

CONDITIONS OF APPROVAL

**Rezone Z14-0011/Planned Development PD14-0009/
Special Use Permit Revision S94-0002-R/Green Valley Mortuary and Cemetery
Planning Commission/May 14, 2015**

Conditions of Approval:

1. **Project Description:** This Rezone, Development Plan, and Special Use Permit Revision approval is based upon and limited to compliance with the project description, the Conditions of Approval set forth below, and the following Exhibits:

<u>Exhibit F.....</u>	<u>Overall Site Plan, Sheet A1.1</u>
<u>Exhibit G.....</u>	<u>Parking Calculation, Sheet A1.2</u>
<u>Exhibit H-1 to H-2</u>	<u>Existing Floor Plan Demolition, Sheet A2.0; Floor Plan, Sheet A2.1</u>
<u>Exhibit I-1 to I-3</u>	<u>Existing Elevations, Sheet A3.0; Existing Elevations with Additions & Alteration, Sheet A3.1; Existing Elevations with Façade Alteration, Sheet A3.2</u>
<u>Exhibit J</u>	<u>Conceptual Exterior Architectural Colors and Finishes</u>
<u>Exhibit K.....</u>	<u>Monument Sign Elevation</u>

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 project description is as follows:

- a. Rezone the approximately 7-acre portion of the 8.6-acre lot from One-Acre Residential (R1A) to One-Acre Residential-Planned Development (R1A-PD);
- b. The Development Plan would allow flexibility in the development standards of the R1A zone to allow encroachment into the required front yard setback for the proposed addition and to legitimize the existing porte cochere. Only the mortuary, cemetery, and associated uses would be allowed under the Development Plan; and
- c. A special use permit revision to allow alteration of the existing mortuary chapel, crematory, and administration structure; alteration of existing monument sign; a 3,604 square-foot addition including reception center, kitchen, dressing room, two unisex ADA compliant bathrooms, storage, office, vestibule, and 1,712 square-foot covered patio; and reconfiguring of the required parking.

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.

Conditions

~~12. A final site plan must be submitted prior to any authorizations of work or issuance of permits on this site. The final site plan shall be identical to the site plan submitted with the application with the following corrections:~~

- ~~a. All oak trees shall be shown on the site plan with the drip lines designated. Low impact uses, not disturbing the roots within the drip line, shall be allowed~~
- ~~b. The 50 foot wide road easement shown on Parcel Map 43-84, located on the western boundary of the project site, shall be shown on the site plan and will not be developed as a cemetery, unless abandoned. No cemetery plots are allowed in road easements.~~

The cemetery use shall substantially comply with the final site plan and the uses authorized in Exhibit G ~~“Cemetery Services”~~ only of the original staff report (Exhibit M). The allowed uses shall be amended to include the reception center and kitchen uses as outlined within this special use permit revision. The sign elevation attached as Exhibit ~~HK~~ is the only freestanding sign approved with this use permit. Proposed reception center signage shall match font, colors of proposed monument signage as identified in Exhibit K, and proportions as identified on Exhibit I-2.

~~23.~~ The use shall commence or be diligently pursued within one year of the approval of this use permit. If the use is not commenced or diligently pursued within one year, this permit revision shall be considered void.

~~34.~~ The commencement of this use permit shall void any approved or proposed subdivision maps on this parcel.

~~45.~~ The use shall be subject to any and all other agencies' approval including, but not necessarily limited to: Air Pollution Control District, Building Department, Fire Department, Environmental Health, Sheriff's Department and Tax Collector's Office.

~~56.~~ All oak trees of 8 inches DBH, or greater, on the site shall be protected from construction activities and development. Where construction activity is proposed within fifty feet of an oak tree, a 6 foot tall temporary fence shall be placed around the protected area prior to the commencement of work. No grading, excavation or parking of vehicles will be

allowed within the drip line of the oak tree. An active oak tree planting program shall proceed concurrent with the development of the cemetery.

67. All access drives on the property (and around any buildings, if approved) shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet, 6 inches. Eighteen (18) feet is acceptable for the loop road within the cemetery.
78. The conditions imposed therein run with the use of the land and are binding with each owner.
89. Minor modifications may be approved by the Planning Director; however, any major modifications will require approval through a public hearing by the appropriate approving authority.
910. ~~If human remains not associated with the cemetery are discovered at any time during construction, the County Coroner and Native American Heritage Commission shall be contacted per Section 7050.5 of the Health and Safety Code and Section 5097.89 of the Public Resources Code. The procedures set forth in Supplementary Document J, Section VIII, of the California Environmental Quality Act (CEQA) Guidelines concerning treatment of the remains shall be followed. If archaeological sites or artifacts are discovered, the subdivider shall retain an archaeologist to evaluate the resource. If the resource is determined to be important, as defined in Appendix D of the CEQA Guidelines, recommendations of the consulting archaeologist and the Planning Department shall be implemented. Treatment of Native American remains and/or archaeological artifacts shall be the responsibility of the applicant and shall be subject to review and approval by the County Planning Director. Archeological Resources: The following shall be incorporated as a note on the grading/improvement plans:~~

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 archaeological resource,” contingency funding and a time allotment sufficient to allow recovering an archaeological 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 archaeological 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.”

Planning Services shall verify the inclusion of this notation on the grading plans prior to the issuance of a grading permit.

11. Human Remains: The following shall be incorporated as a note on the grading/improvement plans:

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.

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.

Planning Services shall verify the inclusion of this notation on the grading plans prior to the issuance of a grading permit.

- ~~10~~12. Landscaping is subject to review and approval by the Planning Department for conformance with the water conserving landscape standards required in Board of Supervisors Resolution No. 69-93. The cemetery turf is exempt from this condition. The existing oak trees shall be protected from irrigation and grading as proposed in Exhibit L, the landscape development recommendations. Turf areas shall utilize grass species tolerant of summer-long drought when established. Timing of turf establishment shall coincide with winter rain fall.

Standard Parcel Map/Certificate of Compliance Conditions

- ~~11. Subject to the payment of fees per Section 12.28.010, or 12.32, Road Improvement Fees, of the County Ordinance unless amended by the Board of Supervisors and then the amended ordinance will take precedence.~~
- ~~12. Subject to improving the on-site Alexandrite Drive road easement to Standard Plan 101-B to a 36-foot width with curb and gutter on the west side (from Station 0+81.69 to Station 3+51.08 in conformance with the improvements for Emerald Meadows subdivision).~~
- ~~13. Improvement plans for road improvements shall be prepared by a registered civil engineer and shall be subject to County Department of Transportation approval.~~
- ~~14. A construction permit shall be obtained from the Department of Transportation prior to the commencement of any road construction.~~
- ~~15. All grading and erosion control, including driveway construction, shall be in compliance with the requirements of Chapter 15.14 of the El Dorado County Code, Grading, Erosion and Sediment Control Ordinance.~~
- ~~16. Prior to issuance of a grading permit, an erosion, slope stabilization and revegetation plan shall be prepared for review and approval by the El Dorado County Resource Conservation District and the County Department of Transportation.~~

Conditions of Approval if Mortuary is Approved

- ~~18~~13. The use and structures shall substantially comply with the site plan. The site plan shall be modified to show a thirty foot setback for any and all structures from road easements and property lines, with the exception of the existing mortuary chapel, crematory, and administration structure with the new reception center addition approved at this time that will be allowed to show a fifteen foot setback to Green Valley Road.
- ~~19.~~ Fire hydrant(s) shall be provided with a minimum of 1500 gallons per minute at a residual pressure of no less than 20 PSI with a flow duration of two hours. The location of the fire hydrants shall be shown on the improvement plans for the project and subject to the approval of the fire chief.
- ~~20.~~ The building must have an approved automatic fire sprinkler and alarm system as required by fire district ordinance #89-002.
- ~~21.~~ The project shall hookup to public water and sewer services, and shall be responsible for any off-site line extensions.
- ~~22~~14. The parking area improvements shall conform to the site plan and to Chapter ~~17~~13.18 (Off-Street Parking and Loading) of the County Zoning Ordinance. Through circulation shall be provided between parking areas.

- ~~23. Improve the encroachment of Alexandrite Drive with Green Valley Road per County Standard Plan 103-D.~~
- ~~24. The encroachment onto Alexandrite Drive from the project site shall conform to County Standard Plan 103-G.~~

County of El Dorado Development Services Division (Planning)

- 15. **Permit Implementation:** In compliance with County Code Section 130.22.250, implementation of the project must occur within 24 months of approval of this Special Use Permit Revision, otherwise the permit revision 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.
- 16. **Condition Compliance:** Prior to issuance of certificate of occupancy of a building permit for the proposed addition or commencement of any use authorized by this permit revision, the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval.
- 17. **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 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 applicant shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, or employees from any claim, action, or proceedings against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County. County shall notify the applicant of any claim, action, or proceeding and County shall cooperate fully in the defense.
- 18. **Lighting:** All outdoor lighting shall conform to Section 130.14.170 of the Zoning Ordinance and be fully shielded pursuant to the Illumination Engineering Society of North America (IESNA) full cut-off designation.
- 19. **Landscaping:** Landscaping is required to meet Section 130.18.090 of the Zoning Ordinance.
- 20. **Noise:** Noise levels shall not exceed those prescribed in Table 6-2 of the El Dorado County General Plan as outlined below:

	<u>Daytime (7am-7pm)</u>	<u>Evening (7pm-10pm)</u>	<u>Night (10pm-7am)</u>
<u>Hourly dB</u>	<u>55</u>	<u>50</u>	<u>45</u>
<u>Max. dB</u>	<u>70</u>	<u>60</u>	<u>55</u>

County of El Dorado Transportation Division

21. Encroachment Permit: The maintenance driveway at the southwest corner of the property shall be improved to County Standard Plan 1013A-2 (Modified). The valley gutter shown on the standard plan shall be located no less than 22' from centerline of Green Valley Road.
22. TIM Fees: The applicant shall pay the traffic impact mitigation fees at issuance of building permit.

El Dorado Hills Fire Department

23. The potable water system with the purpose of fire protection for this commercial development shall provide a minimum fire flow of 1,500 gallons per minute with a minimum residual pressure of 20psi for a three-hour duration. This requirement is based on a commercial building 13,400 square feet or less in size, Type V-B construction. The building shall be fire sprinklered in accordance with NFPA 13 and Fire Department requirements. This fire flow rate shall be in excess of the maximum daily consumption rate for this development. A set of engineering calculations reflecting the fire flow capabilities of this system shall be supplied to the Fire Department for review and approval.
24. The building shall be addressed with address numbers that are a minimum of 16 inches tall with a 1 ½ inch stroke that is visible on a contrasting background.
25. Building, fire sprinkler, and fire alarm plans will be reviewed by the fire department.
26. All curbs in the parking lot that are not designated as parking spaces will be painted red and marked every 25 feet "no parking fire lane." This shall be white letters on a red background.

County of El Dorado Environmental Management Division

27. The proposed kitchen 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.

County of El Dorado Air Quality Management District

28. Asbestos Dust: Current County records indicate this subject property is located within the Asbestos Review Area. An Asbestos Dust Mitigation Plan (ADMP) Application with appropriate fees shall be submitted to and approved by the AQMD prior to project construction if a grading permit is required by the County or if the project moves more than 20 cubic yards of soil (Rules 223 and 223.2). The project shall adhere to the regulations and mitigation measures for fugitive dust emissions asbestos hazard

mitigation during the construction process. Mitigation measures for the control of fugitive dust shall comply with the requirements of Rules 223 and 223.2.

29. **Paving:** Project construction will involve road development and shall adhere to AQMD Cutback and Emulsified Asphalt Paving Materials (Rule 224).
30. **Painting/Coating:** The project construction may involve the application of architectural coating, which shall adhere to AQMD Rule 215 Architectural Coatings.
31. **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).
32. **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. Questions on applicability should be directed to ARB at 1-866-634-3735. ARB is responsible for enforcement of this regulation.
33. **New Point Source:** Prior to construction/installation of any new point source emissions units (i.e., gasoline dispensing facility, emergency standby engine greater than 50hp, 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).
34. **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, and daily hours of operations of each piece of equipment.