

**CUP19-0013/PD19-0006/Better Place Forest** – As approved by the Planning Commission on December 10, 2020

### **Conditions of Approval**

#### **Planning Division**

1. Approval of Conditional Use Permit CUP19-0013 and Planned Development PD19-0006 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 CUP19-0013 establishes a memorial conservation forest and scattering grounds as an allowed use on the project parcels. Planned Development Permit PD19-0006 establishes a Development Plan for the development and operation of the facility including a 48-acre memorial conservation forest and associated minor site improvements on a 1.48 acre portion of the site. The Development Plan also includes a single 12 square foot unlit freestanding entry sign located on the north side of the entrance driveway at Blair Road at the location shown on the site Plan (Exhibit G). Proposed improvements include a 250-foot paved, gated access driveway, an operation center consisting of 16 visitor and employee parking spaces, a 711 square foot visitor center and employee office with ADA-compliant restrooms, a 571 square foot storage/maintenance building, water-conserving landscaping around the proposed structures, driveway and parking (Exhibit L) and a network of improved walking trails to memorial sites as shown on the site plan (Exhibit G). Grading and earth movement would be limited to minor cuts and fills associated with access, parking and building pads for the visitor center site with total cuts and fills limited to approximately 460 cubic yards (cy) (Exhibit P). The project would also include limited usage of staff-operated all-terrain vehicles on existing unpaved access roads, as shown on the project site plan, for purposes of forest maintenance and for providing visitors with limited mobility access to locations within the memorial forest. The facility would operate primarily by appointment only for visitation and spreading ceremonies from 9:00 am to 6:00 pm daily. There would be up to six employees, with 1-2 employees on site during a typical business day. Spreading ceremony group sizes would be limited to a maximum of 30 persons at one time. All cremated remains (cremains) would be mixed with local soil at a ratio determined by a registered professional forester (approximately 3:1 soil to ashes by volume) to ensure cremated remains (cremains) are not visually distinguishable in the mixture and to ensure there would be no adverse environmental impacts. Spreading of cremains would be limited to areas shown on the site plan (Exhibit G) and be located outside riparian or wetland as further described in the attached BPF Cremains Memo (Exhibit J). Public water service would be provided by the El Dorado Irrigation District (EID) via an off-site extension to an existing six-inch water main near the west project boundary under Blair Road, a County maintained roadway (Exhibit S), and liquid waste disposal would be provided by an on-site septic system. Electricity would be provided from existing PG&E facilities along the west project boundary at Blair Road. No oak trees will be removed or impacted by the project.

The project also includes ongoing forest management to reduce the risk of wildfire and promote forest health. All forest management will be directed by an accredited arborist or forester. Forest management will include selective thinning, ground fuel reduction, and non-native species eradication and will be conducted in phases, as needed, across the 48-acre site as part of a long term management plan.

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.

- Exhibit G.....Site Plan
- Exhibit L .....Proposed Landscaping Plan
- Exhibit N.....Proposed Building Elevations
- Exhibit P.....Grading and Drainage Plan

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.

The following environmental protection measures from the Cremains Treatment Methodology Memo (staff report Exhibit J) shall be implemented as part of the project operation:

4. Cremains shall be diluted with native soil at a minimum 3:1 ratio (by volume).
5. As needed, chelating agents or bacterial additives shall be incorporated into cremains to promote decomposition.
6. Ensure proper erosion control measures are in place and well maintained to limit the transport of cremains and associated nutrients into waterways and sensitive areas. Cremains scattered around trees shall be covered with forest detritus or mulch to effectively limit erosion. On steeper slopes, disturbed areas may need to be monitored and re-covered if erosion becomes apparent.
7. Cremains spreading shall be prohibited within the active bed or banks of any watercourse or in wetland habitats. Additionally, 50-foot buffers shall be observed adjacent to nonfish bearing watercourses where spreading should not take place during the wet season (October 15 - April 15).
8. Cremains spreading shall be prohibited within 50' of the El Dorado Irrigation District canal.
9. **Sign Program:** Prior to issuance of a building permit, the applicant shall submit final sign plans for the proposed freestanding entry sign in conformance with Zoning Ordinance Section 130.36.070 (Sign Development and Design Standards). Such plans shall be incorporated into the official Development Plan for the project site.

**Department of Transportation (DOT):**

10. Obtain an encroachment permit from County DOT and construct the access road connection to Blair Road consistent with County Standard Plan 103C. Trim or remove vegetation to achieve adequate sight distance as recommended in the On-Site Transportation Review.

**Environmental Management Department (EMD)**

**Environmental Health:**

11. The project will use an onsite wastewater treatment system (septic system) for wastewater disposal from the visitor center. The complete design for the septic system shall be submitted for review and approval by EMD prior to installation. The septic system design is required to include soil depth, depth to groundwater, soil percolation rate, design calculations, and other site evaluation and system installation information. The permit for the septic system will be attached with the building permit for the visitor center.

**Solid Waste:**

12. **Construction and Demolition (C&D) Debris Recycling:** State Law mandates that a minimum of 65% of the waste materials generated from covered Construction and Demolition projects must be diverted from being landfilled by being recycled or reused on site. For more information, please contact the County EMD office at (530) 621-5300 or visit the following website:  
[https://www.edcgov.us/Government/emd/solidwaste/pages/construction\\_and\\_demolition\\_debris\\_recycling.aspx](https://www.edcgov.us/Government/emd/solidwaste/pages/construction_and_demolition_debris_recycling.aspx)

**El Dorado Irrigation District (EID)**

13. Prior to issuance of a building or grading permit, the applicant shall complete required connections to offsite public water facilities under Blair Road, a County-maintained roadway, to the west of the project site and complete required onsite improvements to the satisfaction of the District, including dedication of easements and demonstration of required fire flow as needed, as detailed in EID Facility Improvement Letter No. 3159FIL, dated October 28, 2019 (Exhibit O) and in the El Dorado County Fire District Fire Flow Letter, dated March 3, 2020.

**El Dorado County Air Quality Management District (AQMD)**

The following standard requirements of law may apply to the project:

14. **Fugitive Dust:** Future 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. A Fugitive Dust Mitigation Plan (FOP) 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. Mitigation measures for the control of fugitive dust shall comply with the requirements of Rule 223, Fugitive Dust - General Requirements, and Rule 223.1, Fugitive Dust - Construction, Bulk Material Handling, Blasting, Other Earthmoving Activities and Trackout Prevention.
15. **Paving:** The project construction may involve road development and shall adhere to AQMD Rule 224, Cutback and Emulsified Asphalt Paving Materials.
16. **Painting/Coating:** The project construction may involve the application of architectural coatings which shall adhere to AQMD Rule 215, Architectural Coatings.
17. **Construction Emissions:** During construction, all self-propelled diesel-fueled engines greater than 25 horsepower shall be in compliance with the California Air Resources Board (CARB) 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 legislation 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 CARB at 1-866-634-3735. CARB is responsible for enforcement of this regulation.

18. **New Point or Stationary Source:** Prior to construction/installation of any new point/stationary source emissions units (e.g., emergency standby engine greater than 50 HP, Spray Paint Booths etc.), Authority to Construct applications shall be submitted to the AQMD. Submittal of applications shall include facility diagram(s), equipment specifications, chemical use projections and emissions estimates, and shall adhere to AQMD Rules 501, General Permit Requirements and 523, New Source Review.
19. **Portable Equipment:** All portable combustion engine equipment with a rating of 50 horsepower or greater shall be registered with the California Air Resources Board (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, daily hours of operations of each piece of equipment.

#### **El Dorado County Fire Protection District**

20. All development activities shall comply and be in accordance to current approved codes, ordinances and standards to the satisfaction of the Fire District.
21. **Fire Safe Plan:** As required by General Plan Policy 6.2.2.2 (development limitations in high and very high wildland fire hazard areas), a final Fire Safe Plan shall be recorded on the project parcels to the satisfaction of the Fire District Prior to issuance of a building permit. A copy of the Fire Safe Plan shall be submitted to the Planning Division.