

# CONDITIONS OF APPROVAL

## Conditional Use Permit CUP23-0005/ Tyler Master Bedroom Planning Commission/ September 28, 2023

### Planning Services

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

CUP23-0005 allows an addition of 525 square feet of dwelling space to a legal but non-conforming residence in the Community Commercial - Design Control (CC-DC) zone district.

Exhibit E .....Site Plan with Proposed Addition

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 and hearing exhibits above and the 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 the 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 CUP.

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

#### **El Dorado County Fire Protection District (EDCFPD)**

4. **Surface Hardening:** Provide five (5) feet of noncombustible ground covering around the structure for surface hardening. Gravel or other acceptable material may be used to decrease vegetation and potential ignition of structure.
5. **Fencing:** Any fencing adjacent to the project (addition) shall be of a noncombustible material.

#### **North Central Information Center**

6. **Cultural Resources:** If cultural resources are encountered during the project, avoid altering the materials and their context until a qualified cultural resources professional has evaluated the project area. Project personnel should not collect cultural resources. Historic-period resources include: stone or adobe foundations or walls; structures and remains with square nails; mine shafts, tailings, or ditches/flumes; and refuse deposits or bottle dumps, often located in old wells or privies.
7. **Cultural Resources:** Identified cultural resources should be recorded on DPR 523 (A-L) historic resource recordation forms, available at [https://ohp.parks.ca.gov/?page\\_id=28351](https://ohp.parks.ca.gov/?page_id=28351)

#### **Oak Tree Protection**

8. To protect the large Valley Oak on the neighboring property to the north:
  - 8.1 No heavy equipment within 30 feet of trees' trunk when soil is dry; and
  - 8.2 No heavy equipment within 60 feet of trees' trunk when soil is saturated.