

COUNTY OF PLACER
Community Development/Resource Agency

**PLANNING
SERVICES DIVISION**

Michael J. Johnson, AICP
Agency Director

Paul Thompson, Deputy Director

MEMORANDUM

TO: Honorable Board of Supervisors

FROM: Michael J. Johnson, AICP
Agency Director

DATE: July 10, 2012

**SUBJECT: OLIVE RANCH SUBDIVISION – SUBDIVISION / CONDITIONAL USE PERMIT
MODIFICATION (PCPM20120020) – APPEAL OF THE PLANNING
COMMISSION DENIAL OF A GATED ENTRY FOR OLIVE RANCH
SUBDIVISION**

ACTION REQUESTED

The Board is being asked to consider an Appeal from Ashley Feeney, on behalf of The New Home Company, of the Planning Commission's denial of a gated entry for the Olive Ranch Subdivision. Staff recommends that the Board uphold the Planning Commission action and deny the Appeal.

BACKGROUND

The Planning Commission approved the Olive Ranch Subdivision in September 2006. The approval allowed for the subdivision of a 15-acre parcel into a 12-lot planned residential development. Primary access to the site is from Olive Ranch Road, and streets within the subdivision, once constructed, will be privately owned and maintained. The Planning Commission also approved a Variance to allow a six-foot-high, solid fence within the front setback adjacent to Olive Ranch Road.

The Mitigated Negative Declaration for the Olive Ranch Subdivision stated that no gated entry was included with the original project approval, and that any gated entry proposed in the future would need to be returned to the Planning Commission for consideration.

On February 28, 2012, the Board of Supervisors adopted the Update to the Granite Bay Community Plan. To ensure a smooth and consistent transition between the plans, it was concluded that project applications deemed complete prior the adoption date of the 2012 Plan would continue to be analyzed for consistency with the policies of the 1989 Granite Bay Community Plan. Applications not yet deemed complete by February 28, 2012 or new applications received after that date for projects in the Granite Bay Community Plan area are analyzed for consistency with the 2012 plan. Because the Olive Ranch Subdivision modification

application was submitted prior to February 28, 2012, this application is being reviewed under the previous Community Plan.

Project Description

The applicant is requesting approval of a Subdivision/Conditional Use Permit Modification to allow a gated entry on Carlisle Woods Place for the Olive Ranch Subdivision. The gated entry would be 8-feet-high and incorporate four 8-foot-high pilasters and one 6-foot-high pedestrian gate. The gates (ingress and egress gates) would be attached to a center pilaster (8-feet-high); beyond this are two pilasters (8-feet-high) and one pedestrian gate (6-feet-high) that would connect to the previously approved 6-foot-high walls that will be constructed adjacent to Olive Ranch Road.

Granite Bay MAC

On April 4, 2012, the Granite Bay Municipal Advisory Council unanimously voted (5-0) to recommend that the Planning Commission deny the proposed gated entry at the entrance to the Olive Ranch Subdivision. There was no support for the proposed gated entry from any of the MAC members. One of the members suggested that speed bumps would be more appropriate and another recommended that signage could be effective to eliminate any future problems associated with vehicles attempting to get to Cavitt-Stallman Road. No MAC members supported the applicant's position that overflow parking from the elementary school on the south side of Olive Ranch Road would result in vehicles being parked on Carlisle Woods Place.

Planning Commission Action

The proposed gated entry application that is the subject of this Appeal was considered by the Planning Commission at its April 12, 2012 meeting. At the hearing, the applicant's attorney provided testimony focused on security and traffic-related issues that could negatively impact the subdivision as the rationale for supporting the gated entry request. Additionally, the applicant's attorney stated that the proposed application was consistent with Goal 1, Policy 15 of the 1989 Granite Bay Community Plan, which states:

Gated subdivisions shall not be allowed unless there are significant extenuating circumstances. New subdivisions shall include roadway connections to adjacent subdivisions or provisions to connect to adjacent vacant lands subject to development. Gated subdivisions that are allowed shall incorporate provisions for emergency service providers to operate the gates automatically from the emergency service vehicle.

Additional testimony in opposition of the project was presented by several Granite Bay residents who did not agree that the security and traffic related issues presented were "significant extenuating circumstances" that would be consistent with Goal 1, Policy 15 of the 1989 plan.

The Planning Commission took action to deny the project (3-2; Commissioners Brentnall, Roccucci and Johnson voted yes to deny; Commissioners Moss and Denio voted no; Commissioners Sevison and Gray were absent). The Commission deliberated over the applicant's contention that the inability to view the rear five lots from Olive Ranch Road or from the lots at the front of the subdivision constitutes a significant extenuating circumstance, specifically related to security. Because the subdivision is currently undeveloped and a Final Subdivision Map is not even complete, the Planning Commission could not identify any specific information showing that there are security issues associated with the current design of the

subdivision that would establish “significant extenuating circumstances” in order to allow the Commission to find consistency with Goal 1, Policy 15. After much discussion, the Commission concluded that a significant extenuating circumstance did not exist because of an inability to see the rear five lots from the front of the subdivision or from Olive Ranch Road, and therefore the request to modify the subdivision to permit a gated entry was not consistent with Goal 1, Policy 15 of the 1989 Granite Bay Community Plan.

Letter of Appeal

On April 23, 2012, an appeal was filed by Ashley Feeney of The New Home Company, challenging the Planning Commission’s denial of the gated entry for the Olive Ranch subdivision. The appeal states that evidence presented in support of the gated entry are in fact “significant extenuating circumstances” and that the gated entry as proposed would therefore be consistent with Goal 1, Policy 15 of the 1989 Granite Bay Community Plan.

The following two points are identified in the appeal:

1. The evidence in the administrative record before the Planning Commission did not support the Planning Commission’s action, but instead the evidence supported the requested gated entry for the project as presented by the representative of the applicant.

2. The evidence in the administrative record failed to support the single finding made by the Planning Commission in denying the applicant’s request.

RESPONSE TO APPEAL LETTER

As identified above, the appeal submitted identifies two issues as the basis for the appeal. To assure that each of the issues being appealed are properly addressed, a response to each issue is provided below:

Administrative Record Supports Approval of Requested Gated Entry

The Appeal states that the administrative record contains evidence to support the approval of a gated entry and was presented by the applicant’s attorney at the Planning Commission meeting. Specifically, this evidence was that the Olive Ranch Subdivision has a large wooded, open area in the middle of the subdivision, which would serve to screen five of the lots in the rear of the subdivision from any view of the other lots in the subdivision or from Olive Ranch Road. As such, approval of the proposed gated entry would be the best solution to address this security issue.

In its review of the project, the Planning Commission concluded that this assertion by the appellant is problematic to analyze because it is based on a hypothetical prediction of what might happen at some future time; the subdivision is currently undeveloped, and the Final Map is not yet complete. In reaching its decision to deny the gate application, the Planning Commission concluded it could not make a finding of consistency with Goal 1, Policy 15 because the subdivision has yet to be built; there are no current security issues or issues associated with the current design of the subdivision that would provide evidence of “significant extenuating circumstances”.

The Administrative Record does not Support the Finding made by the Planning Commission

The Planning Commission concluded it could not make the findings of consistency with the Granite Bay Community Plan necessary to approve the proposed gated entry. The Planning Commission heard testimony from the applicant's representative and Granite Bay community members who opposed approval of the request. In addition, the Planning Commission heard the staff presentation and received a copy of the staff report as part of staff's analysis of the request. Based on all of the information, the Planning Commission decision was to deny the applicant's request for a gated entry at Olive Ranch Subdivision because the Commission did not find that the security and traffic related issues raised by the applicant were "significant extenuating circumstances" and therefore the request was not consistent with Goal 1, Policy 15 of the 1989 Granite Bay Community Plan.

RECOMMENDATION

Staff recommends that the Board of Supervisors deny the appeal and uphold the Planning Commission's decision to deny the Olive Ranch Subdivision gated entry project, based on the following findings:

FINDINGS

SUBDIVISION CONDITIONAL USE PERMIT MODIFICATION

1. The Board has conducted a de novo hearing in this matter. The Board finds that the appellants have failed to satisfy their burden of proof to overturn the Planning Commission's denial of the Olive Ranch Subdivision gated entry project. The Board has found no evidence in either the written or oral record to establish consistency with all applicable goals and policies of the Placer County General Plan and 1989 Granite Bay Community Plan. Specifically, the Board does not find the proposed project consistent with Goal 1, Policy 15 of the 1989 Community Plan because the security and traffic related issues raised by the appellant do not constitute "significant extenuating circumstances".
2. Under section 15270(a) of the California Environmental Quality Act ("CEQA") Guidelines, CEQA does not apply to projects, which a public agency rejects or disapproves.

While it is staff's recommendation that the Board of Supervisors uphold the decision of the Planning Commission and deny the appeal, should the Board of Supervisors decide to grant the appeal and approve the Subdivision and Conditional Use Permit Modifications for the Olive Ranch Subdivision gated entry project, staff has prepared Findings and Conditions of Approval (Attachment E).

ATTACHMENTS:

- Attachment A: Planning Appeal received April 23, 2012
- Attachment B: Vicinity Map
- Attachment C: Site Plan
- Attachment D: Planning Commission Staff Report dated April 12, 2012
- Attachment E: Findings and Conditions of Approval

cc: Ashley Feeney
Michael Johnson – CD/RA Director
Paul Thompson - Deputy Planning Director
E.J. Ivaldi - Supervising Planner
Karin Schwab - County Counsel
Phil Frantz - Engineering and Surveying Department
Janelle Heinzler - Engineering and Surveying Department
Kenneth Stuart - Environmental Health Services
Andy Fisher - Parks Division
Andrew Gaber - Department of Public Works
Tom Christofk - Air Pollution Control District

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APR 23 2012
CDRA



PLACER COUNTY PLANNING DEPARTMENT
AUBURN OFFICE
3091 County Center Dr
Auburn, CA 95603
530-886-3000/FAX 530-886-3080
Web page: www.placer.ca.gov/planning

TAHOE OFFICE
565 W. Lake Blvd./P. O. Box 1909
Tahoe City CA 96145
530-581-6280/FAX 530-581-6282
E-Mail : planning@placer.ca.gov

PLANNING APPEALS

The specific regulations regarding appeal procedures may be found in the Placer County Code, Chapters 16 (Subdivision), 17 (Planning and Zoning), and 18 (Environmental Review Ordinance).

-----OFFICE USE ONLY-----

Last Day to Appeal 4/23/12 (5 pm) Appeal Fee \$ 520.00
Letter _____ Date Appeal Filed 4/23/12
Oral Testimony > _____ Receipt # 12-0080707
Zoning _____ Received by S.Fitz
Maps: 7-full size and 1 reduced for Planning Commission items Geographic Area South

-----TO BE COMPLETED BY THE APPLICANT-----

1. Project name Gated Entry for Olive Ranch (PSUB20040308) (PCPM20120020)
2. Appellant(s) The New Home Company - Ashley Feeny (916)-771-2223 (916) 771-4199
Address 2220 Douglas Blvd, Suite 240 Telephone Number Fax Number
Roseville CA 95661
City State Zip Code
3. Assessor's Parcel Number(s): 046-140-002
4. Application being appealed (check all those that apply):
 Administrative Approval (AA-_____) Tentative Map (SUB-_____)
 Use Permit (CUP/MUP-_____) Variance (VAA-_____)
 Parcel Map (P-_____) Design Review (DSA-_____)
 General Plan Amendment (GPA-_____) Rezoning (REA-_____)
 Specific Plan (SPA-_____) Rafting Permit (RPA-_____)
 Planning Director Interpretation _____ (date) Env. Review (EIAQ-_____)
 Minor Boundary Line Adj. (MBR-_____) Other: _____
5. Whose decision is being appealed: Planning Commission
(see reverse)
6. Appeal to be heard by: Board of Supervisors
(see reverse)
7. Reason for appeal (attach additional sheet if necessary and be specific):
See attached.

(If you are appealing a project condition only, please state the condition number)

Note: Applicants may be required to submit additional project plans/maps.

Signature of Appellant(s)

PLACER COUNTY ZONING ORDINANCE SECTION 17.60.110

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APR 23 2012

CDRA

Rulings made by the below are considered by the Planning Commission:

Planning Director (interpretations)

Zoning Administrator

Design/Site Review Committee

Parcel Review Committee - other than road improvements which should be appealed to the Director of Public Works

Environmental Review Committee

Rulings made by the Planning Commission are appealed directly to the Board of Supervisors.

Rulings made by the Development Review Committee are appealed to the hearing body having original jurisdiction

Note: An appeal must be filed within 10 calendar days of the date of the decision. Appeals filed more than 10 days after the decision shall not be accepted by the Planning Department.

For exact specifications on an appeal, please refer to Section 17.60.110 of the Placer County Code.

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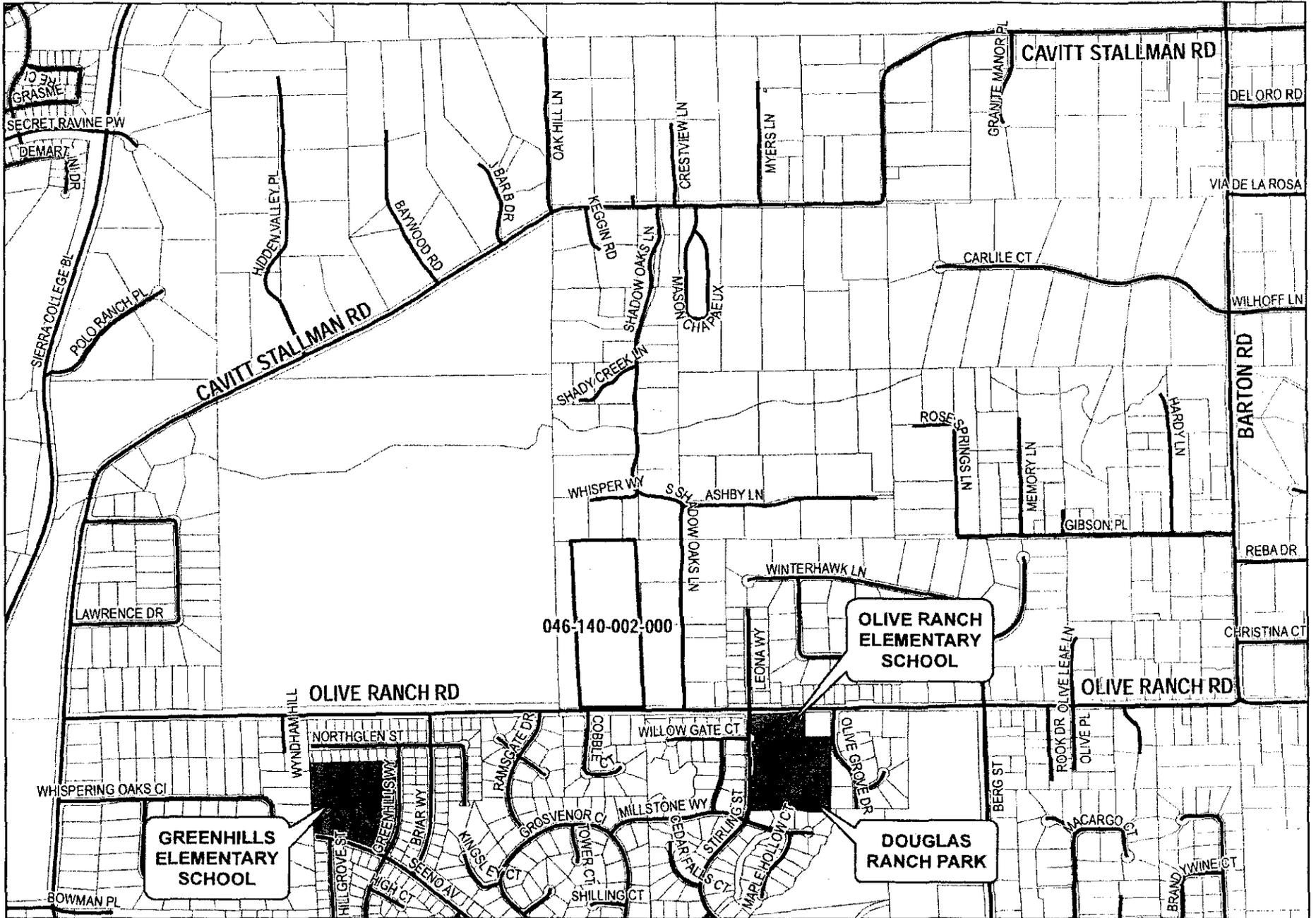
APR 23 2012

APPEAL OF THE NEW HOME COMPANY
REGARDING THE PLACER COUNTY PLANNING COMMISSION'S **CDRA**
DENIAL OF THE SUBDIVISION/CONDITIONAL USE PERMIT
MODIFICATION FOR THE OLIVE RANCH SUBDIVISION

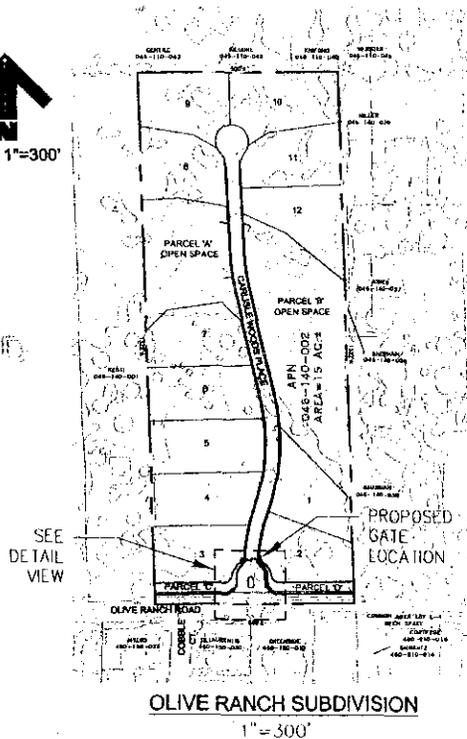
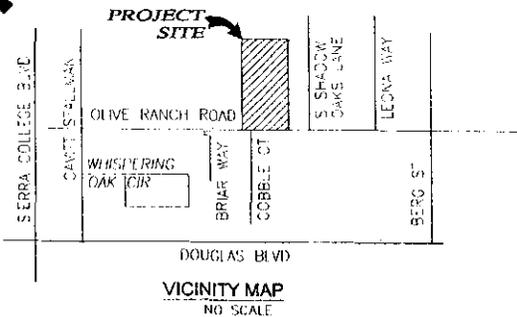
Appellant The New Home Company appeals the Planning Commission's action to deny a request for a Subdivision/Conditional Use Permit Modification for the Olive Ranch Subdivision (the "Project") to allow a gated entry for the Project.

The basis of this appeal is that the evidence in the administrative record before the Planning Commission did not support the Planning Commission's action, but instead the evidence supported the requested gated entry for the Project as presented by the representative of the applicant. The evidence in the administrative record failed to support the single finding made by the Planning Commission in denying the applicant's request.

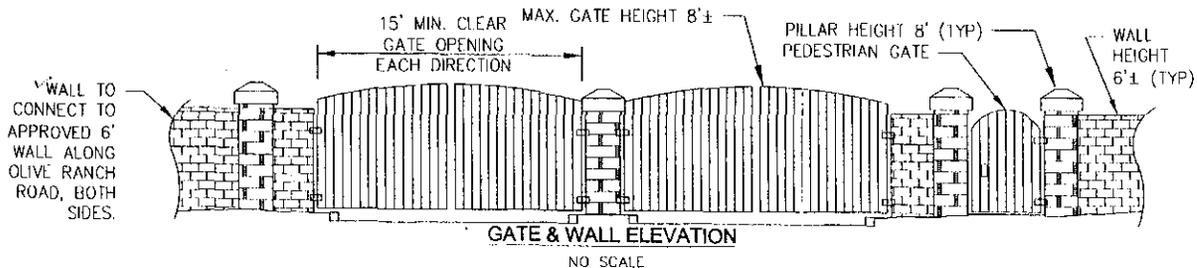
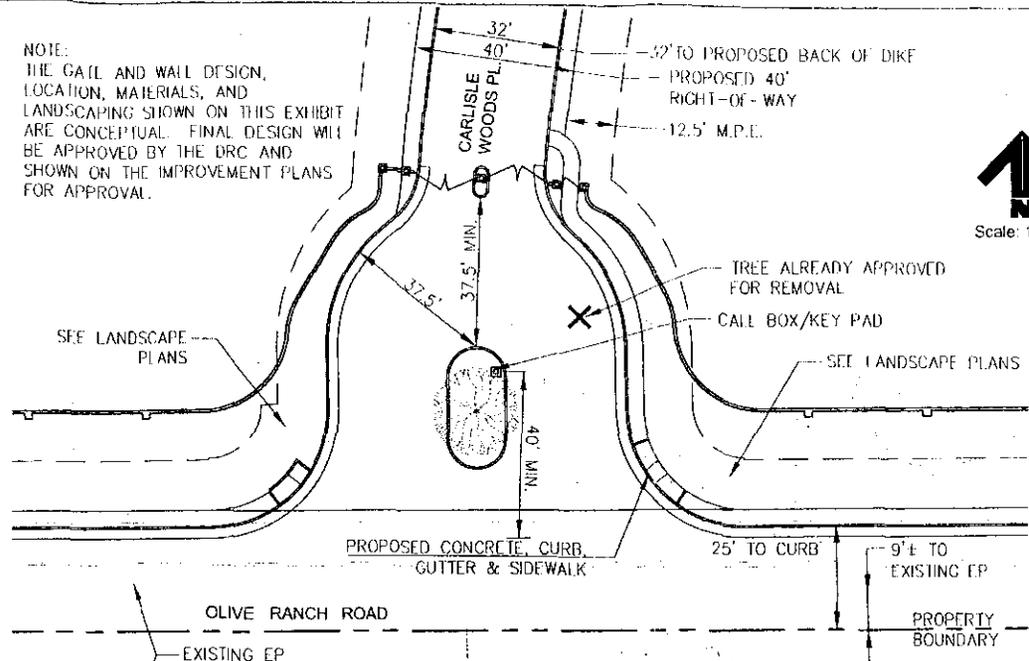
OLIVE RANCH SUBDIVISION



ATTACHMENT B



NOTE:
THE GATE AND WALL DESIGN,
LOCATION, MATERIALS, AND
LANDSCAPING SHOWN ON THIS EXHIBIT
ARE CONCEPTUAL. FINAL DESIGN WILL
BE APPROVED BY THE DRC AND
SHOWN ON THE IMPROVEMENT PLANS
FOR APPROVAL.



**OLIVE RANCH SUBDIVISION
GATED ENTRY EXHIBIT**

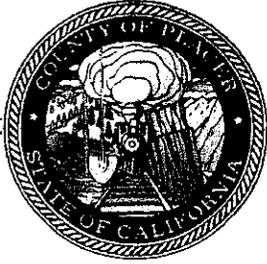
JANUARY 27, 2012

TLA
ENGINEERING & PLANNING
1528 BUREKA ROAD, SUITE 100
ROSEVILLE, CA 95661 916.786.0685

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JAN 30 2012
BLDG. DEPT.

ATTACHMENT C

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COUNTY OF PLACER
Community Development/Resource Agency

PLANNING SERVICES
DIVISION

Michael J. Johnson, AICP
Agency Director

Paul Thompson
Deputy Director, Planning Services

HEARING DATE: April 12, 2012
ITEM NO.: 2
TIME: 10:15 A.M.

TO: Placer County Planning Commission
FROM: Development Review Committee
DATE: April 5, 2012
SUBJECT: Subdivision / Conditional Use Permit Modification (PSUB20040308)
(PCPM20120020)
Gated Entry for Olive Ranch Subdivision
Categorical Exemption

COMMUNITY PLAN: Granite Bay Community Plan

COMMUNITY PLAN DESIGNATION: Rural Low Density Residential (0.9 - 2.3 acre minimum)

STAFF PLANNER: Roy Schaefer, Associate Planner

LOCATION: The project site is located on the North side of Olive Ranch Road, approximately 0.14 miles west of South Shadow Oaks Lane (4977 Olive Ranch Road/ APN: 046-140-002)

APPLICANT: Ashley Feeney of The New Home Company

PROPOSAL: The applicant on behalf of the New Home Company is requesting approval of a Gated Entry on Carlisle Woods Place for the Olive Ranch Subdivision.

CEQA COMPLIANCE: The action to deny the project is exempt from environmental review pursuant to Public Resources Code Section 21080(b)(5) (i.e., projects which a public agency rejects or disapproves). In the event that the Planning Commission takes action to approve the project, the project would be exempt from environmental review pursuant to provisions of Section 15303 of the California Environmental Quality Act

Guidelines and Section 18.36.050 of the Placer County Environmental Review Ordinance (Class 3 – New Construction or Conversion of Small Structures).

PUBLIC NOTICES AND REFERRAL FOR COMMENTS:

Public notices were mailed to property owners of record within 300 feet of the project site. A public hearing notice was also published in the *Sacramento Bee* newspaper. Community Development/Resource Agency staff and the Departments of Public Works, Environmental Health, Air Pollution Control District, and the Granite Bay Municipal Advisory Council (GBMAC) 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. All public comments received are attached to this staff report.

PROJECT DESCRIPTION:

The applicant is requesting approval of a Subdivision/Conditional Use Permit Modification to allow a gated entry on Carlisle Woods Place for the Olive Ranch Subdivision. The gated entry would be 8-feet high and incorporate four 8-foot high pilasters and one 6-foot high pedestrian gate. The gates (ingress & egress gates) would be attached to a center pilaster (8-feet high), beyond this are two pilasters (8 feet high) and one pedestrian gate (6-feet high) that would connect to previously approved 6-foot high walls that will be constructed along the Olive Ranch Road frontage.

BACKGROUND:

The Planning Commission approved the Olive Ranch Subdivision in September 2006. The approval allowed for the subdivision of a 15-acre parcel into a 12-lot planned residential development. Primary access to the site is from Olive Ranch Road and streets within the subdivision, once constructed, would be privately owned and maintained. The Planning Commission also approved a Variance to allow a six foot high solid fence within the front setback adjacent to Olive Ranch Road.

The Staff Report for the Olive Ranch Subdivision stated that no gated entry was proposed and that any gated entry proposed in the future would need to be returned to the Planning Commission for approval and/or denial of the proposal.

EXISTING LAND USE AND ZONING:

Location	Zoning	General Plan/Community Plan	Existing Conditions and Improvements
Site	Residential Single-Family, combining Agricultural, combining 100,000 sq. ft. (or a 2.3 ac. min.), combining Planned Residential Development 0.67 dwelling units per acre and Residential Single-Family, combining Agricultural, combining building site of	Rural Low Density Residential Density Limitation (0.9 – 2.3 AC. MIN., Combining Density Limitation 0.67)	Undeveloped residential Subdivision

	40,000 sq. ft. (or 2.3 ac. min.), combining Planned Residential Development 1.0 Dwelling Units per Acre (RS-AG-B-100 PD=0.67 & RS-AG-B-40 PD=1)		
North	Residential Agricultural, combining 4.6 ac. min. (RA-B-X 4.6 AC. MIN.)	Rural Residential (2.3 – 4.6 AC. MIN.)	Residential Land Use
South	Residential Single-Family, combining 20,000 sq. ft. min. (RS-B-20)	Low Density Residential (0.4 – 0.9 AC. MIN)	Residential Land Use
East	Residential Single-Family, combining Agricultural, combining 40,000 sq. ft. min. and Residential Agricultural, combining 4.6 ac. min. (RS-AG-B-40 & RA-B-X 4.6 ac. min.)	Rural Residential (upper portion) (2.3 – 4.6 AC. MIN.) & Rural Low Density Residential (lower portion) (0.9 – 2.3)	Residential Land Use
West	Residential Single-Family, combining Density Limitation 0.83 dwelling units per acre & 42,000 sq. ft. min. (RS-B-X-DL 0.83 42,000 sq. ft. min.)	Rural Low Density Residential Density Limitation (0.9 – 2.3 ac. min., Combining Density Limitation 0.67)	Undeveloped

DISCUSSION OF ISSUES:
GRANITE BAY COMMUNITY PLAN

This application was submitted on January 30, 2012; the revised and updated Granite Bay Community was adopted by the Board of Supervisors on February 28, 2012. It has been determined that this application must be consistent with the Community Plan that was in effect on the date that the application was deemed complete. This application was deemed complete prior to the February 12, 2012 Zoning Administrator hearing, where it was originally scheduled, until it was later determined that changes to the original conditions of approval would need to be considered by the Planning Commission.

Goal 1, Policy 15 of the 1989 Granite Bay Community Plan Circulation Element states that "Gated subdivisions shall not be allowed unless there are significant extenuating circumstances". The applicant contends that there are significant extenuating circumstances, and that entry gates should be allowed given the subdivisions close proximity to the Greenhills Elementary School and Olive Ranch School and related traffic concerns. In addition, the applicant contends that the relatively long, straight subdivision road (approximately 0.22 miles) would lead vehicles down Carlisle Woods Place to gain access to other areas in the Community not realizing that there is no outlet. Thus, creating additional traffic within the subdivision and safety hazards for residents. Lastly, the applicant contends that security concerns such as vandalism and theft would be alleviated with the installation of entry gates.

In regards to the proximity of the subdivision to existing schools in the area, Staff is not aware of any parking or traffic related issues within the neighborhood. The Olive Ranch

Subdivision is located far enough away where it would not be impacted by parents dropping-off and picking-up students when school is in session, and these are not High Schools, so there is not the problem of student drivers parking on local streets, as is the case with Granite Bay High School.

There is some merit to the applicants contention that vehicles would travel down Carlisle Woods Place to gain access to other areas in the Community not realizing that there is no outlet. However, It is staff's opinion that this street is very similar to many private streets in the Granite Bay area, that either do not experience these traffic/safety issues or if they do, have installed signs that say "no outlet" to successfully reduce such traffic.

It is difficult for staff to address any security concerns at this time as the property is currently undeveloped. There are both gated and ungated subdivisions in the immediate area and no factual evidence has been provided that would substantiate any existing security concerns in the neighborhood, with either gated or ungated subdivisions. Based on the information provided by the applicant at this time, staff has concluded that the proposed gated entry at this location would not be consistent with the 1989 Granite Bay Community Plan and would not meet the intent of Goal 1, Policy 15.

GATED ENTRY

According to the applicant, the proposed gated entry would be designed and constructed to Placer County standards, and would allow for sufficient turnaround, stacking, and access by emergency service providers. In addition, the proposed gated entry would comply with the County design standards.

GRANITE BAY MUNICIPAL ADVISORY COUNCIL

On April 4, 2012 the Granite Bay Municipal Advisory Council voted 5 to 0 to recommend DENIAL of the proposed entry gates to the Planning Commission. This decision was made after listening to testimony from the applicant and members of the public. The Granite Bay MAC did not concur with the applicant's assertion that there were significant extenuating circumstances as they relate to entry gates for the Olive Ranch Subdivision.

RECOMMENDATION:

The Development Review Committee recommends **denial** of the Subdivision/Conditional Use Permit modification to allow a gated entry for the Olive Ranch Subdivision, based on the following findings:

FINDINGS:

CEQA:

The action to deny the project is exempt from environmental review pursuant to Public Resources Code Section 21080(b)(5) (i.e., projects which a public agency rejects or disapproves).

SUBDIVISION MODIFICATION FINDINGS

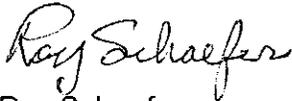
1. The proposed project is not consistent with all applicable goals and policies of the 1989 Granite Bay Community Plan, specifically Goal 1, Policy 15, which states "Gated

subdivisions shall not be allowed unless there are significant extenuating circumstances". The applicant has not demonstrated that significant extenuating circumstances exist. The applicant has provided statements in the application that only theorizes what may exist in the future as they relate to traffic circulation and safety issues within the Olive Ranch Subdivision.

CONDITIONAL USE PERMIT MODIFICATION FINDINGS

1. The proposed project is not consistent with all applicable goals and policies of the 1989 Granite Bay Community Plan, specifically Goal 1, Policy 15, which states "Gated subdivisions shall not be allowed unless there are significant extenuating circumstances". The applicant has not demonstrated that significant extenuating circumstances exist. The applicant has provided statements in the application that only theorizes what may exist in the future as they relate to traffic circulation and safety issues within the Olive Ranch Subdivision.

Respectfully submitted,



Roy Schaefer
Associate Planner

ATTACHMENTS:

- Attachment A - Vicinity Map
- Attachment B - Site Plan
- Attachment C - Supplemental Information Letter

- cc: Ashley Feeney – Applicant / The New Home Company
Phil Frantz - Engineering and Surveying Division
Laura Rath - Environmental Health Services
Lisa Carnahan - Air Pollution Control District
Andy Fisher - Parks Department
Karin Schwab – County Counsel
Michael Johnson - CDRA Director
Paul Thompson – Deputy Director
Holly Heinzen – CEO Office

Attachment C
To Planning Commission Staff Report

THE NEW
HOME
COMPANY

March 19, 2012

Mr. Roy Schaeffer, Associate Planner
Placer County - Planning Department
3091 County Center Drive Suite 220
Auburn, CA 95603

Re: Olive Ranch Vehicular Gates - Supplemental Information

Dear Mr. Schaeffer:

Per your request, The New Home Company is submitting supplemental information to our existing application for vehicular gates at our Olive Ranch Carlisle Wood project located off of Olive Ranch Road in Granite Bay. Please find the information enclosed. I also wanted to reaffirm the significant extenuating circumstances as justification for vehicular gates.

The Olive Ranch project was approved by the Planning Commission in September 2006. The project consists of 12 residential lots accessed off a long, private cul-de-sac drive adjacent to Olive Ranch Road. The approved project does not provide connection to other parts of Granite Bay, which is served off of a single point of access. This raises a concern regarding cut through traffic trying to get from Olive Ranch Road to Cavitt Stallman Road to northern destinations. Traffic will enter the project road only to find no outlet. Once vehicles discover that there is no outlet, drivers have a tendency to increase speed to get back to the project entrance. This condition presents a pedestrian conflict for the future residents that will use the street to access Olive Ranch Road. The approved street section is a rural lane. School age children will use the cul-de-sac to access nearby schools. The presence of gates will slow incoming and outgoing traffic by eliminating cut through traffic while simultaneously providing a safe environment for the future residents.

In addition to the significant safety concern relative to cut though traffic, the approval of a gated entrance would also prevent overflow parking in the subdivision from events that occur at the nearby school and will enhance security. The overflow traffic and parking from events on the school grounds are a unique situation of significance that adversely affects the subject property.

The gated access will be constructed to standards commonly applied in Placer County that allow sufficient access by emergency service providers; and allow vehicles to enter and exit the access point without increasing the potential for hazardous conditions on the adjacent street system. The granting of this variance will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated in that similar variances have been granted for other properties in the general area.

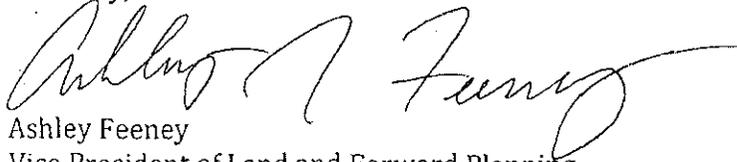
Mr. Roy Schaeffer
Olive Ranch - Vehicular Gates
March 19, 2012

Page 2 of 2

Special circumstances apply to this property related to location, layout and surroundings. The strict application of the Zoning Ordinance might deprive the subject property of privileges; in that the proximity to a land use (less than a quarter mile) that occasionally exceeds its own parking capacity has the potential to adversely affect the subject property.

The New Home Company is striving to provide a well designed, safe and functional entrance. We appreciate your consideration of our request. Should you have any questions or need additional information, please contact me at (916) 757-1182.

Sincerely,



Ashley Feeney
Vice President of Land and Forward Planning

Cc: Terry Lowell, TLA Engineering and Planning, Inc.
Brad Shirhall, TLA Engineering and Planning, Inc.
Patrick Longtin, TLA Engineering and Planning Inc.

FINDINGS:

CEQA

1. The project is categorically exempt from environmental review pursuant to provisions of Section 15303 of the California Environmental Quality Act Guidelines and Section 18.36.050 of the Placer County Environmental Review Ordinance (Class 3 – New Construction or Conversion of Small Structures).

SUBDIVISION MODIFICATION

1. The proposed project is consistent with all applicable goals and policies of the Placer County General Plan and 1989 Granite Bay Community Plan. The proposed gated entry located within the right-of-way of Carlisle Woods Place in the Olive Ranch Subdivision will provide for acceptable vehicle site distance, vehicle stacking, and meet the County design standard for a turnaround so that it does not constitute a danger to the public health, safety and welfare.

CONDITIONAL USE PERMIT MODIFICATION

1. The proposed project is consistent with all applicable provisions of Placer County Zoning Ordinance.
2. The proposed project is consistent with all applicable goals and policies of the 1989 Granite Bay Community Plan, specifically Goal 1, Policy 15, which states "Gated subdivisions shall not be allowed unless there are significant extenuating circumstances". The applicant has provided statements in the application that significant extenuating circumstances would exist in the future as they relate to traffic circulation issues within the Olive Ranch Subdivision including the possibility that vehicles would utilize Carlisle Woods Place as a road that provides access to Cavitt Stallman Road, and the fact that a gated entry would alleviate future traffic safety concerns for residents.
3. The establishment, maintenance or operation of the proposed use 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. The gated entry is designed so as to not block vehicle site distance along Olive Ranch Road and will provide for more than adequate stacking of vehicles so as to not impact traffic at the Carlisle Woods Place/Olive Ranch Road intersection. Additionally, the gated entry will provide for increased traffic safety concerns for Olive Ranch Subdivision residents.
4. The proposed project will be consistent with the character of the immediate neighborhood and will not be contrary to its orderly development as the gated entry would be constructed to standards applied in Placer County that allow sufficient access by emergency service providers and as such, would allow vehicles to enter and exit the access point without increasing the potential for hazardous conditions on the adjacent street, and would be consistent with the 1989 Granite Bay Community Plan.

Additionally, approval of the proposed project will not be precedent-setting, as several existing residential developments in the immediate project vicinity have already been approved with private entry gates. Immediately to the west of this project site, the County has approved the Rancho del Oro residential subdivision, which included two private entry gates on Olive Ranch Road as well as a third private gate on South Shadow Oaks Lane (which was approved to improve area fire access). And, further to the east on Olive Ranch Road, the County approved the Winterhawk residential subdivision, which was approved with a private entry gate.

5. The proposed project will not generate a volume of traffic beyond the design capacity of all roads providing access to the project; a gated entry at Olive Ranch Subdivision would not generate any additional trips.

CONDITIONS OF APPROVAL:

The original Conditions of Approval for the Olive Ranch Subdivision ((PSUB20040308) are modified as follows:

The following language is added to Condition 1:

On July 10, 2012 the Board of Supervisors approved the Subdivision & Conditional Use Permit (PCPM20120020) modification to allow an 8-foot high gated entry that incorporates four 8-foot high pilasters and one 6-foot high pedestrian gate within the right-of-way and front setback of Carlisle Woods Place access road. The pedestrian gates shall remain open to the public from dawn to dusk seven days a week.

Condition 44 (B) is deleted:

~~44 B) An Irrevocable Offer of Dedication to Placer County for a 40' wide highway easement (Ref. Chapter 16, Article 16.08, Placer County Code) along on-site subdivision roadways for road and utility purposes. Said roads shall be privately maintained until such time as the County Board of Supervisors accepts the offer of dedication. (ESD)~~

Condition 97 is replaced as follows:

The applicant shall defend, indemnify, and hold harmless the County of Placer, the County Board of Supervisors, and its officers, agents, and employees, from any and all actions, lawsuits, claims, damages, or costs, including attorneys fees awarded in any proceeding brought in any State or Federal court, challenging the County's approval of that certain Project know as the PCPM20120020 - Subdivision & Conditional Use Permit modification for a Gated Entry at Olive Ranch Subdivision. The applicant shall, upon written request of the County pay, or at the County's option reimburse the County for, all reasonable costs for defense of any such action and preparation of an administrative record, including the County staff time, costs of transcription and duplication. The County shall retain the right to elect to appear in and defend any such action on its own behalf regardless of any tender under this provision. This indemnification obligation is intended to include, but not be limited to, actions brought by third parties to invalidate any determination made by the County under the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) for the Project or any decisions made by the County

relating to the approval of the Project. Upon written request of the County, the applicant shall execute an agreement in a form approved by County Counsel incorporating the provisions of this condition.

The following Conditions are added with this approval:

1. The Improvement Plans shall show the construction of the applicant proposed 75-foot diameter (face of curb to face of curb), private, gated entrance feature on the on-site subdivision roadway to the satisfaction of the ESD and servicing fire district(s). The gated entrance feature shall include a 40 foot minimum dimension from the edge of travelled way of Olive Ranch Road to the call box and shall be consistent with the Placer County Private Gated Entrance exhibit. The entrance shall provide for a vehicle turnaround in front of the gate such that a vehicle can turn around within the private road easement and enter into the Olive Ranch Road County right-of-way in a forward direction. Any modification to the approved private gated entrance design by the applicant shall be returned to the Planning Commission for approval of a modification of the discretionary permit. (ESD)
2. The project is subject to review and approval by the Development Review Committee (DRC). Such a review shall be conducted prior to the submittal of the Building Permits for the project and shall include, but not be limited to: compatibility of architectural design and exterior colors, parking areas (surfacing & layout) and vehicular circulation; exterior lighting; landscaping, etc.
3. The applicant shall satisfy any conditions set forth by the California Department of Forestry or the serving South Placer Fire Protection District.
4. The applicant shall obtain a Building Permit for the vehicular gates, four pilasters and pedestrian gate from the Placer County Building Department.
5. Prior to Improvement Plan approval for the private gated entrance, the Applicant/Home Owners' Association shall assign and provide to the Placer County Department of Facility Services Environmental Engineering Division (EED) a combination/code as identified by the EED for utility crews to access through the proposed private vehicle entry gate. Provide a signature block on the Improvement Plans for EED's approval and prior to the final acceptance of the gate improvements, the required access code shall be implemented by the applicant and verified by the EED. Access shall be provided to the Placer County Department of Facility Services utility crews on a 24-hour basis for regular sewer maintenance and emergency response. The combination/code identified by the EED shall not be changed unless otherwise approved by the EED prior to the change occurring. (ESD)
6. This Subdivision & Conditional Use Permit (PCPM20120020) modification for a Gated Entry at Olive Ranch Subdivision shall expire on July 10, 2014 unless previously exercised.