

**COUNTY OF EL DORADO
PLANNING AND BUILDING DEPARTMENT
PLANNING COMMISSION
STAFF REPORT**



Agenda of: September 25, 2025

Staff: Bianca Dinkler

CONDITIONAL USE PERMIT

FILE NUMBER: CUP24-0011/Kuhl

APPLICANT: Michael Kuhl

REQUEST: Conditional Use Permit to allow development of a single-unit residential dwelling on a Timber Production Zone (TPZ) zoned property.

LOCATION: South side of Bullard Place, approximately 0.65 miles south of the intersection with National Forest Road 12-N30, within a Rural Region of El Dorado County (Exhibits A and B).

**SUPERVISOR
DISTRICT:**

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APNs: 011-030-055 and 011-030-058 (Exhibit C)

ACREAGE: 65.78 acres

GENERAL PLAN

LAND USE DESIGNATION: Natural Resources (NR) (Exhibit D)

ZONING DESIGNATION: Timber Production Zone (TPZ) (Exhibit E)

ENVIRONMENTAL DOCUMENT: Three action options are presented to the Planning Commission. One option would require further environmental analysis, and two options would find the project exempt from the requirement for the preparation of environmental documents according to California Environmental Quality Act (CEQA)

Guidelines. Categorical Exemptions apply to classes of projects that have been determined to not have a significant effect on the environment (Section 15300). A project may otherwise be determined exempt by state statute (Section 15260 - 15285).

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

Option A:

1. Find the project Categorically Exempt under Section 15303 of the CEQA Guidelines (Exhibit R); and
2. Approve Conditional Use Permit CUP24-0011 based on Findings to be made by the Planning Commission and subject to the Conditions of Approval as presented; or

Option B:

1. Find the project Statutorily Exempt under Section 15270 of the CEQA Guidelines (Exhibit R); and
2. Deny Conditional Use Permit CUP24-0011 based on Findings to be made by the Planning Commission and subject to the Conditions of Approval as presented; or

Option C:

Direct staff to prepare an Initial Study to determine whether any potential environmental effects may be present; if so, whether they may be mitigated, or if an Environmental Impact Report is necessary to comply with CEQA.

EXECUTIVE SUMMARY

The project applicant requests a Conditional Use Permit (CUP) to allow development of a single-unit residential dwelling on Timber Production Zone (TPZ) zoned property. The proposed two-story residence would total 2,538 square feet (Exhibit T). The project includes a septic area, fire hydrant, future pad turnout for storage and parking, and solar arrays. The applicant describes the proposed development area equal to approximately half an acre (0.52 acres) (Exhibit F and S). The property is currently developed with an existing shed, driveway, well, water tank, and roads. Access would be from a private driveway from Bullard Place approximately 0.65 miles south of the intersection with National Forest Road 12-N30. Planning staff is not making a recommendation on the project as further explained in the General Plan Consistency section, the Zoning Consistency section, and the Agriculture Commission section. Appropriate Findings of Approval or Findings of Denial will be prepared for Planning Commission consideration after hearing testimony and deliberation on the project.

SITE DESCRIPTION

The 65.78-acre project site, identified by Assessor's Parcel Numbers (APNs) 011-030-055 (20.2 acres) and 011-030-058 (45.58 acres) (legal parcels/ two [2] APNs for Administrative Tax Rate), is located on Bullard Place approximately 0.65 miles south of the intersection with National Forest Road 12-N30 which is 2.39 miles west of Ice House Road. As more fully described in the road name petition submitted by the applicant and approved by the County Surveyor's Office and sign-off by Cal Fire on August 13, 2025: "Ice House Road NorthWest to National Forest Road NF 31 SouthWest for 0.74 miles to junction with 12N78. Continue Westward on 12N78 for 1.00 miles and road becomes 12N52. Continue along 12N52 for 0.50 miles to intersection with Wolf Creek Rd. Turn SouthEast onto Wolf Creek Road to intersection with 12N30 at 0.04 miles. Turn SouthWest on 12N30 for 0.11 miles to entrance to new Bullard Place" (Exhibit U), within a Rural Region of El Dorado County.

The project site is located on the north shore of Union Valley Reservoir at an elevation of approximately 5,000 feet above sea level with steep slope topography. Vegetation primarily consists of upland mixed conifer forest with an overstory primarily of fir and pine species with a mix of incense cedar, black oak, and Douglas fir. There are open meadows on the project site. The meadows are fed by snowmelt in the spring and groundwater in the summer and fall, and flow into Union Valley Reservoir.

The project site does not have direct access to the reservoir. There is a 200-foot setback around the shoreline of the reservoir as the land is owned by the U.S. Forest Service (USFS) (federal lands). Sacramento Municipal Utility District (SMUD) manages the reservoir and maintains lands below the highwater line (4,870-foot elevation) and the USFS manages lands above the high waterline. The undulating shoreline of Union reservoir is home to several campgrounds. The project site is situated within an approximate mile to Wolf Creek Campground and Yellowjacket Campground located to the east of the project site, and Camino Cove Campground to the west. The immediate neighboring uses are included with the table on the next page.

The 65.78-acre subject parcel is less than the TPZ minimum parcel size of 160 acres; however, Zoning Ordinance Section 130.61.060 (A), *Legal Nonconforming Lots*, states that the uses allowed in the zone district shall be allowed on a nonconforming lot. There are approximately 620 similar privately owned TPZ-zoned parcels equaling less than 160 acres which are mapped for Exhibit P.

Table of Adjacent Uses:

	Zoning:	General Plan:	Improvements:
Project Site:	TPZ	Natural Resources (NR)	Conifer Forest
North:	TPZ	NR	Conifer Forest
East:	Forest Resources 160-Acres (FR-160)	NR	Union Valley Reservoir
South:	FR-160	NR	Union Valley Reservoir
West:	FR-160	NR	Union Valley Reservoir

BACKGROUND

The subject property has a long history of timber harvesting, homesteading, and ranching dating back to the 1800s. Most of the land in the immediate vicinity of the subject property is currently managed for timber production by Sierra Pacific Industries (SPI) and the USFS, which have been harvested for timber under approved Timber Harvest Plans approved by the California Department of Forestry and Fire Protection. As shown in the Forest Management Plan from 2009 (Exhibit K), there are records of timber harvests on the subject parcels in the 1960s (limited records), 1994 through 1997, and a salvage operation was considered in 2008.

Certificates of Compliance (COC09-0022, COC09-0023, COC09-0023-R) were approved by the County in 2010 to recognize the current parcels as legal due to court partition in 1994, which similar to this request, involved an Agriculture Commission hearing. A parcel history statement was also provided by the applicant with additional information (Exhibit G).

PROJECT DESCRIPTION

A CUP request to allow development of a single-unit residential dwelling on TPZ zoned property. The project site is zoned TPZ and has a General Plan land use designation of NR. The proposed two-story residence with daylight basement would total 2,538 square feet. The project includes a septic area, fire hydrant, solar arrays, and future pad turnout for storage and parking. The property is currently developed with an existing shed, driveway, well, water tank, and roads. Access would be from a private driveway from Bullard Place south of the intersection with National Forest Road 12-N30. (Exhibits FS and U).

ADDITIONAL CONSIDERATIONS

- 1) The subject property is located along the north shore of Union Valley Reservoir. The USFS owns 200 feet around the perimeter of the reservoir. The reservoir is managed by SMUD.
- 2) TPZ is considered an agricultural/resource zone, and the project site is adjacent to Forest Resources 160-Acres (FR-160) zone, which is an agricultural/resource zone that requires a 200-foot setback.
- 3) There are public recreational trails and a new bike trail in proximity of the subject property. SMUD and USFS reviewed the project and provided comments that are incorporated with the Conditions of Approval.

STAFF ANALYSIS

Staff has compiled the required analysis sources for the Planning Commission (PC) to determine whether this use is appropriate at this location for this specific site. Necessary findings are enumerated and described for PC consideration and deliberation at the PC hearing. Staff will complete required findings according to PC direction prior to the close of hearing, for the Commissioner's final decision and vote.

Conditional Use Permit and Regulatory Authority:

- Zoning Ordinance Table 130.21.020, *Matrix of Allowed Uses in Agricultural, Rural, and Resource Zones*, states that approval of a CUP would be required to develop a single-unit residence on TPZ zoned land.
- Zoning Ordinance Section 130.52.021 (A)(1), *Applicability*, states that a CUP is a process for reviewing uses and activities that may be appropriate in the applicable zone but the potential for effects on the site and surroundings cannot be determined without a site-specific review.
- Zoning Ordinance Section 130.52.021 (B.) (1.), *Review Authority and CEQA*, states that the Zoning Administrator or the PC shall have review authority of original jurisdiction for CUP applications, based on the complexity of the application and the policy issues raised by the project, as determined by the Director. The approval of a CUP is a discretionary project and is subject to the requirements and procedures of CEQA.

- Zoning Ordinance Section 130.52.021 (C.), *Specific Findings for Conditional Use Permits*, states the specific findings for CUP. In addition to findings of consistency with the requirements and standards of this Title, the review authority shall make the following findings before approving a CUP: 1) The proposed use is consistent with the General Plan; and 2) The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood; and 3) The proposed use is specifically allowed by a CUP pursuant to this Title.

On-Site Lighting: The proposed project would introduce a new source of lighting, which would need to be reviewed for compliance with the standards established in Chapter 130.34, Outdoor Lighting, which requires that all outdoor lighting be located, adequately shielded, and directed such that direct light does not fall outside of the property line. In addition, General Plan Policy 2.8.1.1 requires all development to limit excess nighttime light and glare from parking area lighting and buildings. Lighting would be reviewed at the time of grading and building permit.

Access and Parking: Vehicle access to the project site would be from a private driveway from, Bullard Place south of the intersection with National Forest Road 12-N30, a non-County maintained roadway. The El Dorado County Department of Transportation (DOT) reviewed the project and provided comments that they take no exception to the project. Based on review of the Transportation Impact Study Initial Determination Form (TIS ID), it was determined that a traffic study was not required.

Fire: The El Dorado County Fire Protection District reviewed the project but did not provide comments. The project site is not located within a fire district and the nearest station is Pollock Pines/Camino.

Forest Management Plan: Zoning Ordinance Section 130.40.350 (E.), *Timber Production Zone - Continued Eligibility*, states the property owner shall continuously comply with at least six (6) of the criteria in the Forest Management Plan as required under Subsection 130.40.350 (D.2), *Forest Management Plan*, in order to continue to be eligible for the TPZ classification. A Forest Management Plan was submitted with the project to demonstrate ongoing operations on the subject property in compliance with the criteria and regulations for TPZ (Exhibit K).

Current Use Value and Yield Tax: Annual timberland property tax is based on its current use. Standing timber is exempt from local ad valorem tax system and instead is subject to a state tax at the time of harvest. The revenue generated from timber yield tax is collected by the State Board of Equalization and then is distributed back to the counties where the timber was harvested (CA Rev. & Tax Code 423.5-437 and Rev. Tax Code part 18.5 of Div. 2). County Assessors assess the TPZ based on the values determined by the Board of Equalization, who provides the values annually to

assessors. Landowners file annual applications, and the owner of the land bears the burden of demonstrating that the use of the land is primarily agricultural. All improvements would be added to the taxable base and taxed as they would be for any improvement on other parcels in the County.

Septic System/Well Water: The proposed project would use an existing well for both potable and emergency service water services and proposed private on-site sewage disposal system (septic system). The project was reviewed by the El Dorado County Environmental Management Department (EMD) and provided comments that are included as standard conditions of approval that any proposed residential dwellings are required to demonstrate an adequate water supply and have adequate area available to install an onsite wastewater treatment system that meets the standards of the El Dorado County Local Agency Management Plan (LAMP) and the Onsite Wastewater Treatment Systems Manual. This would be further reviewed during grading and building permits.

Grading, Drainage, Stormwater, and Utilities: The proposed project was reviewed by the El Dorado County Stormwater Coordinator. Improvement plans would be reviewed at the time of grading and building permit submittal to ensure compliance with County requirements. For utilities, there is no Pacific Gas and Electric (PG&E) service in the project area. The project proposes to use solar arrays for utilities service.

Agricultural Commission: The El Dorado County Agricultural Commission (AG) reviewed the proposed project at their meeting on June 12, 2025, and their resulting memo is included with this Staff Report (Exhibit J). The AG made two recommendations, one each of denial and approval. The two recommendations essentially made the same and potentially conflicting finding for General Plan and Zoning consistency determinations (see below). Part of the AG meeting discussion was focused on the anticipated acreage of disturbance associated with the development of a single-family structure, which resulted in the applicant's submittal of Exhibit S.

General Plan Consistency: The project site is located in the rural regions of El Dorado County. The rural regions provide a land use pattern that maintains the open character of the County, preserves its natural resources, recognizes the constraints of the land and the limited availability of infrastructure and public services, and preserves the agricultural and forest/timber area to ensure its long-term viability for agriculture and timber operations.

The AG's recommendation for denial focused on the General Plan Policy 8.4.2.1 (A) with a finding that the proposed use will be detrimental to the parcel or adjacent parcels for the long-term forest resource production value or conflict with forest resource production in that general area (Exhibit J).

Following is a list of General Plan Policies considered by the Planning Division for this Conditional Use request to allow a single-family structure for a TPZ zoned project site:

General Plan Policies applicable to the project include: Policy 2.2.1.2 (NR Land Use Designation), Policy 2.2.5.2 (General Plan Consistency), Policy 2.2.5.14 (Buffers), Policy 2.2.5.21 (Land Use Compatibility), Policy TC-Xa through TC-Xi (Transportation and Circulation Element), Policy 5.1.2.1 (Adequacy of Public Services and Utilities), Policy 5.1.2.2 (Minimum Levels of Service), Policy 5.2.1.2 (Adequate Water Fire Protection), Policy 5.2.3.4 (Groundwater Systems), Policy 5.3.2.1 (Septic Systems), Policy 5.4.1.2 (Natural Drainage Patterns), Policy 5.7.1.1 and 5.7.2.1 (Adequate Emergency Water Supply, Storage, Conveyance Facilities, Access for Fire Protection), Policy 5.7.3.1 (Law Enforcement Response), Policy 6.2.2.2 (WUI), Policy 6.2.3.1 (Adequate Fire Protection), Policy 6.2.3.2 (Adequate Access for Emergency Vehicles), Policy 7.4.2.8 (Biological Resources), Policy 7.4.2.9 (Important Biological Corridor Deer Migration), Policy 7.5.1.3 (Cultural Resources), Policy 8.1.3.5 (Agricultural Commission Review), Policy 8.1.4.1 (Agricultural Commission Review), Policy 8.3.1.1 (Lands Suitable for Timber Production), Policy 8.3.3.1 (Ensure Long-Term Viability of Forest Resources and Timber Production), , Policy 8.4.1.2 (Forest Land Buffer 200-ft Setback), and Policy 8.4.2.1 (Agricultural Commission Evaluation of Discretionary Development).

Zoning Ordinance Consistency: The County's Zoning Ordinance carries out the policies of the General Plan by classifying and regulating the uses of land and structures. The TPZ zone is intended to identify and regulate lands subject to the Forest Taxation Reform Act of 1976 (California Government Code Section 51110, et seq.). Criteria for establishing a TPZ is located in Section 130.40.350, Timber Production Zone: Criteria, Regulations, and Zone Change Requirements, in Article 4, Specific Use Regulations, of this Title. As shown in Table 130.21.020, residential single unit, detached dwellings require approval of a CUP in the TPZ zone. If approved, the residential structure would need to comply with development standards including maximum building height and building setbacks.

The AG's recommendation for approval found the project consistent with section 130.40.350 and stated that the proposed use is compatible with and will not detract from the land's ability to produce timber (Exhibit J).

AGENCY COMMENTS AND PUBLIC COMMENTS

The project was distributed to all applicable local and state agencies listed on the Initial Consultation Letter for review and comment including, but not limited to, the El Dorado County Air Quality Management District (AQMD), El Dorado County Agriculture Department (AG), El

Dorado County Building Division, EMD, DOT, El Dorado County Stormwater, El Dorado County Surveyor's Office, EID, California Department of Fish and Wildlife (CDFW), California Native American Commission, SMUD, and the USFS. Comments received have been considered and incorporated as Conditions of Approval, as applicable. As of date, one (1) public comment has been received (Exhibit Q).

PUBLIC NOTICE

Section 130.51.050.2, Public Notice Requirements and Procedures – Discretionary Projects, of the Zoning Ordinance establishes noticing procedures for discretionary projects. CUPs have a notification radius of 1,000 feet from the subject property, with notice published in the Mountain Democrat and the Georgetown Gazette. No formal public outreach was conducted as a public outreach plan is not required for CUPs pursuant to the Zoning Ordinance. No physical sign posting was required for this project.

ENVIRONMENTAL REVIEW

The proposed project could be considered exempt from CEQA with Class 3, "New Construction" (15303) (a) *One single-family residence residential structure* (Exhibit R).

Pursuant to Section 15002(k) of the California Environmental Quality Act (CEQA) Guidelines, a lead agency will normally take up to three (3) separate steps in deciding which document to prepare subject to CEQA.

- 1) In the first step, the lead agency examines the project to determine whether the project is subject to CEQA. A project may only be considered Categorically exempt if none of the exceptions to exemptions found in Section 15300.2. EXCEPTIONS would apply to the project. If the project is exempt, the process does not need to proceed any further.
- 2) If the project is not exempt, the lead agency takes the second step and conducts an Initial Study to determine whether the project may have a significant effect on the environment. If the Initial Study shows that there is no substantial evidence that the project may have a significant effect, the lead agency prepares a Negative Declaration (ND). If the lead agency determines that a significant effect may be mitigated to a degree that it would no longer be considered significant, then the lead agency prepared a Mitigated Negative Declaration (MND).
- 3) If the Initial Study shows that the project may have a significant effect that may not be mitigated, the lead agency takes the third step and prepares an Environmental Impact Report (EIR).

A CEQA Initial Study has not yet been prepared for this proposed project. It is up to the Planning Commission to hear and consider testimony on the proposed project and reach a conclusion on the claimed exemptions and potential exceptions thereto. Should the Planning Commission believe the exemption is not applicable, further environmental review would be required if the findings for approval of the CUP may be made. Should the Planning Commission determine that the findings cannot be made for issuance of a CUP, there is a specific CEQA exemption applicable to project denial, 14 California Code of Regulations (CCR) §15270 (Exhibit R).

CONDITIONAL USE FINDINGS

A finding that a project is exempt from CEQA does not necessarily mean the project can meet the discrete findings necessary for granting a CUP. This is a separate consideration which examines consistency with the General Plan and whether the proposed project would be detrimental to the public health, safety and welfare, or injurious to the neighborhood.

Should the Planning Commission determine the findings supporting a CUP can be made, there are several options to resolve the CEQA issues:

- 1) The Planning Commission could find that the record and testimony support a finding that the project is exempt without exception (14 CCR §15300.2) and approve the project.
- 2) The Planning Commission could find that the project does not qualify for an exemption due to 14 CCR §15300.2 and request that the applicant complete appropriate environmental review. The Planning Commission could direct staff to prepare an Initial Study prepared by staff and/or consultants. If the Initial Study shows that the project may have a significant effect that may not be mitigated, staff may work with a consultant to prepare an Environmental Impact Report (EIR), at the applicant's expense.

Should the project be approved and determined to be exempt from CEQA, the applicant may submit to Planning Division a \$50.00 recording fee prior to filing of the Notice of Exemption by the County. Please submit check for the total amount to Planning Division and make the check payable to El Dorado County.

SUPPORT INFORMATION

Attachments to the Staff Report:

Findings

Conditions of Approval

Exhibit A.....	Location Map
Exhibit B	Aerial Map
Exhibit C	Assessor's Parcel Map
Exhibit D	General Plan Land Use Map
Exhibit E	Zoning Map
Exhibit F.....	Site Plans
Exhibit G	Parcel History and Applicant Statement
Exhibit H.....	Grant of Easements
Exhibit I	Union Valley-SPI Grant of Easement and Agreement
Exhibit J	Agricultural Commission Recommendation Memo
Exhibit K.....	Forest Management Plan
Exhibit L	Memo May 16, 2025 (Fred Buhlert, Registered Professional Forester)
Exhibit M	Biological Report
Exhibit N.....	Wetland Delineation Report
Exhibit O	WUI Fire Safe Plan
Exhibit P.....	Privately Owned TPZ Zoned Parcels Less than 160 Acres
Exhibit Q	Public Comment July 10, 2025 (William Draper, Registered Professional Forester)
Exhibit R	CEQA Guidelines Excerpts
Exhibit S.....	Development Area
Exhibit T	Building Plans
Exhibit U	Neighboring Uses Map

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CONDITIONS OF APPROVAL
Conditional Use Permit CUP24-0011/Kuhl
Planning Commission/September 25, 2025
Planning Division

1. This Conditional Use Permit (CUP) is based upon and limited to compliance with the project description, Conditions of Approval set forth below, and the hearing exhibits:

Exhibit F.....Site Plans
Exhibit O.....WUI Fire Safe Plan
Exhibit S.....Development Area
Exhibit TBuilding Plans

Any deviations from the project description, exhibits, or Conditions of Approval must 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 would constitute a violation of permit approval.

The project description is as follows:

The project applicant is requesting a CUP for the development of a single-unit residential dwelling on Timber Production Zone (TPZ) zoned property. The project site is zoned TPZ and has a General Plan land use designation of Natural Resources (NR). The proposed size of the residence would total 2,538 square feet. The project would include a septic area, fire hydrant, future pad turnout for storage and parking, and solar arrays. The property is currently developed with an existing shed, driveway, well, water tank, and roads. Access would be from a private driveway located on Bullard Place south of the intersection with National Forest Road 12-N30; a non-County maintained roadway.

The development, use, and maintenance of the property, the size, shape and the protection and preservation of resources shall conform to the project description and the hearing exhibits above 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. **Permit Implementation:** In Compliance with Section 130.54.060, Time Limits, Extensions, and Permit Expiration, of the El Dorado County Zoning Ordinance (Zoning Ordinance), implementation of the project must occur within 24 months of approval of this

CUP, or 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. The County may extend the time limit for permit implementation if a time extension is filed at least 30 days prior to the expiration of permit.

3. **Conditions Compliance:** Prior to issuance 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.
4. **Payment of Processing Fees-Development Services:** The applicant shall make the actual and full payment of Planning and Building Department processing fees for the CUP and any associated fees.
5. **Heritage Resources:** In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the project proponent shall ensure that all such activities cease within 50 feet of the discovery until an archaeologist can examine the find in place and determine its significance. If the find is determined to be significant and authenticated, the archaeologist shall determine the proper method(s) for handling the resource or item. Grading and construction activities may resume after the appropriate measures are taken or the site is determined not to be of significance.
6. **Archeological Resources:** In the event of the discovery of human remains, all work shall cease, and the County coroner shall be immediately notified pursuant to subdivision(c) of Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code (PRC). The coroner shall make his or her determination within two (2) working days from the time the person responsible for the excavation, or in his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission. The Native American Heritage Commission will immediately notify the person it believes to be the most likely descendant of the deceased Native American.

Upon the discovery of the Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred,

as prescribed in Section 5097.98 of the PRC, with the most likely descendants regarding their recommendations. The descendants shall complete their inspection and make their recommendations or preferences for treatment within 48 hours of being granted access to the site. The descendants' preferences for treatment may include the nondestructive removal and analysis of human remains and items associated with Native American burials or other culturally appropriate treatment in accordance with PRC Section 5097.98(b). Any additional costs as a result of complying with this section shall be borne by the project applicant. The project applicant may continue grading and construction activities may resume after complying with PRC Section 5097.8(e).

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 developer and landowner 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 of El Dorado County concerning a CUP.

The County shall notify the applicant of any claim, action, or proceeding, and the County shall cooperate fully in the defense.

8. **Lighting:** Improvement plans shall be reviewed at the time of grading and building permit reviews to ensure compliance with the County standards established in Zoning Ordinance Chapter 130.34, Outdoor Lighting, which requires that all outdoor lighting be located, adequately shielded, and directed such that direct light does not fall outside of the property line. In addition, General Plan Policy 2.8.1.1 requires all development to limit excess nighttime light and glare from parking area lighting and buildings.
9. **Setbacks:** Setbacks shall be 200 feet from property lines. This shall be noted on all plans and verified at the time of grading and building permit.

El Dorado County Environmental Management Department (EMD)

10. Any proposed residential dwellings are required to demonstrate an adequate water supply and have adequate area available to install an onsite wastewater treatment system that meets the standards of the El Dorado County Local Agency Management Plan (LAMP) and the Onsite Wastewater Treatment Systems Manual.

El Dorado County Stormwater Coordinator

11. The County is subject to the State of California Phase II MS4 Permit and thus the County's post construction water quality requirements follow those outlined in that Permit in Section E.12. Projects typically qualify as "Small" or "Regulated" projects under the MS4 Permit/West Slope Development and Redevelopment Standards and Post Construction Stormwater Plan Requirements if improvements create or replace 2,500 square feet or more of impervious surface. Qualifying projects are required to provide treatment of stormwater prior to the water leaving the site or entering a waterbody.
12. An Erosion and Sediment Control Plan will need to be included in plan submittal. If the project will disturb an acre or more of land, the Legally Responsible Person (LRP) is required to obtain Construction General Permit (CGP) coverage through the State Water Resources Control Board (SWRCB). The CGP requires the development and implementation of a Stormwater Pollution Prevention Plan (SWPPP). CGP requirements can be found at the following link:
https://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.html

El Dorado County Department of Transportation (DOT)

13. Improvement plans shall be reviewed at the time of grading and building permit reviews to ensure compliance with applicable requirements.

Central Valley Regional Water Quality Control Board

14. **Basin Plan:** The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the California Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans

were adopted in 1975 and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years a view of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues.

15. **Antidegradation Considerations:** All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution) and the Antidegradation Implementation Policy contained in the Basin Plan.
16. **Construction Stormwater General Permit:** Dischargers whose project disturbs one (1) or more acres of soil or where projects disturb less than one (1) acre but are part of a larger common plan of development that in total disturbs one (1) or more acres, are required to obtain coverage under the General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit), Construction General Permit Order No. 2009-0009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Stormwater Pollution Prevention Plan (SWPPP).
17. **Clean Water Act Section 404 Permit:** If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be required from the United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements. If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916)557-5250.
18. **Clean Water Act Section 401 Permit – Water Quality Certification:** If an USACE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other

federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

19. **Waste Discharge Requirements – Discharges to Waters of the State:** If USACE determines that only non-jurisdictional waters of the State (i.e., non-federal waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by the Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

Projects involving excavation or fill activities impacting less than 0.2 acre or 400 linear feet of non-jurisdictional waters of the State and projects involving dredging activities impacting less than 50 cubic yards of non-jurisdictional waters of the State may be eligible for coverage under the State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ (General Order 2004-0004).

20. **Dewatering Permit:** If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Threat General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.
21. **Limited Threat General National Pollutant Discharge Elimination System (NPDES) Permit:** If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a NPDES permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for Limited Threat Discharges to Surface Water (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order.

22. **NPDES Permit:** If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a NPDES permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit.

Sacramento Municipal Utility District (SMUD)

23. The project shall comply with applicable requirements from SMUD. The applicant shall note SMUD requirements on Improvement Plans which will be reviewed at time of grading and building permit.

U.S. Forest Service (USFS)

24. The project shall comply with applicable requirements from USFS. The applicant shall note USFS requirements on Improvement Plans which will be reviewed at time of grading and building permit.