

## ATTACHMENT D

### RECOMMENDED FINDINGS:

#### A) California Environmental Quality Act

The Board of Supervisors has considered the proposed Mitigated Negative Declaration, the proposed mitigation measures, the Planning Commission action and the staff report for this appeal, and all information and comments pertinent thereto, and hereby adopts the Mitigated Negative Declaration for the project based upon the following findings:

1. A Mitigated Negative Declaration has been prepared for this project in compliance with CEQA. With the incorporation of all mitigation measures, the project will avoid or mitigate any adverse effects to the point where clearly no significant effects on the environment would occur. Mitigation measures included will address potential impacts related to biological resources, cultural, historical, and archaeological resources, geology and soils, hydrology, water quality, hazardous materials, noise, and traffic.
2. There is no substantial evidence in the record as a whole that the project would 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 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.

#### **B) Project Approval**

The Board of Supervisors has considered the proposed Mitigated Negative Declaration, the proposed mitigation measures, the Planning Commission action and the staff report for this appeal, and all information and comments pertinent thereto, and hereby approved the project adopts based upon the following findings:

#### **Conditional Use Permit Findings (Placer County Code section 17.58.130)**

1. The use of this property for this project is consistent with all applicable provisions of the Placer County Code. As discussed in the staff report, as well as in the Mitigated Negative Declaration, the project is an allowed use on this project site, and the project has been designed in a manner to be consistent with all applicable provisions of the Placer County Zoning Ordinance, specifically including Section 17.54.080 relating to planned developments.
2. The use is consistent with applicable policies and requirements of the Placer County General Plan, and Horseshoe Bar/Penryn Community Plan, the applicable community

plan, and that any specific findings required by any of these plans have been made. The project site is located within the Penryn Parkway area of the Horseshoe Bar/Penryn Community Plan. As set forth in the Community Plan, multi-family residential uses are permitted within the Penryn Parkway area. As articulated in this staff report, many of the goals and policies of the Horseshoe Bar/Penryn Community Plan are implemented through the approval of this project. The project has been evaluated for consistency with the following Goals and Policies of the Horseshoe Bar/Penryn Community Plan:

Land Use

Goals: f, i, l, m

Policies: a- f, i, m, q, y

Public Facilities and Services

Goals: (1) – (5)

Policies: (1) – (3), (5), (6)

Sewer

Policies: (1), (3)

Water Supply

Policies: (1)

Fire Protection

Policies: (6), (7)

Flood Control and Storm Drainage

Policies: (4), (8), (11), (12)

Utilities

Policy: (1)

Schools

Policy: (1)

Community Noise

Goals: (c), (d)

Policies: a, d

Recreation

Goals: 2, 4, 5

Policies: 4

Trails

Goals: E

Policies: a, b, c

Community Design

Goals: 8, 9

Policies: 2, 5, 10, 19, 20, 21, 26

Hydrology and Water Quality

Goals: (1)

Policies: (4), (9)

Circulation

Goals: 1, 3, 6, 7, 8

Policies: 2, 4, 6, 7, 8, 10, 12, 13, 16, 17, 18, 20

3. The establishment, maintenance or operation of the project will not, under the circumstances of approval for this particular use, be detrimental to the health, safety, peace, comfort and general welfare of people residing or working in the neighborhood, or be detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the County.

As discussed in the staff report, this project as approved would actually be less intensive than a commercial project constructed on this site. The project proposes significantly less residential use than is permitted by the zoning for this site. Based upon a project area of 3.2 acres, approximately 41,800 square feet of commercial floor area could be constructed on this site. Based upon an industry standard of 15.1 daily vehicle trips for every 1,000 square feet of retail commercial floor area, a retail commercial development on this project site could generate approximately 631 daily vehicle trips. With the base zoning, up to 69 residences could theoretically be constructed on this site, which using an industry standard of 8.0 daily vehicle trips, could generate approximately 552 daily vehicle trips. Based upon the planned development zoning, up to 55 residences could be constructed on this site, which using an industry standard of 8.0 daily vehicle trips, could generate approximately 440 daily vehicle trips. The proposed project, with 23 residential units, would generate approximately 230 daily vehicle trips. Accordingly, this project will generate significantly fewer daily vehicle trips than other permitted uses on this site, which also equates to less noise and less air pollution being generated. This reduction in density and intensity of land use assures that the project will not be detrimental to the health, safety, peace, comfort and general welfare of the people residing or working in the neighborhood of the proposed project.

4. The project will be consistent with the character of the immediate neighborhood and will not be contrary to its orderly development.

As discussed in the staff report, the project is a permitted land use on this project site, and the project is being constructed adjacent to existing development, so as to avoid any adverse impacts that may result from non-contiguous development. The immediate neighborhood of the project site is commercial in nature and in zoning. Higher density residential uses are compatible with commercial uses. The project as designed will be compatible with, and supportive of, existing commercial development located to the south of the project. On this basis, the project is designed such that it will be consistent with the character of the immediate neighborhood and will not be contrary to its orderly development.

5. The project will not generate a volume of traffic beyond the design capacity of all roads providing access to the project, either those existing or those to be improved with the project.

As noted in Finding 3 above, based upon the project area of 3.2 acres, approximately 41,800 square feet of commercial floor area could be constructed on this site. Based upon an industry standard of 15.1 daily vehicle trips for every 1,000 square feet of retail commercial floor area, a retail commercial development on this project site could

generate approximately 631 daily vehicle trips. The potential under base zoning to construct up to 69 residences on this site could generate approximately 552 daily vehicle trips. Based upon the planned development zoning, up to 55 residences could be constructed on this site, which using an industry standard of 8.0 daily vehicle trips, could generate approximately 440 daily vehicle trips. The project's 23 residential units will generate approximately 230 daily vehicle trips. Accordingly, the project will generate fewer daily vehicle trips than other permitted uses on this project site and less than projected for this site when it was evaluated as part of the approval of the Horseshoe Bar/Penryn Community Plan in 1994. Thus implementation of the project will not generate a volume of traffic beyond the design capacity of all roads providing access to the project, either those existing or those to be improved with the project.

As noted in the staff report and the Mitigated Negative Declaration, the project will be conditioned to install roadway improvements on Penryn Road across the project's frontage as required by the Horseshoe Bar/Penryn Community Plan, thereby assuring that the project constructs its fair-share of the local and regional roadway improvements needed to assure that the design capacity of all roads providing access to the project are not exceeded.

6. The project site is not within a TPZ zone district, and timberlands will not be impacted with the implementation of the project. There are oak trees located on the project site and, as detailed in the staff report and the Mitigated Negative Declaration prepared for the project, the project will be conditioned to mitigate for the removal of said oak trees in compliance with CEQA and the requirements of the Placer County Code.
7. All findings required by the Placer County Code, including Section 17.54.080, have been made to allow for the approval of the project.
8. There are no special uses proposed with this project that would require the adoption of findings as set forth in Article 17.56 (Special Use Regulations).
9. All issues raised by members of the public associated with potential adverse environmental effects have been addressed to conclude that the project, as proposed will not result in the creation of adverse environmental effects and, the Board of Supervisors has adopted a Mitigated Negative Declaration prepared for this project.
10. The project is not modifying and prior established entitlements. All conditions of approval for this project have been specifically prepared to address issues and impacts associated with the implementation of this proposed project.

#### Planned Residential Development Findings (Placer County Code section 17.54.080)

1. As fully discussed in the staff report to the Planning Commission, and in the Board of Supervisors staff report and in other findings approved at this time, the project is consistent with the Horseshoe Bar/Penryn Community Plan land use designation for this project site. As set forth in the Community Plan, the underlying land use designation, Penryn Parkway, allows for the development of low, medium and high density residential developments. Additionally, the project has been designed in a manner to be compatible

with the existing retail commercial development immediately to the south of this project site. The project, as proposed and designed, has been found to be compatible with the existing and allowed land uses in the project vicinity, including minimum lot sizes.

2. As set forth in Section 17.54.080 (Planned Residential Developments), the purpose and intent of Planned Residential Developments includes, but is not limited to: the protection of environmentally sensitive areas; the preservation of natural, cultural and historical resources; the conservation of visual and aesthetic resources; the maintenance of a given area's existing quality of life; the need to provide for an increasing variety of housing types, designs and layouts; the efficient use of land; and the effective development and use of public facilities and services.

The applicant has designed the project in a manner to protect environmentally sensitive areas on the project site, while preserving natural, cultural and historical resources. As shown on the site plan, existing oak trees and rock outcroppings located in the center of the project site are being preserved to assure the project maintains original aspects of the project site and the amount of open space exceeds what is required under County ordinances. The project has been designed in a manner to implement the goals and policies of the Horseshoe Bar/Penryn Community Plan with regards to designing structures to reflect the historic nature of the project area. The proposed project provides a housing type that is identified by the Sacramento Area Council of Governments of being in great demand not only in the Penryn area, but also the larger Sacramento region. The Planning Commission concluded that the proposed cluster design of the buildings was an efficient use of the land, and that the development of this project site could take advantage of the existing public facilities and services available to this project site.

3. The project is significantly less dense than is currently allowed by the underlying land use on this project site. As stated in the staff report and other findings, the base zoning on this project site would allow the development of 69 residences. The proposal to construct 23 attached single-family residences is less dense than the number of units that could be constructed on the project site. No departures from allowed density are being requested for this project to be approved.
4. As shown on the submitted site plan, the project has been designed around a central common open space area that features the preservation of existing oak trees and rock outcroppings. The common open space area has been located in a manner that it is accessible and visible from a majority of the residences within the development, thereby allowing a majority of the residents to have visual and physical access to this common open space on a daily basis. In addition, a landscape buffer will be provided along the Penryn Road frontage to assure that motorists traveling along this roadway will have a visually-pleasing experience. Consistent with numerous other projects approved by the County and other agencies throughout the State of California, the Homeowners Association formed for this project will be responsible for the long-term/ongoing maintenance of all common open space areas within the project boundaries.

5. The project has been designed in a manner to take advantage of the existing public services that are available along the Penryn Road frontage of the project site. The project has been designed in a manner to have only one point of access onto Penryn Road, thereby minimizing the impacts that can be associated with having multiple points of access along a relatively short project frontage. The interior project roadway has been designed to comply with County standards for such roadways, and the responding fire district has stated the roadway is an acceptable design solution to assure adequate circulation for responding emergency service vehicles. As noted in Finding 4 above, the project has been designed in a manner to assure that most of the residential units abut the common open space area within the project, thereby assuring that adequate light and air, recreation and visual enjoyment are provided to the future residents of this development.
6. Based upon the site design, the absence of soundwalls or other barriers along Penryn Road, the preservation of common open space at the center of the project, and the architectural design of the proposed residence will create a beneficial relationship between the proposed PD and the neighborhood wherein it will be located.
7. At this time, the project is approved as a single-phase project. All required roadways and infrastructure are to be constructed and in place prior to the occupancy of the first residence.
8. As detailed in Finding 2 above, the project is designed in a manner to protect environmentally sensitive areas on the project site, while preserving natural, cultural and historical resources. As shown on the site plan submitted, existing oak trees and rock outcroppings located in the center of the project site are being preserved to assure the project maintains original aspects of the project site. The project has been designed in a manner to implement the goals and policies of the Horseshoe Bar/Penryn Community Plan with regards to designing structures to reflect the historic nature of the project area.
9. As stated in Finding 3 above, the project is significantly less dense than is currently allowed by the underlying land use on this project site. As stated in the staff reports, the base zoning on this project site would allow the development of 69 residences. The applicant's proposal to construct 23 attached single-family residences is less dense than the number of units that could be constructed on the project site. As noted in Finding 5 above, the proposed project has been designed in a manner to take advantage of the existing public services that are available along the Penryn Road frontage of the project site. The proposed project has been designed in a manner to have only one point of access onto Penryn Road, thereby minimizing the impacts that can be associated with having multiple points of access along a relatively short project frontage. The project has been designed with the absence of soundwalls or other barriers, thereby allowing the proposed residential community to open to and interact with the larger Penryn community. Because there are few other residences in the immediate vicinity of the project site, and because the majority of traffic from this project will be directed towards the Interstate 80 corridor and the Town of Loomis (on Taylor Road), the proposed project will have negligible impacts on any existing residents in Penryn.

10. As detailed in the findings above, the proposed project is a cluster residential development centered on a common open space area featuring existing oak trees and rock outcroppings. Additionally, the project has been designed in a manner where no soundwalls or other barriers are proposed along Penryn Road, thereby allowing the proposed residences to be integrated into the surrounding community. Should a traditional lot-and-block development pattern be used on this project site, all existing oak trees and rock outcroppings would be removed, thereby changing the visual and aesthetic character of the project site. Should a traditional lot-and-block development pattern be used, a soundwall or other barrier would be required along the Penryn Road frontage, thereby separating the proposed project from the surrounding community. The use of the PD designation for this project site results in a superior design of development on this property.

#### Tentative Subdivision Map Findings

1. The proposed Tentative Subdivision Map is consistent with the Placer County General Plan and with applicable County Zoning Ordinances in that the lots meet the minimum size for the underlying zoning district, and as discussed in previous findings, the use is consistent with the goals and policies of the General Plan and the Horseshoe Bar/Penryn Community Plan.
2. The design and improvement of the subdivision is consistent with all applicable provisions of the Placer County General Plan, the Horseshoe Bar/Penryn Community Plan, and the Placer County Code. All roadways and infrastructure serving the project are designed consistent with County requirements and standards.
3. The site is physically suitable for the type of development as set forth in the report to the Planning Commission, as well as in the Board of Supervisors staff report. The residences are designed around a common open space area that retains existing oak trees and rock outcroppings. Additionally, because of the type of development, no soundwalls or other barriers are required along the Penryn Road frontage of the site. Instead of maximizing the density allowed on this site, the applicant has instead chosen to design the project in a manner that is physically suitable for the site.
4. The site is physically suitable for the proposed density of development. As set forth in the report to the Planning Commission, as well as in the Board of Supervisors staff report, the applicant is proposing the development of 23 single-family attached residences on the project site. Based upon the underlying zoning and the requirements of the Placer County Code, up to 69 residences could be constructed on the project site. The project has been designed in a manner to intermix common open space with the residences, thereby assuring that the site is physically suitable for the density of development proposed. Instead of maximizing the density allowed on this site, the applicant has instead chosen to design the project in a manner that is physically suitable for the site.
5. The design of the subdivision and the associated improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. As set forth in the Mitigated Negative Declaration prepared for this project, implementation of the proposed project will not cause substantial environmental damage or

substantially and avoidably injure fish or wildlife and their habitat. Mitigation measures are included as conditions of approval for this project that will, when implemented, reduce any identify impacts to less than significant levels.

6. The design of the subdivision and the associated improvements are not likely to cause serious public health issues. Public water service to the project site will be provided the Placer County Water Agency, and public sewer service is also available to the project site. The proposed project will be required to connect to these public facilities to assure that the design of the subdivision or type of improvements is not likely to cause any public health issues.
7. The design of the subdivision and the associated improvements will not conflict with easement, acquired by the public at-large, for access through or use of, property within the proposed subdivision. As proposed by the applicant, a single point of access onto Penryn Road will provide the required access to the proposed project site. All required utilities and infrastructure will be connected through this roadway. No existing public easements will be adversely impacted through the implementation of the project.