

CONDITIONS OF APPROVAL

Conditional Use Permit S16-0008/Leaning Tree Lodge Planning Commission/May 10, 2018

Planning Department

1. This Conditional Use Permit approval is based upon and limited to compliance with the project description and following hearing Exhibits:

Exhibit F.....Site Plan
Exhibit G.....Noise Analysis
Exhibit H.....On-Site Transportation Study
Exhibit K.....Amplified Music Compliance Plan

Any deviations from the project description, exhibits, or Conditions of Approval set forth below shall 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:

Conditional Use Permit allowing the establishment of a new Bed and Breakfast, with ancillary events, located on a 10.61 acre parcel known as 048-121-65 and to include the following:

- a. A new Bed and Breakfast Inn consisting of five guestrooms and a maximum occupancy of 10 people located within the primary dwelling unit and accessory living space.
- b. A total of 12 special events shall be permitted annually from March 1st to October 31st with a maximum of 150 guests.
- c. The site shall accommodate a minimum of 60 parking spaces.

The grading, development, use, and maintenance of the 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 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. **Site Plan:** All site improvements shall conform to Exhibit F.
3. **Owner Occupancy:** The property owner shall reside on-site to operate the Bed and Breakfast Inn.

4. **Business License:** The applicant shall obtain a business license prior to initiation of the use.
5. **Outdoor Music:** All amplified music shall be limited from 4 P.M to 9:45 P.M. Additionally amplified music sound levels shall not exceed 73 dB Leq at a distance of 50 feet from the speakers. Subwoofers will not be utilized at this venue. The owners shall procure a sound level meter and periodically monitor sound levels during events to ensure the noise thresholds identified in the noise analysis (Exhibit G) are being satisfied at positions 100 feet from the nearest residence.
6. **Noise Enforcement:** Failure to comply with noise system levels and other applicable noise Conditions of Approval herein shall result in termination of the event and a moratorium on future events for the applicant or property owner of two calendar years from the date of non-compliance. A second violation after such time shall result in revocation of the special events allowed under the Conditional Use Permit, and a permanent moratorium on future events for the applicant and property owner whether on the project site or any other within the county.
7. **Special Events Hours Operation:** Special event guests and employees associated with special events may arrive on-site at 1:00 P.M. All guests and employees, excluding property owners and overnight guests staying at the Bed and Breakfast must exit the property by 10:00 P.M.
8. **Site Lighting:** If outdoor lighting is considered in the future, all outdoor lighting shall conform to Section 130.34 of the El Dorado County Zoning Ordinance and be fully shielded 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 Planning Services.
9. **Processing Fees:** Planning Services shall verify that all Development Services and Noticing fees have been paid prior to issuance of any permits.
10. **One-Year Review:** The project shall be reviewed by the Planning Commission in one year from the date of approval to review noise and traffic impacts as a result of the approval of the Conditional Use Permit. The applicant shall provide Planning Services with a report detailing dates of Special Events that were held during the year at a minimum of two months prior to the one year review.
11. **Hold Harmless Agreement:** 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 the County harmless from any legal fees or costs the County may incur as a result of such action.

The applicant shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado

County or its agents, officers, or employees to attack, set aside, void, or annul an approval by El Dorado County.

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

12. **Accessory Structures:** Should the “bunkhouse” cease to be used for Bed and Breakfast operations the structure shall revert back to storage/recreation space unless permitted as habitable space under applicable zoning rules and regulations.
13. **Event Noticing:** The property owner shall contact the immediate neighbors to the property to provide notice of special events. This shall occur one week in advance of the scheduled special event.
14. **Amplified Noise Conformance:** The property owner shall adhere to Exhibit K.

El Dorado County Fire Protection District

15. **Emergency Access:** Emergency apparatus roadways leading to and from the project site shall meet the minimum width requirements of 20 feet wide exclusive of shoulders.
16. **Roadway Surface:** Emergency apparatus roadways shall meet the El Dorado County Standards to support the weight of a 40,000 pound fire apparatus in all weather conditions.
17. **Drive Aisles:** Areas of the driveways and parking areas shall be identified as a fire lane by red paint and white lettering or posted signs.
18. **Fire Safety:** All bedrooms, guestrooms, hallways, and main living areas shall meet the Residential Building Code requirements and be equipped with working smoke detectors and carbon monoxide detectors. Fire extinguishers shall be provided every 75 feet and on every floor. If total occupancy exceeds 10 peoples the residence will be required to install a NFPA13 sprinkler system.

Department of Transportation

19. **On-Site Road Improvements:** Widen existing Leaning Tree Road in accordance with County Standard Plan 101C to a minimum width of 18 feet between Ivy Knoll Drive and Still Meadows Road. Paving is not required.
20. **Offer of Dedication:** Offer to dedicate an easement for road rights of way to a total width of 50 feet for Leaning Tree Road and Ivy Knoll Drive within the limits of the property. The offer(s) will be accepted by the County, but rejected for maintenance.
21. **Consistency with County Codes and Standards:** The developer shall obtain approval of project improvement plans and cost estimates consistent with the Subdivision Design and

Improvement Standards Manual from the Transpiration Division and pay all applicable fees prior to filing of the final map.

Surveyor Department

22. **Addressing:** Applicant will be required to coordinate with County Surveyor's Office to ensure that all building on the subject parcel are addressed in compliance with County Code, Chapter 110.04. Compliance is required within 30 days of approval.