

COUNTY OF PLACER
Community Development/Resource Agency

Michael J. Johnson, Agency Director

PLANNING
SERVICES DIVISION

Paul Thompson
Deputy Planning Director

HEARING DATE: November 8, 2012

ITEM NO.: 6

TIME: 1:00 pm

TO: Placer County Planning Commission
FROM: Development Review Committee
DATE: November 8, 2012
SUBJECT: **Minor Use Permit, Variance, Modification of Parcel Map**
(PMPB 20110228)
Gold Hill Gardens Community Center
Mitigated Negative Declaration

COMMUNITY PLAN: Placer County Community Plan

COMMUNITY PLAN DESIGNATION: Agriculture/Timberland – 10 acre minimum

ZONING: F-B-X 10 AC MIN (Farm, combining minimum Building Site of 10 acres)

STAFF PLANNER: Melanie Jackson, Associate Planner

LOCATION: The project site is located at 2325 Gold Hill Road, approximately 0.5 miles south of the intersection of Wise Road and Gold Hill Road in Newcastle

ASSESSOR'S PARCEL NUMBER: 031-050-046-000

APPLICANT: Mike and Cindy Carson

PROPOSAL: The applicant is requesting approval of a Minor Use Permit to allow for the operation of a Guest Ranch (with up to nine units, including five individual cottages and four bedrooms within the existing residence), a Community Center, a Plant Nursery and use of the subject property for garden tours. The Community Center would include the use of the property for up to 150 guests for weddings and events, and the construction of an approximately 5,250 square foot event structure.

CEQA COMPLIANCE: A Mitigated Negative Declaration has been prepared for this project and has been finalized pursuant to California Environmental Quality Act. The

Mitigated Negative Declaration must be found to be adequate by the Planning Commission to satisfy the requirements of CEQA, and a recommended finding for this purpose can be found at the end of this staff report.

PUBLIC NOTICES AND REFERRAL FOR COMMENTS:

Public notices were mailed to ten property owners of record within 300 feet of the project site and to an additional 44 interested parties who requested to be noticed of any public hearings for this project. Community Development Resource Agency staff and the Departments of Public Works, Environmental Health, and the Air Pollution Control District were transmitted copies of the project plans and application for review and comment. All County comments have been addressed and conditions have been incorporated into the staff report.

SITE CHARACTERISTICS:

The project site is located in western Placer County in the foothills of the Sierra Nevada mountain range. The project site is presently developed with an existing single-family residence of approximately 4,200 square feet, an approximately 500 square foot pool cabana, a 55,000 gallon pool, a basketball court, a mobile home and a pole barn. Agricultural uses on the project site include irrigated and dry pasture for cattle, unimproved farm/ranch roads, an apple/cherry orchard and a horse arena. The site also contains Doty Ravine (and associated riparian corridor) on the north side of the property, a Nevada Irrigation District canal on the west side of the property, a Nevada Irrigation District overflow channel on the southwest side of the property, and oak woodland habitats. The surrounding properties include cattle pasture to the north, west and south, and oak woodland to the east. An organic farm with a Placer County/Department of Conservation agricultural conservation easement is located to the immediate southwest. The neighboring property directly to the west of the subject parcel is within a Williamson Act Contract.

EXISTING LAND USE AND ZONING:

	LAND USE	ZONING
SITE	The property is developed with an approximately 4,200 square-foot residence, an approximately 500 square-foot pool cabana, a 55,000 gallon pool, a mobile home and a pole barn, and contains a basketball court, riding arena and an irrigated pasture for livestock. The study area includes landscaped residential habitat, irrigated pasture, dry land pasture, mixed oak/foothill pine woodland, mixed mature riparian woodland, and perennial stream habitats.	F-B-X 10 AC MIN (Farm, combining minimum Building Site of 10 acres)
NORTH	Developed with a single-family residence.	F-B-X 10 AC MIN (Farm, combining minimum Building Site

			of 10 acres)
SOUTH	Developed with a single-family residence		F 4.6 AC MIN (Farm, 4.6 acre minimum)
EAST	Developed with a single-family residence		F-B-X 10 AC MIN (Farm, 10 acre minimum)
WEST	Developed with a single-family residence		F-B-X 10 AC MIN (Farm, 10 acre minimum)

BACKGROUND:

The subject property is currently utilized for a residence and for raising cattle. The property is zoned Farm, with a 10-acre minimum parcel size, and has a Placer County General Plan Designation of Agriculture/Timberland, with a 10-acre minimum parcel size.

The subject property is an 11.5-acre parcel within a larger 32.68-acre tract of land owned by the applicant. On August 7, 2001, the applicant recorded a Parcel Map that split the property into three separate parcels, consisting of 11.5 acres, 11.18 acres, and ten acres. The subject parcel consists of 11.5 acres and is designated Parcel 1 on the Parcel Map. The Parcel Map included a building envelope on the subject parcel (Parcel 1), limiting construction of "primary structures" (Note 3, Parcel Map Book 30 page 89, Sheet 4 of 4) on the subject property to the area delineated by the boundaries of the envelope. The existing single-family residence is located within the building envelope.

While the concept of including building envelopes was a common practice 10 to 15 years ago, the County no longer includes such information on Parcel and Tentative Maps. As identified on the Parcel Map approved for this project site, the building envelope was created for "primary structures", which by definition is the residence. Any accessory structures (such as the proposed guest cottages and community center) are accessory to the primary structure, and therefore may be located outside of the identified building envelope. To clarify this issue, staff is recommending that the building envelope requirement be removed from this Parcel Map, and instead the project site will rely on the identified building setback requirements set forth for the zoning district for this property (as is common practice throughout the County).

The applicant originally applied for a Minor Use Permit to allow for the development of a Community Center, Bed-and-Breakfast lodging, a retail plant nursery and use of the property for garden tours. The project was taken to a Zoning Administrator hearing on August 18, 2011 with a recommendation that the project was exempt from Environmental Review. At that hearing, the Zoning Administrator found that the project was not exempt from Environmental Review, and deemed the project incomplete pending successful completion of Environmental Review. On November 25, 2011, the applicant submitted an Environmental Questionnaire, and thereafter, staff prepared a Mitigated Negative Declaration. On June 25, 2012, the Mitigated Negative Declaration was sent to the California Public Clearinghouse and the public review period for the environmental document began. The 30 day public review period was complete on July 24, 2012.

On June 12, 2012, the Planning Director issued a Planning Director's Determination regarding entitlement requests for Community Centers. As set forth in Section 17.58.120(D) of the Placer County Code (Referral to Planning Commission), the Planning Director has the ability to refer a Minor Use Permit to the Planning Commission for a public hearing when it is deemed necessary because of unique or unusual circumstances. Due to recent concerns raised at recent Board of Supervisors meetings related to Community Centers within the County the Planning Director concluded that it was appropriate that the Planning Commission should act as the decision-making body on "Community Center" uses.

The project was taken before the Placer County Planning Commission on August 9, 2012. The applicants' original proposal consisted of a three-phase development that included a Community Center, a Guest Ranch and a Retail Plant Nursery with garden tours. Ultimate build-out of the project would result in a nine-bedroom Guest Ranch (four bedrooms in the existing residence and five guest cottages) operating all days of the week on a year-round basis, a Community Center for up to 200 guests operating between the hours of 11:00 am and 10:00 pm all days of the week on a year-round basis, construction of an approximately 5,250 square foot event center structure, a 90-stall parking area, a 5,000 square foot retail nursery to operate during business hours Wednesday through Sunday with periodic garden tours, and construction of septic systems, a public water well, a paved driveway encroachment, paved circulation areas and paved drive aisles.

The Planning Commission heard a brief presentation from staff, testimony from the applicant and from several members of the public. Concerns discussed by the commission included traffic, noise, the number of guests (200) and the number of operational days per year (ultimately 365). The Planning Commission expressed concerns that, as proposed, the project had the potential to impact the rural nature of the surrounding agricultural areas and neighboring properties. Because of this, the Planning Commission took action to continue the project and gave direction to the applicant to work with staff to scale back the project's scope.

After working with staff, the applicant revised the project description to eliminate the phasing aspect of the project, reduced the maximum number of guests from 200 to 150, reduced the ultimate number of operational days for events from 365 to 59, reduced the necessary parking from 90 stalls to 60, and eliminated the need for a public water well. Additionally, staff determined that an increase in the number of guest ranch cottages to allow for a total of five was consistent with the proposed use and the intent of the Farm zone district.

MUNICIPAL ADVISORY COUNCILS:

The subject property falls within District 2 of Placer County. However, the project site closely borders the District 3 boundaries and has the potential to affect surrounding properties that are located within District 3. For this reason, staff determined that the project should be heard by both the Rural Lincoln Municipal Advisory Council (District 2) and the Newcastle/Ophir Municipal Advisory Council (District 3).

Rural Lincoln Municipal Advisory Council

On June 18, 2012, the project was presented before the Rural Lincoln Municipal Advisory Council as an action item. After a presentation and after hearing public comment, the Council unanimously voted to continue the item to the July 16, 2012 Municipal Advisory Council meeting, in order to afford the opportunity to the Council members and the public to review the environmental document.

At the July 16, 2012 Rural Lincoln Municipal Advisory Council meeting, Council Member Lefty abstained from voting, and the remaining council voted 3-0 to deny the project, based on a lack of information and because the Council determined that preparation of an EIR was necessary.

Newcastle/Ophir Municipal Advisory Council

On June 21, 2012, the project was presented before the Newcastle/Ophir Municipal Advisory Council as an action item. After a presentation and after hearing public comment, the Council unanimously voted to continue the item to the July 19, 2012 Municipal Advisory Council meeting in order to afford the opportunity to review the environmental document to the Council members and the public.

At the July 19, 2012 Newcastle/Ophir Municipal Advisory Council meeting, the Council took action to approve a motion (three ayes, two noes, one abstain and one absent) to provide information on behalf of the MAC to the Planning Commission. This information is included in a letter to the Planning Commission Chairman (Attachment G) and is summarized as follows: 1) Traffic impacts on Gold Hill Road and Highway 193 should be carefully studied. In addition, the MAC recommends that a traffic turnout be constructed on the applicant's property to allow traffic driving on Gold Hill Road from the direction of Highway 193 to turn around; 2) A reasonable time limit should be set for evening events and noise from events should be closely monitored; and 3) Placer County should review Commercial Centers proposed on properties zoned agricultural carefully.

AGRICULTURAL COMMISSION:

The project was taken before the Agricultural Commission on October 29, 2012 as an Action Item. After hearing a brief presentation from staff and comments from members of the public, the Agricultural Commission made a motion to deny the project, stating that "the project did not enhance the marketability of the agricultural use of the property" and that a Community Center in an agriculturally zoned area should be associated with an agricultural use on the property. The commission unanimously voted to deny the project and approve the motion.

PROJECT DESCRIPTION:

The applicant is requesting approval of a Minor Use Permit to allow for the operation of a guest ranch (with up to nine units, including a four room bed-and-breakfast within the existing residence), a Community Center, a Retail Plant Nursery, and use of the site for garden tours. The Guest Ranch use is defined in the Zoning Code as a Rural Recreation use, and would include transient accommodations in up to four rooms in the existing 4,200 square foot residence and up to five cottages to be constructed on the subject property. As provided in County Code, lodging in the residence or guest cottages would be for overnight or up to a maximum of seven days.

The applicant is also requesting a Variance to allow for the construction of the 5,250 square foot event structure 50 feet from the centerline of the Nevada Irrigation District Canal where 100 feet from the centerline of the canal is required. In addition, the applicant is requesting a Variance to allow the construction of the Guest Ranch cottages 90 feet from the centerline of the Nevada Irrigation District overflow channel and 22.5 feet from the centerline of the Nevada Irrigation District Canal where 100 feet from centerline is required. Finally, the applicant is requesting approval for the elimination of the building envelope as delineated on Parcel Map Book 30, page 89 and as described in Note Three of that map.

The applicant cites the physical constraints of the property, including the existing development on site, the location of the septic and repair areas, the NID canal, the NID overflow Channel, Doty Ravine, the 100-year floodplain, the riparian habitat and tree coverage as justification for the request of approval of the Variances. These physical constraints limit the buildable areas on the project site, and because of this, the remaining buildable areas on the subject property would also require a Variance.

The guest ranch would be operated by the property owners and would include up to two full-time employees to assist with the grounds and housekeeping. Hours of operation would be 24 hours while guests are present. The applicant also proposes the construction of up to five cottages that would be used in addition to the four-bedroom units within the existing residence for the house guests as part of the guest ranch. In total, the guest ranch operation could accommodate 18 guests in 9 rooms (based upon a maximum occupancy of two guests per room). As proposed by the applicant, all patrons utilizing the venue for wedding purposes will be required to rent the rooms included in the primary residence and thus, no additional guests would be able to utilize the residence for transient occupancy while wedding events are in operation. For this reason, the use of the primary residence will not require the construction of additional parking stalls. However, construction of the guest ranch cottages would require the construction of parking stalls to accommodate each cottage.

The proposed Community Center would include the construction of an approximately 5,250 square-foot event center structure, a 60-stall parking area, and would allow for up to 150 guests for events. Operations would occur between the hours of 10:00 am and 10:00 pm Wednesday through Saturday, and between the hours of 10:00 am and 6:00 pm on Sunday. The Community Center would be operated year-round, limited to 59 events per year. The Community Center would also include the construction of a bathroom facility with four to six fixtures for each male and female restroom area. The 5,250 square-foot structure would include an area for events and a kitchen with a sink, warming ovens and serving tables for outside caterers. The Community Center would include two employees and outside personnel of up to ten additional persons.

The plant nursery would include approximately 5,000 square feet of growing area and approximately 1,000 square feet of retail nursery area, and would involve the growing and retail sale of plants. Operation of the plant nursery would require one additional employee. The plant nursery would be open Wednesday through Sunday, between the hours of 8:00 am and 6:00 pm and it would be closed during scheduled events. The garden viewing and tours would be limited to the nursery hours and would involve tours of the on-site grounds and gardens.

The Community Center, guest ranch and plant nursery operations will include a total of 15 employees (five on-site employees, ten outside personnel) and up to 150 guests at one time if all facilities are in operation. With the exception of the two full-time on-site owner/managers, all employees would live off-site.

ANALYSIS:

Community Center

The Mitigated Negative Declaration determined that, with the implementation of mitigation measures, all impacts, including impacts related to noise, can be mitigated to a less than significant level. While the Noise section of the Mitigated Negative Declaration states that amplified music and speech may occasionally be audible at the nearest residences within the area surrounding the project site, despite the implementation of the required mitigation measures, the project would be in compliance with the County's adopted inside noise standards. To address this issue, staff is recommending that all amplified noise be ceased no later than 10:00 p.m.

Guest Ranch/Bed and Breakfast

The applicants plan to operate the Guest Ranch in conjunction with the community center and would like to operate the Guest Ranch in the same manner that they would a Bed and Breakfast. The applicants plan to utilize four bedrooms in the primary residence as a Bed and Breakfast, and plan to build five additional guest cottages to be utilized in the same manner. Staff is in support of these proposed uses because the residential nature of a Bed and Breakfast and Guest Ranch operation is consistent with the intent of the Farm zone district.

Variance Request/Building Envelope Modification

Community Center Structure

The applicant is requesting a Variance to allow for the construction of the Community Center Structure at 50 feet from the centerline of the NID canal where 100 feet from the centerline of the canal is normally required and requesting a Variance to allow for the construction of the guest ranch cottages approximately 90 feet from the centerline of the NID overflow channel where 100 feet from centerline is normally required. The applicant is also requesting approval for the elimination of the building envelope as delineated on Parcel Map Book 30, page 89 and as described in Note Three of that map, to allow for the construction of the Community Center structure outside the boundaries of the envelope delineated on the parcel map. The proposed 5,250 square foot Community Center would be constructed partially within the footprint of the existing concrete basketball court.

In response to the project submittal, Nevada Irrigation District sent three pieces of correspondence related to the canal, the overflow channel and the easements located on site. In a letter dated February 2, 2012, Nevada Irrigation District requested the opportunity to review and approve plans for any grading and building permits related to the proposed project applied for by the applicant. In addition to this letter, Nevada Irrigation District sent an e-mail on July 31, 2012 that stated that it would support a reduction in the setback to the Nevada Irrigation District Canal to allow for the Community Center to be constructed 50 feet from the centerline of the canal and to allow for the proposed Guest Ranch cottages to be constructed at 22.5 feet from the centerline of the canal on the condition that the canal be encased and that all construction remain outside of the existing Nevada Irrigation District Easement. However, this e-mail also stated that

NID would not support a Variance to the NID overflow channel because this channel cannot be encased and a Variance may create a safety issue. The applicant has addressed this by stating that, upon reviewing the grading and building plans for the project, should NID determine that the cottage is too close to the NID overflow channel, the applicant shall move the cottage north approximately ten feet in order to meet the required setback.

The subject property has constraints that would warrant the need approval of a Variance for the construction of the Community Center structure. These constraints include the location of the proposed and existing septic and repair areas, the NID canal, the NID overflow Channel, Doty Ravine, the 100-year floodplain, the riparian habitat and the tree coverage located on site. These constraints significantly limit buildable areas on-site that can accommodate the size of the Community Center structure. Because of this, the available buildable areas on the subject property would require tree removal or would also require a Variance.

Staff has concluded, based upon the concurrence of NID and the constraints identified above, the request for a Variance to allow for the siting of the Community Center as proposed by the applicant is warranted. The proposed location of the Community Center structure is acceptable and will allow for the retention of existing trees on the project site.

As noted above in the "Background" section, while it was previously common County practice to include building envelopes for primary structures on Parcel and Tentative Maps, the practice created much confusion, as is exhibited with this proposal. As the buildings being proposed with this application are all accessory to the primary structure, the proposed buildings would not be subject to the building envelope requirement. To address this issue, it is staff's recommendation that the building envelope reference on the Parcel Map be eliminated, as the primary structure for this property has already been constructed.

Parking

Section 17.54.060(B) of the Placer County Zoning Ordinance (Parking Space Requirements by Land Use) provides that for a Community Center use, the applicant shall provide one parking stall per 40 square feet of multi-use floor area or one parking stall per four fixed seats. The event center would include approximately 3,596 square feet of multi-purpose use area, which equates to 90 parking stalls per the Placer County Zoning Ordinance. At a ratio of one stall per four fixed seats, the applicant would be required to provide approximately 38 parking stalls to accommodate 150 people. As a result of discussions between staff and the applicant, the applicant proposes to construct 60 parking spaces. In addition, the applicant will have an overflow parking area on site to accommodate additional vehicles, if necessary. Staff has determined that the establishment of 60 parking stalls for the proposed Community Center is consistent with the Parking Space Requirements section of the Placer County Zoning Ordinance and that sufficient off-street parking will be provided for all proposed uses on the project site.

Environmental Analysis

Consistent with the requirements of the California Environmental Quality Act, a Mitigated Negative Declaration (MND) was prepared for the proposed project. Environmental issues

discussed in the environmental document include: Aesthetics, Agricultural Resources, Air Quality, Biological Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Noise, Public Services, Transportation and Traffic and Utilities and Service Systems. The MND concludes that, with the implementation of mitigation measures included in the document, environmental impacts will be reduced to less than significant levels.

Aesthetics

The subject property is currently developed with a paved access drive, an approximately 4,200 square-foot residence, a barn, basketball court, pool, riding arena and miscellaneous structures. The proposed project would involve site grading, parking and access improvements, the construction of five small cottages and an approximately 5,250 square foot event structure. While the construction of these improvements would change the existing visual character of the project site, the proposed uses are conditionally allowed in this zoning district, and the proposed structures will be designed in a manner to complement the rural character of the project area. With the implementation of the mitigation measures included in the environmental document including limitations on lighting and the requirement for Design/Site review, impacts related to aesthetics as a result of the proposed project would be reduced to a less than significant level.

Agricultural Resources

The Placer County General Plan sets forth Policy 7.B.1 related to land use buffers, which states "The County shall identify and maintain clear boundaries between urban/suburban and agricultural areas and require land use buffers between such uses where feasible. These buffers shall occur on the parcel for which the development permit is sought and shall favor protection of the maximum amount of farmland." The subject property is located adjacent to a parcel that is within a Williamson Act Contract and is utilized for cattle grazing. Additionally, the parcel to the immediate southwest and adjacent to the subject property is utilized as an organic farm and is permanently conserved through the recordation of an agricultural conservation easement. These uses fall within the definition of an agricultural land use in the Placer County General Plan. Although the proposed project is conditionally permitted as an agricultural-related land use, the applicant will be required to provide a land use buffer between the Community Center and guest ranch operations and the neighboring organic farm and cattle pastures. With the implementation of mitigation measures and conditions of approval that require the applicant to meet the buffers as required by the Placer County General Plan, impacts related to agriculture would be mitigated to a less than significant level.

Air Quality

Construction of the project would include reconstruction of the existing driveway and accesses to conform with standards. This construction would result in short-term diesel exhaust emissions from on-site heavy-duty equipment and would general diesel PM emissions from the use of off-road diesel equipment required for site grading. Additionally, operational related emissions would result from traffic from guests traveling to and from the site and the occasional use of back-up generators. With the implementation of the mitigation measures included in the environmental document, impacts related to these occurrences would be mitigated to a less than significant level.

Biological Resources

A Biological Assessment was conducted on the property and determined that improvements associated with the proposed project would not result in impacts to waters of the United States. Further, the study determined that the proposed project would not result in impacts to habitats that could support special status fish and wildlife species because no improvements would occur within 140 feet of Doty Ravine or within the Doty Ravine riparian area.

The proposed road and parking improvements would be constructed in areas made up of ruderal annual grassland habitat with little habitat value in this area of the County. The subject property contains trees that are protected by the Placer County Tree Ordinance, and some of these trees (including diseased and dead trees) will be removed as part of the project. For this reason, mitigation measures have been included in order to mitigate impacts related to tree removal to a less than significant level. In addition, to protect the streams and riparian habitats on site, mitigation measures have been included to require a setback from these areas to ensure possible impacts to these areas remain less than significant.

Geology and Soils

To construct the improvements proposed, potential impacts to the disruption of soils on-site may occur, including excavation/compaction for the on-site circulation and parking area improvements. Approximately 1.5 acres will be disturbed by grading activities. The earthwork, approximately 250 cubic yards, is proposed to balance on site and not require any import or export of soil material. In addition, there are potential impacts that may occur from the proposed changes to the existing topography. The project proposes maximum soil cuts and soil fills of up to 4 feet as shown on the preliminary grading plan and in the project description. The soil on the site has the potential to contain bedrock and the project may be required to use blasting techniques as part of the site disruption. The disruption of soils will increase the risk of erosion and will create a potential for contamination of storm runoff with disturbed sediment or other pollutants introduced through typical grading practices. In addition, the disruption has the potential to modify existing drainage ways. However, the project's site specific impacts associated with soil disruptions, topography and erosion will remain at a less than significant level with the implementation of mitigation measures.

Hazards and Hazardous Materials

The property is located within an area that contains wildlands and is considered to be an area of moderate fire hazard. The potential to expose persons to a risk of loss, injury or death involving wildland fires would be increased as a result of the proposed project. However, impacts related to an increase of fire risk due to the projects' location within a wildland area will be mitigated to a less than significant level with the implementation the mitigation measure included in the environmental document, which requires that the applicant provide a 20-foot-wide, all-weather surface to within 150 feet of all parts of exterior walls of all buildings and areas open to the public.

Hydrology and Water Quality

The project has the potential to increase the stormwater runoff amount and volume. The potential increases in stormwater have the potential to result in incremental downstream impacts. In addition, the project has the potential to degrade water quality and may

degrade surface water quality within the Doty Ravine/Coon Creek watershed. However, with the implementation of mitigation measures included in the environmental document, these impacts can be mitigated to a less than significant level.

Land Use and Planning

As proposed, the Community Center would allow for up to 150 guests per event and up to 59 events per year. On the days when the Community Center is not being utilized, and between the days of Wednesday and Sunday, the nursery and garden tours would operate on the project site. Impacts will be mitigated to a less than significant level with the implementation of the mitigation measures included in the environmental document. These mitigation measures include the requirement for Design/Site review, limitations on and review of proposed lighting, setbacks from neighboring agricultural properties to the proposed use, and mitigation measures limiting the hours of operation and limiting the use of noise sources on the subject property.

Noise

The proposed project would introduce a new source of noise in the project area with events of up to 150 people that would include amplified music. The Placer County Noise Element of the General Plan establishes hourly noise exposure limits for non-transportation (stationary) noise sources affecting community residential land uses. These limits are established at 65 dB for daytime noise levels and 60 dB for nighttime noise levels.

An Environmental Noise Assessment was prepared for the project by Bollard Acoustical Consultants, Inc.. The assessment included a simulation of noise levels for events for up to 200 people (number of guests originally proposed by applicant) with amplified music. Based on these simulations, the assessment determined that noise levels associated with amplified music and noise associated with events of up to 200 guests fell below the allowable noise levels set forth by the General Plan. The assessment determined that noise associated with the proposed project would satisfy the Placer County Noise Standards at the project property lines and the nearest existing residences, with the implementation of mitigation measures. These mitigation measures include a limitation on the hours of operation of the Community Center, a limitation on sound levels such that levels shall not exceed 75 dBA L_{max} at a position 75 feet in front of the amplified noise source, a limitation on the directional orientation of the amplification sources, and a requirement that facility representatives work with neighboring property owners on concerns related to noise.

Transportation and Traffic

The environmental document analyzed the project under the originally proposed number of 200 guests (this number has since been reduced to a maximum of 150 guests). A number of 200 guests will generate approximately 190 daily trips for a maximum event (200 person wedding) and approximately 80 daily trips for a regular event during the weekday. Approximately 31 trips will be generated during the PM peak hour during the week, and approximately 81 trips will be generated in the peak hour during the weekend. The addition of project traffic will increase the volume of traffic on the existing roadway segments in the area. The proposed project's impacts associated with increases in traffic will be mitigated to a less than significant level by the implementation of the mitigation

measure included in the environmental document, which requires that a traffic fee be paid to Placer County Department of Public Works. In addition to the traffic fee, the project will include an improvement to the existing encroachment onto Gold Hill Road to a Plate R-17 standard encroachment.

CONCLUSION

The intent of the Farm (F) zone district is to provide areas for the conduct of commercial agricultural operations that can also accommodate necessary services to support agricultural uses, together with residential land uses. Community Centers, Guest Ranches and Retail Plant Nurseries are all uses that are allowed within the Farm (F) zone district with the approval of a Minor Use Permit. When approving a Minor Use Permit, the hearing body must be able to make certain findings specific to that permit (see findings listed below, under "Minor Use Permit"). With recommended modifications to the project, the Development Review Committee has concluded the project (as modified) is an appropriate design solution for the project site.

In reviewing this application, staff has spent considerable time analyzing other similar facilities that currently operate within the County to assess how this proposed project might be integrated into the surrounding community. The Planning Commission may remember that it has previously approved similar proposals for the Flower Farm Inn (located on the corner of Auburn-Folsom Road and Horseshoe Bar Road in Loomis) and Newcastle Wedding Gardens (located on Taylor Road in Newcastle). While these existing businesses are located on arterial roadways, each of the businesses is surrounded by rural residential land uses. In the case of the Flower Farm, it has many (if not all) of the same uses proposed with this project application (i.e., community center, bed-and-breakfast, guest cottages, retail nursery). In a review of Code Enforcement files, staff could find no complaints regarding noise or traffic associated with any of the community center uses at the Flower Farm.

Community Center

As proposed, the Community Center may operate Wednesday through Saturday from 10:00 am to 10:00 pm and 10:00 am to 6:00 pm on Sundays limited to a maximum of 59 events per year.

Guest Ranch/Bed and Breakfast

As stated above, a Guest Ranch is a use that is allowed in the Farm zone district with the approval of a Minor Use Permit. The Placer County Zoning Ordinance does not specifically define a Guest Ranch. Rather, a Guest Ranch is defined under the "Rural Recreation" use, which states "Rural Recreation means facilities for special group activities such as: dude and guest ranches." (Placer County Zoning Ordinance Section 17.04.030; Definitions)

As proposed, the applicants would utilize four of the bedrooms in the existing 4,200 square foot residence as a part of the guest ranch, and would construct five additional guest ranch cottages for transient accommodations for a total of nine rooms to accommodate up to 18 guests. Staff has concluded it can support the development of five cottages, and the cottages shall be constructed such that no variance to the canal setback area is required (as stated by NID).

Comments from the Public

The County has received a variety of comment letters regarding the proposed project, including the following:

- Two letters from public agencies
- Four letters from MACs and or special interest groups
- 24 letters from the general public

Staff has provided responses to each of the comment letters received, and these responses can be found in Attachment I. In general, many of the comments received were voicing either support or opposition to the proposed project. Some of the comment letters addressed issues associated with the environmental document, and responses to each issue raised has been provided. Staff has concluded that none of the comments raised identifies an issue that was not previously considered within the environmental document, and that the proposed Mitigated Negative Declaration properly addresses each issues raised. Staff has therefore concluded that no additional environmental analysis is required, and the Mitigated Negative Declaration may be considered for approval by the Planning Commission.

RECOMMENDATION FOR APPROVAL:

Staff recommends that the Planning Commission approve the proposed Gold Hill Gardens (PMPC 20110228) project as follows:

Minor Use Permit

Staff recommends that the Planning Commission approve the Minor Use Permit to allow for the use of the Community Center, and staff recommends that the Planning Commission approve the use of the Retail Plant Nursery and garden tours.

Staff also recommends that the Planning Commission recommend approval of the Minor Use Permit to allow for a Bed and Breakfast for use of up to four rooms in the existing residence to transient accommodations, as well as to allow for the construction of five guest cottages.

Variance

Community Center

Staff recommends that the Planning Commission approve the Variance request to allow for the construction of the approximately 5,250 square foot Community Center structure 50 feet from the centerline of the Nevada Irrigation District Canal.

Guest Ranch Cottages

Staff recommends that the Planning Commission approve the Variance request to allow for the construction of the five guest ranch cottages approximately 22.5 feet from the centerline of the NID canal.

Staff recommends denial of the Variance to allow for the construction of one of the Guest Ranch cottages 90 feet from the centerline of the NID overflow channel.

Building Envelope Modification

Community Center

Staff recommends that the Planning Commission approve the building envelope modification to Parcel Map book 30, page 89 to eliminate the identified building envelope.

FINDINGS FOR APPROVAL:

CEQA:

The Planning Commission has considered the proposed Mitigated Negative Declaration, the proposed mitigation measures, the staff report and all comments thereto and hereby adopts the Mitigated Negative Declaration for the project based upon the following findings:

1. The Mitigated Negative Declaration and Errata for the Gold Hill Gardens project has been prepared as required by law. With the incorporation of all mitigation measures, the project is not expected to cause any significant adverse impacts.
2. There is no substantial evidence in the record as a whole that the project as revised and mitigated may have a significant effect on the environment.
3. The Mitigated Negative Declaration and Errata as adopted for the project reflects the independent judgment and analysis of Placer County which has exercised overall control and direction of its preparation.
4. The mitigation plan/mitigation monitoring program prepared for the Project is approved and adopted (Attachment H).
5. The custodian of records for the project is the Placer County Planning Director, 3091 County Center Drive, Suite 140, Auburn CA, 95603.

Minor Use Permit – Community Center, Retail Plant Nursery, Garden Tours, Bed and Breakfast

1. The proposed use is consistent with all applicable provisions of this chapter and any applicable provisions of other chapters of this code.
2. The proposed use is consistent with applicable policies and requirements of the Placer County General Plan.
3. The establishment, maintenance or operation of the proposed use or building will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, comfort and general welfare of people residing or working in the neighborhood of the proposed use, or be detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the County; except that a proposed use may be approved contrary to this finding where the granting authority determines that extenuating circumstances justify approval and enable the making of specific overriding findings.

4. The proposed project or use will be consistent with the character of the immediate neighborhood and will not be contrary to its orderly development.
5. The proposed project will not generate a volume of traffic beyond the design capacity of all roads providing access to the project, either those existing or those to be improved with the project unless a specific design deficiency is acknowledged and approved in conjunction with the adoption of a general plan or community plan applicable to the area in question.

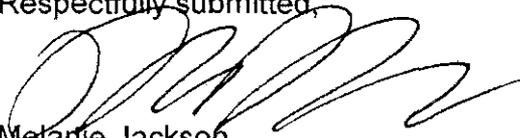
Variance - Community Center Structure

1. There are special circumstances applicable to the subject property, including the existing development on site, the location of the septic and repair areas, the NID canal, the NID overflow Channel, Doty Ravine, the 100-year floodplain, the riparian habitat and tree coverage that limit the buildable areas on the project site. Because of this, the remaining buildable areas on the subject property would also require a Variance. NID supports the requested Variance, on condition that the NID canal be encased. Because of such circumstances, the strict application of the Zoning Ordinance has been found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classifications.
2. The granting of this Variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and in the same zone district.
3. The Variance does not authorize a use that is not otherwise allowed in the zone district.
4. The granting of this Variance does not, under the circumstances and conditions applied in this particular case, adversely affect public health or safety, is not materially detrimental to the public welfare, nor injurious to nearby property or improvements.
5. The Variance is consistent with the *Placer County General Plan*.

Variance – Guest Ranch Cottages

1. The granting of this Variance will constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and in the same zone district.
2. The granting of this Variance would, under the circumstances and conditions applied in this particular case, adversely affect public health or safety, is not materially detrimental to the public welfare, nor injurious to nearby property or improvements.
3. The Variance is inconsistent with the *Placer County General Plan*.

Respectfully submitted,



Melanie Jackson
Associate Planner

ATTACHMENTS:

- Attachment A - Conditions of Approval
- Attachment B - Vicinity Map and Site Plan
- Attachment C - Mitigated Negative Declaration
- Attachment D - Mitigation Monitoring Program
- Attachment E - Parcel Map Book 30 Page 89
- Attachment F - Correspondence from NID
- Attachment G - Letter from Rural Lincoln Municipal Advisory Council
- Attachment H - Letter from Newcastle/Ophir Municipal Advisory Council
- Attachment I (A) – Correspondence for 11-8-12 Planning Commission Hearing

UNDER SEPARATE COVER

- Attachment I - Correspondence from Interested Parties and Neighboring Property Owners
- Attachment J - Responses to Comments
- Attachment K - Correspondence to Planning Commissioners
- Attachment L - ZA Correspondence

cc: Mike and Cindy Carson - applicants
Michael Johnson – CDRA Director
Paul Thompson – Deputy Planning Director
Karin Schwab – County Counsel's Office
Phil Frantz – Engineering and Surveying Division
Laura Rath – Environmental Health Services
Gerry Haas – Air Pollution Control District
Andy Fisher – Placer County Parks Division

Subject/chrono files