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EL DORADO

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MEMORANDUM

DATE: December 20, 2006 Agenda of: January 11, 2007
TO: Planning Commission Item #: 10.c.
FROM: Lillian MacLeod, Senior Planner
SUBJECT: 2006 Zoning Ordinance Update - Bed & Breakfast Inns Ordinance

WORKSHOP ON THE DRAFT BED & BREAKFAST INNS ORDINANCE

General Plan Implementation Measure LU-A requires revisions to the Ordinance that promote tourist lodging facilities in compliance with Policy 9.3.9.1. Within the Economic Development Element, Policy 10.1.6.1 specifically encourages the expansion and maintenance of bed and breakfast inns (B&Bs) among other tourist related uses, and Policy 10.1.7.4 encourages home occupations, providing compatibility with adjacent and surrounding properties is met. A B&B in a residential zone district is regarded by the County as an expanded home occupation for permitting purposes.

These policies were also included in the 1996 General Plan, leading the Planning Commission to adopt interim guidelines on July 24, 1997, regulating B&Bs within the County (Exhibit A). The guidelines have been used subsequently for all special use permit applications and require codification under the Zoning Ordinance update. Under the Guidelines, a B&B is allowed by right only within Commercial zone districts. Residential and agricultural zone districts require approval of a special use permit prior to operation. Discretionary review is handled on a case-by-case basis before the Planning Commission.

State law, as referenced in the Guidelines, allows up to 20 guestrooms under its definition of a B&B inn (Exhibit A). However, under §17.06.050 of the County Code, a B&B is defined as a "lodging facility operated by the resident and owner of the property on which it is located, consisting of not more than five (5) bedrooms." In updating the Ordinance it is necessary to start with a standard description of a B&B by clearly defining the maximum number of guestrooms that would be allowed within the primary residence. The question for County Counsel is can our Ordinance be more restrictive than State law in its definition? If not, then discretionary review will need to consider zone district, parcel size, and available parking and utilities when

determining the maximum number, up to 20, of guestrooms allowed. The added use of outbuildings for guestrooms would be determined based on this maximum number, as well.

The most common problems associated with discretionary B&B applications are generated as a result of special events, defined under §17.06.050 of the Zoning Ordinance as “weddings, parties, company picnics, birthdays, reunions, or other social gatherings where the owner of the property is compensated for the use of the site and facilities.” Traffic, noise, parking and dust are a few of the potential impacts raised by surrounding neighbors at hearings on special use permit applications, with concerns greatest on smaller sized parcels. Currently under the Guidelines, special events could be restricted on a case-by-case basis under discretionary review in order to mitigate potential impacts to the surrounding neighborhood. Does the Commission feel this is adequate or should the Ordinance revision restrict special events to specific zone districts or parcel sizes? Should frequency of events be restricted as well?

Finally, should the revised Ordinance include specific language requiring that B&Bs within Agricultural Districts or Natural Resource lands, as identified on the General Plan land use maps, or adjacent to land zoned Exclusive Agricultural (AE), Agricultural (A), or Timberland Preserve Zone (TPZ) be reviewed by the Agricultural Commission prior to action by the approving authority to consider compatibility with potential on-site or surrounding agricultural or timberland uses?

RECOMMENDATION

Provide staff with comments and direction regarding the working draft document.

ATTACHMENTS

- | | |
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| Exhibit A | Interim Guidelines adopted by the Planning Commission July 24, 1997 |
| Exhibit B | General Plan Policies |
| Exhibit C | Sample Ordinances: |
| | <ul style="list-style-type: none">• Placer County• Nevada County• Amador County• Marin County• City of Folsom |

EL DORADO COUNTY BED & BREAKFAST INNS

Interim Guidelines- Adopted by the Planning Commission on July 24, 1997

DEFINITION

STATE DEFINITION (SECTION 113870)

BED AND BREAKFAST INN: An establishment of 20 guestrooms or less, which provides overnight transient occupancy accommodations, which serves food only to its registered guests, which serves only a breakfast or similar early morning meal, and with respect to which the price of the food is included in the price of the overnight transient occupancy accommodation. The relationship between the occupants thereof and the owner of the establishment is that of innkeeper and guest.

GUIDELINES

Bed and Breakfast Inns shall be considered a home occupation in residential and agricultural districts, and shall only be authorized by Planning Commission approval of a special use permit based on the guidelines provided herein. Bed and Breakfast Inns within commercial zone districts are permitted by right.

- 1** The Bed & Breakfast Inn shall be the principal residence of the Bed and Breakfast property owner.
- 2.** Meal Service shall be limited to overnight guests and shall consist of either a continental or full breakfast as a portion of the overall room rate for Bed and Breakfast Inns.
- 3** One sign shall be permitted based on the standards of the Zoning Ordinance, unless greater sign area is authorized by special use permit. The design of the sign shall be reviewed by the Planning Commission for architectural compatibility with the Bed and Breakfast Inn structure.
- 4.** Bed & Breakfast Inns shall have direct access to a maintained road in conformance with Department of Transportation standards. The entrance, parking area and walkways must be well illuminated and free of obstructions or hazards of any type.
- 5** Bed & Breakfast Inn permits shall be reviewed by the Building Department, Environmental Health, and Department of Transportation for compliance with building, health and transportation requirements. Kitchens must be clean, well-maintained and comply with accepted standards of sanitation and hygiene and will require a valid El Dorado County Environmental Health Permit.

6. **Bed & Breakfast Inns shall provide off-street parking at a ratio of one space per each guest room, plus two spaces required for the principal dwelling. No guest parking shall be permitted within the required front yard setback. The parking provided for these bed and breakfast inns may be a gravel surface.**
7. **Bed & Breakfast Inns shall be considered as single-family residences or lodging houses for the purpose of building codes, unless additional standards are required by the Uniform Fire Code or the Uniform Building Code, as amended and adopted by El Dorado County.**
8. **A County business license shall be obtained prior to operation of the Bed and Breakfast Inn.**
9. **Bed & Breakfast Inns within agricultural districts must be reviewed by the Agricultural Commission prior to Planning Commission action.**
10. **To qualify as a historic Bed and Breakfast Inn, the inn's structure, outbuildings and/or surrounding property shall be determined to be of historic character and significance to the County. When applicable, the County Building Department shall review the proposed project based on the State Historic Building Code. Historic Breakfast Inns may have more than five bedrooms.**
11. **Special events, such as wedding receptions or social gatherings, may be allowed provided that a separate accessory building is available to serve as a commercial kitchen. Food preparation ,except for breakfast, shall not be permitted to occur in the Bed and Breakfast Inn. Special events shall be permitted only if authorized by special use permit when conditions are provided, which limit the number of special events and people attending, and make a provision to offset other related impacts. A temporary use permit for these functions may be processed in these situations where they are not authorized by the Bed and Breakfast special use permit, and when conditions are attached to the permit, to restrict the number of people attending so the neighborhood is not negatively impacted and to offset other related impacts.**
12. **New construction proposed on the Bed and Breakfast Inn site, not necessarily on a historic site, (including buildings not necessarily proposed for Bed and Breakfast Inn use) or exterior remodeling of buildings to be used for Bed & Breakfast Inns, is subject to architectural review by the Planning Commission as part of the special use permit process. This determination will be based on compatibility with neighborhood building style, building materials and any historic style indigenous to the area. Newly constructed Bed and Breakfast Inns shall be limited to a maximum of five bedrooms.**

- Policy 8.1.3.5 On any parcel 10 acres or larger identified as having an existing or potential agricultural use, the Agricultural Commission must consider and provide a recommendation on the agricultural use (except for parcels assigned urban or other non-agricultural uses by the land use map for the 1996 General Plan) or potential of that parcel and whether the request will diminish or impair the existing or potential use prior to any discretionary permit being approved.
- Policy 8.1.4.1 The County Agricultural Commission shall review all discretionary development applications and the location of proposed public facilities involving land zoned for or designated agriculture, or lands adjacent to such lands, and shall make recommendations to the reviewing authority. Before granting approval, a determination shall be made by the approving authority that the proposed use:
- A. Will not intensify existing conflicts or add new conflicts between adjacent residential areas and agricultural activities; and
 - B. Will not create an island effect wherein agricultural lands located between the project site and other non-agricultural lands will be negatively affected; and
 - C. Will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to agricultural lands.
- Policy 8.4.2.1 The County Agricultural Commission shall evaluate all discretionary development applications involving identified timber production lands which are designated Natural Resource or lands zoned Timberland Production Zone (TPZ) or lands adjacent to the same and shall make recommendations to the approving authority. Prior to granting an approval, the approving authority shall make the following findings:
- A. The proposed use will not be detrimental to that parcel or to adjacent parcels for long-term forest resource production value or conflict with forest resource production in that general area;
 - B. The proposed use will not intensify existing conflicts or add new conflicts between adjacent proposed uses and timber production and harvesting activities;
 - C. The proposed use will not create an island effect wherein timber production lands located between the project site and other non-timber production lands are negatively affected;
 - D. The proposed use will not hinder timber production and harvesting access to water and public roads or otherwise conflict with the continuation or development of timber production harvesting; and

EXHIBIT B

- E. The proposed use will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to timber production lands.

OBJECTIVE 9.3.9: TOURIST LODGING

- Policy 9.3.9.1 The County will encourage the development of private lodging facilities by modifying the Zoning Ordinance sections dealing with tourist related facilities.

- Policy 10.1.6.1 The County shall encourage expansion of the types of local industries that promote tourism including but not limited to Christmas tree farms, wineries, outdoor sports facilities, Apple Hill and other agricultural-related activities, the County Fairground, bed and breakfast inns, and ranch marketing activities.

- Policy 10.1.7.4 Home occupations shall be encouraged and permitted to the extent that they are compatible with adjacent or surrounding properties.

17.56.070 Bed and breakfast lodging.

When allowed by Sections 17.06.030 et seq., (Allowable land uses and permit requirements) in the zone applicable to a site, bed and breakfast establishments are subject to the requirements of this section. Bed and breakfast establishments provide overnight lodging for paying guests in a building designed as a single-family dwelling. Bed and breakfast establishments may serve meals or other food to guests only where authorized by the Placer County health department.

A. Owner Operation and Occupancy Required. A bed and breakfast establishment shall be operated, maintained, and occupied by the property owner, except when located in a commercial zone as provided by subsection E.

B. Location of Guest Rooms. Bedrooms for paying guests shall be located in the main residence of the property owner, with access to each bedroom provided from within the residence.

C. Maximum Number of Guest Rooms. A bed and breakfast establishment shall provide no more than six bedrooms for paying guests. Guest rooms shall not have cooking facilities.

D. Signs. Allowed signs for a bed and breakfast establishment are limited to the following instead of the signs otherwise allowed by Section 17.54.170 et seq., (Signs):

1. One sign attached to the main residence on the site, with a maximum area of four square feet; and

2. One freestanding sign, not to exceed twenty (20) square feet in area nor six feet in height above grade, placed on the site near the entrance from the public street to the establishment.

E. Bed and Breakfast Establishments Located in Commercial Zones. A bed and breakfast establishment shall be considered a hotel or motel when located in any commercial zone. Such establishments are allowable where hotels and motels are allowed by Section 17.06.050 (Land use permit tables), subject to all applicable requirements of this chapter for hotels and motels, including but not limited to those in Section 17.56.130 (Hotels and motels). Bed and breakfast establishments located in commercial zones are not subject to the requirements of this section.

F. Bed and Breakfast Establishments Located in Residential Single-Family (RS) Zones. Bed and breakfast establishments may be established in residential single-family (RS) zones, subject to the provisions of this section, and subject to the following additional requirements:

1. **Maximum Number of Guest Rooms.** A bed and breakfast establishment located in an RS zone shall provide no more than four bedrooms for paying guests; and

2. **Location on County Road.** A bed and breakfast establishment shall be operated in an RS zone only if the property on which such establishment is located directly abuts and is served by a county-maintained public road; and

3. **Permit Required.** A bed and breakfast establishment shall be operated in an RS zone only if a minor use permit is first obtained. (Ord. 5126-B (part), 2001)

EXHIBIT C



Sec. L-II 3.5 Bed & Breakfast Inns

A. PURPOSE. To allow various types of bed and breakfast inns in residential and rural districts, and to provide development standards that will ensure compatibility of such facilities with the surrounding neighborhood.

B. DEFINITIONS

1 Bed and Breakfast Inns, small - Owner occupied single-family dwellings that provide up to 3 guest rooms without individual kitchens, for temporary sleeping accommodations for paying guests, for a period not to exceed 30 consecutive days.

2. Bed and Breakfast Inns, medium - Owner occupied single-family dwellings that provide up to 5 guest rooms without individual kitchens, for temporary sleeping accommodations for paying guests, for a period not to exceed 30 consecutive days. They may also include conducting special events open to a limited number of people as specified in a Use Permit.

C. STANDARDS. Bed and breakfast inns are allowed subject to approval of a Use Permit based on the following standards:

1 Small Bed and Breakfast Inns:

- a.** Shall be the principal residence of the Bed & Breakfast Inn owner.
- b.** Service shall be limited to the rental of rooms and the provision of breakfast and snacks for overnight guests only.
- c.** One sign shall be permitted, a maximum of 4 square feet in size. The Planning Director shall review the design of the sign for architectural compatibility with the structure.
- d.** Shall be reviewed by the Departments of Building, Environmental Health, and Transportation and Sanitation for compliance with building, health, transportation, and sanitation requirements.
- e.** Shall provide off-street parking at a ratio of one space per each guestroom, plus spaces required for the dwelling. No guest parking is permitted in the required front yard setback.
- f.** Shall be considered as single-family residences for the purpose of building codes, unless additional standards are required by the Uniform Fire Code or the Uniform Building Code, as amended and adopted by the County of Nevada.
- g.** Shall be registered with the County for Transient Occupancy Tax purposes.

- h.** Shall be required to provide an appropriate level of liability insurance customarily available for like uses. Proof of said insurance shall be provided to the Nevada County Planning Department prior to issuance of the permit and subject to annual review and revision by the Planning Director to reflect current conditions.

Shall provide direct access to a publicly-maintained road. If the property does not have direct access to a publicly-maintained road, the applicant shall be required to form a new or join an existing road maintenance district (i.e., permanent road division, county service area, community service district).

2. Medium Bed & Breakfast Inns.

- a.** Shall meet all of the requirements of a small inn, except as noted below.
- b.** Shall provide off-street parking at a ratio of one space per each guestroom, plus spaces required for the single family dwelling. No guest parking is permitted in the required front yard setback. Parking for approved special events will be required in addition to that required for the Bed & Breakfast Inn use, in accordance with the off-street parking standards of this Chapter.
- c.** Medium Bed & Breakfast Inns, and roads providing access to them, shall comply with all applicable requirements of the State Fire Safety Regulations and Uniform Fire Code, as amended and adopted by the County of Nevada.
- d.** Medium Bed & Breakfast Inns are subject to annual compliance inspections, at the owner's expense, by the chief of the local fire protection district or, if located outside any local fire protection district boundaries, by the County Fire Marshal.
- e.** Special events, such as wedding receptions or social gatherings, may be allowed in a Medium Bed & Breakfast Inn only if specifically allowed in the Permit approved and shall be conducted in compliance with all conditions of approval including, without limitation, restricting the number of people attending so as not to exceed the maximum allowed.

Sec. L-II 3.6 Campgrounds and Camps, Low-Intensity

- A. PURPOSE.** To allow for recreational campgrounds and camps of a less intensive nature within rural and forested areas of the County. In general, such uses will provide for more open space, have less need for infrastructure, generate less traffic, and have less on-site development than uses allowed within the "REC" or "CH" Districts.

19.48.140 Bed and breakfast inns.

A. The following regulations shall be applied as minimum conditions of approval in all cases where a use permit has been issued for a bed and breakfast inn:

1. Only short-term lodging shall be provided.
2. Only breakfast shall be served and service shall be restricted to guests only, not the general public.
3. Adequate parking shall be provided: A minimum of one off-street parking space per guest room plus one space for the owner or manager.
4. Owner or manager shall be required to occupy the property.
5. Bed and breakfast inns shall be required to comply with the Amador County building code and health department requirements.
6. The bed and breakfast inn shall be restricted to one advertising structure (i.e., sign) which may be either freestanding or affixed to the main building.

On parcels of five acres or more said sign shall not have an advertising surface of one side greater than sixteen square feet. On parcels less than five acres said sign advertising surfaces may, on each side, be illuminated by a single, nonflashing light source not exceeding the equivalent of one-hundred-fifty-watt light bulb aimed directly at the sign and shielded from neighboring properties. On parcels of five acres or more permitted illumination shall be of a nonflashing type, but, without restriction as to wattage unless found to be necessary.

7. Bed and breakfast inns may be approved in an existing dwelling in the following zone districts: R1, R2, R3, RE, A, AG, C1, C2, X, R1A and PD. Due to the fact that an existing residential dwelling in an agricultural, industrial or commercial area may be approved for conversion to a bed and breakfast inn there is a potential for a future conflict in land use. In order that future owners or patrons of bed and breakfast inns in these instances will not eventually attempt to curtail what they believe to be incompatible adjacent land uses, a notice shall be prominently placed on the issued use permit which warns the permittee that the permit was approved with full knowledge of said agricultural, industrial or commercial uses on adjacent or nearby properties.

The following regulations shall be additionally applied as minimum conditions of approval in all cases where the bed and breakfast inn will be permitted to hold commercial weddings:

8. The use permit shall contain a maximum number of allowed persons per event.
9. A minimum of one on-site parking space per two function guests shall be provided. Said parking area must be maintained in a dust-free manner.
10. The inn shall secure written verification from the Amador County Health Department that the sewage disposal facilities are sufficient to serve the maximum allowed number of function guests.
11. On-site food preparation must be in conformance with applicable state and local health codes.

B. Other use permit conditions may be applied to a bed and breakfast operation as conditions of approval, including, but not limited to, days and hours of operation, number of events per year, serving of alcohol and/or food, and playing of music. (Ord. 1256 §8, 1991).

22.32.040 Bed and Breakfast Inns.

Bed and breakfast inns (B&Bs) are subject to the requirements of this Section. The intent of these provisions is to ensure that compatibility between the B&B and any adjoining zoning district or use is maintained or enhanced.

A. Permit requirement. B&Bs are allowable in the zoning districts and with the permit requirements determined by Articles II (Zoning Districts and Allowable Land Uses), and V (Coastal Zones - Permit Requirements and Development Standards).

B. Site requirements. Except for minimum lot size requirements, the proposed site shall conform to all standards of the applicable Residential, Commercial, Coastal, or Agricultural zoning district.

C. Appearance. The exterior appearance of the structure used for the B&B shall maintain single-family residential characteristics.

D. Limitation on services provided. The services provided guests by the B&B shall be limited to the rental of bedrooms and the provision of breakfast and light snacks for registered guests. There shall be no separate/additional food preparation facilities for guests.

No receptions, private parties, retreats, or similar activities, for which a fee is paid shall be allowed.

E. Business license required. A current business license shall be obtained/posted, in compliance with Title 5, Chapter 5.54 (Business Licenses) of the County Code.

F. Occupancy by permanent resident required. All B&Bs shall have one household in permanent residence.

G. Transient Occupancy Tax. B&Bs shall be subject to the Transient Occupancy Tax, in compliance with Chapter 3.05 (Uniform Transient Occupancy Tax) of the County Code.

H. Signs. Signs shall be limited to one on-site sign not to exceed four square feet in area and shall be installed/maintained in compliance with Chapter 22.28 (Signs).

Fire safety. The B&B shall meet all of the requirements of the County Fire Department.

J. Parking. On-site parking shall be provided in compliance with 24.04.330 through .400 (Parking and Loading) of the County Code.

K. Sewage disposal. Any on-site sewage disposal shall be provided in compliance with Title 18 (Sewers) of the County Code.

(Ord. 3380 Exh. B (part), 2003)

**Chapter 17.27
BED AND BREAKFAST INN**

Sections:

- 17.27.010 **Bed and breakfast inn defined.**
17.27.020 **Where allowed—Permit required.**
17.27.030 **Findings.**
17.27.040 **Special requirements.**

17.27.010 Bed and breakfast inn defined.

"Bed and breakfast inn" means any building used in whole or in part for sleeping and living facilities of not more than five guest units, available to the public for hire on an overnight or limited-term basis. Such use may also include meal service, if limited to guests. (Ord. 529 § 1 (part), 1984)

17.27.020 Where allowed—Permit required.

Bed and breakfast inns shall be permitted in any residential, business and professional, historical, or commercial zone, provided a use permit is obtained pursuant to Chapter 17.60. (Ord. 529 § 1 (part), 1984)

17.27.030 Findings.

No use permit shall be granted unless the following findings are made:

- A. The conversion of an existing building to a bed and breakfast inn will not damage any significant historical features or character of such building.
- B. Adequate off-street parking can be provided equivalent to one space per guest unit, plus two spaces for the inn-keeper or caretaker. Such parking spaces shall be constructed and maintained in accordance with the requirements of Chapter 17.57 of this code.
- C. The bed and breakfast and permitted ancillary uses will be compatible with adjacent uses. (Ord. 529 § 1 (part), 1984)

17.27.040 Special requirements.

The following special requirements shall be complied with:

- A. **Building Standards.** Buildings proposed for conversion to a bed and breakfast inn shall be required to comply with residential building code standards upon conversion, provided that where meal service is to be provided, higher standards may be applied to kitchen facilities where necessary to protect the public health and safety.
- B. **Ancillary Activities.** The use permit may authorize limited ancillary activities such as weddings, receptions, fund raisers or similar events attended by non-guests, subject to conditions which are necessary to satisfy Section 17.20.030C, including, but not limited to, restrictions upon the frequency and time of holding events, duration thereof, and the maximum number of persons attending. Unless expressly authorized in the use permit, such ancillary activities are prohibited. (Ord. 831 § 1 (part), 1995; Ord. 529 § 1 (part), 1984)