, 2010 hearing date was initially selected because to secure state and federal funding, final approvals had to be in place prior to July 1, 2010. Subsequent to the publication of the public hearing notice, the project applicant (USA Properties Fund, Inc.) decided not to pursue the July 1 funding deadline. As a result, the need to finalize the project prior to July 1 no longer existed. As a result, it is now possible for the Board to grant the two requests for continuance without adversely impacting the funding opportunities for the project applicant. Accordingly, staff recommends the Board continue action on this appeal to the August 10, 2010 agenda. Staff will be prepared to present a full staff report with analysis of each appealed issue at the August 10, 2010 Board meeting.

RECOMMENDATION

Staff recommends that the Board of Supervisors continue the appeal hearing on the project to the August 10, 2010 meeting.

Respectfully submitted,



MICHAEL J. JOHNSON, AICP
Community Development Resource Agency Director

EXHIBITS:

- Exhibit A – Dr. Dale Smith letter
- Exhibit B – Mr. Mario Ferrante letter

- cc:
- Michael J Johnson - Agency Director
 - Paul Thompson – Deputy Planning Director
 - Michael Wells - Supervising Planner
 - Wes Zicker – Director, Engineering and Surveying Department
 - Richard Eiri - Engineering and Surveying Department
 - Rebecca Taber – Engineering and Surveying Department
 - Jill Pahl - Environmental Health Services
 - Janelle Heinzler – Environmental Engineering
 - Andy Fisher - Parks Department
 - Angel Rinker - Air Pollution Control District
 - Scott Finley - County Counsel's Office
 - Cathy Donovan - Redevelopment Agency
 - Kris Steward -
 - Subject/chrono files

Alfa Omega Associates

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

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Dr. Dale Smith, H.H.D., General Manager

Friday, June 04, 2010 By email and USPS Priority - Delivery Confirmation

Mr. Michael J. Johnson
Planning Director
Placer County
3091 Country Center Drive
Auburn, Ca 95603

Dear Michael,

Yesterday late in the day I found out from someone other than the Planning Department that the Board of Supervisors schedule for the Hearing of the Appeal on the Miners Ridge Family Apartments has been set for June 22, 2010.

Unfortunately an important event for my wife and me has been scheduled for several months in Reno, Nevada as we will celebrate our 55th year of marriage. In addition my 79th birthday is two days later and that also is part of this long planned out-of-town celebration.

The scheduling of this hearing in less than 30 days from the filing of the Appeal is not only unfortunate, but unfair to me.

I am asking for a continuation of that hearing until at least the 29th of June or the 6th of July, 2010. The Planning Commission granted a continuation for USA Properties Fund without question on far less notice than I am providing. It is only fair that Placer County grant this requested continuation.

Most importantly the very late 5 page Addendum (5-7-2010) filed by the offices of George Phillips is a admission by USA Properties Fund that there is the possibility of toxic substances underneath this project, and that investigation will take some time according to the schedule given by Phillips.

Sincerely yours,

/s/ Dale Smith

Dr. Dale Smith, Alfa Omega Associates

Cc: Maria Gillette, DTSC
Bill Pryor and Mario Ferranti
Area Media List

Exhibit A

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JUN 09 2010

CLERK OF THE BOARD OF SUPERVISORS

DATE 6/9

- Board of Supervisors - 5
- County Executive Office
- County Counsel
- Mike Boyle
- Planning VIA EM

Tuesday, June 8, 2010

Mr. Michael J. Johnson
Planning Director
Placer County

Re: Miners Ridge Family Apartments

Dear Michael:

It has come to my attention that the Board of Supervisors schedule for the appeals hearing on the Miners Ridge Family Apartments has been set for June 22, 2010.

My wife and I, with our immediate family, have long ago rented a house in Fort Bragg, California for a family vacation on June 20th through June 27th.

This appeal hearing is very important to our entire family, so I am asking for a continuation of the above hearing at a date beyond June 27, 2010.

Thank you for your consideration.



Mario Ferrante
440 Foresthill Avenue
Auburn, CA 95603
(530) 885-2519

cc: Chairman, Placer County Board of Supervisors

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BOARD OF SUPERVISORS

5 BUS Rec'd AB DY
Other TS CB

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Sup D1 _____ Sup D4 _____ Aide D1 _____ Aide D4 _____
Sup D2 _____ Sup D5 _____ Aide D2 _____ Aide D5 _____
Sup D3 _____ Aide D3 *

Exhibit B

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