

Findings

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.

Conditions of Approval

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,

September 12, 2013 – Planning Commission Staff Report

Exhibit F.....Biological Site Assessment
Exhibits GBest Management Practices
Exhibit MPhotometric Plan

October 24, 2013 – Planning Commission Staff Memo

Exhibit A.....Site Plan
Exhibit BFloor Plan
Exhibits C-1- C-2.....Building Elevations
Exhibit D.....Landscaping Plan
Exhibit EIrrigation Plan
Exhibit F.....Site Grading and Drainage Plan
Exhibit G.....Typical Details
Exhibit H.....Light Fixture Details
Exhibit IColor Elevations
Exhibit K.....Overflow Parking 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 -11:

- A. Design Review for a 2,432 square foot market and deli to include:
 - a. An outdoor picnic area;
 - b. Signage to include a wooden monument with a field stone base, five foot in height posts with hanging painted wood signs identifying the market. The base of the sign will be six feet in width. One wooden wall sign will be provided on the east elevation and will measure 44 square feet in size;
 - c. Outdoor vending to include an ice machine that would have a wood design to blend with the wooden porch. Wood bins that provided seasonal produce for sale. A small propane rack provided at the entrance of the store, along with a rack for fire wood. No lighted vending machines will be provided at the site; 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.~~

B. Special Use Permit for up to 15 special events to occur annually. The veranda, patio, turf area, and surrounding grasslands will provide area for activities such as arts and craft sales, a farmers market, wine tasting, antique sales, barbecue, acoustic entertainment and social events associated with the market and deli. Activities will occur primarily along the covered access walk, within the main building and the covered patio, and on the turf area. The turf area will be approximately 2,200 square feet and will be defined by an 18 inch wide river cobble buffer.

Parking for 18 vehicles will provided on-site, with 9 parking spaces provide off-site.

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 archaeological 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 archaeological 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.
17. **Off-Site Parking Covenant:** A parking covenant shall be recorded between APN 087-121-11 and APN 087-121-03 ensuring the continued availability of the off-site parking facilities for special events. If the property in which the off-site parking facility is located is sold, the parking covenant shall not be removed unless an acceptable off-site parking facility has been identified and found acceptable by Development Services and a new parking covenant recorded or the special events have ceased.
18. **Special Event Participant Limitation:** Based on the number of parking spaces provided on-site and off-site, special events shall be limited to a maximum of 81 participants.

Air Quality Management District

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

Environmental Management Division

20. **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.
21. **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).
22. **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.
23. **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.
24. **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

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

El Dorado County Transportation Division

28. **Encroachment Permit:** An encroachment permit from the Transportation Division shall be required to construct the driveway encroachment onto Latrobe Road. The encroachment shall be improved in accordance with the El Dorado County Design and Improvements Standards Manual (DISM) 103C. The encroachment shall be aligned with the Latrobe Elementary School Driveway on the northern side of Latrobe Road. These

improvements shall be completed to the satisfaction of the Transportation Division, prior to issuance of a building permit.