

**COUNTY OF EL DORADO DEVELOPMENT SERVICES
PLANNING COMMISSION
STAFF REPORT**



Agenda of: September 12, 2013
Item No.: 10
Staff: Gina Paolini

**GENERAL PLAN AMENDMENT/REZONE/SPECIAL USE
PERMIT/DESIGN REVIEW**

FILE NUMBER: A13-0001/Z13-0001/S13-0008/DR13-0005/Crossroads Market and Deli

AGENT: David Wade, AICP

PROPERTY OWNER: Paula Reece Revocable Trust

REQUEST: The proposed project consists of the following requests:

1. General Plan Amendment from High Density Residential (HDR) to Commercial (C) district;
2. Rezone from Estate Residential (RE-10) to Commercial-Community Design (C-DC);
3. Design Review for a 2,432 square foot market and deli with an outdoor picnic area;
4. Special Use Permit for special events, such as a farmers market, arts and crafts, and other special events that would occur up to 15 times per year; and
5. Reduction of wetland setback from 50 feet to 25 feet.

LOCATION: Located on the west side of Latrobe Road 600 feet north of the intersection with South Shingle Springs Road in the Latrobe area, Supervisorial District 2 (Exhibit A)

APN: 087-121-11 (Exhibit B)

ACREAGE: 1.59 acres

GENERAL PLAN: High Density Residential (HDR) (Exhibit D)

ZONING: Estate Residential (RE-10) (Exhibit E)

ENVIRONMENTAL DOCUMENT: Mitigated Negative Declaration

RECOMMENDATION: Planning Services recommends the Planning Commission forward the following recommendation to the Board of Supervisors:

1. Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff;
2. Adopt the Mitigation Monitoring Reporting Program in accordance with CEQA Guidelines Section 15074(d), incorporated as Conditions of Approval in Attachment 1;
3. Approve General Plan Amendment A13-0001 based on the Finding in Attachment 2;
4. Approve Rezone Z13-0001 based on the Findings in Attachment 2;
5. Approve Special Use Permit S13-0008 subject to the Conditions of Approval in Attachment 1 and based on the Findings in Attachment 2;
6. Approve Design Review DR13-0005 subject to the Conditions of Approval in Attachment 1 and based on the Findings in Attachment 2; and
7. Approve a reduction of wetland setback from 50 feet to 25 feet based on the Findings in Attachment 2 and in accordance with Interim Interpretive Guidelines for General Plan Policy 7.3.3.4 (Wetland Buffers and Setbacks).

STAFF ANALYSIS: Staff has reviewed the project for compliance with the County's regulations and requirements. An analysis of the proposal and issues for Planning Commission consideration are provided in the following sections.

Project and Site Description:

This application is for General Plan Amendment, Zone Change, Design Review and Special Use Permit for the development of a 2,432 square foot market and deli with an outdoor picnic area. The General Plan Land Use of the site would be amended from High Density Residential (HDR) to Commercial (C) and the Zoning would be amended from Estate Residential (RE-10) to Commercial-Community Design (C-DC).

The market would provide food and beverages including beer and wine and would carry convenience items, such as clothing, toiletries and incidental gift items and local products. The deli would focus on quick food to go for customers. The veranda, patio and surrounding grasslands would provide space for activities such as arts and craft sales, a farmers market, entertainment and social events. The applicant is requesting a Special Use Permit to allow for the specified activities that would occur up to 15 times per year. The applicant's detailed project description has been provided (Exhibit E).

The site is gently sloping at an elevation of approximately 750 feet above mean sea level. The vegetation community includes non-native annual grassland with native and non-native trees interspersed throughout the north portion of the site. Two intermittent drainages have been mapped on-site. The first drainage runs approximately north-south, and is a tributary to Clark Creek and is approximately two feet wide. The other drainage runs east to west, is a tributary to the first, and is approximately one foot wide. Both drainages are confined by an open-bottomed wooden channel for most of their length. Virtually no vegetation grows within the channels.

	Zoning	General Plan	Land Use/Improvements
Site	RE-10	HDR	Undeveloped
North	RE-10	HDR	Residential/Single family residences
South	RE-10	HDR	Residential/Single family residences
East	RE-10	C	Undeveloped
West	RE-10	RR	Undeveloped

Project Discussion:

Staff has analyzed the project in detail and has provided Conditions of Approval based on agency comments. Discussion items for this project include Wetlands and Intermittent Drainages, Septic Disposal areas, Fire Protection, General Plan Amendment, Rezone, Community Design and Special Use Permit.

Wetlands and Intermittent Drainages: A total of approximately 0.13 acres of potential waters of the U.S were mapped on-site. The wetlands consist of seasonal wetlands and intermittent drainages. The largest seasonal wetland appears to receive its hydrology primarily from the intermittent drainage, although some hydrology may be coming from the hillslope to the east. The other seasonal wetland may be the result of a seep. Both seasonal wetlands are located on slopes, and neither is depressional. Two intermittent drainages have also been mapped, as described in the site description section.

The U.S. Army Corps of Engineers has determined that the wetlands and drainages are potential waters of the United States regulated under Section 404 of the Clean Water Act. Project mitigation would be required as specified within the Initial Study and within the Conditions of Approval.

Reduced Wetland Buffer: The Interim Interpretive Guidelines for General Plan Policy 7.3.3.4 require a minimum setback of 100 feet from all perennial streams, rivers, and lakes, and a 50 foot setback from intermittent streams and wetlands until standards for buffers and special setbacks are established in the zoning ordinance. General Plan Policy 7.3.3.4 also allows for reductions in the setbacks, upon verification and sufficient information provided by a qualified biologist.

A biological Site Assessment, dated July 18, 2013, was prepared by ECORP Consulting, Inc. (Exhibit F). The Site Assessment concluded that the proposed project could be built with a 25-foot minimum setback from the wetland swale with recommended Best Management Practices (BMPs). The biological Site Assessment conclusions were based on the following:

1. The wetland swale supports marginal habitat value, as it currently receives runoff from Latrobe Road and the rural residential lots.
2. No riparian vegetation or trees would be disturbed or removed.
3. The vegetation associated with the swale includes non-native weedy grasses and herbs, and is absent of woody riparian vegetation. There are no sensitive habitats or vegetation communities within the disturbance zone.
4. Recommended construction BMP's will reduce potential adverse impacts as a result of erosion caused by ground disturbing activities.

The project would not affect water quality nor have the potential to cause any direct or indirect impact or disturbance to riparian vegetation. The recommended BMP's have been included as Exhibit G. Staff is satisfied that the recommendations provided would protect the wetland swale.

Septic Disposal Area: Adobe Associates, Inc. prepared a soil profile log and percolation test for the site. The consultant determined that the area was suitable for the installation of a capping fill system, in accordance with the prescribed design features. The project would be required to maintain a minimum 100 foot setback from the well located to the north of the test area and a 100 foot setback from the drainage course located to the west of the test area. The project plans demonstrate that the required setbacks can be met for the disposal area.

Fire Protection: Fire protection services would be provided to the project site by the Latrobe Fire Protection District. The District has stated that the basic requirement for a building that is less than 3,600 square feet is a full fire alarm, but there is no requirement for fire sprinklers. Since there is no hydrant for water available, the District is requiring on-site water storage and a fire sprinkler system. The Fire District believes the project would be a positive addition to the community.

General Plan Amendment: The requested General Plan Amendment would change the land use designation from HDR to C. The purpose of this land use category is to provide a full range of commercial, retail, office, and service uses that would serve the residents, businesses, and visitors of El Dorado County. Except as provided in Policy 2.2.2.3, this designation is considered appropriate only within Community Regions and Rural Centers. The project parcel is located within the Latrobe Rural Center.

The project site fronts Latrobe Road and is bordered by rural residential land. The property directly across from the project site is designated commercial with a school site backing up to those sites. Though the site has an underlying residential designation, residential development of the site may not be the most suitable best use of the site. A high density or multi-family residential development of the site could potentially expose residents to traffic and safety concerns along the road, noise impacts from the vehicular traffic and air quality effects from vehicular emissions. Addressing and mitigating those impacts could pose site and building challenges if designing a project for residential purposes.

The proposed commercial development may benefit the Town of Latrobe by encouraging other development to begin in the area. The site would be developed with a community market and deli which would provide a needed amenity for the residences living in the area. The use would be compatible with the existing and proposed surrounding commercial and single-family residential land uses and would not create land use conflicts with surrounding properties. This project would be consistent with the policies of the General Plan. Findings for consistency with the General Plan are provided in Attachment 2.

Rezone: The project includes a rezone request which would amend the zoning district from RE-10 to C. The following table details the project’s conformance with General Plan Policy 2.2.5.3 which requires the County to consider 19 criteria when assessing requests for rezones:

Table 1: General Plan Rezone Consistency

Criteria	Consistency Finding
1. Availability of an adequate public water source or an approved Capital Improvement Project to increase service for existing land use demands.	The project is located within the Latrobe Rural Center and is not required to connect to public water in accordance with General Plan Policy 5.2.1.3.
2. Availability and capacity of public treated water system.	The project is located within the Latrobe Rural Center and is not required to connect to public wastewater in accordance with General Plan Policy 5.3.1.1.
3. Availability and capacity of public waste water treatment system.	The project is located within the Latrobe Rural Center and is not required to connect to public wastewater in accordance with General Plan Policy 5.3.1.1.
4. Distance to and capacity of the serving elementary and high school.	The project is for commercial development and would not impact the local school district.
5. Response time from nearest fire station handling structure fires.	The Latrobe Fire Protection District would be responsible for serving the project area. Station No. 91 located at 7660 S. Shingle and is located directly east of the project site.
6. Distance to nearest Community Region or Rural Center.	The project site is located within the Latrobe Rural Center.
7. Erosion hazard.	To minimize impacts to existing wetland areas several Best Management Practices (BMPs) would be required during pre and post construction to prevent erosion of the newly placed fill slopes. These would prevent contaminants from discharging to the wetland areas.
8. Septic and leach field capability.	The project consultant has determined that the area is suitable for the installation of a capping fill system.
9. Groundwater capability to support wells.	The project will be served by an on-site well.
10. Critical flora and fauna habitat areas.	The County’s General Plan defines Rare Plant Mitigation Areas within the County. The project site is not located on lands shown to contain Serpentine Rock or Gabbro soils. The project site is not located within a Rare Plant Mitigation Area.
11. Important timber production	The project site is not designated for, nor is it adjacent to,

Criteria	Consistency Finding
areas.	lands zoned or designated by the General Plan for timber production use.
12. Important agricultural areas.	The project site is not designated for, nor is it adjacent to, lands zoned or designated by the General Plan to be preserved for agricultural use.
13. Important mineral resource areas.	The project site is not designated for, nor is it adjacent to, lands zoned or designated by the General Plan for mineral resource use.
14. Capacity of the transportation system serving the area.	The project would be accessed from Latrobe Road, a county maintained roadway. The project would not exceed the level of service (LOS) established within the County General Plan.
15. Existing land use pattern.	The project site is surrounded by land designated as high density residential and commercial. Much of the land in the area is undeveloped. The proposed rezone would be consistent with the planned land use pattern for the rural center.
16. Proximity to perennial watercourse.	The project biologist did not identify any perennial watercourses on the project site.
17. Important historical/archeological sites.	A Cultural Resources Assessment was prepared for the site by Peak and Associates, Inc. dated February 2013. The assessment determined that no archeological or cultural resources were located on the project site. There is always the remote possibility that previous activities (both natural and cultural) have obscured prehistoric and historic period artifacts or habitation areas, leaving no surface evidence that would permit discovery of these cultural resources. Standard Conditions of Approval would be required to be implemented during project construction.
18. Seismic hazards and present of active faults.	According to the California Department of Conservation, Division of Mines and Geology, there are no Alquist-Priolo fault zones within El Dorado County. Any potential impacts due to seismic impacts would be addressed through compliance with the Uniform Building Code. The market and deli would be built to meet the construction standards of the UBC for the appropriate seismic zone.
19. Consistency with existing Covenants, Conditions, and Restrictions.	The project would not be subject to Covenants, Conditions and Restrictions (CC&Rs).

General Plan Policy 2.4.1.2 requires that the County develop Community Design Guidelines in concert with each community to be used in project site review of all discretionary projects. Plans may be developed for Rural Centers to the extent possible. The guidelines should consider historic preservation, streetscape elements and architecture design.

The project is located within the Town of Latrobe, a Rural Center. The Town of Latrobe has a rich history dating back to the 1800's, with the first store opening in 1863 by J.H. Miller. The town thrived for several years, with six to seven stores, four hotels, a bakery and several butcher shops. With the town controlling trade of Amador County, it reached a population of 800. When the railroad was extended to Shingle Springs and over the Sierra, by 1882, Latrobe's small town population was reduced to 80 with only one store, a hotel and two blacksmith shops. The Miller's Hill school is named after J.H. Miller who donated the land for the school.

Because of the rich history of the town, and to comply with General Plan Policy 2.4.1.2, it is recommended that the Community Design (DC) district be combined with the proposed rezone. The applicant has agreed with this designation. The rezone of the project site from RE-10 to C-DC would be appropriate within the Rural Center and is consistent with the surrounding uses. The C-DC zone district would accommodate development of the proposed market and deli.

Community Design Issues: The Community Design Guide contains typical guidelines which would be applicable to the proposed project.

During review of the project, specific criteria relating to the site, the building design, landscaping, lighting, signage and parking have been considered.

- a. **Setbacks:** The project has been designed to comply with the minimum setbacks for the zone district. A detailed site plan has been provided (Exhibit H).
- b. **Building Coverage:** The maximum building coverage allowed for the zone district is 60 percent of the lot. A floor plan of the building has been provided (Exhibit I). The project would have a building coverage of approximately 0.20 percent. The project would comply with the maximum building coverage requirements.
- c. **Building Design:** The Community Design Guide suggests variations from conventional building design and materials. The building would have an exterior of re-saw plywood with battans and concrete tiled roof. The building would not exceed the maximum height limitation of 50 feet. Building elevations have been provided (Exhibit J-1 to J-2).
- d. **Landscape Improvement Standards:** A landscape buffer is required along the property boundaries where the parking facility abuts or adjoins the public road or abuts a property under different ownership or zoning district. The parking facility contains more than ten parking spaces; therefore, an additional five percent of the gross area used for parking and access purposes, exclusive of the landscape buffer, is required to be devoted to landscaping. The project would include six Scarlett oaks planted along the frontage of Latrobe Road, and London plane (Bloodgood) would be planted throughout the parking lot. A variety of trees would be planted along the southeast property line, as well as at the back of the proposed building. Ground cover and shrubs are proposed throughout the site. The landscape plan provided complies with the minimum County Code requirements (Exhibit K).
- e. **Lighting:** The Community Design Guide requires exterior lighting to be subdued and avoid the creation of glare. The applicant has provided a photometric plan for the site (Exhibit L). Proposed lighting would be provided by four wall packs on the building and

two pole lights within the parking lot. Lighting would need to be in compliance with Section 17.14.170 of the County Code and would need to be fully shielded pursuant to the Illumination Engineering Society of North America (IESNA) full cut-off designation.

- f. Trash and other service areas: The Community Design Guide requires trash enclosures and loading docks to be located away from public streets and store entrances, and to be adequately screened. The project includes the addition of a new trash enclosure and loading space as required by County Code.
- g. Signage: Signs, materials, size, color, lettering and location are an integral part of the site and building design. Section 17.32.020.D of the County Code allows two signs not exceeding fifty square feet in total area of any one display surface, or one sign not exceeding eighty square feet in area to be placed on the premises. The applicant is not proposing signage with this application but is showing locations for a potential monument sign and wall sign. All signage for the project would need to comply with Section 17.32.020.D of the County Code.
- h. Parking: Pursuant to Section 17.18.060(29) of the County Code, retail (general merchandising) requires 1 parking space for 300 square feet of gross floor area. The project is required to comply with the parking accessibility requirements established in Table 11B-6 of the 2010 California Building Code. The following table demonstrates the required parking for the site:

Table 2: Parking Consistency

	Required Spaces	Provided Spaces
Standard Parking Spaces	8	16
Accessible Parking Space	1	1
Loading Space	1	1
RV Space	1	1
Total Spaces Provided		19

The project would comply with the County parking requirements.

The project meets the Community Design Guide criteria and the development standards contained in Section 17.32.040 of the County Code.

Special Use Permit: The applicant is requesting a Special Use Permit to allow for arts and crafts sales, a farmers market, entertainment and social events that would occur up to 15 times per year within the outdoor area of the market and deli facility.

General Plan **Policy 6.5.1.2** states that “where proposed non-residential land uses are likely to produce noise levels exceeding the performance standards of Table 6-2 (see below) at existing or planned noise-sensitive uses, an acoustical analysis shall be required as part of the environmental review process so that noise mitigation may be included in the project design. Policy 6.5.1.7 states that noise created by new proposed non-transportation noise sources shall be mitigated so as not to exceed the noise level standards of Table 6-2 for noise-sensitive uses.”

TABLE 6-2						
NOISE LEVEL PERFORMANCE PROTECTION STANDARDS FOR NOISE SENSITIVE LAND USES AFFECTED BY NON-TRANSPORTATION* SOURCES						
Noise Level Descriptor	Daytime 7 a.m. - 7 p.m.		Evening 7 p.m. - 10 p.m.		Night 10 p.m. - 7 a.m.	
	Community	Rural	Community	Rural	Community	Rural
Hourly L_{eq} , dB	55	50	50	45	45	40
Maximum level, dB	70	60	60	55	55	50

The events planned are not expected to exceed the performance standards contained within Table 6-2 of the General Plan; therefore, an acoustical analysis was not requested for the project. The project would be required to comply with the rural noise standards for all activities at the site. No amplified music would be allowed.

The applicant has stated that parking for events would be limited to the paved parking and overflow afforded by the grasslands on the site. For special events, the Development Services Division has requested that parking be provide at a ratio of 3 persons per vehicle. Due to the limitation of on-site parking, special events would be limited to 80 participants.

In order to approve the project, the Planning Commission must find that the project would be consistent with the General Plan and would not be detrimental to the public health, safety and welfare nor injurious to the neighborhood. Based on comments received from public agencies and as discussed in the staff report, these findings can be made as provided in Attachment 2.

Conclusion: Findings can be made to support the General Plan Amendment, Rezone, Design Review and Special Use Permit request. The details of those Findings are contained in Attachment 2.

ENVIRONMENTAL REVIEW

Staff has prepared an Initial Study, (Environmental Checklist Form and Discussion of Impacts, included in the attached as Exhibit F). Based on the Initial Study, conditions have been added to the project to avoid or mitigate to a point of insignificance the potentially significant effects of the project. Staff has determined that there is no substantial evidence that the proposed project, as conditioned, would have a significant effect on the environment, and a Mitigated Negative Declaration has been prepared.

This project is located within or adjacent to an area which has wildlife resources (riparian lands, wetlands, watercourse, native plant life, rare plants, threatened and endangered plants or animals, etc.). In accordance with State Legislation (California Fish and Game Code Section 711.4), the project is subject to a fee of \$2,156.25 after approval, but prior to the County filing the Notice of Determination on the project. This fee, plus a \$50.00 administration fee, is to be submitted to Development Services and must be made payable to El Dorado County. The \$2,156.25 is forwarded to the State Department of Fish and Game and is used to help defray the cost of managing and protecting the State's fish and wildlife resources.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Conditions of Approval
Attachment 2	Findings for Approval
Exhibit A	Location Map
Exhibit B	Assessor's Parcel Map
Exhibit C	General Plan Map
Exhibit D	Zoning Map
Exhibit E	Project Description
Exhibit F	Biological Site Assessment
Exhibit G	Proposed Best Management Practices
Exhibit H	Site Plan
Exhibit I	Floor Plan
Exhibits J-1 to J-2	Building Elevations
Exhibit K	Landscaping Plan
Exhibit L	Preliminary Grading and Drainage Plan
Exhibit M	Photometric Plan
Exhibit N	Proposed Mitigated Negative Declaration and Initial Study

ATTACHMENT 1

CONDITIONS OF APPROVAL

**Special Use Permit S13-0008/Design Review DR13-0005/Crossroads Market and Deli
Planning Commission/September 12, 2013**

PROJECT DESCRIPTION

1. The proposed Design Review and Special Use Permit are based upon and limited to compliance with the project description, the hearing exhibits marked,

Exhibit F.....	Biological Site Assessment
Exhibits G	Best Management Practices
Exhibits H	Site Plan
Exhibit I	Floor Plan
Exhibit J-1 to J-2.....	Building Elevations
Exhibit K.....	Landscaping Plan
Exhibit L	Preliminary Grading and Drainage
Exhibit M	Photometric Plan

and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project approval shall include the following and applies to the parcel identified by Assessor's Parcel Numbers 087-121-04:

- A. Design Review for a 2,432 square foot market and deli with an outdoor picnic area; and,
- B. Special Use Permit for up to 15 special events, such as a farmers market, arts and crafts sales, entertainment and social events associated with the 2,432 square foot market and deli. The veranda, patio and surrounding grasslands will provide space for the special activities and events that will accommodated a maximum of 80 participants.

The development, use, and maintenance of the property, the size, shape and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans must be submitted for review and approval and shall be implemented as approved by the County.

Conditions of Approval from the Mitigated Negative Declaration

The following mitigation measures are required as a means to reduce potential significant environmental effects to a level of insignificance

2. **U.S Army Corps Permit Authorization:** Prior to issuance of a grading permit that would result in impacts to riparian vegetation, the applicant shall obtain permit authorization from the U.S. Army Corps of Engineers. A copy of the permit authorization shall be provided to the Development Services Division prior to issuance of a grading permit. The project applicant shall incorporate all conditions attached to the permit into the project. (MM-BIO 1)

Timing/Implementation: The applicant shall obtain the Section 404 Permit and 401 Certification prior to initiation of construction activities. The Development Services Division shall ensure that all permit and certificate conditions are incorporated into the project prior to issuance of a grading permit.

3. **Greenhouse Gas and Energy Efficiency:** The applicant shall install energy efficient lighting (e.g., light emitting diodes (LEDs), heating and cooling systems, appliances, equipment, and control systems within the new building. The equipment specification shall be submitted to the Development Services Division for review, and subsequent approval, prior to issuance of a building permit (MM-GG-1).

Timing/Implementation: The applicant shall provide the Development Services Division with energy efficiency information for all new lighting (e.g., light emitting diodes (LEDs), heating and cooling systems, appliances, equipment, and control systems prior to issuance of a building permit.

Development Services Division

4. **Reduced Wetland Setback:** A 25-foot setback line from outer boundary of the Wetland Swale identified by the project biologist shall be identified on the grading plans. The Best Management Practices (BMP's) identified by the project biologist dated July 8, 2013 shall be identified on the project grading plans and verified by the Development Services Division. Temporary protective fencing shall be placed around the wetland and installation verified by the Development Services Division prior to issuance of a grading permit.
5. **Noise:** No amplified outdoor sound systems shall be used at the project site without a revision to this Special Use Permit or a Temporary Use Permit is obtained. Noise levels during any of activities/events and uses shall not exceed the levels specified in Table 6-2 of the General Plan.
6. **Landscaping:** The final landscape plan shall comply with Chapter 17.18.090 of the County Code. The applicant shall submit the landscape plan for review and approval by the Development Services Division prior to issuance of grading and building permits. The property owner shall maintain landscaping for the life of the project.

7. **Signage:** All signage shall conform to Chapter 17.16 and 17.32.020 (D) of County Code. Wall signs shall be allowed consistent with Section 17.16.030 of County Code. The use of windows for both temporary and permanent signs shall be expressly prohibited. The Development Services Division shall review all signage for compliance with County Code requirements prior to issuance of a building permit.
8. **Parking:** Parking shall be improved consistent with Chapter 17.18 of the County Code, and shall conform to the approved site plan. The Development Services Division shall review and approve the parking plan prior to issuance of a building permit.
9. **Site Lighting:** All outdoor lighting shall conform to §17.14.170 and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. Should final, installed lighting be non-compliant with full shielding requirements, the applicant shall be responsible for the replacement and/or modification of said lighting to the satisfaction of the Development Services Division.
10. **Payment of Processing Fees-Development Services:** The applicant shall make the actual and full payment of the Development Services Division processing fees prior to issuance of a grading permit.
11. **Archeological Resources:** The following shall be incorporated as a note on all grading/improvement plans:

In the event archeological resources are discovered during grading and construction activities, the applicant shall ensure that all such activities cease within 50 feet of the discovery until an archaeologist can examine the find in place. If the find is determined to be a "unique archeological resource", contingency funding and a time allotment sufficient to allow recovering an archaeological sample or to employ one of the avoidance measures may be required under the provisions set forth in Section 21083.2 of the Public Resources Code. Construction work could continue on other parts of the project site while archeological mitigation takes place.

If the find is determined to be a "unique archeological resource", the archaeologist shall determine the proper method(s) for handling the resource or item in accordance with Section 21083.2(b-k). Any additional costs as a result of complying with this section shall be borne by the project applicant. Grading and construction activities may resume after appropriate measures are taken or the site is determined a "nonunique archeological resource".

The Development Services Division shall verify the inclusion of this notation on the grading plans prior to the issuance of a grading permit.

12. **Human Remains:** The following shall be incorporated as a note on all grading/improvement plans:

In the event of the discovery of human remains, all work shall cease and the County coroner shall be immediately notified pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. The coroner

shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.

Upon the discovery of the Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in Section 5097.98 of the Public Resources Code, with the most likely descendants regarding their recommendations. The descendants shall complete their inspection and make their recommendation within 48 hours of their notification by the Native American Heritage Commission. The recommendation may include the scientific removal and nondestructive analysis of human remains and items associated with Native American burials or other proper method(s) for handling the remains in accordance with Section 5097.98(b-h). Any additional costs as a result of complying with this section shall be borne by the project applicant. Grading and construction activities may resume after appropriate measures are taken.

The Development Services Division shall verify the inclusion of this notation on the grading plans prior to the issuance of a grading permit.

13. **Compliance with Conditions:** Prior to issuance of any building permit authorized by this permit, the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval. The Development Services Division shall verify compliance prior to issuance of a Building Permit.

The applicant shall also schedule an inspection by Planning Services prior to issuance of a building permit for verification of compliance with applicable Conditions of Approval.

14. **Fish and Game Fee:** The applicant shall submit to Planning Services a \$50.00 recording fee and a \$2,156.25 Department of Fish and Game fee prior to filing of the Notice of Determination by the County. No permits shall be issued until said fees are paid.
15. **Indemnity:** In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action.

The developer and land owner shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning the General Plan Amendment, Zone Change, Design Review and Special Use Permit.

The County shall notify the applicant of any claim, action, or proceeding, and the County shall cooperate fully in the defense.

16. **Permit Implementation:** Pursuant to County Code Section 17.22.250, implementation of the project must occur within twenty-four (24) months of approval of this Design Review and Special Use Permit, otherwise the permit becomes null and void. It is the responsibility of the applicant to monitor the time limit and make diligent progress toward implementation of the project and compliance with conditions of approval.

Air Quality Management District

17. **District Rules:** The applicant shall comply with all District air quality rules during project construction.

Environmental Management Division

18. **Food Facility Permit:** Prior to construction of the food facility, construction plans shall be submitted to Environmental Health for review and approval. The plans shall comply with California Retail Food Code. An annual operating permit from Environmental Health is required prior to operating.
19. **Potable Water Supply:** The water supply shall meet the requirements of EDC Policy #800-02. Proof of adequate water supply shall be submitted for review and approval by Environmental Health. A yearly permit to operate as a "CalCode Water Supply" shall be required. The water supply shall meet the potable water standards of a transient noncommunity water system as listed in the California Safe Drinking Water Act (Chapter 4, commencing with Section 116720 of Part 12).
20. **Refuse Collection and Storage:** All refuse collection/storage areas (enclosures) shall include room for trash and recycling bins with tight fitting lids. The enclosures shall be accessible to service trucks and hauled from the site at least once every seven days for proper disposal.
21. **Septic Design:** The Environmental Management Division shall review the onsite septic design with the future development plans prior to issuance of a building permit to ensure that the final septic disposal design meets County standards.
22. **Green Building Requirements:** The project shall comply with the 2010 Green Building Standards Code (CALGreen) Sections 5.408 and 5.713 and the 2012 Supplement to CAL Green Diversion Requirements. The Environmental Management Division shall verify compliance prior to issuance of a building permit.

Latrobe Fire Protection District

23. **Fire Sprinklers Requirements:** Commercial buildings shall have fire sprinklers installed in accordance with NFPA-13 2010 edition and Fire District requirements. Fire Sprinkler plans shall be submitted along with building permit for review.

24. **Water Storage:** The project shall provide onsite water storage, as determined by the District.
25. **District Compliance:** The applicant shall verify and coordinate completion of all requirements by the Fire District prior to issuance final occupancy.

ATTACHMENT 2

FINDINGS

General Plan Amendment A13-0001/Rezone Z13-0001/Special Use Permit S13-0008/Design Review DR13-0005/Crossroads Market and Deli Planning Commission/September 12, 2013

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings should be made:

1.0 CEQA FINDINGS

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received and considered during the public review process. The Mitigated Negative Declaration reflects the independent judgment of the Planning Commission and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2 No significant impacts to the environment as a result of this project were identified in the initial study.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 ADMINISTRATIVE FINDINGS FOR GENERAL PLAN AMENDMENT

2.1 The project is consistent with General Plan Policy 2.1.2.3.

General Plan Policy 2.1.2.3 requires that the predominant land use type within Rural Centers be commercial and higher density residential development to meet the commercial and service needs of the residents. The project is a General Plan Amendment, Rezone, Design Review and Special Use Permit that will facilitate the development of a market and deli that will serve the residents of Latrobe.

2.2 The project is consistent with General Plan Policy 2.2.5.21.

General Plan Policy 2.2.5.21 requires that development projects be located and designed in a manner that avoids incompatibility with adjoining land uses. The project site is surrounded by both residential and commercial land uses; developed and undeveloped which will be compatible with the proposed development.

2.3 The project is consistent with General Plan Policy 5.7.1.1.

General Plan Policy 5.7.1.1 requires the applicant demonstrate that adequate emergency water supply, storage, conveyance facilities, and access for fire protection be provided concurrent with development. The Latrobe Fire Protection District would provide fire

protection service to the project site. Water storage and fire sprinklers will be provided to ensure adequate fire protection infrastructure.

2.4 The project is consistent with General Plan Policy 6.2.3.2.

General Plan Policy 6.2.3.2 directs the applicant to demonstrate that adequate access exists, or can be provided for emergency vehicles and private vehicles to access and evacuate the area. The project would comply with the Fire District minimum Fire Safe standards for access driveway and turnaround capacity at time of site construction. The project would be in compliance with this policy.

2.5 The project is consistent with General Plan Policy 7.4.4.4.

General Plan Policy 7.4.4.4 requires the applicant adhere to the tree canopy retention and replacement standards. The oak canopy is located at the rear of the site and would not be impacted with project development.

2.6 The project is consistent with General Plan Policy 10.1.5.5.

General Plan Policy 10.1.5.5 recognizes the need to create greater opportunities for El Dorado County residents to satisfy retail shopping demands. The market and deli development will provide a retail shopping alternative in the Latrobe Rural Center not presently available to residents.

3.0 ADMINISTRATIVE FINDINGS FOR REZONE

3.1 The rezone is consistent with the proposed land use designation.

A rezone to Commercial will be consistent with the proposed General Plan designation of Commercial.

3.2 The rezone is consistent with General Plan Policy 2.2.5.2.

The rezone will meet the intentions of Policy 2.2.5.2 because the establishment of a new zone designation of Commercial and the ensuing uses allowed within the district will be consistent with the Commercial land use designation. In addition, commercial uses are encouraged to be developed within the rural centers, as the project proposes.

3.3 The rezone is consistent with General Plan Policy 2.2.5.3.

The rezone is consistent with Policy 2.2.5.3 because the project is located within the Latrobe Rural Center where commercial development is encouraged. The 19 criteria considered when analyzing the rezone found that there is available infrastructure to support the project.

3.4 The rezone is consistent with General Plan Policy 2.4.1.2.

General Plan Policy 2.4.1.2 requires that the County develop Community Design Guidelines. Plans may be developed for Rural Centers, and should consider historic preservation, streetscape elements and architecture design. Because of the rich history of the town, and to comply with General Plan Policy 2.4.1.2, the Community Design (DC) district will be combined with the proposed rezone.

3.5 The rezone is consistent with the Community Design Guide and County Development Standards.

The proposed project is consistent with the Community Design Guide and the El Dorado County Zoning Ordinance designation of Commercial-Community Design (C-DC) and the development standards within Section 17.32.040.

4.0 ADMINISTRATIVE FINDINGS FOR A SPECIAL USE PERMIT

4.1 The issuance of the Special Use Permit is consistent with the General Plan;

The project meets the intent of the General Plan because the special events would be ancillary to the primary commercial use of the property.

4.2 The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood;

The proposed use will comply, as conditioned, with the Development Standards of the C-DC zone district. Outdoor activity will be limited to 15 times a year in order not to be detrimental to the adjacent residential uses and will not exceed the County noise standards.

4.3 The proposed use is specifically permitted by special use permit pursuant to this Title.

The proposed use, as conditioned, is specifically permitted by Special Use Permit in a C-DC zone district pursuant to Section 17.32.030(D) of the El Dorado County Code.

5.0 FINDINGS FOR GENERAL PLAN POLICY 7.3.3.4

5.1 The alternative setback is consistent with the General Plan.

The proposed project has been designed in a manner to ensure that alternative setbacks would not have an adverse effect on the wetlands and drainages. A Mitigated Negative Declaration was adopted in accordance with CEQA that included mitigation measures incorporated into the project as Conditions of Approval that reduces identified potential significant impacts to less-than-significant. The proposed project, therefore, is consistent with intent of General Plan Policy 7.3.3.4 by providing for an adequate setback for protection of natural and man-made wetlands, vernal pools, wet meadows, and riparian areas from impacts related to development for their importance to wildlife habitat, water purification, scenic values, and unique and sensitive plant life.