

**NORTHSTAR COMMUNITY SERVICES DISTRICT & PLACER COUNTY AGREEMENT  
FOR NORTHSTAR AT TAHOE- RETREAT SUBDIVISION  
CSA 28 ZONE OF BENEFIT#187  
ROAD CARE AND SNOW REMOVAL PROGRAM**

This Agreement ("Agreement") is entered into as of SEPTEMBER 11, 2012 by and between NORTHSTAR COMMUNITY SERVICES DISTRICT, a Special District of the State of California, (hereafter "NCSD"), and the COUNTY OF PLACER, a political subdivision of the State of California (hereafter "COUNTY") relating to the maintenance of Northstar at Tahoe-Retreat Subdivision CSA 28, Zone of Benefit #187, located in Placer County, California.

**RECITALS:**

WHEREAS, NCSD has the authority to provide certain public services, including the repair and maintenance of roads within NCSD boundaries; and

WHEREAS, a condition of County's approval of the "Northstar at Tahoe-Retreat Subdivision" project located within NCSD boundaries required formation of a County Service Area 28 Zone of Benefit # 187 (hereafter "CSA") to provide funding for maintenance and snow removal on Mill Site Road, and Cross Cut Court (hereafter "CSA Roads"), as shown on attached Exhibit "A", comprising a total road length of 0.53 miles; and

WHEREAS, the Placer County Board of Supervisors approved the formation of the "Northstar at Tahoe - Retreat" CSA 28 Zone of Benefit #187 on May 9, 2006, establishing an annual initial charge of Two Thousand Eight Hundred and Eighty Five Dollars (\$2,885.00) per parcel; and

WHEREAS, the County, as the manager of the CSA funds, wishes to establish an agreement with NCSD for CSA Roads services to be provided by NCSD and funded with CSA funds.

**NOW, THEREFORE, as related to the CSA Roads, the parties agree as follows:**

**1. NCSD agrees to assume responsibility for:**

- a. Road surface protection, restoration, and rehabilitation, including seal coating (slurry seal), pulverizing asphalt, and overlays;
- b. Snow removal services for the roads;
- c. Sanding for traction control, including materials;
- d. Snow stakes repair and replacement;
- e. Street sweeping;
- f. Crack sealing;
- g. Curb and guardrail repair and replacement if damaged while performing the above activities;

- h. Providing other CSA-authorized services as requested by the County and agreed to by NCS D;
- i. Billing the COUNTY for reimbursement from CSA funds for costs of services provided pursuant to Sections 1 a. through 1 h. above, on a quarterly basis. All invoices shall include a description of services performed, equipment used and dates and locations of services performed. Measure E revenues collected by NCS D for parcels within the CSA boundaries shall be applied to authorized services costs before billing COUNTY, and this shall be reflected on invoices. Only those portions of Measure E funds dedicated to Road Care and Snow Removal shall be applied to authorized services. The total amount billed during any fiscal year shall not exceed the annual budget authorized under this Agreement, unless written approval by COUNTY is first obtained. NCS D shall monitor annual road care and snow removal expenditures and projected needs, and shall consult with COUNTY regarding level of service adjustments if it appears that the budget for these activities will be exceeded.
- j. Consulting with COUNTY to establish budget availability prior to commencing any roadway rehabilitation project under Section 1.a.

**2. COUNTY agrees to assume responsibility for:**

- a. Road surface repairs, including pothole patching;
- b. Guard rail repair and replacement, except as provided in Section 1.g;
- c. Striping (painting);
- d. Storm water collection and conveyance systems inspection, maintenance, repair and replacement;
- e. Street signage maintenance to usual COUNTY standards;
- f. Reimbursing the NCS D for costs of services provided for by Sections 1 a. through 1 h. above, on a quarterly basis.

**3. BOTH PARTIES agree:**

- a. To meet in good faith annually to review prior expenditures and to agree on a budget for NCS D services, and to make service level adjustments where needed, based on the agreed upon budget. Unless otherwise agreed to by the parties, the annual meeting shall take place in October each year.
- b. To meet from time to time to review the condition of roads and discuss repair and maintenance issues, requirements and schedules;
- c. To defend (with counsel acceptable to the other), protect, indemnify and hold harmless the other, its directors, officers, employees, agents, and volunteers from and against any and all liabilities, suits, proceedings, liens, actions, penalties, losses, expenses, claims or demands of any nature, and causes of action of whatever character which the other may incur, sustain or be subjected to arising out of or in any way connected with the indemnifying party's performance under this Agreement.
- d. That CSA funds are applicable only to eligible activities as defined herein and initiated after January 1, 2008.

**4. TERM & MODIFICATION OF AGREEMENT:**

- a. The initial term of this Agreement begins January 1, 2008, and ends December 31, 2012, and will automatically renew for consecutive five-year terms thereafter, unless terminated as hereinafter set forth in Section 4.b.
- b. Either party may terminate this Agreement at the end of any five-year term by giving written notice to the other party in January of the fourth year, providing a minimum of eleven (11) months prior notice to the other party.
- c. This Agreement may be modified only by mutual written consent of the parties.
- d. The budget cycle for the CSA shall be annual, on a fiscal year schedule, starting on July 1 and ending on June 30 of the next calendar year.

5. **EXCLUSIVE AND ENTIRE AGREEMENT:** This Agreement shall be the full and complete agreement of the parties with regard to the provision of CSA roads repair, snow removal, and maintenance services within the boundaries of Northstar at Tahoe Retreat CSA 28, ZOB #187.

6. **TRANSFERABILITY:** The rights of the parties pursuant to this Agreement are non-transferable and shall not be assigned without prior written approval of the other party.

7. **APPROVAL OF AGREEMENT:** This Agreement shall be effective only upon its approval by the respective governing boards of COUNTY and NCS D, as evidenced by a resolution of acceptance or other form of approval adopted by each such governing board.

APPROVED AS TO FORM:

COUNTY OF PLACER

  
\_\_\_\_\_  
County Counsel, Placer County

By:   
\_\_\_\_\_  
Ken Grehm, Director of Public Works

Dated:           8/8/12          

Dated:           9/11/12          

Authorized by the Board of Supervisors

On:           SEPTEMBER 11, 2012

**NORTHSTAR COMMUNITY SERVICES DISTRICT**

By: *Nancy P. Ives*  
President of the Northstar Community Services District  
Board of Directors  
Nancy Ives

Dated: *June 1, 2012*

At: *Northstar, CA*

**APPROVED AS TO FORM**

\_\_\_\_\_  
**District Counsel**

**Attest:**

By: *James Bowling*  
Secretary of the Northstar Community Services District  
Board of Directors  
James Bowling

**Attached Exhibits:**  
Exhibit "A" – CSA 28 Zone of Benefit 187 Roads

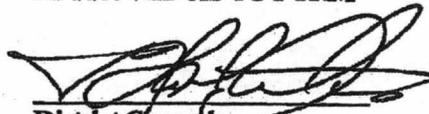
**NORTHSTAR COMMUNITY SERVICES DISTRICT**

**By:** \_\_\_\_\_  
**President of the Northstar Community Services District  
Board of Directors  
Nancy Ives**

**Dated:** \_\_\_\_\_

**At:** \_\_\_\_\_

**APPROVED AS TO FORM**

  
\_\_\_\_\_  
**District Counsel**

**Attest:**

**By:** \_\_\_\_\_  
**Secretary of the Northstar Community Services District  
Board of Directors  
James Bowling**

**Attached Exhibits:  
Exhibit "A" – CSA 28 Zone of Benefit 187 Roads**

DPW

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

**In the matter of: A RESOLUTION APPROVING A ROAD CARE AND SNOW REMOVAL AGREEMENT FOR NORTHSTAR AT TAHOE- RETREAT, CSA 28 ZONE OF BENEFIT NO. 187, BETWEEN PLACER COUNTY AND NORTHSTAR COMMUNITY SERVICES DISTRICT AND AUTHORIZING THE PUBLIC WORKS DIRECTOR TO SIGN AND AMEND SAID AGREEMENT.**

Resol. No: 2012-208

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 September 11, 2012, by the following vote on roll call:

- Ayes:** DURAN, WEYGANDT, HOLMES, UHLER, MONTGOMERY
- Noes:** NONE
- Absent:** NONE

THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE  
ATTEST

ANN HOLMAN  
Clerk of the Board of Supervisors, County of Placer, State of California  
*[Signature]*  
Deputy Clerk

Signed and approved by me after its passage.

*[Signature]*  
Chair, Board of Supervisors

ATTEST:  
Clerk of said Board

*[Signature]*

**BE IT HEREBY RESOLVED** by the Board of Supervisors of the County of Placer, State of California, that this Board approves an agreement with Northstar Community Services District for road care and snow removal services within the Northstar at Tahoe- Retreat Subdivision, funded through CSA 28 Zone of Benefit No.187, at no net County cost, and authorizes Public Works Director to sign and amend the Agreement for future years to provide on-going maintenance services.

# MEMORANDUM

DEPARTMENT OF PUBLIC WORKS  
County of Placer

APPROVED

TO: BOARD OF SUPERVISORS

DATE: September 11, 2012

FROM: KEN GREHM/BOB COSTA

SUBJECT: ROAD CARE AND SNOW REMOVAL AGREEMENT FOR NORTHSTAR AT  
TAHOE-RETREAT SUBDIVISION CSA 28 ZONE OF BENEFIT #187  
BETWEEN THE COUNTY AND NORTHSTAR COMMUNITY SERVICES  
DISTRICT

## ACTION REQUESTED / RECOMMENDATION

1. Adopt a Resolution approving an Agreement with Northstar Community Services District (NCS D) for road care and snow removal services within the Northstar at Tahoe-Retreat Subdivision, in the current not-to-exceed amount of \$55,750, funded through County Service Area (CSA) 28 Zone of Benefit No. 187 (CSA), at no net county cost. The term of the agreement is five years, with provision for automatic renewal.
2. Authorize Public Works Director to sign and amend the Agreement for future years to provide on-going maintenance services.

## BACKGROUND

The County adopted Resolution No. 2006-107 on May 9, 2006 establishing the formation of CSA 28 Zone of Benefit No. 187 for the Northstar at Tahoe-Retreat Subdivision, as shown on attached Exhibit A. The roads in this subdivision have been accepted into the county maintained mileage system (Resolution No. 2008-360). The authorized CSA charges fund long-term road rehabilitation including snow removal slurry seals, crack sealing and asphalt overlays.

Since the 1990's, NCS D has been providing certain snow removal and road maintenance services for County maintained roads within the Northstar development, as defined by separate agreements. NCS D is willing to provide similar services for the Retreat Subdivision roads; this was the basis for establishing the CSA annual charges, as described in the supporting Engineer's Report. The proposed Agreement defines the responsibilities for snow removal and road maintenance between Placer County and NCS D, and procedures for reimbursing NCS D expenses utilizing CSA funds. The NCS D Governing Board approved the Agreement on May 16, 2012.

Your Board is requested to approve the Agreement between Placer County and NCS D, and to authorize the Director of Public Works to sign the Agreement and to make future amendments, as necessary.

## ENVIRONMENTAL CLEARANCE

This is an administrative action and as such, it is not a separate project and is not subject to further environmental review.

## FISCAL IMPACT

Approval of this request will not have any additional County costs. CSA maintenance services are funded through annual charges to subdivision parcels directly benefiting from the services, as approved through the CSA establishment.

Attachments: Resolution  
Exhibit A - Map  
Copy of Agreement

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# Correspondence

LANNY T. WINBERRY  
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December 1, 2014

(Sent Via Email to [jweber@placer.ca.gov](mailto:jweber@placer.ca.gov)  
with original to be delivered by hand)

Placer County Board of Supervisors  
c/o Mr. John Weber  
Placer County Department of Public Works  
3091 County Center Drive, Suite 220  
Auburn, CA 95603

Re: DMB/Highlands Group, LLC Opposition;  
Request for Abandonment/Abandonment/Vacation of Mill Site Road  
Public Road Right of Way;  
Rebuttal to NPOA "History of EVA Gate at  
The Retreat at Northstar"

Dear Mr. Weber:

**Introduction**

Since my prior letter to you dated October 8, 2014 on behalf of DMB/Highlands Group, LLC, it has come to my attention that the Northstar Property Owner's Association has published to its members, and perhaps others, a document entitled, "History of EVA Gate at The Retreat at Northstar," (the NPOA "history") The NPOA's "history" concludes with a notice that the request for Abandonment/Vacation of the public right of way over Mill Site Road will be heard by the Placer County Board of Supervisors on December 9, 2014 and is accompanied by a request that all NPOA Members send letters in support of the Abandonment/Vacation to all Placer County Supervisors using the suggested form attached to the document.

As explained below, the NPOA "history" misconstrues the well documented public record and states facts and conclusions which are contrary to the analyses and decisions issued by County officials and upheld by the Superior Court of California in and for the County of Placer. In some instances, NPOA's "history" simply misrepresents the facts in order to support incorrect and misleading statements. Those incorrect and misleading statements are repeated in the suggested form letter. A copy of the NPOA's "history" document is attached at Tab 1 for your ready reference.

Several of NPOA's inaccuracies involve matters addressed in some detail in my prior letters to you in this regard. In this letter, I address some of the new inaccurate and misleading statements found in the NPOA "history" document. I ask that this letter and its attachments, as well as my two prior letters and their attachments, be included in the

administrative record of the Board's consideration of the pending Request for Abandonment/Vacation.

When considering the claims and assertions of the NPOA, it is important to note that in the case of *People v. Ricciardi* (1943) 23, Cal 2d 390, the California Supreme Court held:

The courts of this state, from time immemorial and in cases too numerous to mention, have declared and enforced the abutting property owner's right to free and convenient use of and **access to** the highway on which his property abuts. [Numerous citations omitted. Emphasis added.]

It was declared in the case of *Eachus v. Los Angeles etc. Ry. Co.*, (1900) 103 Cal 614, 617, that the abutter's "right of ingress and egress" is a **private property right** and that any act by which that right is destroyed or substantially impaired for the benefit of the public, is a damage to the property itself, "within the meaning of the constitutional provision under which the owner is **entitled to compensation.**" The long line of California cases referenced in the *Ricciardi* decision is recognized in Section 8308 of the California Streets and Highways Code which provides that the Abandonment/Vacation of a public road right of way is an act which extinguishes the abutters' rights pertaining to that road. Section 8324 of that Code and the cases construing it prohibit Abandonment/Vacation of public road rights of way unless the governing body can find, based on substantial evidence in the record, that the Abandonment/Vacation is for the benefit of the public.

California's case law and its statutory law holds that the right to enter and exit a public roadway from adjoining private property is a fundamental private property right, whereas traveling upon a public roadway is a right held by the public in general. This is an indispensable part of the law, because each person who uses a public road must enter it from a private driveway or roadway. Therefore, while driving on the private roads in Martis Camp, and when using one of those roads to *enter* Mill Site Road, the property owners in Martis Camp are private individuals exercising private property rights. While they are traveling *upon* Mill Site Road and the balance of the public roadway system, Martis Camp property owners are exercising their rights as members of the general public.

The NPOA and those requesting Abandonment/Vacation of Mill Site Road assert that Placer County has, since 2002 or 2003, repeatedly promised the Northstar Community that Martis Camp traffic would not be allowed to enter Northstar directly via Mill Site Road and, on that basis, argue that it simply would not be "fair" for the County to continue allowing such use of Mill Site Road. As demonstrated below, that assertion is false, and that argument is hollow.

**The Subject of an EVA Gate Was not Raised During the County's Consideration of the Martis Valley Community Plan in 2002 and 2003.**

In the first full paragraph on page 1 of its "history," NPOA offers a modified quote from the Martis Valley Community Plan, (MVCP). That "quotation" describes a public roadway which would have begun where Schaffer Mill Road then terminated at the entrance to the Lahontan Community and which would have crossed the land then known as Siller Ranch (now Martis Camp) so as to provide a public roadway connection from Truckee to Northstar – in addition to SR 267. That public roadway connection was not adopted. Instead, the County elected to require *only* the dedication of emergency access and transit easements over the private roadways to be developed in Siller Ranch instead of requiring the dedication of a public, through-traffic corridor.

Apparently recognizing that, when read in proper context, its first "quotation" was not sufficient to support its current position, the NPOA, in the second full paragraph of its "history," states, *without citation*, that:

During the public comment period for the Draft Environmental Impact Report (DEIR) for The Martis Valley Community Plan, The County was specifically asked what assurances the Northstar Community would have that the planned EVA gate would not subsequently be opened to through traffic.

There is no evidence that such a question was posed during the approval process for the Martis Valley Community Plan (MVCP). The MVCP *does not mention* the concept of EVA gates, much less "plan" or prescribe one for the boundary between Northstar and Siller Ranch, (now Martis Camp). Moreover, a review of the comment letters and responses included in the Final Environmental Report for the MVCP reveals that the NPOA's comment letter *did not* mention an "EVA gate" – and neither did the County's response.

Attached at Tab 2 is a copy of the NOPA's comment letter dated August 13, 2002. That letter (Comment Letter 67) stated:

We **do not** recommend or support that the Northstar/Schaffer Mill connector road be utilized for any public traffic. We **do** recommend the construction of this road for fire, life and safety."  
(Emphasis in the original.)

The County's response to that comment, found at Section 3.4.10, at page 3.0-64 of the Final EIR adopted December 16, 2003, simply noted that the MVCP states that the connector road "is not planned to be opened to public traffic . . ." and does not mention what would be required to open the road to public traffic. (See Tab 2. NOPA Comment Letter and MVCP FEIR Response.)

In 2002 and 2003, the question posed was whether the MVCP would authorize or require the development of a public roadway across Siller Ranch/Martis Camp which the general public could use to access Northstar. The answer to that question was, "no," and the answer has not changed. The roads in Martis Camp are private roads.

In addition to erroneously referring to a matter not addressed in the MVCP and a question not posed in the comments to the MVCP DEIR, the NOPA "history" mistakenly states that the County responded to the un-asked question as follows:

The County's written response to this question [about an EVA gate] was in effect: "That could not happen without going through a new California Environmental Quality Act (CEQA) process."

NOPA does not provide, or offer to provide, a copy of the "written response" it claims to have received in 2002 or 2003 regarding control and operation of an EVA gate. It is possible that the NPOA or The Retreat Owner's Association received an email after this controversy arose in 2010 confirming that the *public* could not gain access to the western end of Mill Site Road via Schaffer Mill Road without further CEQA processing. However, that is not the same as saying Martis Camp owners could not drive on Schaffer Mill Road or were forbidden to exercise their abutters' rights without further CEQA study. The County's position on this matter was explained in detail in the two letters discussed below.

#### **Control of an EVA Gate Was Not Discussed During the Approval Process for Siller Ranch/Martis Camp or for The Retreat.**

I have been unable to find any evidence that a question regarding the operation or control of an EVA gate was posed to the County during the MVCP approval process in 2002 and 2003 or during the approval processes for Siller Ranch/Martis Camp or The Retreat in 2004 and 2005. Several years later, a 2011 letter to the County from Mr. Thomas Archer, an attorney representing The Retreat Homeowner's Association, complained about traffic from Martis Camp using Mill Site Road to enter and exit Martis Camp, but did not mention an EVA gate. (See the County's Response to Mr. Archer's letter attached at Tab 3.)

In a 2012 letter to the County from Mr. Randall Faccinto, a second attorney representing The Retreat Homeowner's Association, the Retreat contended that the EVA gate installed by Martis Camp on Martis Camp land violated the Conditions of Approval for Siller Ranch/Martis Camp because, even though the gate incorporated a Knox box locking feature so as to allow it to be opened by emergency personnel, it also included a system which allows Martis Camp owners to open the gate so as to enter or exit Martis Camp via Mill Site Road. Mr. Faccinto's letter did not assert that an EVA gate was required by The Retreat's Conditions of Approval.

In response to Mr. Faccinto, by letter dated November 1, 2012, (copy attached at Tab 4) the Director of the Placer County Community Development Resources Agency, explained, (at page 8) that the Siller Ranch/Martis Camp Condition of Approval, "is not requiring that a gate be constructed, but rather if a gate is constructed on any emergency access roads, the emergency access roadway and gate needs to be designed to meet Fire District, County, and State standards (unless exceptions are approved.)" That response is consistent with the reality that gates erected on a property boundary adjacent to a public roadway are not intended to prevent the owners of private lands from lawfully entering or leaving their property via such gates, but rather to prevent unauthorized members of the general public from entering the private property. When such gates on a property boundary are installed across a private roadway over which an Emergency Vehicle Access easement (an "EVA") has been dedicated, those gates must include a Knox box locking mechanism which can be unlocked by emergency personnel when passage is necessary.

In the second paragraph on page 3 of its "history," NPOA asserts that an EVA gate that "had been in place at the western terminus of Mill Site Road since 2005 was removed" in 2010 and implies that such removal was wrongful because The Retreat did not consent to its removal. NPOA further asserts that the Vesting Tentative Map (VTM) for the Retreat "required" an EVA gate and that an EVA gate was erected in accordance with the Retreats Conditions of Approval (COA). However, the COA's for the Retreat do *not* impose a requirement for the installation of an EVA gate, and no such gate is depicted on the Final Map of the Retreat accepted and filed by the County on May 6, 2006.

The NPOA "history" notes (at the top of page 2) that Retreat COA 26 required that Mill Site Road be constructed all the way to the west property line, but fails to point out that Retreat COA 37A specifically required that Mill Site Road be dedicated to the County as a **public** "highway." After Mill Site Road was accepted into the County's public roadway system on December 9, 2008 the maintenance of any gate across that public "highway" by a private land owner would have been unlawful. Vehicle Code §21101.6, codifying the holding in *City of Lafayette v. County of Contra Costa* (1979) 91 Cal. App. 3d 749, 752.).

The maintenance and operation of a gate by the developer of The Retreat in a manner which would have prevented the owners of the adjoining land in Martis Camp from entering or exiting the western end of Mill Site Road would have been contrary to applicable law, Retreat COA 37(A) and Retreat COA 66, which states:

Any future gated entry feature proposed by the applicant shall be returned to the Planning Commission for approval of a modification of the Discretionary Permit.

The Retreat never "returned" to the Planning Commission to request approval of a "gated entry feature" as a part of the Retreat. Therefore, it was proper for the County to allow the removal such a gate when Schaffer Mill Road was physically connected to Mill Site Road in accordance with the approval documents for both

The Retreat and Siller Ranch/Martis Camp. The gate removed was not on land owned by the Retreat Association. It was on land owned by others over which a public roadway easement had been dedicated. Even if the gate had been on land owned by The Retreat Owners Association, the County was not required to get the permission of The Retreat or anyone else to allow its removal from a public roadway. Vehicle Code §21101.6

**The Question of Opening Schaffer Mill Road to Public Traffic Was Discussed During the Siller Ranch/Martis Camp Approval Process.**

The question as to what would be required to allow the public in general to use the private roads in Siller Ranch/Martis camp to reach Northstar was posed in a letter commenting on the DEIR for the Siller Ranch project. The response to that comment, Response 4-61 stated, "the opening of the roadway [Siller Ranch Road (now Schaffer Mill Road)] to the public would be a separate project subject to its own environmental review process." The NPOA "history" seeks to magically transform the foregoing statement into a *promise* by the County that the owners of Siller Ranch/Martis Camp would be deprived of "abutter's rights" to access Mill Site Road directly. No such promise was made or implied.

**The Requirement that Mill Site Road be Dedicated and Opened to Public Use Was Not Questioned During The Retreat's Approval Process.**

NPOA does not assert, and there is no record indicating that, the County's decision to require that Mill Site Road be dedicated and constructed as a public roadway all the way to the property boundary was opposed or questioned by NPOA or the Northstar Community during the approval process for The Retreat project. Now, some eleven years later, NPOA contends that the decision to require that Mill Site Road abut on Siller Ranch/Martis Camp is unfair and must be reversed by the Abandonment/Vacation of that dedication to public use. Perhaps the NPOA did not understand the ramifications inherent in Retreat COA's 26, 37(a) and 66, but that does not make the County's action unfair or improper.

**Use of Schaffer Mill Road as a Private Roadway in Addition to Its Use as an Emergency Vehicle Access Easement is Consistent With the MVCP and Project Approval Documents**

NPOA cannot contend that anyone ever believed that the lot owners in Siller Ranch/Martis Camp were prohibited by any planning or project approval document from using the roadways in Martis Camp, including what is now the Martis Camp extension of Schaffer Mill Road, as their private roadways – even though Schaffer Mill Road also serves as an EVA route. Since this matter first came under discussion in 2011, the County has twice informed the The Retreat Homeowners Association and their attorneys in writing of the applicability of the legal doctrine of abutter's rights, and that those fundamental private property

rights have **not** been taken away from the owners of Martis Camp by the County's planning or project approval documents. The NPOA "history" acknowledges that the Superior Court has endorsed the County's interpretation of its planning and approval documents and the applicable law. Yet the NPOA continues to argue that an injustice has been created and/or fostered by the County. In truth, it is NPOA which seeks to unfairly and unjustly deprive its neighboring community of well recognized, fundamental property rights.

**The County Did Not Give Repeated Assurances During the 2005-2010 Time Period**

On page 3, first paragraph, of its "history," NPOA represents to the NPOA members and the public that, "during the 2005 to 2010 time period, Placer County officials gave repeated verbal and email assurances to NPOA, The Retreat Association and others that the planned connection between Martis Camp and The Retreat would be for EVA and transit purposes only." (Tab 1, page 3, first paragraph.) NPOA offers no reason why it has not produced any such email or other writing from the County, and the written record contradicts the NPOA's assertions in this regard.

**Mill Site Road Is Sufficient in Size and Design to Safely Handle Martis Camp Traffic as well as Retreat Traffic.**

At the top of page 2 of the NPOA "history" document, NPOA asserts that the standards to which Mill Site Road is developed are intended to serve no more than 75 residential units. The County's letter to Mr. Thomas Archer dated December 12, 2011 (Tab 3 at page two) stated that such a road in mountainous terrain will handle "approximately 6800 daily trips," and further stated that the foregoing statement regarding the 75 unit limit on a Rural Minor Roadway is "incorrect." Martis Camp traffic on Mill Site Road is under 300 daily trips even during holiday periods.

The NPOA "history" document goes on to state, on page 4, that, "the County has already determined that . . . the continuation of such traffic will worsen an already unsafe condition in The Retreat and parts of Northstar." My client and I have not been made aware of any County determination that Martis Camp traffic has resulted in any unsafe condition, or that any unsafe conditions exist on Mill Site Road or in parts of Northstar. Unless the County has made such a determination and has not informed Martis Camp, the assertion in the NPOA document is worse than misleading; it is false and inflammatory. In the event an unsafe condition were to be identified, the Placer County Director of Public works has ample authority pursuant to Section 12.08.040 of the Placer County Code to abate such a hazard at no expense to the County and without vacating a public road right of way.

**Placer County has NOT Determined that The Use of Mill Site Road by Martis Camp Property Owners Does Not Benefit the Public.**

The NPOA asserts that the County has already determined that, "the roads inside The Retreat are non-essential for private vehicle traffic through traffic." No such determination has been made known to me or my client, except as to Cross Cut Court. Unless such a determination has been made as to Mill Site Road, but has not been made known publicly, NPOA's assertion is false. Moreover such a determination is not sufficient to support the requested Abandonment/Vacation. The issue at hand is whether the Abandonment/Vacation of the public right of way over Mill Site Road would be in the public interest. (See Streets and Highways Code §8324 and *Ratchford v. County of Sonoma* (1972) 22 Cal. App. 3d 1056, 1077, (vacation improper where the road might be necessary for *prospective* public use.)) Only the Board of Supervisors can determine whether the statutory grounds for Abandonment/Vacation are present.

**"Fairness" Favors Retaining the Public Right of Way.**

None of the planning and approval documents speak of a connection *point* between Martis Camp and The Retreat, or the control of a gate at that point. Instead they speak of a connecting *roadway* between the entrance to Lahontan, over the then undeveloped lands of Siller Ranch/Martis Camp, so as to provide a roadway connection between Northstar and Truckee in addition to SR 267. The County decided that the contemplated roadway connection across Siller Ranch/Martis Camp would *only* be available to the public when emergency conditions required such use. Rather than attempt to marshal a fact-based argument that Martis Camp use of Mill Site Road is of no benefit to the public, NPOA has attempted to rewrite "history" in an attempt to falsely create a sense that the current use of Mill Site Road is "unfair."

My client and I submit that the framers of the United States Constitution and the Supreme Court of California long ago decided what was "fair" in a situation such as this. Fairness requires the protection of abutter's rights as a fundamental right of private property, and that protection includes the recognition that abutter's rights cannot be taken away without the payment of "just compensation." *People v. Ricciardi* (1943) 23, Cal 2d 390; *Eachus v. Los Angeles etc. Ry. Co.*, (1900) 103 Cal 614, 617 cited and discussed above.

Ignoring the basic precepts of real property law, and constitutional law, NPOA asks the County to take DMB/H's and the Martis Camp Community's private property rights **without compensation**, in spite of the detriment that would be caused to the public in general. Who would NPOA have pay the "just compensation" required for such a taking?

The County Board of Supervisors is charged with the duty of protecting the interests of the public in general. NPOA, and those who request the Abandonment/Vacation of the public right of way over Mill Site Road, ask the County to extinguish the

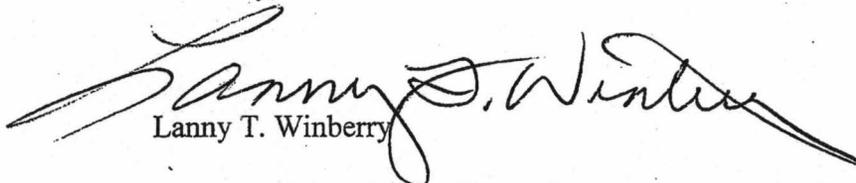
Mr. John Weber  
December 1, 2014  
Page 9 of 9

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property rights of others and to make a gift of public property (i.e., the public right of way) to the nine owners of the eighteen lots in The Retreat. Such a request is patently unfair, and granting the request would be contrary to statutory law and well established decisional law of the State of California.

The continuing and thoughtful consideration of the foregoing matters by the County Staff and by the Board of Supervisors is appreciated.

Sincerely,



Lanny T. Winberry

cc: Mr. Ken Grehm, Placer County Department of Public Works  
Robert Sandman, Esq., Office of County Counsel

# TAB 1

### History of the EVA Gate at The Retreat at Northstar

(From The Retreat Association Request for Abandonment, other documents, and recollections of various Northstar Community leaders)

The Placer County Board of Supervisors adopted the Martis Valley Community Plan in 2003. The Community Plan's Future Transportation Systems section (p. 72) stated with regard to The Retreat:

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. The second scenario removed the through connection from Schaffer Mill Road to Northstar. Based on community and landowners input this Plan proposes (that) the proposed roadway system includes transit and emergency vehicle access (EVA) ONLY between Shaffer Mill Road and Northstar.

During the public comment period for the Draft Environmental Impact Report (DEIR) for The Martis Valley Community Plan, The County was specifically asked what assurances the Northstar Community would have that the planned EVA gate would not subsequently be opened to through traffic.

The County's written response to this question was in effect: "That could not happen without going through a new California Environmental Quality Act (CEQA) process."

No such process ever occurred.

In January 2005, Martis Camp's Conditional Use Permit and Vesting Tentative Map were approved by Placer County. The Martis Camp Conditions of Approval (COA) required there to be an EVA and transit connection to Northstar. Martis Camp's final environmental impact report (DEIR) reads as follows:

The project only proposes one ingress/egress off of Shaffer Mill Road...

The project would provide a 22-foot wide emergency access road on the eastern boarder 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. The emergency access roads would be gated and have Knox boxes or similar devises to provide access to emergency service providers.

In February 2005, The Retreat at Northstar Conditional Use Permit and Vesting Tentative Map were approved by Placer County. This approved map required an EVA Gate at the Retreat. With the EVA Gate, the Retreat's COA required the Retreat's Mill Site Road to be extended for a future EVA and public transit connection to the Martis Camp community to the east. The Retreat's COA reads as follows:

Mill Site Road shall be constructed at a minimum to the west property line for a future emergency access / transit access road connection.

In March 2006, Placer County approved the Improvement Plans for The Retreat subdivision. Subsequently in 2006, Mill Site Road and Cross Cut Court were constructed in accordance with the approved Conditional Use Permit and Improvement Plans to a Rural Minor Standard of 22' in width with direct driveway access. The Placer County Land Development Code states that a Rural Minor Roadway shall serve no more "than 50 units on a cul-de-sac or 75 units on a through road." Given that Mill Site Road and Cross Cut Court were designed and approved to only serve the 18 home sites within the Retreat, this was the appropriate roadway section for The Retreat. As part of the Retreat's improvements, an EVA Gate was erected in The Retreat in accordance with The Retreat's COA.

In May 2006, along with the Retreat Final Map approval, the Placer County Board of Supervisors resolved to establish The Retreat subdivision as a County Service Area to provide road rehabilitation, storm drain maintenance and snow removal services for the Retreat. This Resolution of the Board of Supervisors approved the Retreat's Zone of Benefit Engineer's Report which stated that the legal requirements under California Proposition 218 for the establishment of a Zone of Benefit assessment is as follows:

An assessment may only be imposed in an amount, which represent a special benefit to an assessed property. These services represent a special benefit to the Retreat Subdivision property in that the services to be funded by the assessments will only benefit the Retreat Subdivision property and the individual lots in the Retreat Subdivision project.

As a result of this special benefit assessment, The Retreat lot owners now pay the County a separate additional amount for all the road maintenance in this sub-division because it's roads were approved by The County for their use only.

In November 2008, the Placer County Board of Supervisors approved the Martis Camp Final Map, which included an Emergency Access Easement along the roadway designated as an emergency access and transit connection to Northstar. This particular segment of Schaffer Mill Road was and is the only portion of Schaffer Mill Road within Martis Camp to be built to a standard narrower than 32'. Given that this segment of Schaffer Mill Road was designed, approved and shown on Martis Camp's Final Map within 50 yards of Northstar as an EVA access and transit connection only, and not for general use, it was appropriate that this roadway was constructed at the narrower 22' wide road standard. Within the Martis Valley area, Placer County Engineering and Surveying Department consistently required, per the Land Development Code, a 32' wide roadway section anywhere a road is proposed to service more than 50 units on a cul-de-sac or 75 units on a through roadway. Given that Martis Camp was approved for 726 units, it is clear that the EVA and transit portion of Schaffer Mill Road was not designed, approved or intended for use other than for EVA and transit purposes.

During the 2005 to 2010 time period, Placer County officials gave repeated verbal and email assurances to NPOA, The Retreat Association and others that the planned connection between Martis Camp and The Retreat would be for EVA and transit purposes only.

During the summer of 2010, the Martis Camp developer constructed the final section of its road to the eastern property boundary of Martis Camp to meet the EVA and transit connection point at the western end of Mill Site Road (The Retreat) and installed an electronic gate on its side of the property line. At the same time, The Retreat's EVA gate that had been in place at the western terminus of Mill Site Road since 2005 was removed without the knowledge of or permission from the Retreat Owner's Association or from the Northstar Property Owners Association. Subsequently, the sign in The Retreat that read "Emergency Vehicle Access Only" was removed and replaced by one on the Martis Camp side of the property line reading "Private Road, Transponder Access Only".

In fact, when The Retreat Association discovered the removal of its gate and the construction of the Martis Camp gate, and contacted The County, the County Planning Director acknowledged that the EVA gate had been removed but assured The Retreat Association Board in writing that the EVA gate at The Retreat would be replaced. It was not.

Instead, starting in 2010, Martis Camp began issuing transponders to its property owners, guests, contractors and vendors that allowed access through the Martis Camp EVA gate at The Retreat subdivision along Mill Site Road. Since 2010 and with the growth of Martis Camp, this cut-through into Northstar via The Retreat community is being used for access to the Northstar Village and Lake Tahoe. Contractors and vendors of Martis Camp are also extensively using the gate as an entrance and exit to Martis Camp. As of the end of 2013, with Martis Camp only about 30% built out. Martis Camp has to date issued over 1,600 such transponders.

In 2011, The Retreat Homeowners Association, petitioned Placer County to enforce the provisions of the EVA Gate. In December 2011, the County planning director responded that The County could find nothing in the record that precludes non-emergency through traffic to and from Martis Camp.

In 2012, The Retreat Homeowners Association assembled a significant number of the supporting documents, and again petitioned The County to enforce the provisions of the EVA gate. In late 2012, The County planning director denied the request and concluded that the existing gate was open to through traffic to and from Martis Camp. This letter stated that the County's decision was a final action and not subject to appeal.

In response to The County's denial of the petition to enforce the EVA gate, an organization called Tahoe Residents United for Safe Transit (TRUST) was formed. In January 2013, TRUST filed a lawsuit against Placer County and the developers of Martis Camp and The Retreat (a subsidiary of Vail Corporation) claiming that the California

Environmental Quality Act (CEQA) had not been followed, among other charges. In essence, the CEQA claim in this lawsuit is that, since the two developments and their EIRs were approved under CEQA on the basis that The Retreat's roads would support traffic from only its 18 residents because the connection between the developments would be for EVA and public transit purposes only, the gate could not legally be opened to any other through traffic without a new CEQA process. This lawsuit was subsequently dismissed by a Placer County judge and is currently under appeal.

In 2014, The Retreat Homeowners' Association filed a Request for Abandonment of the County easement on The Retreat roads. The application asks The County to remove the public traffic easement from the roads within The Retreat. The easements for the originally planned and approved EVA and public transit access would be preserved.

In the Fall of 2014, the County Director of Public Works concluded that he could not recommend to the Board of Supervisors, who will make the final decision on this matter, that the public easement be removed. The Retreat Association has argued that the County has the authority to remove the easements; that their removal would restore The Retreat to its intended and approved condition; that the use of the EVA gate by Martis Camp residents and contractors is illegal; that the County has already determined that the roads inside The Retreat are non-essential for private vehicle through traffic; and that continuation of such traffic will further worsen an already unsafe condition in The Retreat and parts of Northstar.

On December 9, 2014, the Board of Supervisors will consider this issue at its scheduled meeting in Auburn, California. The meeting will be open to the public. Attendees will each have 3 minutes to speak.

# northstar property owners association

Dear NPOA Member:

## WE NEED YOUR HELP

### NOVEMBER 25 DEADLINE

PLEASE WRITE A LETTER OR SEND AN EMAIL TO ALL FIVE PLACER COUNTY SUPERVISORS ASKING THEM TO APPROVE THE RETREAT AT NORTHSTAR OWNERS ASSOCIATION'S "REQUEST FOR ABANDONMENT".

Board of Supervisors Meeting is December 9. Plan to attend.  
Your letters need to me sent by end of November; emails by December 5<sup>th</sup>.

The improper use of the Retreat Emergency Vehicle Access (EVA) gate by Martis Camp residents, guests, vendors and contractors hurts Northstar and should be stopped. This request returns the gate to its intended EVA-only status.

*Supervisors' names, contact information, and suggested talking points are included in this letter for your convenience.*

A Brief History As We Understand It (see [www.npoa.info](http://www.npoa.info) for more detail)

The Retreat is a subdivision within Northstar and is a member association of NPOA. It was approved by Placer County as a cul-de-sac subdivision serving 18 homes, with an emergency vehicle access (EVA) gate on the western end of Mill Site Road. The Martis Valley Community Plan designated this EVA gate within the Retreat as providing emergency vehicle and public transit access only, following vehement opposition to a general traffic connection voiced by NPOA and many others. All subsequent planning and environmental documents for both the Retreat and Martis Camp reflect the intended use of the EVA gate. Over more than a decade, Placer County repeatedly assured NPOA and others that this gate would not provide a general traffic connection to Northstar for the Martis Camp development. Martis Camp's roads are private and are therefore rightfully inaccessible to traffic within Northstar.

An EVA gate was erected in the Retreat when it was developed and before the Martis Camp connecting road was built. When Martis Camp finished its portion of the road in 2010, the Retreat's gate was removed without the Retreat Association's or NPOA's knowledge or approval. County staff assured the Retreat Association at the time that its EVA gate would be restored. Instead, Martis Camp

erected a new gate on its side of the property line. Initially, Martis Camp erected a sign on the Retreat side of the gate reading "EMERGENCY VEHICLE ACCESS ONLY." However, after receiving County approval of its improvements and again without the Retreat Association's or NPOA's knowledge, Martis Camp apparently replaced the "EMERGENCY VEHICLE ACCESS ONLY" sign with a new sign instead reading as follows: "PRIVATE ROAD - Transponder Access Only." Before-and-after pictures of these signs are included at the end of this letter. As of January 2014, Martis Camp had issued 1,600 transponders to the EVA gate allowing unrestricted cut-through access into the Retreat and ultimately Northstar as well as Lake Tahoe.

As a result, hundreds of private vehicles, construction trucks and other commercial vehicles have been observed coming in and out of Northstar through what was supposed to be an EVA gate. Instead, the Martis Camp-controlled gate is providing unfettered access to Martis Camp traffic to use the Retreat as a "cut-through" to Northstar and Lake Tahoe.

Earlier this year, the Retreat Association submitted its "Request for Abandonment" to the Placer County Board of Supervisors, asking that the public road easements be removed from its roads. The emergency and public transit access easements would remain. The Retreat's 18 property owners pay for all of their road maintenance under an agreement with Placer County, again because they were supposed to be the only ones using it. If their request is approved, the Retreat owners would regain control over traffic flowing through what was represented as a cul-de-sac for the benefit of only the Retreat's 18 lots when they purchased their properties.

The NPOA Board strongly supports the Retreat Association's Request for Abandonment. It is in Northstar's interest and it is the right thing to do.

#### Why the Current Situation Hurts Northstar

You should be concerned about this situation because of the impact it has on the safety and quality of life in Northstar. The principal safety concerns are increased traffic (1) within The Retreat itself, which was approved, designed, and built to accommodate only 18 homes, not the 662 lots within Martis Camp (2) at the steep intersection of Mill Site Road and Big Springs Drive, (3) along Big Springs Drive between Mill Site Road and Northstar Drive as it passes the skier parking lots and the intersection of Martis Landing, and (4) at the already problematic intersection of Big Springs Drive and Northstar Drive.

All of these are safety concerns today with Martis Camp at less than 30% build out. They will only be made worse by the flow of traffic in and out of Martis Camp. Consider this: There are 665 properties in all of Big Springs and the Martis Landing area, compared to the 662 properties in Martis Camp.

The greater Northstar community will also be impacted. All the benefit we have seen from the construction of the Intercept Lot at Northstar's entrance may be lost. It is in Northstar's interest that "The Request for Abandonment" be approved.

Please Write a Letter or Send an Email to each Supervisor.

We ask you to take the time to send a separate letter or email to each of the five Placer County Supervisors asking for the approval of the Retreat Association's Request for Abandonment. We would prefer you send letters rather than emails if you have the time. But either way, your voice needs to be heard. This will be decided on December 9<sup>th</sup>. Immediate action is required.

Please copy Ann Holman, Clerk of the Board of Supervisors on each letter or email to ensure they are all counted. Also copy Geoff Stephens, NPOA general Manager so that he can keep track of your responses.. Also, be sure to include if you are a full time resident and registered voter of Placer County.

Exhibits 1 and 2 list names and contact information for the Supervisors, the County Clerk, and for Geoff Stephens.

Then if you can, please consider attending the December 9 meeting in Auburn to voice your views in person. Each attendee will have 3 minutes to speak. We are looking at providing bus transportation. Details will follow.

\* \* \* \* \*

This is one of those few times when an issue of this high importance confronts our entire community. We urge you to take the time to speak out in writing.

Thank you for your consideration and support.

Sincerely,

Henry DeNero, Board President  
As directed by the NPOA Board of Directors

Brian West, Vice President  
Judy Howes, Secretary/Treasurer  
Jim Brigance  
Jack Moore  
Al Roth  
Don Watters

CC: Geoff Stephens, General Manager

Exhibit 1: Placer County Supervisors and their contact information

Jack Duran, Chair  
Placer County Supervisor District 1  
175 Fulweiler Avenue  
Auburn, CA 95603

Robert Weygandt  
Placer County Supervisor District 2  
175 Fulweiler Avenue  
Auburn, CA 95603

Jim Holmes  
Placer County Supervisor District 3  
175 Fulweiler Avenue  
Auburn, CA 95603

Kirk Uhler  
Placer County Supervisor District 4  
175 Fulweiler Avenue  
Auburn, CA 95603

Jennifer Montgomery  
Placer County Supervisor District 5  
175 Fulweiler Avenue  
Auburn, CA 95603

Copy to:

Ann Holman  
Clerk of the Board of Supervisors  
175 Fulweiler Avenue  
Auburn, CA 95603

Geoff Stephens, NPOA General Manager  
2200 North Village Drive  
Truckee, CA 96161  
Geoff@NPOA.info

There is only one email address for the Board of Supervisors. If you prefer to send an email, please send the email to each supervisor separately at [bos@placer.ca.gov](mailto:bos@placer.ca.gov)

466

Exhibit 2: Sample Points You Might Make

Dear Supervisor (\_\_\_\_\_),

I am writing to request that you approve The Retreat at Northstar Owners Association's Request for Abandonment.

I am a property owner at Northstar and am deeply concerned about the impact on our community if traffic between Northstar and Martis Camp is not limited to emergency vehicles and public transit as was supposed to be the case.

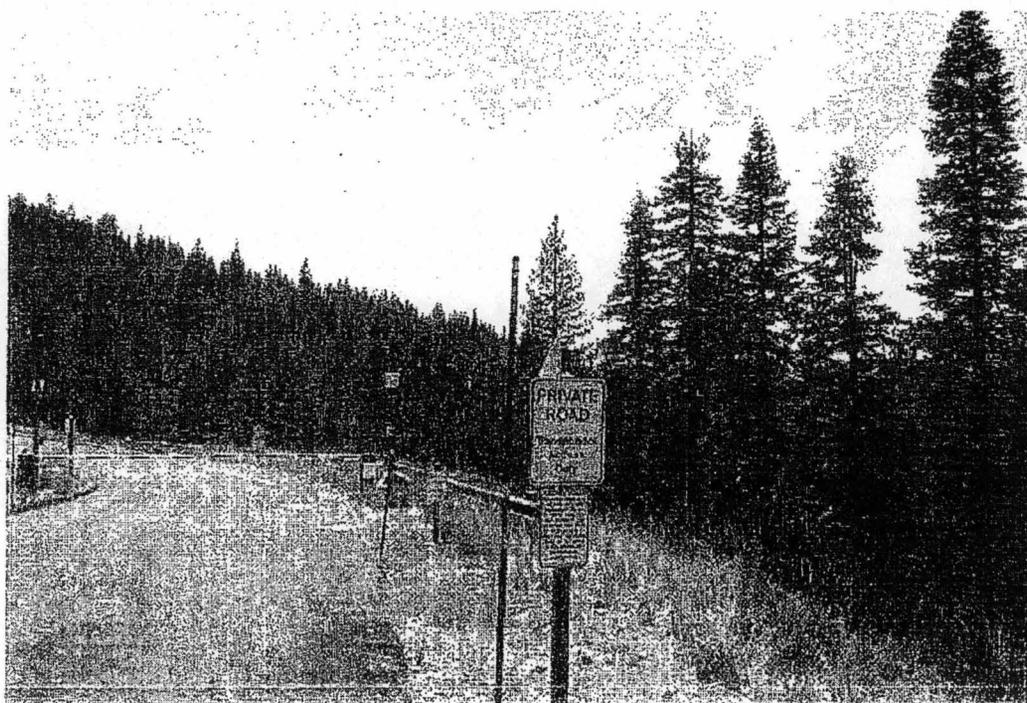
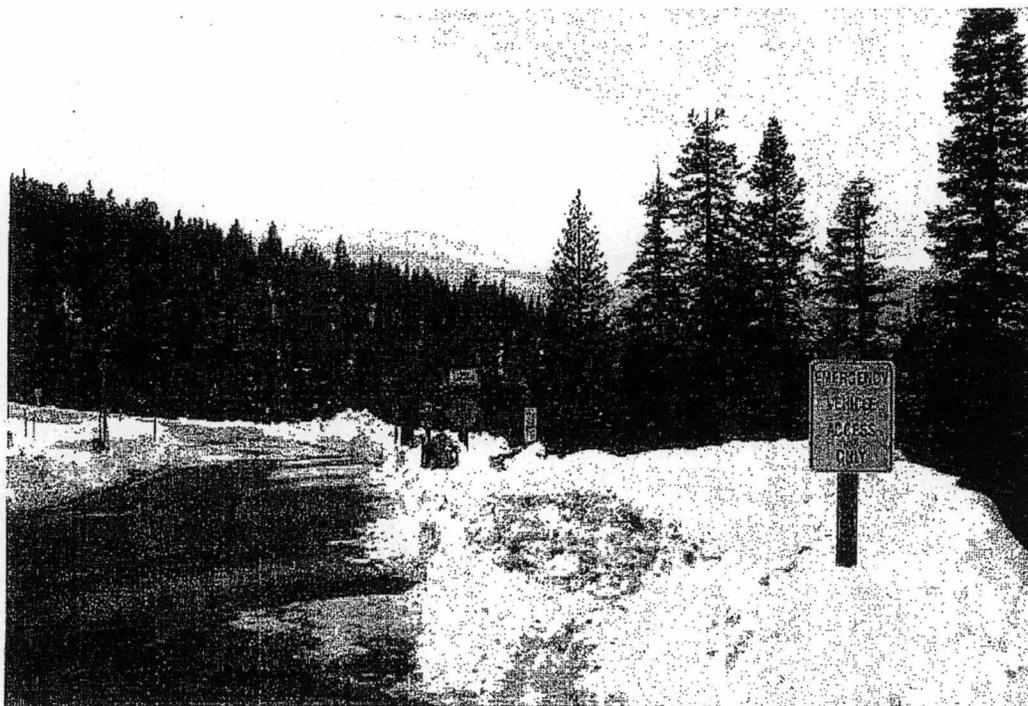
The current situation is harming Northstar:

- Not only the Retreat but all of Northstar is being affected.
- We understand that over 1,600 transponders have been handed out to Martis Camp's property owners and contractors.
- The impact of this traffic has not been studied because it wasn't supposed to exist.
- We have made great progress with traffic problems with the addition of the intercept lots and other measures our resort operator has implemented. Now we are faced with a reversal of this progress.
- The intersection of Big Springs and Northstar drives is already a dangerous one. Increased traffic will make a bad situation even worse.
- Martis Camp will double the number of properties using this intersection and the section of Big Springs Drive from the intersection to Martis Landing.
- Traffic along Northstar Drive will also increase.
- The above will impact the quality of Northstar and pose a safety hazard.

The current situation is also wrong and should be corrected:

- You the supervisors approved the Martis Valley Community Plan with this gate designated for EVA and public transit only.
- This was the result of public hearings and strong community comments favoring this over the alternative (through connection).
- The Retreat Association and NPOA were given assurances by County staff that the gate would be restricted as such.
- Martis Camp's development plan was approved by the County with a single entrance on Schaffer Mill Road from SR 267 (with an EVA gate between it and Northstar).
- The Retreat's property owners were all told that they were purchasing property in an 18-lot cul-de-sac.
- The Retreat property owners pay 100% of their road maintenance costs (because they were the only ones who were supposed to use the roads).
- The Supervisors should not let real estate developers influence its staff and thereby undermine the public's confidence in the integrity of its governmental processes.

Before and After Photos of Sign Installed by Martis Camp



# TAB 2

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

Letter 67

northstar  
property owners  
association

PLACER COUNTY  
DATE  
RECEIVED  
AUG 15 2002  
PLANNING DEPARTMENT

August 13, 2002

Lori Lawrence  
Environmental Review Technician  
Placer County Planning Department  
11414 B Avenue  
Auburn, CA 95603

Faxed to (530) 889-7499 on 8/14/02/Hard Copy by Mail 8/14/02

Subject: Public Review Drafts of the Martis Valley Community Plan and Environmental Impact Report (EIR)

The Northstar Property Owners Association Board (NPOA Board) is the elected body representing the 1451 full time and part time residents of the Northstar community. This Board is entrusted to represent the community internally as well as with Public Agencies and other entities that have, or may have, an impact on our community. In June of 2000 the NPOA Board appointed 20 residents from all facets and locations of our community to serve on a Northstar Development Advisory Committee (NDAC). This committee has, on numerous occasions, met with representatives of County Planning, Northstar-at-Tahoe and East West Partners to consider and evaluate the impact of any future development at Northstar and our general community. The following recommendations are the result of extensive and careful debate and evaluation by the NDAC and NPOA. We strongly suggest that the final EIR reflect these changes.

1. Referenced: Section 4.4, Page 39, First Paragraph "All Connection Option --."  
We do not recommend nor support that the Northstar/Shaffer Mill connector road be utilized for any public traffic. We do recommend construction of this road for fire, life and safety. 67-1
2. Referenced: Section 4.4, Page 38, Third Paragraph "Analysis of Roadway --."  
We do not recommend nor support the Big Spring/Highlands road loop to be utilized for public traffic. We do recommend construction of a gated road for fire, life and safety with possible consideration for internal Northstar bus transit. This road loop is entirely within the Northstar property boundary. 67-2
3. Referenced: Section 4.4, Page 38, Last Paragraph "Conceptual Future Development --."  
We recommend the inclusion of intercept lots to be located off Northstar Drive in the vicinity of the entrance to Northstar Drive from Highway 267. These lots, at a placement and capacity now under discussion with East West Partners/Booth Creek, will be utilized for day skier parking thereby relieving excessive Northstar Drive traffic. There is to be no increase in total day skier parking and therefore an equivalent reduction in village area available parking. 67-3

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

67-4

4. Referenced: Section 4.4, Page 38, Paragraph "Proposed Roadway Network --."  
We do not support the widening of Highway 267 to four lanes. Alternatively, we do recommend the extension of the southbound right turn lane to a point in the vicinity of the "Northstar 1 mile" sign continuing this lane to the Highway 267-Northstar Drive intersection.

67-5

5. Referenced: Section 4.4, Page 52, Table 4.4.21 "Extent of Widening --."  
We do not support the widening of Northstar Drive to four lanes for its entire length. We do recommend the following:  
- Construction of four lanes on Northstar Drive from the Highway 267 entrance to a now planned roundabout to be located in the vicinity of the existing gas station. This roundabout will serve as a turn off for the employee housing and the planned intercept lots.  
- Re-grading the existing road section between the Highway 267 Northstar Drive entrance and the planned roundabout and turnoffs to improve road safety.  
- Consideration of a right hand turn lane from the planned roundabout to the intersection of Basque Drive.

67-6

6. Referenced: Section 4.2, page 15, Table 4.2-10, Notes 2: Proposed Land Use Diagram  
The proposed allowable density increase in the Martis Valley Plan is excessive. We do not support the current proposed Northstar increase of approximately 2200 units. We also question the wisdom and impact of any rezoning that would permit an additional 1360 dwelling unit as proposed by Sierra Pacific Industries. We do not support any proposed development access entrance opposite the Northstar employee housing (Highlands) Highway 267 entrance.

While not specifically referenced in the Martis Valley EIR, we believe the following additions should be made:

67-7

7. The chain up area for travel from Truckee to Lake Tahoe should be relocated south (towards Lake Tahoe) from the proposed new Highway 267 entrance.

67-8

8. Consideration should be given to establishing a forested corridor prohibiting new building construction along Highway 267 from the Northstar 1 mile sign to the Brockway summit.

67-9

9. Consideration should be given to mandate Conservation easements within any new developments in the Martis Valley area. An easement is now being negotiated between the NDAC and East West Partners, and this easement, as well as being incorporated in the Martis Valley EIR, could be a model for all new development areas.

We appreciate your attention to these requests knowing that they will improve the quality of the Martis Valley plan as it relates to Northstar.

Hank Simmons, President  
For the Northstar Property Owners Association Board

CC: Fred Yeager, Placer County Planning  
Paul Rouser, General Manager - Northstar Community Services District  
Tony Giannoni, NDAC County Representative  
NPOA Board Members

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

**LETTER 67: HANK SIMMONS, NORTHSTAR PROPERTY OWNERS ASSOCIATION BOARD**

- Response 67-1: Comment noted. The commentor is referred to Master Response 3.4.10(Adequacy of Traffic Impact Analysis).
- Response 67-2: Comment noted. The commentor is referred to Master Response 3.4.10(Adequacy of Traffic Impact Analysis).
- Response 67-3: Comment noted. The commentor is referred to Master Response 3.4.10(Adequacy of Traffic Impact Analysis).
- Response 67-4: Comment noted. The commentor is referred to Master Response 3.4.10(Adequacy of Traffic Impact Analysis).
- Response 67-5: Comment noted. The commentor is referred to Master Response 3.4.10(Adequacy of Traffic Impact Analysis).
- Response 67-6: Comment noted. The commentor is referred to Master Response 3.4.10(Adequacy of Traffic Impact Analysis). Since no comments regarding the adequacy of the Draft EIR were received, no further response is required.
- Response 67-7: Comment noted. The commentor is referred to Master Response 3.4.10(Adequacy of Traffic Impact Analysis).
- Response 67-8: Comment noted. However, it is unclear in regards to what this recommendation is intended to mitigate associated with environmental effects. This suggestion will be forwarded to the Placer County Planning Commission and Board of Supervisors as part of project consideration.
- Response 67-9: Comment noted. However, it is unclear in regards to what this recommendation is intended to mitigate associated with environmental effects. The Revised Draft EIR considers several reduced development alternatives that could involve the use of conservation easements. This suggestion will be forwarded to the Placer County Planning Commission and Board of Supervisors as part of project consideration.

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

2002-2003 ski season data indicates that queuing onto SR 267 occurred on a total of ten days throughout the ski season. (This figure is similar to that observed for recent previous years: queues on the highway occurred on eight days per year in 1999-2000 and 2000-01). The maximum queue lengths occurred on December 22 and December 23, 2002 (Sunday and Monday of the Christmas holiday week). It should be noted that the length of the traffic queues during the Christmas holiday period were exacerbated by the fact that the traffic signals at the SR 267/Airport Road/Schaffer Mill Road and the SR 267/Brockway Road intersections had recently been turned on, and signal timing had not been fully adjusted to serve ski traffic conditions. The signals provided insufficient green time for through movements on SR 267, which lengthened the queues. Signal timing has since been modified by Caltrans, so current and future conditions generated by these signals are substantially improved.

#### **Consideration of Day Trips and Employee Trips**

Day trips and employee trips are considered in the traffic analysis. A trip rate (trips per dwelling unit) is assigned to each residence. Some of the trips generated by the residential units are recreational trips. The commercial, office, and hotel trip rates also included employee trips.

According to the North Tahoe/Truckee Employer Commute Survey conducted for the North Lake Tahoe Resort Association, approximately 55 percent of the employers who work in the Martis Valley during the summer live in Truckee and during the winter 45 percent live in Truckee. The next highest percentage (13 in the summer and 22 during the winter) live on Lake Tahoe's West Shore, followed by Tahoe City (9 in the summer and 11 during the winter) and Tahoe Vista and Kings Beach (9 in the summer and 12 during the winter). Only 9 percent of the employees in Martis Valley travel live in areas outside the Tahoe Basin and Truckee such as Reno, South Shore, Minden, and Gardnerville during the summer and 6 percent during the winter, which is a relatively low number (North Lake Tahoe Resort Association, 2002). The Draft EIR identifies proposed policies and mitigation measures to provide and promote affordable and employee housing in the Plan area (Draft EIR pages 4.2-17 through -27). The reader is also referred to Master Response 3.4.8 (Affordable and Employee Housing Effects of the Project).

#### **Northstar-at-Tahoe Resort Community Roadway Assumptions**

The following specific comments were received regarding roadway facilities associated with the Northstar-at-Tahoe resort community. It should be noted that these comments are related to requested changes to the proposed Martis Valley Community Plan and are not direct comments on the traffic analysis provided in the Draft EIR.

- **Do not open Schaffer Mill Road / Northstar connector to traffic** - The proposed Martis Valley Community Plan states that the Schaffer Mill Road connection to the Northstar-at-Tahoe resort community is not planned to be open to public traffic and would be used as a transit, pedestrian, bicycle, pedestrian and an emergency access corridor only (Martis Valley Community Plan page 74).
- **Do not open the Big Springs Drive/ Highland Road loop to traffic** - The proposed Martis Valley Community Plan currently identifies this connection, which was assumed in the traffic analysis (Martis Valley Community Plan page 74). However, if this connection was closed to public traffic, traffic volumes would shift internal to Northstar resulting in traffic increases to Highland development access road and Northstar Drive between the Highland development access road and Northstar Village.

# TAB 3



**COUNTY OF PLACER**  
**Community Development Resource Agency**

Michael J. Johnson, AICP  
Agency Director

**ADMINISTRATION**

December 12, 2011

Thomas S. Archer  
Law Offices of Thomas S. Archer  
12010 Donner Pass Road, Suite 102  
Truckee, CA 96161-4968

**SUBJECT:** Use of Public Roadways – The Retreat at Northstar Subdivision

Dear Mr. Archer:

The County has received your letter, dated November 1, 2011, regarding your client's concern that the County is not enforcing certain responsibilities related to the use of public roadways in the vicinity of the Retreat at Northstar residential subdivision. It is your contention that Martis Camp property owners, staff and personnel, as well as staff and personnel from Northstar, are using Mill Site Road beyond the "approved scope allowed by the restricted purpose easement described on both the Plat of Martis Camp (formerly known as Siller Ranch) and the Tract for the Retreat at Northstar." The purpose of this letter is to respond to the issues raised in your letter.

It is my understanding that staff from the Engineering and Surveying Department has met with your client on several occasions to discuss your client's concerns regarding the use of roadways (Schaffer's Mill Road, Mill Site Road) that connect the Martis Camp project with the Northstar-at-Tahoe property. As noted in your letter, there appears to be ongoing confusion regarding the public status of the roadways within the Retreat at Northstar subdivision and the private status of roadways within the Martis Camp subdivision. To address this confusion, this letter will articulate the rights and privileges associated with the public use of Mill Site Road, as well as the rights, privileges and restrictions associated with the private roadways within the Martis Camp development.

As has been discussed with your clients, and as you acknowledge in your letter, the owner/developer of the Retreat at Northstar subdivision – Trimont Land Company – offered certain easements for dedication, which were accepted by the Placer County Board of Supervisors on behalf of the public. The Retreat at Northstar subdivision was created by a Final Map recorded on May 16, 2006. Conditions 37A and 37C of the Tentative Subdivision Map for the project required the dedication of a 40-foot-wide highway easement to Placer County on Mill Site Road and Cross-Cut Court, respectively. Those Conditions of Approval were satisfied by the Owner's Statement and the Board of Supervisor's Statement found on the Final Map. Upon the acceptance of the project as complete on December 8, 2008, the Board accepted

Thomas S. Archer  
December 12, 2011  
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Mill Site Road and Cross-Cut Court into the County's *Maintained Mileage System*. For the County's purposes, that acceptance in the *Maintained Mileage System* creates a road that is open to the general public for the use of legally registered vehicles, pedestrian and other non-motorized transportation.

The capacity from a Level of Service standpoint (the County's standard Level of Service is LOS C) for a two-lane roadway in mountainous terrain would be approximately 3,400 vehicles per day per lane (for a two-way total of 6,800 daily trips). Accordingly, the design of Mill Site Road is capable of handling approximately 6,800 vehicles per day without violating any County Level of Service issues.

In contrast to the public roadways included with The Retreat at Northstar subdivision, the Martis Camp development was approved with a private roadway system – there are currently no County-maintained roadways within the Martis Camp development (including the entire length of Schaffer Mill Road from its intersection with State Route 267). While you are correct in stating that the plans approved for the Martis Camp project reserved for the County ingress and egress rights over Schaffer Mill Road for emergency access and transit service, the County is not aware of any restrictions that prohibits the residents of Martis Camp from utilizing the public roadways (i.e, Mill Site Road) that abut the Martis Camp development.

As you correctly note in your letter, Mill Site Road was constructed with two 11-foot-wide travel lanes and four feet of shoulder for a total of 26 feet of overall pavement width. However, your statement that, "The allowable use is for less than 50 units on a cul-de-sac or 75 units on a through-road" is incorrect. The County utilizes 11-foot-wide travel lanes in many areas throughout the County, and this lane width is considered to be an acceptable standard for both Minor Residential roadways as well as Local Collector roadways. For example, Eureka Road in the Granite Bay area of the County – which has residences and a public school fronting directly onto the roadway – is constructed with two 11-foot-wide travel lanes and carries an Average Daily Traffic volume of approximately 3,550 daily trips.

Regarding the Zone of Benefit that was created to address drainage, maintenance, snow removal, repair and replacement of Mill Site Road and Cross-Cut Court, you are correct in stating that the original property owner (Trimont Land Company) desired to maintain a higher level of service than provided by Placer County, and the County Service Area Zone of Benefit was self-imposed on the Retreat at Northstar subdivision to provide this higher level of service. Unfortunately, your statement that the "Zone of Benefit does not contemplate either public transit nor unrestricted access by the public or owners of property within the neighboring communities over Mill Site Road" is incorrect. As Zones of Benefit are only created for public roadways, any members of the public are entitled to use roadways included within Zones of Benefit – the County cannot prohibit the public from utilizing a public roadway. As a result, while your clients are able to enjoy a higher level of service over the identified public roadways, so too are other members of the public.

Thomas S. Archer  
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Page Three

On Page 4 of your letter you state, "Martis Camp did not secure a(n) easement or other mechanism allowing for local public transit across the Unsurveyed Remainder." In light of the Conditions of Approval referenced above and the actual development of Mill Site Road to the property line in accordance with those conditions, the County interprets Sheet 3 and Detail C of the Final Map for the Retreat at Northstar, including labeling in that Detail, as establishing Mill Site Road across the Unsurveyed Remainder. While this small triangle of public roadway may not be included within the Zone of Benefit for the subdivision, the small triangle of public roadway is still in fact a public roadway, and the public has rights to use this section of public roadway.

Your letter contends that the County is sitting idly while "Martis Camp improperly attempts to change a(n) Emergency Vehicle Access into a thoroughfare for the owners of lots within its subdivision to drive to and from Northstar for which there has been no CEQA study, compliance nor approval." For the record, while Martis Camp was required to provide Emergency Vehicle Access through its connection with Mill Site Road (which it has in fact provided), I can find nothing in the record that prohibits Martis Camp residents from utilizing the public roadways (i.e., Mill Site Road) that abut the Martis Camp development.

You do not give any specifics as to how the CEQA analysis prepared for both the Retreat at Northstar and Martis Camp projects are not adequate to address traffic generation associated with the respective projects. Further, the time for challenging those projects has long since passed. The usage of public roadways of which your letter complains arises not from a County action, or the County's approval of an action requiring a permit, but rather from the access rights pertaining to land abutting private roadways. Thus, there is no "current" project for purposes of CEQA analysis.

As noted above, Mill Site Road was designed with a 40-foot-wide roadway right-of-way, and Mill Site Road was constructed with two 11-foot-wide travel lanes and four feet of shoulder width. This roadway section is capable of accommodating Average Daily Traffic capacity of 6,800 vehicle trips. There is no indication that the roadway is experiencing anywhere near this level of traffic. The design width for Mill Site Road was predicated upon the intended volume of traffic as identified in the environmental analysis for the project, and the daily use of Mill Site Road is not exceeding the capacity of the roadway.

Based upon my analysis of both the Retreat at Northstar and Martis Camp projects, I cannot agree with your conclusion that the Martis Camp subdivision is not in conformance with its Conditions of Approval. Further, my review has concluded the County did in fact follow and comply with the requirements of the California Environmental Quality Act and the County's Environmental Review Ordinance as well as the Subdivision Map Act and the County's Subdivision Ordinance in its processing and approval of the Tentative and Final Maps for both the Martis Camp and The Retreat at Northstar projects.

Thomas S. Archer  
December 12, 2011  
Page Four

During some of the previous meetings with your clients, it is my understanding that County staff discussed options available to your clients, including the possible abandonment of the County's interest in Mill Site Road and Cross-Cut Court. As I am sure you are aware, the requirements to allow the County to abandon its interest in those roadways are quite onerous. Should you client choose to pursue an abandonment of the public rights-of-way, it would be my suggestion that further discussion with County staff be held to discuss the viability of such a request prior to investing time and resources into such an endeavor.

I hope that this letter has responded to your client's concerns regarding the public use of Mill Site Road. Should you have any questions regarding the information set forth in this letter, please call me directly at 530-745-3099.

Sincerely,



MICHAEL J. JOHNSON, AICP  
Agency Director

# TAB 4



**COUNTY OF PLACER**  
**Community Development Resource Agency**

Michael J. Johnson, AICP  
Agency Director

**ADMINISTRATION**

November 1, 2012

Randall M. Faccinto  
Stoel-Rives LLP  
555 Montgomery Street, Suite 1288  
San Francisco, CA 94111

**SUBJECT: Reported Violation of Conditions of Approval – Roadway Connection  
Between Martis Camp and The Retreat Subdivisions**

Dear Mr. Faccinto:

The County has received your letter, dated May 1, 2012, as well as a subsequent letter, dated August 23, 2012 and e-mail correspondence dated September 24, 2012, regarding the above matter.

The County has interpreted your collective correspondence as an assertion that there is a violation of the Conditions of Approval for the Martis Camp (formerly Siller Ranch) project regarding the roadway connection between Martis Camp and The Retreat subdivision (located within the adjacent Northstar, California development). As stated in your May 1, 2012 letter, it is your contention that the County has failed to recognize that the emergency access gate provided for by approvals of the Martis Camp subdivision limits the connection between Martis Camp and The Retreat only to emergency vehicle access and possibly future public transit access.

Based upon your inquiries and related correspondence received from other interested parties, the County has investigated the issues raised in your correspondence pursuant to Placer County Code Article 17.62 (Code Compliance and Enforcement) to determine whether or not Martis Camp is in violation of its Conditions of Approval regarding the use of the accessway between the Martis Camp and The Retreat subdivisions. This letter provides the County's response.

In preparing this letter, I have reviewed the following correspondence:

1. My letter to Thomas S. Archer, The Retreat Homeowners Association counsel at the time, dated December 12, 2011.

Randall M. Faccinto  
November 1, 2012  
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2. Your Letter and Memorandum to Robert Sandman at Placer County Counsel dated May 1, 2012.
3. Letter and Memorandum from Lanny Winberry to Robert Sandman dated July 24, 2012.
4. Letter from Northstar Property Owners Association to Placer County Board of Supervisors Chairwoman Jennifer Montgomery dated August 21, 2012.
5. Your Letter and Memorandum to Robert Sandman dated August 23, 2012.
6. Letter from Lanny Winberry to Robert Sandman dated September 24, 2012.
7. Your e-mail to Robert Sandman dated September 24, 2012.

Copies of the above-referenced letters and email are attached for your reference. I have also reviewed various other background materials, project documents, and correspondence that are on file with the Placer County Community Development Resource Agency. These other documents include the respective projects' Conditions of Approval and environmental review documents.

#### **Background**

While your letters and correspondences state that the Martis Camp project is in violation of its Conditions of Approval regarding the use of access into The Retreat/Northstar development, I could not find where you identified which specific Condition(s) of Approval were allegedly being violated. On this basis, I have reviewed all Conditions of Approval for the Martis Camp project that have potential relevance or relationship to the access between Martis Camp and The Retreat.

The Martis Camp (formerly Siller Ranch) residential subdivision was approved by the Placer County Board of Supervisors in January 2005. As part of that project approval, the following Conditions of Approval address the connection between Martis Camp and The Retreat/Northstar development:

#### **ROADS/TRAILS**

27. *Construct the following road(s) to a Rural Secondary (Plate 3 LDM) standard: Siller Ranch Road, A Road (as shown on the Tentative Map), B Drive (as shown on the Tentative Map) from Siller Ranch Road to A Drive, and H Drive (as shown on the Tentative Map) from A Drive to Siller Ranch Road. All other on-site subdivision road(s) shall be constructed to a Rural Minor Residential (Plate 2*

*LDM) standard with 22 feet of pavement width (based on CDF and Truckee Fire Protection District requirements). The road(s) and storm drainage shall be maintained by the Homeowners Association. All subdivision streets, except Siller Ranch Road, shall be designed to meet 25 mph design speed criteria, as specified in the latest version of the Caltrans Highway Design Manual, unless otherwise approved by DPW. The roadway structural section(s) shall be designed for a Traffic Index of 5.5 (Ref. Section 4, LDM). (CR) (DPW)*

33. *mm 4.4.7b The project applicant shall provide an easement or other mechanism acceptable to the County to allow the use of Siller Ranch Road (from the project entrance at Schaffer Mill Road to K Street and along K Street through the emergency connection to Northstar-at-Tahoe) by local public transit service vehicles. Local public transit is defined as published transit service provided by Placer County through Tahoe Area Regional Transit or through a contract provider. Local transit service does not include private carriers such as charter companies and tour buses. The easement or other mechanism acceptable to the County shall include provisions regarding hours of operation, number of stops, and security issues. (DPW)*
39. *As part of the phase that creates Lots 148 and 149, construct an emergency access connection between Lots 148 and 149 to provide a connection through the putting course to Siller Ranch Road (as shown on the Tentative Map) to the satisfaction of the serving fire district and the DPW. (DPW)*

*As a part of the phase that creates Lots 242 and 243, construct an emergency access connection between Lots 242 and 243 to provide a connection to the adjacent Lahanton project to the satisfaction of the serving fire district and the DPW.*

*As a part of the phase that creates Lots 595 and 598, or before, construct an emergency access connection to the adjacent Northstar project to the satisfaction of the serving fire districts and the DPW.*

#### **GENERAL DEDICATIONS/EASEMENTS**

55. *Provide the following easements/dedications on the Improvement Plans and Final Map to the satisfaction of the DPW and DRC: (CR) (DPW)*
- A) *A 40-foot-wide private road and public utility easement (Ref. Chapter 16, formerly Chapter 19, Placer County Code) along all on-site subdivision roadways, except golf cottage roads in Lot 605. (CR) (DPW)*

**FIRE PROTECTION**

146. **mm 4.11.1.2a** *Unless otherwise agreed to by the appropriate district, prior to recordation of the first final map and approval of the improvement plans for the site, the project applicant shall submit these plans to the California Department of Forestry and Fire Protection (CDF) and the Truckee Fire Protection District (TFPD) for review and approval. The final map and improvement plans shall contain the following items, as appropriate: (SR) (CR) (DPW)*
- I) *Emergency access roads shall be designed and gated to meet District, County, and State standards unless exceptions are approved.*
  - K) *Emergency access into Northstar-at-Tahoe with direct access to Big Springs Drive shall be provided with Phase Five improvements.*
  - L) *A Knox box system, or equivalent, shall be provided at all gated entrances and emergency access roads to provide access to the fire district.*

The Retreat at Northstar residential subdivision was approved by the Placer County Planning Commission in February 2005. As part of that project approval, the following Conditions of Approval address the connection between Martis Camp and The Retreat at Northstar development:

**ROADS/TRAILS**

21. **mm** *Construct a public road entrance onto Big Springs Drive to a Major Plate 27-1, LDM standard. The design speed of Big Springs Drive shall be 30 mph, unless an alternate design speed is approved by the DPW. The improvements shall begin at the outside edge of any future lane(s) as directed by the DPW. An Encroachment Permit shall be obtained by the applicant or authorized agent from DPW. The Plate 27 structural section within the main roadway right-of-way shall be designed for a Traffic Index of 7.0, but said section shall not be less than 3" AC/8" Class 2 AB unless otherwise approved by the DPW.*
26. *Mill Site Road shall be constructed at a minimum to the west property line for a future emergency access / transit access road connection.*

**PUBLIC SERVICE**

35. *Create a County Service Area (CSA) Zone of Benefit or annex to an existing CSA Zone of Benefit, if appropriate. The CSA will be established concurrent with and on the Final Map. In the event that the CSA is abolished by the Board of Supervisors, or the CSA is otherwise not able to function, the Homeowners'*

*Association shall be responsible for all services previously provided by the CSA. Road maintenance and other services may be provided by the Northstar Community Services District, as approved by the DPW. The CSA, NCSD, or homeowners association shall provide the following services: (DFS)*

- A) *Snow removal (CR)*
- B) *Road maintenance (CR)*
- C) *Storm drainage maintenance for facilities located within public easements excluding structural stormwater quality enhancement facilities (BMP's). (CR/MM)*

**GENERAL DEDICATIONS/ EASEMENTS**

37. *Provide the following easements/dedications on the Improvement Plans and Final Map to the satisfaction of the DPW and DRC: (DPW)*

*A) Dedicate to Placer County a 40'-wide (minimum) highway easement (Ref. Chapter 16, Placer County Code) along Mill Site Road for road and utility purposes. Prior to accepting the dedication, the applicant shall form or annex into a CSA Zone of Benefit for road and drainage maintenance, snow removal, etc.*

*B) A 40'-wide (minimum) private road and public utility easement (Ref. Chapter 16, formerly Chapter 19, Placer County Code) along Cross Cut Court. (DPW)*

*C) An Irrevocable Offer of Dedication to Placer County for a 40'-wide (minimum) highway easement (Ref. Chapter 16, formerly Chapter 19, Placer County Code) along Cross Cut Court for road and utility purposes. Said road shall be privately maintained until such time as the County Board of Supervisors accepts the offer of dedication. (DPW)*

**Analysis**

There are multiple references in your correspondence to the Martis Valley Community Plan and limitations that may be imposed on roadway connections between Martis Camp and The Retreat subdivisions based upon language in the Community Plan. As you are aware, the Martis Valley Community Plan is a policy document to guide development within the Martis Valley area. This policy document is meant to inform decision-makers when reviewing specific development projects. When a development project is approved, and specific Conditions of Approval are approved for that development project, those Conditions of Approval (and not the Community Plan) become the primary guiding document for the implementation of that particular development project. The Community Plan remains relevant as part of the approval process, with applicable policies within the Community Plan taken into consideration with the approval of the development project.

Randall M. Faccinto  
November 1, 2012  
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In our review of the Transportation Section of the Martis Valley Community Plan, Placer County staff and I could find no goals, policies and implementation programs that addressed the roadway connection between the Martis Camp and The Retreat subdivisions. There is a statement within the Martis Valley Community Plan (under the Community Plan Transportation "Discussion" section on Page 72) that states:

*Schaffer Mill Road is classified as a collector road and will be the access to a majority of the large land holdings remaining within the 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 SR 267 warrant.*

It is important to note that, when the Martis Valley Community Plan was adopted in 2003, the Martis Camp residential subdivision had not yet been approved by the Board of Supervisors. Accordingly, Schaffer Mill Road terminated at what is now the northerly boundary of the Martis Camp subdivision, adjacent to the entrance to the Lahontan residential subdivision. At that time, the owners of the Martis Camp project were considering the development of private roadways within the Martis Camp project. Accordingly, language was included in the Martis Valley Community Plan to convey that there would be a roadway connection between the then-terminus of Schaffer Mill Road and Big Springs Drive, and this roadway connection would be available for emergency access and as a local transit route. This is in fact how the Martis Camp project was approved, and emergency access and future local transit easements have been retained. In my review of this language in the Martis Valley Community Plan, I can find no prohibition on traffic from Martis Camp utilizing the public roadways within The Retreat/Northstar development and, as noted above, there are no goals, policies or implementation programs in the Community Plan that address such a prohibition.

Because the Martis Camp project (January 2005) was approved prior to The Retreat project (February 2005), the County was aware that the Martis Camp project had been approved with private roadways. Accordingly, because The Retreat was being developed with public roadways, Condition 26 was included with The Retreat project to assure that an emergency access/transit road connection was provided between the public roadways in The Retreat and the private roadways in Martis Camp. As written, Retreat Condition 26 does not prohibit vehicles from Martis Camp to access the public roadways within The Retreat.

As noted in your correspondence, there appears to be ongoing confusion regarding the public status of the roadways within the Retreat at Northstar subdivision and the private status of roadways within the Martis Camp subdivision. To address this confusion, this letter also addresses the rights and privileges associated with the public use of Mill Site Road, as well as

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the rights, privileges and restrictions associated with the private roadways within the Martis Camp development.

With the development of The Retreat project, the owner/developer of the project – Trimont Land Company – offered certain easements for dedication, which were accepted by the Placer County Board of Supervisors on behalf of the public. Conditions 37A and 37C of the Tentative Subdivision Map for the project required the dedication of a 40-foot-wide highway easement to Placer County on Mill Site Road and Cross Cut Court, respectively. Upon the acceptance of the project as complete on December 8, 2008, the Board of Supervisors accepted Mill Site Road and Cross Cut Court into the County's Maintained Mileage System. For the County's purposes, that acceptance in the Maintained Mileage System creates a road that is open to the general public for the use of legally registered vehicles, pedestrians and other non-motorized transportation.

In contrast to the public roadways included with The Retreat at Northstar subdivision, the Martis Camp development was approved with a private roadway system – there are currently no County-maintained roadways within the Martis Camp development (including the entire length of Schaffer Mill Road from its intersection with State Route 267). While the plans approved for the Martis Camp project reserved for the County ingress and egress rights over Schaffer Mill Road for emergency access and transit service, the County is not aware of any restrictions that prohibits the residents of Martis Camp from utilizing the public roadways (i.e., Mill Site Road) that abut the Martis Camp development.

On Page 2 of your Memorandum attachment to your May 1, 2012 letter, you state:

"The Martis Camp Map/CUP does not authorize any road connection between the two subdivisions at this location, except for emergency access and public transit use. Use of that connection for a public road, as an inter-project private road access for Martis Camp owners, was not a part of the DMB Martis Camp project proposal, or the Retreat developer's (Trimont Land Company) proposal for its project. No plan for a public or private road connection at this point was brought before the Planning Commission or Board of Supervisors of Placer County, nor was it included in the CEQA required environmental impact review for either project, and for that reason a public or private road connection was and is not authorized by either project's approvals. In fact, in granting the Martis Camp approvals, the County expressly stated that use of the road connection for anything other than emergency or transit use would require additional County approval and subsequent environmental review."

As shown in the Conditions of Approval listed above for both the Martis Camp and The Retreat projects, there is no exclusive language that prohibits vehicles from Martis Camp from utilizing the public roadways within The Retreat residential subdivision. Each project requires the

Randall M. Faccinto  
November 1, 2012  
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provision of an emergency access and future public transit connection, but staff can find no language that prohibits the public use of public roadways within The Retreat residential development.

The County disagrees with your contention that "No plan for a public or private road connection at this point was brought before the Planning Commission or Board of Supervisors of Placer County, nor was it included in the CEQA required environmental impact review for either project, and for that reason a public or private road connection was and is not authorized by either project's approvals." Contrary to your last sentence in the referenced paragraph, County staff can find no reference in the Conditions of Approval, for either the Martis Camp or The Retreat project, that expressly precludes the use of the roadway connection for uses other than emergency or transit use.

On Page 2 of your Memorandum attachment to your May 1, 2012 letter, you also state that "the Martis Camp Map/CUP conditions of approval require a gate limiting use of the connection for emergency access to be installed and that it have a Knox Box key system. . . ". In fact, the subject Condition of Approval (Condition 146, addressing "Fire Protection" issues) is not requiring that a gate be constructed, but rather if a gate is constructed on any emergency access roads, the emergency access roadway and gate needs to be designed to meet Fire District, County, and State standards (unless exceptions are approved).

I did not locate in your correspondence any specifics as to how the CEQA analysis prepared for both The Retreat and Martis Camp projects are not adequate to address traffic generation associated with the respective projects. Further, the time for commenting on or challenging the CEQA determinations for those projects has long since passed. The usage of public roadways of which your correspondence complains arises not from a County action, or the County's approval of an action requiring a permit, but rather from the access rights pertaining to land abutting private roadways. There is no "current" project for purposes of CEQA analysis.

Based upon my analysis of both The Retreat and Martis Camp projects, I do not agree with your clients' contention that the Martis Camp subdivision is not in conformance with its Conditions of Approval. Further, my review has concluded the County did in fact follow and comply with the requirements of the California Environmental Quality Act and the County's Environmental Review Ordinance as well as the Subdivision Map Act and the County's Subdivision Ordinance in its processing and approval of the discretionary land use entitlements for both the Martis Camp and The Retreat at Northstar projects.

Randall M. Faccinto  
November 1, 2012  
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On this basis, I have concluded that the Martis Camp residential development project is not in violation of any of its Conditions of Approval. As a result, no Code Enforcement action on the part of the County is warranted or required. Accordingly, no Code Enforcement action will be commenced.

This letter constitutes the final action of the County of Placer in this matter. No further appeal may be taken.

Sincerely,



MICHAEL J. JOHNSON, AICP  
Agency Director

Attachments:

1. Letter from Michael Johnson to Thomas S. Archer, dated December 12, 2011
2. Letter and Memorandum from Randall M. Faccinto to Robert Sandman, dated May 1, 2012
3. Letter and Memorandum from Lanny Winberry to Robert Sandman, dated July 24, 2012
4. Letter from Northstar Property Owners Association to Placer County Board of Supervisors Chairwoman Jennifer Montgomery, dated August 21, 2012
5. Letter and Memorandum from Randall M. Faccinto to Robert Sandman, dated August 23, 2012
6. Letter from Lanny Winberry to Robert Sandman, dated September 14, 2012
7. E-mail from Randall M. Faccinto to Robert Sandman, dated September 24, 2012



**CONDITIONS OF APPROVAL - VESTING TENTATIVE MAP  
"THE RETREAT AT NORTHSTAR " (PSUBT20040814)**

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***THE FOLLOWING CONDITIONS SHALL BE SATISFIED BY THE APPLICANT, OR AN AUTHORIZED AGENT. THE SATISFACTORY COMPLETION OF THESE REQUIREMENTS SHALL BE DETERMINED BY THE DEVELOPMENT REVIEW COMMITTEE (DRC), COUNTY SURVEYOR, AND/OR THE PLANNING COMMISSION.***

1. This Vesting Tentative Map authorizes the development of 18 building sites with two common area open space lots, called "The Retreat at Northstar".  
Also approved is the development of one ski trail to access the subdivision and water lines to serve the development.
  
2. The following Sample Condition #'s: ip3, ip7, ip12(mm), ip15(mm), ip20, ip21, ip23(mm), ip24, ip25, ip26, ip27, ip29, ip30; g7(mm); rt12, rt13; ps5; mc7, mc9, mc10, and ep1, apply to this project as printed in Volume 7, Number 1, dated July 2004 as listed in this conditions A) thru U) below:
  - A)ip3 Staging Areas: Stockpiling and/or vehicle staging areas shall be identified on the Improvement Plans and located as far as practical from existing dwellings and protected resources in the area. **(MM)** (DPW)
  - B)ip7 The connection of each existing residence within this project to public sanitary sewers is required, shall be shown on the Improvement Plans, and shall be included in the engineer's estimate of costs for subdivision improvements. Note: Hook-up fees are not to be included in the Engineer's Estimate. **(EHS/DPW)**
  - C)ip12 Storm water run-off shall be reduced to pre-project conditions through the installation of retention/detention facilities. Retention/detention facilities shall be designed in accordance with the requirements of the Placer County Storm Water Management Manual that are in effect at the time of submittal, and to the satisfaction of DPW. The DPW may, after review of the project drainage report, delete this requirement if it is determined that drainage conditions do not warrant installation of this type of facility. In the event on-site detention requirements are waived, this project may be subject to payment of any in-lieu fees prescribed by County Ordinance. No retention/detention facility construction shall be permitted within any identified wetlands area, floodplain, or right-of-way, except as authorized by project approvals. **(MM)** (DPW)

**FEBRUARY 2005**

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D)ip15 **ADVISORY COMMENT:** This project is subject to construction-related storm water permit requirements of the Federal Clean Water Act National Pollutant Discharge Elimination System (NPDES) program. Any required permits shall be obtained through the State Regional Water Quality Control Board or EPA. (MM) (DPW)

E)ip20 Provide the DPW with a letter from the appropriate fire protection district describing conditions under which service will be provided to this project. Said letter shall be provided prior to the approval of Improvement Plans, and a fire protection district representative's signature shall be provided on the plans. (MM) (DPW)

F)ip21 Extend a pressurized water system into the subdivision to County (Section 7 of the LDM) or fire district standards, whichever are greater. (DPW)

G)ip23 Submit to DPW, for review and approval, a geotechnical engineering report produced by a California Registered Civil Engineer or Geotechnical Engineer. The report shall address and make recommendations on the following:

- A) Road, pavement, and parking area design
- B) Structural foundations, including retaining wall design (if applicable)
- C) Grading practices
- D) Erosion/winterization
- E) Special problems discovered on-site, (*i.e.*, groundwater, expansive/unstable soils, etc.)
- F) Slope stability

Once approved by the DPW, two copies of the final report shall be provided to the DPW and one copy to the Building Department for their use. If the soils report indicates the presence of critically expansive or other soils problems which, if not corrected, could lead to structural defects, a certification of completion of the requirements of the soils report will be required for subdivisions, prior to issuance of Building Permits. This certification may be completed on a Lot by Lot basis or on a Tract basis. This shall be so noted in the CC&Rs and on the Informational Sheet filed with the Final Map(s). It is the responsibility of the developer to provide for engineering inspection and certification that earthwork has been performed in conformity with recommendations contained in the report. (MM) (DPW)

H)ip24 The Improvement Plans shall be approved by the water supply entity for water service, supply, and maintenance. The water supply entity shall submit to the Departments of Environmental Health Services and Public Works a "will-serve" letter or a "letter of availability" from the water district indicating that the agency has the ability and system capacity to provide the project's domestic and fire protection water quantity needs. (DPW/EHS)

I)ip25 An agreement shall be entered into between the developer and the utility companies specifically listing the party(ies) responsible for performance and financing of each segment of work relating to the utility installation. A copy of this agreement or a letter from the utilities stating such agreement has been made shall be submitted to the DPW prior to the filing of the Final Map(s). Under certain circumstances,

the telephone company may not require any agreement or financial arrangements be made for the installation of underground facilities. If so, a letter shall be submitted which includes the statement that no agreement or financial arrangements are required for this development. (DPW)

J)ip26 Install cable TV conduit(s) in accordance with company or County specifications, whichever are appropriate. (DPW)

K)ip27 Submit, for review and approval, a striping and signing plan with the project Improvement Plans. The plan shall include all on- and off-site traffic control devices and shall be reviewed by the County Traffic Engineer. A construction signing plan shall also be provided with the Improvement Plans for review and approval by the County Traffic Engineer. (DPW)

L)ip29 Prior to Improvement Plan approval, provide the DPW with permits/comments from TRPA and/or Lahontan Regional Water Quality Control Board indicating their approval. (MM)(DPW)

M)ip30 Prior to Improvement Plan approval, the applicant shall submit an engineer's estimate detailing costs for facilities to be constructed with the project which are intended to be County-owned or maintained. County policy requires the applicant prepare their cost estimate(s) in a format that is consistent with the Governmental Accounting Standards Board, 34th Standard (GASB 34). The engineer preparing the estimate shall use unit prices approved by the DPW for line items within the estimate. The estimate shall be in a format approved by the County and shall be consistent with the guidelines of GASB 34. (DPW)

N)g7If blasting is required for the installation of site improvements, the developer will comply with applicable County Ordinances that relate to blasting and use only State licensed contractors to conduct these operations. (DPW)

O)rt12 Roadway improvements, constructed with each project phase, shall include adequate vehicular turn-around improvements (cul-de-sac or hammerhead) and easements as required by DPW. As each road is extended into other project phases, these turn-around improvements shall be removed or modified as required. (DPW)

P)rt13 Provide school bus/transit turnout(s) to the satisfaction of the California Highway Patrol, local busing provider, and the DPW. A letter shall be provided from the CHP and local busing provider which addresses the need for a turnout and the turnout design (if required) and the turnout shall be as shown on the project Improvement Plans prior to their approval. (DPW)

Q)ps5 Prior to the approval of the Improvement Plans, confer with local postal authorities to determine requirements for locations of cluster mailboxes, if required. The applicant shall provide a letter to DRC from the postal authorities stating their satisfaction with the development road names and box locations, or a release from the necessity of providing cluster mailboxes prior to Improvement Plan approval. If clustering or special locations are specified, easements, concrete bases, or other mapped provisions

shall be included in the development area and required improvements shall be shown on project Improvement Plans. (DPW)

R)mc7 This map designates a remainder. Pursuant to Government Code, Section 66424.6 the remainder is not being created for the purpose of sale, lease, or financing. Prior to any sale thereof, the owner shall comply with the applicable provisions of Government Code, Section 66424.6. The Placer County standard "remainder note" must appear on the face of the recorded subdivision map. (DPW)

S)mc9 This project is located within a "State Responsibility Area" and, as such, is subject to fire protection regulations established by the State Board of Forestry. Compliance with these regulations shall be evidenced by submittal of a letter from California Department of Forestry (CDF) to the Department of Public Works prior to Improvement Plan approval. CC&Rs shall include notification to future lot owners that said regulations include provisions applicable to residential construction. (DPW)

T)mc10 During project construction, staking shall be provided pursuant to Section 5-1.07 of the County General Specifications. (DPW)

U)ep1 The applicant shall prepare and submit to the Department of Public Works (DPW), a Final Subdivision Map which is in substantial conformance to the approved Tentative Map in accordance with Chapter 16 (formerly Chapter 19) of the Placer County Code; pay all current map check and filing fees. (DPW)

3. Following Tentative Map approval, but before submittal of Improvement Plans, the applicant shall provide the Planning Department with 5 full-size blue-line prints of the approved Tentative Map.

## IMPROVEMENT PLANS

4. **MM 4.1.1c** The project applicant shall prepare construction specifications that require the construction contractor to limit the hours of construction activities, as follows:

A) Construction activities shall be limited to the hours of 7 A.M. to 8 P.M. weekdays, and 9 A.M. to 7 P.M. Saturdays. Construction activities on Sundays shall be prohibited, unless an exception is granted by the Placer County Planning Department.

5. **MM 4.5.1a** The project applicant shall prepare construction specifications that require the construction contractor to implement various noise reduction measures during construction. The construction specifications shall be submitted to the County for review and approval prior to approval of the Improvement Plans. The construction specification shall include the following measures:

- A) Locate fixed construction equipment such as compressors and generators as far as feasibly possible from sensitive receptors. Muffle or shield all intake and exhaust ports on power construction equipment.
- B) All construction equipment using internal combustion engines shall be in proper tune.
- C) All construction equipment used for intersection improvement activities shall have factory installed muffler systems.

6. **mm** The applicant shall prepare and submit Improvement Plans, specifications and cost estimates (per the requirements of Section II of the Land Development Manual [LDM] that are in effect at the time of submittal) to the DPW for review and approval. The plans shall show all conditions for the project as well as pertinent topographical features both on- and off-site. All existing and proposed utilities and easements, on-site and adjacent to the project, which may be affected by planned construction, shall be shown on the plans. All landscaping and irrigation facilities within the public right-of-way (or public easements), or landscaping within sight distance areas at intersections, shall be included in the Improvement Plans. The applicant shall pay plan check and inspection fees. (NOTE: Prior to plan approval, all applicable recording and reproduction cost shall be paid). The cost of the above-noted landscape and irrigation facilities shall be included in the estimates used to determine these fees. It is the applicant's responsibility to obtain all required agency signatures on the plans and to secure department approvals. If the Design/Site Review process and/or DRC review is required as a condition of approval for the project, said review process shall be completed prior to submittal of Improvement Plans. Record drawings shall be prepared and signed by a California Registered Civil Engineer at the applicant's expense and shall be submitted to the DPW prior to acceptance by the County of site improvements.

**ADVISORY COMMENT:** Conceptual landscape plans submitted prior to project approval may require modification during the Improvement Plan process to resolve issues of drainage and traffic safety. (MM) (DPW)

**ADVISORY COMMENT:** Technical review of the Final Map may not commence until the Improvement Plans are approved by the DPW. The applicant shall provide 5 copies of the approved Tentative Map and 2 copies of the approved conditions with the plan check application. After the 1<sup>st</sup> Improvement Plan submittal and review by the DPW, the applicant may submit the Final Map to the DPW. (MM)(DPW)

7. **mm** All proposed grading, drainage improvements, vegetation and tree removal shall be shown on the Improvement Plans and all work shall conform to provisions of the

County Grading Ordinance (Ref. Article 15.48, formerly Chapter 29), Placer County Code) that are in effect at the time of submittal. No grading, clearing, or tree disturbance (except per a current Timber Harvest Plan) shall occur until the Improvement Plans are approved and all temporary construction fencing has been installed and inspected by a member of the DRC. All cut/fill slopes shall be at 2:1 (horizontal:vertical) unless a soils report supports a steeper slope and DPW concurs with said recommendation.

The applicant shall revegetate all disturbed areas. Revegetation undertaken from April 1 to October 1 shall include regular watering to ensure adequate growth. A winterization plan shall be provided with project Improvement Plans. It is the applicant's responsibility to assure proper installation and maintenance of erosion control/winterization during project construction. Where soil stockpiling or borrow areas are to remain for more than one construction season, proper erosion control measures shall be applied as specified in the Improvement Plans/Grading Plans. Provide for erosion control where roadside drainage is off of the pavement, to the satisfaction of the DPW.

Submit to the DPW a letter of credit or cash deposit in the amount of 110% of an approved engineer's estimate for winterization and permanent erosion control work prior to Improvement Plan approval to guarantee protection against erosion and improper grading practices. Upon the County's acceptance of improvements, and satisfactory completion of a one-year maintenance period, unused portions of said deposit shall be refunded to the project applicant or authorized agent.

If, at any time during construction, a field review by County personnel indicates a significant deviation from the proposed grading shown on the Improvement Plans, specifically with regard to slope heights, slope ratios, erosion control, winterization, tree disturbance, and/or pad elevations and configurations, the plans shall be reviewed by the DRC/DPW for a determination of substantial conformance to the project approvals prior to any further work proceeding. Failure of the DRC/DPW to make a determination of substantial conformance may serve as grounds for the revocation/modification of the project approval by the appropriate hearing body. (MM) (DPW)

8. **mm** Prepare and submit with the project Improvement Plans, a drainage report in conformance with the requirements of Section 5 of the LDM and the Placer County Storm Water Management Manual that are in effect at the time of submittal, to the DPW for review and approval. The report shall be prepared by a Registered Civil Engineer and shall, at a minimum, include: A written text addressing existing conditions, the effects of the improvements, all appropriate calculations, a watershed map, increases in downstream flows, proposed on- and off-site improvements and drainage easements to

accommodate flows from this project. The report shall address storm drainage during construction and thereafter and shall propose "Best Management Practice" (BMP) measures to reduce erosion, water quality degradation, etc. Said BMP measures for this project shall include: Minimizing drainage concentration from impervious surfaces, construction management techniques, erosion protection at culvert outfall locations. (DPW)

9. The following off-site drainage facilities shall be evaluated in the drainage report for condition and capacity and shall be upgraded, replaced, or mitigated as specified by DPW:
  - A) The drainage bypass facility at the northwest corner of the project site. (DPW)
10. **mm** Storm drainage from on-and off-site impervious surfaces (including roads) shall be collected and routed through specially designed water quality treatment facilities (BMPs such as those currently proposed in the project's Special Environmental Provisions 4.7-B, 4.7-C, 4.7-D, 4.7-E and 4.7-F of the EIR) for removal of pollutants of concern (e.g. sediment, oil/grease, etc.), as approved by DPW. With the Improvement Plans, the applicant shall verify that proposed BMPs are appropriate to treat the pollutants of concern from this project. Maintenance of these facilities shall be provided by the project owners/permittees or its successors in interest (such as a Property Owners' Association or Northstar Community Services District), unless, and until, a County Service Area is created and said facilities are accepted by the County for maintenance. Prior to Improvement Plan or Final Map approval, easements shall be created and offered for dedication to the County for maintenance and access to these facilities in anticipation of possible County maintenance. No water quality facility construction shall be permitted within any identified wetlands area, floodplain, or right-of-way, except as authorized by project approvals. (DPW)
11. **mm** Water quality treatment facilities (BMPs) shall be designed according to the California Stormwater Quality Association Stormwater Best Management Practice Handbooks for Construction and for New Development / Redevelopment (or other similar source as approved by the DPW). Storm water drainage management, BMPs and water quality control features shall be identified for construction staging areas in addition to areas to be developed. (DPW)
12. **mm** Snow storage areas shall be located outside of areas that drain directly into tributaries. Snow storage areas shall be designed to drain through water quality treatment facilities. (DPW)
13. **mm** All related underground and surface drainage systems must be addressed in order to ensure full integration of areas that will generate runoff. These areas will include

cut/fill slopes, streets, up gradient off site source areas, and impervious landscaping areas. Seepage from underground sources must also be addressed. (DPW)

14. **mm** Prior to commencement of any construction or demolition activities requiring lane reductions on Big Springs Drive, the project applicant shall perform the following tasks to the satisfaction of the Placer County Planning and Public Works Departments: **(DPW)**
  - A) Provide written notice to property owners along affected roadways one (1) week prior to activities requiring lane reductions.
  - B) Ensure public safety by clearly marking and securing roadway construction areas.
  - C) Contact Sheriff's office, servicing Northstar Fire Department, California Highway Patrol, ambulance service, and Department of Public Works 48 hours prior to any lane closure.
  - D) Obtain approval of Improvement Plans from the Department of Public Works for the lane reduction on Big Springs Drive.
15. **mm** During construction activities, the project applicant shall limit the amount of daily construction equipment traffic by staging construction equipment and vehicles on the project site at the end of each workday rather than removing them. (DPW)
16. **mm** A clear demarcation of construction areas, including fencing, temporary walls, signage, protective barriers, security provisions for public safety shall be noted in the project Improvement Plans and shall be located as far as practical from existing dwellings and protected resources in the area to the satisfaction of the County. These public safety protection features shall be in place prior to the onset of construction. (DPW)
17. **mm** Prior to approval of the Improvement Plans, the project applicant shall provide a traffic control plan for the intersection improvements with Big Springs Drive and potential widening of Big Springs Drive that ensures safety of pedestrians, cyclists, and vehicle traffic to the satisfaction of the Department of Public Works. (DPW)

## GRADING

18. **mm** Grading activities shall be prohibited during the winter months (October 15th to May 1st), unless approved by the County and the Lahontan Regional Water Quality Control Board. Exposed graded areas shall be protected during the winter months using appropriate methods. (DPW)
19. **mm** The final geotechnical engineering report shall incorporate the following measures:

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A) Subsurface soils samples shall be collected and appropriate geotechnical analytical work on these samples must be completed in order to adequately define the characteristics of underlying materials.

B) Field investigations, sampling and laboratory testing of samples will assist geotechnical evaluations of subsurface materials in areas where other types of improvements are proposed. The bearing capacities of earth materials beneath roadways and buildings will be required for adequate foundation design. Where unsuitable materials prone to expansion or consolidation are located, these materials may be conditioned or removed and replaced with materials more suitable for future structures.

C) The project applicant shall include engineering details and methods to be incorporated into project improvement plans that ensure stable slope conditions on the site during and after construction. No slopes, either fill or cut slope, will be steeper than 2:1 (horizontal to vertical) unless otherwise approved by the Placer County Department of Public Works.

D) All grading shall be designed to implement project BMPs.

E) All structural improvements (footings, concrete slabs-on-grade, and asphalt pavement) shall be separated from groundwater by at least 2 feet. If groundwater is encountered, dewatering can be accomplished by the installation of intercepting subsurface drains and bedding utilities in drain rock, and edge drains shall be constructed along pavement sections which will be located at a low point.

F) If structures, concrete flatwork, pavement, utilities or other improvements are to be located in the vicinity of any of the test pits, the backfill shall be removed and recompacted in accordance with the requirements contained in the soils report.

G) All soil areas to receive structural fill or structural loading shall be densified to a minimum of 90 percent relative compaction. The final surface shall be smooth, firm and exhibit no signs of deflection. Native granular soils and excavated bedrock are suitable for structural fill provided particles are smaller than 8 inches.

H) If retaining walls or road cuts are proposed, they shall be designed to ensure slope stability and in compliance with all applicable grading ordinances. Such slope shall be reviewed by the Placer County Department of Public Works (DPW), shown on the improvement plans and constructed only

if approved by DPW. Rockery armored slopes shall not exceed a slope of 1:1, and shall be constructed by a qualified and experienced contractor in a battered configuration. Rockery walls shall be designed and constructed to the specifications of a licensed geotechnical engineer.

## ROADS AND TRAILS

20. Construct subdivision road(s) on-site to a Rural Minor (Plate 2 LDM) standard. All subdivision streets shall be designed to meet 25 mph design speed criteria, as specified in the latest version of the Caltrans *Highway Design Manual* unless otherwise approved by DPW. The first curve on Mill Site Road from the intersection with Big Springs Drive and the first curve on Cross Cut Court from the intersection with Mill Site Road shall be designed to a minimum of 15 mph but the final design should incorporate design features (i.e. superelevation) that would achieve the highest design speed practical. The roadway structural section(s) for Mill Site Road and Cross Cut Court shall be designed for a Traffic Index of 7.0 and 5.5 respectively (Ref. Section 4, LDM). (DPW)

21. **mm** Construct a public road entrance onto Big Springs Drive to a Major Plate 27-1, LDM standard. The design speed of Big Springs Drive shall be 30 mph, unless an alternate design speed is approved by the DPW. The improvements shall begin at the outside edge of any future lane(s) as directed by the DPW. An Encroachment Permit shall be obtained by the applicant or authorized agent from DPW. The Plate 27 structural section within the main roadway right-of-way shall be designed for a Traffic Index of 7.0, but said section shall not be less than 3" AC/8" Class 2 AB unless otherwise approved by the DPW.

Sight distance for 30 mph shall be met for the road encroachment onto Big Springs Drive as defined on Placer County Plate 27 Standard. No grading is allowed outside the County right-of-way in order to achieve the sight distance. (DPW)

22. Construct one-half of a 24' road section where the project fronts Big Springs Drive, as measured from the existing centerline thereof or as directed by DPW. Additional widening and/or reconstruction may be required to improve existing structural deficiencies, accommodate auxiliary lanes, intersection geometrics, signalization, bikelanes, or for conformance to existing improvements. The roadway structural section shall be designed for a Traffic Index of 7.0, but said section shall not be less than 3" AC/8" Class 2 AB unless otherwise approved by DPW. (DPW)

23. Prior to Improvement Plan approval, the applicant shall provide an in-lieu cash payment (cash, CD, or LOC) for future improvements to Big Springs Drive. The in-lieu payment shall be 120% of an approved engineers estimate for additional improvements to

widen Big Springs Drive from 24' to the Rural Secondary (Plate 3 LDM) standard (32' wide). The improvements to Big Springs Drive for the Plate 3-road section shall be shown on the improvement plans. (DPW)

24. Lots where subdivision roadway cuts/fills exceed four feet in vertical height (as measured from finished road grade at the point of access) or driveway grades would exceed 12 percent at any reasonable access location specific development standards for the lots shall be established for inclusion in the development notebook and with appropriate CC&R restrictions and notification to the satisfaction of the DRC. Said driveways shall have a paved width of not less than 10 feet, a minimum structural section of 2 inches AC/4 inches AB, and shall extend from the roadway edge not less than 50 feet into the lot, or as deemed appropriate by the DPW. These driveways shall be constructed such that the slope between the street and building site does not exceed 16 percent, or as otherwise approved by the servicing fire district and the DPW. (DPW)
25. Proposed road names shall be submitted to the DPW Addressing Division (530-889-7530) for review and shall be approved by the DPW prior to Improvement Plan approval. (DPW)
26. Mill Site Road shall be constructed at a minimum to the west property line for a future emergency access / transit access road connection.
27. Prior to final map approval, the project applicant shall pay its fair share (0.6 percent as identified in Mitigation Measure MM 4.4.7) to the construction of a traffic signal at the SR 267/Northstar Drive intersection. Should Caltrans not approve the signalization, the applicant shall provide p.m. peak hour traffic control for the duration of the construction activities. If a signal is not provided prior to commencement of construction, traffic control shall be provided between 3:30 p.m. and 6:30 p.m. Monday through Friday and from 3:30 p.m. to 5:30 p.m. on Saturday. In addition, construction traffic shall be prohibited during peak winter skier traffic periods. Specifically, construction traffic shall not be allowed to occur from 7:00 a.m. to 9:30 a.m. and 3:30 p.m. to 6:00 p.m. on peak holiday weekends and any peak skier days that occur from Christmas through President's Day weekend. (DPW)
28. Prior to final Map approval, the project applicant shall pay 0.6 percent of the improvements identified in the Comprehensive Traffic Monitoring and Reporting Program. (DPW)
29. Prior to final map approval, the project applicant shall pay its fair share (0.6 percent) of providing an eastbound left-turn lane and northbound through lane at the SR

267/Northstar Drive intersection. In addition, prior to final map approval, the project applicant shall pay 0.8 percent of the cost of widening Northstar Drive. The extent of widening required will be determined by the County Department of Public Works. (DPW)

30. The applicant shall continue to implement their Parking Management Plan and provision of transit services to facilitate circulation and operational efficiency of traffic. (DPW)

31. Equestrian/Pedestrian Trails: The Improvement Plans shall provide details of the location and specifications of all proposed equestrian/pedestrian trails -- for the review and approval of the DRC and Parks Division. Said trails shall be installed prior to the County's acceptance of the subdivision's improvements, and all easements shall be shown on the Final Map. (PD/DFS)

32. Public multi-use trails shall be provided in conjunction with the project as follows:  
A) A minimum 15'-wide (or as otherwise approved by the Parks Division) public multi-use trail easement, as conceptually shown on the Tentative Map and approved by the DRC, in consultation with the Parks Division shall be provided. The trail shall be constructed to the following standards, unless otherwise approved by the Parks Division: A trail tread, drainage appurtenances, clearing, seeding, and planting as necessary for erosion control. Tread width shall be a minimum of 6' (outslope at 1/2" per foot). Tread shall be rough graded. Clearing should be 10' above ground, and 1' on each side of the trail tread. Excessive clearing is undesirable. Occasionally widen the cleared area to allow for passing. Water must be diverted from the trail's surface before it builds up to erosive force. To divert water, use outslopes, grade dips, water bars, and lead ditches, in conjunction with inslopes or culverts.

The crossing of any wetland areas shall also be reviewed and approved by the DRC, Parks Division, and the Department of Fish and Game, and shall be bridged to provide public safety while preserving the existing wetlands habitat. (DPW/PD/DFS)

33. Dedicate to Placer County a minimum 15'-wide public multi-use trail easement, as shown on the Tentative Map.

#### **PUBLIC SERVICE**

34. Provide to DRC "will-serve" letters from the following public service providers prior to Improvement Plan and Final Map approvals, as required:

- A) Sierra Pacific Power Company
- B) Southwest Gas Corporation
- C) Northstar CSD
- D) SBC
- E) Tahoe-Truckee Unified School District (TTUSD)

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- F) Placer County Sheriff's Office
- G) California Department of Forestry
- H) Tahoe - Truckee Sanitation Agency
- I) Refuse Collection Compay

If such "will serve" letters were obtained as a part of the environmental review process, and are still valid, they shall not be required again. (DPW)

35. Create a County Service Area (CSA) Zone of Benefit or annex to an existing CSA Zone of Benefit, if appropriate. The CSA will be established concurrent with and on the Final Map. In the event that the CSA is abolished by the Board of Supervisors, or the CSA is otherwise not able to function, the Homeowners' Association shall be responsible for all services previously provided by the CSA. Road maintenance and other services may be provided by the Northstar Community Services District, as approved by the DPW. The CSA, NCSD, or homeowners association shall provide the following services: (DFS)

- A) Snow removal (CR)
- B) Road maintenance (CR)
- C) Storm drainage maintenance for facilities located within public easements excluding structural stormwater quality enhancement facilities (BMP's). (CR/MM)
- D) **ADVISORY COMMENT:** Maintenance of detention facilities by the homeowners' association will be required. Further, the homeowners association proposes to and shall contribute and be responsible for an amount equal to one half of the annual inspection and maintenance costs associated with the storm water detention basin on Northstar Properties Owners Association property immediately uphill of the subdivision and this responsibility shall be formalized and recorded in the subdivision's CC&R's

36. **MM 4.11.1.1** The project shall be required to meet the following requirements established by State and local laws and regulations, as well as measures required by NCSD:

- A) Timber harvesting hours of operation shall occur when fuel moisture is high and temperatures are cooler.
- B) All construction equipment shall be fitted with spark arresters to reduce fire potential.

C) Equipment shall not be in operation if conditions are not appropriate (i.e., pre-heated fuels, low fuel moisture content, and up-canyon winds in the afternoon, which increase the likelihood of fire).

D) A fuel modification program consisting of a "shaded" fuel break of a size required by the California Department of Forestry and Fire Protection shall be required along the rear lot lines of lots located along the exterior boundary of the subdivision and shall include the removal of all "non-live" vegetation up to six feet off the ground and the taking down of all understory grasses. The shaded fuel break shall be implemented up to the applicant's property line unless otherwise directed and permitted by law. A fuelbreak easement shall be deeded to the Northstar Property Owner's Association or others. The fuelbreak shall be maintained by the Northstar Property Owner's Association or others.

E) Structures shall meet all applicable requirements of the California State Fire Marshall Title 19, California Code of Regulations Title 24 and 25, 1997 Uniform Fire Code, and Placer County Building Code.

F) Class A fire retardant roofing materials shall be installed.

G) Structures shall be provided with an approved monitored smoke detection system.

H) Adequate fire flow shall be provided within the project as required by the Northstar Fire Department.

A minimum of 1,500 gallons per minute for two hours and a minimum 20-pound per square inch residual fire flow will be required.

#### **GENERAL DEDICATIONS/ EASEMENTS**

37. Provide the following easements/dedications on the Improvement Plans and Final Map to the satisfaction of the DPW and DRC: (DPW)

A) Dedicate to Placer County a 40'-wide (minimum) highway easement (Ref. Chapter 16, Placer County Code) along Mill Site Road for road and utility purposes. Prior to accepting the dedication, the applicant shall form or annex into a CSA Zone of Benefit for road and drainage maintenance, snow removal, etc.

B) A 40'-wide (minimum) private road and public utility easement (Ref. Chapter 16, formerly Chapter 19, Placer County Code) along Cross Cut Court. (DPW)

C) An Irrevocable Offer of Dedication to Placer County for a 40'-wide (minimum) highway easement (Ref. Chapter 16, formerly Chapter 19, Placer County Code) along Cross Cut Court for road and utility purposes. Said road shall be privately maintained until such time as the County Board of Supervisors accepts the offer of dedication. (DPW)

D) Dedicate 12.5' multi-purpose easements adjacent to all highway easements, unless all the serving utilities provide written confirmation that other acceptable easements have been provided to their satisfaction. (DPW)

E) Slope easements for cuts and fills outside the highway easement. (DPW)

F) Drainage easements as appropriate. (DPW)

G) An emergency access easement across Mill Site Road from Big Springs Drive to the west property line. The width shall be equal to the right-of-way required. (DPW)

H) Snow storage easement 30' in width adjacent to the Mill Site Road and Big Springs Drive right-of-way. (DPW)

I) An Irrevocable Offer of Dedication for snow storage easements 30' in width adjacent to Cross Cut Court. (DPW)

J) **ADVISORY COMMENT:** Maintenance of detention facilities by the homeowners' association will be required.

## VEGETATION

38. If the property has been logged within six years prior to the hearing date of the Tentative Map, the applicant shall provide DRC with a letter from the California Department of Forestry stating that all requirements of the Z'Berg-Nejedly Forest Practices Act have been met to the satisfaction of the California Department of Forestry. (SR/CR) (PD)

## CULTURAL RESOURCES

39. **MM 4.10.1a** The project applicant shall submit a map of the proposed Retreat Subdivision illustrating those portions of the project area covered by previous and current archaeological investigations and the location of any cultural resources to verify the conclusion that no cultural resources were identified within the proposed subdivision boundaries.
40. **MM 4.10.1b** In the event of accidental discovery of prehistoric and/or historic resources during any project related activities, the project applicant shall halt all construction activities and notify the County regarding the discovery. A qualified archaeologist approved by the County shall be contracted to determine if the resource is significant and to determine appropriate mitigation. Any artifacts uncovered shall be recorded and removed to a location to be determined by the archaeologist. The discovery of human remains shall also be reported to the County Coroner and the Native American Commission for further investigation. If the

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remains are determined to be Native American, the Native American Heritage Commission shall inform the most likely descendent and shall determine the appropriate disposition of the remains and grave goods. The requirements of this mitigation measure shall be noted on all construction plans.

## EMPLOYEE HOUSING

41. The project applicant shall mitigate potential impacts on the availability of employee affordable housing through compliance with the Placer County General Plan and Martis Valley Community Plan policies requiring new development in the Sierra region to house 50 per cent of the new employees generated by the project. In this case, the applicant and/or its affiliates shall construct or provide housing to accommodate 3 employees in any housing type or combination of housing types, including but not limited to dormitory housing, apartments, duplexes, or single-family dwellings or shall otherwise meet the employee housing requirement as permittee and authorized by Placer County ordinances. Such housing shall be constructed in the Tahoe-Sierra portion of Placer County. The number of units required will be based on an assumed accommodation of one employee per studio, two employees per one bedroom unit, and one additional employee for each additional bedroom, and employee generation numbers as depicted below.

Should some other type of housing be proposed, such as dormitory style housing (i.e. the Sawmill Heights Employee Housing project), the County shall determine an appropriate employee accommodation rate for the housing type proposed.

The employee housing requirement has been calculated as follows:

$$\begin{array}{rcl} 18 \text{ s-f homes} & \times & .33 \text{ FTEE/Home} = 6 \\ 6 \text{ FTEE} & \times & 50\% = 3 \end{array}$$

Prior to approval of improvement plans for the Retreat project site, the applicant shall 1) identify a suitable location(s) able to accommodate housing for 3 FTEE, 2) supply evidence that the proposed employee housing site(s) is under the applicant's control and 3) demonstrate that a complete application for the employee housing entitlements has been submitted to Placer County necessary to allow the construction of at least the number of employee housing units required to accommodate the Retreat project.

Prior to issuance of Certificates of Occupancy (or equivalent approvals) for any home on the Retreat project site, the applicant shall provide evidence that sufficient

employee housing has been constructed to house the employees as specified or that this Condition has otherwise been satisfied as described above.

## FEES

42. **mm ADVISORY COMMENT:** This project will be subject to the payment of traffic impact fees that are in effect in this area (Tahoe), pursuant to applicable Ordinances and Resolutions. The applicant is notified that the following traffic mitigation fee(s) will be required and shall be paid to Placer County DPW prior to issuance of any residential Building Permits for the project:

A. County Wide Traffic Limitation Zone: Article 15.28.010, Placer County Code

The current estimated fee is \$3,964 per Single Family Dwelling. The fees were calculated using the information supplied. If either the use or the square footage changes, then the fees will change. The actual fees paid will be those in effect at the time the payment occurs. (DPW)

43. Fees shall be paid to Placer County for the development of park and recreation facilities pursuant to Section 19.107, Section 19.343, and/or Section 12.90.2 of the *Placer County Code*. This fee is to be paid prior to the recordation of the Final Map for use in Recreation Area #1, and is based on the project approval for 15 lots. The amount to be paid shall be the fee in effect at the time the Final Map is recorded (for guidance, if the map were recorded today, the fee would be \$1,475 per residential unit). (CR)(D)

44. Pursuant to Section 21089(b) of the California Public Resources Code and Section 711.4 et. Seq. of the Fish and Game Code, the approval of this Permit/project shall not be considered final unless the specified fees are paid. The fees required are \$880 for projects with eirs. Without the appropriate fee, the Notice of Determination (which the County is required to file within 5 days of the project approval) is not operative, vested or final and shall not be accepted by the County Clerk. (SR)(PD)

45. **ADVISORY COMMENT:** Residential Building Permits associated with this project shall be subject to payment of Placer County Facility Impact Fees (Ordinance #47-69-B, Chapter 38, of the *Placer County Code*). (CR)(BD)

## ENVIRONMENTAL HEALTH

46. Prior to the approval of the Improvement Plans, submit to Environmental Health Services a "will-serve" letter from Northstar C.S.D. indicating that the district can and will provide sewerage service to the project. Connection of each lot in this project to sanitary sewers is required.
47. Prior to the approval of the Improvement Plans, submit to Environmental Health Services a "will-serve" letter from the franchised refuse collector for weekly or more frequent refuse collection service.
48. Prior to the approval of the Improvement Plans, submit to Environmental Health Services, for review and approval, a "will-serve" letter of a "letter of availability" from Northstar C.S.D. for domestic water service. The applicant shall connect the project to this treated domestic water supply.
49. The owner or occupant of each residence in this project shall subscribe to weekly mandatory refuse collection services from the refuse collection franchise holder. Animal resistant containers are required. The homeowners' association shall be responsible for refuse collection service to all non-residential facilities within the project on the same basis.
50. **MM 4.5.1a** The project applicant shall prepare construction specifications that require the construction contractor to implement various noise reduction measures during construction. The construction specifications shall be submitted to the County for review and approval prior to approval of the Improvement Plans. The construction specification shall include the following measures:
  - A) Locate fixed construction equipment such as compressors and generators as far as feasibly possible from sensitive receptors. Muffle or shield all intake and exhaust ports on power construction equipment.
  - B) All construction equipment using internal combustion engines shall be in proper tune.
  - C) All construction equipment used for intersection improvement activities shall have factory installed muffler systems.

## AIR POLLUTION

51. **MM 4.6.1a** The project applicant shall submit a Construction Emission/Dust Control Plan to the PCAPCD and receive approval prior to groundbreaking. At a minimum, the Plan shall include all the requirements of Rule 228 and the following additional measures:

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- A) No open burning of removed vegetation during construction, unless approved by PCAPCD. Vegetative material may be chipped or delivered to waste or energy facilities.
- B) Contractors shall be responsible for ensuring that adequate dust control measures are implemented in a timely manner during all phases of project development and construction.
- C) An operational water truck shall be onsite at all times. Apply water as needed to comply with District Rule 228 Fugitive Dust.
- D) All material excavated, stockpiled, or graded shall be sufficiently watered, treated, or covered to prevent fugitive dust from leaving the property boundaries and causing a public nuisance or violation of an ambient air standard.
- E) Watering of disturbed areas not yet revegetated shall occur as needed to eliminate visible dust emissions.
- F) All inactive portions of the construction site shall be covered, seeded, or watered until a suitable cover is established or, alternatively, non-toxic soil stabilizers are applied.
- G) Paved streets adjacent to construction sites with visible dust shall be swept or washed at the end of each day. No dry mechanical sweeping shall occur.
- H) Properly maintain all mobile and stationary equipment.
- I) Construction equipment exhaust emissions shall not exceed District Rule 202 Visible Emission limitations.
- J) Minimize idling time to 5 minutes for all diesel-powered construction equipment.
- K) Utilize existing power sources (e.g., power poles) or clean fuel generators rather than temporary diesel power generators.
- L) Use low-emissions on-site stationary equipment.
- M) Use low sulfur fuel if available for stationary construction equipment.
- N) Construction contracts should stipulate that all portable small off-road engines used in construction equipment such as chains saws meet CARB Tier II standards for this type of equipment.
- O) Construction contracts should stipulate that at least 50 percent of the heavy-duty off-road equipment included in the inventory be powered by CARB certified off-road engines, as follows:
  - a. 175 hp – 750hp      1996 and newer engines
  - b. 100 hp –174 hp      1997 and newer engines
  - c. 50 hp –99 hp      1998 and newer engines

In lieu of, or in addition to, this requirement, the applicant can use other measures to reduce particulate matter and nitrogen oxide emissions from their project through the use of emulsified diesel fuel and nitrogen oxide emissions and/or particulate matter traps.

52. MM 4.6.1b The prime contractor shall submit to the PCAPCD a comprehensive inventory (i.e., make, model, year, emission rating) of all the heavy-duty off-road equipment (50 horsepower or greater) that will be used an aggregate of 40 or more hours for the construction phase. PCAPCD personnel, with assistance from the California Air Resources Board, will conduct initial Visible Emission Evaluations of all heavy-duty equipment on the inventory list.
53. MM 4.6.1c An enforcement plan shall be established to evaluate weekly project-related on- and off-road heavy-duty vehicle engine emission opacities, using standards as defined in California Code of Regulations, Title 13, Sections 2180-2194. Construction equipment shall not exceed visible emissions as specified in the Health and Safety Code. Operators of vehicles and equipment found to exceed opacity limits will be notified and the equipment must be repaired within 72 hours or removed from the project.
54. MM 4.6.4a The conditions of approval and the CC&R's for the project shall explicitly forbid the installation of any non-EPA Phase 2 certified wood burning devices or masonry fireplaces within the project that do not have a UL approved decorative gas-burning appliance that uses either a direct vent or B vent. Only EPA certified Phase II devices are allowed to burn solid fuel (wood) in single-family residences. The maximum emission potential from each residence shall not exceed 7.5 grams per hour. Residences with outdoor burn pits must be plumbed with natural gas and prohibited from burning wood, solid fuel, or other material in these outdoor burn pits.
55. MM 4.6.4b The project applicant shall implement a mitigation program to offset the project's increase in Nitrogen Oxide, Reactive Organic Gas and Particulate Matter emissions. The applicant's mitigation program must be approved by the Placer County Air Pollution Control District. In lieu of the applicant implementing their own mitigation program, the applicant can choose to participate in the Placer County Air Pollution District Offsite Mitigation Program by paying off-set fees into the District program.
56. MM 4.7.2b The project will participate in the Martis Valley Community Plan comprehensive water quality monitoring program and any subsequent requirement associated with this program (Martis Valley Community Plan Natural Resources Implementation Program 18). Storm water discharges shall be in compliance with all current requirements of the RWQCB (e.g., Lahontan Regional Project Guidelines for Erosion Control). Storm water discharge shall be in compliance with all current requirements of the Lahontan Regional Water Quality Control Board (e.g., Lahontan Region Project Guidelines for Erosion Control).

All required approvals associated with construction-related storm water permit requirements of the federal Clean Water Act National Pollutant Discharge Elimination System (NPDES) program.

57. All fireplaces, both indoor and outdoor shall be gas fired.
58. The applicant shall pay \$2352 into the Air Quality Mitigation Fund to reduce 100% of the project's emissions (1.68 woodstoves at \$1,400/woodstove).
59. The applicant shall incorporate into construction contracts, mandatory use of a chipper unit to dispose of wood debris as an alternative to open burning of cleared trees and brush during the project construction period.
60. The site contractor will have a regular maintenance program for all equipment to insure that the equipment engines are properly tuned and maintained.
61. Timber harvesting and grading activities shall employ water trucks to water grading areas and logging roads. Water trucks shall water logging access roads, log landing areas, and all graded areas to prevent excessive amounts of dust.

#### **MISCELLANEOUS CONDITIONS**

62. No unit shall be divided by a tax district boundary on the Final Map.
63. The applicants shall obtain all necessary approvals from other departments and/or agencies having jurisdiction over this project, and shall provide written evidence of such approvals to the file. For guidance, such entities are likely to include, but not be limited to, the Regional Water Quality Control Board.
64. Any fencing for this project shall be designed in a manner so as not to interfere with the mitigation of wildlife through the area and shall be subject to review and approval by DRC.
65. A note shall be added to the Final Map identifying the fact that the property is in the vicinity of the Truckee-Tahoe Airport, and the residential property is beneath the FAR Part 77 surface, and that the property is subject to frequent and low overflights that some residents may find disturbing. The Applicant shall submit evidence, to DPW, prior to recordation of the Final Map, that Form 7460-1 was submitted to the FAA.
66. Any future gated entry feature proposed by the applicant shall be returned to the Planning Commission for approval of a modification of the Discretionary Permit. (DPW)
67. Prior to submittal of the Final Subdivision Map, the applicant shall submit to the satisfaction of the DRC a Revised Tentative Map which:

A) Relocates the rear property line of Lots 16, 17, and 18 such that the proposed overflow and low flow culvert and level spreaders are located entirely on the Remainder and not on the individual Lots. (PD/DPW/EHS)

68. The applicant shall participate in a comprehensive water quality monitoring program for the Martis Valley area. The applicant shall cooperate with Placer County, Lahontan WQCB, the Placer County Water Agency, Northstar Community Services District, and Truckee Donner Public Utility District in the preparation and implementation of a comprehensive surface and groundwater management program to ensure the long-term protection and maintenance of surface and groundwater resources. This water management program shall include at least the following elements:

A) An inventory of water supply and quality information and demand estimates, using as much available information as possible, with the objective of creating an easily accessible, comprehensive, and regularly updated database that can be shared by water management agencies;

B) Identification, documentation, and prioritization of the most significant water supply sources and pressing local water quality management problems;

C) Identification of existing ongoing water management and regulatory policies, programs, and standards by the various agencies and organizations with an interest in water resources management;

D) Recognition and incorporation of ongoing compatible water management efforts into a comprehensive approach to water resources management to implement the goals and policies of the General Plan;

E) Identification of any regulatory or policy "gaps" that can and should be addressed by the County;

F) Application of sound water resources management principles, including watershed land use management, wetlands and vegetation management, non-point source pollution control, waste disposal monitoring and controls,

G) Coordination of on-going and new project specific water quality monitoring programs.

Prior to Improvement Plan approval for the first phase, the applicant's participation shall be estimated by the County and the applicant shall provide the County (Planning Department) with security to ensure its fair share participation in

the program. (PD)(DPW)(EHS)

69. Residential development shall not be allowed on slopes that exceed 30 percent. This restriction shall also apply to grading activities in these areas, except for isolated, incidental and necessary driveway areas. This restriction shall be noted in the CC&R's and in the project Development Notebook. For lots with slopes between 20 and 30 percent, prior to Improvement Plan approval, the applicant shall provide the DRC with a site plan showing proposed building envelopes and driveway locations for their review and approval. The DRC's review may result in revisions to the proposed final map resulting in the modification of lot boundaries or the elimination of lots entirely. (PD)(DPW)
70. **MM 4.7.3a** In compliance with the requirements of the State General Construction Activity Storm Water Permit as well as the Water Quality Control Plan for the Lahontan Region (Basin Plan), the project applicant shall prepare a Stormwater Pollution Prevention Plan (SWPPP), which describes the site, erosion and sediment controls, means of waste disposal, implementation of approved local plans, control of post-construction sediment and erosion control measures and maintenance responsibilities, and non-storm water management controls (such as those water quality control features identified in the project Special Environmental Provisions 4.7-B, 4.7-C, 4.7-D, 4.7-E, and 4.7-F). The SWPPP shall be submitted to the Lahontan Regional Water Quality Control Board for review. The applicant shall require all construction contractors to retain a copy of the approved SWPPP on the construction site. Best Management Practices identified in the SWPPP shall be utilized in all subsequent site development activities. Water quality controls shall be consistent with the Placer County Grading Ordinance and the Lahontan Regional Water Quality Control Board's Truckee River Hydrologic Unit Project Guidelines for Erosion Control and will demonstrate that the water quality controls are adequate to ensure that run-off will meet the Water Quality Control Plan for the Lahontan Region (Basin Plan) water quality objectives for Martis Creek as well as comply with the Basin Plan's narrative water quality objectives, State antidegradation policy and maintain beneficial uses of Martis Creek and Martis Creek Reservoir as defined by the Basin Plan. Water quality sampling and reporting associated with the SWPPP shall be the responsibility of the project applicant. Storm water discharges shall be in compliance with all current requirements of the Lahontan Regional Water Quality Control Board.
71. **MM 4.8.1c** Building foundations and concrete slabs-on-grade shall not bear directly on native clay or fine-grain soils and shall be underlain by structural fill, native coarse grain soils, or bedrock. Asphalt pavement areas can bear directly on such materials as long as such pavement areas will only be subjected to light traffic loading.
72. **MM 4.8.1d** All structures shall provide crawlspace drainage as well as moisture barriers under slabs where moisture sensitive flooring will be installed.

73. **MM 4.8.1e** All excavation areas shall be backfilled with structural fill to footing grade or subgrade for slabs. The width of overexcavation shall extend laterally from the edge of footings or concrete slabs at least one-half the depth of overexcavation. The aggregate base section below any concrete slab-on-grade floors could be included in the recommended two-foot section.
74. **MM 4.8.1f** Building envelopes shall be identified on all lots to be developed, and will be submitted to the County for approval prior to adoption of the Final Map. Residential structural development will not be permitted outside of the building envelope. All grading activities shall comply with Placer County Grading Ordinance, Chapter 29 of the Placer County Code.
75. **MM 4.9.5** The project applicant shall retain a qualified biologist approved by the County to conduct a focused survey for active nest sites of special-status birds, migratory birds covered by the MBTA, and raptors within one-quarter (0.25) mile prior to (i.e., within 30 days of) the onset of each construction phase initiated during the nesting season (March 15 – August 15). If active nests of target species are located during preconstruction surveys, CDFG and/or USFWS, and the County shall be notified on the status of the nests, and construction delayed within 0.25-mile of the nest to avoid disturbance until the birds leave the nest, or a time deemed acceptable (e.g., when the juveniles have fledged) by the biologist. The 0.25-mile buffer may be reduced based on various factors, such as vegetative and topographic screening, existing disturbance levels and apparent sensitivity (or lack thereof) of the birds. If it is not feasible to maintain a 0.25-mile distance from an active nest, CDFG and/or USFWS shall be consulted by the biologist to develop alternative mitigation measures (e.g., reduce the buffer zone, artificial screening).
76. **MM 4.12.2** In general, the project site shall be designed to minimize cuts and fills. The project will be designed to limit disturbance resulting from grading activities. For example, this may be done by laying a grid of stakes along the slopes, cutting or filling at the stakes, and blending between the stakes to recreate natural looking contours. Cut slopes will be revegetated with native species and temporary irrigation will be used along the revegetated slopes until the vegetation is established. This approach to grading will minimize disturbance and visual impacts to the extent possible. The provisions of this mitigation measure shall be reflected in the project's improvement plans.
77. **MM 4.12.3** The project will implement the Martis Valley Community Plan Northstar-at-Tahoe Design Guidelines. Specific CC&R's and Design Guidelines shall be prepared for the Retreat Subdivision, and shall be approved by the Placer County Planning Department. This will include restrictions on reflective building materials and design methods to avoid potential daytime glare (e.g., landscaping, overhangs, etc.) and restrictions on lighting fixtures that will require shielding or other methods to prohibit spill over lighting onto adjacent residential parcels.

78. As a condition of project approval, the applicant shall financially participate in an Open Space Preservation Program for the purpose of acquiring and managing properties within the Martis Valley environs of Placer County. Financial participation shall be based on the proposed project's amount of acreage that is converted from natural open space to other uses and the appraised value of permanently protecting a comparable amount of land. A final determination will be made at the time of improvement plan approval. The applicant may dedicate suitable land in-lieu of a financial contribution subject to approval and acceptance of those lands and any easements or restrictions proposed by Placer County. In order to determine the proportionate, fair share financial obligation of this project, the applicant shall fund the preparation of a current (within six months) property appraisal. The appraisal shall be conducted by a qualified, and County approved, appraiser of lands to be converted or lands that would be suitable for permanent protection as open space (as determined by Placer County). The County will then review the appraisal and other available data, and derive a cost figure to be applicable to this project. The intent is to arrive at a figure that is based upon an appraisal of comparable lands in terms of access, slope, open space value, and other property features. The project applicant shall pay the required fee, upon approval of the Improvement Plans for each phase of the project.

In recognition of the uncertainty and changing nature of land values and in order to establish a cap on the financial obligation of this project, that obligation shall be capped at a not to exceed figure of \$5000 per residential unit and \$5000 per acre of impervious surface created for roadways, parking areas, maintenance buildings, and other structures built in connection with the use of the property.

As an alternative to participating in the open space acquisition and management funding mechanism set forth in this Condition, the applicant may elect instead to propose a program that provides at least the same land dedication and/or funding of open space preservation activities. Such an alternative program shall include dedication of land or payment of funds to the Placer Legacy program or such other entity as may, from time to time, be designated by the Placer County Board of Supervisors to receive, allocate and/or manage such funds. Should the Planning Commission require elimination of any lots or acreage within the lots shown on the May, 2003 VTM, an amount equal to such acreage shall be eliminated from the financial obligation total. (PD)

## **CONDITIONS, COVENANTS, & RESTRICTIONS**

79. Prior to the filing of the Final Map, Conditions, Covenants, and Restrictions (CC&Rs) shall be prepared and submitted to and approved by the DPW, County

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Counsel, and other appropriate County Departments and shall contain provisions/notifications related to those issues raised in Conditions "Development Standards #1": (PD/DPW/EHS/APCD)

A) The applicants shall create a Homeowners' association with certain specified duties/responsibilities including the enforcement of all of the following notifications. (DPW)

B) None of the provisions required by this condition of approval shall be altered without the prior written consent of Placer County. (PD/DPW/EHS/APCD)

### NOTIFICATION TO FUTURE BUYERS

80. Notification shall be given to all future lot owners that:

A) The notification to lot owners that construction of driveways that exceed 12% gradient (gravel surface) or 15% (all weather surface) may impair emergency and construction vehicle and equipment access to building sites. (CR)(DPW)

B) Grading Permits are required prior to the start of any construction or the issuance of any Building Permits. Further notification that no concrete slab foundations are permitted on these lots except for garages and basements. (CR/MM)(DPW)

C) The applicant shall provide, to all future lot owners, a copy of the FAR Part 77 Airspace Drawing and the name/address/telephone number of the Truckee-Tahoe Airport District where they can obtain additional information about airport operations.

81. Notification to future lot owners of the emergency access and transit corridor roadway connection between Big Springs Drive and the adjacent property to the west along Mill Site Road.

### DEVELOPMENT STANDARDS

82. The Development Standards for this project are as follows:

A) An "Informational Sheet" identifying general and specific lot development restrictions, setbacks, easements, tree protection, architectural guidelines, water conservation, etc., as defined within the conditions herein, shall be prepared, filed, and recorded with the subdivision Final Map. The specific content and form of this information shall be subject to DRC approval and shall, at a minimum, include general notes relating to restrictions applicable to all lots with graphic depictions of each residential lot.

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The Development Notebook may restrict the number of lots eligible for Variances for setback reduction.

B) Prior to recordation of the Final Map(s), a Development Notebook shall be submitted to the Planning Department staff which shall include plot plans for each lot in the project, depicting all dimensions, easements, setbacks, height limits and other restrictions which might affect the construction of structures on said lot. No Building Permits may be issued for the project until this Notebook is provided to and accepted by the DRC for format and content requirements. **(CR)** (PD)

83. The Development Notebook shall include driveway locations for each Lot consistent with the proposed driveway locations submitted during the environmental review process. The driveway locations shown in the Development Notebook shall not be changed without obtaining approval by the DRC of a modification to the Development Notebook. (DPW)
84. The applicant shall prepare and submit to the Department of Public Works (DPW), a Final Subdivision Map which is in substantial conformance to the approved Tentative Map in accordance with Chapter 16 (formerly Chapter 19) of the Placer County Code; pay all current map check and filing fees. (DPW)

#### **EXERCISE OF PERMIT**

85. This Vesting Tentative Map/Conditional Use Permit shall be approved for 36 months, and shall expire February 23, 2008 unless exercised before that date. The Use Permit for the water lines shall not expire until February 23, 2011.

# northstar property owners association

RECEIVED

DEC 01 2014

CLERK OF THE  
BOARD OF SUPERVISORS

November 26, 2014

Supervisor Jack Duran, Chair  
Supervisor Kirk Uhler, Vice Chair  
Supervisor Robert Weygandt  
Supervisor Jim Holmes  
Supervisor Jennifer Montgomery  
County of Placer  
175 Fulweiler Avenue  
Auburn, CA 95603

**RE: Approval of The Retreat at Northstar Owners Association's Request for Abandonment**

Dear Supervisors Duran, Uhler, Weygandt, Holmes, and Montgomery:

On behalf of its 1,480 members of the Northstar Property Owners Association (NPOA), of which over 165 are full-time residents and registered voters in Placer County, and in the interests of an additional 700 to 800 property owners in other Northstar homeowner associations, we implore you to approve The Request for Abandonment of The Retreat Association at Northstar. The Retreat Association is a member association of NPOA.

It is abundantly clear from all of the documents, plans, approvals, and assurances given by Placer County officials in this matter that the connection between The Retreat subdivision in Northstar and Martis Camp was planned and approved for emergency vehicle access (EVA) and public transit purposes only. Yet, Placer County officials have permitted Martis Camp management to "penetrate" (a verb used by Martis Camp's developer) the EVA and transit connection between The Retreat in Northstar subdivision and the Martis Camp development. After apparently removing the EVA gate that had been erected inside The Retreat without authorization and replacing it with a transponder-controller gate on its side of the property line, Martis Camp management removed the sign reading "Emergency Vehicle Access Only" from Northstar property and replaced it with one on its side of the property line, which reads "Private Road, Transponder Access Only". Martis Camp management has subsequently handed out 1,600 transponders to its 600+ property owners, construction contractors and commercial service providers. There is now a steady stream of unauthorized traffic in and out of Northstar, cutting through a subdivision of Northstar that was planned, approved and constructed as an 18-homesite cul-de-sac.

It is very unfortunate that Placer County officials have allowed the above events to transpire. There have been repeated attempts to correct it without success. The latest evidence is Public Work's Director Ken Grehm's finding that he cannot recommend The Retreat's Request for Abandonment because it would "inconvenience" the residents of Martis Camp. This conclusion makes no sense given that all of the plans, approvals and representations that were given by County officials over more than 10 years were that the gate would be for EVA and public transit use only. How could a transit connection that was never planned, approved or expected suddenly be authorized because it is somehow inconvenient for those who are now using it for other than its intended use?

It is fair to say that this situation has outraged many people in the Northstar Community, as evidenced by the several hundred letters of support the county has received.

In addition to correcting this situation for governance reasons, there are important safety and economic reasons favoring approval of The Retreat Association's Request for Abandonment. Not only are the 18 property owners in The Retreat at Northstar severely impacted by this situation, they are forced to pay for all the maintenance on their roads under a special assessment that was agreed to with The County, because they were to be the only ones using those roads. In addition, the situation presents a significant issue for traffic congestion and public safety in Northstar. If left uncorrected, Martis Camp will more than double the number of properties accessing Big Springs Drive within Northstar and the already congested and dangerous intersection of Big Springs Drive and Northstar Drive- a 3 way stop sign below Northstar Village. This traffic has not been considered in the yet to be approved Vail Mountain Master Plan Draft Environmental Impact Report (DEIR), because this traffic is not supposed to exist.

You now have a straightforward means of correcting this situation. The Retreat Association has argued that you have the authority to remove the public traffic easement from the roads within The Retreat, and that you have already determined these easements to be unnecessary for public use based upon your various approvals of both the Martis Camp and The Retreat development plans. It may have been simpler to simply instruct the Northstar Community Services District (NCSD) to erect the originally intended EVA gate and manage it as such, but the abandonment of public road easements will accomplish the same result. And, now that the Martis Camp developer has sold over 90% of the lots in its development, there is no remaining economic reason to deny The Retreat's request of favor of Martis Camp as the County is already assured of receiving full benefit of this project.

We therefore ask that you vote in favor of The Retreat Association's Request for Abandonment. It is simply the right thing to do. And by doing so you will restore the confidence of over 2,000 property owners in The Northstar Community in the integrity of its county government. If The Retreat's Request for Abandonment is approved, NPOA would advocate the dismissal of litigation currently pending

against Placer County and others. We would also advocate an exception to the EVA and public transit restrictions by allowing limited access by Northstar and Martis Camp vehicles for the transport of residents between the resorts.

For your convenience, the attachment to this letter summarizes our understanding of the events related to this issue since the Martis Valley Community Plan was adopted in 2003.

Thank you for your consideration in this matter.

On behalf of the NPOA Board of Directors.

Sincerely,



Henry DeNero  
NPOA Board President

Copies to:

Ann Holman, Clerk of the Board of Supervisors  
Brian West, NPOA Vice President  
Judy Howes, NPOA Secretary and Treasurer  
Jim Brigance, NPOA Director  
Jack Moore, NPOA Director  
Al Roth, NPOA Director  
Don Watters, NPOA Director  
Geoff Stephens, NPOA General Manager

Attachment

## History of the EVA Gate at The Retreat at Northstar

(From The Retreat Association Request for Abandonment, other documents, and recollections of various Northstar Community leaders)

The Placer County Board of Supervisors adopted the Martis Valley Community Plan in 2003. The Community Plan's Future Transportation Systems section (p. 72) stated with regard to The Retreat:

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. The second scenario removed the through connection from Schaffer Mill Road to Northstar. Based on community and landowners input this Plan proposes (that) the proposed roadway system includes transit and emergency vehicle access (EVA) ONLY between Schaffer Mill Road and Northstar.

During the public comment period for the Draft Environmental Impact Report (DEIR) for The Martis Valley Community Plan, The County was specifically asked what assurances the Northstar Community would have that the planned EVA gate would not subsequently be opened to through traffic.

The County's written response to this question was in effect: "That could not happen without going through a new California Environmental Quality Act (CEQA) process."

No such process ever occurred.

In January 2005, Martis Camp's Conditional Use Permit and Vesting Tentative Map were approved by Placer County. The Martis Camp Conditions of Approval (COA) required there to be an EVA and transit connection to Northstar. Martis Camp's final environmental impact report (DEIR) reads as follows:

The project only proposes one ingress/egress off of Schaffer Mill Road...

The project would provide a 22-foot wide emergency access road on the eastern boarder 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. The emergency access roads would be gated and have Knox boxes or similar devises to provide access to emergency service providers.

In February 2005, The Retreat at Northstar Conditional Use Permit and Vesting Tentative Map were approved by Placer County. This approved map required an EVA Gate at the Retreat. With the EVA Gate, the Retreat's COA required the Retreat's Mill Site Road to be extended for a future EVA and public transit connection to the Martis Camp

community to the east. The Retreat's COA reads as follows:

Mill Site Road shall be constructed at a minimum to the west property line for a future emergency access / transit access road connection.

In March 2006, Placer County approved the Improvement Plans for The Retreat subdivision. Subsequently in 2006, Mill Site Road and Cross Cut Court were constructed in accordance with the approved Conditional Use Permit and Improvement Plans to a Rural Minor Standard of 22' in width with direct driveway access. The Placer County Land Development Code states that a Rural Minor Roadway shall serve no more "than 50 units on a cul-de-sac or 75 units on a through road." Given that Mill Site Road and Cross Cut Court were designed and approved to only serve the 18 home sites within the Retreat, this was the appropriate roadway section for The Retreat. As part of the Retreat's improvements, an EVA Gate was erected in The Retreat in accordance with The Retreat's COA.

In May 2006, along with the Retreat Final Map approval, the Placer County Board of Supervisors resolved to establish The Retreat subdivision as a County Service Area to provide road rehabilitation, storm drain maintenance and snow removal services for the Retreat. This Resolution of the Board of Supervisors approved the Retreat's Zone of Benefit Engineer's Report which stated that the legal requirements under California Proposition 218 for the establishment of a Zone of Benefit assessment is as follows:

An assessment may only be imposed in an amount, which represent a special benefit to an assessed property. These services represent a special benefit to the Retreat Subdivision property in that the services to be funded by the assessments will only benefit the Retreat Subdivision property and the individual lots in the Retreat Subdivision project.

As a result of this special benefit assessment, The Retreat lot owners now pay the County a separate additional amount for all the road maintenance in this sub-division because it's roads were approved by The County for their use only.

In November 2008, the Placer County Board of Supervisors approved the Martis Camp Final Map, which included an Emergency Access Easement along the roadway designated as an emergency access and transit connection to Northstar. This particular segment of Schaffer Mill Road was and is the only portion of Schaffer Mill Road within Martis Camp to be built to a standard narrower than 32'. Given that this segment of Schaffer Mill Road was designed, approved and shown on Martis Camp's Final Map within 50 yards of Northstar as an EVA access and transit connection only, and not for general use, it was appropriate that this roadway was constructed at the narrower 22' wide road standard. Within the Martis Valley area, Placer County Engineering and Surveying Department consistently required, per the Land Development Code, a 32' wide roadway section anywhere a road is proposed to service more than 50 units on a cul-de-sac or 75 units on a through roadway. Given that Martis Camp was approved for 726 units, it is clear that the EVA and transit portion of Schaffer Mill Road was not designed, approved

or intended for use other than for EVA and transit purposes.

During the 2005 to 2010 time period, Placer County officials gave repeated verbal and email assurances to NPOA, The Retreat Association and others that the planned connection between Martis Camp and The Retreat would be for EVA and transit purposes only.

During the summer of 2010, the Martis Camp developer constructed the final section of its road to the eastern property boundary of Martis Camp to meet the EVA and transit connection point at the western end of Mill Site Road (The Retreat) and installed an electronic gate on its side of the property line. At the same time, The Retreat's EVA gate that had been in place at the western terminus of Mill Site Road since 2005 was removed without the knowledge of or permission from the Retreat Owner's Association or from the Northstar Property Owners Association. Subsequently, the sign in The Retreat that read "Emergency Vehicle Access Only" was removed and replaced by one on the Martis Camp side of the property line reading "Private Road, Transponder Access Only".

In fact, when The Retreat Association discovered the removal of its gate and the construction of the Martis Camp gate, and contacted The County, the County Planning Director acknowledged that the EVA gate had been removed but assured The Retreat Association Board in writing that the EVA gate at The Retreat would be replaced. It was not.

Instead, starting in 2010, Martis Camp began issuing transponders to its property owners, guests, contractors and vendors that allowed access through the Martis Camp EVA gate at The Retreat subdivision along Mill Site Road. Since 2010 and with the growth of Martis Camp, this cut-through into Northstar via The Retreat community is being used for access to the Northstar Village and Lake Tahoe. Contractors and vendors of Martis Camp are also extensively using the gate as an entrance and exit to Martis Camp. As of the end of 2013, with Martis Camp only about 30% built out. Martis Camp has to date issued over 1,600 such transponders.

In 2011, The Retreat Homeowners Association, petitioned Placer County to enforce the provisions of the EVA Gate. In December 2011, the County planning director responded that The County could find nothing in the record that precludes non-emergency through traffic to and from Martis Camp.

In 2012, The Retreat Homeowners Association assembled a significant number of the supporting documents, and again petitioned The County to enforce the provisions of the EVA gate. In late 2012, The County planning director denied the request and concluded that the existing gate was open to through traffic to and from Martis Camp. This letter stated that the County's decision was a final action and not subject to appeal.

In response to The County's denial of the petition to enforce the EVA gate, an organization called Tahoe Residents United for Safe Transit (TRUST) was formed. In January 2013, TRUST filed a lawsuit against Placer County and the developers of Martis

Camp and The Retreat (a subsidiary of Vail Corporation) claiming that the California Environmental Quality Act (CEQA) had not been followed, among other charges. In essence, the CEQA claim in this lawsuit is that, since the two developments and their EIRs were approved under CEQA on the basis that The Retreat's roads would support traffic from only its 18 residents because the connection between the developments would be for EVA and public transit purposes only, the gate could not legally be opened to any other through traffic without a new CEQA process. This lawsuit was subsequently dismissed by a Placer County judge and is currently under appeal.

In 2014, The Retreat Homeowners' Association filed a Request for Abandonment of the County easement on The Retreat roads. The application asks The County to remove the public traffic easement from the roads within The Retreat. The easements for the originally planned and approved EVA and public transit access would be preserved.

In the Fall of 2014, the County Director of Public Works concluded that he could not recommend to the Board of Supervisors, who will make the final decision on this matter, that the public easement be removed. The Retreat Association has argued that the County has the authority to remove the easements; that their removal would restore The Retreat to its intended and approved condition; that the use of the EVA gate by Martis Camp residents and contractors is illegal; that the County has already determined that the roads inside The Retreat are non-essential for private vehicle through traffic; and that continuation of such traffic will further worsen an already unsafe condition in The Retreat and parts of Northstar.

On December 9, 2014, the Board of Supervisors will consider this issue at its scheduled meeting in Auburn, California. The meeting will be open to the public. Attendees will each have 3 minutes to speak.

Prepared November 2014



# N·C·S·D

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## **Board of Directors**

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MICHAEL STAUDENMAYER

November 26, 2014

Supervisor Duran  
Placer County Board of Supervisors, District 1  
175 Fulweiler Avenue  
Auburn, CA 95603

Dear Chair Duran and Members of the Board of Supervisors:

The Northstar Community Services District (NCSD) submits the following letter respectfully urging the Placer County Board of Supervisors (Board) to approve the Retreat at Northstar Owners Association's (Retreat) petition to abandon the public road easements within their subdivision. As set forth more fully below, approving the requested action will restore the intended use of Mill Site Road and avert the damaging impacts that traffic from 662 lots within Martis Camp will have upon public safety and the Northstar Traffic Management System.

Preliminarily, NCSD notes that the planning and environmental documents for the Retreat and Martis Camp could not be clearer: Mill Site Road was to provide emergency vehicle and public transit access only between Northstar and Martis Camp. Also, as specifically concerns NCSD, the County-approved Engineer's Report for the Retreat CSA confirmed that "...the roads of this subdivision serve only the lots in this subdivision and are not a part of a larger County traffic system."

On the basis of the foregoing documents, as well as numerous assurances by County staff regarding the permitted use of Mill Site Road, NCSD entered into an Agreement with the Retreat CSA to provide road maintenance and snow removal services within the subdivision. The annual charges levied pursuant to this agreement were, and still are, based upon traffic from only the 18 lots within the Retreat subdivision, and are insufficient to provide services commensurate with traffic from an additional 662 homes. Thus, to the extent Martis Camp is permitted to access Northstar via Mill Site Road, such use will increase road degradation and service requirements well beyond the funding capabilities of the Retreat CSA.

While the funding capabilities of the CSA are an immediate concern, NCSD is even more concerned with the deleterious impacts that Martis Camp's use of Mill Site Road will have upon public safety within Northstar. Because Mill Site Road was intended to serve only the 18 lots within the Retreat, it was constructed to a Rural Minor Residential standard, rather than a Rural Secondary Roadway standard as would have been required to accommodate traffic from the 662 homes within Martis Camp. Moreover, it was constructed to a 10% grade (maximum steepness in County snow areas) with 10 driveway encroachments in

only 0.3 miles of winding, narrow road. Given the foregoing design standard/features, NCSO believes that Mill Site Road will be, as will be the intersections and roads within Northstar to which it leads, unable to safely accommodate traffic from an additional 662 lots within Martis Camp. Such an increase in traffic volume poses an unacceptable safety risk to not only the Retreat and Northstar communities, but to Martis Camp as well.

NCSO is also highly concerned with the degradation in level of service that Northstar will suffer should traffic from 662 lots within Martis Camp be allowed to undermine the Northstar Traffic Management System (System). Over the past decade, implementation of the System has relieved much of the congestion that plagued Northstar Drive, State Route (SR) 267, and even the region in years past. However, the System's success is predicated upon the provision of a single point of ingress/egress and free-flowing traffic conditions on Northstar Drive. As presently designed, free-flow traffic on Northstar Drive is stopped infrequently and only when traffic queues at Big Springs Drive. Problematically, if traffic from the 662 Martis Camp lots is permitted to access Northstar via Mill Site Road, traffic queues at Big Springs Drive will multiply, thereby halting free-flow conditions on Northstar Drive. When free-flow conditions on Northstar Drive are impeded, traffic congestion stretching to SR 267, and even Highway 80, can result. Thus, while it may seem counter-intuitive, Martis Camp's use of SR 267 is critical to reducing congestion thereon as it is designed to accommodate heavy traffic volumes, whereas Big Springs Drive is not.

For each of the foregoing reasons, NCSO urges the Board to approve the Retreat's petition to abandon the public road easements over Mill Site Road. Not only will the requested action align the use of Mill Site Road with what the Northstar community has been promised repeatedly since 2003, it will avert the damaging impacts that traffic from 662 lots within Martis Camp will have upon public safety and the Northstar Traffic Management System.

Thank you for the opportunity to comment on the Retreat's important petition.

Sincerely,



On behalf of the NCSO Board of Directors,

Mike Staudenmayer

CC: Clerk, Placer County Board of Supervisors  
NCSO Board of Directors  
Northstar Property Owners Association