



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

Michael J. Johnson, AICP  
Agency Director

**PLANNING**

**TO:** Honorable Board of Supervisors

**FROM:** Michael J. Johnson, Community Development Resource Agency Director

**DATE:** October 20, 2009

**SUBJECT: ENCLAVE AT GRANITE BAY (PSUB T20080329) - GENERAL PLAN AMENDMENT, REZONE, VESTING TENTATIVE SUBDIVISION MAP, CONDITIONAL USE PERMIT, TREE PERMIT, AND MITIGATED NEGATIVE DECLARATION/APPEAL OF THE PLANNING COMMISSION'S DECISION TO RECOMMEND DENIAL OF THE PROJECT TO THE BOARD OF SUPERVISORS - REQUEST TO CONTINUE APPEAL OFF-CALENDAR**

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**ACTION REQUESTED**

The Board is being asked to consider a request from Camille Courtney, Rancho Cortina Properties, Inc., on behalf of Pastor Land Development Inc., to continue off-calendar the appeal filed August 14, 2009 of the Planning Commission's decision to recommend denial of the Enclave at Granite Bay project to the Board of Supervisors.

**BACKGROUND**

The Enclave at Granite Bay project is a proposal to subdivide a 12.07 acres site into a 27 lot residential Planned Development (age-restricted for persons age 55 and older) with seven open space/common area lots. The requested entitlements include: 1) General Plan Amendment to change the Granite Bay Community Plan Land Use Designation from Rural Residential (2.3-4.6 ac.min.) and Rural Low Density Residential (0.9-2.3 acre minimum) to Low Density Residential (0.4 - 0.9 acres per dwelling unit); 2) Rezone from RA-B-100 (Residential Agriculture combining a minimum building size of 100,000 square feet or 2.3 acres minimum) and RS-AG-B-40 (Residential Single Family combining Agriculture minimum building site of 40,000 square feet) to RS-AG-B-X (17,424 min. lot size) PD 2.6 (Residential Single Family combining Agriculture building site of 17,424 minimum lot size, combining Planned Development 2.6 units per acre); 3) Vesting Tentative Subdivision Map; 4) Conditional Use Permit; and 5) Tree Permit (removal of Landmark cottonwood trees). The project site is located on the north side of Elmhurst Drive, at the intersection of Swan Lake Drive, in the Granite Bay area.

Planning Commission Action

The Planning Commission considered the Enclave at Granite Bay project at a public hearing on July 9, 2009. After considering staff's report and recommendation for denial of the General Plan Amendment and Rezone, and listening to the applicant's presentation and substantial testimony from the public, the Planning Commission approved a motion (5 to 1; Commissioner Crabb voting no; Commissioner Brentnall absent) to continue the item to the August 13, 2009 Planning Commission hearing with the direction that staff prepare Findings for both approval and denial, including Conditions of Approval.

On August 13, 2009, the Planning Commission considered the project again, and after listening to additional public testimony, took action to deny the Vesting Tentative Subdivision Map, Conditional Use Permit, and Tree Permit; and recommended denial of the General Plan Amendment and Rezone to the Board of Supervisor's (3 to 2; Commissioners Johnson and Denio voting no; Commissioners Crabb and Brentnall absent).

#### Appeal

On August 14, 2009, the applicant filed an appeal of the Planning Commission's decision to deny the Vesting Tentative Subdivision Map, Conditional Use Permit, and Tree Permit; and recommendation to the Board of Supervisor's to deny the General Plan Amendment and Rezone request.

#### **REQUEST TO CONTINUE APPEAL OFF-CALENDAR**

In a letter dated September 29, 2009, Pastor Land Development, Inc., requested to continue its appeal off-calendar to allow the Enclave at Granite Bay project to be considered as part of the Granite Bay Community Plan update process, while reserving the right to request that the project be re-calendared at any time.

#### **RECOMMENDATION**

Staff recommends that the Board of Supervisors continue this appeal off-calendar for an indefinite period of time, while this project is considered as part of the Granite Bay Community Plan update process.

Respectfully submitted,



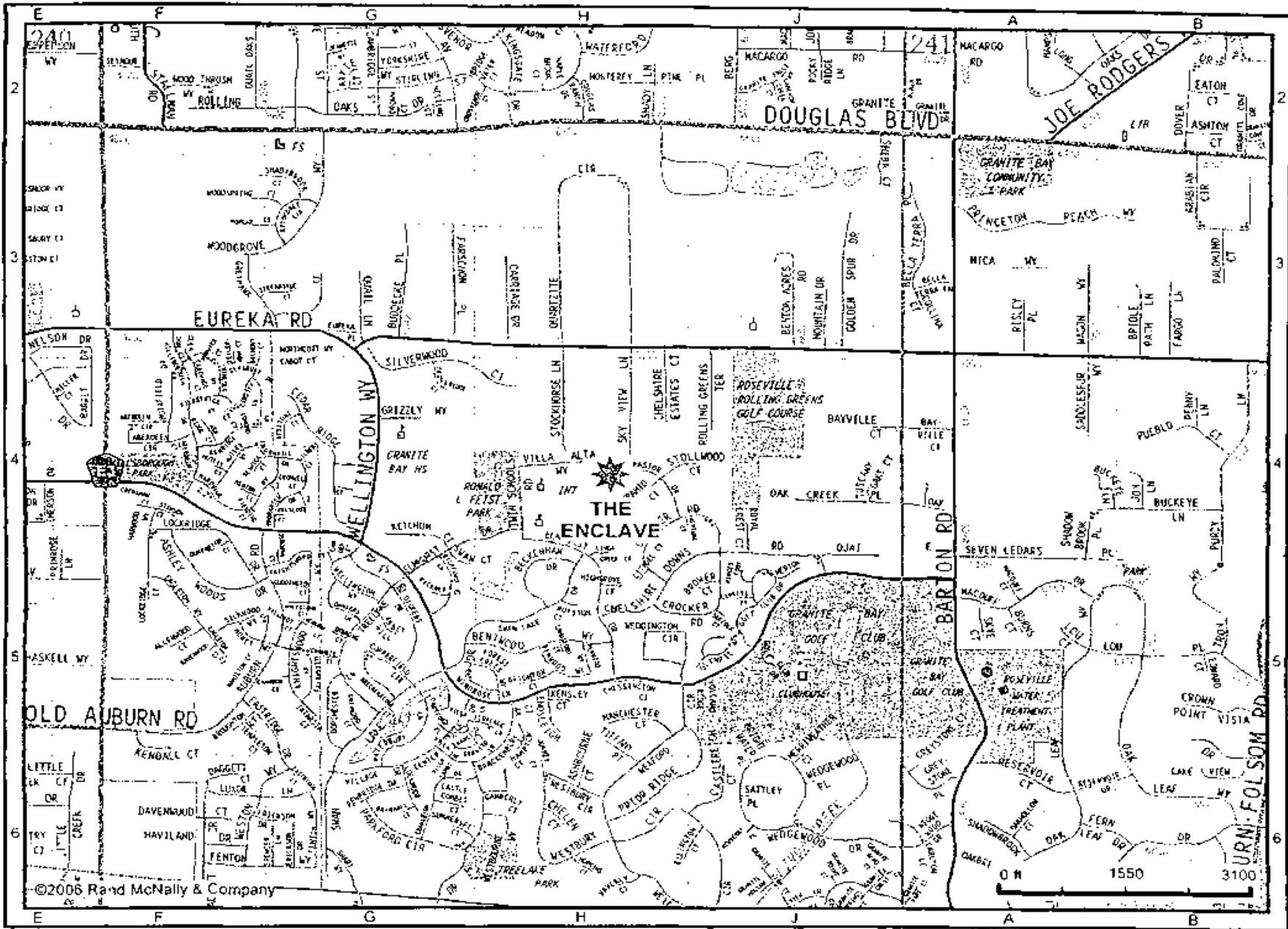
MICHAEL J. JOHNSON, AICP  
Planning Director

#### **ATTACHMENTS:**

- Attachment A – Vicinity Map
- Attachment B – Site Plan
- Attachment C – Appeal, dated August 14, 2009
- Attachment D – Letter requesting continuance of Appeal, dated September 29, 2009

cc: Pastor Land Development Inc. – Property Owner  
Camille Courtney, Rancho Cortina Properties, Inc. – Applicant/Appellant  
Michael Johnson – Community Development Resource Agency Director  
Paul Thompson – Deputy Planning Director  
Rebecca Taber - Engineering and Surveying Division  
Janelle Heinzen - Engineering and Surveying Division  
Grant Miller - Environmental Health Services  
Yu-Shuo Chang - Air Pollution Control District  
Andy Fisher - Parks Department  
Scott Finley - County Counsel

ATTACHMENT A



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# PLACER COUNTY PLANNING DEPARTMENT

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Auburn, CA 95603  
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Web page: [www.placer.ca.gov/planning](http://www.placer.ca.gov/planning)

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Return for Date Stamp

RECEIVED

AUG 14 2009

CDRA

## 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 8-24-09 (5 pm)      Appeal Fee \$ 495.-

Letter \_\_\_\_\_      Date Appeal Filed 8-14-09

Oral Testimony \_\_\_\_\_      Receipt # 01-0060671

Zoning \_\_\_\_\_      Received by L. Bloom

Maps: 7-full size and 1 reduced for Planning Commission items      Geographic Area South

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

- Project name The Enclave @ Granite Bay
- Appellant(s) Pastor Land Development - agent = Rancho Cortina Properties  
 Telephone Number \_\_\_\_\_ Fax Number \_\_\_\_\_  
 Address 9575 Cramer Rd Auburn CA 95602  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_
- Assessor's Parcel Number(s): 050-020-009, 010, 011, 466-080-013
- Application being appealed (check all those that apply):
 

<input type="checkbox"/> Administrative Approval (AA-_____)	<input checked="" type="checkbox"/> Tentative Map (SUB- <u>20080329</u> )
<input checked="" type="checkbox"/> Use Permit (CUP/MUP-_____)	<input type="checkbox"/> Variance (VAA-_____)
<input type="checkbox"/> Parcel Map (P-_____)	<input type="checkbox"/> Design Review (DSA-_____)
<input checked="" type="checkbox"/> General Plan Amendment (GPA-_____)	<input checked="" type="checkbox"/> Rezoning (REA-_____)
<input type="checkbox"/> Specific Plan (SPA-_____)	<input type="checkbox"/> Rafting Permit (RPA-_____)
<input type="checkbox"/> Planning Director Interpretation _____ (date)	<input type="checkbox"/> Env. Review (EIAQ-_____)
<input type="checkbox"/> Minor Boundary Line Adj. (MBR-_____)	Other: _____
- Whose decision is being appealed: Planning Commission  
(see reverse)
- Appeal to be heard by: Board of Supervisor's  
(see reverse)
- Reason for appeal (attach additional sheet if necessary and be specific):  
To allow Board to consider merits of proposal. Planning Commission vote was 3-2 to deny - split vote.  
(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) Annellest Causty



E. J. Ivaldi  
 Planner  
 Placer County, Planning Department  
 3091 County Center Dr., Ste 190  
 Auburn, CA 95603

September 29, 2009

RE: Request for continuance of appeal, The Enclave PSUB-T20080329

Dear E. J.:

Please accept this letter as our request to continue off calendar the appeal filed August 14, 2009 of the Planning Commission action of August 13, 2009 on the above referenced matter. This is a direct result of our meeting this morning with yourself, Supervisor Uhler, his field rep Brian Jagger, Michael Johnson, Planning Director, Loren Clark, Assistant Planning Director, Dan Pastor and I. This is due to the desire of Supervisor Uhler that the above project be considered and reviewed as part of the current update of the Granite Bay Community Plan, despite the fact that the project's applications were deemed complete on August 28, 2008, and that staff has prepared and filed with the State of California a Notice of Determination and Mitigated Negative Declaration.

Although we recognize that we have the right to have the appeal heard by the Board of Supervisors, we voluntarily defer to the request of Supervisor Uhler to allow this project to be considered as part of the community plan update process. However, we reserve the right at any time to request the item be again calendared for hearing without prejudice. We were assured that there would be no other fees charged as a result of this decision nor would we be prevented from seeking a hearing on this matter before the Board of Supervisors at a later date, and no further fees, applications or studies would be required by the applicant as a result of the future environmental document which will be prepared as a part of the Community Plan Update. We all hope that within 18 months the planning process will be to a point of being considered by the Planning Commission and Board of Supervisors. Please provide a letter from the County Counsel's office acknowledging and affirming the above.

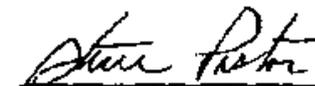
This delay is costly to the property owner and we trust our continued efforts to be a cooperative member of the planning process will be appreciated.

Very truly yours,

RANCHO CORTINA PROPERTIES, INC.

Pastor Land Development, Inc ( owner)

  
 Camille H. Courtney  
 President  
 chc:ms

  
 Steve Pastor, President

9575 Cramer Road, Auburn, California 95602 ph: 530.887.8877 fax: 530.888.8721

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