

**COUNTY OF EL DORADO PLANNING AND BUILDING  
DEPARTMENT**



**ZONING ADMINISTRATOR  
STAFF REPORT**

**Agenda of:** May 16, 2018  
**Item No.:** 5. a.  
**Staff:** Efren Sanchez

**CONDITIONAL USE PERMIT**

**FILE NUMBER:** S17-0014/Kelley Bed and Breakfast

**APPLICANT:** Bonnie Kelley

**REQUEST:** Conditional Use Permit request for a Bed and Breakfast Inn within an existing single-family dwelling, consisting of three guest rooms with a maximum occupancy of 6 people, excluding owners. Special Events such as weddings, fund raisers, music venues will not be held at the site; therefore, excluded from this conditional use permit application.

**LOCATION:** The property is located on the south side of Union Ridge Road approximately 0.16 mile north of the intersection with Carson Road, in the Apple Hill Area, Supervisor District 3 (Exhibit A).

**APN:** 048-050-11 (Exhibit B)

**ACREAGE:** 11 acres

**GENERAL PLAN:** Agricultural Lands-Agriculture District Overlay (AL-A) (Exhibit C)

**ZONING:** Planned Agricultural Twenty-Acres (PA-20) (Exhibit D)

**ENVIRONMENTAL DOCUMENT:** Categorical Exemption pursuant to California Environmental Quality Act Section 15301

**RECOMMENDATION:** Staff recommends the Zoning Administrator take the following actions:

1. Find that the project is Categorically Exempt pursuant to California Environmental Quality Act Section 15301; and

2. Approve Conditional Use Permit S17-0014 based on the Findings and subject to the Conditions of Approval as presented.

## **EXECUTIVE SUMMARY**

Approval of this Conditional Use Permit would allow for the establishment of a new Bed and Breakfast Inn within an existing four-bedroom single-family residence. Special Events are not requested at this time as ancillary uses to the Bed and Breakfast use. No construction or changes to the existing single-family residence are proposed. Staff has determined that the proposed project is consistent with the Residential land use designation and PA-20 zone, as well as other applicable El Dorado County General Plan policies and Zoning Ordinance requirements, as discussed in the Findings.

## **STAFF ANALYSIS**

**Site Description:** The subject property is located in the PA-20 Zone. The 11-acre property is conveniently located in the Apple Hill Area and neighbors Abel's Apple Acres and Smokey Ridge Farms. Currently a single-family dwelling unit and one secondary dwelling currently exist on the property (Exhibit E). Both large agricultural-zoned parcels and open space-zoned parcels surround the project site. Access to the site is provided by Union Ridge Road, a county maintained road. Water is provided to the site through a connection to El Dorado Irrigation District and sewer is through an onsite septic system.

**Project Description:** The applicant is requesting a Conditional Use Permit to allow for the operation of a Bed and Breakfast Inn within an existing single-family dwelling, consisting of three rooms for rent, plus the owner's master bedroom. All three of the guest bedrooms within the single-family residence would be available to rent and the property owners will utilize the Master Bedroom for themselves. The Bed and Breakfast would not accommodate more than six guests at a time and one of the bedrooms will be pet friendly for those traveling with a dog. Each bedroom contains its own private bathroom for guests within the primary dwelling. The operation of special events is not part of this application. The owner will reside on-site and operate the Inn with no anticipated employees on-site. The private driveway entrance is gated and paved. All parking will be provided on-site with pavement continuing down the driveway into cement parking area, and two additional gravel areas for parking. No additional construction or modification is proposed on the existing on-site structures.

No special events are being requested as part of this project. Any future special events on the site will require a temporary use permit. Any ongoing or reoccurring special events will require a revision to the conditional use permit based on planning director's determination.

## **Environmental Review:**

The project has been found to be Categorical Exempt from the requirements of California Environmental Quality Act (CEQA) pursuant to Section 15301(Existing Facilities), which is a negligible expansion of a residential home occupation permit and no new structures or

expansions are proposed to the existing dwelling. The proposed bed and breakfast does not rise to a level of evaluating the project under further CEQA review such as a negative declaration, because it is substantially consistent with the existing residential use.

A \$50.00 processing fee is required by the County Recorder to file the Notice of Exemption (NOE). The filing of the NOE is optional; however, not filing the NOE extends the statute of limitations for legal challenges to the project from 35 days to 180 days.

## **SUPPORT INFORMATION**

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

Findings  
Conditions of Approval

Exhibit A.....Location Map  
Exhibit B.....Assessor’s Parcel Number Map  
Exhibit C.....General Plan Land Use Map  
Exhibit D.....Zoning Map  
Exhibit E.....Aerial Map  
Exhibit F.....Site Plan  
Exhibit G.....Floor Plan  
Exhibit H.....Project Narrative and Site Photos

## **FINDINGS**

### **Conditional Use Permit S17-0014/Kelley Bed and Breakfast Zoning Administrator/May 16, 2018**

#### **1.0 CEQA FINDINGS**

- 1.1 The project has been found to be Categorical Exempt from the requirements of California Environmental Quality Act (CEQA) pursuant to Section 15301, Existing Facilities, which is a negligible expansion of a residential use. The proposed bed and breakfast does not propose expansions or new structures to the existing dwelling. The proposed bed and breakfast will operate within an existing dwelling; therefore, no different from an extensive home occupation permit.
- 1.2 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.**

General Plan Policy 2.2.1.2 designates the subject site as Agricultural Lands (AL). The AL designation is applied to lands described in Policy 8.1.1.8. A maximum of two residential dwellings used to support the agricultural use are allowed. The AL designation may be applied in Rural Regions only.

Rationale: The El Dorado County General Plan designates the subject site as Agricultural Lands (AL). The project proposes a Bed and Breakfast Inn within an existing building. The AL designation allows Bed and Breakfast Inns within this land use designation 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 Inn within lands designated for Agricultural Lands. The proposed Bed and Breakfast would be located in an area with both residential development and agricultural uses. No new structures are proposed and the residential character of the property would be maintained. New impacts would be the Bed and Breakfast Inn and the limited guests that would visit. The amount of visitors of the Bed and Breakfast Inn is minor in comparison to the amount of people who visit the adjoining Agricultural Lands during the Apple Hill Season. It is

believed that the proposed use, as conditioned, would be compatible with the agricultural lands 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 guest parking. No new sources of light are proposed as part of the project. The project has been conditioned (condition #5) 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. El Dorado Irrigation District provides the property access to public water. A private septic system serves the existing dwellings and no additional water or septic system expansion 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, because the project would generate “minimum new trips”. The Transportation Division and Long Range Planning Division did not require an on-site transportation review, but did advise the applicant to “notify customers of potential Apple Hill Traffic (Condition #10).” As conditioned, the project would provide the required access. The project complies 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 General Plan Agricultural Lands (AL) land use designation and the Planned Agricultural PA-20 zone district development standards.

**2.9 The proposed use is consistent with General Plan Policy 8.1.4.1.**

Policy 8.1.4.1 requires that the Agricultural Commission “review all discretionary development applications and the location of proposed public facilities involving land zoned for or designated agriculture, or lands adjacent to such lands, and shall make recommendations to the reviewing authority. Before granting approval, a determination shall be made by the approving authority that the proposed use:

- A. Will not intensify existing conflicts or add new conflicts between adjacent residential areas and agricultural activities; and

- B. Will not create an island effect wherein agricultural lands located between the project site and other non-agricultural lands will be negatively affected; and
- C. Will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to agricultural lands.

Rationale: The conditional use permit S17-0014 project has been submitted to the Ag Commission for review. The Ag Commission will make a determination at their upcoming meeting on May 09, 2018. The results of this meeting will require an update to this finding via memo to the Zoning Administrator before the May 16, 2018 public meeting.

### **3.0 ZONING FINDINGS**

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

The PA-20 zone is intended to preserve the agricultural enterprise of an area by providing for and regulating compatible commercial and residential uses.

Rationale: The parcel is zoned Planned Agricultural Twenty-Acres (PA-20). The Agricultural, Rural Lands and Resources Zone Districts Use Matrix (Table 130.21.020) of allowed uses and permit requirements establishes those uses that are permitted and those that require approval by a Conditional Use Permit in the PA 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 Breakfast Inns. Pursuant to section 130.40.170.D.1, Bed and Breakfast Inns shall be considered an expanded home occupation in residential and agricultural zones.

#### **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. Lodging Facilities pursuant to Section 130.40.170 are required to provide 1 parking space for every guest room (project proposes three guestrooms), plus required residential parking of 2 parking spaces for the primary dwelling.

Rationale: The site currently provides parking for a single-family residential dwelling and secondary dwelling. A minimum of 5 parking spaces would be required as part of this project to support existing single-family uses and the proposed Bed and Breakfast. The project is proposing to use the existing cement parking area for three guest parking stalls, and two gravel areas for primary resident parking.

**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 is not required for this proposed bed and breakfast, because there are no proposed new noise sources from ancillary activities such as weddings, receptions, fundraisers, or similar events that utilize amplified sound systems. In addition, the bed and breakfast will operate within an existing single-unit residential dwelling for which a noise study is not needed. The bed and breakfast with the small amount of guests (six guests) will not produce noise above that of a large family in a single-family dwelling on an eleven-acre parcel.

**3.4 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 three guestrooms. Three guestrooms would be located within the primary residence (Exhibit G). The secondary dwelling is currently considered an accessory use of the primary dwelling, but will not be part of the bed and breakfast inn as a guestroom for guests.

**3.5 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 PA-20 zone. The proposed use is consistent with the surrounding land uses, which include agricultural enterprises and single-family residences. As conditioned, the project is not anticipated to result in significant environmental, visual, or noise impacts to the surrounding land uses.

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 130.40.170.D.1-6. The project proposes establishing a new bed and breakfast inn within an existing single-family residence as an expanded home occupation.

# CONDITIONS OF APPROVAL

## Conditional Use Permit S17-0014/Kelley Bed and Breakfast Zoning Administrator/May 16, 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.....Floor Plan  
Exhibit H.....Project Narrative and Site Photos

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 located on an 11-acre parcel known as 048-050-11 and to include the following:

- a. A new Bed and Breakfast Inn consisting of three guestrooms and a maximum occupancy of 6 people located within the primary dwelling unit.
- b. No special events are proposed as part of this conditional use permit application.
- c. The site shall accommodate a minimum of 5 parking spaces.

The development, use, and maintenance of the property, 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. **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.

6. **Processing Fees:** Planning Services shall verify that all Development Services and Noticing fees have been paid prior to issuance of any permits.
7. **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.

8. **Accessory Structures:** The secondary dwelling is intentionally excluded from this application; therefore, guests are not allowed to stay in the secondary dwelling.
9. **Special Events:** No special events are being requested as part of this project. Any future special events on the site will require a Temporary Use Permit from Planning Services. Any ongoing or reoccurring special events will require a revision to this conditional use permit based on Planning Director's determination.

### **Long Range Planning**

10. **Apple Hill Traffic:** The applicants shall notify their potential customers about the Apple Hill Traffic during the months of September through November.

### **Environmental Management**

11. **Annual Food Facility Operation Permit:** 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 Operation 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 department for review.

12. **Septic System:** The existing residential septic system will need to be evaluated by a septic designer or engineer, since it is becoming a commercial system. All sewage must be disposed of in a properly designed system for the projected sewage flows.

13. **Waste Management and Recycling:** AB 341 (Mandatory Commercial Recycling) requires all commercial facilities (nonresidential) that generate at least 4 cubic yards of solid waste per week to recycle. If 4 cubic yard of solid waste will be generated per week, recycling must be available.

The site is in a non-mandatory waste service area of El Dorado County meaning, you have the option to subscribe to waste service from the local waste hauler or self-haul waste to the materials recovery facility (MRF) located at 4141 Throwita Way, Diamond Springs CA. Solid waste must be removed at least once every 7 days.

The franchise waste hauler for this location is El Dorado Disposal (EDD). EDD's Sustainability Coordinator can be reached at [taylor@wcnx.org](mailto:taylor@wcnx.org) or by calling (530) 313-8322. They can help determine if your business will generate 4 cubic yards of solid waste per week or more. Here is a link to El Dorado Disposal's flyer on Mandatory Commercial Recycling: [http://www.eldoradodisposal.com/files/BIZ%20English\\_EI%20Dorado.pdf](http://www.eldoradodisposal.com/files/BIZ%20English_EI%20Dorado.pdf). Also, here is a link to the California State Department of Resources Recycling and Recovery's (CalRecycle) webpage on Mandatory Commercial Recycling: <http://www.calrecycle.ca.gov/recycle/commercial/>.

Recycling Logo: You're welcome to use the "El Dorado County Recycles" logo to help promote recycling at your site if you'd like. It is attached.

14. **Mandatory Commercial Organics Recycling (MORe):** AB 1826 (Mandatory Commercial Organics Recycling - "MORe") requires businesses to recycle their organic waste. MORe is being phased in based on amounts of organic and solid waste generated by facilities starting April 2016 - 2019 and on through 2021(if applicable). Covered organic wastes include: food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper.

The franchise waste hauler for the location in this location is El Dorado Disposal. Their Sustainability Coordinator can be reached at [taylor@wcnx.org](mailto:taylor@wcnx.org) or by calling (530) 313-8322. She can help businesses determine how much waste they generate and when/if they exceed the waste amounts and must comply with this law. Attached is an informational flyer on MORe recycling requirements. Also, here are two additional links with additional information:

The El Dorado County MORe details:

[https://www.edcgov.us/Government/emd/solidwaste/pages/mandatory\\_commercial\\_organics\\_recycling.aspx](https://www.edcgov.us/Government/emd/solidwaste/pages/mandatory_commercial_organics_recycling.aspx)

California State Department of Resources Recycling and Recovery's (CalRecycle) webpage on MORe: <http://www.calrecycle.ca.gov/Recycle/Commercial/Organics/>

15. **Construction and Demolition (C&D) Debris Recycling:** If you will be doing any construction or demolition projects please note:

State Law mandates that a minimum of 65% of the waste materials generated from covered Construction and Demolition projects must be diverted from being landfilled by being recycled or reused on site.

Please visit the following website to view El Dorado County's Construction and Demolition Debris Recycling Ordinance Program information and requirements:  
[https://www.edcgov.us/Government/emd/solidwaste/pages/construction\\_and\\_demolition\\_debris\\_recycling.aspx](https://www.edcgov.us/Government/emd/solidwaste/pages/construction_and_demolition_debris_recycling.aspx)