

CONDITIONS OF APPROVAL

**Conditional Use Permit CUP22-0015/Farrell Nonconforming Use (New Build)
Planning Commission/November 9, 2023**

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 marked:

Exhibit EProject Plan Sheets

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 proposed project includes a CUP request for expansion of a nonconforming use consisting of the development and ongoing use of a set of residential accessory structures including the following: an 854 square-foot-pool house, a 120-square-foot addition to the existing residence, an attached 322-square-foot patio cover off the existing master bedroom, an attached 485-square-foot patio cover off the existing living room, and an attached 670-square-foot patio cover off the back of the house. The proposed project would not result in changes to site access, circulation, or utility service requirements. The proposed project would result in minimal grading and no trees are proposed for removal.

A nonconforming use floor area increase of 10-percent or less is an allowed use, with Planning Director approval.

The development, use, and maintenance of the property, the size, shape 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.

Planning Services Division

2. **Permit Implementation:** In Compliance with County Code Section 130.54.060, 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.
3. **Notice of Exemption (NOE) Recording Fee:** The applicant shall submit to the Planning Services Division a \$50.00 recording fee for the County Recorder to file the Notice of Exemption. Checks shall be payable to El Dorado County. No permits shall be issued, or parcel map filed until said fees are paid.
4. **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. 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 Public Resources Code, with the most likely descendants regarding their recommendations. The descendants shall complete their inspection and make their recommendation within 48 hours of their notification by the Native American Heritage Commission. The recommendation may include the scientific removal and nondestructive analysis of human remains and items associated with Native American burials or other proper method(s) for handling the remains in accordance with Section 5097.98(b-h). Any additional costs as a result of complying with this section shall be borne by the project applicant. Grading and construction activities may resume after appropriate measures are taken.

5. **Indemnity:** 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.

6. **Change in Ownership:** In the event of any change of ownership of the subject parcel (APN 329-040-041) or any change in primary or accessory use, it is the responsibility of the future property owners to ensure all changes are consistent with this CUP, the El Dorado County General Plan, Zoning Ordinance, and all applicable standards in place at such time.

Air Quality Management District (AQMD)

7. **Asbestos Dust:** Current County records indicate the subject property is located within the Asbestos Review Area. An Asbestos Dust Mitigation Plan (ADMP) Application with applicable fees shall be submitted to and approved by the AQMD prior to project construction if the project moves more than 20 cubic yards of soil, pursuant to AQMD Rule 223.2, Fugitive Dust – Asbestos Hazard Mitigation. Mitigation measures for the control of fugitive dust shall comply with the requirements of Rule 223, Fugitive Dust – General Requirements, and Rule 223.2 Fugitive Dust – Asbestos Hazard Mitigation.
8. **Paving:** Project construction and related paving shall adhere to AQMD Rule 224, Cutback and Emulsified Asphalt Paving Materials if applicable.
9. **Painting/Coating:** The project construction may involve the application of architectural coatings, which shall adhere to AQMD Rule 215, Architectural Coatings.
10. **Open Burning:** Burning of waste vegetation that results from “Land Development Clearing” must be permitted through the AQMD. Only dry vegetative waste materials originating from the property may be disposed of using an open outdoor fire. Burning shall adhere to AQMD Rule 300, Open Burning.
11. **Construction Emissions:** During construction, all self-propelled diesel-fueled engines greater than 25 horsepower shall follow the California Air Resource Board (CARB) Regulation for In-Use Off-Road Diesel Fueled Fleets (Section 2449 et al, title 13, article 4.8, chapter 9, California Code of Regulations (CCR)). Questions on applicability should be directed to CARB at 1.866.634.3735. CARB is responsible for enforcement of this regulation.

12. **Portable Equipment:** All portable combustion engine equipment with a rating of 50 horsepower or greater shall be registered with CARB. A copy of the current portable equipment registration shall be with said equipment. The applicant shall provide a complete list of heavy-duty diesel-fueled equipment to be used on this project, which includes the make, model, year of equipment, and daily hours of operations of each piece of equipment.

Surveyor

13. **Boundary Monuments:** All boundary monuments disturbed during project construction shall be reset by a Professional Land Surveyor or Qualified Engineer.