

## **FINDINGS**

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

#### **1.0 CEQA FINDINGS**

- 1.1 El Dorado County has considered the Negative Declaration together with the comments received during the public review process. The Negative Declaration reflects the independent judgement of the County and has been completed in compliance with CEQA and is adequate for this project.
- 1.2 No significant impacts to the environment as a result of this project were identified in the initial study.
- 1.3 The documents and other materials that constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Division at 2850 Fairlane Court, Placerville, CA, 95667.

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

##### **2.1 The project is consistent with General Plan policy 2.2.1.2.**

Low Density Residential (LDR) land use designation establishes areas for single-family residential development in a rural setting. In rural regions this designation shall be applied to those areas where infrastructure such as arterial roadways, public water, and public sewer are generally not available.

Rationale: The El Dorado County General Plan designates the subject site as Low Density Residential. Bed and Breakfast Inns, including ancillary events such as weddings and receptions, are allowed within residential land use designations following the approval of a Conditional Use Permit.

##### **2.2 The project is consistent with General Plan Policy 2.2.5.21.**

General Plan Policy 2.2.5.21 requires that development projects be located and designed in a manner that avoids incompatibility with adjoining land uses.

Rationale: The proposed project would allow for the establishment of a Bed and Breakfast within lands designated for residential use. The proposed Bed and Breakfast would be located in an area with rural residential development. No new structures are proposed and the residential character of the property would be maintained. New impacts would be limited to the Bed and Breakfast Inn and the 12 annual special events and the guests that would visit the Bed and Breakfast Inn. It is believed that the proposed use, as conditioned, would be compatible with the rural residential character of

the neighborhood and would be compatible with the surrounding land uses.

**2.3 The project is consistent with General Plan Policy 2.8.1.1.**

General Plan Policy 2.8.1.1 directs that excess nighttime light and glare be limited from the parking area lighting, signage, and buildings

Rationale: The project includes areas for event parking. No new sources of light are proposed as part of the project. The project has been conditioned to require any new lighting to be in compliance with Section 130.34 of the County Zoning Ordinance. Lighting shall 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, motions sensors and hours of operation.

**2.4 The project is consistent with General Plan Policy 5.1.2.1.**

General Plan Policy 5.1.2.1 requires a determination of the adequacy of the public services and utilities to be impacted by that development.

Rationale: The project would not substantially increase the need for public services or utilities. The project would not generate a substantial increase in solid waste, however, the project would be required to comply with county recycling standards and follow CalGreen requirements during operation.

**2.5 The project is consistent with General Plan Policy 5.2.1.2.**

General Plan Policy 5.2.1.2 requires that adequate quantity and quality of water for all uses, including fire protection, be provided with proposed development.

Rationale: The site is currently served by El Dorado County Fire Protection District for fire protection. No comments or concerns about the project were provided regarding quantity and quality of water. A private well and septic system serve the existing, and no additional water or sewer would be required for this project.

**2.6 The project is consistent with General Plan Policy 6.2.3.2.**

Policy 6.2.3.2, Adequate Access for Emergencies, requires 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.

Rationale: The Transportation Division and Long Range Planning Division reviewed the application materials and site plan for adequate access for emergencies. The project was required to address the adequacy of vehicle parking for anticipated demand, vehicle types, and zoning requirements. It was determined that a traffic study was not required. An on-site transportation review was required and submitted to Long Range Planning. As conditioned the project would provide the required access. The project is in compliance with the General Plan Policy.

**2.7 The project is consistent with Policy 7.4.4.4.**

Policy 7.4.4.4 requires all new non-exempt development projects that would result in impacts to oak resources in accordance to the standards of the Oak Resources Management Plan (ORMP).

Rationale: The proposed project does not propose to remove or impact any oak resources. If oak trees are to be impacted the applicant will be required to obtain an Administrative Permit and pay all applicable oak resources mitigation fees in accordance with the ORMP.

**2.8 The project is consistent with Policy 10.1.7.4.**

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.

Rationale: The El Dorado County Zoning Ordinance identifies Bed and Breakfast Inns as expanded home occupations in residential and agricultural districts. As conditioned, the project would be consistent with the Low Density Residential land use designation and the RE-5 zone district development standards. Special events would be limited in frequency, hours, and maximum number of attendees.

**3.0 ZONING FINDINGS**

**3.1 The project is consistent with Title 130.**

The RE-5 zone is intended to preserve the rural character of an area by providing for and regulating the development of low density and rural residential development.

Rationale: The parcel is zoned Residential Estate Five-Acres (RE-5). The Residential Zone matrix of allowed uses and permit requirements establishes those uses that are permitted and those that require approval by a Conditional Use Permit in the RE-5 zone district. The matrix includes commercial uses, such as lodging facilities, which are specifically permitted by Conditional Use Permit pursuant to Section 130.40.170.

Lodging Facilities are defined to include uses such as Bed and Breakfasts. Pursuant to section 130.40.170.B.9 lodging facilities are allowed ancillary activities such as weddings, receptions, fund raisers, of similar events attended by non-guests may be allowed as part of a Conditional Use Permit.

**3.2 The project is consistent with Chapter 130.35.030.1**

Section 130.35 of the Zoning Ordinance establishes off-street parking requirements by use. Outdoor special events are required to have at least one parking space per every 2.5 persons in attendance. Lodging Facilities are required to provide 1.2 parking spaces for every guest room.

Rationale: The site currently provides parking for a single family residential dwelling. A minimum of 60 parking spaces would be required as part of this project to support existing single-family uses and proposed Bed and Breakfast and special event uses. The project is proposing to construct two new unpaved parking lots, which would result in 72 new parking spaces and three Americans with Disability Act (ADA) compliant parking spaces. The existing two space garage would remain for use by the owners.

**3.3 The project is consistent with Chapter 130.37.050.B**

Chapter 130.37.050, Noise Standards, requires that noise created by new proposed non-transportation noise sources shall be mitigated so as not to exceed the noise level standards of Table 130.37.060.1 for noise-sensitive uses.

Rationale: A noise analysis was conducted by Bollard Acoustical Consultants, Inc. on the property to determine if the project would exceed noise levels delineated in the county zoning ordinance. The analysis determined that there was the potential for noise levels to exceed county standards. The project has been conditioned to lessen noise impacts to below the county's noise level standards.

**3.4 The project is consistent with Chapter 130.37.070.B**

Chapter 130.37.050.B requires that for outdoor concerts and events utilizing amplified sound systems, a discretionary permit shall be required in the form of a Temporary or Conditional Use Permit. Self-monitoring shall be performed to insure that sound system levels are in compliance with those specified in the conditions of approval based on the acoustic analysis. As a standard condition of approval for such use permit, failure to comply with sound system levels shall result in termination of the extent for the duration of the period approved under the use permit and a moratorium on future events for the applicant or the property owner of two calendar years from the date of non-compliance. A second violation after such time shall result in revocation of the Conditional Use Permit and a permanent moratorium on future events for the applicant and property owner whether on that site or any other within the county.

Rationale: The project is being analyzed as a conditional use permit and has been conditioned to comply with the submitted acoustic analysis (Exhibit G) and the provisions of 130.37.070.B.

**3.5 The project is consistent with Chapter 130.40.170.D.2**

Chapter 130.40.170.D.2, limits Bed and Breakfast Inns to providing a maximum of 20 guestrooms limited to the primary, and secondary dwelling units and guest house only.

Rationale: The project is proposing five guestrooms, which would be located within the primary residence and a bunkhouse located above the garage (Exhibit G). The bunkhouse is currently considered to be an accessory use of the primary dwelling and has been conditioned to comply with the provisions of this chapter (Condition of Approval 1.a).

**3.6 The project is consistent with Chapter 130.40.170.D.3.**

Chapter 130.40.170.D.3 requires that the property owner shall reside in either the primary or secondary dwelling on-site.

Rationale: The property owner currently resides on-site in the primary dwelling unit and the project has been conditioned to comply with this requirement (Condition of Approval 3).

**4.0 CONDITIONAL USE PERMIT FINDINGS**

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

Rationale: As discussed above in Section 2.0, General Plan Findings, the Conditional Use Permit is consistent with the applicable policies and requirements in the El Dorado County General Plan.

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

Rationale: The use is consistent with the General Plan and will comply with the Development Standards of the RE-5 zone. The proposed use is consistent with the surrounding land uses, which include single family residences. As conditioned, the project is not anticipated to result in significant environmental, visual, or noise impacts to the surrounding residents.

**4.3 The proposed use is specifically permitted by Conditional Use Permit.**

Rationale: Bed and Breakfast Inns, including special events, are specifically permitted by Conditional Use Permit pursuant to Section 130.40.070.B.9. The project proposes establishing a new bed and breakfast inn within an existing single-family residence, including up to 12 special events per calendar year.