

CONDITIONS OF APPROVAL

Conditional Use Permit CUP20-0014/Usu Nonconforming Use Planning Commission/November 10, 2022

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 (COA) set forth below:

Conditional Use Permit CUP20-0014 to allow the existing, unfinished, unpermitted Accessory Dwelling Unit (ADU) and five additional existing unpermitted residential accessory structures in the Open Space (OS) zone district.

Exhibit F Site Plan, Current Improvements.

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 COAs 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 landowner 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 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.

1. **Notice of Exemption Fee:** A \$50.00 administration fee is required by the County Recorder to file the Notice of Exemption. This fee shall be made payable to El Dorado County and shall be submitted to Planning Services upon project approval.
2. **Fire Safe Plan:** Prior to issuance of any grading or building permits, the applicant shall submit a complete, signed, and approved Wildland Urban Interface Fire Safe Plan to Planning Services.
3. **Winery:** No commercial or micro-winery use or operation is allowed with this approval. Any wine made on site is for personal use only. Any future commercial winery or micro-winery use (as described in 130.40.400) would require that the applicant/ landowner submit a request for a zone change for the project parcel. It is anticipated that a zone change that would allow for a future commercial winery or micro-winery use would also require a General Plan Amendment to modify the current land use designation of the project parcel. Discretionary review is also anticipated for any proposed future commercial winery or micro-winery. The description of currently required entitlements in this condition does not exclude the need for future additional entitlements or reviews related to any proposed future commercial winery or micro-winery uses.

Air Quality Management District (AQMD)

8. **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 (FDP) Application with appropriate fees shall be submitted to and approved by the County's AQMD prior to start of project construction if a Grading Permit is required from the Building Department. Dust control measures shall comply with the requirements of AQMD Rule 223, Fugitive Dust – General Requirements and Rule 223.1 – Construction, Bulk Material Handling, Blasting, Other Earthmoving Activities and Trackout Prevention.
9. **Paving:** The project construction may involve road development and shall adhere to AQMD Rule 224, Cutback and Emulsified Asphalt Paving Materials.
10. **Painting/Coating:** The project construction may involve the application of architectural coatings which shall adhere to AQMD Rule 215, Architectural Coatings.
11. **Open Burning:** Burning of wastes that result from "Land Development Clearing" must be permitted through the AQMD. Only dry vegetation originating from the property may be disposed of using an open outdoor fire and burning shall adhere to AQMD Rule 300, Open Burning.

12. **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 regulation can be found at ARB's website here: <https://ww2.arb.ca.gov/our-work/topics/construction-earthmoving-equipment>. Questions on applicability should be directed to CARB at 1.866.634.3735. CARB is responsible for enforcement of this regulation.
13. **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, etc.), Authority to Construct applications shall be submitted to the AQMD. Submittal of applications shall include facility diagram(s), equipment specifications and emissions estimates, and shall adhere to AQMD Rules 501, General Permit Requirements and 523, New Source Review.
14. **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.

Environmental Management

15. An evaluation of the existing septic system will be required if the ADU is to be connected to it. If a new, separate septic system will be installed for the ADU, a new septic system design for it is required to be submitted in conjunction with the associated building permit.
16. The well on the property has a well production report on file documenting that it produces 12.5 gallons per minute. Five (5) gallons per minute of well production capacity is required per dwelling. Additional water storage will not be required when the ADU is connected to the existing well for its water supply.
17. 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. Please visit the following website to view El Dorado County's Construction & Demolition Debris Recycling Ordinance Program information and requirements. If after reviewing this information you still have questions, you're welcome to call Environmental Management at (530) 621-5300.

Office of County Surveyor

18. 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.

19. All boundary monuments disturbed during project construction shall be reset by a Professional Land Surveyor or Qualified Engineer as defined by Section 8771 of the California Business and Professions Code (Land Surveyors Act).

El Dorado County Fire Protection District

20. **Gate Access:** All gates shall meet the El Dorado County Fire Protection District standards, including an approve KNOX access or key switch depending on a manual or electric gate. The Fire Protection District shall review and approve the gates prior to issuance of the building permit.