

**Z09-0004/S09-0011/Brookshire Gardens Events Center and Bed & Breakfast** – As recommended by the Planning Commission on March 11, 2010

**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.

### **Conditions of Approval**

#### **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.