

**Conditions of Approval**

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

Project Description:

A year-round retreat center with operating up to seven days per week with multi-day, overnight events and activities to include workshops and classes related to agriculture, art, health and wellness for up to 75 guests and 6 employees. Approved uses are as follows:

Phase I to include:

- 20 small cabins or tent cabins and 10 campsites;
- Up to 40 guests and 4 employees;
- At least 20 on-site parking spaces (14 for guests, 6 for residents and employees);
- Improved encroachment onto Spanish Flat road, with new on-site driveway and emergency vehicle turnaround;
- Additional satellite restroom facilities at or near the cabin and campsite areas;
- New on-site septic system;
- Up to 12 special events per year to include class reunions, family reunions, guest lecturers, motivational speakers, and other similar events;
- Use of the existing 1,500-square-foot single-family dwelling to be occupied year-round by caretaker residents;
- A 600± square-foot shared bathroom & shower facility;
- A yoga and/or conference facility of up to 1,800-square-feet;
- Conversion of the existing 400± square foot guest house to a spa and massage facility;
- Re-purposing of the existing 600-square-foot cabin as a full-service kitchen for the preparation of food for guests to include an outdoor teaching kitchen and an outdoor dining deck;
- Minor processing of agricultural products, including cheese-making and produce preserving; and
- One monument sign within the parcel boundary. In accordance with subsection 130.16.080 of the Zoning Ordinance, a sign permit will be required for the sign, if proposed. The design would be reviewed for compliance with all regulations for monument signs, including those for sign illumination, compatibility with the materials and colors of on-site structures, sign size and placement.

Phase II to include all uses under Phase I, as well as:

- 35 small cabins or tent cabins and 10 campsites;

- Up to 75 guests and 6 employees;
- At least 33 on-site parking spaces; and
- A new residential structure to provide housing for senior staff and owners.

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. Mitigation Measure BIO-1: If construction activities will occur during the nesting season (March 1 to September 1), a preconstruction survey for the presence of special-status bird species or any nesting bird species shall be conducted by a qualified biologist within 500 feet of proposed construction areas no more than 15 days prior to construction activities. If active nests are identified in these areas, CDFW and/or USFWS shall be consulted to develop measures to avoid “take” of active nests prior to the initiation of any construction activities. Avoidance measures may include establishment of a buffer zone using construction fencing or the postponement of vegetation removal until after the nesting season, or until after a qualified biologist has determined the young have fledged and are independent of the nest site.

**Monitoring Requirement:** The applicant shall conduct all construction activities outside the nesting season or perform a pre-construction survey and the necessary avoidance measures prior to initiation of construction activities. This mitigation measure shall be noted on future grading and residential construction plans. If a pre-construction survey is required, the Development Services Division shall verify the completion of survey prior to issuance of building or grading permit.

**Monitoring Responsibility:** El Dorado County Development Services Division.

3. Mitigation Measure BIO-2: Development shall avoid wetlands and ephemeral, intermittent, and perennial waters. For wetlands, ephemeral waters, and intermittent waters, no development shall occur within 55 feet. For perennial creeks, no development shall occur within 110 feet.

**Monitoring Requirement:** The applicant shall conduct all construction activities outside the 55-foot or 110-foot setback from wetlands and waters. This mitigation measure and the associated setback shall be noted on future grading and residential

construction plans. Development Services Division shall verify the inclusion of this requirement on future grading and construction plans.

Monitoring Responsibility: El Dorado County Development Services Division.

4. Mitigation Measure BIO-3: Installation of fences shall be limited to those that would not restrict wildlife movement, except fences for the purposes of protecting livestock, crops, or landscaping.

Monitoring Requirement: Development Services Division shall verify the inclusion of this requirement on future grading and construction plans.

Monitoring Responsibility: El Dorado County Development Services Division.

5. Mitigation Measure CUL-1: In the event archeological resources are discovered during grading and construction activities, the applicant shall ensure that all such activities cease within 50 feet of the discovery until an archaeologist can examine the find in place. If the find is determined to be a “unique archeological resource”, contingency funding, and a time allotment sufficient to allow recovering an archeological sample or to employ one of the avoidance measures may be required under the provisions set forth in Section 21083.2 of the Public Resources Code. Construction work could continue on other parts of the project site while archeological mitigation takes place.

If the find is determined to be a “unique archeological resource”, the archaeologist shall determine the proper method(s) for handling the resource or item in accordance with Section 21083.2(b-k). 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 or the site is determined a “nonunique archeological resource”.

Monitoring Requirement: This mitigation measure shall be noted on future grading and construction plans. Development Services Division shall verify the inclusion of this requirement on future grading and residential construction plans.

Monitoring Responsibility: El Dorado County Development Services Division.

6. Mitigation Measure CUL-2: 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 working days from the time the person responsible for the excavation, or 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, or has reason to believe that they are 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.

**Monitoring Requirement:** This mitigation measure shall be noted on the future grading and construction plans. Development Services Division shall verify the inclusion of this requirement on future grading and residential construction plans.

**Monitoring Responsibility:** El Dorado County Development Services Division.

7. Mitigation Measure NOISE-1: All events for which outdoor amplified speech or music will be used shall be located at the interior of the project site near the conference facility. For each event, noise levels shall be measured and monitored at a point no less than 100 feet from a sensitive receptor. Noise levels shall comply with county noise standards for non-transportation noise sources at all times. Noise measurements shall be recorded and maintained by the Retreat Center.

**Monitoring Requirement:** Owner or Operator of the Retreat Center shall ensure that noise level do not exceed El Dorado County noise level standards. Owner or Operator shall maintain a record of all events by type, date, and recorded noise level. Applicant shall furnish an annual report of sound monitoring data for all events with amplified sound one year following date of occupancy to the Planning Commission and each year after that to the Development Services Division.

**Monitoring Responsibility:** Applicant.

8. Mitigation Measure NOISE-2: All events for which outdoor amplified speech or music will be used shall conclude by 10:00 p.m. Quiet hours beginning at 10:00 p.m. shall be instated as part of the campground rules. Noise levels for all activities shall comply with county noise standards for non-transportation noise sources at all times.

Monitoring Requirement: Owner or Operator shall include the requirement for event end-times and quiet hours beginning at 10:00 p.m. in guest information.

Monitoring Responsibility: Applicant

9. No activity authorized by this special use permit may commence until all of the conditions of approval have been complied with in full, except as applied to project phasing.
10. No occupancy by a person or vehicle shall last longer than 30 days, excepting those structures to be designated for owner/manager and employees.
11. Up to 12 special events are allowed per year. Multiple events shall not occur on a single day. The maximum capacity for events shall not exceed the maximum count of 75 guests plus employees. Outside amplification of voice or music is allowed, but shall not result in the violation of County noise standards for Rural Regions. Owner/operator shall submit a report once per year to the Development Services Division detailing the type of event, date, start and end time, approximate number of guests, presence of amplified noise, and noise monitoring measurements.
12. The trash area shall be surrounded by a six foot screen, wall, or fence and will be consistent with the requirements for bear-resistant garbage facilities.
13. All attendees of events at the site that are not overnight guests shall exit the project parcel by 10:00 P.M.
14. Any proposed changes to the approved site plan shall be submitted to the Development Services Director for review and approval. Minor changes may be approved by the Development Services Director. Major changes will require approval by the Planning Commission.
15. The applicant shall meet all parking lot construction standards as outlined in Resolution 202-2015. Parking areas shall conform to the site plan and requirements under Section 4.7 of the Parking and Loading Standards. The improvement/ grading plan provided to Development Services shall contain information showing compliance with these standards.
  - All proposed signs and structures must be kept out of the County right-of-way.
  - Parking lot dimensions shall conform to requirements under the El Dorado County Standard Plans Manual, Standard Plan RS-90.
  - Every customer-accessible parking and loading stall shall be accessible from the drive aisle without displacement of other vehicles.
  - Every parking stall and drive aisle shall have a minimum of eight feet vertical clearance.

- All parking areas shall be graded to provide adequate drainage of all surface areas into an on-site drainage improvement or stormwater drainage system, in compliance with the gradient standards in the Land Development Manual (LDM).
  - Landscaping shall be required for all parking.
16. Any proposed building or parking lot lighting fixtures shall be designed and located so that no light and glare shall spill over property lines and adversely impact adjoining properties and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. Should final, installed lighting be non-compliant with full shielding requirements, the applicant shall be responsible for the replacement and/or modification of said lighting to the satisfaction of the Development Services Division. A lighting plan shall be submitted for review and approval by the Development Services Division.
17. A monument sign of no more than twelve square feet is tentatively proposed for the entrance to the facility as part of Phase II of the development. If the applicant chooses to install a sign, a Sign Permit shall be required in accordance with Section 130.16.070, Sign Development and Design Standards.
18. The applicant shall submit to Planning Services a \$50.00 recording fee and the current Department of Fish and Wildlife fee prior to filing of the Notice of Determination by the County. Please submit check for the total amount to Planning Services and make the check payable to El Dorado County. No permits shall be issued or final map filed until said fees are paid.
19. 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 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 special use permit.

### **Transportation Division**

20. The applicant shall obtain an encroachment permit from El Dorado County Transportation Division and shall construct the roadway encroachments from the driveway onto Spanish Flat Roads to the provisions of County Design Standard 103C. The improvements shall be completed to the satisfaction of the Transportation Division or the applicant shall obtain an approved improvement agreement with security, prior to the commencement of use.

21. The new grading and construction shall comply with the Phase II Small Project MS4 General Permit to the satisfaction of the Transportation Division. A drainage Study may be required at the time of building permit application. The onsite drainage will be controlled in such a manner as to not increase the downstream peak flow more than the pre-development 10-year storm event or cause a hazard or public nuisance.

### **Environmental Health Division**

22. A permit from State Housing and Community Development for the campground may be required.
23. The proposed kitchen must meet Health and Safety Code, requires a plan check (service request) and yearly Health permit from Environmental Management. Dairy activities must be permitted by CDFG.
24. All Septic systems must be installed with a building permit.
25. If water is supplied for drinking water from an onsite source it will be considered a public water supply and a permit State permit must be applied for and the system must meet public water supply requirements. This permit can be applied for once the planning approval has occurred.
26. All food service must comply with the California Retail Food Code. A Health Permit to operate is required when food is served to the residents and guests. Plans must be submitted for review and approval and a yearly permit to operate must be obtained from Environmental Health.
27. State Law mandates that a minimum of 50% of the waste materials generated from Construction and Demolition projects must be diverted from being landfilled by being recycled or reused on site.
28. Placement of garbage and recycling enclosure: The franchise waste hauler for the location of the project is El Dorado Disposal. It is recommended that El Dorado Disposal is contacted before construction to discuss placement of the trash and recycling enclosures.
29. Mandatory Commercial Recycling (MCR): AB 341 (Mandatory Commercial Recycling- "MCR") requires all businesses that generate 4 cubic yards of solid waste or more per week to recycle.
30. Mandatory Commercial Organics Recycling (MORE) for businesses: AB 1826 (Mandatory Commercial Organics Recycling - "MORE") implements statewide commercial organics waste recycling and is being phased in based on amounts of organic and solid waste generated by facilities starting April 2016 - 2019 and on through 2021 if applicable. The law requires that businesses arrange for recycling service for the

following types of organic wastes: food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper. The franchise waste hauler for the location of the facility is El Dorado Disposal.

### **County Surveyor**

31. New roads serving the development shall be named by filing a completed Road Name Petition, with the County Surveyors Office. Proof of any signage required by the Surveyor's Office will need to be provided to the County Surveyor's Office.
32. Applicant will be required to coordinate with the County Surveyor's Office to ensure that all buildings on the subject parcel are addressed in compliance with County Code, Chapter 110.04. Compliance is required with 30 days of approval.

### **Air Quality Management District**

33. Energy efficient designs, such as photovoltaics, and passive heating, cooling, and lighting, shall be incorporated into the development wherever practicable.
34. Fugitive Dust: The project construction will involve grading and excavation operations, which will result in a temporary negative impact on air quality with regard to the release of particulate matter (PM10) in the form of dust. The project shall adhere to the regulations and mitigation measures for fugitive dust emissions during the construction process. In addition, a Fugitive Dust Mitigation Plan (DMP) Application with appropriate fees shall be submitted to and approved by the AQMD prior to start of project construction if a Grading Permit is required from the Building Department. (Rules 223 and 223.1)
35. Paving: Project construction will involve road development and shall adhere to AQMD Cutback and Emulsified Asphalt Paving Materials (Rule 224).
36. Painting/Coating: The project construction may involve the application of architectural coating, which shall adhere to AQMD Rule 215 Architectural Coatings.
37. Open Burning: Burning of wastes that result from "Land Development Clearing" must be permitted through the AQMD. Only vegetative waste materials may be disposed of using an open outdoor fire (Rule 300 Open Burning).
38. Construction Emissions: During construction, all self-propelled diesel-fueled engines greater than 25 horsepower shall be in compliance with the California Air Resources Board (ARB) Regulation for In-Use Off-Road Diesel Fueled Fleets (§ 2449 et al, title 13, article 4.8, chapter 9, California Code of Regulations (CCR)). The full text of the regulation can be found at ARB's website here: <http://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm> An applicability flow chart can be found here: [http://www.arb.ca.gov/msprog/ordiesel/faq/applicability\\_flow\\_chart.pdf](http://www.arb.ca.gov/msprog/ordiesel/faq/applicability_flow_chart.pdf)



Questions on applicability should be directed to ARB at 1-866-634-3735. ARB is responsible for enforcement of this regulation.

39. New Point Source: Prior to construction/installation of any new point source emissions units (i.e., gasoline dispensing facility, emergency standby engine, etc.), Authority to Construct applications shall be submitted to the AQMD. Submittal of applications shall include facility diagram(s), equipment specifications and emission factors. (Rule 501 and 523)
40. Portable Equipment: All portable combustion engine equipment with a rating of 50 horsepower or greater shall be under permit from the California Air Resources Board (CARB). A copy of the current portable equipment permit 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, daily hours of operations of each piece of equipment.

#### **Garden Valley Fire Department**

41. Wildland Fire Safe Plan: This development shall be conditioned to create, implement, and maintain a Wildland Fire Safe Plan that is approved by the Fire Department and California Department of Forestry and Fire Protection (CAL FIRE) as complying with the State Fire Safe Regulations, prior to issuance of the Building Permit.
42. Open campfires at individual campsites are strictly prohibited throughout all phases of project development.