

## CONDITIONS OF APPROVAL

### **Conditional Use Permit S18-0002/Abou EL Kheir Private Cemetery Planning Commission/May 22, 2025**

#### **Planning Division**

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

Exhibit F.....Site Plan

Exhibit G.....Burial Plot Site 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 would constitute a violation of permit approval.

The project description is as follows:

The project applicant is proposing to establish a small family cemetery consisting of eight (8) plots located within a 40-foot by 15-foot area of a 42.97-acre parcel for the purpose of burial of family members at their time of death.

2. **Indemnity:** 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 the County harmless from any legal fees or costs the County may incur as a result of such action.

The developer and 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 Conditional Use Permit.

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

3. **Archaeological Resources:** In the event archeological resources are discovered during burial activities, the applicant shall ensure that all such activities cease within 50 feet of the discovery until an archeologist 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 (PRC).

If the find is determined to be a “unique archeological resource”, the archeologist shall determine the proper method(s) for handling the resource or item in accordance with PRC Section 21083.2(b-k). Any additional costs as a result of complying with this section

shall be borne by the project applicant. Burial activities may resume after appropriate measures are taken or the site is determined a “non-unique archeological resource.”

4. **Human Remains:** 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 (2) 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, 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 archeological 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 PRC Section 5097.98(b-h). Any additional costs as a result of complying with this section shall be borne by the project applicant. Burial activities may resume after appropriate measures are taken.

5. **Permit Implementation:** Pursuant to Zoning Ordinance Section 130.54.060, implementation of the project must occur within 24 months of approval of this Conditional Use 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.

#### **El Dorado County Surveyor's Office**

6. **Addressing:** Applicant will be required to coordinate with the El Dorado 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 within 30 days of finaling of any building permits.
7. **Boundary Monuments:** 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).

## **Environmental Management Department**

8. **Construction and Demolition (C&D) Debris Recycling:** A minimum of 65% of the waste materials generated from construction and demolition projects must be diverted from being landfilled by being recycled or reused on site. Compliance with this Condition shall be further verified during review and prior to issuance of the building permit.
9. **AB 341 - Mandatory Commercial Recycling (Non-Residential):** All non-residential buildings that generate at least two (2) cubic yards of solid waste per week shall have a recycling program for common recyclable materials such as bottles, cans, and paper.
10. **AB 1826 - Mandatory Commercial Organics Recycling (Non-Residential):** All non-residential buildings that generate at least two (2) cubic yards of solid waste per week shall have an organics recycling program for the following types of organic wastes: green waste, landscape and pruning waste, non-hazardous wood waste, food waste, and food-soiled paper.
11. **Environmental Health:** Prior to issuance of any building permits, the proposed building locations will be reviewed at the time of building permit application to confirm that they meet setbacks from the existing onsite leach field and the 300% repair area for future septic system expansion. The current sewage ordinance requires an eight-foot setback from both the existing leach field and the 300% expansion area.

## **Cemetery Operations**

12. Have the proposed available interment space properly surveyed and platted and the plat filed with the County Recorder's Office (El Dorado County [EDC] Cemetery Ordinance 8.20.030).
13. Keep access to the cemetery grounds in good repair and maintained so as to provide safe, unobstructed access to the grave sites. Keep vegetation and shrubbery trimmed and in orderly condition (EDC Cemetery Ordinance 8.20.030).
14. File both the California Application and Permit for Disposition of Human Remains and the County of El Dorado Interment Permit and Order for each burial (EDC Cemetery Ordinance 8.20.060).
15. Ensure that graves shall be dug to such a depth as will allow at least 18 inches of fill on top of the casket or urn (EDC Cemetery Ordinance 8.20.080).
16. Keep a record of every interment showing the date of interment, the name of the deceased, and the plot in which the interment was made (EDC Cemetery Ordinance 8.20.062 and California Health and Safety Code §8331).
17. File, in the El Dorado County Recorder's Office, a written declaration of dedication of the property delineated on the plat or map, dedicating the area of the cemetery

exclusively to cemetery purposes (California Health and Safety Code §8551-8553 and 8558).

18. Understand that after the property is dedicated to cemetery purposes it shall not be used for any other purpose (California Health and Safety Code §8559).