

**STAFF REPORT TO: AMADOR COUNTY PLANNING COMMISSION
FOR REGULAR MEETING OF SEPTEMBER 9, 2014**

Item 1 - Public Hearing - Request for a use permit to allow a five bedroom bed and breakfast inn with commercial weddings. (APN 014-110-010).

Applicant: Victoria Delpart
Supervisorial District V

Location: 12995 Steiner Road, at the easternmost intersection with Shenandoah Road in the Shenandoah Valley area.

Environmental Document: Categorical Exemption

- A. General Plan Designation of Area:** A-G, Agricultural-General (one family per 40 acre population density).
- B. Present Zoning:** "A," Agricultural District
- C. Acreage Involved:** 8.13 acres.
- D. Description:** This application is a request for a use permit to convert an existing home into a five bedroom bed and breakfast inn with up to 15 commercial weddings per year.

Amador County Code Section 19.08.065 (attached) defines a Bed and breakfast inn as "a lodging house providing room and breakfast to guests staying thirty days or less." Section 19.48.140 (attached) allows for Bed and Breakfast Inns to be established in an existing dwelling in the "R1," "R2," "R3," "RE," "A," "AG," "C1," "C2," "X," "R1A," and "PD" zone districts subject to first obtaining a use permit.

- E. TAC Review and Recommendations:** The Amador County Technical Advisory Committee (TAC) met on this proposal at their July 14 & 21, 2014 meetings. The TAC members have no technical objections to the Planning Commission approving this use permit subject to the attached Conditions of Approval.
- F. Planning Commission Action and Findings:** If the Planning Commission moves to approve the use permit request, the following findings are recommended for adoption:
1. The granting of this Use Permit is sanctioned by County Code Section 19.48.180 (Bed & Breakfast Inn Use Permit requirements) and is consistent with County Code Section 19.56.040 (Use Permit Findings) in that the project proposed, with conditions as submitted by staff, will not be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or to the general welfare of the County; and

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2. A review of the Use Permit was conducted by staff who found the project will not have a significant adverse effect on the environment, due to the Conditions of Approval, is Categorically Exempt according to Section 15303, Class 3 (conversion of a single family structure from one use to another with minor modifications) of the CEQA Guidelines and a Notice of Exemption will be adopted and filed with the County Recorder.

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**USE PERMIT CONDITIONS OF APPROVAL &
MITIGATION MONITORING PROGRAM
FOR
VICTORIA DELPART**

ADDRESS: 12995 Steiner Road, Plymouth, CA. 95669

PHONE: (209) 245-3889

APN: 014-110-010

USE PERMIT NO.: UP-14;5-1

PLANNING COMMISSION DATE OF APPROVAL:

PROJECT DESCRIPTION AND LOCATION: Use Permit to allow a five bedroom bed and breakfast inn with commercial weddings per County Code Section 19.48.140, in an existing residence at 12995 Steiner Road.

CONDITIONS OF APPROVAL:

1. *This Use Permit shall not become valid, nor shall any uses commence until such time as the Permittee is either found to be in compliance with or has agreed, in writing, to a program of compliance acceptable to the County. At that time the permit shall be signed by the Planning Department and the use shall commence. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.*
2. *The issuance of this Use Permit is expressly conditioned upon the permittee's compliance with all the provisions contained herein and if any of the provisions contained herein are violated, this Use Permit may be subject to revocation proceedings as set forth in Amador County Code. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.*
3. *The project shall be substantially the same as approved. Any substantial changes must be submitted for approval by the Amador County Planning Commission. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.*
4. Only short-term lodging shall be provided and the owner or manager shall be required to occupy the property. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.
5. Adequate parking shall be provided for a minimum of 6 off-street parking spaces (one for each of the five guest rooms and one additional space for the owner or manager). THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.
6. Only breakfast shall be served and service shall be restricted to guests only, not the general public. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.

CONDITIONS OF APPROVAL

Project: Delpart Bed and Breakfast Use Permit

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7. The detached second dwelling may be occupied by the owner/manager, but shall not be rented as a bed and breakfast unit.
8. The bed and breakfast inn shall be restricted to one advertising sign which may be either freestanding or affixed to the main building. The sign shall not have an advertising surface of one side greater than sixteen square feet. Non-flashing illumination shall be permitted. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.
9. The applicant must obtain a valid food facility permit to operate a bed and breakfast from the Environmental Health Department prior activation of the Use Permit. The food facility permit shall remain in effect for the life of the Use Permit. THE ENVIRONMENTAL HEALTH DEPARTMENT SHALL MONITOR THIS CONDITION.
10. Food Service shall be limited to the type and frequency authorized by the Use Permit. Any food provided at weddings and other special events held on the premises shall be prepared off-site and served by a caterer holding a valid permit from the Amador County Environmental Health Department. THE ENVIRONMENTAL HEALTH DEPARTMENT SHALL MONITOR THIS CONDITION.
11. The applicant must obtain a valid Cal-Code Water System permit from the Environmental Health Department prior activation of the Use Permit. The Water System permit must remain in effect for the life of the Use Permit. THE ENVIRONMENTAL HEALTH DEPARTMENT SHALL MONITOR THIS CONDITION.
12. The applicant shall have the existing on-site sewage disposal system that is to serve the proposed B&B and event facility, evaluated by a qualified consultant prior to activation of the Use Permit. The qualified consultant shall certify that the sewage disposal system is sufficient to serve the uses authorized by the Use Permit. THE ENVIRONMENTAL HEALTH DEPARTMENT SHALL MONITOR THIS CONDITION.
13. If the facility's swimming pool is to be available for use by bed and breakfast guests, then the pool shall be constructed to all applicable Health and Safety Code, California Code of Regulation, and Building Code requirements. Furthermore, applicant shall obtain a valid permit to operate a Swimming Pool from the Environmental Health Department. The swimming pool permit must remain in the effect for the life of the Use Permit. THE ENVIRONMENTAL HEALTH DEPARTMENT SHALL MONITOR THIS CONDITION.
14. Commercial weddings held at the facility shall be limited to 60 attendees per event, with a maximum of 15 commercial weddings held per year. A minimum of one on-site parking space per two attendees shall be provided and maintained in a dust-free manner. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.
15. Other events, such as birthday parties, graduation parties, corporate meetings, etc., must be incidental events conducted by guests of the bed and breakfast and not the general public. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.
16. In accordance with California Fire Code Chapter 5, 2013 Edition, and Amador Fire

CONDITIONS OF APPROVAL

Project: Delpart Bed and Breakfast Use Permit

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Protection District requirements:

- a. Provide Knox® access to both gates on property. Order forms are available at the AFPD office. *Section 503.6 California Fire Code.*
- b. Provide a 2-1/2" inch fire water hydrant with male National Standard Fire Thread at a location approximately 40 feet south of tool shed on main driveway access to main house, supplied by a 4 inch pipe from the main water tank of approximately 5,000 gallons. Valve, connection, and location shall be in accordance with discussions with installing contractor on this date. Plans shall be submitted to building and fire district for review and approval prior to installation. A turnout shall be provided at the hydrant location so as to not obstruct other traffic with a parked fire engine. *Section 507 California fire Code.*
- c. Provide a six inch fire water hydrant, with a female National Standard Fire Hose Thread, at a location west and below the pool adjacent to driveway to guest house. This hydrant shall be supplied by a 4 inch pipe from a suction, approved by the health department, from the bottom of the pool and take draft from the bottom of the pool. Plans shall be submitted to building and fire district for review and approval prior to installation. The six inch size of pumper connection is to be in alignment with and similar to the other commercial drafting hydrants in the valley. A turnout shall be provided at the hydrant location so as to not obstruct other traffic with a parked fire engine. *Section 507 California fire Code.*
- d. Provide and maintain a drivable surface and a 26-foot radius from the hinge side of the main gate at the main entry access at grade level. *Section 503.1.1 California Fire Code.*
- e. Clear overhanging trees from both fire department access drives in accordance with *Section 503.2.1 California Fire Code.*
- f. Provide a fire apparatus turn around at the drive opposite to the main gate entrance approximately 150 feet back from the main house fire hydrant. This will require that that drive be widened to 20 feet back 40 feet from the main drive. Provide an approved fire apparatus turn around along the drive to the guest house within 150 feet of the required hydrant.
- g. Turn around and fire equipment access drives shall have no parking for other vehicles within the maintained 10 foot drives or 20 foot turn around. *Section 503.2.5 California fire Code.*

THE AMADOR FIRE PROTECTION DISTRICT WILL MONITOR CONDITIONS 16(a) through 16(g).

17. A minimum of one parking space for bed and breakfast guests shall meet the accessibility requirements of the Americans with Disabilities Act, with continuous ADA accessibility to

CONDITIONS OF APPROVAL

Project: Delpart Bed and Breakfast Use Permit

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the facility entrance. THE BUILDING DEPARTMENT SHALL MONITOR THIS CONDITION.

18. Prior to issuance of the Use Permit, the applicant shall submit the regional Traffic Mitigation Fee of \$3,473.60. THE TRANSPORTATION AND PUBLIC WORKS DEPARTMENT SHALL MONITOR THIS CONDITION.
19. Prior to issuance of the Use Permit, the applicant shall submit the local Traffic Mitigation Fee of \$5,200.00. THE TRANSPORTATION AND PUBLIC WORKS DEPARTMENT SHALL MONITOR THIS CONDITION.

NOTE: *In compliance with Amador County Code Section 19.48.140.A.7, this permit was approved with the permittee's full knowledge of existing agricultural uses on adjacent or nearby properties.*



AMADOR COUNTY COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT


PHONE: (209) 223-6380
 FAX: (209) 257-5002
 WEBSITE: www.amadorgov.org
 E-MAIL: planning@amadorgov.org

COUNTY ADMINISTRATION CENTER • 810 COURT STREET • JACKSON, CA 95642-2132

APPLICATION REFERRAL

TO: Mike Israel, Environmental Health Department
 Jered Reinking, Department of Transportation and Public Works
 Rich Millar, Building Department
 Amador Fire Protection District
 Mike Boitano, Amador Air District
 George Allen, Surveying & Engineering
 Martin Ryan, Sheriff
 Neil Peacock, Amador County Transportation Commission
 Carla Meyer, Amador Transit
 Greg Gillott, County Counsel
 Darin McFarlin, Cal Fire

DATE: July 2, 2014

FROM:  Chuck Beatty, Planning Department

PROJECT: Request by Victoria Delpart to operate a bed & breakfast inn and event center in an existing dwelling.

LOCATION: 12995 Steiner Road, located at the intersection of Steiner Road and Shenandoah Road (APN 014-110-010).

REVIEW: As part of the preliminary review process, this project is being sent to County staff and State and local agencies for their review and comment. The application will be *reviewed for completeness* by the **Amador County Technical Advisory Committee (TAC)** on **Monday, July 14, 2014** at 10:00 a.m. in Conference Room "A" at the County Administration Building, 810 Court Street, Jackson, California.

A TAC meeting to review the CEQA initial study, if necessary, and make formal recommendations to the Planning Commission will be scheduled at a later date. At this time, staff anticipates the project to be Categorically Exempt per Section 15301 of the CEQA Guidelines (Existing Facilities).

cc: Victoria Delpart



**PLANNING DEPARTMENT
LAND USE AGENCY
COUNTY ADMINISTRATION CENTER**

UP-1455-1
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810 Court Street • Jackson, CA 95642-2132
Telephone: (209) 223-6380

website: www.co.amador.ca.us
e-mail: planning@co.amador.ca.us

APPLICATION PROCEDURE FOR USE PERMIT

A Public Hearing before the Planning Commission will be scheduled after the following information has been completed and submitted to the Planning Department Office:

1. Complete the following:
 Name of Applicant VICTORIA DELPART
 Mailing Address P.O. Box 988, PLYMOUTH, CA 95669
 Phone Number [REDACTED]
 Assessor Parcel Number 014-110-010
2. Use Permit Applied For:
 ** Excessive Height
 ** Bed and Breakfast Inn
 ** Temporary Caretaker Mobile Home
 ** Mobile Home for Farm Labor Quarters
 ** Other EVENT CENTER
3. Attach a letter explaining the purpose and need for the Use Permit.
4. Attach a copy of the deed of the property (can be obtained from the County Recorder's Office).
5. If Applicant is not the property owner, a consent letter must be attached.
6. Assessor Plat Map (can be obtained from the County Surveyor's Office).
7. Plot Plan (no larger than 11" X 17") of parcel showing location of request in relation to property lines, road easements, other structures, etc. (see Plot Plan Guidelines). Larger map(s) or plans may be submitted if a photo reduction is provided for notices, Staff Reports, etc. The need is for easy, mass reproduction.
8. Planning Department Filing Fee: \$ 575.00
 Public Works Agency Review Fee: \$ 500.00
 Environmental Health Review Fee: \$ 192.00 ACEH
9. If necessary, complete an Environmental Information Form (ask Planning Department Staff).
10. Proposed floor plan (Guest House applications only).

** Environmental Health and Public Works Fee's apply.

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JUN 18 2014

PLANNING DEPARTMENT

June 18, 2014

Amador Planning Department
Land Use Agency
County Administration Center
810 Court Street
Jackson, CA 95642-2132
209-223-6380

(Delivered by hand, June 18, 2014)

Re: Application for Use Permit, Purpose and Need for Use Permit

To Whom It May Concern:

I am applying for a use permit to utilize a house I have leased (to purchase), from Al and Lois Herrick, located at **12995 Steiner Road**, as a 'bed and breakfast'. I would also like to have it permitted for small special events to include:

a) Weddings & special events (ie. birthday parties, graduation parties, corporate events, etc. (maximum 60 people per event):

- see attached map with parking spaces indicated (space available for 36 cars).
- weddings, mostly April through October; approximately 1 per month X 7 months = 7
- other special events, approximately one per month X 7 months = 7

Maximum # of weddings/special events per year: 15

b) Promotional events

- 'not-for-profit' presentations by local wineries to promote their wines, to provide an added-value experience for bed and breakfast guests, while also promoting the bed and breakfast and Amador County, as a destination (in relation to our local industry . . . grape-growing/wine-making).

Maximum 15 winery events per year (for bed and breakfast guests only, maximum 10 people).

Thank you for your consideration of my application.

Sincerely,

Victoria M. Delpart, Lessee at 12995 Steiner Road, Plymouth, CA 95669
P.O. Box 988
Plymouth, CA 95669



CC: Al & Lois Herrick, owners of home

INDEMNIFICATION

Project: USE PERMIT 14;5-1

In consideration of the County's processing and consideration of the application for the discretionary land use approval identified above (the "Project") the Owner and Applicant, jointly and severally, agree to defend, indemnify, and hold harmless the County of Amador from any claim, action, or proceeding against the County to attack, set aside, void or annul the Project approval, or any action relating related to the Project approvals as follows:

1. Owner and Applicant shall defend, indemnify, and hold harmless the County and its agents, officers or employees from any claim, action, or proceeding against the County or its agents, officers or employees (the "County") to attack, set aside, void or annul the Project approval, or any prior or subsequent determination regarding the Project, including but not limited to determinations related to the California Environmental Quality Act, or Project condition imposed by the County. The Indemnification includes, but is not limited to, damages, fees, and or costs, including attorneys' fees, awarded against County. The obligations under this Indemnification shall apply regardless of whether any permits or entitlements are issued.

2. The County may, within its unlimited discretion, participate in the defense of any such claim, action, or proceeding if the County defends the claim, action, or proceeding in good faith.

3. The Owner and Applicant shall not be required to pay or perform any settlement by the County of such claim, action, or proceeding unless the settlement is approved in writing by Owner and Applicant, which approval shall not be unreasonably withheld.

IN WITNESS WHEREOF, by their signature below, Owner and Applicant hereby acknowledge that they have read, understand, and agree to perform the obligations under this Indemnification.

Applicant:

Owner (if different than Applicant):

Victoria Delpart
Signature

Signature

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MAY -2 2014

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3 April 2014

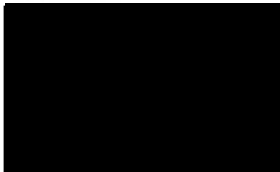
To whom it may concern.

My wife and I have purchased the property at 12995 Steiner Road, Plymouth, CA 95669 for investment purposes. We have leased it to Victoria Delpart with the understanding that she will obtain all necessary permits and operate the property as bed and breakfast type lodging establishment. If there are any questions regarding our support for this project please feel free to contact us at any time.

Sincerely,



W. A. Herrick



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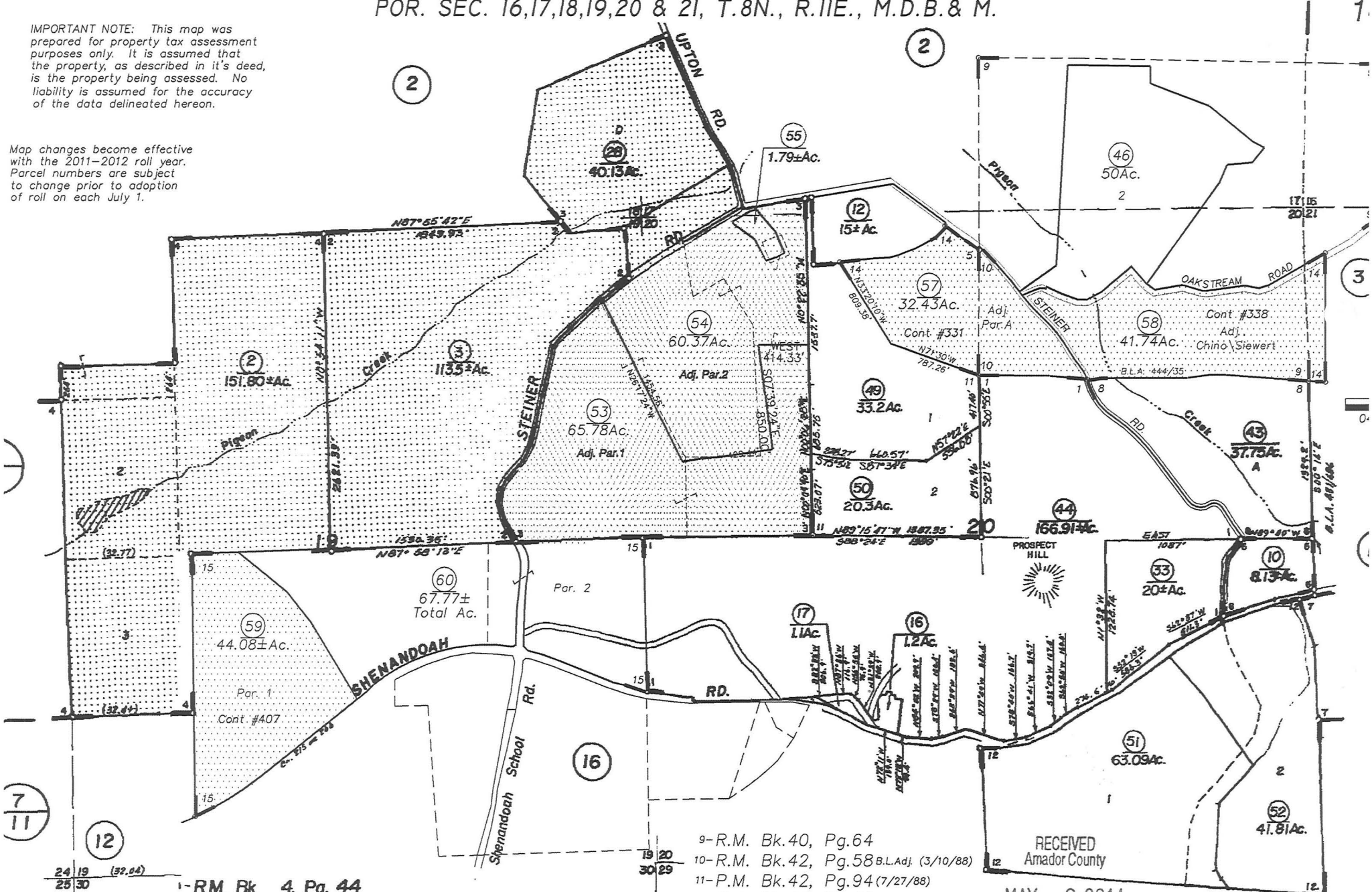
MAY -2 2014

PLANNING DEPARTMENT

POR. SEC. 16,17,18,19,20 & 21, T.8N., R.IIE., M.D.B.& M.

IMPORTANT NOTE: This map was prepared for property tax assessment purposes only. It is assumed that the property, as described in it's deed, is the property being assessed. No liability is assumed for the accuracy of the data delineated hereon.

Map changes become effective with the 2011-2012 roll year. Parcel numbers are subject to change prior to adoption of roll on each July 1.



7
11

24 19 (32.04)
25 30

- 1-R.M. Bk. 4, Pg. 44
- 2-R.M. Bk. 22, Pg. 66
- 3-R.M. Bk. 30, Pg. 37
- 4-R.M. Bk. 30, Pg. 55
- 5-P.M. Bk. 31, Pg. 42

- 6-R.M. Bk. 36, Pg. 59
- 7-P.M. Bk. 37, Pg. 73
- 8-P.M. Bk. 39, Pg. 6

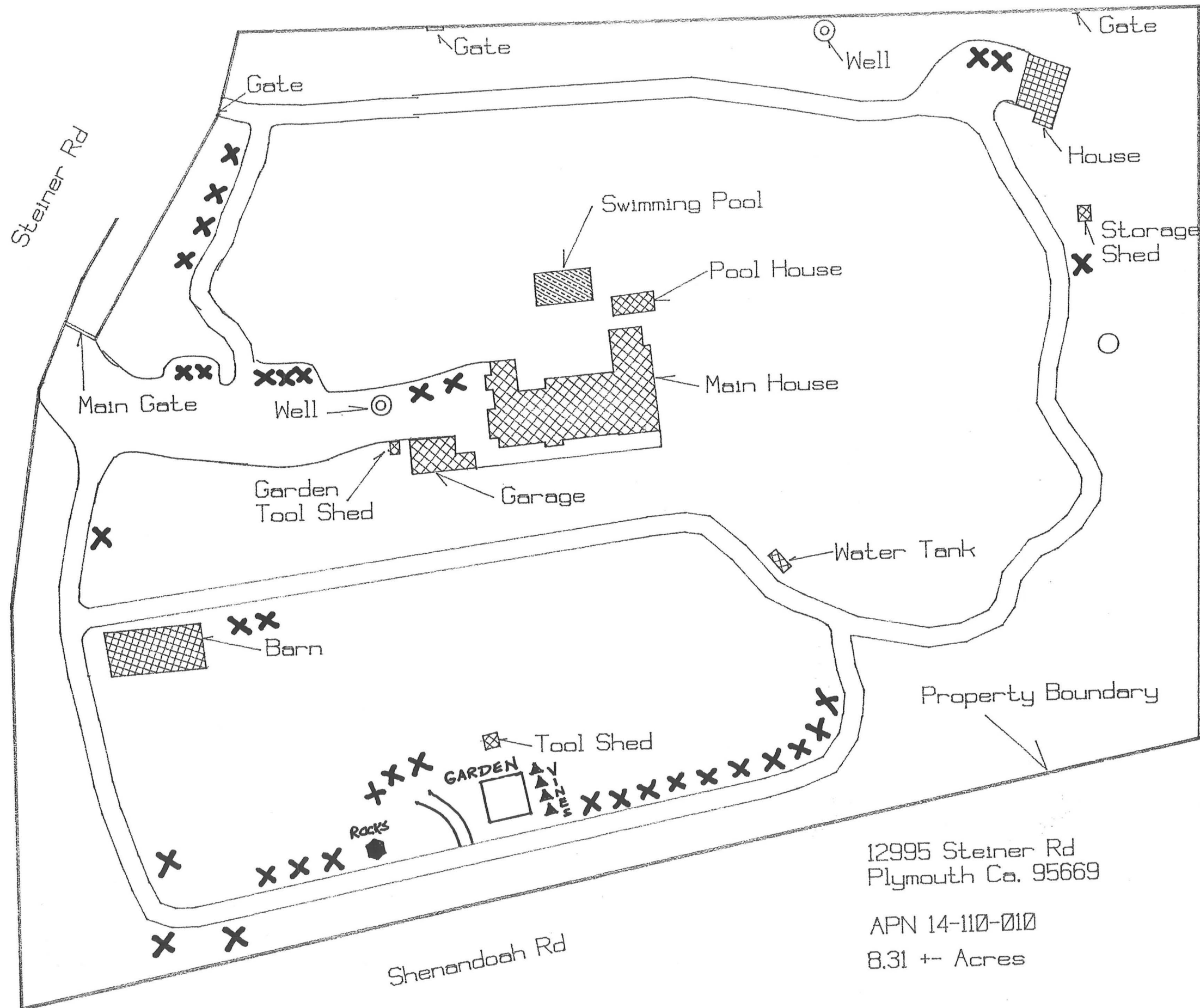
- 9-R.M. Bk. 40, Pg. 64
- 10-R.M. Bk. 42, Pg. 58 B.L. Adj. (3/10/88)
- 11-P.M. Bk. 42, Pg. 94 (7/27/88)
- 12-R.M. Bk. 44, Pg. 10 (11/3/89)
- 13-R.M. Bk. 49, Pg. 17 (6/26/95)
- 14-R.M. Bk. 49, Pg. 93 (5/24/96)
- 15-R.M. Bk. 50, Pg. 13 (9/5/96)
- 16-R.M. Bk. 54, Pg. 73 (6/7/2002)

MAY -2 2014

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Assessor's Map Bk. 1
County of Alameda

60



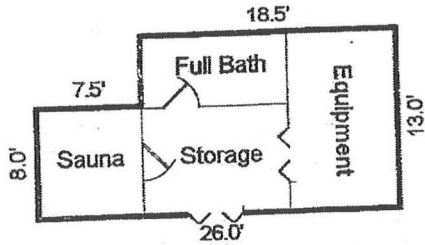
X PARKING STALLS - 36

12995 Steiner Rd
Plymouth Ca. 95669

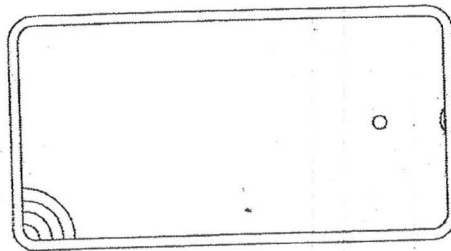
APN 14-110-010
8.31 +- Acres

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BUILDING DIAGRAM-POOL COMPLEX



POOL COMPLEX

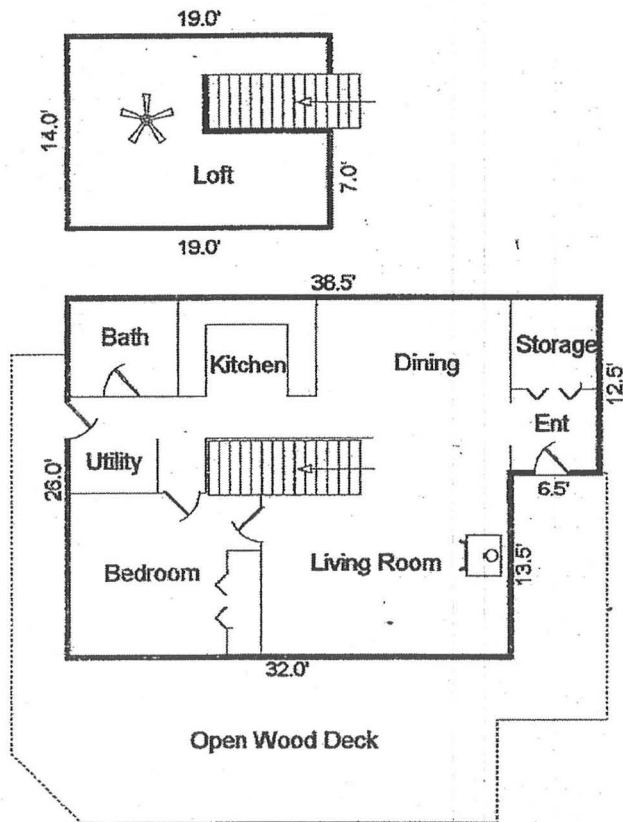


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BUILDING DIAGRAM-GUEST RESIDENCE



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