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BOARD OF SUPERVISORS, COUNTY OF CALAVERAS
STATE OF CALIFORNIA
November 10, 2003

NOV 25 2003

CALAVERAS COUNTY
DEPT OF PLANNING

RESOLUTION No. 03-330

A RESOLUTION APPROVING CONDITIONAL USE PERMIT 2001-137

WHEREAS, the Board of Supervisors of the County of Calaveras is permitted to approve a Conditional Use Permit; and

WHEREAS, the Board of Supervisors duly advertised and considered all of the testimony presented to it, including its staff report and initial study, at a public hearing.

NOW THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Calaveras does hereby approve Conditional Use Permit 2001-137 for STEVE and PAM HATCH based on the following findings and conditions, as amended:

FINDINGS FOR CUP 2001-137:

1. A Negative Declaration was prepared in accordance with the California Environmental Quality Act.
2. The proposed use is consistent with the County General Plan, the REC zone and the provisions of Title 17 of the County Code.

Evidence Policy II-20A: Allow location-specific recreation-oriented commercial uses outside of Community, Special, and Specific Plan areas, and Community Centers.

Implementation Measure II-20A-1: Identify locations in the County possessing natural features appropriate for associated recreation oriented commercial development.

Implementation Measure II-20A-2: Utilize the Recreation Zone of the County Zoning Code to promote General Plan objectives regarding recreation oriented commercial uses.

Evidence: Policy II-20B: Encourage master planned recreation developments to enhance the long term use and development of recreation resources.

Implementation Measure II-20B-1: Utilize the Recreation Zone of the County Zoning Code to provide for planned recreation developments.

3. The subject property is adequate in land area to accommodate the proposed project, it's required parking area, access, landscaping, and site improvements.

Evidence: The project site is 9 acres in size. The development plan shows the area sufficient to accommodate the proposed project and required improvements.

4. The public and private roads providing access to the subject property meet the necessary standards to

1 provide safe and adequate access, or have been amended by conditions of the project approval to
2 satisfy the access requirements.

3 Evidence: The County has added conditions to limit traffic and provide notice to adjoining
4 properties in the vicinity to minimize the impacts of special events and has limited the number of
5 special events to limit impacts to or in the County road

6 Evidence: There is an existing encroachment to the site from Hunt Road a minor collector in the
7 County road system. Special event parking will be within the developed parking area.

- 8 5. Conditions of the project approval are necessary for protection of the public health, safety and
9 welfare, and to reduce or eliminate potential environmental effects.

10 Evidence: The project has been conditioned to satisfy the concerns of County prior to operation.

- 11 6. The proposed land use shall be developed in such a manner that it shall not detract from the scenic
12 values of the recreation property and adjoining parcels;

13 Evidence: The project has been designed and conditioned to minimize any adverse effects on the
14 scenic values in the area and minimize any non-agricultural appearance of parking facilities to
15 satisfy the concerns of County.

- 16 7. The proposed use shall either:

- 17 a. Provide support for an existing destination recreation activity located on the subject
18 property, or
19 b. Provide support for an existing primary recreation activity located in close proximity to the
20 subject property;

21 Evidence: The Board of Supervisors has previously determined the project is a land use that would
22 provide support for an existing primary recreation activity located in close proximity to the
23 subject property.

24 **CONDITIONS OF APPROVAL FOR CUP 2001-137**

25 **I. GENERAL CONDITIONS:**

- 26 I-1. The Applicant shall defend, indemnify, and hold harmless the County or its agents, officers and
27 employees from any claim, action, or proceeding against the County or its agents, officers and
28 employees to attack, set aside, void, or annul the County's approval of Applicant's project, if any.
The County agrees to promptly notify the Applicant of said any claim, action, or proceeding
against the County or its agents, officers and employees. If the County fails to promptly notify
the Applicant, the Applicant shall not thereafter be responsible to defend, indemnify, or hold
harmless the County. Nothing shall prohibit the County from participating in the defense of any
claim, action, or proceeding, if the County bears its own attorney's fees and costs and the County
defends the action in good faith. The Applicant shall not be required to pay or perform any
settlement unless the settlement is approved by the Applicant.

In addition, by acceptance of the project approval, permit, or authority to proceed, the Applicant
waives any and all claims for damages against the County and its agents, officers, and employees

1 which could be made on account of any error or omission, whether negligent or otherwise, by or
2 on behalf of the County. Applicant retains the right to bring an action for specific performance.

3 I-2. The permit holder is hereby notified that failure to comply with any one of the following
4 conditions may result in revocation of this permit pursuant to Section 17.90.050 of the Calaveras
County Code.

5 I-3. The area of development shall be confined to the portion of the parcel as shown on the site plan
6 submitted.

7 I-4. This Conditional Use Permit shall become effective upon the effective date of the rezoning of the
8 property to REC (Recreation).

9 I-5. *The Conditional Use Permit is conditioned upon the following terms:*

10 a. *The property is subject to any future road basin fees or improvement fees as may apply to other
11 properties on Hunt Road, to the extent permitted by law, or as may be agreed to by owners.*

12 b. *Any future changes or modifications of the CUP will subject the property to any existing basin
13 fees or road mitigation fees. The Conditional Use Permit shall expire on December 31, 2005 if
14 utilization has not been commenced by that date.*

15 I-6. ~~Prior to January 1, 2004, issuance of an occupancy permit~~ the applicant shall provide proof to
16 the Planning Department that the administration fee for the California Department of Fish and
17 Game, Certificate of Fee Exemption, De Minimis Impact Finding, payable to the County Clerk
18 has been paid.

19 **II. PLANNING DEPARTMENT CONDITIONS:**

20 II-1. Construction, development, and operation of 2001-137 CUP shall be in substantial conformance
21 with the site plan and application as revised and amended by the provisions of project approval.

22 II-2. Any representations made by the project proponent or his agent at the public hearing, shall be
23 added to the conditions of 2001-137 CUP approval with wording developed at the hearing and
24 approved by the Board of Supervisors

25 II-3. All onsite lighting shall be shielded or directed to prevent offsite glare.

26 II-4. Prior to January 1, 2004, the permit holder shall submit a detailed parking plan of the special
27 event parking area to the Planning Department for review. The parking plan shall conform to the
28 requirements of Section 17.70 of the Zoning Code, with the exception of 17.70.050, in that the
special event parking area need not be paved. The special event parking area shall be designed to
be capable of supporting emergency equipment, as specified by the Copperopolis Fire
Department. Surface material shall be irrigated to ensure a non-combustible turf-like surface is
maintained.

II-5. Prior to conducting the first special event *for which the special parking area is needed*, the
permit holder shall install the special event parking area, subject to inspection by the Planning
Department for conformance with the approved plan, described in Condition II-4.

II-6. The permit holder shall provide adequate staffing at each special event to direct traffic into and
out of parking facilities during special events

- 1
- 2 II-7. Prior to construction of the parking lot, the permit holder shall *submit proof of compliance*
- 3 ~~comply~~ with the landscaping requirements of the REC zoning district, as set forth in section
- 4 17.46.060 performance standards.
- 5 II-8. The permit holder shall utilize Highway 4 / Hunt Road access as the primary route of
- 6 ingress/egress to the facility. All advertising shall provide directions to the property via this
- 7 route only.
- 8 II-9. Seven days prior to each Special Event, provide written notice to *property owners' residents*
- 9 from the hotel along Hunt Road to the west to the intersection with Salt Spring Valley Road and
- 10 from the hotel to the east and south along Hunt Road and along Salt Spring Valley Road to the
- 11 intersection with Felix Road.

12 **III. OTHER AGENCY CONDITIONS:**

13 **ENVIRONMENTAL HEALTH DEPARTMENT**

14 Prior to January 1, 2004 the permit holder shall provide a letter from Environmental Health Department

15 to the Planning Department that the following requirements have been met to the approval of the Health

16 Officer:

- 17 III-1. The applicant shall obtain a permit to operate a commercial food facility. A reinspection of the
- 18 existing facility shall be conducted to verify that it still meets current Health and Safety Code
- 19 requirements prior to the issuance of the permit.

20 The existing commercial kitchen is not designed to serve 250 at one time. During special events

21 additional catering equipment must be made available for the increase number of people.

22 Inspections may be performed at convenient times prior to an event.

- 23 III-2. A ~~chemical~~ toilet will be required for every 50 people attending an event. A handicap toilet must
- 24 be *available present* during each event and must be located where it is wheelchair accessible.
- 25 Events with 250 people will require a minimum of 5 ~~chemical~~ toilets (4 standard toilets and 1
- 26 handicapped). The chemical toilets must be obtained from a Calaveras County Registered
- 27 Septic/Chemical Pumper.

- 28 III-3. The pool must meet current code and the applicant must obtain required County approvals. The
- 29 applicant will need to submit construction plans and obtain Department approval to operate a
- 30 public pool. The pool cannot be open to the public until it has County approval.

- 31 III-4. The applicant shall obtain a permit for operating a small public water system and demonstrate
- 32 that the existing well(s) can meet drinking water standards for a public water system.

33 **NOTICE TO APPLICANT:**

34 Pursuant to the procedures set forth in Government Code Section 66020, the project applicant may protest

35 the imposition of any fees, dedications, reservations, or other exactions imposed on a development project,

36 as defined by Government Code Section 66000, within ninety (90) days from the date of the approval or

37 conditional approval of the development project. The project applicant is hereby notified that the ninety-day

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1 protest period will begin to run upon approval or conditional approval of this project.

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ON A MOTION by Supervisor Erickson seconded by Supervisor Tryon the foregoing Resolution was duly passed and adopted by the Board of Supervisors of the County of Calaveras, State of California on the 10th day of November, 2003 by the following votes:

AYES: Supervisors: Thein, Tryon, Callaway, Erickson, Stein

NOES: None


ABSENT: None

ABSTAIN: None



Chair, Board of Supervisors

ATTEST:



County Clerk and Ex-Officio Clerk to
the Board of Supervisors, of the County
of Calaveras, California