

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



Agenda of: November 14, 2013
Item No.: 8.c
Staff: Aaron Mount

SPECIAL USE PERMIT

FILE NUMBER: S12-0014/Infinite Life Retreat and Spa

APPLICANT: Sandra Nomer

REQUEST: Special Use Permit request for a bed and breakfast inn to include six guest rooms and 24 events, consisting of day retreats, classes, and seminars, with up to 20 participants including guests of the bed and breakfast inn.

LOCATION: On the east side of Windlestraw Road, approximately 1,000 feet south of the intersection of Oak Hill Road, in the Oak Hill area, Supervisorial District 3. (Exhibit A)

APN: 046-630-55 (Exhibit B)

ACREAGE: 10 acres (Exhibit B)

GENERAL PLAN: Rural Residential-Agricultural District (RR-A) (Exhibit C)

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

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

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

1. Find that the project is Categorically Exempt pursuant to CEQA Guidelines Sections 15301 and 15303; and
2. Approve Special Use Permit S12-0014 subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2.

STAFF ANALYSIS

Project Description: The project is a special use permit for a bed and breakfast inn (B&B) consisting of three rooms within the main single family residence and three rooms within a second residence. The request includes day retreats, classes, and seminars two times per month as an extension of the bed and breakfast inn and would be limited to 20 participants including guests of the B&B. The activities are intended to be retreats that involve yoga and meditation instruction and guest speakers. No other types of events or weddings are proposed and there would be no outside amplified music or voice. Meal service would include breakfast prepared in the residence and light pre-packaged snacks while meals for retreats and classes would be brought in from off-site food service providers.

Site Description: The project site is a ten acre residential parcel with improvements including a primary residence, a second residential unit, a fenced parking area, and a 2.5 acre pond. The site has adequate parking for all requested uses.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RE-10	RR-A	Residential/Single Family Residences
North	RE-10	RR-A	Residential/Single Family Residences
South	RE-10	RR-A	Residential/Single Family Residences
East	RE-10	AL-A	Residential/Single Family Residences
West	RE-10	RR-A	Residential/Single Family Residences

Project issues: The primary issues with this project are site compatibility and access roads.

Site Compatibility: General Plan Policy 2.2.5.21 requires that a project be analyzed for compatibility with the surrounding area. By Ordinance a Bed and Breakfast Inn is an expanded home occupation which would be consistent with the residential zone district that the parcel is within. Section 17.14.220.C.11 of the Bed and Breakfast ordinance allows limited ancillary activities to be associated with the B&B use. The applicant has requested two events per month with a limitation of 20 persons including the guests of the B&B. The events requested are not standard events such as weddings or receptions but would be yoga classes and one day yoga retreats. These uses would consist of yoga instruction and meditation and guest lectures by speakers in the yoga and health industries. These events would have little to no effect on adjacent residential uses as noise levels would be limited to unamplified human speech. The applicant has requested that no amplified music or speech be allowed as it is not a use they would require as a part of their bed and breakfast request. Neighbors have expressed concern that the applicant’s request may be a very subdued use but as the Special Use Permit runs with the property that future owners may change the type of events offered. The project contains recommended conditions limiting the site to gatherings of no greater than 20

people and does not allow the use of amplified speech or music. Additionally a condition has been recommended requiring all event attendees to leave the premises before 10 pm to ensure consistency with General Plan noise policies. Any request for expansion of uses at the site beyond these specific conditions would require a revision to the Special Use Permit and a new public hearing.

Access Roads: The site is located on Windlestraw Road, a privately maintained road, which connects to Oak Hill Road, a County maintained road. Both the Transportation Division and El Dorado County Fire Protection District have reviewed the project and had no concerns about the access to the property. The Transportation Division has recommended a condition that the encroachment between Windlestraw Rd and Oak Hill Road be repaired as it had not been maintained properly. Many neighbors have expressed concern that the access to the site, specifically Oak Hill Road, has narrow portions that may be a hazard. The Transportation Division has been to the site and as stated previously did not have any concerns with access to the site. Traffic to and from the site would be limited as the project could have no greater than 20 guests at any one time.

ENVIRONMENTAL REVIEW

This project has been found to be Categorical Exempt from the requirements of CEQA pursuant to Sections 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 and any future proposed structures which require only ministerial permits. The use as a Bed and Breakfast is by ordinance an expanded home occupation. As no new structures are proposed and the requested uses are an expansion of residential uses, Sections 15301 and 15303 are appropriately applied to this project and this project would not have a significant impact to the environment. A \$50.00 processing fee is required by the County Recorder to file the Notice of Exemption. The filing of the Notice of Exemption is optional, however, not filing the Notice extends the statute of limitations for legal challenges to the project from 30 days to 180 days.

SUPPORT INFORMATION

Attachments:

Attachment 1	Conditions of Approval
Attachment 2	Findings
Exhibit A	Location Map
Exhibit B	Assessors Plat Map
Exhibit C	General Plan Map
Exhibit D	Zoning Map
Exhibit E	Parcel Map 46-66
Exhibit F	Site Plan
Exhibit G	Detail of Main Residence
Exhibit H	Detail of Second Residence
Exhibit I	Project Site Airphoto
Exhibit J	Applicant-submitted Project Description
Exhibit K	Agricultural Commission Memo; October 17, 2012
Exhibit L	Public Comment Letters

ATTACHMENT 1

CONDITIONS OF APPROVAL

Special Use Permit S12-0014/Infinite Life Retreat and Spa Planning Commission/November 14, 2013

Conditions of Approval:

1. **Project Description:** This Special Use Permit approval is based upon and limited to compliance with the project description, the Conditions of Approval set forth below, and the following hearing Exhibits:

Exhibit F	Site Plan
Exhibit G	Detail of Main Residence
Exhibit H	Detail of Second Residence
Exhibit J	Applicant-submitted Project Description

Any deviations from the project description, conditions, or exhibits 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.

Approval of this Special Use Permit allows a bed and breakfast inn on the parcel currently identified by Assessor's Parcel Number 046-630-55 as follows:

- a. Three guest rooms in the main residence;
- b. Three guest rooms in the second residence; and
- c. Day retreats, classes, and seminars two times per month, for a total of 24 events per year, limited to 20 participants including guests of the bed and breakfast inn.

All other accessory structures including a shed and barn are for residential uses by the property owner.

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. **Special Events:** No special events other than those specified in Condition #1 are allowed without a revision to this special use permit.
3. **Amplified Sound:** No amplified outdoor sound systems shall be used at the project site. Noise levels during special events shall not exceed the levels specified in Table 6-2 of the General Plan.
4. **Outdoor Events:** Outdoor special events shall end and attendees shall leave the site before 10 pm.
5. **Parking:** The owner shall maintain an area on the parcel for parking of up to 13 vehicles.
6. **Condition Compliance:** Prior to issuance of certificate of occupancy of a building permit or 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.
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 County harmless from any legal fees or costs 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 County will cooperate fully in the defense.

8. **Notice of Exemption Fee:** A \$50.00 administration fee is required by the County Recorder to file the Notice of Exemption. This fee shall be made payable to El Dorado County and shall be submitted to Planning Services upon project approval.
9. **Permit Implementation:** Pursuant to County Code Section 17.22.250, implementation of the project must occur within twenty-four (24) months of approval of this Special Use 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.

El Dorado County Fire Protection District

10. **Sprinklers:** Prior to initiation of the use, a NFPA 13R Sprinkler System shall be installed by a C-16 licensed contractor. Plans shall be submitted to El Dorado County Fire Protection District for review and approval.

11. **Fire Alarms:** Prior to initiation of the use, a fire alarm system and smoke detection system shall be installed in accordance with NFPA 72 and the California Fire Code. Plans shall be submitted to the fire district for review and approval. System shall include fire sprinkler monitoring, smoke detection in hallways, smoke alarms in sleeping rooms, occupant notification, and one manual pull station near the main entrance/exit(s).
12. **Carbon Monoxide Detectors:** Prior to initiation of the use, Carbon monoxide detectors shall be installed near sleeping areas and on every level of the building, if not already existing
13. **Evacuation:** Prior to initiation of the use, a floor plan showing fire evacuation routes shall be posted in each building used for lodging.
14. **Access:** This project will require the installation of a Knox Box®. Prior to initiation of the use, the box shall be located to right of the main door fronting Windlestraw Rd. at a height of 5'. Applications are available at our office at 4040 Carson Rd., Camino. (\$30.00 application fee)
15. **Fire Extinguishers:** Prior to initiation of the use, provide one 2A10BC fire extinguisher in the common area of each building and on both floors of the main building. Travel distance not to exceed 75'. Fire extinguishers to be mounted no higher than 5'.

El Dorado County Transportation Division

16. **Encroachment:** The applicant shall obtain an encroachment permit from the County and shall repair the existing roadway encroachment from Windlestraw Road onto Oak Hill Road to the provisions of County Design Std **103C** or approved Transportation Division equivalent. The improvements shall be completed and inspected to the satisfaction of the Transportation Division prior to initiation of any use permitted by the approval of the special use permit.

El Dorado County Environmental Management Division

17. **Pool and Spa:** The applicant shall install fencing (or another approved means of keeping guests out of the pool and spas) approved by Environmental Health prior to the operation of the bed and breakfast.
18. **Pool and Spa Signs:** The applicant shall put up signs at each entrance to the pool and spa area to exclude the pool and spas from guest use. Signs shall be durable with contrasting lettering no smaller than 4 inches high and shall say the following:

PRIVATE – NOT FOR PUBLIC USE

Pool does not meet safe public pool standards and is not available for use.

19. **Pool and Spa:** Within 2 years of the Special Use Permit approval the applicant shall have the pool and spa brought into compliance. In order for these facilities to be available for use by guests in the future, a service request describing the upgrades to be made to bring the pool, spas, and water features to code must be submitted to this Division for review. If the spa, swimming pool, and water features are found to meet the requirements of the California Code of Regulations, they will require an annual health permit in order to be available for public use.

20. **Kitchen:** Before the bed and breakfast may open, the applicant shall:
 - a. Submit a service request for a new bed and breakfast facility.
 - b. Obtain an Annual Health Permit for the operation of a bed and breakfast.
 - c. Within 60 days of opening the bed and breakfast, pass the Food Safety Managers course. A list of approved courses is available at: http://www.co.el-dorado.ca.us/Government/EMD/EnvironmentalHealth/Food_Safety_Certification_Courses.aspx

21. **Septic:** Before the bed and breakfast may open the applicant shall have the current septic system evaluated by a Registered Engineer, Geologist, or Environmental Health Specialist to see if the existing system will be able to handle the bed and breakfast and event activities planned for the retreat. The applicant shall submit any septic system improvements that are recommended to this Division for review and approval prior to installation. After approval by the Division, have system improvements installed as designed.

ATTACHMENT 2

FINDINGS FOR APPROVAL

Special Use Permit S12-0014/Infinite Life Retreat and Spa Planning Commission/November 14, 2013

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings can be made pursuant to Section 66472.1 of the California Government Code:

1.0 CEQA FINDINGS

- 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 and any future proposed structures which require only ministerial permits. The use as a Bed and Breakfast is by ordinance an expanded home occupation. As no new structures are proposed and the requested uses are an expansion of residential uses, Sections 15301 and 15303 are appropriately applied to this project and this project would not have a significant impact to the environment.
- 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), 6.5.1.6 and 6.5.1.7 (Non-transportation noise sources), 10.1.7.4 (Home Occupations), and TC-Xe/TC-Xf (traffic Impacts). 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 complies 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).