



COUNTY OF PLACER
Community Development Resource Agency

John Marin, Agency Director

PLANNING

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Planning Director

TO: Board of Supervisors

FROM: Michael Johnson, Planning Director

DATE: July 10, 2007

SUBJECT: APPEAL - PLANNING COMMISSION APPROVAL OF MAJOR SUBDIVISION/CONDITIONAL USE PERMIT/REZONE/MINOR BOUNDARY LINE ADJUSTMENT - "Mill Road Subdivision" (PSUB 2006 0344) AND MITIGATED NEGATIVE DECLARATION

ACTION REQUESTED

The Board is being asked to consider an appeal from Ann Callabretta and Bernie Schroeder, on behalf of The Mill Road Property Owners, of the Planning Commission's approval of a Tentative Subdivision Map, Conditional Use Permit and Minor Boundary Line Adjustment for the Mill Road Subdivision, located in the Bowman area. It is staff's recommendation that the Board uphold the decision of the Planning Commission and deny the appeal. It is also staff's recommendation that the Board approve a Rezoning and adopt the Mitigated Negative Declaration prepared for the project.

BACKGROUND

Project Site

The ±6.75 acre Mill Road Subdivision site is located northwest of the intersection of Luther and Mill Roads in the Bowman area. The site is comprised of three adjoining parcels (APNs 052-121-038 [±3.0 ac.], -065 [±1.55 ac.] and -066 [±2.2 ac.]). The two northern parcels (-065 and -066) are developed with single-family residences located along Mill Road; the southern parcel (-038) is undeveloped. Development in the project vicinity is characterized as rural residential, with lot sizes ranging from 0.25 to over three acres in area. Mill Road, a privately-owned and maintained roadway, serves a portion of this residential area from its intersection with Luther Road to the south. The Union Pacific Railroad "downhill" track runs along the western border of the project site. (Exhibit 2)

Topographically, the Mill Road site slopes west and southwest towards a swale that parallels the railroad tracks. These slopes range from under 10 percent, in the northwest portion of the site, up to 20 percent, in the eastern area. The biological resources on the site consists of approximately 4 acres of annual grassland, located in the eastern portion of the site, approximately 1.4 acres of oak woodland, located in the western portion of the site, and a small area (0.4 acres) of riparian scrub habitat, located along the west boundary. There are approximately 0.21 acres of waters of the U.S. that are associated with the drainage swale.

Project Description

The Mill Road Subdivision project proposes the development of a 22-lot Planned Residential Development on a ±6.75-acre site on Mill Road at its intersection with Luther Road. Ranging in size from 6,085 to 6,788 square feet in area, the lots will be situated along Mill Place, a new private roadway that will be constructed as part of this development. The project proposes reconfiguring three parcels through the Minor Boundary Line Adjustment process, creating a ±6.25 acre development parcel and two 10,000 square foot remainder

parcels, one for each of the existing residences on Mill Road. These two parcels are not a part of the proposed subdivision (Exhibit 3).

Parcels -065 and -066 are zoned RS AG PD 4 (Residential Single-family, Combining Agriculture and Planned Development 4 units/ac); the southern parcel, parcel -038, is zoned RS AG (Residential Single-family, Combining Agriculture). The project proposes rezoning parcel -038 to include the PD 4 (Planned Development 4 units/acre) designation in order to allow for the development proposed.

Consistent with Planned Residential Development standards, the project proposes ±1.8 acres (26 percent of site area) of open space. Designated as Common Open Space Lot A, this parcel will be owned and maintained by the Homeowners' Association. The drainage swale area and a portion of the oak woodlands will be located within this lot. No on-site recreational amenities are proposed; the project will pay additional park fees in lieu of providing recreation facilities.

Off-site improvements include the widening of Luther Road in the vicinity of the Mill Road intersection to allow for the installation of an eastbound left-turn lane to Mill Road and construction along Mill Road. The Mill Road improvements will consist of 28-foot road section plus curb, gutter and sidewalk on the west side of Mill Road between Luther Road and the project entrance, and a 20-foot road section from the project entrance to the north side of the northerly remainder lot. Additional improvements include the provision of sanitary sewer service to the project and vicinity. A public sewer line will be constructed from Luther Road to the subdivision, and sewer stubs will be installed north of the hammerhead of the site access roadway (Mill Place) and at the terminus of the Mill Road pavement improvements.

The owner/applicant will construct the residences in this development. In general, the proposed residences situated on the uphill lots (on the north side of Mill Place) will be two stories in height and will include a detached studio-type apartment at the rear of the lot that could be used as additional living area, a home office or rental apartment. Residences situated on the downhill lots (on the south side of Mill Place) will also be two stories in height, but will be stepped into the hillside, providing living area at both street level and below street level. This design solution will eliminate the creation of a large exposed, foundation wall that is commonly seen with structures that are constructed on hillsides.

The Mill Road Subdivision project requires the following entitlements: a rezoning of the property to RS AG PD 4 (Residential Single-family, Combining Agriculture and Planned Development 4 units/acre), a Minor Boundary Line Adjustment to reconfigure the three existing parcels into a single ±6.25 acre parcel that will be subdivided into 22 lots and two 10,000 square foot remainder parcels, one parcel for each of the single-family residences located along Mill Road, a Tentative Subdivision Map, and a Conditional Use Permit (for the Planned Residential Development). (Exhibits 4, 5 and 6)

ACTION OF THE PLANNING COMMISSION

The Planning Commission considered the Mill Road Subdivision project at a public hearing on April 12, 2007. Following staff presentations, several neighboring property owners provided testimony to the Commission. Following is a summary of the principal issues that were presented during the public comment period at the hearing:

Traffic:

- Road standards and the improvements that are proposed for Mill Road and Mill Place
- Frontage improvements should extend north of the project entrance on Mill Place
- Status of the road maintenance agreement
- No traffic study was conducted to determine the overall effect of project traffic
- "Not a Through Road", or similar signage, should be posted at the entrance to Mill Road

Sewer:

- Future potential access to the sewer system by residential properties in the vicinity

Project:

- A reduction in the number of lots created to reduce potential traffic impacts

After considering staff's report and the public testimony provided, the Planning Commission adopted a motion (3-2) to adopt the Mitigated Negative Declaration to approve Tentative Subdivision Map, Conditional Use Permit and Minor Boundary Line Adjustment and to recommend approval of the Rezone for the Mill Road Subdivision. Commissioners Brentnall and Santucci voted against approving the project, expressing concerns related to project-generated traffic and whether an all way stop should be required at the intersection of Luther and Mill Roads.

The Mill Road Property Owners appealed the Planning Commission's actions on April 20, 2007 (Exhibit 7).

LETTER OF APPEAL

In their Letter of Appeal that was attached to the appeal application, the Mill Road Property Owners state that they believe that "elements of the project were not adequately addressed". Specifically, the group had questions regarding:

- the extents and adequacies of the road and frontage improvements proposed by the project.
- the adequacy of the traffic analysis for the project.
- the provision of future connections to a sanitary sewer.
- the overall density of the project.
- the name of the proposed private subdivision street.

Issue 1: Road and Frontage Improvements

The appellants believe that the roadway improvements required of the project are arbitrary and inadequate and that the frontage improvements to the west side of Mill Road should extend north of the entrance to the development site.

Staff Response:

County Code Section 12.08 contains the requirement for street improvements in New Developments: The basic requirement shall be to widen the road on the project frontage to one-half the total amount indicated in the Highway Plan. Further, Section 16.08.040 contains the street requirements for major subdivisions. In order to clarify the proposed improvements to Mill Road and how they meet County requirements, we have proposed to modify conditions 27, 28 and 41. (Exhibit 8)

County standard Plate R-5, Urban Minor Road, is the basis for the proposed improvements to Mill Road along the project frontage. It is based on the expected traffic from the subdivision as well as existing and projected future traffic on Mill Road.

For the purpose of the entire scope of this project, the project boundary is the limits of Parcels 052-120-038, -065, and -066. This is because of the rezoning and minor boundary line adjustment portions of this project. However, the limits of the proposed subdivision is exclusive of parcels 052-120-065 and -066, after the boundary line adjustment. The development of the subdivision is the trigger for street improvements and, therefore, this is the boundary used to determine the limits of frontage improvements. (Exhibit 9)

The appellants have indicated to staff that they feel the two 10,000 square foot remainder parcels should not be excluded from the subdivision because the minor boundary line adjustment was approved by the Planning Commission at the same time as the Subdivision. County staff believes that it is perfectly legal to combine

multiple entitlements in one action. However, in order to clarify that the minor boundary line adjustment will take place before the subdivision, which is typical, staff has proposed to add a new Condition 91.

Based on the fact that the project meets, and in some places exceeds, the specific County Code requirements, staff is not in a position to require additional road improvements.

Issue 2: Traffic Analysis

The appellants state that a traffic study should have been conducted to identify and evaluate traffic generation, intersection and road improvements and roadway safety.

Staff Response:

Staff concluded that a traffic analysis prepared by an outside consultant was not required for this 22-lot subdivision. The development of these units was considered in the traffic study prepared for the Auburn Bowman Community Plan EIR, and the peak hour traffic generated by this project, including the possible nine studio rental units, would not create sufficient traffic to warrant further analysis.

At the hearing, many people suggested that an all way stop should be installed. In response to the neighborhoods concerns, and despite the fact that project review staff felt an all way stop was not warranted, the Department of Public Works staff decided to perform additional analysis in this case by preparing a warrant analysis at both Luther Road/Mill Road and Luther Road/Bowman Road. As part of this analysis, staff reviews current traffic volumes, projected traffic volumes and accident history. The preliminary results show that traffic on Mill Road is very low compared to Luther Road and that there is no history of accidents at the intersection, so installation of an all way stop is unnecessary. While some traffic data is still being collected at Luther Road/Bowman Road, it is expected that the final data will support this conclusion. The final analysis will be completed prior to Board action and if any different conclusion is found, staff will bring it to the attention of the Board.

Issue 3: Sewer Connections

The appellants state that the project does not intend to make the sanitary sewer available to adjacent parcels. The appellants request that the developer install a sanitary sewer facility that is capable of being connected to neighboring properties north and east of the project site.

Staff Response:

The developer will be required to provide public sanitary sewer to the new residences, as well as stubs to the property to the north (APN 052-121-055), east, (APN 052-121-036, -037, and -041) and in Mill Road. Condition 9 requires that the existing residences connect to sewer because the smaller lot size will not support septic systems. It is required by Environmental Health.

In order to clarify the extent of the proposed sewer improvements within Mill Road, staff has proposed a new Condition 23 which specifies the point to which sewer will be extended within Mill Road.

Issue 4: Project Density

The appellants state that 16 of the 22 lots are in the 6,000 square foot range and that the project is incompatible with the surrounding area. The appellants suggest that reducing the size of the project would reduce traffic, provide for a greater landscape buffer along Mill and Luther Roads and preserve the rural setting of the area.

Staff Response:

The Mill Road Subdivision project is consistent with the Auburn/Bowman Community Plan. The Land Use Plan designation for the project parcels and the immediate surrounding area is Low Medium Density Residential, 2-5 units/acre, which would allow for the development of up to 31 residential lots. The base zoning on the site is RS (Residential Single-family). The current minimum lot size under this zoning is

10,000 square feet, which would allow for the creation of 27 lots. The project is requesting a rezoning to include the PD (Planned Residential Development) designation to the southern portion of the site. Although this change in zoning will allow for lot sizes that are less than that of the base zoning (10,000 square feet), the number of lots proposed by the project (22) is fewer than the 27 lots that are allowed under the current zoning.

The County Code, through its Planned Residential Development Ordinance, allows for a reduction in lot size in exchange for the establishment of an open space set aside (a minimum of 20 percent of the site is required). Approximately 1.8 acres of the ±6.75 acre site (or 26 percent of the site) will be an open space area for resource protection that will be owned and maintained by the future homeowners. In conclusion, the residential density of 22 lots is consistent with the applicable Community Plan and the reduction of the size of the lots is consistent with Design and Development Standards of the Planned Residential Development Ordinance. Staff concludes that, because the land could be developed with a higher number of units that is currently proposed, and that there are many benefits afforded to the community through the Planned Residential Development Ordinance, that the rezone to allow for a Planned Development designation is appropriate for the site.

The environmental analysis for the project supports staff's conclusion. The impacts resulting from developing at the densities shown in the Land Use Plan for the Auburn/Bowman Community Plan were addressed and analyzed in the Plan EIR. Potential impacts resulting from the development of the Mill Road Subdivision project are analyzed in the Mitigated Negative Declaration for the project. This environmental document recognizes that the development of an undeveloped parcel in a rural residential area, whether developing a single parcel or 22 parcels, represents a change in the visual character of the neighborhood. The project will minimize site disturbance, utilize existing topography and vegetation to the greatest extent possible and construct structures that are designed to be both consistent and complementary to the surrounding neighborhood. The project is a Planned Residential development, which allows for a reduction in lot size in exchange for the establishment of an open space set aside (a minimum of 20 percent of the site is required). Approximately 1.8 acres of the ±6.75 acre site (or 26 percent of the site) will be an open space area for resource protection that will be owned and maintained by the future homeowners. Again, staff has concluded, consistent with the Planning Commission's actions, that the proposed project is the appropriate design solution for the project site.

Issue 5: Street Naming

The appellants state that the proposed street name for the project roadway, Mill Place, is too similar to Mill Road and Mill Pond Road, streets in the neighboring area, and could be confusing to emergency service providers as well as people not familiar with the area.

Staff Response:

The proposed street name "Mill Place" is not in conflict with County Standards. The County's road naming policy states that "a cul-de-sac road may bear the same name as the road it intersects, providing that the suffix is "Court" or "Place". The County has contacted local emergency services, and representatives from the Fire and Sheriff's Departments concluded there are no issues or conflicts with the proposed street name.

CONCLUSION

As discussed above, staff has concluded that: 1) the road improvements proposed exceed the minimum County Standards and County Code requirements; 2) that no further traffic analysis is required; 3) the public sanitary sewer will be constructed to allow for future connections by adjacent properties; 4) that the project densities proposed are consistent with the Community Plan, site zoning and the Planned Development Ordinance and that the project will be designed to be compatible with surrounding uses; and 5) the proposed private street name is not in conflict with County standards. The Planning Commission considered these

same issues and voted to approve the project and the Mitigated Negative Declaration that prepared for this project.

RECOMMENDATION

Staff recommends that the Board of Supervisors uphold the decision of the Planning Commission and deny the appeal. Staff also recommends that the Board approve the requested Rezoning. These recommendations are based upon the following findings:

FINDINGS:

CEQA FINDINGS:

The Board 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 for the Mill Road Subdivision 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. Mitigation measures include, but are not limited to: the installation of BMPs for water quality impacts; preconstruction surveys for special plants and raptors; a fee payment to the County's Tree Preservation Fund to offset the loss of oaks; structural setbacks and the installation of special windows and ventilation equipment to reduce noise impacts; and the construction of a left turn pocket, the installation of a half-road section and the payment of traffic mitigation fees to reduce transportation and circulation 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 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.
5. The custodian of records for the project is the Placer County Planning Director, 3091 County Center Drive, Suite 140, Auburn CA, 95603.

Tentative Subdivision Map:

6. The proposed subdivision, together with the provisions for its design and improvements, is consistent with the Auburn/Bowman Community Plan, the Placer County General Plan and with applicable County Zoning Ordinances.
7. The site of the subdivision is physically suitable for the type and proposed density of development.
8. The project, with the recommended conditions, is compatible with the neighborhood and adequate provisions have been made for necessary public services and mitigation of potential environmental impacts.
9. The design and proposed improvements of the subdivision are not likely to cause substantial environmental damage or public health problems.
10. The roadway proposed for this project (Land Development Manual, Modified Urban Minor R-5 and U-22.1) is not consistent with current County standards for public roadways. The Planning Commission finds that the project is acceptable with the roadway as proposed because the roadway as designed is a reasonable design for a private road under the circumstances applicable to the

subdivision and is engineered so that it does not constitute a danger to the public health, safety and welfare.

Conditional Use Permit

11. The proposed use is consistent with applicable policies and requirements of the Auburn/Bowman Community Plan and the Placer County General Plan.
12. The establishment, maintenance or operation of the proposed use will not, under the circumstances of this particular case, be detrimental to the health, safety, peace, comfort and general welfare of people residing 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.
13. The proposed use as a Planned Development subdivision will not generate a volume of traffic beyond the capacity of roads providing access to the use, consistent with the applicable requirements of the Placer County General Plan and the Auburn/Bowman Community Plan.

Planned Residential Development

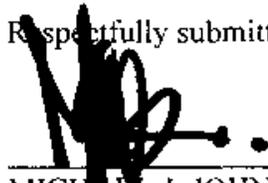
14. The proposed use and development of the property as a Planned Development subdivision, together with the provisions for its design and improvements, is consistent with objectives, policies, general land uses and programs as specified in the Placer County General Plan and the Auburn/Bowman Community Plan as well as with all applicable provisions of the Placer County Code. These include consistency with goals and policies relating to the use of planned developments to retain/protect natural features on site and design subdivision to provide for the least amount of site disturbance and the greatest amount of open space.
15. The proposed Planned Development subdivision is consistent with respect to the purposes of a Planned Development in that it will further the public health, safety, peace, morals, comfort, and general welfare by addressing the simultaneous needs of the County for: protecting environmentally sensitive areas; preserving natural resources; and conserving visual and aesthetic resources.
16. With the Board of Supervisor's approval of a rezoning of a portion of the site, the proposed Planned Development subdivision is consistent with the base zoning (Residential Single-family, Combining Agricultural, Combining Planned Residential Development 4 dwelling units/acre), which allows for single-family development, and is within the density limits (2-5 units/acre) of the Auburn/Bowman Community Plan. An open space parcel will be owned and maintained by the Homeowners' Association, for the benefit of Placer County.
17. The proposed Planned Development subdivision includes a single Common Open Space lot which preserves sensitive site features (wetlands, native trees) within the project site. The proposed open space meets the requirements pursuant to Article 17.54.100 (2)(d) of the Placer County Code. The open space lots will be held in common ownership of a Homeowners' Association, for the benefit of Placer County.
18. The proposed Planned Development subdivision has been designed in a manner such that adequate public services and vehicular traffic controls are provided. In addition, the proposed Planned Development's open space and landscaped amenities provide resource protection as well as visual enjoyment.
19. The design and density of the proposed Planned Development subdivision are consistent and compatible with the character of the immediate neighborhood and will not be contrary to its orderly development.

- 20. The proposed Planned Development subdivision benefits the community by providing a more affordable housing type and preserving and protecting sensitive resources through an open space dedication. The design and proposed improvements will reduce environmental damage in that, with the incorporation of the open space lot, the project will avoid development within the most environmentally sensitive area on the site as well as protect a large oak on the site. The proposed Planned Development does not result in any adverse impacts to the community, and the benefits provided make the Planned Development the superior method of development on-site.
- 21. It is not feasible for the project to provide the in-tract recreation facilities required by Placer County Code. Chapter 17.

Rezoning

- 22. The zoning, as amended through this action, is consistent with applicable policies and requirements of the Auburn/Bowman Community Plan and is consistent with the land uses in the immediate area.

Respectfully submitted,



MICHAEL J. JOHNSON, AICP
Planning Director

MW:CF

EXHIBITS:

- Exhibit 1 - Conditions of Approval
- Exhibit 2 - Vicinity Map
- Exhibit 3 - Site Plan
- Exhibit 4 - Existing Zoning
- Exhibit 5 - Proposed Zoning & Ordinance
- Exhibit 6 - Minor Boundary Line Adjustment
- Exhibit 7 - Appeal
- Exhibit 8 - Modified Conditions of Approval
- Exhibit 9 - Proposed Road and Sewer Improvements
- Exhibit 10 - Mitigated Negative Declaration

- cc: Bernie Schroeder - Appellant
Ann Calabretta - Appellant
Monty Smith - Applicant
Ed Giuliani - Engineer
Michael Murphy - Architect

Copies to be sent by Planning:

- Sarah Gillmore - Engineering and Surveying Department
- Dana Wiyninger - Environmental Health Services
- Brent Backus - Air Pollution Control District
- Christa Darlington - County Counsel
- Michael Johnson - Planning Director
- Michael Wells - Supervising Planner
- Subject/chrono files