

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



**Agenda of:** December 13, 2007  
**Item No.:** 9.  
**Staff:** Tom Dougherty

**SPECIAL USE PERMIT**

**FILE NUMBER:** S07-0017 Pleasant Valley Harvest  
**APPLICANT:** John Mosbacher, Manager, Gumball Holdings  
**REQUEST:** Special Use Permit to allow the following structures/improvements and uses:

Structures/Improvements:

- (1) Ranch Marketing Building: Construct a three-level, 11,338 square-foot mixed use building to include lodging, ranch marketing/sales area, commercial kitchen and bake shop, dining facility, multi-use hall, offices, and storage;
- (2) Observation tower: Construct a 19 foot by 20 foot, 32-foot tall high, three-level observation tower;
- (3) Residence: Construct a single-family primary residence for the property owner;
- (4) Two parking areas: 103-space main graveled parking area and a 44-space graveled overflow parking area;
- (5) Other improvements: Three picnic areas, walking paths, and a pond; and
- (6) Signs: Three on-site 32 square-foot monument signs and one wall sign.

Uses:

- (1) Sales of on-site produced agricultural products to the public.

(2) 38 commercial events (such as social and corporate events, small concerts, theatrical performances, weddings, etc.)

(3) Concurrent with the promotional events, a maximum of 40 crafters for sale of handicraft items only. Booth/sales area not to exceed 4,000 square feet total.

**LOCATION:** East side of Buck's Bar Road approximately 2.1 miles south of the intersection with Pleasant Valley Road in the Pleasant Valley area, Supervisorial District II. (Exhibit A)

**APN:** 046-270-24

**ACREAGE:** 50.59 acres

**GENERAL PLAN:** Agricultural Lands - Agricultural District (AL - A) (Exhibit B)

**ZONING:** Estate Residential 10-acre (RE-10) and Planned Agricultural 30-acre (PA-30) (Exhibit C)

**ENVIRONMENTAL DOCUMENT:** Mitigated Negative Declaration

**RECOMMENDATION:** Staff recommends the Planning Commission take the following actions:

1. Adopt the Mitigated Negative Declaration and Mitigation Monitoring Program, based on the Initial Study prepared by staff.
2. Approve the Special Use Permit S07-0017 subject to the Conditions of Approval in Attachment 1, based on the Findings in attachment 2.

**BACKGROUND:** The subject parcel, formerly 046-270-19, was created by Parcel Map 39-125 recorded on October 25, 1988. The two-acre parcel originally in the southwest corner of the subject parcel, formerly 046-270-13, was created in 1955 and became a legal recognized parcel by issuance of Certificate of Compliance COC 97-1899 in November of 1997. A third 3.04-acre parcel formerly identified by 046-270-21 and originally created in 1997, was also involved in the current parcel configurations which were changed by the approval of Boundary Line Adjustment (BLA) 07-0031 on May 14, 2007 resulting in the current configuration of the subject parcel now being 50.59 acres and another parcel adjoining under the same ownership but is not subject of this special use permit request. By a request from the applicant, the finaling of that BLA will occur contingent on the outcome of this special use permit and shall be a requirement of the subject application.

## STAFF ANALYSIS

**Project Description** is summarized as follows:

The applicant is proposing to construct a three-level, 11,338 square-foot mixed use “Ranch Marketing Building with market and storage space for product sales, a bake shop, indoor and outdoor special events areas with lodging and multi-use space for private social events, family reunions, corporate and charitable events, small concerts, and weddings with the total capacity for special events not to exceed 250 persons and theatrical performances not to exceed 300 persons. Also proposed is one on-site wall sign mounted on a structure straddling the interior entranceway drive designed to look like the old Buck’s Bar Covered bridge and two additional on-site monument signs at the main entrance at Bucks Bar Road, one monument sign within the parcel at the Ranch Marketing building, one outdoor toilet room for guests and customers, a primary single-family dwelling for the owner, an observation tower, a graveled main parking lot, and graveled overflow parking lots with a total of 147 spaces proposed for cars, over-sized vehicles, and buses. Outdoor pole lighting with full cut-off shielding is proposed to illuminate the main parking lot, and wall-mounted lights for the lawn, toilet room and agricultural sale areas. An aquaculture fish pond will be created. Other improvements include three picnic areas, walking paths and a covered pedestrian bridge crossing the intermittent stream. The existing 800 square-foot single-family residence would become a second residential unit when the primary single-family dwelling is constructed.

The Ranch Marketing Building is proposed to have a 4,800 square-foot main floor with a bake shop, dining facility, accessible restrooms, dressing rooms, offices, storage, and a multi-purpose main hall with a maximum capacity of 250 people for events. The lowest level is also 4,800 square-feet and will include the market area for selling of ranch marketing products and an area for general storage and cold storage of fruit and berries grown on site. The gift display area of 1,000 square feet for sale of agricultural related merchandise and gift items.

The top level will include a 1,200 square-foot living area proposed to be used as a lodging area accommodating up to 15 guests. The applicant proposes to live in the lodging area with two bedrooms and a private kitchen until the primary dwelling is constructed. At that time the kitchen in the upper level will be removed and it will become the third bedroom leaving the commercial kitchen below as the only kitchen. The lodging use will not commence and no guests would be permitted within the ranch marketing lodge area until the primary dwelling is cleared for final occupancy. The existing 800 square-foot residence will be the Second Residential Unit.

Exterior to the main building, there will be an accessible toilet room accessed by a covered breezeway, a patio with a sitting wall for special events, a picnic lawn, and a 19-foot by 20-foot by 32-foot tall observation tower with a single accommodation toilet on the tower’s main floor, and 262 square-foot bedroom on the top floor. The first floor of the observation tower will also include a “you-pick” fruit and berry sales area.

The applicant proposes to provide indoor and outdoor amplified music which complies with the Noise Element of the 2004 General Plan.

The following is a summary of the proposed mixed-use building categorized by use and by floor:

<b>Upper Level</b>	<b>1,200</b>	<b>s.f. total</b>
Lodging, two bedrooms now, three later when bath is removed.	1,100	s.f.
Stair	100	s.f.
<b>Middle Level</b>	<b>4,919</b>	<b>s.f. total</b>
Bake shop	554	s.f.
Toilet rooms	433	s.f.
Offices	271	s.f.
Miscellaneous (storage/hallways)	330	s.f.
Multi-purpose Main Hall)	2,924	s.f.
Lodging (one storage/bedroom)	185	s.f.
<b>Lower Level</b>	<b>4,800 sq. ft.</b>	<b>s.f. total</b>
Pantry, cold storage, office	766	s.f.
Agricultural products, storage and sales	4,034	s.f.
<b>Total square footage, all three floors</b>	<b>11,338</b>	<b>s.f.</b>
<b>Outside toilet and storage building</b>	<b>441</b>	<b>s.f. total</b>
<b>Outside observation tower</b>	<b>992</b>	<b>s.f. total</b>
One bedroom	262	s.f.

The activities/uses proposed are described as “enterprises” and six are proposed:

1. **Ranch Marketing Enterprise:** Sale of fruits, berries, vegetables, pumpkins, and Christmas trees as well as renting space to vendors of handicrafts. Vendors and their customers will have the opportunity to also use the picnic area, hiking paths, the “you-pick” operation, and the observation tower.
2. **Harvest Lodge Enterprise** (multi-use hall): Space for events such as agricultural marketing promotional events, family reunions, weddings and receptions, etc. A portable bandstand and indoor and outdoor dance areas are proposed. The Bake Shop kitchen facilities will be made available to allow caterers to prepare and serve food for events (see bake Shop Enterprise).
3. **Bake Shop Enterprise:** When the owner is not using the commercial kitchen to process their own agricultural products, the kitchen would be available to caterers to prepare and serve food at on-site special and promotional events.
4. **Agricultural Lodging Enterprise:** Proposed to provide for small groups of 15 people or less an opportunity to experience farm life with an overnight stay at the farm with sleeping quarters and a prepared meal. The lodging of guests would not occur when larger events are planned for the Harvest Lodge multi-purpose areas.

5. **Artistic Enterprise:** Areas provided throughout the orchard and facilities as venues for bird watchers, painting artists, photographers, etc. along a 0.5 mile hiking trail and riding path. A limited number of small-scale outdoor music events, and a permanent old-west theme photo back drop adjacent to the nature path in the eastern portion of the parcel in Picnic area No. 2 are also included in the project.
6. **Community Service Non-Profit Enterprise:** Facilities will be made available to school groups for outdoor education, Boy and Girl Scouts, 4-H, school and recreational team sports banquets, service club dinners, farm bureau, farm trails, neighborhood meetings, charity events, etc.

**The following types of events are proposed:**

Note: \*Indicates El Dorado County Zoning Ordinance reference for proposed uses.

**Commercial Events (38 total events):**

- 12 events per year with less than 125 people for commercial purposes.  
\*17.14.180.B.1.fii
- 12 special events per year with more than 125 people but less than 250 people.  
\*17.14.180.2.b.ii
- 12 outdoor patio events at one evening per month not to exceed 125 people.  
\*17.14.180(b)
- 2 outdoor theatrical performance special attraction events per year with more than 250 people but less than 300 people.  
\*17.14.180.3.i

**Promotional Events (24 total events):**

- 12 outdoor promotional events per year                   \*17.14.180.B.1.g
- 12 indoor promotional events per year                   \*17.14.190.B.g
- Concurrent with promotional events, a maximum of 40 crafters for sale of handicraft items only. Booth/sales area not to exceed 4,000 square feet total area.

**Total Number of Proposed Events: 62**

**Site Description:** The 50.59-acre site is located approximately between the 2,150-foot to 2,500-foot elevations above sea level and gently slopes from the northeast corner to the southwest portion of the parcel. Two intermittent streams join as one which is shown on the Camino U.S.G.S. Quadrangle to begin within the parcel, drains from northeast to southwest and drains through a culvert under Bucks Bar Road. This riparian area contains the majority of the native oaks and pines. To the side of the intermittent stream is a man-made pond currently covered in cattails. El Dorado Irrigation District's Crawford Ditch loops through the northern portion of the parcel from east to west. There are approximately seven acres of cleared arable land planted with 52 varieties of fruit trees and berries within the central portion of the parcel.

There is one existing agricultural barn in the northwest corner and an approximately 800 square-foot single-family dwelling in the southeast corner with a separate short driveway off of Bucks Bar Road and an existing well. There is an existing driveway entering from Bucks Bar Road running past the barn and exiting through a gate on the roadway to the east. This driveway has been improved from the existing barn eastward to the emergency exit and outdoor picnic area with culverts where it crosses the intermittent stream and gravel to a width of approximately 20 feet and includes construction techniques prescribed by United States Natural Resources Conservation Service (NRCS) Best Management Practices (BMP) Specifications Nos. 391, 359 and 644 which are described in more detail below.

**Adjacent Land Uses:**

	<b>Zoning</b>	<b>General Plan</b>	<b>Land Use/Improvements</b>
<b>Site</b>	PA-30/RE-10	AL/A	Single family dwelling
<b>North</b>	RE-10	AL/A	Northeast: Commercial Cattle grazing/single family residence. Northwest: Miniature horse operation, single family residence, commercial status unknown.
<b>South</b>	AE	AL	Southwest: Commercial horse stables/single family residence, 15 acres. Southeast: Walnut orchard with single family residence, commercial status unknown, 41 acres.
<b>East</b>	PA-30	MDR	Not in agricultural production/single family residence
<b>West</b>	RE-10/RA-20	NR	Commercial grazing on leased vacant land.

Discussion: The surrounding parcels are predominately 15 acres or larger generally have single family dwellings with accessory buildings clustered around them with associated hobby and commercial agricultural uses.

**General Plan:** The General Plan designates the subject site as Agricultural Lands (AL) with Agricultural District (A) Overlay. AL permits a maximum of two residential dwellings used to support agricultural use and requires the land should be of sufficient size to sustain agricultural use, have choice agricultural soils and/or are under cultivation for commercial crop production. The site is 50.59 acres and there are seven acres of cleared arable land planted with 52 varieties of fruit trees and berries. The A overlay identifies areas with choice agricultural soils which the County has determined should be preserved for agricultural uses with agriculture as the primary activity and to discourage incompatible uses such as higher density residential use. **Policy 2.2.5.2** requires that applications for discretionary projects, such as a special use permit, shall be reviewed to determine consistency with General Plan policies.

**Policy 2.2.5.21** directs that development projects shall be located and designed in a manner that avoids incompatibility with adjoining land uses that are permitted by the policies in effect at the time the project is proposed. Staff has found the design of the projects physical elements and the

ranch marketing uses supporting the agricultural production can be found to be compatible with the surrounding agricultural uses.

**Policy 2.8.1.1** directs that excess nighttime light and glare be limited from the parking area lighting, signage and buildings and that consideration be given to the use of motion detectors or automatic shutoffs for lighting features in rural areas. Planning staff recommends that the project be conditioned for all lighting to conform to § 17.14.170, and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation with further restrictions for height of pole lighting, motion sensors and hours of operation. As conditioned, staff finds the submitted lighting plan complies with this Policy. The lighting plan is provided as Exhibit H.

**Policy TC – Xe** defines the number of traffic trips generated from a proposed project that would “worsen” the current traffic levels enough to warrant a traffic study. The ranch marketing operation will generate random and intermittent traffic levels due to the nature of the operation; weekend and varied hours events are held. DOT staff determined that pursuant to Policy TC-Xe, the proposed use for Pleasant Valley Harvest will not "worsen" traffic and will therefore not require a traffic study and that this project will not create a significant impact on traffic.

**Policies 6.5.1.2, 6.5.1.3, 6.5.1.7 and 6.5.1.13** direct that noise from non-transportation sources shall be mitigated in compliance with Table 6-2. The applicant proposes to provide amplified music for the proposed events and has provided a *Noise Impact Evaluation for Pleasant Valley Harvest*. Four mitigation measures are recommended to assure noise levels do not exceed General Plan requirements. The full discussion of the noise impacts is included in Section XI, Noise in the Environmental Checklist and Discussion of Impacts.

**Policy 7.3.3.4** directs the County to provide buffers and special setbacks for the protection of riparian areas and wetlands. These interim standards may be modified in a particular instance if more detailed information relating to slope, soil stability, vegetation, habitat, or other site- or project-specific conditions supplied as part of the review for a specific project demonstrates that a different setback is necessary or would be sufficient to protect the particular riparian area at issue.

A biological assessment report dated May 17, 2007 was prepared by Michael Baad, Ph.D., Department of Biological Sciences, C.S.U.S, which addressed the potential impacts to the wetland/riparian habitat and concluded that an alternative minimum setback of 25 feet from the delineated wetlands would be sufficient to protect the particular riparian areas at issue. To ensure that those recommendations are practiced, the report recommended mitigation measure is included in Attachment 1. The full discussion of the impacts to wetlands is included in Section IV, Biological Resources in the Environmental Checklist and Discussion of Impacts.

The applicant voluntarily entered into an agreement with the Natural Resources Conservation Service (NRCS) conservation practices which includes 22 items that are subject to Practice 391 (Riparian Forest Buffer), Practice 359 (Wetland Enhancement), and Practice 644 (Wetland Wildlife Habitat Management) in a cost-share assistance contract that expires in 2014 and the practices and their on-going monitoring are slated to be completed by 2011. They include

erosion control measures, re-vegetation, and establishing wildlife habitat among other measures. NRCS certifies the various stages of the practices completed to their satisfaction. The project is subject to using best management practices, (called Standards and Specifications by NRCS) for reducing impacts from grading/development in the environmentally sensitive wetland and the related oak canopy area during the contract period. The applicant had pro-actively begun instituting those practices outlined in his private contract prior to submitting his special use permit application and many of the stages are near completion. The site has a small man-made pond area outside of the stream system that is currently full of cattails and the applicant plans to restore it back to original condition. It is was determined by the biologist that the pond area is not subject to U.S. Army Corps of Engineering or CA Fish and Game regulations.

**Policy 7.4.4.4** directs that native oak tree habitat loss shall be mitigated. The applicant has stated that no trees are proposed to be removed as of the time of this application. Their plan is to work the graveled parking lots around any existing oak tree and use them for shade. Two native valley oaks are proposed to be planted within the proposed landscaped area near the ranch marketing building. The full discussion of the impacts to native oak trees is included in Section IV, Biological Resources in the Environmental Checklist and Discussion of Impacts.

**Policy 8.1.4.1** states that 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. The subject parcels are located within lands designated as Agricultural – Agricultural District (A1 – A) and the Commission reviewed the proposal as they have concerns about projects that do not have adequate crop production, have uses that may become dominate over agricultural production and harm choice agricultural soils, and are incompatible with agricultural use of the land. The Agricultural Commission reviewed the subject request at their July 11, 2007, meeting and recommended the following to be added as a mitigation measure: *The applicant shall continue to maintain five acres or more in Agricultural production using Best Management Practices. A work plan shall be submitted to the El Dorado County Agricultural Department for the next two years with an annual review by the Agricultural Commission for the two years following the approval of S07-0017, including an updated work plan and progress report; with no special events permitted until the five-acre production requirement has been met and finding that the planned walking paths and birding areas are compatible with agricultural production pursuant to General Plan Policy 8.2.2.1.* Planning staff has recommended including this in a mitigation measure as stated in Attachment 1.

**Policy 8.2.2.1** directs that *agricultural operations allowed by right on agricultural lands shall include, but not be limited to cultivation and tillage of the soil, grazing, dairying, irrigation, frost protection, cultivation, growing, harvesting, sound devices, use of approved fertilizers, pesticides, and crop protection, processing of any agricultural commodity, including timber, Christmas trees, shrubs, flowers, herbs, and other plants, commercial practices (ranch marketing) performed incidental to or in conjunction with such agricultural operations including the packaging, processing, and on-site sale of agricultural products produced in the County, and agricultural resource management including wildlife management, recreation, tours, riding and hiking access, fishing, and picnicking.* The applicant is proposing the enterprises described in



the project description above which include elements of most of the directed, preferable activities.

**Policy 8.2.2.2** states that *the approving authority shall find that the use will not substantially detract from agricultural production in the surrounding area and that it will be compatible with and will not have a significant adverse impact on adjacent or nearby neighborhoods beyond that allowed by the Right to Farm Ordinance and other applicable law.* Staff finds that the proposal, as mitigated and conditioned, would be compatible as the majority of the surrounding parcels are 15 acres and larger and are involved in some sort of hobby or commercial agricultural use.

**Policy 8.2.4.2** directs that a special use permit shall be required for *visitor serving uses and facilities providing they are compatible with agricultural production of the land, are supportive to the agricultural industry, and are in full compliance with the provisions of the El Dorado County Code.* The project is recommended to be conditioned and mitigated to assure that the agricultural operation remains viable and the dominant use and income source of the subject parcel. The applicant has tentatively estimated that at full agricultural production, approximately 94 percent of the 50.59 acres could potentially be planted in crops with the potential for approximately 90 percent of the income to come from those crops. There is potential for approximately 38 acres to be planted in crops such as grapes, orchard, vegetable garden, and Christmas trees at a potential rate of 2 acres of new plantings per year.

**Policy 8.2.4.3** directs that *visitor serving uses may include but are not limited to: recreational fishing, camping, stables, lodging facilities, and campgrounds.* The applicant proposes lodging with transient occupancy for three bedrooms on the third (top) floor, and the two dressing/bedrooms on the middle floor of the multi-purpose ranch marketing building to accommodate a maximum of 15 visitors when special events are not taking place. The intent is to offer an agricultural experience to visitors as described in more detail in the Enterprises section in the project description above. The applicant is proposing a commercial kitchen to El Dorado County Environmental Health Division standards.

**Policy 8.2.4.4** directs that *ranch marketing, and visitor-serving uses (agricultural promotional uses) are permitted on agricultural parcels, subject to a compatibility review to ensure that the establishment of the use is secondary and subordinate to the agricultural use and will have no significant adverse effect on agricultural production on surrounding properties. Such ranch marketing uses must be on parcels of 10 acres or more; the parcel must have a minimum of 5 acres of permanent agricultural crop in production or 10 acres of annual crop in production that are properly maintained. These uses cannot occupy more than 5 acres or 50 percent of the parcel, whichever is less.* **Policy 8.2.4.5** directs that *the County shall support visitor-serving ranch marketing activities on agricultural land, provided such uses do not detract from or diminish the agricultural use of said land.* The applicant has estimated that 94 percent of the 50.59 acres are proposed to be used in support of the agricultural operation and further estimates that 90 percent of the gross income will result from the sale of agricultural products and 10 percent from accessory uses. To assure the intent of this Policy is met, the recommended mitigation measure referred to above in the 8.1.4.1 section is applicable.

**Conclusion:** The project has been reviewed in accordance with the El Dorado County 2004 General Plan policies, and it has been determined that the project is consistent with the General Plan. Findings of consistency with the General Plan are provided in Attachment 2.

**Zoning:** The property is zoned Estate Residential 10-acre (RE-10) and Planned Agricultural 30-acre (PA-30), which both permit single-family dwellings, accessory structures, and certain home occupations. An approximately two-acre portion surrounding the existing 800 square-foot dwelling and a small northern portion of the parcel are zoned RE-10 as the zoning lines do not match the current parcel boundaries.

Section 17.70.090 describes that the purpose of the RE-10 District is to provide for the orderly development of land having sufficient space and natural conditions compatible to residential and accessory agricultural and horticultural pursuits. Section 17.36.110 states the purpose of the PA District is to support agricultural pursuits in addition to promote and encourage them by providing additional opportunities for the sale, packing, processing and supporting activities that tend to increase the economic viability of those pursuits. Ranch marketing activities pursuant to the provisions of 17.14.180 are permitted by right and those not listed require a special use permit pursuant to 17.36.140.L. The 50.59-acre parcel meets the minimum parcel size required in the PA zone district of 20 acres pursuant to 17.36.160. The portions of the parcel zoned RE-10 do not meet the minimum parcel size of 10 acres pursuant to section 17.70.110 but were of substandard, legal non-conforming size prior to the approved boundary line adjustment.

The proposed use of a ranch marketing lodging requires a special use permit pursuant to Section 17.14.180.B.3.d. Staff reviewed the “El Dorado County Bed and Breakfast Inns, Interim Guidelines” adopted by the El Dorado County Planning Commissioners on July 24, 1997, (attached as Exhibit O), as the guide in looking at lodging proposal. Many of the guidelines from that document have been included as recommended as Planning staff recommended conditions of approval. Bed and Breakfasts (B&Bs) and *other lodging facilities* are permitted under 17.14.180.B.3.d, Ranch Marketing, with an approved special use permit.

Section 17.14.180 describes the purpose of ranch marketing as being *to provide for the development of ranch marketing activities to encourage the economic development of the agricultural and tourism while regulating such uses to protect the public health, safety and welfare and the enjoyment of property by adjacent property owners.* The applicant has met with adjacent parcel owners prior to the application submittal as well as heard their concerns at the Agricultural Commissioners meeting. They have adjusted their project to attempt to mitigate the majority of those concerns. The following uses that are included in the application submittal are permitted by right in the ranch marketing section within the sections of the parcel zoned Planned Agricultural:

- *Picnic area for daylight use.*
- *Display of handicrafts and agricultural promotional products produced on-site or off-site provided the primary product sold is an agricultural product produced by the owner of the subject parcel.*

- *Gift display and sales area, not including handicrafts, not to exceed 500 square feet of interior floor space for the sale of agricultural related promotional items, gift items, and/or pre-packaged goods and only concurrently with the sale of agricultural products and/or byproducts produced on site.*
- *Bake shop operated concurrently with the sale of on-site produced agricultural products and agricultural byproducts. Food items, where the principle ingredient of the food are not grown on the premises, may be made and/or sold for one (1) year following the implementation of this ordinance, except as otherwise provided for in this ordinance;*
- *Prepared food stand operated concurrently with the sale of on-site produced products/byproducts.*
- *Special events for commercial purposes not to exceed 125 persons with the number of events to exceed 12 per year.*
- *Marketing promotional events promoting the agricultural operation on the parcel and/or the agricultural region. No single event to exceed three consecutive days.*
- *Sale of alcoholic beverages made from agricultural products produced on site. This section shall not prohibit the sale of alcoholic beverages processed off site, provided that the alcoholic beverage includes only agricultural products grown on site.*
- *One additional unlighted, on-site sign advertising authorized activities not to exceed 16 square feet on either sign face with a total not greater than 32 square feet for a double-faced sign.*

All other uses listed in 17.14.180.B (2 a-d) and (3 a-k) in the Ranch Marketing section become subject to the subject special use permit outside of those allowed by right. Once a project is in the Special Use Permit process, what is allowed by right and what is allowed by site plan review/temporary use permit is regulated under the SUP. An applicant is not entitled to the "by right" uses once an SUP is granted. During a special use permit proposal, proposed uses are subject to review, CEQA analysis, and conditions. Once a project triggers a special use permit, all uses on that property are then covered under the SUP. An owner does not get to have a certain number of events that are not covered by the permit because they would otherwise be permitted by right, and then once he has exceeded that threshold (presumably annually) the subsequent uses are subject to the use permit. In other words, once the applicant has determined how many special events are proposed, all events are covered by the SUP. This would include all structures and other uses on the site. The CEQA analysis must consider all of the activities that are proposed, not just those that exceed the threshold for the SUP under the Ranch Marketing Ordinance. In summary, the uses permitted are only those allowed by the special use permit.

#### **Other Issues:**

**Proposed events:** The owner is proposing a total of 62 events to include the activities include the types of events and activities listed above in the six "Enterprises" described in the Project Description section, are potentially permitted through the special use permit. The main issue is that the Ranch Marketing section of County Code encourages these types of events but does not specifically mention the number of events permitted. That then becomes the purpose of the

special use permit process, to consider the specific impacts in this specific location, without emphasis on precedence since an SUP does not establish precedence.

### **Exterior Lighting Plan:**

The Exterior Lighting Plan, including fixture details, was provided for the site locations and is provided as Exhibit H. Planning staff has found this submitted plan does meet County Lighting Ordinance requirements and could be approved. The final lighting plan submitted with the building permit will be required to match the version of the lighting plan approved by the Planning Commissioners before the building permit will be issued. More detailed discussion of the lighting is contained above in the General Plan section for Policy 2.8.1.1. The full discussion of the impacts on aesthetics from lighting is included in Section I, Aesthetics in the Environmental Checklist and Discussion of Impacts.

### **Proposed Signs:**

The applicant is proposing two on-site monument signs at the entrance onto Pleasant Valley Road. One surface-mounted sign is proposed for the sign structure, the Bucks Bar Bridge replica proposed to straddle the entrance road about half way in towards the main building. One monument sign is proposed at the first parking lot adjacent to the main ranch marketing building. Complete details and sign exhibits are provided in the Sign Program in Exhibit I. The monument signs are proposed to have 32 square feet of sign area made of plywood or Trex surfaces, supported by a masonry base with stone veneer. Those signs are proposed to be lighted with solar powered, ground and bollard-mounted fixtures controlled by timing devices. Planning staff has not found any requirement that they cannot be lit. The Ranch Marketing and Winery Ordinances refer to unlighted signs but nowhere in the Code does it say they cannot be lighted. Therefore, that decision can be left up to the discretion of the Planning Commissioners.

The surface-mounted sign on the covered bridge structure is subject to Zoning Code section 17.16 for wall signs. Planned Agricultural District section 17.36.130 permits one unlighted sign in view of a public roadway not to exceed 32 square-feet of display surface on any one sign, not to exceed 64 square-feet total display area. Ranch Marketing Section 17.14.180.B.1.k permits one additional unlighted sign not greater than 32-square feet of display surface. Ranch Marketing Section 17.14.180.B.3.c provides the opportunity to exceed the number of signs allowed by right. Section 17.16.120, *Off-premise Signs*, requires a special use permit for signs not located on the subject parcel. Individual Special Use Permits would be required for each parcel with any proposed off-site sign. Planning staff has determined that the sign package as shown in Exhibit I can be approved as conditioned. If the Planning Commissioners determine the two monument signs proposed for the front entrance shall be unlighted, the terms can be adjusted to reflect that in the project description.

**Landscaping:**

The applicant submitted preliminary *Landscaping, Water Use, & Grading Concepts* is included as Exhibit J. It shows that landscaping is proposed for around the new buildings, the primary parking lots and driveways areas with the protection and preservation of existing species being emphasized. Native and drought resistant species are proposed for the non-agriculture landscaped areas proposed. Planning staff has determined that plan meets the intent of the General Plan policies to incorporate El Dorado County native plants indigenous to the site vicinity and that the existing trees will provide adequate shading of the primary parking areas. No screen from Pleasant Valley Road is needed as the site is blocked from view by existing topography and vegetation. Planning staff has determined that the submitted plan shown in Exhibit J can be approved as submitted. The final landscape plan that comes in with the building permit will be conditioned to be substantially compliant with version of the landscape plan approved by the Planning Commission.

**Project Access, Parking, and Loading:**

The submitted site plan was reviewed to verify compliance with Zoning Ordinance on-site parking requirements. Section 17.18.060 of the Zoning Ordinance lists the parking requirements by use. The whole Pleasant Valley Harvest project site is to have 143 standard spaces and 4 RV/oversized car/bus parking spaces provided, as detailed in the table below:

<b>PARKING REQUIREMENTS</b>		
<b>Parking Stall Standard</b>	<b>No. of Spaces Required</b>	<b>No. of Spaces Provided</b>
Standard Space	111 *	136
Compact Space	35 percent allowed	0
Accessible Space	5 (1 must be van accessible)	7 (w/1 van accessible)
Recreational Vehicle(1 per Restaurant/café spaces)	4	4
Totals	111	147

\*The required parking was calculated as follows:

- Agricultural lodging facility: 5 sleeping rooms, 1 space per guest room = 5 spaces
- Agricultural products sales area, 4,034 square feet/250 = 16 spaces
- Craft sales area, 0.5 of the agricultural products area, 2,017/200 = 10
- Restaurant, 1 space per 3 seats, 160 occupants without fixed seats/3 = 56
- Picnic area, 2 per picnic table, 10 re-locatable tables x 2 = 20 spaces
- Recreational vehicles, 1 per 10 parking spaces for a restaurant, 36/10 = 4

(Note: The term restaurant is used here for parking calculations only as it is a term straight out of Section 17.18 in the County Code. This SUP application does not consider actual restaurant use).

It should be noted that all of the described uses are not planned to occur simultaneously at any one given time. The project exceeds the on-site parking requirements.

## **ENVIRONMENTAL REVIEW**

Staff has prepared an Initial Study (Environmental Checklist with Discussion attached) to determine if the project may have a significant effect on the environment. Based on the Initial Study, conditions have been added to the project to avoid or mitigate to a point of insignificance the potentially significant effects of the project in the areas of impacts to wetland/riparian impacts, agriculture resources and noise. Staff has determined that significant effects of the project on the environment have been mitigated; therefore a Mitigated Negative Declaration has been prepared.

This project is located within or adjacent to an area which has wildlife resources (riparian lands, wetlands, watercourse, native plant life, rare plants, threatened and endangered plants or animals, etc.), and was referred to the California Department of Fish and Game. In accordance with State Legislation (California Fish and Game Code Section 711.4), the project is subject to a fee of \$1,850.00 after approval, but prior to the County filing the Notice of Determination on the project. This fee, includes a \$50.00 recording fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The \$1,800.00 is forwarded to the State Department of Fish and Game and is used to help defray the cost of managing and protecting the States fish and wildlife resources.

## SUPPORT INFORMATION

### Attachments to Staff Report:

Attachment 1 .....	Conditions of Approval
Attachment 2 .....	Findings
Exhibit A .....	Vicinity Map
Exhibit B .....	Assessor's Parcel Map
Exhibit C .....	Parcel Map 39-125
Exhibit D .....	General Plan Land Use Map
Exhibit E .....	Zoning Map
Exhibits F1 and F2 .....	Site plan Sheet No. C1, Plot Plan Sheet No. 1 dated October 1, 2007
Exhibits G1, G2, G3, G4, G5, G6 .....	Elevations and Floor Plans
Exhibit H .....	<i>Preliminary Exterior Lighting Plan for Pleasant Valley Harvest</i> , dated August 27, 2007, eight pages
Exhibit I .....	<i>Proposed Signs for Pleasant Valley Harvest</i> dated August 27, 2007, nine pages
Exhibit J .....	<i>Preliminary Landscaping, Water Use, &amp; Grading Concepts</i> dated September 24, 2007, portion, 11 pages
Exhibit K .....	<i>Observed (Tested) Noise Levels</i> map, received September 26, 2007
Exhibit L .....	Pleasant Valley Harvest Special Use Permit: Exterior Colors, received May 23, 2007
Exhibit M .....	Memo from Agricultural Commission dated July 25, 2007, two pages
Exhibit N .....	Biological assessment report, Michael BAAD, Ph.D., dated May 17, 2007, four pages
Exhibit O .....	"El Dorado County Bed and Breakfast Inns, Interim Guidelines" adopted by the El Dorado County Planning Commissioners on July 24, 1997, two pages
Exhibit P .....	Soils
Exhibits Q1 to Q6 .....	Site visit photographs from July 5, 2007
Exhibit R .....	Aerial photograph
Exhibit S .....	Initial Study – Environmental Checklist

**ATTACHMENT 1**  
**CONDITIONS OF APPROVAL**

**File Number S07-0017**  
Pleasant Valley Harvest Special Use Permit

**CONDITIONS OF APPROVAL**

**Planning Services**

1. This special use permit is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibits A through S dated December 13, 2007, and conditions of approval set forth below. Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

Construction of a three-level, 11,338 square-foot mixed use “Ranch Marketing Building” with market and storage space for product sales, a bake shop, dining facility, indoor and outdoor special events areas with lodging and multi-use space for private social events, family reunions, corporate and charitable events, small concerts, and weddings with the total capacity for special events not to exceed 250 persons and theatrical performances not to exceed 300 persons. Construction and installation of one on-site wall sign mounted on a structure straddling the interior entranceway drive designed to look like the old Buck’s Bar Covered bridge and two additional on-site monument signs at the main entrance at Bucks Bar Road, one monument sign within the parcel at the Ranch Marketing building, one outdoor toilet room for guests and customers, a primary single-family dwelling for the owner, an observation tower, a graveled main parking lot, and graveled overflow parking lots with a total of 147 spaces proposed for cars, over-sized vehicles, and buses. Outdoor pole lighting with full cut-off shielding is proposed to illuminate the main parking lot, and wall-mounted lights for the lawn, toilet room and agricultural sale areas. An aquaculture fish pond will be created. Other improvements include three picnic areas, walking paths and a covered pedestrian bridge crossing the intermittent stream.

The “Ranch Marketing Building is proposed to have a 4,800 square-foot main floor with a bake shop, dining facility, accessible restrooms, dressing rooms, offices, storage, and a multi-purpose main hall with a maximum capacity of 250 people for events. The lowest level is also 4,800 square-feet and will include the market area for selling of ranch marketing products and an area for general storage and cold storage of fruit and berries grown on site. The gift display sales area shall not exceed 1,000 square feet for sale of agriculturally related merchandise gift items.



The top level will include a 1,200 square-foot living area proposed to be used as a lodging area accommodating up to 15 guests. The applicant will live in the lodging area with two bedrooms and a private kitchen until the primary dwelling is constructed. At that time the kitchen in the upper level will be removed and it will become the third bedroom leaving the commercial kitchen below as the only kitchen. The lodging use will not commence and no guests would be permitted within the ranch marketing lodge area until the primary dwelling is cleared for final occupancy.

The existing 800 square-foot residence will be the Second Residential Unit and will require a Notice of Restriction to be filed prior to issuance of the building permit for the “Ranch Marketing Building” with the top floor lodging area temporarily becoming the primary residence. Upon the granting of Final Occupancy, the top floor of the ranch marketing building becomes the lodging area, the new single-family dwelling becomes the primary dwelling and the existing 800 square-foot single-family dwelling becomes the Second Residential Unit.

Exterior to the main building, there will be an accessible toilet room accessed by a covered breezeway, a patio with a sitting wall for special events, a picnic lawn, and a 19-foot by 20-foot by 32-foot tall observation tower with a single accommodation toilet on the tower’s main floor and one 262 square-foot bedroom on the top floor. The first floor of the observation tower will also include a “you-pick” fruit and berry sales area.

Indoor and outdoor amplified music which complies with the Noise Element of the 2004 General Plan.

The following is a summary of the proposed mixed-use building categorized by use and by floor:

<b>Upper Level</b>	<b>1,200</b>	<b>s.f. total</b>
Lodging, two bedrooms now, three later when bath is removed.	1,100	s.f.
Stair	100	s.f.
<b>Middle Level</b>	<b>4,919</b>	<b>s.f. total</b>
Bake shop	554	s.f.
Toilet rooms	433	s.f.
Offices	271	s.f.
Miscellaneous (storage/hallways)	330	s.f.
Multi-purpose Main Hall)	2,924	s.f.
Lodging (one storage/bedroom)	185	s.f.
<b>Lower Level</b>	<b>4,800 sq. ft. (s.f.) total</b>	
Pantry, cold storage, office	766	s.f.
Agricultural products, storage and sales	4,034	s.f.
<b>Total square footage, all three floors</b>	<b>11,338</b>	<b>s.f.</b>

<b>Outside toilet and storage building</b>	<b>441</b>	<b>s.f. total</b>
<b>Outside observation tower</b>	<b>992</b>	<b>s.f. total</b>
One bedroom	262	s.f.

The activities/uses proposed are described as “enterprises” and six are proposed:

- A. **Ranch Marketing Enterprise:** Sale of fruits, berries, vegetables, pumpkins, and Christmas trees as well as renting space to vendors of handicrafts. Vendors and their customers will have the opportunity to also use the picnic area, hiking paths, the “you-pick” operation, and the observation tower.
  
- B. **Harvest Lodge Enterprise (multi-use hall):** Space for events such as agricultural marketing promotional events, family reunions, weddings and receptions, etc. A portable bandstand and indoor and outdoor dance areas are proposed. The Bake Shop kitchen facilities will be made available to allow caterers to prepare and serve food for events (see bake Shop Enterprise).
  
- C. **Bake Shop Enterprise:** When the owner is not using the commercial kitchen to process their own agricultural products, the kitchen would be available to caterers to prepare and serve food at on-site special and promotional events.
  
- D. **Agricultural Lodging Enterprise:** Proposed to provide for small groups of 15 people or less an opportunity to experience farm life with an overnight stay at the farm with sleeping quarters and a prepared meal. The lodging of guests would not occur when larger events are planned for the Harvest Lodge multi-purpose areas.
  
- E. **Artistic Enterprise:** Areas provided throughout the orchard and facilities as venues for bird watchers, painting artists, photographers, etc. along a 0.5 mile hiking trail and riding path. A limited number of small-scale outdoor music events, and a permanent old-west theme photo back drop adjacent to the nature path in the eastern portion of the parcel in Picnic area No. 2 are also included in the project.
  
- F. **Community Service Non-Profit Enterprise:** Facilities will be made available to school groups for outdoor education, Boy and Girl Scouts, 4-H, school and recreational team sports banquets, service club dinners, farm bureau, farm trails, neighborhood meetings, charity events, etc.

**The following types of events are permitted:**

**Commercial Events (38 total events):**

- 12 events per year with less than 125 people for commercial purposes.
- 12 special events per year with more than 125 people but less than 250 people.
- 12 outdoor patio events at one evening per month not to exceed 125 people.
- 2 outdoor theatrical performance special attraction events per year with more than 250 people but less than 300 people.

**Promotional Events (24 total events):**

- 12 outdoor promotional events per year
- 12 indoor promotional events per year
- Concurrent with promotional events, a maximum of 40 crafters for sale of handicraft items only. Booth/sales area not to exceed 4,000 square feet total area.

**Total Number of Proposed Events: 62**

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

**Conditions from the Mitigated Negative Declaration**

The following mitigation measure is required as a means to reduce potential significant environmental effects to a level of insignificance:

2. The applicant shall continue to maintain five acres or more in Agricultural production using Best Management Practices. A work plan shall be submitted to the El Dorado County Agricultural Department for the next two years with an annual review by the Agricultural Commission for the two years following the approval of S07-0017, including an updated work plan and progress report; with no special events permitted until the five-acre production requirement has been met and finding that the planned walking paths and birding areas are compatible with agricultural production pursuant to General Plan Policy 8.2.2.1. [MM Agr-1].

**Monitoring:** Applicant shall submit a work plan to the El Dorado County Agricultural Department for the next two years with an annual review by the Agricultural Commission

for the two years following the approval of S07-0017, including an updated work plan and progress report; with no special events permitted until the five-acre production requirement has been met and finding that the planned walking paths and birding areas are compatible with agricultural production pursuant to General Plan Policy 8.2.2.1. Applicant shall submit copies of proof that the said requirements have been met to Planning Services for the project file, prior to initiating any special events.

3. The applicant shall site bridges, roads and pipelines to limit the disturbance area to limit the disturbance area to previously disturbed areas where feasible. A 25-foot setback requirement for wetland features delineated in Map 2 in the biological assessment report dated May 17, 2007 prepared by Michael Baad, Ph.D., Department of Biological Sciences, C.S.U.S. shall be shown on the final site plan submitted for the building permit. All development plans shall be reviewed for compliance for adherence to those standards by El Dorado County Development Services, Building Services Division in conjunction with the Planning Services Division staff prior to issuance of any development permit. **[MM Bio-1].**

**Monitoring:** Applicant shall submit any development plan to El Dorado County Development Services, Building Services Division who, in conjunction with the Planning Services Division staff, will review the final site plan for compliance with the 25-foot setback requirement for review and approval, prior to issuance of any development permit.

4. All outdoor amplified music shall be limited to noise levels generated by a 75dB (maximum) noise source at the Patio, as shown on the site plan, (a maximum of 800-watt amplification) through the use of the applicant's sound equipment only. Said equipment shall have permanent mechanical volume control stops and shall comply with all provisions of General Plan Policy 6.5.1.6. **[MM Noise-1].**

**Monitoring:** Applicant shall monitor all amplified music for compliance with said requirements. Proof that the sound equipment has permanent mechanical volume control stops shall be received by Planning Services prior to initiation of the use of amplified music.

5. All outdoor amplified music or voice at locations other than the Patio area shall be limited to a noise source of less than 50 dB average and 60 dB maximum between 7 a.m. and 7 p.m. and 45 dB average and 55 dB maximum between 7 p.m. to 10 p.m. at all parcel boundaries through the use of the applicant's sound equipment only. Said equipment shall have permanent mechanical volume control stops and shall operate at all times within all requirements of General Plan Policy 6.5.1.6. **[MM Noise-2].**

**Monitoring:** Applicant shall monitor all amplified music at all times to assure compliance with said conditions. Planning Services shall receive proof that the sound equipment has permanent mechanical volume control stops prior to initiation of the use of amplified music.

6. Applicant is responsible for monitoring all sound levels and enforcing time restrictions for all events occurring on the subject parcel for compliance with the El Dorado County General Plan noise standards. Outdoor amplified music and voice shall not occur prior to 10:00 a.m. or after 10:00 p.m. daily. **[MM Noise-3].**

**Monitoring:** Applicant shall monitor all amplified music for full compliance with said conditions. Planning Services shall receive proof that the sound equipment has permanent mechanical volume control stops prior to initiation of the use of amplified music.

7. Project construction shall only occur between the hours of 7 a.m. to 7 p.m. Monday through Friday and 8 a.m. and 5 p.m. on weekends, and on federally-recognized holidays. **[MM Noise-4].**

**Monitoring:** Applicant shall ensure the project construction activities are in full compliance with said requirements. Failure to comply will result in a stop work order until compliance is assured.

#### **Planning Services Site Specific and Standard Conditions**

8. During all grading and construction activities in the project area on the proposed parcel, an archaeologist approved by the Development Services Director shall be on-call. In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the project proponent and/or future parcel owner shall ensure that all such activities cease within 50 feet of the discovery until the on-call archaeologist can examine the find in place and determine its significance. If the find is determined to be significant and authenticated, the archaeologist shall determine the proper method(s) for handling the resource or item. Grading and construction activities may resume after appropriate measures are taken or the site is determined not to be of significance.
9. In the event of the discovery of human remains, all work is to stop and the County coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission.
10. Prior to issuance of a building permit or commencement of any use authorized by this permit the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition of approval imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services prior to issuance of a building permit for verification of compliance with applicable conditions of approval.

11. All signs shall comply with Exhibit L. The sign plans shall be reviewed for compliance with the approved sign program by the Development Services Director or designee prior to issuance of a building permit. The two monument signs at the entrance and the one by the ranch marketing building may be lighted but the lighting shall be restricted to the sign surface alone and shall be turned off within 30 minutes after the closing of the business. On days the business is closed, the lights shall remain off.
12. Landscaping shall comply Exhibit J and shall be installed and maintained in accordance with the approved landscape plan in perpetuity or unless otherwise modified through any future permit. Planning Services staff shall review the landscape plan submitted with the building permit for conformance with Exhibit J.
13. All outdoor lighting shall conform to the approved Exterior Lighting Plan (Exhibit H) and County Code Section 17.14.170 and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. The final lighting plan shall be submitted for review and approval by Planning Services with the building permit and shall be reviewed for conformance with the approved Exterior Lighting Plan prior to issuance of a building permit. In addition, the following apply:
  - a. External lights used to illuminate a sign or side of a building or wall shall be shielded in order to prevent light from shining off the surface to be illuminated.
  - b. Lighting for outdoor display areas shall be turned off within 30 minutes after the closing of the business. No more than 50% of the parking lot lighting may remain on during hours of non-operation. Security lighting shall be designed with motion-sensor activation.
  - c. No pole light shall be taller than fourteen (14) feet from ground level.

Should final, installed lighting be non-compliant with full shielding requirements, the applicant shall be responsible for the replacement and/or modification of said lighting to the satisfaction of Planning Services.
14. Building design and colors, building placement, and parking lot improvements shall be completed in conformance with the plans submitted and in conformance with the conditions of approval herein and shall substantially comply with Exhibits F1, F2, G1, G2, and L. Minor variations are allowed, however, any major changes in the design of buildings, location of buildings, access ways, and parking shall require review and approval by the Development Services Director or designee prior to project modifications.
15. Parking shall be improved consistent with Chapter 17.18 of the County Code, including the April 14, 1993 California Accessibility Regulations. Parking shall conform to Exhibit F2 and shall consist of the following:

<b>Parking Stall Standard</b>	<b>No. of Spaces</b>
Standard Space	136
Compact Space	0
Accessible Space	7 (w/1 van accessible)
Recreational Vehicle	4
Totals	147

16. All portions of the subject parcel currently designated RE-10 as shown in Exhibit F1 are not permitted uses allowed by Chapter 17.14.180, Ranch Marketing, but are limited to the uses and development standards permitted by Sections 17.70.070 thru 17.70.110, RE-10, of the County Code as long as those areas remain with the RE-10 designation.
17. Boundary Line Adjustment BLA 07-0031 shall be finalized and recorded prior to issuance of any development permit.
18. All Planning Services fees shall be paid prior to issuance of any building permits.
19. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action, as provided in Section 66474.9(b) of the California Government Code.

The applicant shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a subdivision, which action is brought within the time period provided for in Section 66499.37.

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

**Ranch Marketing Lodge Specific Conditions**

20. The permit is valid only as long as the parcel is not further subdivided and is used primarily for agricultural production with the use remaining secondary and subordinate to the agricultural production of the land within the parcel boundaries.
21. There will be a maximum of five (5) sleeping rooms for guests within the ranch marketing building and there will be no more than fifteen (15) guests allowed at one time.
22. No guests shall be permitted within the ranch marketing lodge area until the primary single-family dwelling noted in Exhibit F1 has been finalized for occupancy. The applicant shall then apply for a separate business license for the ranch marketing lodge and a copy

of the license shall be provided to Planning Services for the project file. Further, a letter shall be provided to Planning Services for the project file from the El Dorado County Treasurer/Tax Collectors Office that states they have been notified of the use of the lodge facility and that the collection of Transient Occupancy Tax may commence.

23. The applicants shall provide confirmation of clearance, from El Dorado County Fire Protection District to Planning Services for the project file, for permission to commence the use of the ranch marketing lodge facility.
24. The lodge facility shall be operated by the property owner exclusively and cannot be leased to another operator. The portion of this Special Use Permit that permits the ranch marketing lodge shall be reviewed by Planning Services staff for compliance within one year from the commencement of that use which will be defined by date the business license is issued for that use. A copy of said business license shall be received by Planning Services for the file folder prior to commencement of the use.

#### **El Dorado County Department of Transportation**

25. The applicant shall obtain an encroachment permit from DOT and shall construct the roadway encroachment from this site onto Bucks Bar Road to the provisions of County Standard Plan 103C. These improvements shall be substantially complete as determined by the Department of Transportation, prior to the issuance of any Building Permit associated with this proposed project.

#### **El Dorado County Fire Protection District**

26. Site/inspection review fee is \$ 150.00
27. Additional fire hydrants will be required for this project. The Fire District will approve the location of the hydrants.
28. A Fire District approved sprinkler system will be required for all structures greater than 3,600 square feet.
29. The project is required to meet fire flow. Fire flow for this project is 1625 gpm @ 20 psi for two hours.
30. Show documentation from El Dorado Irrigation District (Facility Improvement Letter) to show that fire flow can be met.
31. The applicant may choose to develop a private water system to meet the fire flow and storage requirements.
32. All access roads to meet minimum Fire District requirements: no gates, 20-foot minimum width, 13 feet 6 inches overhead clearance and to able to support a 40,000 lbs load.



These minimum standards will not supersede El Dorado County Department of Transportation requirements.

33. Building assembly issues will be address during the building review process and subject to a maximum occupancy determination (not to exceed 250 persons maximum).

#### **El Dorado County Building Services Division**

34. Applicant shall obtain a commercial grading permit from the Development Services Department in accordance with their established procedures. The grading plans shall be prepared, sealed, and signed by a registered civil engineer. The cover sheet of the grading plans shall be signed by the Local Fire District and Local Water District (if applicable) prior to issuance of the permit.
35. Applicant shall obtain a separate grading permit as required by the Grading, Erosion, and Sediment Control Ordinance for any off-site grading that exports soils to, or imports soils from, this project. This permit shall be obtained prior to issuance of the commercial grading permit.
36. Applicant shall obtain permits for any road or driveway encroachments onto county-maintained roads prior to issuance of the commercial grading permit.

# **ATTACHMENT 2 FINDINGS**

## **FILE NUMBER S07-0017**

### **1.0 CEQA Findings**

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received and considered during the public review process. The proposed project, as conditioned, will not have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2 The Planning Commission finds that through feasible conditions and mitigation placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
- 1.3 Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with the corresponding permit monitoring requirement, is hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.
- 1.4 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services-Planning Services at 2850 Fairlane Court, Placerville, CA.

### **2.0 General Plan Findings**

- 2.1 As proposed, the project is consistent with the General Plan which designates the subject site as Agricultural lands with an Agricultural overlay (AL - A) because a ranch marketing lodge is compatible with ranch marketing and because ranch marketing/agricultural enterprises that are subservient to agricultural uses of the land are allowed.
- 2.2 As conditioned and mitigated, the proposal is consistent with the intent of General Plan Policies 2.2.5.2, 2.2.5.21, 2.8.1.1, TC - Xe, 6.5.1.2, 6.5.1.3, 6.5.1.7, 6.5.1.7, 6.5.1.13, 7.3.3.4, 7.4.4.4, 8.1.4.1, 8.2.2.1, 8.2.2.2, 8.2.4.2, 8.2.4.3, 8.2.4.4, 8.2.4.5, 10.1.7, 10.1.7.2, and 10.1.7.4 because of the review for General Plan consistency and impacts of the proposal on existing natural resources and compatibility with the community, review of the proposal by the Agricultural Commissioners, determination by El Dorado County Department of Transportation that traffic impacts will be less than significant, availability of utilities, and the review by El Dorado Fire Protection District.

### **3.0 Zoning Findings**

- 3.1 The project is zoned Estate Residential 10-acre (RE-10) which establishes a minimum parcel size of 10 acres but includes a portion of the parcel of legal non-conforming size, and Planned Agricultural 30-acre (PA-30) which establishes a minimum parcel size of 30 acres. The 50.59-acre parcel resultant of the finaling of BLA07-0031 will conform to the size requirement and minimum lot width of 330 feet required of Section 17.36.160 of the Zoning Code.

### **4.0 Special Use Permit Findings**

- 4.1 **The issuance of the permit is consistent with the General Plan.** The applicant's proposal has been determined to be in compliance with County regulations, addressing environmental issues and health and safety concerns. All project-related environmental issues have been evaluated. Therefore, staff finds that the project, as conditioned, conforms to the General Plan.
- 4.2 **The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood,** based on the conclusions contained in the staff report. The use will not conflict with the adjacent uses as it will be contained, for the most part, within an existing accessory building. After review of the submitted site plan and upon consultations with concerned agencies, it has been determined that the impacts of allowing the construction of the ranch marketing mixed use building, observation tower, and new single family residence, the existing 800 square-foot single family dwelling, existing barn, driveways and the planned new improved encroachment onto Bucks Bar Road, will not have a detrimental affect nor be injurious to the neighborhood.
- 4.3 **The proposed use is specifically permitted by special use permit pursuant to** County Code Sections 17.28.200 A and 17.28.200.G.