



**#15-01 CAGLE MINOR LAND DIVISION AND VARIANCE
5995 KATIE LANE, APNs: 044-072-019 AND 044-072-018**

**STAFF REPORT
12/15/15 PLANNING COMMISSION MEETING**

REQUEST

The applicant proposes to divide a 1.96 acre (gross) parcel into 2 separate parcels. Parcel 1 will be 1.1 acre (48,103 square feet) in size, and Parcel 2 will be 0.86 acre (37,590 square feet) in size. Parcel 1 will be consistent with the General Plan and Zoning designations of Rural Residential, 1-acre lot minimum (RR). Parcel 2 will require a variance as it will be smaller than the 1.0-acre minimum.

RECOMMENDATION: Hear staff report, take public comment, and adopt Resolution #15-01 approving minor land division and variance, per the findings in Exhibit A and conditions of approval in Exhibit B.

PROJECT DESCRIPTION

This application consists of a request to divide the subject parcel from one to two lots and the request for a variance on the second parcel that has a proposed gross area under one acre. The Katie Lane parcel consists of 85,690 square feet, 1.97 acres in size, and currently has two homes located onsite. One home is occupied by the property owner, Elsie Cagle, and is oriented towards Katie Lane. A second home is occupied by Mrs. Cagle's grandson and is oriented towards McAllen Street. The applicant would like to split the current parcel to create a lot for each home. This will allow the transfer of parcels in the future to the applicant's heirs and successors. Given the structure locations on the parcel, it is not feasible to split the parcel into two equal size lots. The applicant is therefore requesting approval of a parcel split for one parcel that exceeds the Rural Residential gross acre requirement with an area of 48, 100 square feet and a second parcel with a variance for an area of 37,590 square feet. While the square footage of the second parcel is below the required minimum square footage (43,560), the proposed lot configuration provides substantial setback distance for each residence between the structures and the property lines. Each parcel has water and sanitary sewer services to the public service lines provided by PCWA and SPMUD, respectively. The applicant parcel resides in the Rural Residential zone and adjacent parcels, located in the same zoning, are under 1-acre in size. These parcels include:

- Parcel 044-080-034-000 (0.37 acres in size)
- Parcel 044-080-023-000 (0.22 acres in size)
- Parcel 044-072-017-000 (0.11 acre in size)
- Parcel 044-072-048-000 (0.30 acre in size)

- Parcel 044-072-049-000 (0.44 acre in size)
- Parcel 044-072-047-000 (0.55 acre in size)

Site: 5995 Katie Lane Loomis, California 95650 APNs 044-072-018 and 044-072-019

Existing Access: Existing access off Katie Lane and McAllen Street.

Surrounding Uses and Zoning: Surrounding uses and zoning are as follows:

North – Residential parcels, RS-10 zoning

East - Residential parcels, RR zoning

South - Residential parcels, RR zoning

West - Residential parcels, RR zoning

Improvements/Utilities/Service Systems:

Sewer – South Placer Municipal Utility District (SPMUD)

Water – Placer County Water Agency (PCWA)

Drainage – Placer County Flood Control District

Gas/Electric – PG&E

Environmental Review: This Project is proposed for approval through issuance of a Notice of Exemption under provisions of the California Environmental Quality Act, Section 15061 (b)(3) whereas: “A Project is exempt from CEQA if: The activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

MINOR LAND DIVISION REQUEST

A project is Categorically Exempt under the California Environmental Quality Act, Section 15315 Minor Land Divisions, Class 15, which consists of the division of a property into four or fewer parcels in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope of greater than 20 percent.

The project applicant is requesting to split a 1.96-acre parcel into two separate parcels, Parcel 1 would be 1.1 acre, and Parcel 2 would be 0.86 acre. The Minor Land Division requested by the project applicant would require a variance; therefore, this action would not be considered Categorically Exempt under the California Environmental Quality Act, Section 15315 Minor Land Divisions, Class 15. Exhibit A (attached) discusses the findings associated with the project applicant’s Minor Land Division Request.

VARIANCE REQUEST

(To allow a parcel smaller than 1.0-acre minimum size in RR Zone)

Variance findings allowing a parcel smaller than 1.0-acre minimum size in RR Zone: Required findings must be made by the Review Authority if the variance is to be approved. The required findings are listed below:

13.62.060 - Variance and minor variance.

Findings and Decision. The review authority may approve a variance or minor variance, with or without conditions, only after first making all of the following findings, as applicable.

1. General Findings.

- a.** There are special circumstances applicable to the property (e.g., location, shape, size, surroundings, topography, or other conditions), so that the strict application of this title denies the property owner privileges enjoyed by other property owners in the vicinity and within the same zoning district.
- b.** Granting the variance is necessary for the preservation and enjoyment of substantial property rights enjoyed by other property owners in the same vicinity and zoning district and denied to the property owner for which the variance is sought;
- c.** The variance is consistent with the general plan and any applicable specific plan.

RECOMMENDATION: Hear staff report, take public comment, and adopt Resolution #15-01 approving minor land division and variance, per the findings in Exhibit A and conditions of approval in Exhibit B.

ATTACHMENTS:

- 1. Findings
- 2. Resolution #15-01
- 3. Conditions of approval
- 4. Planning Application #15-01 Cagle Minor Land Division and Variance
- 5. Project Description
- 6. Environmental Review Application # 15-01 Cagle Minor Land Division and Variance
- 7. Project Site Plan
- 8. Surrounding RR Parcels Below 1-Acre in Size

NOTE:

Notice published in Loomis News on 12/10/15 and mailed to neighbors on 12/7/15.

FINDINGS **12/15/2015**

Minor Land Division

Notice of Exemption – Minor Land Division

The project consists of the division of a 1.96 acre parcel occupied by two single family residential units into two residential parcels. Parcel 1 will be 1.1 acre in size, and Parcel 2 will be 0.86 acre in size. The project is not Categorically Exempt under CEQA Section 15315 Minor Land Divisions, Class 15.

1. This proposed minor land division, together with the provisions for its design and improvement, is not consistent with the Town of Loomis General Plan and the Zoning Ordinance in that the division would require a variance to ensure that Parcel 2 (0.86 acre) would conform to the standards of the General Plan and Zoning Ordinance.

Based on the need for a variance the Minor Land Division would not be Categorically Exempt under CEQA Section 15315 Minor Land Divisions, Class 15 and a Notice of Exemption cannot be issued.

Minor Land Division Analysis

Pursuant to Section 66474 of the Subdivision Map Act, the Planning Staff hereby finds and determines as follows:

1. The proposed project includes the division of a 1.96 acre parcel into Parcel 1, approximately 1.1 acre in size, and Parcel 2, approximately 0.86 acre in size. Parcel 1 would be consistent with the General Plan and Zoning designations of Rural Residential, 1-acre lot minimum (RR). Parcel 2 will require a variance as it will be smaller than the 1.0-acre minimum required by the RR Zoning designation. Issuance and approval of the variance would deem the proposed project consistent with the Town's General Plan and Zoning Ordinance.

2. The design and improvement of the proposed division are consistent with the General Plan because adequate infrastructure and services are currently in the direct frontage of the property, and will be available to serve the demand for services generated by the division including water, sanitary sewer and roadways.

3. The site is physically suitable for the primary and secondary single family residential unit currently occupying the parcel in that it meets the size requirements and there are no environmental constraints.

4. The site is physically suitable for the proposed density of development in that the existing primary and secondary single family residential unit is consistent with the allowed zoning density.

5. The design of the division will not cause substantial environmental damage, or injure fish or wildlife, or their habitat, in that the division is of an existing residential parcel which is already occupied by a primary and secondary single-family residential unit and no

construction will occur with the proposed action.

6. The design of the division will not cause serious public health problems since water, sewer, sheriff, fire, and solid waste services will continue to be adequately provided to the project.

7. The design of the division will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed project.

Based on analysis provided above and in the attached Environmental Review Application for the request of the Minor Land Division, staff has determined that "No possible significant effect" would occur with implementation of the Project. Staff therefore recommends that a Notice of Exemption (NOE) be filed for the Minor Land Division request associated with this Project.

VARIANCE: (allowing a parcel smaller than 1.0-acre minimum size in RR Zone):

- a.** There are special circumstances applicable to the property (e.g., location, shape, size, surroundings, topography, or other conditions), so that the strict application of this title denies the property owner privileges enjoyed by other property owners in the vicinity and within the same zoning district. The proposed Project is located adjacent to and near parcels that are within the Rural Residential (RR) Zone that are less than 1.0-acres in size. The following parcels surrounding the proposed Project are smaller than 1.0 acre in size in the Rural Residential (RR) Zone:
- Parcel 044-080-034-000 (0.37 acres in size)
 - Parcel 044-080-023-000 (0.22 acres in size)
 - Parcel 044-072-017-000 (0.11 acre in size)
 - Parcel 044-072-048-000 (0.30 acre in size)
 - Parcel 044-072-049-000 (0.44 acre in size)
 - Parcel 044-072-047-000 (0.55 acre in size)
- b.** Granting the variance is necessary for the preservation and enjoyment of substantial property rights enjoyed by other property owners in the same vicinity and zoning district and denied to the property owner for which the variance is sought; Granting the variance gives the property owner the same standards that neighbors developed their residential units/parcels to.
- c.** The variance is consistent with the general plan and any applicable specific plan. Yes. The site is fully landscaped; each parcel has access ways to their respective public roadway frontage on Katie Lane and McAllen Street so no construction is proposed or required for this land division. As a result of each parcel having full services and complete/existing onsite improvements, this request consists of a land subdivision without any other activities that would be inconsistent with the Town of Loomis General Plan.

Based on analysis provided above for the request of the Variance staff has determined the Project is consistent with the findings to issue a Variance. Staff therefore recommends that the requested Variance for a parcel less than 1.0-acre in size being permitted in the RR Zone be approved.

RESOLUTION NO. 15-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF LOOMIS APPROVING A MINOR LAND DIVISION AND VARIANCE FOR 5995 KATIE LANE; ASSESSOR PARCEL NUMBER (APN) 044-072-018/-19.

WHEREAS, AuClair Consulting Inc., the applicant, has proposed to subdivide the 1.96-acre APN 044-072-018/-019 into two lots (Parcel 1 would be 1.1 acre and Parcel 2 would be 0.86 acre), such application being identified as #15-01; and

WHEREAS, on December 15, 2015, the Planning Commission conducted a public hearing of the application, at which time any person interested in the matter was given an opportunity to be heard; and

WHEREAS, the Planning Commission reviewed and considered the staff report relating to said application, the plans, the written and oral evidence presented to the Planning Commission in support of and in opposition to the application; and

WHEREAS, the Planning Commission of the Town of Loomis hereby makes the findings attached herein as Exhibit A in connection with #15-01 Cagle Minor Land Division; and

NOW THEREFORE, based upon the findings set forth hereinabove, the Planning Commission of the Town of Loomis, at its meeting of December 15, 2015, did resolve as follows:

1. The proposed Project is consistent with the goals policies and land uses in the Town of Loomis General Plan and Zoning Ordinance.
2. The proposed Project consists of a request for a Minor Land Division (MLD) to split a 1.96-acre parcel into two separate parcels (Parcel 1 would be 1.1 acre and Parcel 2 would be 0.86 acre) as well as a Variance to allow for a "Parcel 2" to be less than 1-acre in size within the Residential Rural (RR) Zone. The MLD would normally be Categorically Exempt under the California Environmental Quality Act (CEQA), Section 15315 Minor Land Divisions, Class 15; however, since the proposed Project requires a Variance the MLD cannot be considered Categorically Exempt under CEQA. If a project can be found to have "No Possible Significant Effects" then such a project may be considered exempt and a "Notice of Exemption" may be filed.
3. The project, #15-01 Cagle Katie Lane Minor Land Division, is hereby approved per the findings set forth in Exhibit A and the conditions set forth in Exhibit B.

ADOPTED this 15th day of December, 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

Mike Hogan, Chairman

Amanda Rose, Planner

CONDITIONS OF APPROVAL
12/15/15

This Minor Land Division and Variance is approved for the division of a 1.96-acre parcel, APN 044-072-018/-019, 5995 Katie Lane, per the following conditions. The approval expires on December 15, 2017, unless extended by the Planning Commission.

GENERAL CONDITIONS

1. _____ Owner shall comply with all applicable provisions of the Town of Loomis Municipal Code.
2. _____ The Project shall proceed only in accordance with approved plans on file in the Planning Department, the conditions contained herein and the Town of Loomis Municipal Code. Approval of this Project, subject to said plans, conditions and Code(s), shall not be interpreted as the Town having waived compliance with any sections of the Town of Loomis Municipal Code (Zoning, Building Codes, etc.), Loomis General Plan, or applicable Plans.
3. _____ The Project shall be implemented substantially in accordance with the plan entitled "5995 Katie Lane Town of Loomis, CA" as prepared by Au Clair Consulting, consisting of one sheet, dated and received "October 1,2015", except as may be modified by the conditions stated herein.
4. _____ When submitting for Plan Check, the owner must provide to the Planning Department a copy of the final conditions of approval with a cover letter specifying how and where the revised plans address each of the conditions. Plan Check by the Planning Department and the Town Engineer will not be initiated without compliance with this condition. All plans shall be consistent with that approved by the Planning Department. The owner shall be responsible for correcting any inconsistency which may occur through error or omission during plan preparation or future construction (if applicable).
5. _____ If the applicant chooses to develop new structures on the parcels, prior to the issuance of any Building Permits on either the existing or the new parcel, the owner shall ensure that all existing and future structures, inclusive of the existing sheds onsite, shall comply with the Town's setback regulations.
6. _____ The owner (sub-divider) shall defend, indemnify, and hold harmless the Town of Loomis and its agents, officers and employees from any claim, action or proceeding against the Town, or its agents, officers and employees, set aside, void, or annul, an approval of the Planning Commission, or Town Council concerning the subdivision that is the subject of this application and which is brought within the time period specified in Section 66499.37 of the Subdivision Map Act.

7. _____ The conditions of approval of the application shall prevail over all omissions, conflicting notations, specifications, dimensions, typical sections, and the like, which may or may not be shown on the map or improvement plans.

GENERAL PLANNING

8. _____ The property owner shall be responsible to ensure all conditions to this permit are binding on all successors-in-interest (e.g., by incorporating into the standard provisions of any sale, lease, and/or rental agreements, etc.).
9. _____ The owner will be responsible for taking reasonable actions to abate nuisances caused by this project in the project area which are under the owner's control.
10. _____ No request for a Parcel Map, pursuant to this map, shall be approved until all conditions are completed and accepted by the Town, acceptable to the Town Attorney, for those conditions not completed, as has been submitted.

AGENCIES

11. _____ The property owner shall coordinate with PG&E on any future development plans which occur within PG&E easements.
12. _____ When PG&E's Service Facilities are located on private property and that property is subsequently subdivided into separate premises with ownership divested to other than the applicant or customer, the sub divider shall provide PG&E with adequate right-of-way, satisfactory to PG&E for its existing service facilities.
13. _____ PG&E owns and operates overhead electric distribution facilities along the southern portion of the site being subdivided. Clearance requirements between utility facilities and surrounding objects or construction activities shall be maintained in accordance with California Public Utility Commission standards. To ensure compliance with these standards, project proponents shall coordinate with PG&E early in the development of their project and any future proposed development plans shall provide for unrestricted utility access.
14. _____ If future develop occurs on the Project site the applicant shall be responsible for the costs associated with the relocation of existing PG&E facilities to accommodate their future proposed development.
15. _____ South Placer Municipal Utility District (District) requires the applicant to provide the location of the private sewer service lateral from 6005 Katie Lane through field verification and shown on the site plan map to verify that the 10-foot sewer easement is properly located and follows the centerline of the service lateral.

16. _____ The District requires that Parcel 1 be served by its own private sewer service lateral located in an easement unencumbered by other structures. Should the realignment of the private sewer service lateral to Parcel 1 be required, the owner and/or owner's representative will need to schedule a meeting with District staff in order to discuss the project and to determine specific requirements.

17. _____ The District noted that other neighboring parcels have private sewer service laterals that likely traverse Parcel 1 and/or Parcel 2. The District recommends, in the best interest of all property owners (present and future), that all private sewer service laterals be field located and easements be granted at the time of this parcel split.