

PATRICIA E. CURTIN
(925) 979-3353
pcurtin@mmlaw.com

November 27, 2007

VIA EMAIL

Board of Supervisors
El Dorado County
330 Fair Lane
Bldg. A
Placerville, CA 95667

Re: Board of Supervisors Meeting -December 4, 2007
File No. A07-0007/Z07-0016/PD07-0012/TM07-1441/Shinn Ranch
Applicant: Rancho Courtney Properties/Camille Courtney
Our File No. 10552-001

Dear Honorable Chair Helen Baumann and other Supervisors:

We represent the applicant on the Shinn Ranch project. This project will be considered by the Board of Supervisors on December 4, 2007. The project includes a request for a 1) general plan amendment to change land use designations, 2) modification to the Community Region Boundary, 3) rezoning, 4) planned development and tentative map and 5) certain design waivers. The Planning Commission recommended approval on all aspects of the project. The Agricultural Commission recommended approval of all but one aspect of the project; it did not support the request to split the 10 acre Georgiades parcel into two-5 acre parcels. The purpose of this letter is to address this action of the Agricultural Commission.

The Agricultural Commission did not recommend the parcel split because it believed it was inconsistent with General Plan Policy 8.1.3.1, which provides:

Agriculturally zoned lands including Williamson Act Contract properties shall be buffered from increases in density on adjacent lands by requiring a minimum of 10 acres for any parcel created adjacent to such lands. Those parcels used to buffer agriculturally zoned lands shall have the same width to length ratio of other parcels.

While the Agricultural Commission looked at this Policy in isolation in determining consistency, the Board in reviewing the project must view the General Plan as a whole in determining consistency and cannot rely on a single policy to make that determination.

State law does not require an exact match between a proposed project, the applicable general plan, and each of the policies it contains. See, e.g. *Sequoyah Homeowners Ass'n v. City of Oakland*, 23 Cal. App. 4th 704 (1993). Rather, to be “consistent,” the project must be “compatible with the objectives, policies, general land uses, and programs specified in” the general plan. This provision means that a project must be “in agreement or harmony with” the general plan. Recognizing that no project could completely satisfy every policy stated in a given general plan, the courts have held that a general plan must try to accommodate a wide range of competing interests—including those of developers, neighboring homeowners, and environmentalists—and to present a clear and comprehensive set of principles to guide development decisions.

Consistent with the law, the General Plan at page 7 recognizes that the Plan must be “applied comprehensively.” It specifically states, “No single component (map, goal, objective, policy or map) can stand alone in the review and evaluation of a development project.” (General Plan, p.7.) As a result, the Board (and unlike what the Agricultural Commission did) must view the General Plan as a whole in determining consistency.

Moreover, we believe the Agricultural Commission misinterpreted Policy 8.1.3.1. The Commission interpreted that Policy to preclude new and existing parcels of less than 10 acres to be located adjacent to a Williamson Act parcel. Our interpretation of that Policy is that “parcels created” or new parcels adjacent to Williamson Act-parcel must be at least 10 acres.

The split of the Georgiades parcel is “creating” only one new parcel because the parcel upon which the existing residence sits is an existing, and not a new, parcel. The new parcel created by the split would be east of the existing Georgiades parcel and away from and not adjacent to the Williamson Act parcel. Thus, the split would be consistent with the 10-acre requirement in Policy 8.1.3.1. See Maps 1 and 2 attached.

The Board can find that the project is consistent with General Plan Policy 8.1.3.1 and most certainly, the General Plan as a whole. The Staff report and the Planning Commission have supported this consistency finding. Great deference is provided to an agency’s consistency determination, because the agency that “adopted the general plan policies in its legislative capacity has unique competence to interpret those policies when applying them in an adjudicatory capacity.” See, e.g. *Save Our Peninsula Comm’n v. County of Monterey*, 87 Cal. App. 4th 99, 142 (2001).

We urge you to follow the recommendation of your Planning Commission and approve the project. Please call if you have any questions.

Very truly yours,

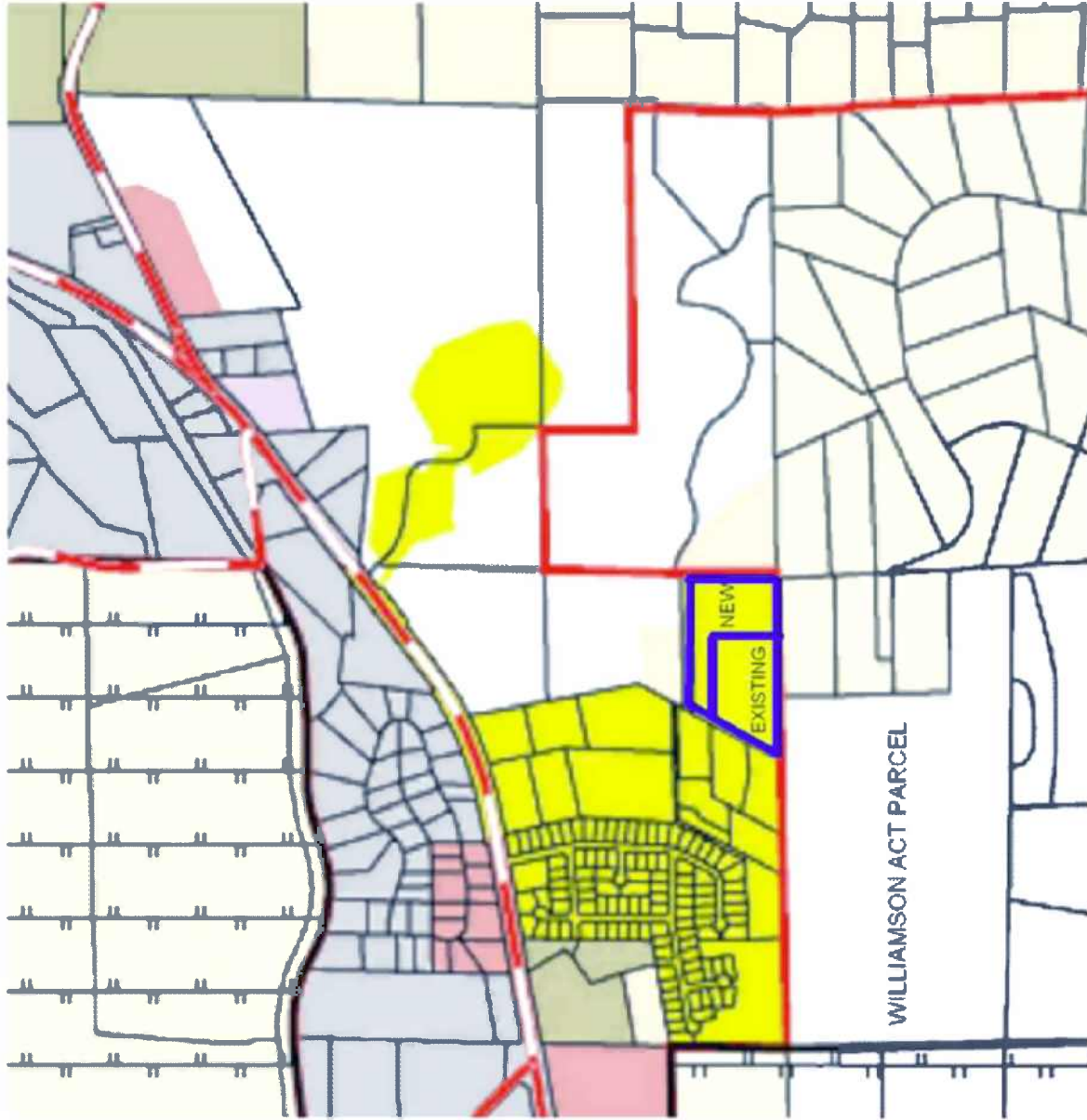
MORGAN MILLER BLAIR

A handwritten signature in blue ink, appearing to read 'P E C', is positioned above the printed name of Patricia E. Curtin.









PATRICIA E. CURTIN

PEC:klm

cc: Cindy Keck, Clerk of the Board
Peter Maurer, Principal Planner
Jason Hade, Project Planner
Paula Frantz, Deputy County Counsel
Camille Courtney, Applicant
Thaleia Georgiades, Property Owner



LEGEND

-  Adopted Plan
-  Agricultural Lands 1 DU/20 ac.
-  Commercial
-  High Density Residential 1 - 5 DU/ac.
-  Industrial
-  Low Density Residential 1 DU/5 ac.
-  Medium Density Residential 1 DU/ac.
-  Georgiades Parcel
-  Community Region Boundary

Map 1

Policy 8.1.3.1 - States Ag lands shall be buffered... requiring 10 acres for any parcel created adjacent to such lands... the existing residence is over 500 feet away, and the new parcel will not be adjacent to the Ag lands.

4880 Kingvale Rd, CA 95623

Proposed Parcel Split

535 ft.

Ag Preserve

Map 2

