

# *The County of Yuba*

## Community Development and Services Agency

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### PLANNING COMMISSION STAFF REPORT

**MEETING DATE:** August 16, 2023

**TO:** PLANNING COMMISSION

**FROM:** Ciara Fisher, Planner III

**RE:** Conditional Use Permit CUP 2021-0005 (Sharp Outdoor Event Venue)

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**REQUEST:** First annual review of the outdoor event venue at the Frenchtown Inn. The Use Permit shall be re-considered by the Planning Commission for a three (3) year renewal period.

**RECOMMENDATION:** Staff recommends that the Planning Commission (PC) approve the three (3) year renewal period of CUP 2021-0005 to August 16, 2026.

**BACKGROUND/DISCUSSION:** On August 17, 2022 the PC approved the above referenced project to allow to allow an outdoor event venue at the Frenchtown Inn on a 22.1 acre property zoned Rural Residential, 5 acres minimum "RR-5". The property is located at 9858 Frenchtown-Dobbins Road, in the community of Oregon House (Parcel 3 of PM2021-0008). The site offers over-night and storage amenities within the existing 3,200 square foot house, wine tasting, and office space within the existing winery and tasting room, and will provide 55 on-site parking spaces. The event center was limited to 32 weddings or events per year and typically the guests per event range from 15-100 people maximum. The number of events held on weekends (Saturday & Sunday) shall not surpass two (2) per month and only one event per day will be allowed on the project site.

The project was approved, subject to the conditions of approval (COAs), and the applicant has spent the last year effectuating all of their conditions for their use permit. Nonetheless, one COA in particular stated that:

COA 36) This permit shall be valid for a period of one (1) year. At the end of this time, the Conditional Use Permit CUP 2021-0005 shall be re-considered by the Planning Commission for a three (3) year renewal period. This process shall reoccur each three (3) years. During each renewal hearing before the Planning Commission, the committee shall utilize all available information, including any noise complaints, in considering renewal of the use permit for another three (3) year period.

To date, neither the County nor the Sheriff's Department has received any noise, traffic, or other complaints of any kind regarding the Frenchtown Inn event center. For this reason, Staff recommends the three year renewal of the Conditional Use permit.

**Attachments:**

1. Site Plan
2. Final Conditions of Approval

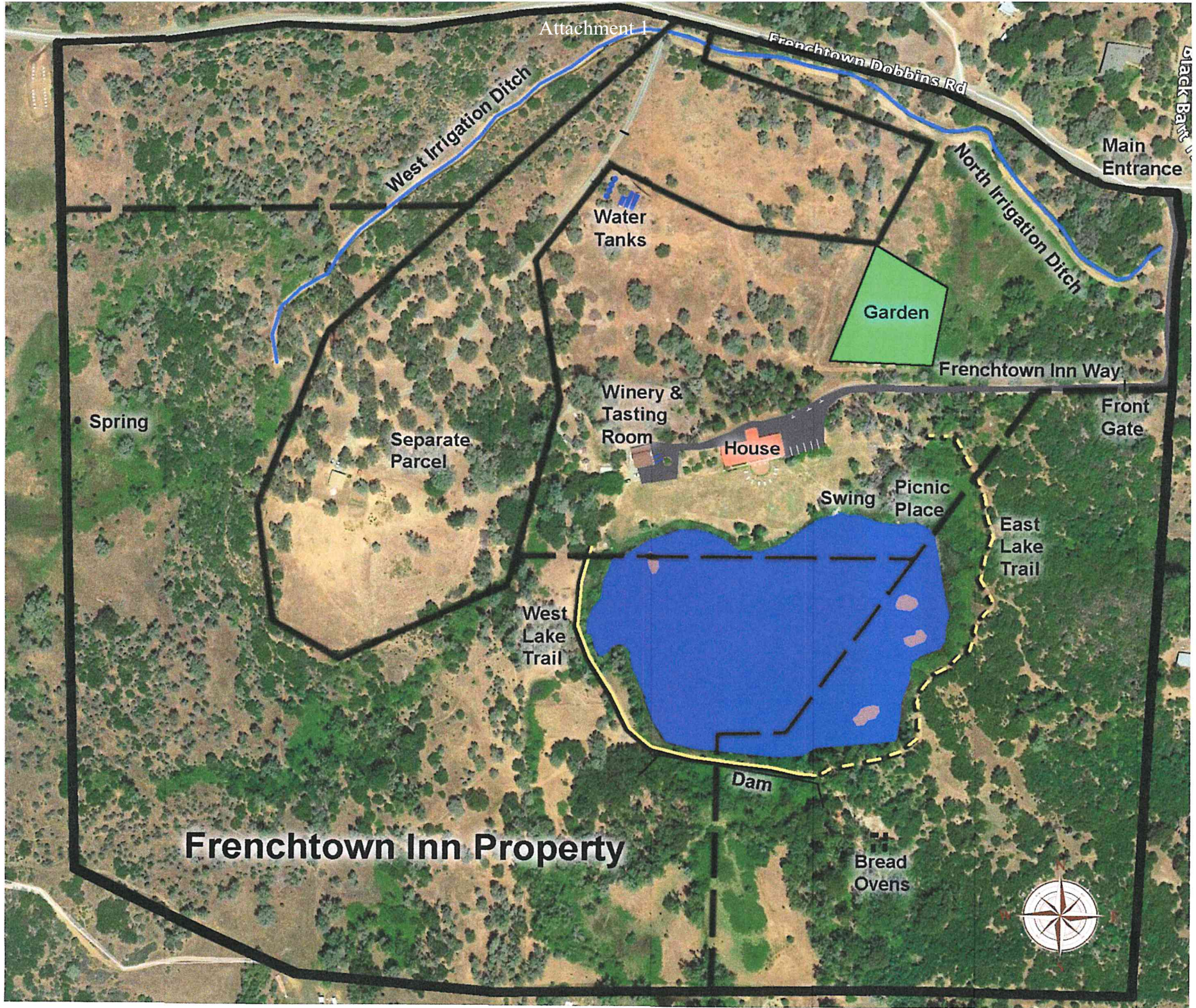
Report Prepared By:



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Ciara Fisher  
Planner III





**Frenchtown Inn Property**



**FINAL CONDITIONS OF APPROVAL  
YUBA COUNTY PLANNING COMMISSION**

**Applicant/Owner: Charles Sharp**  
**Location: Parcel 3 of PM2021-0008**

**Case Number: CUP 2021-0005**  
**Public Hearing Date: August 17, 2022**

**ACTIONS FOR CONSIDERATION:** Staff recommends the Planning Commission take the following actions:

- I. After review and consideration, staff has prepared an initial study for the project and subsequent Mitigated Negative Declaration pursuant to California Environmental Quality Act (CEQA) Section 15070 (b)(1) (DECISION TO PREPARE A NEGATIVE DECLARATION).
- II. Approve Conditional Use Permit CUP2021-0005 subject to the conditions below, or as may be modified at the public hearing, making the findings made in the Staff Report, pursuant to County of Yuba Title XI Section 11.57.060.

**GENERAL CONDITIONS:**

- 1) Unless specifically provided otherwise herein or by law, each condition of these Conditions of Approval shall be completed to the satisfaction of the County. Failure to comply with this provision may be used as grounds for revocation of this permit.
- 2) As a condition for project approval, Owner or an agent of Owner acceptable to County shall defend, indemnify, and hold harmless the County and its agents, officers, and employees from any claim, action, or proceeding, against the County or its agents, officers, and employees; including all costs, attorneys' fees, expenses, and liabilities incurred in the defense of such claim, action, or proceeding to attack, set aside, void or annul an approval by the County, Planning Commission, Development Review Committee, or other County advisory agency, appeal board, or legislative body concerning the conditional use permit. County shall promptly notify owner of any such claim, action, or proceeding and shall cooperate fully in the defense of said claim, action, or proceeding.
- 3) Owner(s), Owner's agent(s) or Applicant shall comply with all applicable federal, state, and local laws, ordinances, and regulations, and the Yuba County Ordinance Code.
- 4) The Conditional Use Permit may be effectuated at the end of the ten (10) day appeal period which is August 29, 2022. Conditional Use Permit CUP 2021-0005 shall be designed and operated in substantial conformance with the approved conditional use permit as outlined in the approved site plan filed with the Community Development & Services Agency and as conditioned or modified below. No other expansion of uses are authorized or permitted by this use permit.
- 5) This Conditional Use Permit approval shall be effectuated within a period of twenty-four (24) months from this approval date and if not effectuated shall expire on August 17, 2024. Prior to said expiration date, the applicant may apply for an extension of time, provided, however, this approval shall be extended for no more than a total of twelve (12) months.
- 6) Minor modifications to final configuration of the Conditional Use Permit may be approved by the Community Development and Services Agency Director.

**PUBLIC WORKS DEPARTMENT:**

- 7) All existing or proposed driveways shall conform to the current Yuba County Standards for a Rural Local Road (Drawing No. 121) under permit issued by the Department of Public Works.

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- 8) All existing or proposed encroachments onto Frenchtown Dobbins Road shall conform to the current Yuba County Standards for a Rural Driveway Apron (Drawing No. 128) under permit issued by the Department of Public Works.
- 9) All existing or proposed driveway terminations shall conform to the current Yuba County Standard for a Rural Driveway (Drawing No. 127) under permit issued by the Department of Public Works.
- 10) All road and drainage construction required by these conditions of approval shall be inspected in compliance with Section 4 of the Yuba County Standards and approved by the Yuba County Department of Public Works. Applicant's contractor shall meet on-site with the Public Works Department representative prior to the commencement of work to discuss the various aspects of the project. Applicant shall pay all fees for inspection to the Public Works Department prior to any construction.
- 11) Whenever construction or grading activities will disrupt an area of 1 acre or more of soil or is less than 1 acre but is associated with a larger common plan of development, the applicant is required to obtain a Yuba County grading permit issued by the Public Works Department and a National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction Activities, NPDES No. CAS000004, Order No. 2013-0001-DWQ. Coverage under the General Permit must be obtained prior to any construction. More information may be found at <http://www.swrcb.ca.gov/stormwtr/construction.html>. Owner must obtain an approved and signed Notice of Intent (NOI) from the Regional Water Quality Control Board (RWQCB), a Waste Discharge Identification (WDID) number and a Storm Water Pollution Prevention Plan (SWPPP), as described by either the RWQCB or the State Water Regional Control Board (SWRCB). The SWPPP shall describe and identify the use of Storm Water Best Management Practices (BMP's) and must be reviewed by the Yuba County Public Works Department prior to the Department's approval of Improvement Plans or issuance of a Grading Permit for the project. See Yuba County's Stormwater Regulations for Construction Activities Procedures for details. According to state law it is the responsibility of the property owner that the SWPPP is kept up to date to reflect changes in site conditions and is available on the project site at all times for review by local and state inspectors. Erosion and sediment control measures, non-stormwater and material management measures, and post-construction stormwater management measures for this project shall be in substantial compliance with the SWPPP.
- 12) Erosion control shall conform to section 11 of the Yuba County Improvement Standards.
- 13) Strict control over dust problems created during construction shall be adhered to with regard to surrounding properties and public facilities. The construction specifications and/or improvement plans shall have items reflecting dust control measures in detail.

**ENVIRONMENTAL HEALTH DEPARTMENT:**

- 14) Events to be limited to the areas designated by the applicant.
- 15) No food to be prepared onsite, outside catering/food preparation only.
- 16) No less than 1 toilet and handwashing station per 50 guests.
- 17) No driving on or over the leach field and repair area, unrepairable damage may be done.

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- 18) Events that have 25 or more people for 60 days of the year will require compliance with the Small Water System regulations.
- 19) No dumping of trash or liquids, other than water, shall be permitted in the well water and septic systems. Trash shall be disposed in the proper waste receptacles.

**FRAQMD**

- 20) Pursuant to District Rule 3.16 Fugitive Dust Emissions, dust shall be reasonably controlled such that emissions are not airborne beyond the property line.
- 21) The applicant shall take appropriate measures to prevent dust impacts during events.

**BUILDING DEPARTMENT:**

- 22) Any improvements shall be conducted under an issued permit and shall follow all state laws, federal laws, state building codes, as well as all applicable county ordinances and local fire authority requirements.
- 23) All proposed construction elements for this project shall be prepared by a licensed engineer, shall provide construction documents, shall obtain all required permits, shall follow all state, local ordinances and federal codes and shall be fully compliant with all accessible requirements as required by the California Building codes as well as ADA.
- 24) All existing structures on site shall be utilized as obtained occupancy permits state.

**PLANNING DEPARTMENT:**

- 25) Minor modifications to the final site configuration may be approved by the Community Development and Services Director.
- 26) The proposed project shall be designed and operated in substantial conformance with the approved conditional use permit as described in the project description and the proposed site plan filed with the Community Development and Services Agency. No other expansion of uses are authorized or permitted by this use permit.
- 27) All events shall be subject to the Yuba County General Plan 2030 noise regulations and the County Noise Ordinance. Per Section 8.20.430 of the County Noise Ordinance, the operation of amplified sound equipment shall only occur between the hours of 8:00 a.m. and 9:00 p.m. each day. Sound emanating from sound amplifying equipment shall not exceed 15 decibels above the ambient base noise level set forth in Section 8.20.140.
- 28) Exemption of the regulations found within Section 8.20 of the County Noise Ordinance can only be done on a case-by-case basis through the award of an Exemption Permit, per Section 8.20.710. An Exemption Permit must be applied for no later than forty-five (45) days prior to the event; Yuba County may impose reasonable limitations on the conduct of the special event, including limitations on the date and times during which the special event may take place and limitations on the level of noise produced at this special event.

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- 29) Any and all physical improvements associated with this Conditional Use Permit shall be maintained to the standards specified in these Conditions of Approval set forth for this use permit. Failure to maintain said physical improvement(s) in said manner may be used as grounds for revocation of this use permit.
- 30) All sources of amplified sound shall be installed, maintained, and otherwise directed to project sound in a direction away from neighboring residences.
- 31) Applicant or event operator will provide temporary signage, to be removed at the ending of each event. Signage will be subject to Chapter 11.27 of the Yuba County Development Code & discretion of the Planning Director.
- 32) Trash and debris generated by the events shall be removed within 24 hours and shall not be placed for pick up on public roads.
- 33) All parking associated with the event center shall be contained on site, no parking is permitted along Frenchtown Dobbins Road or driveway access into property.
- 34) All designated parking areas must be graded and improved with gravel and comply with the standards listed with Development Code Section 11.25.100(A) Parking Areas Outside of the Valley Growth Boundary.
- 35) Subject event center will have a limit of thirty-two (32) events annually. The number of events held on weekends (Saturday & Sunday) shall not surpass two (2) per month.
- 36) This permit shall be valid for a period of one (1) year. At the end of this time, the Conditional Use Permit CUP 2021-0005 shall be re-considered by the Planning Commission for a three (3) year renewal period. This process shall reoccur each three (3) years. During each renewal hearing before the Planning Commission, the committee shall utilize all available information, including any noise complaints, in considering renewal of the use permit for another three (3) year period.
- 37) Applicant, or event operator, shall be responsible for paying a public hearing notice fee and for three hours of staff time when submitting an application for the one-year re-evaluation with the Planning Commission as stated in COA# 36.
- 38) Satisfy the Mitigation Monitoring Plan for the project in accordance with the California Environmental Quality Act.
- 39) Should any prehistoric or historic artifacts, including human remains be exposed during construction and excavation operations, work shall cease and the Community Development & Services Agency shall be immediately notified and will ensure adherence to CEQA Guideline Section 15064.5(e). If apparent human remains are exposed, the County Coroner shall be consulted to determine whether any such materials require special treatment prior to resuming construction.



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