

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



Agenda of: May 27, 2010
Item No.: 8.a
Staff: Tom Dougherty

SPECIAL USE PERMIT

FILE NUMBER: S10-0001/Enchanted April Farm Bed and Breakfast

APPLICANT: Elke Schlosser

REQUEST: Special Use Permit to allow a bed and breakfast inn, retreat/event venue with a maximum of 30 events for up to 20 persons, equestrian center, and a 24 square-foot lighted sign. The inn consists of a 3,177 square-foot structure, swimming pool and outdoor barbeque area. The equestrian facility includes a 2,160 square-foot barn, arena, storage and tack sheds, three stables and paddock area.

LOCATION: On the west side of Salmon Falls Road, approximately 660 feet north of the intersection with Equestrian Way in the Pilot Hill area, Supervisorial District IV. (Exhibit A)

APN: 104-080-49

ACREAGE: 10.00 acres

GENERAL PLAN: Rural Residential-Important Biological Corridor (RR-IBC) (Exhibit B)

ZONING: Estate Residential Ten-Acre (RE-10) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Categorically exempt pursuant to Section 15301 and 15303 of the CEQA Guidelines.

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

1. Find that the project is Categorical Exempt pursuant to CEQA Guidelines Sections 15301 and 15303; and

2. Conditionally approve Special Use Permit S10-0001 subject to the Conditions in Attachment 1, based on the Findings in Attachment 2.

BACKGROUND: The facilities proposed to be used exist today and were approved by the following County permits:

Structure	Associated Site Plan Letter	Sq. Ft.	Permit Number	Date Finaled
Single-family dwelling Covered porch Attached garage	A	3,177 357 607	94087340	9/01/94
Existing Barn	B	2,160	140536	7/23/02
Existing Pool	I	875	189483	9/18/08
Existing Storage Shed	D	288	195004	1/26/10
Existing Storage Canopy	K	840	195005	
Existing Horse Paddock	F	1,008	195006	

STAFF ANALYSIS

Project Description: The applicant is requesting a Special Use Permit for a Bed and Breakfast Inn having four guest rooms within an existing two-story, 3,177 square-foot, five bedroom, five and a half bathroom residential home. The four bedrooms and baths for guests are located on the second floor with guest access from the entrance foyer. The first floor would be considered “common area” for guests and contains the dining room, library/den, laundry room, office, family/living room, ½ bath, pantry and kitchen. Only registered guests would have access to the kitchen facilities with meal service provided for breakfast and light snacks which would be included in the overall room rate. The remaining fifth bedroom on the second floor has been segregated by a private entry and would be used by the owner. Hours of operation would primarily occur during the weekends and would be by reservation only. The applicant proposes to host activities/events which are listed in detail below the building use table below. An existing exterior barbecue, swimming pool, 2,160 square foot barn and three horse tack storage sheds and paddocks would be available for the guests renting the rooms. No employees will be utilized however, independent contractors may be utilized as required for grounds maintenance and maid services. The project would utilize existing facilities and no new construction is currently proposed. A 4 foot high by 6 foot wide (24 square feet) sign with solar lighting is proposed to be located where the entrance driveway intersects with Salmon Falls Road on the southwest corner.

The following table corresponds to the Site Plan attached as Exhibit G:

Building Letter	Use (as labeled in Exhibit G)	Size
A	Existing Home and Garage (attached) Covered porch	3,177 square ft. 607 square ft. 357 square ft.
B	Existing Barn Covered RV or Hay Storage	40 ft. by 60 ft. 15 feet by 60 ft.
C	Existing Horse Arena	100 ft. by 200 ft.
D	Existing Storage Shed	15 ft. by 25 ft.
E	Existing Tack Sheds	8 ft. by 12 ft. (3)
F	Existing Horse Paddock	12 ft. by 84 ft.
G	Existing Pagoda	12 ft. by 30 ft.
H	Existing Trash/Recycling Shed	Two at 5 ft. by 10 ft. (2)
I	Existing Pool and Hot Tub	25 ft. by 35 ft.
J	Existing Pond, Solar Aerated	80 ft. by 130 ft.
K	Existing Storage Canopy	15 ft. by 60 ft.
L	Existing Horse Gazebos	10 ft. by 10 ft. (3)
M	Proposed Sign	4 foot high by 6 foot wide (24 square feet) sign not to exceed 8-ft. tall.

The following activities/events are proposed as listed below:

Guest Events: The proposal also includes retreats, classes, meetings, seminars & workshops to take place on the premises. These other events would be limited to 8 participants residing as guests at the Inn plus the instructor(s). Organized outdoor events would be limited to the hours between 9am and 9pm. No amplified music would be allowed. Food service other than breakfast and light snacks, if required would be arranged through a licensed catering company or restaurant, and the kitchen inside the Inn would not be utilized for food preparation purposes.

Ancillary Events: The proposal also includes retreats, classes, meetings, seminars & workshops to take place on the premises. These ancillary events would be limited to 20 participants including but not limited to those residing as guests at the Inn. Outdoor events would be limited to the hours between 9am and 9pm. No amplified music would be allowed. Food service if required would be arranged through a licensed catering company or restaurant, and the kitchen inside the Inn would not be utilized for food preparation purposes. All parking would be limited to the premises. A maximum of 24 ancillary events would be allowed per year.

Equestrian Events: The proposal also includes horse related clinics with up to 8 participating horses and riders. Clinics would be held between the hours of 9 and 9pm. A maximum of 6 clinics would be allowed per year. Participants and their friends & families would be able to

utilize the picnic area and BBQ for the purpose of a “pot-luck” or BBQ following the clinic. All parking would be limited to the premises.

Owners Private Events: From time to time the owner would have private gatherings of family and friends and that these private – non-public gatherings not be included in the limitations imposed under the categories above. The owner’s private events would not be subject to the terms of the Special Use Permit. In other words, the owner may serve home cooked food to family and friends and there be no limitation on number of gatherings per year or size of these events.

Site Description: The project is located at an average elevation of 1,200 feet above mean sea level. Improvements include the structures/features listed above along with graveled access driveways, white vinyl, and chain link and aluminum fence separating the pastures, access and residence areas. Vegetation is dominated by annual grassland with intermittent landscape trees in the western portion of the property and native oak trees along Salmon Falls Road. The project site contains a pond which an intermittent stream crosses from the north to south near the horse paddock area. Site access is provided via an existing driveway traveling west approximately 820 feet from Salmon Falls Road, a County maintained road. The majority of the parcel is utilized for horse pasture.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RE-10	RR-IBC	Single family residences, accessory structures
North	RE-10	RR-IBC	Single family residences, undeveloped
South	RE-10	RR-IBC	Single family residence
East	RE-10	RR	Single family residence, undeveloped
West	RE-10	RR-IBC	Single family residence

Discussion: All surrounding parcels are designated for rural residential uses by the General Plan. The closest residence on a surrounding parcel is located approximately 450 feet to the south, (see Exhibits L-1 and L-2). The proposed Special Use Permit, as conditioned, would consistent with residential development on adjacent parcels.

Project Issues

Discussion items for this project include access and parking, consistency with the adopted Bed and Breakfast Inn Ordinance, emergency water for fire suppression, exterior lighting, and water and septic improvements.

Access and Parking: The project site is accessed from Salmon Falls Road, which is a County maintained road. El Dorado County Fire Protection District and DOT have reviewed on-site and off-site access. The Fire District found the existing interior graveled driveway circulation to be adequate for safe emergency ingress and access. DOT has conditioned the project for safe ingress and egress for the encroachment of the driveway onto Salmon Falls Road.

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 project site has shown in the Site Plan in Exhibit G to have room for 40 standard spaces. The B&B use requires one space per bedroom and two reserved for the owner. The largest proposed activity/event is proposed to have a maximum of 20 participants. Assuming three people per car, as in Ranch Marketing, seven standard parking spaces would be required. Although the B&B is considered lodging and a residential use and would not be required by to provide accessible parking, the activities/events involving non-guests are required to provide them. Therefore, one accessible parking space which is also van accessible would be required. The applicant would provide that space adjacent to the dwelling as shown in Exhibit G. The following table summarizes the parking:

PARKING REQUIREMENTS		
Parking Stall Standard	No. of Spaces Required	No. of Spaces Provided
Standard Space	4 reserved for guests 2 reserved for owner <u>7 for activities/events</u> 13 total spaces required	40
Accessible Spaces	1 (with van accessibility)	1 (with van accessibility)

Bed and Breakfast Inn Ordinance: Section 17.14.220 of the Zoning Ordinance, Bed and Breakfast Inns, was adopted by the Board of Supervisors on April 29, 2008. The ordinance states that *bed and breakfast inns shall be considered an expanded home occupation in residential and agricultural districts and shall only be authorized by approval of a special use permit based on the standards provided herein.*

A discussion of the project's consistency with the Bed and Breakfast Ordinance is outlined in the table below:

Section 17.14.220.C Standards	Consistency
17.14.220.C.1: <i>The bed and breakfast inn can provide up to a maximum of 20 guestrooms, which shall be contained within the primary and secondary residential units and guest house only, in compliance with the development standards of the applicable residential or agricultural zone districts.</i>	Consistent. As proposed, the project is consistent with Section 17.14.220.C1 and Section 17.70.110, RE-10 development standards. Specifically the applicant is proposing 4 guest rooms which are contained within the second floor of the existing 3,177 square foot primary residence.
2. <i>The property owner shall reside in either the primary or secondary residential unit on site.</i>	Consistent: The project has an existing fifth bedroom on the second floor, segregated from the others, which is to be used by the owner.

<p>3. <i>Meal service shall be limited to registered guests and shall consist of breakfast and light snacks as a portion of the overall room rate in compliance with the California Retail Food Codes enforced by the County.</i></p>	<p>Consistent: The project proposal and Conditions of Approval are consistent with this section.</p>
<p>4. <i>One, non-internally illuminated sign shall be permitted based on the applicable zone district standard set forth in Chapter 17.16 unless greater sign area is authorized under the Special Use Permit. The design of the sign shall be reviewed by the approving authority for architectural compatibility with the existing or proposed structure(s).</i></p>	<p>Consistent: RE-10 zone district requirements for size (17.70.090.D). The applicant requests a 4 foot high by 6 foot wide (24 square feet) sign that exceeds the allowed by right area of six square feet. The request is discussed in more detail below in the Sign section.</p>
<p>5. <i>Bed and breakfast inns shall have direct access to a maintained road in conformance with Department of Transportation standards. The entrance, parking area and walkways shall be illuminated pursuant to Chapter 17.14.170 and kept free of obstructions or hazards of any type.</i></p>	<p>Consistent: The project site is accessed from Salmon Falls Road, which is a County maintained road. El Dorado County Fire Protection District and DOT have reviewed on-site and off-site access and have condition the project for safe emergency access within the interior of the project parcel as well as for a safe ingress and egress for the private driveway as it encroaches onto Salmon Falls Road.</p>
<p>6. <i>Kitchens shall be clean, well-maintained and comply with accepted standards of sanitation and hygiene by conforming to the requirements of the applicable El Dorado County Environmental Health Department permit.</i></p>	<p>Consistent: Environmental Health would require permitting and inspections of the kitchen facilities.</p>
<p>7. <i>Bed and breakfast inns shall provide off-street parking at a ratio of one space per each guest room, plus two spaces required for the principal dwelling. Guest parking shall be subject to the following:</i></p> <p><i>a. No guest parking shall be permitted within the required front or side yard setback.</i></p> <p><i>b. Tandem parking, meaning two cars parked one behind the other, may be allowed. Denser parking lot configurations may be allowed if valet parking is required.</i></p> <p><i>c. Guest parking shall be designed so as to prohibit the backing of vehicles directly into any public right of way in order to exit any parking space.</i></p> <p><i>d. The parking area provided for a bed and breakfast inn may have a gravel surface.</i></p>	<p>Consistent: Parking is discussed in more detail above in the Access and Parking section. The submitted site plan shows a total of 40 guest and activities/uses spaces with room for horse trailer parking in the <i>Existing Gravel Drive/Turnaround</i> as shown on Exhibit G. As conditioned, all parking meets the required development standards.</p>

<p>8. <i>A bed and breakfast inn consisting of five or fewer guestrooms shall be considered a single residential dwelling unit or lodging house for the purpose of building codes, unless additional standards are required by the California Codes, as amended and adopted by El Dorado County. Six or more guestrooms within one building shall be subject to further requirements under the California Codes.</i></p>	<p>Consistent: The project proposes four guest rooms and is considered a lodging house with a Group R occupancy designation under the 2007 California Building Code.</p>
<p>9. <i>Bed and breakfast inns within Agricultural Districts as identified on the General Plan land use maps or adjacent to land zoned Exclusive Agriculture (AE), Planned Agriculture (PA), Select Agriculture (SA), Residential Agriculture (20, -40, -60, -80, -160), or Timberland Production Zone (TPZ) districts must be reviewed by the Agricultural Commission for compatibility with surrounding agricultural land uses prior to action by the approving authority.</i></p>	<p>Consistent: The project parcel is not within an Agricultural District nor is it within an agricultural zone district.</p>
<p>10. <i>The operation of a bed and breakfast inn shall be subject to Title 3.28 (Transient Occupancy Tax) and Title 5.08 (Business License Requirements) of the El Dorado County Code. The business license shall be posted in a conspicuous place on the premises prior to operation of the business.</i></p>	<p>Consistent: The project is conditioned to obtain a business license before initiation of use.</p>
<p>11. <i>The Special Use Permit may authorize limited ancillary activities such as weddings, receptions, fund raisers or similar events attended by non-guests, subject to conditions of approval that include, but are not limited to, restrictions upon the frequency and time of holding events, duration thereof, and the maximum number of persons attending. Food preparation, except for the aforementioned breakfast and light snacks, shall not be permitted to occur in the bed and breakfast inn. Unless expressly authorized in the Special Use Permit, such ancillary activities are prohibited.</i> <i>A temporary use permit for an ancillary activity may be processed in situations where special events are not authorized under the special use permit for the bed and breakfast</i></p>	<p>Consistent: Section 17.14.210.C11 allows ancillary activities by Special Use Permit. The applicant proposes activities/events as listed above in the Project Description section. The use of the kitchen facilities is also discussed in that section. The subject parcel, at 10 acres, provides ample room for ancillary events and additional parking in excess of those required for the B&B Inn itself.</p> <p>No amplified music has been proposed and hours of the events have been conditioned consistent with General Plan Policies for noise levels in a rural region.</p> <p>With incorporation of conditions limiting the duration of events, serving and preparing food, and use of amplified music, the project would be consistent with this section.</p>

<p><i>inn. Applicable conditions shall be imposed, as determined necessary by the approving authority, which restrict the number of people attending and offset other related impacts, in order to maintain the residential character of the surrounding neighborhood.</i></p>	
<p>12. <i>New construction proposed on a bed and breakfast inn site, including buildings not necessarily proposed for bed and breakfast inn use, or exterior remodeling of the building(s) to be used for guest accommodations, is subject to architectural review by the approving authority as part of the Special Use permit process. This determination will be based on compatibility with neighborhood building style, building materials and any historic style indigenous to the area.</i></p>	<p>Consistent: Exhibits have been included showing pictures of the existing structures (Exhibits K-1 to K-9). No new structures or any altering of structures is proposed. Staff has found that the existing structures would be consistent with neighborhood building style, building materials, and any historic style indigenous to the area.</p>

Fire Safety and Water Supply: The application was reviewed by the El Dorado County Fire Protection District. The project parcel is not supplied by public domestic water and therefore an adequate fire flow could not be established. To compensate for that fact, the Fire District has conditioned the project to supply a 5,000 gallon water storage tank to be used for emergency fire suppression purposes as a private hydrant system. They determined that the existing graveled driveways and parking areas provide adequate room for the circulation of emergency vehicles.

Water and Septic Improvements: The project sites wastewater disposal is by an existing septic system. The use as a bed and breakfast would require an Annual Food Facility Operating Permit issued by Environmental Health. As the project is served by well water, periodic water testing would be required under Cal Code requirements.

General Plan: The General Plan currently designates the subject site as Rural Residential-Important Biological Corridor (RR-IBC). RR establishes areas for residential and agricultural development. With an approved Special Use Permit, the project would conform to the existing General Plan land use designation of RR-IBC. The policies and issues that affect this project are discussed below:

Special Use Permit Required: **Policy 2.2.5.2** states that *applications for discretionary projects or permits, including Special Use Permits, shall be reviewed to determine consistency with General Plan policies. No approvals shall be granted unless a finding is made that the project or permit is consistent with the General Plan.*

Discussion: Bed and Breakfasts are permitted by Special Use Permit in the RE-10 Zone District. The applicant proposes to use the existing facilities to operate the four-bedroom B&B with no alterations of any existing facilities. It can be found through the discretionary Special Use Permit process that the project is consistent with the specific, fundamental, and mandatory land use development goals, objectives, and policies of the General Plan. Staff finds that the project,

as conditioned, would be compatible with the adjacent and surrounding properties, and conforms to the General Plan.

Land Use Compatibility: **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.*

Discussion: The parcel exists in a rural residential area. The 10-acre site is surrounded by sparse residential development. The residence is located towards the western parcel boundary and has existed there since 1994. The other existing improvements were given County permit approval prior to submission of the current project request. No new structures or access improvements are proposed or required, and the only new impacts would be the potential addition of 12 visitors on a very intermittent basis. Therefore, it is believed that the proposed use would be compatible with the rural residential character of the neighborhood and would be compatible with the residential zoning of the property.

Lighting Impacts: Policy 2.8.1.1 directs that excess nighttime light and glare be limited from the parking area lighting, signage and buildings.

Discussion: 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.

Noise Impacts: Policy 6.5.1.2 states that *where proposed non-residential land uses are likely to produce noise levels exceeding the performance standards of Table 6-2 at existing or planned noise-sensitive uses, an acoustical analysis shall be required as part of the environmental review process so that noise mitigation may be included in the project design.*

Discussion: The applicants submitted an *Environmental Noise Assessment* prepared by Bollard Acoustical Consultants and dated September 9, 2008. The study concluded that noise levels would not exceed the noise limits indicated in Table 6-2 of the General Plan and found that no noise mitigation is warranted. The project would be compliant with these Policies.

Wetlands/Intermittent Streams: **Policy 7.3.3.4** directs that buffers and special setbacks of 50 feet from intermittent streams and wetlands.

Discussion: The sight has an unnamed intermittent stream that passes through the western portion from north to south as shown in Exhibit G. The applicant purchased the property with the man-made pond and streambed in the current condition. The buildings and structures that exist today were previously approved as shown in Exhibit G, within the 50-foot setback currently required for intermittent streams. The project would not require any physical changes or additions of the existing structures within the setback area. In an attempt to restore the stream area to a natural state, the applicant has submitted the *Streamside Planting Plan* included as Exhibit J. Condition 7 requires that Planning Services receive proof that the plants were installed

in substantial compliance with the Plan prior to January 1, 2011 to allow for proper planting in the Fall of 2010.

Important Biological Corridor: The parcel is also located within the IBC overlay. **Policy 7.4.2.9** states that *this overlay shall apply to lands identified as having high wildlife habitat values because of extent, habitat function, connectivity, and other factors.*

Discussion: The project does not propose any land disturbance and will use existing infrastructure, structures and graveled access driveways. The entire parcel is located within the IBC however; the project would not conflict with the intent of this policy.

Policy 10.1.7.4 states that *home occupations shall be encouraged and permitted to the extent that they are compatible with adjacent or surrounding properties.* Ordinance Number 4770, states that Bed and Breakfast Inns shall be considered an expanded home occupation in residential and agricultural districts. As conditioned the project is consistent with the Rural Residential land use designation and the RE-10 Zone District development standards. The proposed activities/events would have maximum number of persons attending of 20. The applicant has the option of applying for a Temporary Use Permit for larger events, temporary events in the future, which would then be analyzed on their own merit at that time. Any significant changes in the project proposal, at the discretion of the Development Services, could potentially require a revision to the SUP, to be then heard by the Planning Commission. As currently proposed, the project would be compatible with adjacent or surroundings properties as the potential impacts have been determine to be less than significant, and all adjacent properties are within the same land use designation and zone district.

Conclusion: The project has been reviewed in accordance with the General Plan policies, and it has been determined that the project would be consistent with the General Plan. Findings of consistency with the General Plan are provided in Attachment 2.

ZONING

Development Standards: The proposed Bed and Breakfast Inn is required by Section 17.14.220.C.1 to be consistent with the development standards of the applicable residential zone district. The proposed project is consistent with the ordinance. Consistent with the Bed and Breakfast Inn ordinance, a commercial kitchen may be added to the primary or second residential units at a future time.

Special Use Permit: A Special Use Permit (SUP) application is required for the proposed project pursuant to Section 17.14.220 of the Zoning Ordinance, Bed and Breakfast Inns. Based on consistency with the General Plan, compatibility with adjacent land uses, and less than significant environmental impacts, Findings for conditional approval of the SUP are included in Attachment 2.

The Special Use Permit findings are required by Section 17.22.540 of the Zoning Ordinance:

1. *The issuance of the permit is consistent with the General Plan;*

Discussion: As discussed in the General Plan and Project Issues sections of the staff report, the project, as conditioned, would be consistent with the General Plan.

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

Discussion: The addition of conditions limiting activities/uses by the maximum number of persons attending as well as no amplified music would ensure that the project would not have a significant impact on the neighborhood and that the events would be ancillary to the use of the Bed and Breakfast Inn as an expanded home occupation.

3. *The proposed use is specifically permitted by Special Use Permit pursuant to this Title.*

Discussion: As discussed above, the use is specifically permitted by Section 17.14.220 of the Zoning Ordinance, Bed and Breakfast Inns.

Sign: The applicant requests a 4 foot high by 6 foot wide (24 square feet) sign (see Exhibits I-1 and I-2) that exceeds the allowed by right area of six square feet. The intent of this increased area is to allow visibility of the sign from Salmon Falls Road while accommodating the existing road and public utilities easement. Proposed signage would consist of a 4-foot x 6-foot wooden, informational sign, as shown in the Exhibit I-1. This sign would be located outside the existing road and public utilities easements, on the southwest corner of the existing asphalt driveway and Salmon Falls Road, as shown in the Exhibit G. This sign would be supported by two wooden posts, and total height shall not exceed eight (8) feet and lighted with solar powered fixtures mounted in such a way as to illuminate the sign only from both directions of traffic.

The increased size of the sign is requested for consideration for the following reasons:

- The 40 foot setback requirement makes a six square foot sign, six foot high (allowed) almost invisible to passing drivers.
- The very high rate of speed on Salmon Falls Road makes a smaller sign simply not visible to drivers.
- The topographical drop off of in the area of the sign makes an 8-foot height imperative as a shorter sign could not be seen from the road.

For these reasons the applicant requests that the Planning Commissioners consider the use of a larger and higher sign than would normally be allowed. Otherwise the applicant requests the Commissioners to consider a smaller sign placed within the existing road and public utilities easement.

ENVIRONMENTAL REVIEW

This project has been found to be Categorically Exempt from the requirements of CEQA pursuant to Section 15301 and 15303 of the CEQA Guidelines. As conditioned the project is consistent with the residential development standards of the RE-10 Zone District for the existing structures and facilities. The use as a Bed and Breakfast is by ordinance an expanded home

occupation. A \$50.⁰⁰ processing fee is required by the County Recorder to file the Notice of Exemption.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Conditions of Approval
Attachment 2	Findings
Exhibit A	Location Map
Exhibit B	Assessor's Parcel Map
Exhibit C	Parcel Map 37-117
Exhibit D	General Plan Land Use Map
Exhibit E	Zoning Map
Exhibit F	Applicant submitted Project Description
Exhibit G	Site Plan
Exhibit H-1	First Floor Plan
Exhibit H-2	Second Floor Plan
Exhibits I-1, I-2	Front entrance Sign and Location Photo
Exhibit J	Streamside Planting Plan
Exhibits K-1 to K-9	Site Visit Photos
Exhibits L-1, L-2	Aerial Photos
Exhibit M	Bed and Breakfast Ordinance 17.14.220

ATTACHMENT 1

CONDITIONS OF APPROVAL

SPECIAL USE PERMIT

**File Number S10-0001/Enchanted April Farm Bed and Breakfast
May 27, 2010 Planning Commission Hearing**

Planning Services

1. This Special Use Permit is based upon and limited to compliance with the project description, the hearing exhibits marked Exhibits A through M, 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:

Approval of this Special Use Permit allows a Bed and Breakfast Inn with four guest rooms as follows.

- a. Four guest rooms and one bedroom for the owner/operator are to be contained within the 3,177 square foot primary residence. Only registered guests shall have access to the kitchen facilities with meal service provided for breakfast and light snacks which will be included in the overall room rate.
- b. The following structures ancillary activities are approved for use under this current approval are lettered A thru M as listed in the table below and located as shown in Exhibit G:

Building Letter	Use (as labeled in Exhibit G)	Size
A	Existing Home and Garage (attached) Covered porch	3,177 square ft. 607 square ft. 357 square ft.
B	Existing Barn Covered RV or Hay Storage	40 ft. by 60 ft. 15 feet by 60 ft.
C	Existing Horse Arena	100 ft. by 200 ft.
D	Existing Storage Shed	15 ft. by 25 ft.
E	Existing Tack Sheds	8 ft. by 12 ft. (3)
F	Existing Horse Paddock	12 ft. by 84 ft.

G	Existing Pagoda	12 ft. by 30 ft.
H	Existing Trash/Recycling Shed	Two at 5 ft. by 10 ft. (2)
I	Existing Pool and Hot Tub	25 ft. by 35 ft.
J	Existing Pond, Solar Aerated	80 ft. by 130 ft.
K	Existing Storage Canopy	15 ft. by 60 ft.
L	Existing Horse Gazebos	10 ft. by 10 ft. (3)
M	Proposed Sign	4 foot high by 6 foot wide (24 square feet) sign, mounted on two posts, not to exceed 8-ft. tall.

- c. A total of 30 events/activities, attended by non-registered guests of the bed and breakfast, with a maximum of 20 participants, are permitted per year as described below:

Ancillary Events: Retreats, classes, meetings, seminars & workshops limited to 20 participants including but not limited to those residing as guests at the Inn. Outdoor events shall be limited to the hours between 9 am and 9 pm. No amplified music shall be allowed. Food service, if required, would be arranged through a licensed catering company or restaurant, and the kitchen inside the Inn shall not be utilized for food preparation purposes. All parking shall be limited to the premises. A maximum of 24 ancillary events shall be allowed per year.

Equestrian Events: Horse related clinics with up to 8 participating horses and riders shall be held between the hours of 9 and 9 pm with a maximum of 6 clinics permitted per year. Participants and their friends and families will be permitted to utilize the picnic area and BBQ for the purpose of a “pot-luck” or BBQ following the clinic. All parking shall be limited to the premises.

The following guest and private events are approved as follows:

Guest Events: Retreats, classes, meetings, seminars & workshops shall be limited to 8 participants residing as guests at the Inn plus the instructor(s). Organized outdoor events shall be limited to the hours between 9 am and 9 pm. No amplified music shall be allowed. Food service other than breakfast and light snacks, if required, shall be arranged through a licensed catering company or restaurant, and the kitchen inside the Inn shall not be utilized for food preparation purposes.

Owner’s Private Events: The owner may have private gatherings of family and friends and these private gatherings shall not be included in the limitations imposed under the categories above. The owner’s private events shall not be open to the public and will not be subject to the terms of this Special Use Permit. The

applicant is permitted to serve home cooked food to family and friends and there shall be no limitation on number of gatherings per year or size of these events.

- d. One 4-foot by 6-foot non-internally illuminated sign is permitted and shall be located as shown in Exhibit G and shall comply with Exhibits I-1 and I-2.

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

2. All site improvements shall conform to Exhibits G thru J. All structures authorized shall be consistent with the developments standards of the RE-10 zone district, Chapter 17.70. Changes in the uses and in the structures/facilities as approved and as shown and located in Exhibits G thru J shall require review by Planning Services to determine if the changes can be approved administratively or are substantial enough to require the submittal of a Special Use Permit revision application with review by the Planning Commission.
3. Prior to 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 imposed as part of the project approval by phase and in accordance with county, State, and Federal law. The applicant shall also schedule an inspection by Planning Services prior to commencement of any use authorized by this Special Use Permit for verification of compliance with applicable conditions of approval.
4. No amplified outdoor sound systems shall be used at the project site without a revision to this Special Use Permit or a Temporary Use Permit is obtained. Noise levels during any of activities/events and uses shall not exceed the levels specified in Table 6-2 of the General Plan.
5. The applicant shall obtain a business license prior to initiation of the use.
6. All outdoor lighting shall conform to §17.14.170 and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. In addition, the following apply:
 - a. The external solar lights used to illuminate the two-foot by three-foot sign shall be shielded to prevent the light from shining off of the surface intended to be illuminated.

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.

7. The applicant shall install the plants shown in the Streamside Planting Plan attached as Exhibit J. Proof of substantial compliance with said plans shall be received by Planning Services prior to January 1, 2011. Should the planting not be completed and approved by Planning Services prior to January 1, 2011, all uses authorized by this permit shall cease until this condition has been satisfied.
8. Parking shall be provided as follows:

PARKING REQUIREMENTS		
Parking Stall Standard	No. of Spaces Required	No. of Spaces Provided
Standard Space	4 reserved for guests 2 reserved for owner <u>7 for activities/events</u> 13 total spaces required	40
Accessible Spaces	1 (with van accessibility)	1 (with van accessibility)

Additional parking area for horse trailer parking shall occur in the *Existing Gravel Drive/Turnaround* as shown on Exhibit G.

9. 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 processing 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 Special Use Permit, which action is brought within the time period provided for in Section 66499.37 of the California Government Code.

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

El Dorado County Department of Transportation

10. Encroachment Permit: The applicant shall obtain an encroachment permit from DOT and shall construct the driveway encroachment from the existing private driveway onto Salmon Falls Road to the provisions of County Design Std 103C or approved DOT

equivalent. 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 initiation of any use permitted by the approval of the Special Use Permit.

El Dorado County Department of Environmental Health

11. Bed and Breakfast establishments under the California Retail Food Code, Section 113893, Restricted Food Service Facility, require that you obtain and maintain an Annual Food Facility Operating Permit issued by Environmental Health. When approval from Planning Services is obtained, please submit a completed service request form and application for a Food Facility Permit to this office for review. In addition, because your water source is a private well, a Food Facility Water System Operating Permit is required. Water quality testing and monitoring are requirements of the permit.
12. Public pools must comply with the California Health and Safety Code, California Code of Regulations, California Building Code, and the California Electrical Code. The existing pool on the property does not meet the public pool standards and cannot be included as part of the Bed and Breakfast Special Use Permit. Fencing and signage to exclude the pool shall be approved by Environmental Health prior to the operation of the Bed and Breakfast. The fencing shall not have gates in close proximity to the pool. Signs at each gate shall be durable with contrasting lettering no smaller than 4 inches high and shall say the following: *PRIVATE – NOT FOR PUBLIC USE. The swimming pool does not meet safe public pool standards and is not available for use by the public.*

El Dorado County Fire Protection District

13. The applicant shall submit a site review plan fee to El Dorado County Fire of \$150.00 prior to initiation of any use authorized by the approval of this Special Use Permit.
14. The applicant shall provide a minimum 5,000 gallons water storage tank with fire district access prior to initiation of any use authorized by the approval of this Special Use Permit.
15. The applicant shall provide a site plan, for review and approval, showing the location of the water storage tank and the fire district connection prior to initiation of any use authorized by the approval of this Special Use Permit for review and approval.
16. In lieu of Conditions 14 and 15, provide a 4-inch drafting station out of the pond. The pick up station in the pond must be engineered and located in an area that will not pick up debris out of the pond. The other end shall meet the requirements of Water supplies Residential without a Purveyor Section 4 Piping and Hydrant Outlet Requirements prior to initiation of any use authorized by the approval of this Special Use Permit.

17. The applicant shall provide calculations that the pond holds a minimum 5,000 gallons of water suitable for drafting prior to initiation of any use authorized by the approval of this Special Use Permit.
18. The applicant shall submit plans with and engineers stamp for Conditions of Approval 18 and 5 prior to initiation of any use authorized by the approval of this Special Use Permit.
19. The applicant shall provide one minimum rated 2A10:BC fire extinguisher within 75 feet of travel distance to all areas of the facility. It shall be mounted in a location that is readily visible and easily accessible. The top of the box shall be no higher than 5 feet from the ground prior to initiation of any use authorized by the approval of this Special Use Permit.

ATTACHMENT 2

FINDINGS

SPECIAL USE PERMIT

**File Number S10-0001/Enchanted April Farm Bed and Breakfast
May 13, 2010 Planning Commission Hearing**

1.0 CEQA FINDING

- 1.1** This project has been found to be Categorical Exempt from the requirements of CEQA pursuant to Section 15301 and 15303 of the CEQA Guidelines. As conditioned the project is consistent with the residential development standards of the RE-10 Zone District for the existing structures, facilities and infrastructure. The use as a Bed and Breakfast Inn is by ordinance an expanded home occupation.
- 1.2** 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 Division at 2850 Fairlane Court, Placerville, CA.

2.0 SPECIAL USE PERMIT FINDINGS

2.1 The issuance of the permit is consistent with the General Plan;

The proposed project has been analyzed for consistency with General Plan Policies 2.2.5.20 (General Plan Consistency Compliance), 2.8.1.1 Lighting Impacts, 6.5.1.2 (Noise Impacts), 7.3.3.4 (Conservation of Water Resources), and 10.1.7.4 (Home Occupations) because the project seeks to use existing structures, would have minimal impacts on visual resources, existing utilities, and on the existing surrounding residences. There are adequate services to facilitate the site, such as water, power and solid waste. The project would not add excessive lighting or noise impacts nor significantly affect biological resources. The proposed project, as conditioned, is consistent with these policies and consistent with the General Plan Land Use Designation of Rural Residential which allows for Bed and Breakfast Inns with a Special Use Permit.

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

The proposed Bed and Breakfast Inn will comply, as conditioned, with the Development Standards of the RE-10 zone district. The proposed Special Use Permit, as conditioned, has been found to comply with the requirements of Chapter 17.22, Special Use Permits, and 17.14.220, Bed and Breakfast Inns, and the proposed use is not considered detrimental to the public health, safety and welfare, nor injurious to the neighborhood, based on the conclusions contained in the staff report.

2.3 The proposed use is specifically permitted by special use permit pursuant to this Title.

The proposed use, as conditioned, is specifically permitted by special use permit in a residential zone district pursuant to 17.14.220, Bed and Breakfast Inns, of the El Dorado County Code.

3.0 ADMINISTRATIVE FINDINGS

3.1 The proposed use, as conditioned, conforms to the Zoning Ordinance because the project meets all development standards for a Bed and Breakfast Inn in the RE-10 Zone District (17.70.110).