

CUP21-0003/Santana Pool - As approved by the Planning Commission on February 24, 2022

Conditions of Approval

Planning Services

1. This Conditional Use Permit is based upon and limited to compliance with the project description, the following hearing exhibits, and conditions of approval set forth below:

Conditional Use Permit CUP21-0003 allows the addition of a pool at a legal, nonconforming residence.

Exhibit FSite Plan with proposed pool

Any deviations from the project description, exhibits, or conditions 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 will constitute a violation of permit approval.

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. **Permit Expiration:** Pursuant to Zoning Ordinance Section 130.54.060.A, implementation of the project shall occur within 24 months of approval of this 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.

3. **Legal Indemnity/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 land owner agrees 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 land owner 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 Conditional Use Permit.

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

4. **Setbacks:** Setbacks for pools (and their accessory water features if less than 30 inches) on this parcel are: 10 feet from the front property line, 5 feet from the side yard and rear property lines. Setbacks for pool equipment including heating and air conditioning units

are: 5 feet from all property lines. The approved pool location is required to meet these setbacks.

5. **Department of Transportation:** The applicant shall contract the services of a California Licensed Civil or Geotechnical Engineer to analyze the structural effects of the proposed pool on the existing retaining wall on SR49 (Diamond Road). The location and configuration of the proposed pool shall be modified to prevent any surcharge loading of the existing retaining wall. Analysis may be limited to proof that the proposed pool has no structural influence on the existing retaining wall.