

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



<b>Agenda of:</b>	March 11, 2010
<b>Item No.:</b>	8
<b>Staff:</b>	Jason R. Hade

**REZONE/SPECIAL USE PERMIT**

**FILE NUMBERS:** Z09-0004/S09-0011/Brookshire Gardens Events Center and Bed & Breakfast

**APPLICANT:** Kurt Sommerdyke

**REQUEST:** The project consists of the following requests:

1. Zone change from Estate Residential 10-Acre (RE-10) to Planned Commercial (CP).
2. Special use permit to authorize an events center for up to 50 events per year with up to 150 guests per event. A three room bed and breakfast facility and commercial kitchen is proposed in a future phase. An off-site overflow parking agreement is proposed with a nearby trade school (APN 331-112-12).

**LOCATION:** The subject property is located on the north side of North Street approximately 300 feet east of the intersection with Oriental Street in the El Dorado area, Supervisorial District III. (Exhibit A)

**APNs:** 331-111-05 (Exhibit B)

**ACREAGE:** 1.55 acres

**GENERAL PLAN:** Commercial (C) (Exhibit C)

**ZONING:** Estate Residential 10-Acre (RE-10) (Exhibit D)

**ENVIRONMENTAL DOCUMENT:** Mitigated Negative Declaration prepared

**RECOMMENDATION:** Staff recommends the Planning Commission recommend that the Board of Supervisors take the following actions:

1. Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff;
2. Adopt the mitigation monitoring program in accordance with CEQA Guidelines, Section 15074(d), as incorporated in the conditions of approval and mitigation measures in Attachment 1;
3. Approve rezone Z09-0004 based on the findings in Attachment 2; and
4. Conditionally approve special use permit S09-0011, subject to the conditions in Attachment 1, based on the findings in Attachment 2.

### **STAFF ANALYSIS**

Staff has reviewed the project for compliance with the County's regulations and requirements. An analysis of the proposal and issues for Planning Commission consideration are provided in the following sections.

**Project Description:** A rezone from Estate Residential 10-Acre (RE-10) to Planned Commercial (CP) and a Special Use Permit application to authorize an events center for up to 50 events per year with up to 150 guests per event. Events would include a range of activities, but not limited to, weddings, reunions, meetings, wine tasting, and fundraising events. A three room bed and breakfast facility and commercial kitchen is proposed in a future phase. Events are proposed to take place during the day, but some events would last until 10:00 P.M. An off-site overflow parking agreement is proposed with a nearby trade school (APN 331-112-12) located at the southeast corner of North Street and Oriental Street. The project would include the construction of an off-site water line extension along North Street from Oriental Street to Hinman Alley and the improvement of North Street to a 20-foot wide roadway. Proposed project access would be a connection to North Street.

**Site Description:** The project site is bound by undeveloped residential land to the north and east, commercial development to the south across from North Street, and residential development to the west. Elevation of the project site is approximately 1,580 feet above sea level. Site improvements consist of an existing 1,600 square foot home, 432 square foot garage, 1,300 square foot barn with men's and women's restrooms, 392 square foot shed, propane tank, and driveway.

### **Adjacent Land Uses**

	Zoning	General Plan	Land Use/Improvements
Site	RE-10	C	Residential/Single-Family Structures Residence/Accessory
North	RE-10	MDR	Residential/Undeveloped
South	CP	C	Commercial/Retail Shops
East	R2	MFR	Multi-Family Residential/Single-Family Residences
West	RE-10	C	Residential/Single-Family Residences

**Access:** Proposed project access would be a connection to North Street. The project would be required to make off-site road improvements to North Street consistent with the provisions of the County’s Design Improvement Standards Manual. The two driveway encroachments onto North Street would also be required to be improved to County standards.

**Circulation:** The Department of Transportation reviewed the project and determined that “the majority of the potential traffic impact from the proposed project would occur on weekends and after normal peak traffic hours. Therefore, the potential traffic impacts do exceed trip the thresholds in the General Plan to require completion of a traffic study.” (*Interdepartment Memorandum, Department of Transportation, November 18, 2009*)

**Drainage/Grading:** The project would involve minor grading for parking lot and driveway improvement. All proposed grading for project implementation must be in compliance with the El Dorado County Grading, Erosion, and Sediment Control Ordinance which would reduce any potentially significant impact to a less than significant level. Conditions are included in Attachment 1 that address drainage issues identified by DOT.

**Fire:** The Diamond Springs – El Dorado Fire Protection District reviewed the project proposal and concluded that the project would not expose people to a significant risk of loss, injury or death involving wildland fires or wildland fires adjacent to or located in an urbanized area with the implementation of the conditions of approval included in Attachment 1 of the staff report. Conditions of approval would include 20-foot wide access roads, minimum fire flow, installation of two additional fire hydrants, and installation of a Knox Box.

**Landscaping:** Preliminary landscaping is identified in Exhibit F which is consistent with the requirements contained within Section 17.18.090 of the Zoning Ordinance. Staff would conduct an onsite inspection to verify that the landscaping has been planted consistent with the approved landscape plan.

**Land Use Compatibility:** As proposed, the project is compatible with the surrounding residential and commercial land uses and would not create land use conflicts with surrounding properties. Noise mitigation measures are proposed and discussed in further detail under the “Noise” section below which would ensure consistency with applicable General Plan noise policies.

**Lighting:** Staff has reviewed the proposed 12-foot tall lighting standards shown at eleven locations throughout the site plan (Exhibit E) and has determined that is in compliance with the County's Outdoor Lighting Ordinance. Lighting specification information is attached as Exhibit H.

**Noise:** According to the submitted environmental noise assessment (Exhibit I), "unmitigated noise exposure from project wedding reception music and guests would be expected to exceed El Dorado County's evening noise exposure limits by as much as 15dB at the closest existing residences to the west and southwest of the project property. Unmitigated project noise exposure would not be expected to exceed the applicable limits at existing residences to the east and southeast of the project property." (*Environmental Noise Assessment, Sommerdyke Wedding Facility – El Dorado, CA, Bollard Accoustical Consultants, Inc., June 30, 2009*) The report further states, "project-related noise exposure may be mitigated to satisfy a modified evening noise exposure limit of 60 dB  $L_{max}$  with the construction of a 6-foot high noise barrier along the southern half of the west property line. It is assumed that the base of this barrier would be approximately 5 feet above the residential building pad elevation to the west. Unmitigated noise exposure from the project lawn reception area would not be expected to exceed 60 dB  $L_{max}$  at the closest residential neighbor to the southwest, requiring no further consideration of noise-mitigating construction." (*Environmental Noise Assessment, Sommerdyke Wedding Facility – El Dorado, CA, Bollard Accoustical Consultants, Inc., June 30, 2009*) The project could have a potentially significant impact because unmitigated noise exposure from project wedding reception music and guests would exceed the County's evening noise exposure limits identified in the General Plan. However, a proposed mitigation measure which would require the construction of a six-foot tall noise barrier to be constructed along the southern half of the western property line, as identified in Appendix A of the noise study, prior to occupancy, would reduce the potential impact to a less than significant level.

**Oak Tree Canopy:** No oaks trees would be removed as part of the project as none are located with the area to be developed. Proposed tree removal would consist of the removal of black walnut trees and possibly a small pine tree.

**Parking:** Pursuant to Section 17.18.060.45 of the Zoning Ordinance, parking requirements for the proposed uses are as follows:

Churches and other places of public assembly including banquet facilities, convention facilities, and community centers: 1 space/4 seats within the main auditorium or 1 space/300 square feet of gross floor area used for exhibitions. Bed and breakfast facilities: 1 space/guest room.

Proposed uses and parking calculations are as follows:

Events Center:	150 persons = 38 spaces
Employees:	4 employees = 4 spaces
Bed & Breakfast:	3 rooms = 3 spaces
<b>Total = 45 spaces</b>	

Based on the proposed use square footage, a total of 45 parking spaces would be required. As shown on Exhibit E, a total of 39 parking spaces are available at the subject site including two

handicapped accessible spaces. The applicant has obtained a parking agreement with a nearby trade school for the use of 23 off-site parking spaces. As such, a total of 62 parking spaces would be available for the proposed uses.

**Public Transit:** The El Dorado County Transit Authority reviewed the proposed project and had no concerns or specific conditions of approval requested.

**Schools:** The project site is located within the Mother Lode School District. The affected school district was contacted as part of the initial consultation process, but did not submit any comments.

**Signage:** Proposed signage is shown in Exhibit G. As proposed, the sign is consistent with the signage permitted by right within the Planned Commercial zone district.

**Water/Sewer:** Public water and sewer service would be provided to the project by the El Dorado Irrigation District (EID), as confirmed in a Facility Improvement Letter dated August 6, 2009.

## **GENERAL PLAN**

This project is consistent with the applicable policies of the adopted 2004 El Dorado County General Plan. Findings for consistency with the General Plan are provided in Attachment 2. The policies and issues that affect this project are discussed below:

**Policy 2.1.1.7** directs that *development be limited in some cases until such time as adequate roadways, utilities, and other public service infrastructure becomes available and wildfire hazards are mitigated.*

**Discussion:** As discussed above, the existing and proposed improvements would be adequate to serve the proposed event center.

**Policy 2.2.1.2:** states that the Commercial (C) land use designation *is to provide a full range of commercial retail, office, and service uses to serve the residents, businesses, and visitors of El Dorado County.*

**Discussion:** The proposed rezone and use is consistent with uses permitted under the C land use designation.

**Policy 2.2.5.3** directs that the County shall evaluate future rezoning: (1) To be based on the General Plan's general direction as to minimum parcel size or maximum allowable density; and (2) To assess whether changes in conditions that would support a higher density or intensity zoning district. The specific criteria to be considered include, but are not limited to, the following:

1. *Availability of an adequate public water source or an approved Capital Improvement Project to increase service for existing land use demands;*
2. *Availability and capacity of public treated water system;*
3. *Availability and capacity of public waste water treatment system;*

Discussion: The proposed project would be served by public water and sewer services provided by EID.

4. *Distance to and capacity of the serving elementary and high school;*

Discussion: Under Policy 5.8.1.1, school districts affected by a proposed development shall be relied on to assess any impacts on school facilities. The project site is located within the Mother Lode School District. The affected school district was contacted as part of the initial consultation process, but did not submit any comments.

5. *Response time from nearest fire station handling structure fires;*

Discussion: A fire station staffed by the Diamond Springs – El Dorado Fire Protection District is located less than one mile from the subject site.

6. *Distance to nearest Community Region or Rural Center;*

Discussion: The project parcel is located within the El Dorado – Diamond Springs Community Region.

7. *Erosion hazard;*

Discussion: Under Policy 7.3.2.2, projects requiring a grading permit shall have an erosion control program approved, where necessary. All proposed minor grading for parking lot and driveway improvement must be in compliance with the El Dorado County Grading, Erosion, and Sediment Control Ordinance which would reduce any potentially significant impact to a less than significant level.

8. *Septic and leach field capability;*

9. *Groundwater capability to support wells;*

Discussion: As discussed in detail above, the proposed project would be served by public water and sewer services provided by EID.

10. *Critical flora and fauna habitat areas;*

Discussion: The project site is not located within a critical flora and fauna habitat area. Impacts would be less than significant.

11. *Important timber production areas;*

Discussion: The subject site is not located within an important timber production area.

12. *Important agricultural areas;*

Discussion: Review of the Important Farmland GIS map layer for El Dorado County developed under the Farmland Mapping and Monitoring Program indicates that no areas of Prime, Unique, or Farmland of Statewide Importance would be affected by the project. In addition, El Dorado County has established the Agricultural (-A) General Plan land use map for the project and included this overlay on the General Plan Land Use Maps. Review of the General Plan land use map for the project area indicates that there are no areas of “Prime Farmland” or properties designated as being within the Agricultural (-A) General Plan land use overlay district area adjacent to the project site.

13. *Important mineral resource areas;*

Discussion: The subject site is not located within an important mineral resources area.

14. *Capacity of the transportation system serving the area;*

Discussion: As stated above, DOT reviewed the project and determined that a traffic study was not warranted. The project’s impacts would be less than significant.

15. *Existing land use pattern;*

Discussion: As proposed, the project is compatible with the surrounding residential and commercial land uses and would not create land use conflicts with surrounding properties. Noise mitigation measures are proposed and discussed in further detail under the “Noise” section above.

16. *Proximity to perennial water course;*

Discussion: The nearest perennial water course is Slate Creek which is approximately 1 mile southwest of the subject site.

17. *Important historical/archeological sites.*

18. *Seismic hazards and present of active faults; and*

19. *Consistency with existing Conditions, Covenants, and Restrictions.*

Discussion: None of these resources or constraints exists on the site. Therefore, the rezone would have no impact.

**Policy 2.2.5.21** directs that new development be compatible with the surrounding neighborhood.

Discussion: As discussed above, the project is compatible with the surrounding commercial and residential land uses and would not create land use conflicts with surrounding properties.

**Policy 5.2.1.4** directs that *rezoning and subdivision approvals in Community Regions or other areas dependent on public water supply shall be subject to the availability of a permanent and reliable water supply.*

Discussion: Public water service would be provided to the project by EID, as confirmed in a Facility Improvement Letter dated August 6, 2009, consistent with Policy 5.2.1.4.

**Policy 5.3.1.7** states that *in Community Regions, all new development shall connect to public wastewater treatment facilities.*

Discussion: The subject site is currently connected to public sewer services and would continue to be connected to public sewer services as part of this project.

**Policy 5.7.1.1** directs that the applicant demonstrate that adequate emergency water supply, storage, conveyance facilities, and access for fire protection either are or would be provided concurrent with development.

Discussion: The project would be conditioned by the El Dorado County Department of Transportation to meet the minimum State Responsibility Area (SRA) Fire Safe Regulations for road surface and road width. The project would be required to meet the required minimum fire flow requirements of the Diamond Springs – El Dorado Fire Protection District which would be reviewed and approved by them prior to final occupancy. Adherence to the conditions of approval within Attachment 1 would address all fire issues consistent with Policy 5.7.1.1.

**Policy 6.2.3.2** directs that the applicant demonstrate that adequate access exists, or can be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate the area.

Discussion: As conditioned, and discussed under “Access” section above, the project would meet the intent of this policy. Fire issues are addressed within the project’s conditions of approval.

**Policy 10.1.6.1** establishes that 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, and bed and breakfast inns, and ranch marketing activities.*

Discussion: The proposal is consistent with Policy 10.1.6.1 as the proposed uses would promote tourism within the project area.

Conclusion: As discussed above, staff finds that the project, as proposed/conditioned, conforms to the applicable policies of the General Plan.

## **ZONING**

The requested zone change is from RE-10 to the CP zone district which requires a minimum lot area of 5,000 square feet, maximum building coverage of 60 percent, minimum lot width of 50 feet, and minimum yard setbacks of 10 feet for the front yard and five feet for the rear and side yards. The



subject site, including existing buildings, meets the applicable development standards in Section 17.32.160 of the Zoning Ordinance. Any future construction would need to meet the development standards referenced above as stated in the project's conditions of approval.

The proposal is also consistent with the applicable lighting, parking, and landscaping development standards contained within the Zoning Ordinance.

As stated above, the rezone request to the CP zone district is consistent with the site's Commercial General Plan land use designation. The CP zone district is one of the least intensive commercial zone districts as all commercial uses require the submittal of a site plan review or special use permit application allowing for further County review of any future proposed uses.

### **SPECIAL USE PERMIT**

As conditioned in Attachment 1, staff believes the proposed project is consistent with the lighting, landscaping, parking and applicable development standards in the Zoning Ordinance. The proposed use is permitted by special use permit in the CP zone district, pursuant to Section 17.32.150.D. In order to approve the use, the Planning Commission must find that the use is consistent with the General Plan and would not be detrimental to the public health, safety and welfare nor injurious to the neighborhood. Based on staff analysis and comments received from affected public agencies, staff recommends the Planning Commission find that the project would not be detrimental to the public health, safety and welfare and would not be injurious to the neighborhood. Findings for conditional approval are provided in Attachment 2.

### **ENVIRONMENTAL REVIEW**

Staff has prepared an Initial Study (Environmental Checklist with Discussion attached as Exhibit J) to determine if the project has 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. Staff has determined that there is no substantial evidence that the proposed project, as conditioned, would have a significant effect on the environment, and a Mitigated Negative Declaration has been prepared.

In accordance with State Legislation (California Fish and Game Code Section 711.4), the project is subject to a fee of \$2,010.25 after approval, but prior to the County filing the Notice of Determination on the project. This fee, plus a \$50.00 recording fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The \$2,010.25 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, including reviewing environmental documents.

### **SUPPORT INFORMATION**

#### **Attachments to Staff Report:**

- Attachment 1 .....Conditions of Approval
- Attachment 2.....Findings

Exhibit A.....Location Map  
Exhibit B.....Assessor’s Parcel Map Page  
Exhibit C.....General Plan Land Use Map  
Exhibit D.....Zoning Map  
Exhibit E.....Site Plan  
Exhibit F.....Preliminary Landscape Plan  
Exhibit G.....Preliminary Sign Plan  
Exhibit H.....Lighting Specifications  
Exhibit I.....Acoustical Analysis  
Exhibit J.....Environmental Checklist and Discussion of Impacts

# **ATTACHMENT 1**

## **CONDITIONS OF APPROVAL**

### **S09-0011/Brookshire Gardens Events Center and Bed & Breakfast March 11, 2010 Planning Commission**

#### **I. PROJECT DESCRIPTION**

1. This special use permit is based upon and limited to compliance with the project description, the hearing exhibits marked Exhibits A-J, 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:

Rezone from Estate Residential 10-Acre (RE-10) to Planned Commercial (CP) and a Special Use Permit authorizing an events center for up to 50 events per year with up to 150 guests per event. A three room bed and breakfast facility and commercial kitchen is also authorized. The facility may operate from 8:00 A.M. to 10:00 P.M. An off-site overflow parking agreement is required with a nearby trade school (APN 331-112-12) or other authorized parking. Signage is authorized as shown in Exhibit G. The project will include the construction of an off-site water line extension along North Street from Oriental Street to Hinman Alley and the improvement of North Street to a 20-foot wide roadway. Proposed project access will be a connection to North Street.

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 Lighting Plans) must be submitted for review and approval and shall be implemented as approved by the County.

#### **II. MITIGATED NEGATIVE DECLARATION CONDITIONS**

2. Prior to occupancy, a six-foot tall noise barrier shall be constructed along the southern half of the western property line as identified in Appendix A of the noise study.

*Timing/Implementation: Prior to occupancy*

*Enforcement/Monitoring: El Dorado County Planning Services*

### **III. PROJECT CONDITIONS**

#### **Planning Services**

3. In the event that previously unknown cultural resources are discovered during construction, operations shall stop in the immediate vicinity of the find and a qualified archaeologist shall be consulted to determine whether the resource requires further study. The qualified archeologist shall make recommendations on the measures to be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds, in accordance with § 15064.5 of the CEQA Guidelines. Cultural resources could consist of, but are not limited to, stone, bone, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites.
4. If human remains are encountered during earth-disturbing activities within the project area, all work in the adjacent area shall stop immediately and the El Dorado County Coroner's office shall be notified. If the remains are determined to be Native American in origin, both the Native American Heritage Commission (NAHC) and any identified descendants shall be notified by the coroner and recommendations for treatment solicited (CEQA Guidelines § 15064.5; Health and Safety Code § 7050.5; Public Resources Code §§ 5097.94 and 5097.98).
5. Developer shall defend, indemnify and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of the Special Use Permit. In the event that the County fails promptly to notify the applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
6. The applicant shall submit to Planning Services a \$50.00 recording fee and a \$2,010.25 Department of Fish and Game fee prior to filing of the Notice of Determination by the County. No permits shall be issued or occupancy granted until said fees are paid.
7. Prior to issuance of any permits, the applicant shall pay all Development Services fees.
8. Prior to building permit issuance, the applicant shall provide a written description, together with appropriate documentation, demonstrating conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services permit center staff prior to final occupancy for verification of compliance with applicable conditions of approval.
9. Pursuant to County Code Section 17.22.250, implementation of the project must occur within twenty-four (24) months of approval of this permit, otherwise the permit becomes null and void. It is the responsibility of the applicant to monitor the time limit and make diligent progress toward implementation of the project and compliance with conditions of approval.

10. Lighting shall be substantially compliant with Exhibits E and H and shall conform to Section 17.14.170 requiring full shielding pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. Should final, installed lighting be non-compliant with full shielding requirements, the applicant shall be responsible for the replacement and/or modification of said lighting to the satisfaction of the Development Services Director or his designee.
11. The applicant is responsible for providing 45 off-street parking spaces at all times while the facility is in operation pursuant to 17.18.060 of the Zoning Ordinance. Thirty-nine parking spaces shall be provided as shown on the approved site plan, Exhibit E. The remaining six required parking spaces shall be provided off-site. Prior to occupancy, a parking agreement subject to the approval of Planning Services shall be submitted between all concerned parties ensuring the continued availability of the off-site parking facilities for the life of the use that it is intended to serve.
12. In accordance with the Parking Lot Landscaping and Buffering Standards (Section 17.18.090, El Dorado County Zoning Ordinance), the applicant shall submit a final landscape plan consistent with the approved landscape plan, Exhibit F, prior to issuance of a building permit. Additionally, staff will make an on-site inspection to verify compliance with the final landscape plan prior to occupancy.
13. At time of building permit submittal, the revised site plan shall reflect the relocation of the "multi-purpose room" to meet the minimum 10-foot front-yard setback from the edge of the road easement

#### **Air Quality Management District**

14. During construction, all activities shall apply standard Best Management Practices (BMPs) to control dust during construction. These practices shall be incorporated into the project and include:
  - a. Application of water on disturbed soils and unpaved roadways a minimum of three times per day
  - b. Using track-out prevention devices at construction site access points
  - c. Stabilizing construction area exit points
  - d. Covering haul vehicles
  - e. Restricting vehicle speeds on unpaved roads to 15 miles per hour
  - f. Replanting disturbed areas as soon as practical and other measures as deemed appropriate to the site, to control fugitive dust
15. Prior to grading permit issuance, a fugitive dust plan and asbestos dust mitigation plan shall be submitted to the Air Quality Management District (AQMD) for review and approval.
16. Burning of vegetative wastes that result from "Land Development Clearing" must be permitted through the District Rule 300 Open Burning. Only vegetative waste materials are permitted to be disposed of using an open outdoor fire.

17. The applicant shall adhere to District Rule 224 Cutback and Emulsified Asphalt Paving Materials.
18. The project construction will involve the application of architectural coating which shall adhere to District Rule 215, Architectural Coating.
19. As the subject site is located within the Asbestos Review Area, all driveways must be paved or surfaced with asbestos free gravel a minimum of three inches in depth prior to occupancy.

### **Department of Transportation**

20. **Access Road Improvements:** The applicant shall be required to improve North Street in accordance with El Dorado County Design and Improvements Standard Manual (DISM) Standard Plan 101C and the 2007 CA Fire Code with a 20-foot wide roadway capable of supporting 75,000 pounds. These off-site improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to issuance of building permit.
21. **Encroachment Permit:** The applicant shall obtain an encroachment permit from DOT and shall construct the driveway encroachment(s) from the proposed private driveways onto North Street to the provisions of County Design Std 103C with a minimum encroachment width of 24-feet. The improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to issuance of building permit.
22. **Road Improvement Agreement & Security:** A condition of approval will be that the developer shall enter into a Road Improvement Agreement (RIA) with the Department of Transportation for all roadway, frontage, and intersection improvements. The developer shall complete the improvements to the satisfaction of DOT or provide security to guarantee performance of the RIA as set forth within the County of El Dorado Subdivision Division Ordinance, prior to approval of improvement plans.
23. **Grading Plan:** A grading and erosion control plan may be required for this project. At the time that an application is submitted for improvement plans or a grading permit, the applicant must file a "Notice of Intent" (NOI) to comply with the Statewide General NPDES Permit for storm water discharges associated with construction activity with the State Water Resources Control Board (SWRCB).
24. **Grading Permit / Plan:** A commercial grading permit may be required for the project. The applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department of Transportation for review and approval. The plan shall be in conformance with the County of El Dorado "*Design and Improvement Standards Manual*", the "*Grading, Erosion and Sediment Control Ordinance*", the "*Drainage Manual*", the

*“Off-Street Parking and Loading Ordinance”*, and the State of California Handicapped Accessibility Standards. The improvements and grading shall be completed to the satisfaction of DOT prior to occupancy clearance.

25. **Soils Report:** At the time of the submittal of the grading or improvement plans, the applicant shall submit a soils and geologic hazards report (meeting the requirements for such reports provided in the El Dorado County Grading Ordinance) to, and receive approval from the El Dorado County Department of Transportation. Grading design plans shall incorporate the findings of detailed geologic and geotechnical investigations and address, at a minimum, grading practices, compaction, slope stability of existing and proposed cuts and fills, erosion potential, ground water, pavement section based on TI and R values, and recommended design criteria for any retaining walls.
  
26. **Drainage Study / SWMP Compliance:** The applicant shall provide a drainage report at time of improvement plans or grading permit application, consistent with the Drainage Manual and the Storm Water Management Plan, which addresses storm water runoff increase, impacts to downstream facilities and properties, and identification of appropriate storm water quality management practices to the satisfaction of the Department of Transportation. The Drainage Study must demonstrate the subject property has adequate existing and proposed storm drainage facilities. At a minimum, the drainage study, plans, and calculations shall include the following:
  - a. The site can be adequately drained.
  - b. The development of the site will not cause problems to nearby properties, particularly downstream sites.
  - c. The on-site drainage will be controlled in such a manner as to not increase the downstream peak flow more than the pre-development 10-year storm event or cause a hazard or public nuisance. Detention shall be required if said condition is not met or demonstrate that there are no downstream impacts.
  - d. The ultimate drainage outfall of the project.

The improvements shall be completed to the approval of the Department of Transportation, prior to issuance of a building permit or the applicant shall obtain an approved improvement agreement with security.

27. **Drainage Easements:** The site plans shall show drainage easements for all on-site drainage courses and facilities and shall be included on all improvement plans.
  
28. **NPDES Permit:** At the time that an application is submitted for improvement plans or a grading permit, and if the proposed project disturbs more than one acre of land area (43,560 square feet), the applicant shall file a “Notice of Intent” (NOI) to comply with the Statewide General NPDES Permit for storm water discharges associated with construction activity with the State Water Resources Control Board (SWRCB). This condition is mandated by the Federal Clean Water Act and the California Water Code. A filing form, a filing fee, a

location map, and a Storm Water Pollution Prevention Plan (SWPPP) are required for this filing. A copy of the Application shall be submitted to the County, prior to building permit issuance, and by state law must be done prior to commencing construction.

29. **Storm Water Drainage BMPs:** Storm drainage from on-and off-site impervious surfaces (including roads) shall be collected and routed through specially designed water quality treatment facilities (BMPs) for removal of pollutants of concern (e.g. sediment, oil/grease, etc.), as approved by DOT. This project is located within the area covered by El Dorado County's municipal storm water quality permit, pursuant to the National Pollutant Discharge Eliminated System (NPDES) Phase II program. Project related storm water discharges are subject to all applicable requirements of said permit. BMPs shall be designed to mitigate (minimize, infiltrate, filter, or treat) storm water runoff in accordance with "Attachment 4" of El Dorado County's NPDES Municipal Storm water Permit (State Water Resources Control Board NPDES General Permit No. CAS000004).

With the Improvement Plans, the applicant shall verify that the proposed BMPs are appropriate to treat the pollutants of concern from this project. A maintenance entity of these facilities shall be provided by the project applicant. DOT shall review the document forming the entity to ensure the provisions are adequate prior to issuance of building permit.

30. **Easements:** All applicable existing and proposed easements must be shown on the project plans.
31. **TIM Fees:** Payment of Traffic Impact Mitigation Fees will be required.

#### **Diamond Springs – El Dorado Fire Protection District**

32. Prior to occupancy, all fire access roads shall be improved to a width of 20 feet with an all weather surface and be capable of supporting 75,000 pounds of static weight with an approved turnaround. Fire access roads 20 to 29 feet wide shall be posted on both sides as a fire lane with no parking allowed on either side of the roadway.
33. If the use of the barn is changed to a gift shop, the structure may be subject to the installation of a monitored fire alarm system prior to occupancy, as determined by the Diamond Springs – El Dorado Fire Protection District (DSEDFPD).
34. Prior to occupancy, documentation shall be submitted to the DSEDFPD confirming a minimum fire flow of 1,500 gallons per minute for two hours at 20 pounds per square inch. Two additional fire hydrants shall be installed to the satisfaction of the DSEDFPD prior to occupancy.
35. Prior to occupancy, a Knox Box shall be installed to the satisfaction of the DSEDFPD.
36. Prior to building permit issuance, the subject site shall be annexed into the Community Facilities District established by the DSEDFPD for the provision of public services.





## **ATTACHMENT 2** **FINDINGS**

### **Z09-0004/S09-0011/Brookshire Gardens** **March 11, 2010 Planning Commission Hearing**

#### **FINDINGS FOR APPROVAL**

##### **1.0 CEQA FINDINGS**

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received and considered during the public review process. The Mitigated Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2 The County finds that through feasible conditions and mitigation placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.
- 1.4 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 their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

##### **2.0 GENERAL PLAN FINDINGS**

- 2.1 As proposed, the project is consistent with the Commercial (C) land use designation of the subject site as defined by General Plan Policy 2.2.1.2, because this land use designation permits the proposed event center use.
- 2.2 The proposal is consistent with all applicable Policies of the General Plan including 2.1.1.7, infrastructure, 2.2.1.2, land use, 2.2.5.3, rezoning, 2.2.5.21, land use compatibility, 5.2.1.4, public water service, 5.3.1.7, public sewer service, 5.7.1.1, fire protection, 6.2.3.2, emergency access, and 10.1.6.1, tourism promotion, because it will provide adequate roadways, utilities and other public services, appropriate land use, compatibility with the surrounding neighborhood, connection to public water and sewer service, availability of emergency water, adequate emergency access, and promote tourism within the project area. The proposal was reviewed against the 19 specific criteria under policy 2.2.5.3 and found to be consistent with applicable criteria such as public water and sewer service availability,

capacity of the transportation system serving the area, and existing land use pattern. There are no existing CC & R's. The project provides adequate access and site design that ensures compatibility with the surrounding permitted land uses and is consistent with the General Plan policies identified above.

### **3.0 ZONING FINDINGS**

- 3.1 The project, as proposed and conditioned, is consistent with the El Dorado County Zoning Ordinance development standards because the proposed event center meets the development standards of the CP zone district pursuant to section 17.32.160 for minimum lot areas and widths, maximum lot coverage, building height, and setbacks.

### **4.0 ADMINISTRATIVE FINDINGS**

#### **4.1 Special Use Permit**

- 4.1.1 *The issuance of the permit is consistent with the General Plan.*

As proposed, the project conforms to the C General Plan land use designation and applicable General Plan policies including adequate roadways, utilities and other public services, compatibility with the surrounding neighborhood, availability of emergency water, adequate emergency access, and tourism promotion.

- 4.1.2 *The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood; and*

As proposed, the project is compatible with the surrounding residential and commercial land uses and will not create land use conflicts with surrounding properties. Noise mitigation measures are proposed to ensure consistency with applicable General Plan noise policies.

- 4.1.3 *The proposed use is specifically permitted by special use permit pursuant to this Title.*

The proposed use is permitted pursuant to Section 17.32.150.D of the Zoning Ordinance.