

County of Placer
Planning Department

BOARD SUBMITTAL COVER SHEET

TO: Board of Supervisors
DATE: August 2, 2006
FROM: Michael Johnson, Planning Director
SUBJECT: CANO REZONING (PREA 20051177)

SUMMARY: The applicant, Lindi Cano, is proposing to rezone the western 1.47 acres of her 4.67-acre property located at 3871 Peach Drive in the Loomis Basin area (Assessor's Parcel Number 037-103-024) From R-A-B-100 (Residential Agriculture with a minimum building site of 100,000 square feet to RS-AG-B-20 (Residential Single Family combining Agriculture with a minimum building site of 20,000 square feet). The rezoning could allow for a Minor Land Division to create up to a maximum of four parcels.

CEQA COMPLIANCE: A Mitigated Negative Declaration (PREA 20051177) has been prepared and finalized pursuant to CEQA for this project. The Mitigated Negative Declaration is attached and must be found adequate to satisfy the requirements of CEQA by the decision-making body if it chooses to approve the project.

FISCAL IMPACT: None

RECOMMENDATION: Consistent with the recommendation founded by the Planning Commission, staff recommends that the Board of Supervisors deny the requested Rezoning.

T/PLN/george/bos rep/cano REA cover sheet

MEMORANDUM
County of Placer
Planning Department

TO: Honorable Board of Supervisors
FROM: Michael Johnson, Planning Director
DATE: August 2, 2006
SUBJECT: CANO REZONING (PREA 20051177)

BACKGROUND

The applicant, Lindi Cano, is requesting a rezoning of property which is 4.67 acres in size and is developed with an existing residence, agricultural buildings, stables and storage areas. The applicant previously submitted a Variance to the minimum lot size to allow the creation of parcels of 0.86 acres (37,461 square feet) and 1.17 acres (50,905 square feet) in size, where 100,000 square feet is the minimum parcel size allowed by the zoning.

On October 6, 2005, the Zoning Administrator took action to deny the requested Variance to minimum lot size based on the finding that no special circumstances existed that would warrant the granting of the requested Variance. Subsequently, the applicant appealed the Zoning Administrator's decision to the Planning Commission. On December 8, 2005, the Planning Commission upheld the Zoning Administrator's decision, finding that no special circumstances existed.

On May 11, 2006 the applicant (Lindi Cano) made application to rezone the western 1.47-acres from Residential Agriculture with a minimum building site of 100,000 square feet (RA-B-100) to Residential Single Family combining Agriculture with a minimum building site of 20,000 square feet (RS-AG-B-20). On June 22, 2006, the Planning Commission considered the proposed Cano Rezoning. At the hearing, an adjoining neighbor spoke against the project. His concern was that if the project was approved, it would result in the creation of parcels which are not consistent with the surrounding neighborhood.

After staff presentations, testimony from the applicant's representatives and public testimony and discussion, the Planning Commission agreed with Staff's recommendation and unanimously (6-0) recommended to the Board of Supervisors that the rezoning be denied.

APPLICANT'S PROPOSAL

The applicant, Lindi Cano, is proposing to rezone a portion of a 4.67 acre parcel located at 3871 Peach Drive in the Loomis Basin area (Assessor's Parcel Number 037-103-024). The western 1.47 acres of the project site that is currently zoned Residential Agriculture with a minimum building site of 100,000 square feet (RA-B-100) would be rezoned to Residential Single Family combining Agriculture with a minimum building site of 20,000 square feet (RS-AG-B-20). The proposed rezone request is consistent with the Horseshoe Bar Penryn Community Plan designation of Low Density Residential, one unit per 0.4 -2.3 acres. The eastern 3.2 acre portion of the parcel is designated Rural Residential, one unit per 2.3 -4.6 acres with a zoning designation of Residential Agriculture with a minimum building site of 100,000 square feet (RA-B-100); this portion of the project site is not proposed to be rezoned.

The rezoning could result in the opportunity to file a Minor Land Division request to create up to a maximum of four parcels. Three of those parcels would be approximately 20,000 square feet and located on the western portion of the property. The fourth parcel would constitute the remaining eastern 3.2 acres. The proposed project would be served by public sewer and water.

The following are the issues pertinent to the requested rezoning:

Plan Consistency:

While the proposed rezoning does fall within the specified density range of the Horseshoe Bar Penryn Community Plan, the current zoning of 100,000 square feet per unit falls within the lower end of the density range that was applied to this entire area as the appropriate density for this rural area. Additionally, one of the land use goals of the Horseshoe Bar Penryn Community Plan (Land Use Goal 2 a. Page 15) is to "Preserve and maintain the rural character and quality of the plan area". The Planning Commission concluded the proposed rezoning to allow 20,000 square foot parcels was not consistent with this goal and could be precedent setting.

Surrounding Parcel Sizes:

Although there are parcels within a one-half mile radius of the site that are approximately 20,000 square feet to one acre in area, there are many more parcels that comply with the current zoning designation. In fact, to the south and east of the site are two parcels of 10.7 and 2.6 acres, respectively. To the north is a six-acre parcel and a parcel of less than one acre. To the west is a parcel of about one acre and one of 10 acres in size. Many of the parcels in the neighborhood area where the subject parcel is located tend to average one acre in size or greater.

Surrounding Zoning:

The Planning Commission concluded the requested rezoning would result in spot zoning which is not conducive to the orderly development of the Horseshoe Bar area, as the subject property is completely surrounded by property zoned Residential Agriculture, combining a minimum building



site of 100,000 square feet. The nearest zoning that would be consistent with the proposed zoning of 20,000 square feet is approximately 0.5 miles to the east in the Lakeshore Drive/Magellan Drive area.

CEQA COMPLIANCE:

A Mitigated Negative Declaration (PREA 20051177) has been prepared and finalized pursuant to CEQA for this project. The Mitigated Negative Declaration is attached and must be found adequate to satisfy the requirements of CEQA by the decision-making body if it chooses to approve the project. No action on the Mitigated Negative Declaration is needed if the Board denies the rezone request.

RECOMMENDATION:

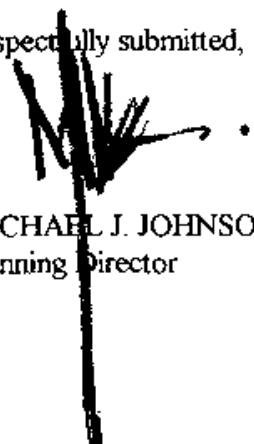
Staff recommends that the Board of Supervisors follow the recommendation of the Planning Commission and deny the requested Rezoning, subject to the attached findings.

FINDINGS:

REZONING:

1. The change in zoning from RA-B-100 (Residential Single Family combining a minimum building site of 100,000 square feet) to RS-AG-B-20 (Residential Single Family combining Agriculture with a minimum building site 20,000 square feet) would result in the degradation of the rural character of Horseshoe Bar area which is not consistent with the goals and policies of the Placer County General Plan or the Horseshoe Bar/Penryn Community Plan.
2. The proposed zoning is not consistent with the existing lot sizes in the immediate neighborhood surrounding the project site.
3. The proposed zoning would represent spot zoning and would be contrary to the orderly development of the area.

Respectfully submitted,



MICHAEL J. JOHNSON, AICP
Planning Director

EXHIBITS:

- Exhibit 1- Vicinty Map
- Exhibit 2 – Site Plan/Rezoning Exhibit
- Exhibit 3 – Horseshoe Bar Penryn Land Use Map
- Exhibit 4-Mitigated Negative Declaration

cc: Applicant

Rick Eiri – Engineering and Surveying Division
Will Kirshman - Environmental Health Department
YuShuo Chang - Air Pollution Control District
Vance Kimbrell - Parks Department
Christiana Darlington- County Counsel
Michael Johnson - Planning Director

T:/pln/george/bos rep/Cano memo

RA-B-100

SCALE 1" = 500'



RA-B-100

C1-Df

SUBJECT PARCEL

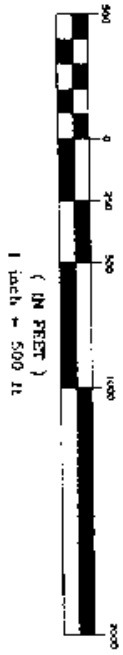
RS-AG-B-40

RS-B-2

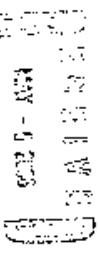
RS-AG-B-7

BA-1

GRAPHIC SCALE



PLACER COUNTY



EXISTING ZONING EXHIBIT

206

BRING A PORTION OF
THE S.E. 1/4 OF SECTION 7,
T. 11 N., R. 8 E., MDB&N
PLACER COUNTY, CALIFORNIA
A.P. No. 007-103-024

Prepared For:
INDICANO

PACH DRIVE
100MIS. CA.
DECEMBER 2005

Prepared By/Applicant:

INITIAL POINT, INC.

140 LITTON DRIVE SUITE 230
GRASS VALLEY CA 95945
PHONE (530) 477-7177 FAX (530) 477-6987

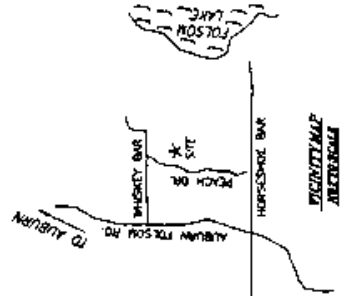
RE-ZONING EXHIBIT

REGINA POINTS DEVELOPERS, L.P.
11402 SUTWORTH, S.F.I.N.,
P.O. BOX 8888
PLACER COUNTY, CALIFORNIA
A.P. No. 837-143-884

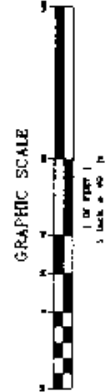
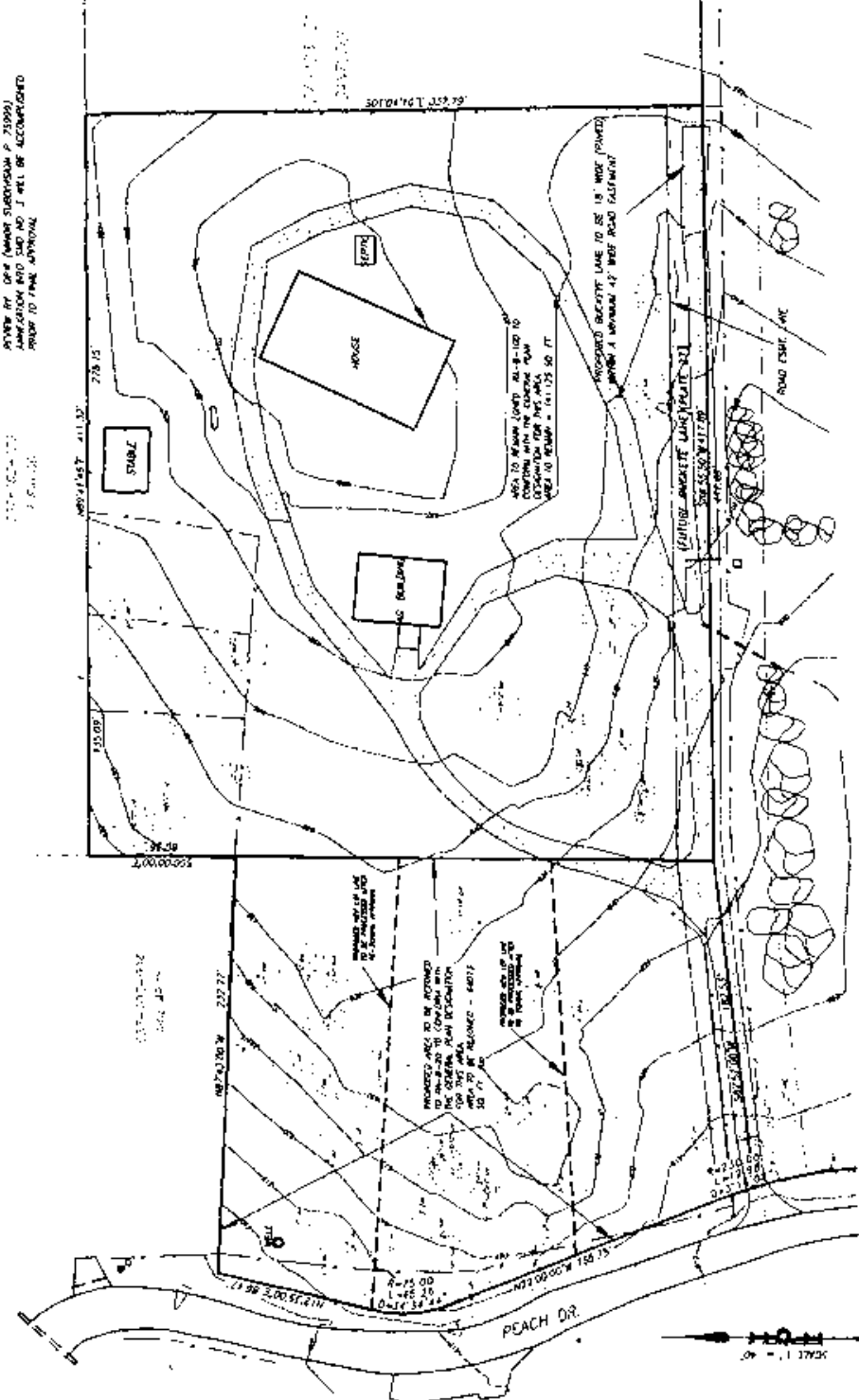
PLANNING DEPT
PLACER COUNTY

PLACER COUNTY
PLANNING DEPT

Prepared by/Assembled by:
INITIAL POINT, INC.
140 LINDEN AVENUE, SUITE 230
SACRAMENTO, CALIFORNIA 95811
PHONE: (916) 447-7777 FAX: (916) 447-4887

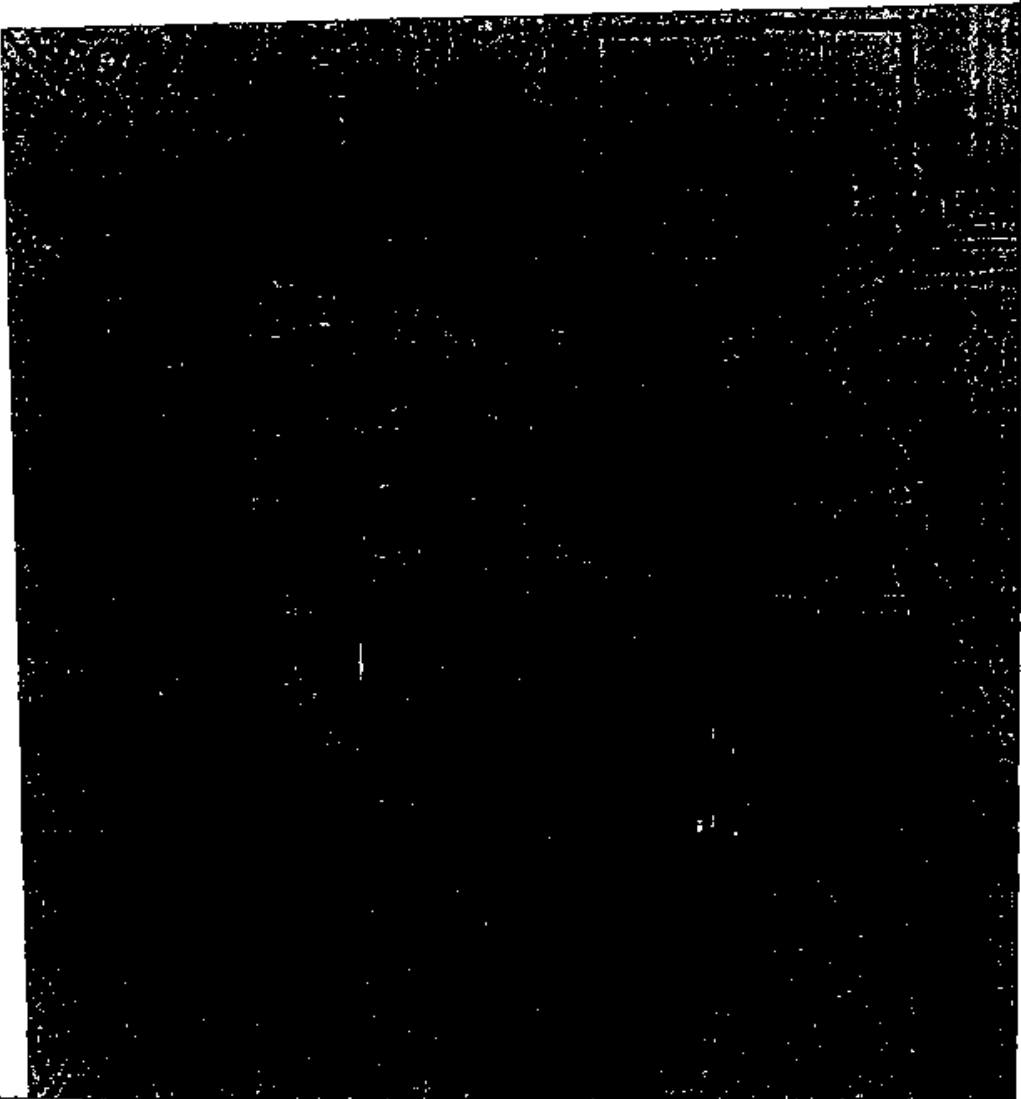


SEVERAL SPACES WILL BE SHOWN ON J AND WILL OBTAIN THE NEW SPACES AND CURRENTLY BEING PROCESSED FOR THE WALKER-THOMAS PLANS. CURRENTLY UNDER REVIEW BY THE PLANNING DEPARTMENT. J WILL BE ACCOMPANIED BY THE PLANNING DEPARTMENT.



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SCALE 1" = 500'



GRAPHIC SCALE

(IN FEET)
1 inch = 500 ft

**EXISTING
GENERAL
PLAN
EXHIBIT**

BEING A PORTION OF
THE S.A. 1/4 OF SECTION 7,
T. 11 N., R. 8 E., M. 2 R. & M.
PLACER COUNTY, CALIFORNIA
A.P. No. 037-103-024

Prepared For:
LINDICANO

**PSACHARRIS
LOUIS, CA.
DECEMBER 2005**

Prepared By/Applicant:

INITIAL POINT, INC.
140 LITTON DRIVE, SUITE 230
GRASS VALLEY CA 95945
PHONE: (530) 477-7177 FAX: (530) 477-6967



PLACER COUNTY
COMMUNITY DEVELOPMENT / RESOURCE AGENCY

ENVIRONMENTAL COORDINATION SERVICES

Gina Langford, Coordinator ■ Lori Lawrence, Specialist ■ Maywan Krach, Assistant
11414 B Avenue ■ Auburn ■ California 95603 ■ 530-886-3000 ■ fax 530-886-3003 ■ www.placer.ca.gov/planning

NEGATIVE DECLARATION

In accordance with Placer County ordinances regarding implementation of the California Environmental Quality Act, Placer County has conducted an Initial Study to determine whether the following project may have a significant adverse effect on the environment, and on the basis of that study hereby finds:

- The proposed project will not have a significant adverse effect on the environment; therefore, it does not require the preparation of an Environmental Impact Report and this **Negative Declaration** has been prepared.
- Although the proposed project could have a significant adverse effect on the environment, there will not be a significant adverse effect in this case because the project has incorporated specific provisions to reduce impacts to a less than significant level and/or the mitigation measures described herein have been added to the project. A **Mitigated Negative Declaration** has thus been prepared.

The environmental documents, which constitute the Initial Study and provide the basis and reasons for this determination are attached and/or referenced herein and are hereby made a part of this document.

PROJECT INFORMATION

Title: Cano Parcel Rezoning	Plus# PREA T20051177
Description: Proposed to rezone part of the parcel to be consistent with the General Plan Designation in preparation for a parcel split request.	
Location: 3871 Peach Drive, Loomis	
Project Owner: Lindi Cano, 3871 Peach Dr., Loomis, CA 95650 (916) 652-2357	
Project Applicant: Initial Point, 140 Litton Drive, Suite 230, Grass Valley CA 95945 (530)477-7177	
County Contact Person: George Rosasco	530-886-3000

PUBLIC NOTICE

The comment period for this document closes on **May 10, 2006**. A copy of the Negative Declaration is available for public review at the Planning Department public counter and at the Loomis Library. Property owners within 300 feet of the subject site shall be notified by mail of the upcoming hearing before the Parcel Review Committee. Additional information may be obtained by contacting the Placer County Planning Department at (530) 886-3000 between the hours of 8:00 am and 5:00 pm at 11414 B Avenue, Auburn, CA 95603.

If you wish to appeal the appropriateness or adequacy of this document, address your written comments to our finding that the project will not have a significant adverse effect on the environment: (1) identify the environmental effect(s), why they would occur, and why they would be significant, and (2) suggest any mitigation measures which you believe would eliminate or reduce the effect to an acceptable level. Regarding item (1) above, explain the basis for your comments and submit any supporting data or references. Refer to Section 18.32 of the Placer County Code for important information regarding the timely filing of appeals.

Recorder's Certification

R E C E I V E D

JUN 14 2006

PLANNING DEPT.

POSTED 4-6-06
through _____
JIM MCCAULEY, COUNTY CLERK
By: [Signature]
Deputy Clerk

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COMMUNITY DEVELOPMENT / RESOURCE AGENCY
Environmental Coordination Services

11414 B Avenue, Auburn, CA 95603 ☎ (530) 886-3000 ☎ (530) 886-3003
<http://www.placer.ca.gov/planning> ✉ ljlawren@placer.ca.gov

INITIAL STUDY

In accordance with the policies of the Placer County Board of Supervisors regarding implementation of the California Environmental Quality Act, this document constitutes the Initial Study on the proposed project. This Initial Study provides the basis for the determination whether the project may have a significant effect on the environment. If it is determined that the project may have a significant effect on the environment, an Environmental Impact Report will be prepared which focuses on the areas of concern identified by this Initial Study.

I. BACKGROUND

Project Title: Cano Parcel Rezoning (PREA T20051177) – Rezoning & Minor Land Division

Environmental Setting: The property is partially developed with an existing residence, agricultural buildings, stables and storage areas. Much of the eastern portion of the site located around the existing structures is either devoid of vegetation, or is landscaped. Areas located along the southern property boundary, adjacent to the access road have been recently disturbed by road construction and/or maintenance. Open areas located in the western portion of the site have also been recently disturbed in association with grading activities.

The property generally slopes to the west, toward Peach Drive, and to the south toward the existing dirt access road. Topographic high points occur in the eastern portion of the site near the locations of the existing residence and agricultural buildings. Elevation of the property ranges between 610 feet above sea level at the northwestern property corner, to 660 feet in the eastern portion of the property at the site of the existing residence

Project Description: The proponent of the project is proposing to rezone the western 1.47 acres Residential Agriculture with a minimum building site of 100,000 square feet (RA-B-100) to Residential Single Family combing Agriculture with a minimum building site of 20,000 square feet (RS-AG-B-20) which is consistent with the Horseshoe Bar Penryn Community Plan of Low Density Residential, .4 -2.3 acres. The eastern portion of the parcel is designated Rural Residential, 2.3-4.6 acres with a zoning designation of Residential Agriculture with a minimum building site of 100,000 square feet (RA-B-100) and is 3.2 acres in size. The intent is to have the zoning line and the land use designation line in the same location.

The project also includes a Minor Land Division to create a maximum of four parcels. Three of those parcels would be created on the western portion of the property, which would be zoned Residential Single Family combing Agriculture with a minimum building site of 20,000 square feet. The fourth Parcel will 3.2 acres and located on the eastern portion of the property. The proposed project will be served by public sewer and water. Water will be provided by the Placer County Water Agency and sewer will be provided by Placer County. Both Sewer and water will be brought to the site from Blue Bird Lane to the East, via an existing easement.

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JUN 14 2006

II. EVALUATION OF ENVIRONMENTAL IMPACTS:

- A. A brief explanation is required for all answers except "No Impact" answers.
- B. "Less than Significant Impact" applies where the project's impacts are negligible and do not require any mitigation to reduce impacts.

PLANNING DEPT.

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Environmental Issues

(See attachments for information sources)

No Impact	Less Than Significant Impact	Potentially Significant Unless Mitigation Incorporated	Potentially Significant Impact
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- C. "Potentially Significant Unless Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The County, as lead agency, must describe the mitigation measures, and briefly explain how they reduce the effect to a less-than-significant level (mitigation measures from Section IV, EARLIER ANALYSES, may be cross-referenced).
- D. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect is significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- E. All answers must take account of the entire action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts [CEQA, Section 15063 (a) (1)].
- F. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or Negative Declaration [Section 15063(c)(3)(D)]. Earlier analyses are discussed in Section IV at the end of the checklist.
- G. References to information sources for potential impacts (e.g., general plans/community plans, zoning ordinances) should be incorporated into the checklist. Reference to a previously prepared or outside document should include a reference to the pages or chapters where the statement is substantiated. A source list should be attached, and other sources used, or individuals contacted, should be cited in the discussion.

I. LAND USE PLANNING. Would the proposal:

- | | | | | |
|---|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| a. Conflict with general plan/community plan/specific plan designation(s) or zoning, or policies contained within such plans? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Conflict with applicable environmental plans or policies adopted by responsible agencies with jurisdiction over the project? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Be incompatible with existing land uses in the vicinity? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Affect agricultural and timber resources or operations (e.g., impacts to soils or farmlands and timber harvest plans, or impacts from incompatible land uses)? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Disrupt or divide the physical arrangement of an established community (including a low-income or minority community)? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Result in a substantial alteration of the present or planned land use of an area? | <input checked="" type="checkbox"/> | | | |

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Environmental Issues*(See attachments for information sources)*

No Impact

Less Than
Significant
ImpactPotentially
Significant
Unless
Mitigation
IncorporatedPotentially
Significant
Impact**Environmental Health:**Discussion-item 1a:

The Horseshoe Bar Penryn Community Plan contains a discussion and policies relative to safe well yields, well quality, and protection of area groundwater supplies. The Plan directs the use and extension of PCWA treated water when it is located in the area of new development. When treated water is not available, the Plan directs study of groundwater supply and quantity as part of environmental review. As part of environmental review for this project it was reported (but not verified) that water quality and supply tests were conducted: subsequent to this testing, the applicant proposed all project lots be served by treated water.

Mitigation Measures-item 1a:

MM 1.1 The project will be served by PCWA treated water exclusively.

2. POPULATION AND HOUSING: Would the proposal:

- | | | | | |
|---|-------------------------------------|--------------------------|--------------------------|--------------------------|
| a. Cumulatively exceed official regional or local population projections? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Displace existing housing, especially affordable housing? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

3. GEOLOGIC PROBLEMS: Would the proposal result in or expose people to potential impacts involving:

- | | | | | |
|--|-------------------------------------|--------------------------|--------------------------|--------------------------|
| a. Unstable earth conditions or changes in geologic substructures? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Significant disruptions, displacements, compaction or overcrowding of the soil? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Substantial change in topography or ground surface relief features? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. The destruction, covering or modification of any unique geologic or physical features? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Any significant increase in wind or water erosion of soils, either on or off the site? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Changes in deposition or erosion or changes in siltation which may modify the channel of a river, stream, or lake? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| g. Exposure of people or property to geologic and geomorphological (i.e. avalanches) hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Environmental Issues

(See attachments for information sources)

No Impact	Less Than Significant Impact	Potentially Significant Unless Mitigation Incorporated	Potentially Significant Impact
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4. WATER: Would the proposal result in:

- | | | | | |
|--|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| a. Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Exposure of people or property to water related hazards such as flooding? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Discharge into surface waters or other alterations of surface water quality (e.g., temperature, dissolved oxygen, or turbidity)? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Changes in the amount of surface water in any water body? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Changes in currents, or the course or direction of water movements? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Change in the quantity of groundwater, either through direct additions of withdrawals, or through interception of an aquifer by cuts or excavations, or through substantial loss of groundwater recharge capability? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| g. Altered direction or rate of flow of groundwater? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| h. Impacts to groundwater quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| i. Substantial reduction in the amount of groundwater otherwise available for public water supplies? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| j. Impacts to the watershed of important surface water resources, including but not limited to, Lake Tahoe, Folsom Lake, Hell Hole Reservoir, Rock Creek Reservoir, Sugar Pine Reservoir, French Meadows Reservoir, Combie Lake, and Rollins Lake? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Environmental Health:

Discussion-items 4f, 4h:

The project is in an area that has rapidly developed in recent years; this often occurred using wells, before treated water was available to the area. There have been instances of, and concern with, area over-drafting of hardrock groundwater. Water from hardrock fracture zones is subject to both depletion and pollution. PCWA treated water is now available in the area.

Mitigation Measures-items 4f, 4h:

MM 4.1 The project will be connected to PCWA treated water. This connection will be via private easements to the PCWA water main located two parcels to the east of the project. (Easements are required of the underlying property owners across both private and 'public' utility easement areas, as delineated.) The off-project private water pipe easements will be exclusive, allow for ingress to install and maintain the pipes, and be binding on the heirs and successors of the properties in perpetuity. Proof of recorded easements, and delineation of easements on the project itself will be required as project conditions. EHS will recommend that these easements be aligned along property lines to allow for fewer conflicts with development across the effected properties.

Proper destruction (under permit) will be required of the existing well and septic system

Environmental Issues
(See attachments for information sources)

No Impact	Less Than Significant Impact	Potentially Significant Unless Mitigation Incorporated	Potentially Significant Impact
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5. AIR QUALITY: Would the proposal:

- | | | | | |
|--|-------------------------------------|--------------------------|--------------------------|--------------------------|
| a. Violate any air quality standard or contribute to an existing or projected air quality violation? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Expose sensitive receptors to pollutants? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Have the potential to increase localized carbon monoxide levels at nearby intersections in exceedance of adopted standards? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Create objectionable odors? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

6. TRANSPORTATION/CIRCULATION: Would the proposal result in:

- | | | | | |
|--|-------------------------------------|--------------------------|--------------------------|--------------------------|
| a. Increased vehicle trips or traffic congestion? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Hazards to safety from design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Inadequate emergency access or access to nearby uses? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Insufficient parking capacity on-site or off-site? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Hazards or barriers for pedestrians or bicyclists? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Conflicts with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| g. Rail, waterborne, or air traffic impacts? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

7. BIOLOGICAL RESOURCES: Would the proposal result in impacts to:

- | | | | | |
|--|-------------------------------------|--------------------------|--------------------------|--------------------------|
| a. Endangered, threatened or rare species or their habitats (including, but not limited to plants, fish, insects, animals, and birds)? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Locally occurring natural communities (e.g., oak woodlands, mixed conifer, annual grasslands, etc.)? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Significant ecological resources including: | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 1) Wetland areas including vernal pools; | | | | |
| 2) Stream environment zones; | | | | |
| 3) Critical deer winter ranges (winter and summer), migratory | | | | |

Environmental Issues*(See attachments for information sources)*

No Impact

Less Than
Significant
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Significant
Unless
Mitigation
IncorporatedPotentially
Significant
Impact

routes and fawning habitat;

- 4) Large areas of non-fragmented natural habitat, including but not limited to Blue Oak Woodlands, Valley Foothill Riparian, vernal pool habitat;
- 5) Identifiable wildlife movement zones, including but not limited to, non-fragmented stream environment zones, avian and mammalian routes, and known concentration areas of waterfowl within the Pacific Flyway;
- 6) Important spawning areas for anadromous fish?

8. ENERGY AND MINERAL RESOURCES Would the proposal:

- | | | | | |
|--|-------------------------------------|--------------------------|--------------------------|--------------------------|
| a. Conflict with adopted energy conservation plans? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Use non-renewable resources in a wasteful and inefficient manner? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Result in the loss of availability of a known mineral resource that would be of future value to the region and state residents? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

9. HAZARDS Would the proposal involve:

- | | | | | |
|---|-------------------------------------|--------------------------|--------------------------|--------------------------|
| a. A risk of accidental explosion or release of hazardous substances (including, but not limited to, oil, pesticides, chemicals, or radiation)? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Possible interference with an emergency response plan or emergency evacuation plan? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. The creation of any health hazard or potential health hazard? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Exposure of people to existing sources of potential health hazards? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Increased fire hazard in areas with flammable brush, grass, or trees? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

10. NOISE Would the proposal result in:

- | | | | | |
|--|-------------------------------------|--------------------------|--------------------------|--------------------------|
| a. Increases in existing noise levels? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Exposure of people to noise levels in excess of County standards? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Environmental Issues
(See attachments for information sources)

No Impact	Less Than Significant Impact	Potentially Significant Unless Mitigation Incorporated	Potentially Significant Impact
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11. PUBLIC SERVICES: Would the proposal have an effect upon, or result in need for new or altered government services, in any of the following areas:

- | | | | | |
|---|-------------------------------------|-------------------------------------|--------------------------|--------------------------|
| a. Fire Protection? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Sheriff Protection? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Schools? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Maintenance of public facilities, including roads? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Other governmental services? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Planning Department:

Discussion-items 11a-11d:

The project will result in the addition of two new residences. It is anticipated that this will result in a less than significant impact to governmental services. The applicant will be required to obtain will serve letters from all applicable governmental agencies and comply with the conditions of those agencies. In addition, the applicant will be required to pay the applicable traffic mitigation fees.

12. UTILITIES AND SERVICE SYSTEMS: Would the proposal result in a need for new systems or supplies, or substantial alterations to the following utilities:

- | | | | | |
|--|-------------------------------------|-------------------------------------|--------------------------|--------------------------|
| a. Power or natural gas? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Communication systems? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Local or regional water treatment or distribution facilities? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Sewer, septic systems, or wastewater treatment and disposal facilities? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Storm water drainage? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Solid waste materials recovery or disposal? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| g. Local or regional water supplies? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Environmental Health:

Discussion-items 12c, 12d:

The agencies charged with providing treated water and sewer services have indicated their requirements to serve the project. These requirements are routine in nature and do not represent significant impacts. Typical project conditions of approval require submission of "will-serve" letters from each agency.

13. AESTHETICS: Would the proposal:

- | | | | | |
|---|-------------------------------------|--------------------------|--------------------------|--------------------------|
| a. Affect a scenic vista or scenic highway? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|---|-------------------------------------|--------------------------|--------------------------|--------------------------|

Environmental Issues

(See attachments for information sources)

No Impact	Less Than Significant Impact	Potentially Significant Unless Mitigation Incorporated	Potentially Significant Impact
-----------	------------------------------	--	--------------------------------

- | | | | | |
|---|-------------------------------------|--------------------------|--------------------------|--------------------------|
| b. Have a demonstrable negative aesthetic effect? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Create adverse light or glare effects? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

14. CULTURAL RESOURCES: Would the proposal:

- | | | | | |
|---|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| a. Disturb paleontological resources? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Disturb archaeological resources? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. Affect historical resources? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d. Have the potential to cause a physical change, which would affect unique ethnic cultural values? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Restrict existing religious or sacred uses within the potential impact area? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Planning Department:

Discussion-items 14a-14c:

The possibility exist that Native American Cultural or paleontological artifacts may exist on the subject site.

Mitigation Measures-items 14a-14c:

MM 14.1 If any archaeological artifacts, exotic rock (non-native), or unusual amounts of shell or bone are uncovered during any on-site construction activities, all work must stop immediately in the area and a SOPA-certified (Society of Professional Archaeologists) archaeologist retained to evaluate the deposit. The Placer County Planning Department and Department of Museums must also be contacted for review of the archaeological find(s).

If the discovery consists of human remains, the Placer County Coroner and Native American Heritage Commission must also be contacted. Work in the area may only proceed after authorization is granted by the Placer County Planning Department. A note to this effect shall be provided on the Improvement Plans for the project.

Following a review of the new find and consultation with appropriate experts, if necessary, the authority to proceed may be accompanied by the addition of development requirements which provide protection of the site and/or additional mitigation measures necessary to address the unique or sensitive nature of the site.

15. RECREATION: Would the proposal:

- | | | | | |
|---|-------------------------------------|--------------------------|--------------------------|--------------------------|
| a. Increase the demand for neighborhood or regional parks or other recreational facilities? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Affect existing recreational opportunities? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

III. MANDATORY FINDINGS OF SIGNIFICANCE

Environmental Issues*(See attachments for information sources)*

No Impact

Less Than
Significant
ImpactPotentially
Significant
Unless
Mitigation
IncorporatedPotentially
Significant
Impact

- A. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of rare or endangered plants or animals, or eliminate important examples of the major periods of California history or prehistory? NO YES
- B. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.) NO YES
- C. Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly? NO YES

IV. EARLIER ANALYSIS

Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effect has been adequately analyzed in an earlier EIR or Negative Declaration [State CEQA guidelines Section 15063(c)(3)(D)]. In this case a discussion should identify the following on attached sheets.

- A. **Earlier analyses used.** Identify earlier analyses and state where they are available for review.
- B. **Impacts adequately addressed.** Identify which effects from the above checklist were within the scope of, and adequately analyzed in, an earlier document pursuant to applicable legal standards. Also, state whether such effects were addressed by mitigation measures based on the earlier analysis.
- C. **Mitigation measures.** For effects that are checked as "Potentially Significant Unless Mitigation Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

Authority: Public Resources Code Sections 21083 and 21087.

Reference: Public Resources Code Sections 21080(c), 21080.1, 21080.3, 21082.1, 21083, 31083.3, 21093, 21094, 21151, *Sundstrom v. County of Mendocino*, 202 Cal App 3d 296 (1988), *Leonoff v. Monterey Board of Supervisors*, 222 Cal App 3d 1337 (1990)

V. OTHER RESPONSIBLE AND TRUSTEE AGENCIES WHOSE APPROVAL IS REQUIRED

- | | |
|--|---|
| <input type="checkbox"/> California Department of Fish and Game | <input type="checkbox"/> Local Agency Formation Commission (LAFCo) |
| <input type="checkbox"/> California Department of Transportation (e.g. Caltrans) | <input type="checkbox"/> California Department of Health Services |
| <input type="checkbox"/> California Regional Water Quality Control Board | <input type="checkbox"/> California Integrated Waste Management Board |
| <input type="checkbox"/> California Department of Forestry | <input type="checkbox"/> Tahoe Regional Planning Agency |
| <input type="checkbox"/> U.S. Army Corp of Engineers | <input type="checkbox"/> California Department of Toxic Substances |

U.S. Fish and Wildlife Service

National Marine Fisheries Service

VI. DETERMINATION (to be completed by the Lead Agency):

The Environmental Review Committee finds that although the proposed project **COULD** have a significant effect on the environment, there **WILL NOT** be a significant effect in this case because the mitigation measures described herein have been added to the project. A **MITIGATED NEGATIVE DECLARATION** will be prepared.

VII. ENVIRONMENTAL REVIEW COMMITTEE (Persons/Departments Consulted):

Planning Department, George Rosasco, Chairperson
Engineering and Surveying Division, Michael Foster
Environmental Health Services, Grant Miller
Air Pollution Control District, Brent Backus

Signature: _____

ENVIRONMENTAL REVIEW COMMITTEE CHAIRPERSON

3-23-06
Date

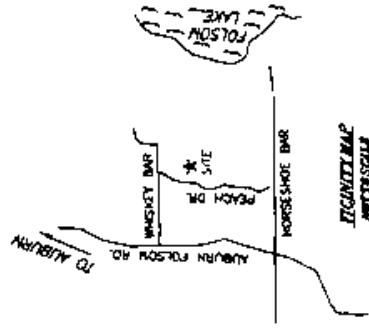
RE-ZONING EXHIBIT

SINGLE PORTION OF TRACT J,
1/400 SECTION 7, T.17N.,
R.4E., M.20W.,
PLACER COUNTY, CALIFORNIA
A.P. No. 037-103-024

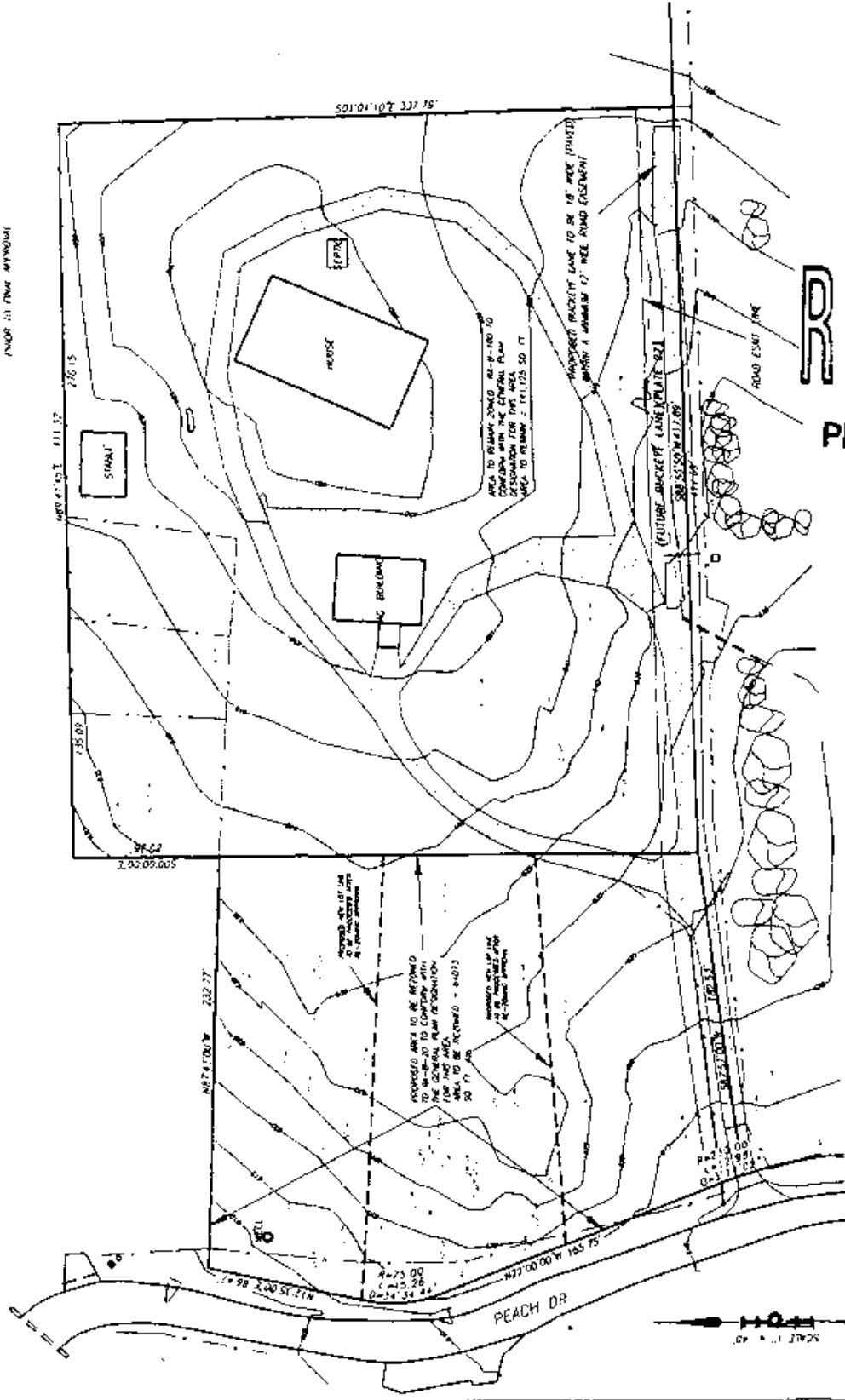
PLANNING DEPT.
LAND/CARD

PLACER COUNTY
COUNTY CLERK
APPLICATION

Prepared by/Submitted
INITIAL POINT, INC.
140 LORAIN AVENUE, SUITE 210
DUNES, MARYLAND 20646
PHONE: (301) 917-7177 FAX: (301) 917-0847



SUBJECT MATTER WILL BE LOTS NO. 3 AND WILL BE UNDER THE NEW SEWER LINE CURRENTLY BEING PROCESSED FOR THE MILLER-KENNEDY PLANS CURRENTLY UNDER REVIEW BY THE PLANNING DEPARTMENT (P-20883) APPROXIMATE AND 100% NOT TO BE ACCOMPLISHED UNDER THE NEW APPROVAL



RECEIVED
JUN 14 2006
PLANNING DEPT.



220

Law Offices of Chuck Farrar

140 LITTON DRIVE SUITE 200 GRASS VALLEY, CA 95945

(530) 273-0800 Fax (530) 273-0777
E-mail: chuck@cflawgold.com

October 4, 2006

By Hand Delivery

Honorable Board of Supervisors
Clerk of the Board, Ann Holman
County of Placer State of California
175 Fulweiler Avenue, Room 101
Auburn, CA 95603

Hand delivered by
Tim Schad, Surveyor
RECEIVED Initial
Point,
INC
OCT 04 2006
CLERK OF THE
BOARD OF SUPERVISORS
Michael Johnson

Re: **CANO REZONING (PREAT20051177) MITIGATED NEGATIVE DECLARATION**

INITIAL MEMORANDUM BY APPLICANT LINDI CANO

Honorable Board Members and Clerk of the Board:

This Initial Memorandum by Applicant Lindi Cano is submitted by Applicant Mrs. Lindi Cano in support of her application to rezone the western portion of her existing 4.67 acre parcel, that portion being 1.47 acres, to allow for the possible subsequent creation of a maximum¹ of three (3), almost .5 acre parcels, leaving the eastern 3.2 acre portion as presently zoned.

Summary of Applicant's points:

1. Existing Plan Designation is LDR, thus allowing (if not mandating) the requested zoning.
2. Planning Staff Agrees that LDR Designation allows requested zoning.
3. "Public Necessity, Welfare or Convenience" would be served by the rezoning: this is demonstrated by the Board's prior adoption of the Plan's LDR designation for the land.
4. 75% of the parcels within 1,500' of Applicant's parcel are under 1.5 acres.
5. The Staff's Negative Declaration of March 23, 2006 found no Plan "inconsistency" (except for treated water issues).
6. The Plan specifically designates this land as LDR; this specific designation in the Plan should control over a general provision in the Plan now referenced by Staff.
7. No significant opposition: one (1) neighbor who was selling his home objected.
8. Planning Commission orally recommended the rezoning application process in the fall of 2005 when it denied the variance on the technical grounds of "no special circumstances".

¹ If because of the property's physical or net property limitations only two (2) new LDR parcels could be created by a subsequent application to follow the requested rezoning, these two (2) new parcels would be at least almost .75 acres. If some of the 3.2 acre remainder portion of Applicant's parcel were included, as would be likely, the new parcels would be approximately 1.0 acres.

9. Any "Spot Zoning" in effect has already occurred by action of the Board's prior adoption of the LDR designation for 1/3 of Applicant's Parcel, leaving 2/3 of Applicant's Parcel Rural Residential (100,000 square feet minimum).

1. Existing Plan Designation is LDR, allowing (if not mandating) the requested zoning. The Horseshoe Bar Penryn Community Plan ("Plan") designates the western portion of Mrs. Cano's property as Low Density Residential, LDR, with a parcel size of .4 acre to 2.3 acres permitted. This LDR Plan Designation in fact splits Mrs. Cano's parcel along the north-south rezoning line as set forth in the Application.

Thus, the rezoning as applied for would implement the existing LDR Plan Designation and bring the zoning into conformance with the zoning called for by the Plan Designation.

2. Planning Staff Agrees that LDR Designation allows requested zoning. The Planning Staff recognized the LDR Designation in the Staff's August 2, 2006 Memorandum to the Board ("Staff Memo"):²

"The proposed rezone request is consistent with the Horseshoe Bar Penryn Community Plan designation of Low Density Residential, one unit per 0.4 - 2.3 acres."
Staff Memo at p.2 (emphasis by bolding supplied).

Because of (a) the critical nature of the LDR Plan Designation, (b) the fact that this Plan Designation applies to only the western 1/3 of Applicant's parcel, and not the eastern 2/3, and (c) the fact that close nearby the Applicants' parcel there is a mixture of LDR and Rural Residential Designations, a legible copy of Applicant's Existing General Plan Exhibit is attached hereto as Exhibit "A".

3. "Public Necessity, Welfare or Convenience" would be served by the rezoning: this is demonstrated by the Board's prior adoption of the Plan's LDR designation for the land. The applicable County Ordinance, Section 17.60.090 of the Placer County Code, Chapter 17, allows rezoning upon the Board's determination that "public necessity, welfare or convenience would be served". See, also, California Government Code Section 65853, *et. seq.*

This determination has already been made by this Board as a result of the adoption of the LDR Designation of the property in question. For example, the Plan provides as to LDR:

"c. Low Density Residential (LDR) The Low Density Residential designation comprises 492 acres or 3% of the Plan area. Parcel sizes range from 0.4 [17,424 square feet] to 2.3 acres and allows for more suburban densities than the previous rural designations."
Plan, II. Community Development, B. Land Use, 5. Land Use Designations, at p. 37 of 191, PDF Version on County web site.

² The Staff Memo Exhibit "3", as provided by Staff to Applicant in PDF format, is the Existing General Plan Exhibit that shows this LDR Designation, and is illegible--it is simply a black rectangle. A legible copy of this Exhibit is provided herewith as Exhibit "A", and will be made available to the Board at the hearing.

Unless the argument now is that the Board made a mistake when it adopted the Plan, or wasn't paying attention or didn't understand what it was doing, this Board has already determined quite specifically as to 3% of the Plan area, and specifically as to the western 1/3 of Mrs. Cano's parcel, that the zoning should be LDR. Not Rural Residential that would mandate 2.3 acre minimum parcel sizes.

Indeed, less than 1/2 of a mile to the east of the eastern 2/3 of Mrs. Cano's parcel, the portion of her parcel that shall remain Rural Residential, there is yet another area specifically designated in the Plan LDR. (See Exhibit "A" hereto.) This Board, the Planning Staff and presumably consultants working on the Plan quite specifically made and approved the LDR Designation now sought to be implemented by the present Application.

As matters of logic and law, this Board has determined that "public necessity, welfare or convenience would be served" by the LDR designation and zoning consistent therewith. Stated somewhat differently, the showing of "public necessity, welfare or convenience would be served" is the same showing that justifies passing zoning ordinances to implement general plan designations.

4. **75% of the parcels within 1,500' of Applicant's parcel are under 1.5 acres.** The Staff's Memo argues that many surrounding parcel sizes are larger than permitted by LDR Designation zoning. "Beauty is always in the eyes of the beholder." Applicant's land surveyor, Tim Schad of Initial Point, Inc., has prepared Exhibit "B" hereto, that shows the basis for his calculation that 75% of the parcels within 1,500' of the Applicant's parcel are under 1.5 acres in size. Simply put, this is not a neighborhood of large, estate-sized parcels. It is obviously mixed. And it was obviously mixed when the Board approved the LDR Designation when the Plan was adopted. The Staff's Memo is wrong when it states there are "many more parcels that comply with the current zoning". Memo p. 2.

5. **The Staff's Negative Declaration of March 23, 2006 found no Plan "inconsistency" (except for treated water issues).** The Staff's Negative Declaration for this Application, dated March 23, 2006,³ found no Plan inconsistency or Plan conflict, except for treated water issues. Initial Study, attached to the Negative Declaration, at page 2-3, Item 1.a. The only mitigation measure recommended related to treated water.

Now, the Staff's Memo references a Plan goal of "preserving the rural character and quality of the plan area." This argument is inconsistent with the Staff's Initial Study done in March 2006. This argument is also inconsistent with the Board's prior specific designation of the land in question as LDR.

6. **The Plan specifically designates this land as LDR; this specific designation in the Plan should control over a general provision in the Plan now referenced by Staff.** As matters of common sense, logic and statutory interpretation, the specific controls over the general. This Board specifically determined that the western 1/3 of Applicant's parcel be Designated LDR. At the same time or roughly the same time, this Board generally determined as to the Plan area that preserving the rural character and quality of the plan area was a goal. Applicant respectfully submits that the logic of specific controlling over general should apply here.

7. **No significant opposition: one (1) neighbor who was selling his home objected.** The Staff notes this sole neighbor objecting to the Application based his objection on neighborhood parcel consistency, presumably

³ Applicant was provided with a PDF of the Staff Memo that attached the earlier Negative Declaration that was generated for the variance application referenced in the Staff Memo. This was pointed out to Staff in advance of the Board package being assembled so this apparent mistake could be corrected.

parcel size. Please see Item 4, above. The neighbor, if he hasn't sold his parcel and moved on already, simply is not correct.

8. Planning Commission orally recommended the rezoning application process in the fall of 2005 when it denied the variance on the technical grounds of "no special circumstances". The Planning Commission did indeed deny an earlier variance application by Applicant. The grounds were technical and related to the law of variances: no "special circumstances" were found to exist.

Significantly from Applicant's point of view as a constituent member of the public, the Planning Commission, by one or more members, specifically suggested that Applicant apply for the rezoning as now allowed for and as apparently required by the LDR Plan Designation.

Applicant doesn't claim that the Planning Commission formally voted to make this recommendation for her to make this rezoning Application. What Applicant does suggest is that this oral recommendation to Applicant and her representative is one more factor, a "justice" factor, that this Board should now take into account.

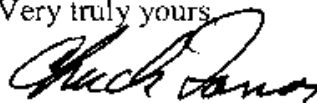
9. Any "Spot Zoning" in effect has already occurred by action of the Board's prior adoption of the LDR Designation for 1/3 of Applicant's Parcel, leaving 2/3 of Applicant's Parcel Rural Residential (100,000 square feet minimum). This Application will not result in "spot zoning" as suggested by the Staff's Memo. This Application will result in implementation of the Board's prior Plan Designation of LDR for the land in question. If there is any spot zoning involved, it has already occurred by the LDR Designation of 1/3 of Applicant's property, then a narrow swathe of Rural Residential Designation, followed by another area of LDR Designation, all just (350') to the east of the eastern 2/3 of Applicant's parcel.

Applicant respectfully requests this Board to approve the rezoning applied for. The Staff's Memo's articulation of the bases for the Planning Commission's recommended denial reveals that the Staff and perhaps the Planning Commission are now prepared to ignore the Plan Designation of LDR for the western 1/3 of Applicant's parcel.

The Board has already acted by adopting the Plan that included the LDR Designation for this land. This Application merely requests that the Board now correct an apparent oversight in the Plan-implementing zoning ordinances that should have been adopted by the Board shortly after the Plan was adopted.

This rezoning application approach made good sense to the Planning Commission back in October 2005 when the variance was denied—this exact process was orally recommended by the Commission to Applicant; this process makes good sense now. The rezoning is lawful, it carries forward and implements the Board's prior LDR Designation for this land, and is fair to this Applicant. The Application and Negative Declaration should be approved.

Very truly yours,



Chuck Farrar
Attorney for Applicant
Lindi Cano

cc: Lindi Cano; Tim Schad

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Applicant's Initial Memorandum:

October 4, 2006

Page 5 of 6

CANO REZONING (PREAT20051177)

Exhibit "A"

[Legible Version of Staff Memo Exhibit 3]

Applicant's Existing General Plan Exhibit

EXISTING GENERAL PLAN EXHIBIT

BEING A PORTION OF
THE S.E. 1/4 OF SECTION 7,
T.11N., R.8E., M.D.B.&M
PLACER COUNTY, CALIFORNIA
A.P. No. 037-103-024

Prepared For:
LINDICANO

PEACH DRIVE
LOOMIS, CA.

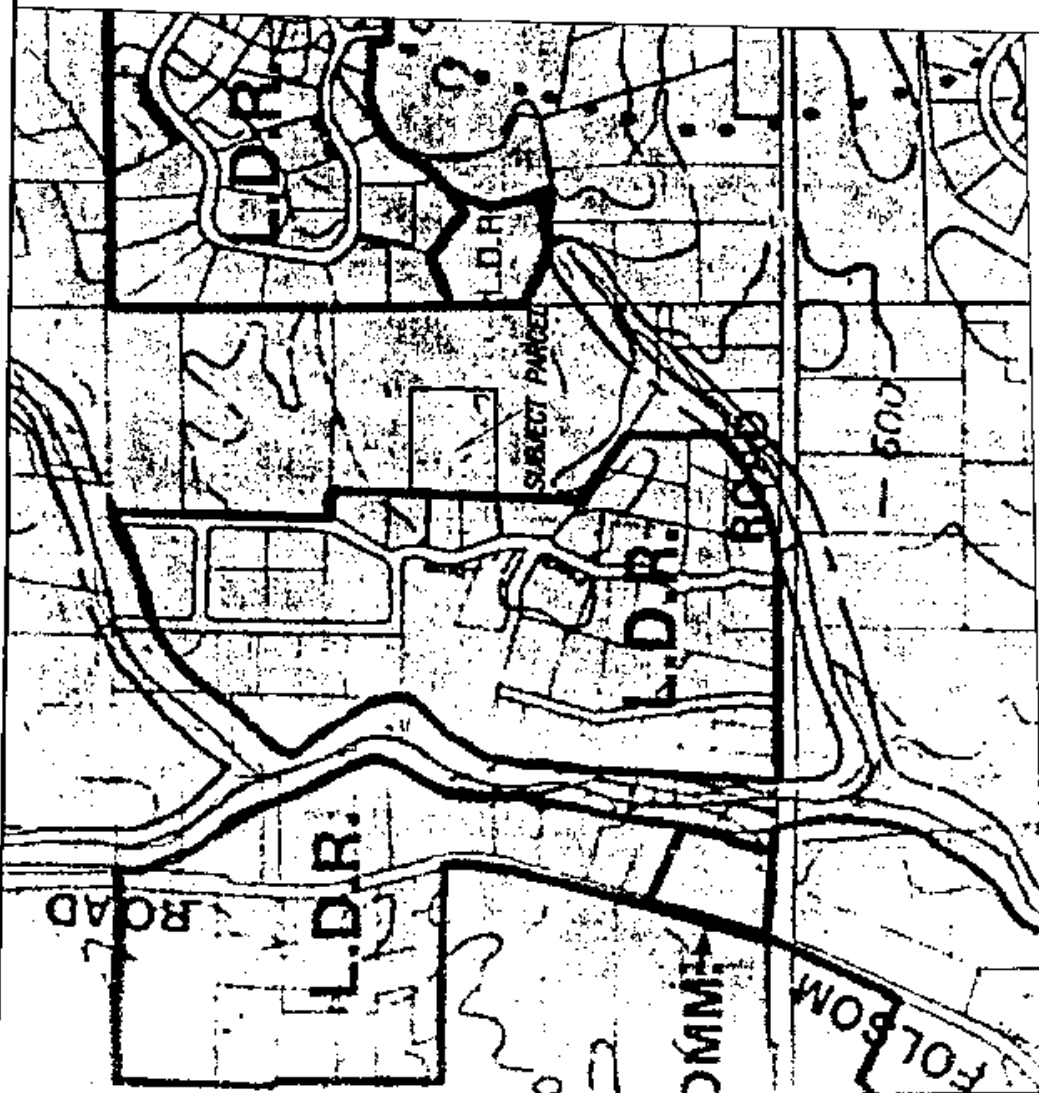
DECEMBER 2005

Prepared By/Applicant:

INITIAL POINT, INC.

140 LITTON DRIVE, SUITE 230
GRASS VALLEY, CA 95945

PHONE: (530)477-7177 FAX: (530)477-6967



GRAPHIC SCALE



(IN FEET)
1 inch = 500 ft

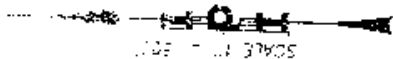


EXHIBIT "A"

Exhibit "B"

**Applicant's Exhibit
Showing Basis for Calculation that
65 of 87 [75%] Lots within 1,500 of Applicant's Parcel
Are less than 1.5 acres**

60 W. 111 ST. WITHIN 100 FT. OF THE SUBJECT PANEL AND LIES WITHIN 1/4 ACRES



ALBERTSON RD

EXHIBIT "B"