



COUNTY OF PLACER
Community Development/Resource Agency

Michael J. Johnson, AICP
Agency Director

PLANNING

HEARING DATE: July 22, 2010
ITEM NO.: 4
TIME: 10:40 am

TO: Placer County Planning Commission
FROM: Development Review Committee
DATE: July 9, 2010
SUBJECT: REZONE/VESTING TENTATIVE SUBDIVISION MAP/VARIANCE/
FINAL ENVIRONMENTAL IMPACT REPORT (PSUB 20070032)
"RANCHO DEL ORO ESTATES"

COMMUNITY PLAN AREA: Granite Bay Community Plan

GENERAL/COMMUNITY PLAN DESIGNATION: Rural Low Density Residential 0.9 - 2.3 acre minimum - Density Limit 0.83 du/ac.

ZONING: RS-AG-B-100-PD 0.83 (Residential Single Family, combining Agriculture, combining a minimum Building Site of 100,000 square feet (or a 2.3 acre minimum), combining Planned Residential Development of .83 dwelling units per acre)

PROPOSED ZONING: RS-B-X-42,000-DL 0.83 (Residential Single Family, combining a minimum Building Site of 42,000 square feet minimum, combining Density Limitation of .83 dwelling units per acre)

ASSESSOR PARCEL NUMBER: 046-090-012

STAFF PLANNER: E.J. Ivaldi, Supervising Planner

LOCATION: The project is located on the north side of Olive Ranch Road, approximately 0.25 miles east of Cavitt-Stallman Road, in the Granite Bay area.

APPLICANT: Andregg Geomatics, on behalf of Tsakopoulos Investments

PROPOSAL:

The project proposes to develop 89 single-family residential lots on a total of 119.4 acres with eight open space lots and one common lot. Requested entitlements include a Vesting Tentative Subdivision Map and a Rezone from RS-AG-B-100 PD 0.83 (Residential Single-Family, combining Agricultural, combining minimum Building Site of 100,000 square feet, combining Planned Residential Development 0.83 units per acre) to RS-B-X-42,000 square feet DL 0.83 (Residential Single-Family, combining minimum Building Site of 42,000 square feet, Density Limitation 0.83 units per acre). A Variance is also being requested to

allow entry gates up to 8 feet tall, within the right-of-way of Road "B" and "D" (two roadways that intersect with Olive Ranch Road).

CEQA COMPLIANCE:

An Environmental Impact Report (EIR) has been prepared for the Rancho Del Oro Estates project and has been finalized pursuant to the California Environmental Quality Act (State Clearinghouse Number 2008092101). The Draft EIR was released for a 45-day public review period that ran from December 8, 2009 through January 21, 2010. Additionally, the Planning Commission conducted a public hearing to receive comments on the Draft EIR on January 14, 2010. The Final EIR was completed and distributed for a ten-day review period that ran from May 21, 2010 through June 1, 2010. The decision-making body will be required to certify the Final EIR and adopt the Findings of Facts and Statement of Overriding Considerations (Attachment F) to satisfy the requirements of CEQA.

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. Other appropriate public interest groups and citizens were sent copies of the public hearing notice and the Granite Bay Municipal Advisory Council. Copies of the project plans and application were transmitted to the Community Development Resource Agency staff and the Departments of Public Works and Environmental Health Services, the Air Pollution Control District and Facility Services for their review and comment.

GRANITE BAY MUNICIPAL ADVISORY COUNCIL:

The *Granite Bay Municipal Advisory Council* considered the Rancho Del Oro Estates project at its July 7, 2010 meeting and voted 4 to 2 (For: Sanchez, Freeman, Gravlin, Pekarsky; Against: Teed-Bose, Anderson) to take "no-action" on the project, and decided to leave it up to the individual MAC members to submit letters regarding the project to the Planning Commission, at their own discretion. After presentations by County staff and the applicant, comments from the public, discussions from the MAC, and four separate motions that failed to pass, the MAC was unable to come to a decision on the project. The majority of project related issues discussed by the MAC included residential density, removal of the combining -AG Zone District, gated entries, oak tree protection, solid walls along Olive Ranch Road, trail easement along Miners Ravine, public access, floodplain, and cultural resources.

PROJECT DESCRIPTION:

The project proposes to subdivide a 119.4 acre site into 89 single-family residential lots, with parcel sizes ranging in area from 42,000 square feet to 53,567 square feet (average lot size of 43,350 square feet). The project would include eight open space lots (19.31 acres) and one common lot (22,142 square feet). The open space lots would preserve and protect natural resources on-site (i.e., Miner's Ravine, wetlands, oak woodlands, wildlife habitat, etc.) and provide for on-site detention. The common lot (Common Lot G) is for a proposed sewer lift station. The frontage along Olive Ranch Road would include a 50-foot-wide landscaped area (Open Space Lots A, B, and C), a meandering sidewalk, open-iron fence along open space areas, and solid wall along residential property lines. All open space/common lot areas would be owned and maintained by the Homeowners Association.

Access to the project site would be provided by two gated entrances located off of Olive Ranch Road. On-site subdivision roads would be private and constructed at a curb-to-curb width of 24-feet per the County standard Plate R-3, Rural Minor Residential. No parking would be allowed along these internal roadways. Olive Ranch Road would be widened to County standards, including curb, gutter, and a sidewalk. Two school bus turnouts would also be constructed.

The project site is located within the current Placer County Sewer Maintenance District Number 2 (SMD No. 2) for wastewater collection and treatment. Approximately 24 of the proposed lots would be served by gravity sewer services connected to the existing sewer main located in Olive Ranch Road. The remainder of the lots would be served by gravity lines within the proposed subdivision, some of which require individual sewer pumps. The gravity lines would flow to the proposed lift station in proposed

Common Lot G. The project would also include the construction and installation of an additional sewer line (Sewer line "C"), which would serve to replace the existing LS70 sewer pump facility located between Lots 25 and 26 of Lawrence Estates (west of the project site).

Water supply would be provided through new connections to the existing water infrastructure in Olive Ranch Road, which is located to the south of the project site. The proposed 12-inch waterlines would ensure adequate flow to all portions of the project for both domestic use and fire protection. A water availability letter from San Juan Water District (SJWD) received March 10, 2009 confirmed that sufficient water supplies would be available to serve the normal anticipated water demands for a project similar to the proposed project.

Primary fire response to the project site would be provided by the South Placer Fire District fire station located one-quarter mile east of the project site (5300 Olive Ranch Road). The requirement for a Will-serve letter from the Fire District is included in the recommended conditions of approval. The County is aware that the project applicant has negotiated an agreement with the South Placer Fire District regarding an off-site Emergency Vehicle Access (EVA) route. The proposed EVA would run along the existing alignment of North and South Shadow Oaks Lane, private roads located east of the project site that do not presently provide a direct connection between Cavitt-Stallman Road and Olive Ranch Road. Additionally, North and South Shadow Oaks Lanes are completely disconnected from the subdivision. Although this EVA route would increase the South Placer Fire Districts ability to respond to other areas of the community, the proposed EVA is not necessary to provide fire service to the project and is neither a mitigation measure nor a recommended condition of approval for this project.

SITE CHARACTERISTICS:

The project site comprises 119.4 acres of undeveloped land and is characterized by varying topography, with rolling hills along the western, southern, and eastern edges and a relatively flat open grassland area located in the central portion of the site. The topography of the site is moderately sloped, with elevations ranging between 245 feet and 300 feet above mean sea level. Vegetation consists of a dense growth of trees along the western, southern, and eastern edges of the property with a moderate growth of grass throughout the entire project site. The project site is composed of mixed oak woodland and annual grassland, and contains wetlands and associated riparian habitats. Annual grassland is found mainly in the central portion of the site, but the grassland is also interspersed within the oak woodland vegetation throughout the remainder of the site. The densest portion of oak woodland is found in the eastern and southeastern portions of the site. Potential jurisdictional waters of the U.S. on-site include the following: depressional seasonal wetland, depressional seasonal marsh, riparian wetland, riverine perennial marsh, riverine seasonal wetland, ephemeral drainage, perennial drainage, and a pond.

The project site is bounded on the north by Miner's Ravine, on the east and west by residential-agricultural properties (Approximately 40,000 square feet to 5 acres in area), and on the south, across Olive Ranch Road, by single-family residential properties (Approximately 6,500 square foot to 40,000 square foot lots).

EXISTING GENERAL PLAN DESIGNATIONS, ZONING AND LAND USE:

Location	Zoning	General Plan/Community Plan	Existing Conditions and Improvements
Site	Residential Single-Family, Combining Agricultural, Combining Minimum Building Site of 100,000 square feet, Planned Development 0.83 units per acre (RS-AG-B-100 PD 0.83)	Rural Low Density Residential (0.9-2.3 acre minimum), Density Limit 0.83 du/ac	Undeveloped
North	Residential Agricultural, Combining Minimum Building Site of 100,000 square feet, Planned Development 0.44 units per	Rural Residential (2.3-4.6 acre minimum)	Miner's Ravine/ Undeveloped

	acre (RA-B-100 PD 0.44)		
South	Residential Single-Family (RS)/Residential Single-Family, Combining Minimum Building Site of 20,000 square feet (RS-B-20)/ Residential Single-Family, Combining Minimum Building Site of 40,000 square feet, (RS-B-40)	Low Density Residential (.4-.9 acre minimum)/Medium Density Residential (2-4 dwelling units per acre)	Low/medium density residential use
East	Residential Single-Family, Combining Agricultural, Combining Minimum Building Site of 100,000 square feet, Planned Development 0.67 units per acre (RS-AG-B-100 PD 0.67)/ Residential Single-Family, Combining Agricultural, Combining Minimum Building Site of 40,000 square feet, Planned Development 1 units per acre (RS-AG-B-40 PD 1)/ Residential Single-Family, Combining Agricultural, Combining Minimum Building Site of 4.6 acres (RS-AG-B-X 4.6 acre minimum)	Rural Residential (2.3-4.6 acre minimum)/Rural Low Density Residential (0.9-2.3 acre minimum) Density Limit 0.67 du/ac	Undeveloped/Rural residential use
West	Residential Single-Family, Combining Agricultural, Combining Minimum Building Site of 40,000 square feet (RS-AG-B-40)	Low Density Residential (.4-.9 acre minimum)	Low density residential use

DISCUSSION OF ISSUES:

General Plan/Zoning Consistency

The project site is currently zoned RS-AG-B-100 PD 0.83 (Residential Single-Family, combining Agricultural, combining minimum Building Site of 100,000 square feet, combining Planned Residential Development 0.83 units per acre). Because the current zoning designation does not allow for the full range of density as permitted in the Community Plan, the applicant is requesting approval of a rezone of the property to RS-B-42 DL 0.83 (Residential Single-Family, combining minimum Building Site of 42,000 square feet, Density Limitation 0.83 units per acre). The applicant is also proposing to eliminate the combining agricultural and planned development districts. This zoning would allow for the project's proposed density of 89 lots and would remain consistent with the Granite Bay Community Plan land use designation of Rural Low Density Residential. Furthermore, the proposed minimum 42,000 square foot lot sizes would be compatible with adjacent properties to the east and west of the project site and would not result in a spot zoning.

Subdivision Design

Staff identified several subdivision design related issues during the review of this project and worked diligently with the applicant to address these concerns. The visibility of the project site as viewed from Olive Ranch Road was of particular concern. To address this concern, a significant buffer was provided along the Olive Ranch Road frontage. This included a 50-foot-wide open space area, where existing oak trees would be preserved and areas without native trees would be extensively landscaped. This would naturally screen the open-iron fencing along open space lots and also the solid walls along residential lots. The solid walls would be articulated with offsets, constructed of natural materials (i.e., stone), and include pilasters and decorative caps.

The two entrances to the subdivision from Olive Ranch Road were designed away from existing intersections to address concerns from neighboring properties about cut-through traffic. The entry gates, although discouraged for lots one acre or larger (Placer County Rural Design Guidelines), would provide the security necessary, as identified by the applicant. There are no roadways adjacent to the parcel where gates would restrict any sort of through-connection (as encouraged in the Granite Bay Community

Plan) and there are other gated communities in the immediate vicinity (i.e., Winterhawk), which lends support for the variance request.

Trail access along Miners Ravine was strongly encouraged. However, the Granite Bay Community Plan (updated in 2005) identifies a trail along the north side of Miners Ravine and located off the project site. Although a trail along the south side of Miner's Ravine would provide an amenity to the subdivision, there would be no trail connection on adjacent properties to the east and west, and it is not part of the County's long-term trail plan to include a trail on the south side of Miner's Ravine.

Off-Site EVA Route

Staff is aware that the developer has negotiated an agreement with the South Placer Fire District (SPFD) regarding an off-site Emergency Vehicle Access (EVA) route, not associated with this proposed project, a description of which was included in the project EIR. The proposed EVA route is along the existing alignment of North and South Shadow Oaks Lane, private roads that do not presently provide a direct connection between Cavitt Stallman Road and Olive Ranch Road to the east of, and completely disconnected from, the subdivision. Minor road improvements could create a through road connection. Staff understands that the developer and SPFD have agreed that, as an improvement to the public safety of the entire area, the developer will obtain easements for the SPFD and construct asphalt paving to the unimproved easement area to allow the physical connection of the roads. This EVA route will increase the SPFD's ability to respond to other areas of the community. The proposal is not necessary to provide fire service to the project and is neither a mitigation measure nor a recommended condition of approval for the project. It should be noted that the County is not a party to any agreement between the developer and SPFD related to this EVA route.

Further, staff is aware that there may be differing opinions regarding the access rights over North and South Shadow Oaks Lane between neighbors in the area of the proposed EVA route. Letters have been sent to staff, the SPFD, and the Board of Supervisors outlining the concerns of some residents. Staff believes that this is a private matter between individuals and that the nature of private access rights are not within the purview of the County. As noted above, the entire EVA issue is not a condition of approval for the project and remains a matter between the developer and the SPFD. The County's only interest would be to issue a grading permit for any proposed grading and paving should that work meet the criteria for such a permit.

ENVIRONMENTAL IMPACT REPORT

Consistent with the requirements of the California Environmental Quality Act, an Environmental Impact Report (EIR) was prepared for the proposed project. The EIR concludes that, prior to the implementation of mitigation measures, the project could result in significant or potentially significant impacts in the following areas:

- Land Use
- Biological Resources
- Cultural Resources
- Visual Resources
- Transportation and Circulation
- Air Quality
- Noise
- Soils, Geology, and Seismicity
- Hydrology and Water Quality
- Public Services and Utilities
- Hazardous Materials and Hazards

Implementation of mitigation measures described in the EIR is expected to reduce most of these potentially significant impacts to less than significant levels. The EIR concludes that after the

implementation of mitigation, some impacts will still remain significant and unavoidable in the following area:

- Biological Resources (wetlands, oak woodlands, significant oak trees, special-status plant and wildlife species)

The California Environmental Quality Act (CEQA) recognizes and authorizes the approval of projects where not all adverse impacts can be fully lessened or avoided. A Statement of Overriding Consideration has been prepared for this project and must be adopted as part of the project approval (Attachment F).

Biological Resources

The project site is composed of mixed oak woodland (81.14 acres), annual grassland, and a variety of perennial and seasonal wetland features. The oak woodland community is characterized by blue oaks (37.34 acres) that dominate the western half of the site; interior live oaks (40.24 acres) that dominate the eastern portion of the site; valley oaks (2.29 acres) that are located within Miners Ravine; and an area of mixed oak woodland (1.27 acres) located near the on-site excavated pits. In addition, there are 378 oak trees (24 inch dbh or greater) on the project site that qualify as "significant" trees. A total of 17.55 acres of oak woodland would be directly impacted (i.e. street improvements and water quality system improvements) by project development, including 5.27 acres of blue oak woodland, 10.94 acres of interior live oak woodland, 0.08-acre of valley oak woodland, and 1.26 acres of mixed oak woodland. To mitigate for development impacts to both oak woodland and "significant" oak trees on-site, a comprehensive, multi-pronged approach is proposed, which addresses both oak woodland values and individual significant oak trees. The mitigation proposed by the applicant is based on the fact that the project will not be mass graded and, therefore, the impacts that occur would be a function of incremental development as construction of the project progresses. Therefore, mitigation in the form of on-site planting or in-lieu payments is proposed at the time of impacts (i.e., construction of subdivision improvements or individual residential building permits).

The project site also includes 3.55 acres of jurisdictional wetlands and other waters of the U.S. Approximately 1.67 acres of the jurisdictional wetlands and other waters of the U.S. could be impacted by project implementation, including 0.18-acre of depressional seasonal wetland; 0.07-acre of depressional seasonal marsh; 1.13 acres of riverine seasonal wetland; 0.08-acre of riparian wetland; 0.18-acre of riverine perennial marsh; 0.03-acre of pond; and less than 0.001-acre of ephemeral drainage. There is also the potential for impacts to waters of the U.S. near Miners Ravine with the construction of off-site sewer infrastructure (Sewer Line "C"). Any waters of the U.S. that would be lost or disturbed would be required to be replaced or rehabilitated on a "no-net-loss" basis in accordance with the USACE's mitigation guidelines, and habitat restoration, rehabilitation, and/or replacement should be at a location and by methods agreeable to the USACE.

There is also the potential that project implementation would result in significant impacts to special-status plants (Ahart's dwarf rush, Bogg's Lake hedge-hyssop, dwarf downingia, legenera, pincushion navarretia, and Sanford's arrowhead); freshwater invertebrates (California linderiella, vernal pool fairy shrimp, and vernal pool tadpole shrimp); valley elderberry longhorn beetle; western burrowing owl; and raptors and migratory birds (red-shouldered hawk, red-tailed hawk, and the white-tailed kite). Implementation of mitigation measures included in the Draft EIR would reduce the impacts to a less-than-significant level.

Cultural Resources

There are four previously unidentified prehistoric sites that were encountered and recorded during the pedestrian survey of the project site (RDO#1, RDO#2, RDO#3, and RDO#4). Implementation of the proposed project would directly impact a portion of sites RDO#1 and RDO#2 due to road construction, grading, and trenching. Specific mitigation measures have been included as part of this project that would reduce direct and indirect impacts to less-than-significant levels.

Visual Resources

The scenic resources on the project site include dense oak woodlands, open grassland, and Miners Ravine traverses the northern boundary of the site. Although the site does not contain any structures, metal fencing for cattle pens is present in the southern portion of the site. The change of the site from a rural undeveloped setting to a rural residentially developed environment would constitute a permanent alteration of the existing visual character, impacting surrounding properties. However, project improvements along Olive Ranch Road (widening of Olive Ranch Road to County standards including curb, gutter, and sidewalk; six-foot high open-iron fence; and six-foot high solid wall) are proposed to be consistent with the Placer County Rural Design Guidelines. Furthermore, the project site was anticipated for rural residential development in the Granite Bay Community Plan, including vegetation removal and alteration of site terrain. As such, any potential impact to scenic resources is considered less-than-significant impact.

Transportation and Circulation

Development of the Rancho Del Oro Estates Subdivision project would generate new vehicle trips and potentially affect traffic operations at the study intersections. The number of vehicle trips that are expected to be generated by the proposed development was estimated using typical trip generation rates for single-family residential lots within the project study area by Omni-Means, Ltd. For the proposed 89 single-family residential lots, the project is estimated to generate 934 new vehicle trips per day. Of that daily total, an estimated 72 trips are expected to occur during the a.m. peak hour, and 97 trips are expected to occur during the p.m. peak hour.

Traffic operating conditions associated with development of the proposed project under Existing with Project conditions were estimated by superimposing project-related trips onto current background traffic. Except for adding project access points, existing intersection lane geometrics were used for this analysis. The addition of a.m. peak hour and p.m. peak hour trips to the existing roadway network will contribute to the need for planned roadway improvements. The applicant has agreed to mitigation measures to pay the project's fair share of all feasible physical improvements necessary and available to reduce the severity of the project's significant transportation-related impacts.

Air Quality

The proposed project is located in the southwestern portion of Placer County, which lies within the Sacramento Valley Air Basin. Placer County is designated as non-attainment for ozone standards and both the Sacramento Area Regional Ozone Attainment Plan and the County's Air Pollution Control District (APCD) 1991 Air Quality Attainment Plan focus on reducing the emissions of ozone precursors, reactive organic compounds (ROC) and nitrogen oxides (NOx).

During the construction phase, the proposed project's impacts related to fugitive particulate matter emissions and impacts related to a temporary increase in NOX emissions would be potentially significant. However, with implementation of the required mitigation measures, which includes the applicant participating in the Placer County Air Pollution District Offsite Mitigation Program, the impacts would be reduced to a less-than-significant level. The operation of the proposed project would not be expected to create any potentially significant air quality impacts.

GHG emission estimates from an individual project have a relatively high uncertainty. In addition, the potential effects of current and future regulations on CO2 emissions attributable to the project and cumulative CO2 emissions from other sources in the State cannot be quantified. Furthermore, the way in which CO2 emissions associated with the project might or might not influence actual physical effects of global climate change cannot be determined. For these reasons, whether the project would generate a substantial increase in GHG emissions relative to existing conditions, and whether emissions from the project would make a cumulatively considerable incremental contribution to the cumulative impact of global climate change is uncertain and inherently speculative. As such, in light of Placer County's policies throughout the PCGP that promote sustainability and reduction of GHG emissions, which would reduce County-wide GHG emissions, the proposed project's inclusion of GHG reduction strategies, and

the speculative nature of determining “new” GHG emissions from the project on a global scale, the proposed project is considered to have a less-than-significant impact on the cumulative global climate change.

Noise

The proposed residential lots would be located immediately north of Olive Ranch Road. The additional 934 vehicle trips generated by the project would result in an increase in the existing traffic noise levels along surrounding roadways. The predicted traffic noise levels under the Existing Plus Project scenario would not exceed the County’s exterior noise level standard of 60 dB Ldn. Modern construction typically provides a 25 dB exterior-to-interior noise level reduction with windows closed. Therefore, sensitive receptors, such as those surrounding the project exposed to exterior noise levels of 70 dB Ldn, or less will typically comply with the Placer County 45 dB Ldn interior noise level standard.

Soils, Geology, and Seismicity

The project site is currently undeveloped and characterized by varying topography, with rolling hills along the western, southern, and eastern edges and a relatively flat open grassland area located in the central portion of the site. Elevations on the property range between 245 feet and 300 feet above mean sea level. Substantial earthwork on-site will be required for road construction, utility excavation, and grading for residential driveways and building pads. As such, the following impacts are identified as potentially significant: loss of structural support due to liquefaction; structural damage from potentially expansive soils; and construction-related increases in soil erosion. Conformance with the provisions of the County Grading Ordinance, including the incorporation of Best Management Practices (BMPs) into both the site preparation activities and the design of the project, would reduce impacts to a less than significant level. These BMPs include revegetation and winterization of disturbed areas and the installation of facilities for the collection and treatment of runoff.

Hydrology and Water Quality

The proposed project would increase the rate and volume of storm water runoff from the newly created impervious surfaces, which could contribute to localized or downstream flooding. The project site currently has very little impervious surfaces and will have approximately 25 percent impervious surface upon completion of the project. The 119- acre project site contains two existing, primary on-site swales (Swales A and B) that direct surface runoff, from both off-site and on-site drainage areas, northward into Miners Ravine and ultimately Dry Creek. A third existing on-site swale (Swale C) enters the southeast corner of the site and combines into Swale B.

All proposed residential lots are located outside of the 100-year flood plain of Miners Ravine. The project’s preliminary drainage analysis determined that the project would have an insignificant impact on peak flow runoff within the main stem of the Miners Ravine watershed. However, any increase to the local Swale A downstream of the project site would be considered unacceptable due to the proximity of existing structures to the 100-year floodplain. Therefore, on-site stormwater detention is proposed for the portion of the project site that drains to Swale A to reduce post-project flows to pre-project levels. Swale A crosses Olive Ranch Road approximately 200 feet east of the intersection of Olive Ranch Road and Wyndham Hill Court. With the project’s required road widening along Olive Ranch Road, the existing undersized drainage condition at the Swale A culvert crossing will be improved by the applicant’s proposed construction of four five foot by 2 foot box culverts. This drainage improvement should benefit the surrounding area and reduce the frequency of flooding impacts on Olive Ranch Road.

Storm water impacts from project development will occur from both construction of the project and post-construction urban runoff. Coverage under the General Construction Storm Water Permit will be obtained prior to performing any land disturbing activities. Post-construction storm water runoff from the proposed project could potentially contain urban contaminants that could degrade water quality. The proposed storm drain system includes a water quality pond to provide for approximately 134,250 cubic feet of water quality treatment volume, infiltration trenches to collect road runoff along Swale A, and three water quality units to treat roadway runoff.

Public Services and Utilities

The Public Services and Utility providers for the Rancho Del Oro project would include the San Juan Water District for domestic water; Placer County Sewer Maintenance District No. 2 for wastewater treatment; PG&E for natural gas and electric service; Starstream Communications and Surewest Communications for cable and telephone service; Roseville Joint Unified High School District (grades 9-12) and Eureka Unified School District (grades k-8) for schools; Placer County Sheriff's Department for law enforcement; South Placer Fire District for fire protection services; and the Granite Bay Library Branch for library services.

The proposed project includes the underground construction and installation of Sewer Line "C," which would serve to replace the existing LS70 sewer pump facility located between Lots 25 and 26 of the adjacent Lawrence Estates subdivision. In addition, other utilities would be constructed underground pursuant to County code requirements.

The Draft EIR identified potentially significant impacts in the areas of adequate water supply and delivery for new residents, adequate wastewater facilities for new residents, impacts related to current schools, fire protection and emergency medical services available to new residents, and adequate ratio of law enforcement personnel to residents. However, implementation of mitigation measures included in the Draft EIR would reduce the impacts to a less-than-significant level.

Hazardous Materials and Hazards

The northern portion of the project site contains dredge tailings and water pits created from past mining activities. A Phase I Site Assessment and Phase II Soil Investigation was prepared and reviewed by the CA State Department of Toxic Substance Control to determine the level of soil contamination and potential hazards. DTSC issued a "No Further Action Letter" that indicated metal concentrations detected in characterization soil samples appeared to be consistent with naturally-occurring concentrations when compared to site-specific background metals data, with the exception of cadmium, copper, nickel, and silver. However, all of these maximum concentrations reported were well below the Cal-EPA CHHSL values and, based on the analytical results of the soil sampling conducted, DTSC determined that the concentrations of the metals reported at the site do not pose a risk to public health or the environment. Therefore, further investigation and cleanup of the site is not required and a less-than-significant impact would occur.

Significant Unavoidable Environmental Impacts:

Implementation of the Rancho Del Oro Estates project would result in significant unavoidable impacts to Biological Resources. Despite implementation of mitigation for impacts to special-status plant species, special-status wildlife species, and oak woodlands, the project would still create a net decrease in open space, grasslands, and oak woodlands, and an increase in developed area. Therefore, the cumulative impact of the project on biological resources is considered significant and unavoidable.

Alternatives

The Draft EIR evaluated three alternatives for the proposed project including the No Project alternative, the Base Zoning alternative, and the Planned Development alternative. The analysis in the Draft EIR concluded that the Planned Development Alternative, with 63 residential units, would be the environmentally superior alternative to the proposed project because the Planned Development alternative would result in the generation of fewer vehicle trips to the project area, which would decrease the air quality and noise impacts. Additionally, the Planned Development alternative would result in 50% of the site being developed, including 53.9 acres of open space to the west, an 8.3 acre wetland preserve, and a 9.8 acre open space area that crosses the site. The Planned Development alternative would generate less demand for water, wastewater, parks, police, fire, and other public services. However, the alternative would still require off-site infrastructure improvements.

RECOMMENDATION:

The Development Review Committee recommends that the Planning Commission 1) CERTIFY the Environmental Impact Report (EIR) for the Rancho Del Oro Estates project and adopt the Statement of Overriding Considerations, 2) APPROVE the Vesting Tentative Map, 3) APPROVE the Variance to allow entry gates, and 4) recommend to the Board of Supervisors APPROVAL of the applicant's request for a Rezone. These recommendations are based upon the findings and recommended conditions of approval contained within this report.

FINDINGS:

CEQA: EIR Findings

1. Certify the Final Environmental Impact Report for the Rancho Del Oro Estates Project (State Clearinghouse #2008092101) and adopt the Findings of Fact and Statement of Overriding Considerations as attached (Attachment F), and approve the Mitigation Monitoring Plan as included in the Final Environmental Impact Report.

Rezoning:

1. The zoning, as amended through this action, is consistent with applicable policies and requirements of the Granite Bay Community Plan and is consistent with the land uses in the immediate area.
2. The proposed zoning would not represent spot zoning and would not be contrary to the orderly development of the area.

Vesting Tentative Subdivision Map:

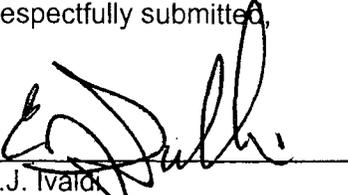
1. The proposed subdivision, together with the provisions for its design and improvements, is consistent with the Granite Bay Community Plan, the Placer County General Plan and with applicable County Zoning Ordinances.
2. The site of the subdivision is physically suitable for the type and proposed density of development.
3. 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.
4. The design and proposed improvements of the subdivision are not likely to cause substantial environmental damage or public health problems.
5. The roadway proposed for this project (Land Development Manual, County standard Plate R-3; Rural Minor Residential) is consistent with current County standards for public roadways.

Variance:

1. There are special circumstances applicable to the subject property, including the fact that the project site does not provide through connections to other local roadways, and the only accesses to the site are provided from Olive Ranch Road where other developments (i.e. Winterhawk) have gated entries for security purposes. 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 and the Granite Bay Community Plan.

Respectfully submitted,



E.J. Ivaldi
Supervising Planner

ATTACHMENTS:

- Attachment A – Vicinity Map
- Attachment B – Reduced Copy of Vesting Tentative Map
- Attachment C – Rezone Exhibit
- Attachment D – Recommended Conditions of Approval
- Attachment E – Final EIR (provided under Separate Cover)
- Attachment F – Findings of Fact and Statement of Overriding considerations
- Attachment G – Correspondence

cc: Tsakopoulos Investments – Property Owner
Jack Remington, Andregg Geomatics – Applicant
Rebecca Taber – Engineering and Surveying Department
Janelle Heinzler – Department of Facility Services, Environmental Engineering Division
Amber Conboy, Department of Public Works (Transportation)
Laura Rath – Environmental Health Services
Tom Thompson – Air Pollution Control District
Andrew Darrow – Flood Control District
Andy Fisher – Parks Department
Paul Thompson – Deputy Planning Director
Michael Johnson – Community Development Resources Agency Director
Scott Finley – County Counsel
Subject/chrono files

*8/23/10
Placer County
Date: 8/23/10*

From: Richard Langowski
To: Placer County Environmental Coordination Services;
Subject: Rancho Del Oro Estates
Date: Sunday, May 23, 2010 12:29:54 AM

I gave an oral presentation on Jan 14, 2010 concerning school bus stops. Your final EIR addressed my written presentation that was given on Jan 14, 2010. Your comments did not answer my questions of School Bus Stops Shelters. Your answer was that there will be a school bus turnout (pickup point) at the two exits coming out of the Estate. Because there is one bus shelter existing that will be near your west exit, I asked if this will be saved to protect the children. I also asked if the estate would supply new shelters at the exits to protect the children from the elements. I did not receive an answer on the last two questions.

I am expressing my concerns on the proposed density. It is too high (89 houses) of a density for this area. I propose a density of 42 houses for this estate. They already received an increase in density that was originally zoned for agricultural. I will not repeat all of the reasons for keeping the previous density because various people covered my concerns with their comments.

Thank You

Richard Langowski
8044 Wyndham Hill
Granite Bay CA 95746

*17 pages
- mailed to
MPL*

4120 Douglas Blvd., #306
Granite Bay, CA 95746
Phone 916-791-5558
Fax 916-791-5312



Fax

To: Michael Johnson From: Jane Negri
 Fax: 530-~~3003~~-745-3003 Pages: 4 Including cover
 Phone: 530-745-3000 Date: June 1, 2010
 Re: Final EIR Rancho Del Oro CC:

- Urgent For Review Please Comment Please Reply Please Recycle

● Comments:

County of Placer

May 31, 2010

Community Development Resource Agency

Michael J. Johnson, ACIP, agency director

Rancho Del Oro Estates proposed Final Environmental Impact Report

Once again I did have a difficult time reviewing the document on line and as it came over another holiday period and I was out of town with no internet available and could not view the copies in the local libraries. I would ask that in the future the residents be given more than 7 week days to view an extensive document (343 pages) that will affect their future lives.

The Project Description 3 proposes a rezone of the property. It is stated that the base zoning allows up to 42 homes and 63 if developed as a PUD. Then it states that the rezone would allow the 89 lots the developer seeks and that this is consistent with the GBCP designation. I don't understand this reasoning since the GBCP supports the base zoning that only allows 42 homes. The rezone also takes away the agricultural designation which the GBCP wants strongly to retain. This designation is being dismissed in the rezone as if it isn't even going to change the nature of our community. The agricultural designation is important to our Granite Bay neighborhoods. We want the right to keep horses and other animals on this property. This is achievable with the base zoning alternative Figure 15-1 The fact that the developer is required to notify future home owners of the County Right to Farm Ordinance on the surrounding land and it is stated thus," Farm owners have a "right to farm" their lands despite potential nuisance to neighboring residences, including noise, odors, and use of toxic & hazardous materials", shows that this land should retain its agricultural designation in order to fit into the community.

Open space G with the proposed sewer lift station is a major concern. It is located very close to a 100 year floodplain. There are emergency measures mentioned in the report but I question the need to put it in such an environmentally sensitive area. Surely with the elimination of one building lot, a better location could be found for the lift station and thus protect the 100 year floodplain from possible contamination.

Another environmentally sensitive area is Swale A. In response #12-13 to my previous letter it was noted on p3-81 that, "the proposed project would result in potentially significant impacts to the 1.67 acres of jurisdictional wetlands(including the 0.18 acres of Perennial Marsh within the Open Space Lots surrounding Swale A)." Then it is stated that these effects can be mitigated. However in the next response to comment 12-14 it is stated," Concerning impacts to waters of the US., as indicated in the conceptual plan for the Base Zoning Alternative, Figure 15-1 of the Draft EIR, a road would likely not be included in the southwest corner, thereby not

requiring a bridge over Swale A. This would eliminate the potential impact resulting from the proposed project to 0.18 acres of perennial marsh." Why are we being pushed for this increased density at the expense of this irreclaimable resource? This marsh can be completely protected. The proposed base zoning allows for a development that fits in with the goals of our GBCP and does not require a road over this sensitive area. See Figure 15-1

I did appreciate the inventory of trees on the property. I would like to see the accompanying map that shows the location of the trees. Since they are all labeled there must be a map that designates each tree's location. It is important to see which trees are slated for removal and what areas will be left treeless. The mitigation of 24 inch box trees, 15 & 5 gallon trees and 50% replacement with shrubs is not a satisfactory mitigation measure for the community that will lose the beauty of these mature oak trees. Nor is it sufficient to say that these small replacement trees will provide habitat for the birds and animals that now nest in the stately oaks and pines on the property.

The pictures included in the Final EIR were taken by me to show the uniqueness of this site. There are many large trees that line the property boundary on the south side. The pictures were taken in Jan. so there are no leaves on the trees but they are very much alive and will be eliminated unless the developer incorporates them into the winding pathway in front of the sound wall. The natural rise and fall of the terrain is evident in the pictures. This is not a flat piece of property and the natural hillocks and swales should be retained. They also show Swale A that will soon have a road across it and the perennial marsh will be changed forever. Beside the mallard ducks shown this area is also home to egret, blue heron and numerous other birds and invertebrates. The pictures also show the surrounding neighborhood and how many mature oaks were retained on each lot. Oak trees are a valuable asset to home sights and should be preserved. I realize that all of these issues were mitigated away in the EIR. As I have said before the mitigation measures for this proposed project may meet the legal requirement for the development but they do not meet the moral obligation to safeguard the last large piece of natural habitat in the Granite Bay area.

I have attended all the meetings and read all the letters and comments. I have never heard one person who is in favor of allowing the increased density on this property. I don't understand why the developer is seeking something that is so adverse to our rural community. I do know that money must be the motive pushing this development ahead. It is certainly not a concern for the environment or for the people who already live in the area. In this day when we are so protective of our environment I'm overwhelmed that this development which is the antithesis of "Going Green", might be approved in Placer County. It certainly isn't "Placer Grown". I would ask that you deny the request for a rezone on this property.

Respectfully, Jane Negri

Jane Negri
4502 Olive Ranch Rd.
Granite Bay, Ca. 95746

An additional comment pertaining to Response to Comment 2-6 on p 3-12

"It should also be noted that two other "walled" residential projects occur on Olive Ranch Rd., Douglas Ranch and Winterhawk, the latter of which is gated." This comment does not mention that the wall for Winterhawk is located behind individual residences and is not visible from the road. The gate is also set back between 2 existing homes so it blends in with the neighborhood. The wall for Douglas Ranch is behind mature olive trees that the developer saved to maintain the natural setting of Olive Ranch Rd. We have asked the developer to save the mature oak trees that will be outside of the sound wall to preserve the rural look of our neighborhood. Please do not cut them down and plant "box trees" just because this is easier.

Jane Regan

Kathi Heckert

From: EJ Ivaldi
Sent: Thursday, June 03, 2010 11:59 AM
To: Kathi Heckert
Subject: FW: Rancho Del Oro

fyi

-----Original Message-----

From: Diane C. [mailto:Dianec@jps.net]
Sent: Sunday, May 30, 2010 10:56 AM
To: EJ Ivaldi
Subject: Rancho Del Oro

This Greek believes he knows better than the members of a stupid Planning Commission and his money can buy him everything. Don't prove him right.

Please do not modify the current zoning for this project.

I live on Cavitt-Stallman; zoned 4.5 ac and don't want to see high density homes pushed, rammed, shoved, forced upon the Planning Commission by a person who thinks he is above the law.

Thank you a concerned voting citizen,

Kathi Heckert

From: Evelyn Canis on behalf of Placer County Planning
Sent: Monday, June 07, 2010 11:15 AM
To: Kathi Heckert; EJ Ivaldi
Subject: FW: rancho del oro (psub 20070032)

From: Jane Davis [mailto:bcwywf@surewest.net]
Sent: Sunday, June 06, 2010 8:46 PM
To: Placer County Planning
Subject: rancho del oro (psub 20070032)

To: Placer County Planning Commission

I am writing in response to a scheduled hearing on June 10,2010

Subject: Rezone/Vesting Tentative Subdivision Map/Variance Rancho Del Oro (PSUB 20070032)
Final Environmental Impact Report (PEIR 20070164)
Supervisorial District 4 (UHLER)

I am a property owner in Grosvenor Downs, I own two pieces of property adjacent to this planned subdivision. I would like to strongly request that the location for the (2) entry gates off Olive Ranch Road are not located off or near Ramsgate Drive.

Thank you in advance for your attention,
Property homeowner
Mary Jane Davis

HENRY C. WALTHER

6845 Rancho Los Pavos Ln.
Granite Bay, CA. 95746
(916) 791-5455
4walthers@surcwest.net

FAX

To: EJ Ivaldi, Placer County Planning Dept.

**From: Henry C. Walther & Lia Walther; 6845 Rancho Los Pavos Ln.
Granite Bay, 95746**

Date: 06/14/10

RE: Rancho Del Oro Project & NO on Rezone

Dear Sir,

I have lived off of Cavitt Stallman Rd for 12 years, and my wife has been in this community since childhood. We are greatly **OPPOSED** to rezoning for this **RANCHO DEL ORO** project for several reasons:

- The original base zoning under the Granite Bay Community Plan allowed 40 lots; the rezone calls for 89 residential lots, more than doubling (123% increase) the original plan;
- Nothing has changed in the community or in the Granite Bay Community Plan since the original 4.6 to 20 acre zoning was created;
- Supporting roads and infrastructure have not changed to support the requested 123% increase in lots;
- Community history, sentiment, mood, and lifestyle are not favorable to or consistent with these changes.

Hence, we ask the County Superintendents and Planning Department to oppose this plan.

Sincerely,

Henry C. Walther, M.D.

Lia M. Walther NP.

6845 Rancho Los Pavos Ln
Granite Bay, CA. 95746
Daytime page 916-523-4705; 768-7326

530-745-3003

To: **EJ Ivaldi, Placer County Planning Dept.**

From: Henry C. Walther & Lia Walther; 6845 Rancho Los Pavos Ln.
Granite Bay, 95746

Date: 06/14/10

RE: Rancho Del Oro Project & NO on Rezone

Dear Sir,

I have lived off of Cavitt Stallman Rd for 12 years, and my wife has been in this community since childhood. We were unable to attend the public meeting on June 10th, but we are greatly OPPOSED to rezoning for this RANCHO DEL ORO project for several reasons:

- The original base zoning under the Granite Bay Community Plan allowed 40 lots; the rezone calls for 89 residential lots, more than doubling (123% increase) the original plan;
- Nothing has changed in the community or in the Granite Bay Community Plan since the original 4.6 to 20 acre zoning was created;
- Supporting roads and infrastructure have not changed to support the requested 123% increase in lots;
- Community history, sentiment, mood, and lifestyle are not favorable to or consistent with these changes.

Hence, we ask the County Superintendents and Planning Department to oppose this plan.

Sincerely,

Henry Walther
Lia Walther
6845 Rancho Los Pavos Ln
Granite Bay, CA. 95746
Daytime page 916-523-4705

Kathi Heckert

From: EJ Ivaldi
Sent: Monday, June 14, 2010 7:56 AM
To: Kathi Heckert
Subject: FW: NO on Rancho del Oro Re-zone

Correspondence on Rancho Del Oro. Please include with others. Thank you.

From: Henry Walther [mailto:4walthers@surewest.net]
Sent: Sunday, June 13, 2010 4:42 PM
To: EJ Ivaldi
Subject: NO on Rancho del Oro Re-zone

HENRY C. WALTHER

LIA WALTHER

6845 Rancho Los Pavos Ln.
Granite Bay, CA. 95746
(916) 791-5455
4walthers@surewest.net

JOE R. ABRAMSON, ESQ.
A. SCOTT BROWN, ESQ.

ABRAMSON & BROWN
21700 OXNARD STREET
SUITE 430
WOODLAND HILLS, CA. 91367-3665
E-MAIL jralaw1@pacbell.net

TELEPHONE (818) 227-6690
FACSIMILE (818) 227-6699

July 12, 2010

RECEIVED

BY FEDERAL EXPRESS

JUL 13 2010

Michael J. Johnson AICP
County of Placer
Community Development Resource Agency
3091 County Center Drive
Auburn, CA 95603

CDRA

Re: Rezone/Vesting Tentative Subdivision Map/Variance
Rancho Del Oro (PSUB 20070032)
Final Environmental Impact Report (PEIR20070164)
Supervisory Dist 4 (Uhler)
Public Hearing Scheduled for July 22, 2010 @ 10:40 A.M.

Dear Mr. Johnson:

I represent Julie Brawn, the homeowner at 5300 Ashby Lane, Granite Bay, CA 95746.

Ms. Brawn has previously advised the relevant parties that she objects to the installation of the entry gates at 2 locations that intersect Olive Ranch Road. Ms. Brawn holds an easement across the road and the installation of the gates would interfere with her easement.

The basis for Ms. Brawn's claim is set forth in correspondence dated May 12, 2010, and June 3, 2010, copies of which are enclosed herewith.

For the reasons stated in the attached correspondence, Ms. Brawn objects to proposed Variance.

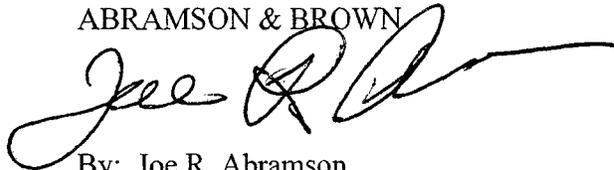
LAW OFFICES OF
JOE R. ABRAMSON

Michael J. Johnson, AICP
Placer County Community Development Resource Agency
July 12, 2010
Page 2

Should you have any questions concerning the foregoing, please do not hesitate to contact the undersigned.

Very Truly Yours,

ABRAMSON & BROWN

A handwritten signature in black ink, appearing to read "Joe R. Abramson", with a long horizontal flourish extending to the right.

By: Joe R. Abramson

CC: Julie Brawn/Steve Whitesides (W/o Encls.)
Encls. Letters of May 12, 2010 and June 3, 2010

JOE R. ABRAMSON, ESQ.
A. SCOTT BROWN, ESQ.

ABRAMSON & BROWN
21700 OXNARD STREET
SUITE 430
WOODLAND HILLS, CA. 91367-3665
E-MAIL jralaw1@pacbell.net

TELEPHONE (818) 227-6690
FACSIMILE (818) 227-6699

June 3, 2010

BY ELECTRONIC MAIL AND/OR FAX

All Placer County Supervisors: bos@placer.ca.gov
Fax: (530) 889-4009

F.C. "Rocky" Rockholm
Placer County Board of Supervisors, District 1
c/o Linda Brown, Field Representative (lbrown@placer.ca.gov)

Robert Weygandt
Placer County Board of Supervisors, District 2

Jim Holmes
Placer County Board of Supervisors, District 3
c/o Ruth Alves, District 3 Aide (rajves@placer.ca.gov)

Kirk Uhler
Placer County Board of Supervisors, District 4
c/o Brian Jagger, District Director (bjagger@placer.ca.gov)

Jennifer Montgomery
Placer County Board of Supervisors, District 5
JenniferMontgomery@Placer.ca.gov

Re: Rancho Del Oro Estates Project ("the Project");
(119.4 Acres North of Olive Ranch Road, .25 miles East of Cavitt-
Stallman Road, Granite Bay, Placer County);
Hearing formerly set for June 10, 2010 (to be rescheduled)

Dear Members of the Board of Supervisors:

I represent Julie Brawn, the owner of the property located at 5300 Ashby Lane, Granite Bay, CA. 95746. I have just reviewed a copy of the "Revisions to the Draft EIR Text" ("the EIR Revisions") for Rancho Del Oro Estates dated "May 2010". The EIR Revisions reflect an intent to interfere with certain easement rights held by Ms. Brawn and, for this reason, I am writing to object to the EIR Revisions.

LAW OFFICES OF
JOE R. ABRAMSON

F. C. "Rocky" Rockholm
Robert Weygandt
Jim Holmes
Kirk Uhler
Jennifer Montgomery
June 3, 2010
Page 2

I note that in Sections 3 (Draft EIR page 3-6) and 8 (Draft EIR page 8-35) of the EIR Revisions, there are proposed modifications which reference the proposed construction of gates along South Shadow Oaks Lane. Specifically, there is a reference in Section 8 to the installation of "two emergency access gates along South Shadow Oaks Lane, which would be activated by the strobe lights of emergency vehicles and equipment, but would not be accessible for day-to-day traffic". Although I have seen the recorded easements relating to the easement rights referred to in the EIR Revisions, there is nothing about the installation of emergency access gates in the easements.

Ms. Brawn holds a recorded easement for ingress and egress across South Shadow Oaks Lane and the proposed installation of the emergency gates would interfere with Ms. Brawn's ability to access the easement road.

On May 12, 2010, I sent correspondence to the South Placer Fire District, the Placer County Sheriff, and County Counsel, notifying the relevant parties of Ms. Brawn's rights and requesting confirmation that there would be no interference with Ms. Brawn's easement. A copy of my May 12, 2010 correspondence is attached. My correspondence has been ignored. On June 1, 2010, I sent correspondence to the Supervising Planner, Mr. Ivaldi, advising him of my client's interest. I have not yet received a response to my June 1, 2010 correspondence to Mr. Ivaldi.

By this correspondence, I am now placing the Board of Supervisors on notice of Ms. Brawn's rights and am again requesting that the Board of Supervisors not approve the EIR to the extent it constitutes a de facto approval of the interference with Ms. Brawn's easement rights.

Please confirm that Ms. Brawn's rights will be protected and preserved and that the issues addressed in my May 12, 2010 correspondence will be part of the matters on calendar when the June 10, 2010 hearing is rescheduled.

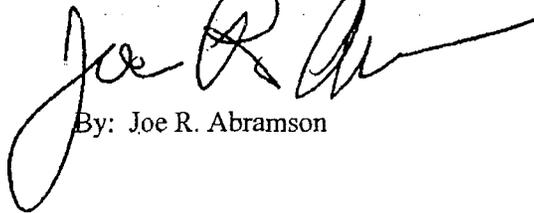
LAW OFFICES OF
JOE R. ABRAMSON

F. C. "Rocky" Rockholm
Robert Weygandt
Jim Holmes
Kirk Uhler
Jennifer Montgomery
June 3, 2010
Page 3

Should you have any questions concerning the foregoing, please do not hesitate to contact the undersigned.

Very Truly Yours,

ABRAMSON & BROWN

A handwritten signature in black ink, appearing to read "Joe R. Abramson", written in a cursive style with a long horizontal flourish extending to the right.

By: Joe R. Abramson

CC: Julie Brawn

JOE R. ABRAMSON, ESQ.
A. SCOTT BROWN, ESQ.

ABRAMSON & BROWN
21700 OXNARD STREET
SUITE 430
WOODLAND HILLS, CA. 91367-3665
E-MAIL jralaw1@pacbell.net

TELEPHONE (818) 227-6690
FACSIMILE (818) 227-6699

May 12, 2010

VIA FACSIMILE AND BY MAIL
FAX NO: (916) 791-2199

Tony Corado, Fire Chief
Bob Richardson, Fire Marshall
South Placer Fire District
6900 Eureka Road
Granite Bay, CA. 95746.

Re: Interference with Shadow Oaks Road Easement

Dear Mr. Corado and Mr. Richardson:

Please be advised that I represent Julie Brawn, the homeowner at 5300 Ashby Lane, Granite Bay, CA. 95746 ("5300 Ashby").

Ms. Brawn has been advised that the South Placer Fire District, acting in concert with Ms. Brawn's neighbor, Scott Miller, whose address is 7800 Shadow Oaks Lane, Granite Bay, CA 95746 ("the Miller Residence"), intends to block an express easement for ingress and egress that runs across Shadow Oaks Lane granted in favor of Ms. Brawn's predecessor in interest for 5300 Ashby. Part of the easement crosses Shadow Oaks Lane in front of the Miller Residence. My client's understanding is that the proposed limitation, either through some form of blockade, fencing, or limited electronic access device, will be installed in front of the Miller Residence.

Ms. Brawn's express easement runs north and south along a 31 foot right of way on Shadow Oaks Lane, from Ashby Lane south to Olive Ranch Road ("the Easement").

The Easement was granted pursuant to a recorded document and is evidenced by recorded Maps, Surveys, and other documentation. The express Easement was granted pursuant to an "Easement Deed" recorded February 24, 1967 in Volume 1144, Page 608 of Placer County Records, a copy of which is attached hereto as Exhibit "1" ("the Grand Oaks Easement"). In the Grand Oaks Easement, Billy and Barbara Dyer granted Grand Oaks Development Co. ("Grand Oaks") and Ted Whitaker ("Whitaker"), and their "heirs or assignees" a 31 foot easement across Shadow Oaks Lane.

LAW OFFICES OF
JOE R. ABRAMSON

Tony Corado, Fire Chief
Bob Richardson, Fire Marshall
South Placer Fire District
May 12, 2010
Page 2

As part of the identification of the Grand Oaks Easement, the Easement refers to a Deed granting title to a larger tract of land to Barbara and Billie Dyer ("the Dyer Deed"). A copy of the Dyer Deed is attached hereto as Exhibit "2".

Certain recorded Maps also make reference to the Easement. In this regard, please see the attached Parcel Map recorded as Book 4 of Parcel Maps, Page 109 (Exhibit "3" hereto), and the attached Parcel Map recorded as Book 6 of Parcel Maps, Page 148 (Exhibit "4" hereto). The Grand Oaks Easement is highlighted in yellow on Exhibits "3" and "4".

Ms. Brawn is clearly the successor in interest to the property benefitted by the Grand Oaks Easement. The land owned by Grand Oaks and Whitaker is depicted in the attached map, marked Exhibit "5". Ms. Brawn's residence is within the outlined area; her property is highlighted in yellow.

A Chain of Title flow chart reflecting the transfer of title to the grantees of the Grand Oaks Easement, Grand Oaks and Whitaker, and then, through several successors in interest, to the current owner, Ms. Brawn, is attached hereto as Exhibit "6". The Grand Oaks Easement was recorded on February 24, 1967. The Exhibit "6" Chain of Title clearly shows that from December 28, 1962 through July 13, 1970, the property subject to the Grand Oaks Easement was owned by Grand Oaks and/or Whitaker.

The law relating to the enforcement of an express easement by a successor in interest is well established. Easements are either "appurtenant" (i.e., they attach to a specific parcel of land) or gross (i.e., a personal right to use the land of another). Easements are presumed to be appurtenant. *City of Anaheim vs. Metropolitan Water District of So. California* (1978) 82 Cal.App.3d 763, 768; *Continental Baking Co. vs. Katz* (1968) 68 Cal.2d 512, 523; *California Civil Code* §662.

At the time of the grant of the Grand Oaks Easement, Grand Oaks and Whitaker were owners of land adjacent to the property described in the Dyer Deed and required the use of Shadow Oaks Lane for access for, among other things, an anticipated residential subdivision. Based upon the established legal presumption that the Easement was and is appurtenant, and, buttressed by the fact that Grand Oaks and Whitaker owned land adjacent to the servient estate (i.e., the Dyer property) on the date that the express Easement was granted, it necessarily follows that the Grand Oaks Easement provided

LAW OFFICES OF
JOE R. ABRAMSON

Tony Corado, Fire Chief
Bob Richardson, Fire Marshall
South Placer Fire District
May 12, 2010
Page 3

ingress and egress across Shadow Oaks Lane to the land owned by Grand Oaks, Whitaker, their successors and assigns.

As a successor in interest to the original grantees, Ms. Brawn has all of the beneficial rights with respect to the Easements held by her predecessors in interest, even though the easement rights were not expressly specified in the deed granting title to Ms. Brawn. *Moylan vs. Dykes* (1986) 181 Cal.App.3d 561, 568

In summation, an express easement appurtenant was granted to Ms. Brawn's predecessors in interest and Ms. Brawn, as the successor in interest to the original grantees, is vested with the right to utilize Shadow Oaks Lane for ingress and egress.

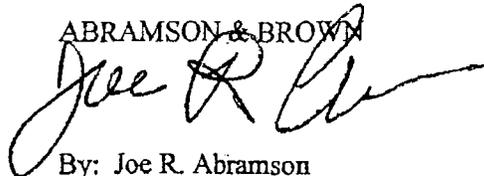
In light of the foregoing, any effort to restrict, impair, or otherwise bar Ms. Brawn's right of access would be in violation of Ms. Brawn's legal rights under the Grand Oaks Easement. We therefore request confirmation from the South Placer Fire Department that it will not interfere with Ms. Brawn's right of access under the terms of the express Grand Oaks Easement.

Please confirm the South Placer Fire Department's intentions in the next seven (7) days.

Should you have any questions concerning the foregoing, please do not hesitate to contact the undersigned.

Very Truly Yours,

ABRAMSON & BROWN



By: Joe R. Abramson

CC: Julie Brawn
Anthony J. La Bouff, Esq., Placer County Counsel (By Fax and by mail), 175 Fulweiler Ave., Auburn, CA 95603 (Fax: (916) 789-1051) (Mailed copy includes Encls.)

LAW OFFICES OF
JOE R. ABRAMSON

Tony Corado, Fire Chief
Bob Richardson, Fire Marshall
South Placer Fire District
May 12, 2010
Page 4

Edward Bonner
Placer County Sheriff
P.O. Box 6990
Auburn, CA 95604
(By Facsimile ((530) 889-7899) and by US First Class Mail)

Encls. Exhibits "1" through "6" identified above

2785

RECORDING REQUESTED BY

WHEN RECEIVED MAIL TO

R. E. Caldwell
7302 Shadow Oaks Lane
Roseville, California

OFFICIAL # 27815
PLACER CO., CALIF.
RECORD REQUESTED BY
FIDELITY TITLE CO

FEB 24 12 50 PM 1967

CLAYTON L. GOODPASTER
COURT RECORDER

2785 \$ 2.00

SPACE ABOVE THIS LINE FOR RECORDER'S USE

ESCROW NO. 67-21

BASEMENT

Grant Deed

L.R.S. 1

For valuable consideration, receipt of which is hereby acknowledged.

BILLY R. DYER AND BARBARA E. DYER, his wife

do hereby grant to GRAND OAKS DEVELOPMENT CO., and TED WHITAKER

heirs or assigns

the real property in the County of Placer
State of California, described as:

A non-exclusive easement for road and utility purposes
51 feet in width lying along the easterly line of the
property described in the Deed to Billy R. Dyer and
Barbara E. Dyer, his wife as recorded 28, 1967 in
Book 748, Official Records, page 165, Placer County
Records.

PL 1144 PAGE 608

STATE OF CALIFORNIA
COUNTY OF
Placer

On this 21st day of February
1967 before me, CAROLINE MARTINEZ,
a Notary Public in and for said County and State, per-
sonally appeared Robert E. Caldwell
known to me to be the person whose name is sub-
scribed to the within instrument, as a witness therein,
who being by me duly sworn, depose and say that
he resides in Placer County.

Dated February 19, 1967

Billy R. Dyer

Barbara E. Dyer

Robert E. Caldwell

and that he was present and saw
Billy R. Dyer & Barbara E. Dyer
personally known to him to be the same person whose
name is subscribed to the within and before the com-
missioner of the within instrument, as a witness therein,
who being by me duly sworn, depose and say that
they are the same persons as a witness.
MY COMM. EXPIRES 8/1/78

CAROLINE MARTINEZ
Notary Public
Placer County

FORM 44-44C

FIDELITY TITLE COMPANY

2785

For value received **ETTA WILLIAMS**

GRANT _____ to **BILLY R. DYER and BARBARA E. DYER, his wife,**

as **JOINT TENANTS** all that real property situate in the

County of **Placer**, State of California, described as follows:

The **West one-half** of the following real property:

Beginning at a point on the south boundary line of Section 33, Township 11 North, Range 7 East, "DBM", from which point the southwest corner of said Section 33 bears South 88° 41' West a distance of 665 feet; thence from said point of beginning North 2° 32' West, 1322.7 feet to a point on the north line of the southwest quarter of the southwest quarter of Section 33; thence East along the North line of the Southwest quarter of the Southwest quarter of

Section 33 to the Northeast corner of the Southwest quarter of the Southwest quarter of Section 33; thence South along the East line of the southwest quarter of the Southwest quarter of said Section 33 to the southeast corner of said Southwest quarter of the Southwest quarter of said Section 33; said point being on the south line of said Section 33; thence West along the South line of said Section 33 to the point of beginning.

SAVING AND EXCEPTING THEREFROM all oil, gas and other hydrocarbons and minerals with incidental rights as described in deed from Bank of America National Trust and Savings Association, a national banking association, to Bertha Richards, a widow, dated June 6, 1941 recorded June 11, 1941 in Book 421 of Official Records at page 355.



Dated October 16 19 57

ETTA WILLIAMS

For Recorder's Use Only

STATE OF CALIFORNIA

County of Placer

On Oct. 17 19 57

before me, Joe B. Raymond, a Notary Public,

in and for said County and State, personally appeared

ETTA WILLIAMS

known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

Joe B. Raymond

Notary for BEING, Placer
1505 Newton St., Sacramento, Calif.

RECEIVED
VOL 745 PAGE 165
OCT 28 3 48 PM 1957
10990
OCT 28 3 48 PM 1957
2.00

PARCEL MAP

NO 70076

PORTION OF THE S.W. 1/4 OF THE S.W. 1/4 OF SECTION 33
T.11 N. R.7 E., M.D.B.&M.
VOL. 748 PG. 185 OR

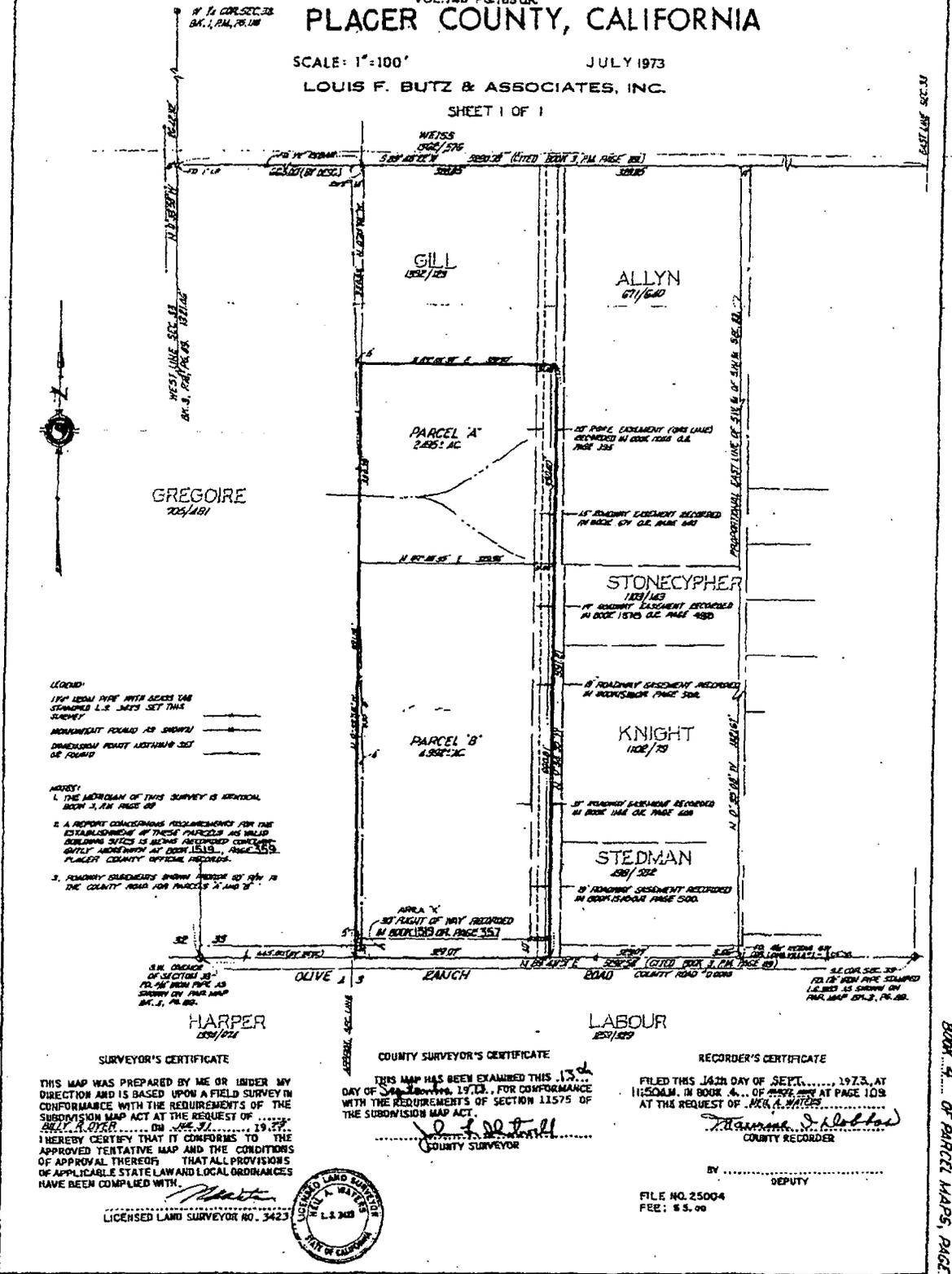
PLACER COUNTY, CALIFORNIA

SCALE: 1"=100'

JULY 1973

LOUIS F. BUTZ & ASSOCIATES, INC.

SHEET 1 OF 1



LEGEND:
 1 1/4" IRON PIPE WITH CROSS BAR
 STANDARD L.S. MARK SET THIS
 SURVEY
 MONUMENT FOUND AS SHOWN
 DIMENSION POINT DISTANCE SET
 OR FOUND

NOTES:
 1. THE MERIDIAN OF THIS SURVEY IS IDENTICAL
 BOOK 3, P. 18 PAGE 89
 2. A REPORT CONCERNING REQUIREMENTS FOR THE
 ESTABLISHMENT OF THESE PARCELS AS WELL AS
 BUILDING SIZES IS BEING PREPARED CONCERNING
 GUILTY ADDRESS AT BOOK 1513, PAGE 385
 PLACER COUNTY OFFICIAL RECORDS.
 3. ROADWAY EASEMENTS SHOWN HEREIN SET FOR IN
 THE COUNTY ROAD FOR PARCELS A AND B

SURVEYOR'S CERTIFICATE

THIS MAP WAS PREPARED BY ME OR UNDER MY
 DIRECTION AND IS BASED UPON A FIELD SURVEY IN
 CONFORMANCE WITH THE REQUIREMENTS OF THE
 SUBDIVISION MAP ACT AT THE REQUEST OF
 HARPER
 I HEREBY CERTIFY THAT IT CONFORMS TO
 THE APPROVED TENTATIVE MAP AND THE CONDITIONS
 OF APPROVAL THEREOF THAT ALL PROVISIONS
 OF APPLICABLE STATE LAW AND LOCAL ORDINANCES
 HAVE BEEN COMPLIED WITH.

Licensed Land Surveyor No. 3423



COUNTY SURVEYOR'S CERTIFICATE

THIS MAP HAS BEEN EXAMINED THIS 13th
 DAY OF July 1973, FOR CONFORMANCE
 WITH THE REQUIREMENTS OF SECTION 11575 OF
 THE SUBDIVISION MAP ACT.

County Surveyor

RECORDER'S CERTIFICATE

FILED THIS 14th DAY OF SEPT. 1973, AT
 11:50AM, IN BOOK A... OF SECT. 33 AT PAGE 108
 AT THE REQUEST OF HARPER

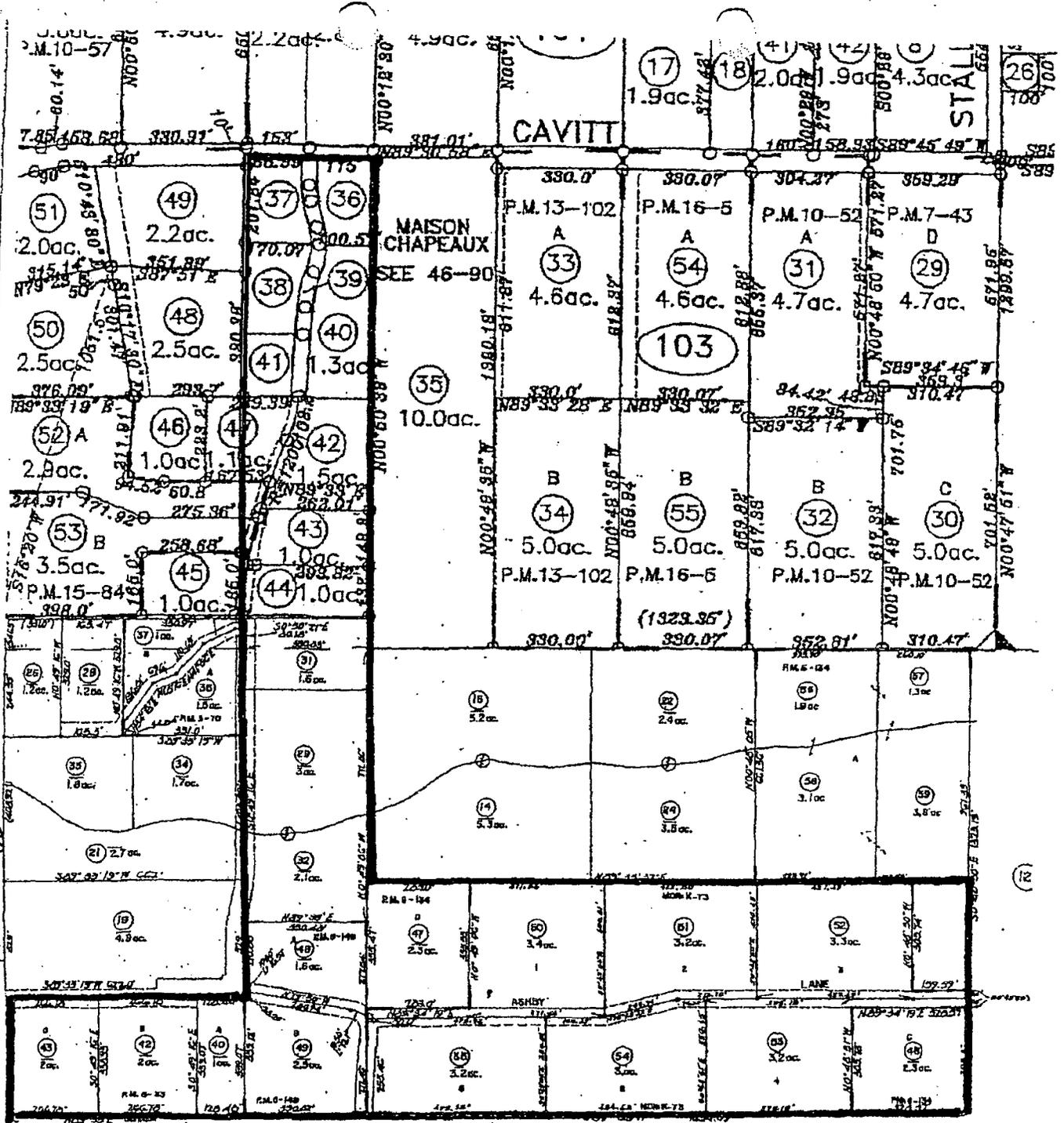
County Recorder

FILE NO. 25004
 FEE: \$5.00

BOOK 4 OF PARCEL MAPS, PAGE 108

EXHIB 108

49



Assessor's Map Bk. 46-Pg. 11
County of Placer, Calif.

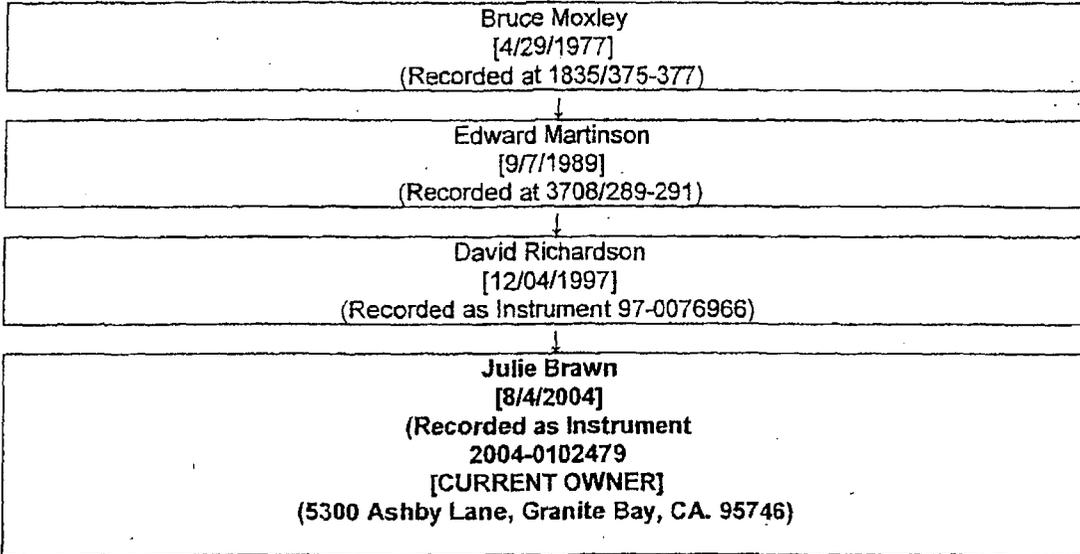
NOTE: Assessor's Block Numbers Shown in Ellipses.
Assessor's Parcel Numbers Shown in Circles.

947/555

CHAIN OF TITLE TO JULIE BRAUN
(5300 Ashby Lane, Granite Bay, CA. 95746)

<p>The west half of the East half of the southwest quarter of the northwest quarter; the southwest quarter of the southwest quarter of the northwest quarter; the south half of the north half of the southwest quarter; the west 3/8 of the north half of the north half of the southwest quarter of Section 33, Township 11 North, Range 7 East, MDB&M.</p>	<p>That portion of the southwest quarter of the northwest quarter and of the north half of the Southwest Quarter of Section 33, Township 11 North, Range 7 East, MDB&M.,</p>
<p>Verna Chapeau [7/8/1958]* (Recorded at 765/283)**</p>	
<p>Placer Forest [10/5/1959] (Recorded at 812/330) [Subject to Deed of Trust in favor Verna Chapeau, Recorded at 812/331]</p>	
<p>Grand Oaks Development Company ("Grand Oaks") [12/28/1962] (Recorded at 947/555)</p>	<p>Grand Oaks [1/19/1965] (Recorded at 1049/612)</p>
	<p>Ted and Anne Whitaker [11/25/1966] (Recorded at 1135/346)</p>
<p align="center">Road Easement across Shadow Oaks Lane Granted to Grand Oaks and Ted Whitaker [2/24/1967] (Recorded at 1144/608)</p>	
<p>Verna Chapeau (Trustee's Deed upon foreclosure of Deed of Trust recorded at 812/331) [7/13/1970] (Recorded at 1303/170)</p>	
<p>Ashby/Disken [4/21/1972] (Recorded as 1414/188-190)</p>	<p>Ashby/Disken [4/28/1972] (Recorded as 1415/486)</p>

**Ashby commences development of subdivision consisting of 10 lots
(Includes the lot of the current owner, Julie Brawn)**



*All dates in open and closed brackets [] are the date of the recordation of the instrument. Except as otherwise stated, all recorded instruments are grant deeds transferring title to the designated person or entity.

** All numbers in open and closed parenthesis () represent the book and page number utilized by the County Recorder of Placer County to identify the recorded instrument.