

CONDITIONS OF APPROVAL
Conditional Use Permit CUP24-0011/Kuhl
Planning Commission/September 25, 2025
Planning Division

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

- Exhibit F.....Site Plans
- Exhibit O.....WUI Fire Safe Plan
- Exhibit S.....Development Area
- Exhibit TBuilding Plans

Any deviations from the project description, exhibits, or Conditions of Approval 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 requesting a CUP for the development of a single-unit residential dwelling on Timber Production Zone (TPZ) zoned property. The project site is zoned TPZ and has a General Plan land use designation of Natural Resources (NR). The proposed size of the residence would total 2,538 square feet. The project would include a septic area, fire hydrant, future pad turnout for storage and parking, and solar arrays. The property is currently developed with an existing shed, driveway, well, water tank, and roads. Access would be from a private driveway located on Bullard Place south of the intersection with National Forest Road 12-N30; a non-County maintained roadway.

The development, use, and maintenance of the property, the size, shape and the protection and preservation of resources shall conform to the project description and the hearing exhibits above 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. **Permit Implementation:** In Compliance with Section 130.54.060, Time Limits, Extensions, and Permit Expiration, of the El Dorado County Zoning Ordinance (Zoning Ordinance), implementation of the project must occur within 24 months of approval of this

CUP, or 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. The County may extend the time limit for permit implementation if a time extension is filed at least 30 days prior to the expiration of permit.

3. **Conditions Compliance:** Prior to issuance of a building permit or commencement of any use authorized by this permit, 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.
4. **Payment of Processing Fees-Development Services:** The applicant shall make the actual and full payment of Planning and Building Department processing fees for the CUP and any associated fees.
5. **Heritage Resources:** In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the project proponent shall ensure that all such activities cease within 50 feet of the discovery until an archaeologist can examine the find in place and determine its significance. If the find is determined to be significant and authenticated, the archaeologist shall determine the proper method(s) for handling the resource or item. Grading and construction activities may resume after the appropriate measures are taken or the site is determined not to be of significance.
6. **Archeological Resources:** 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 (PRC). The coroner shall make his or her determination within two (2) working days from the time the person responsible for the excavation, or in 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. 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 PRC, with the most likely descendants regarding their recommendations. The descendants shall complete their inspection and make their recommendations or preferences for treatment within 48 hours of being granted access to the site. The descendants' preferences for treatment may include the nondestructive removal and analysis of human remains and items associated with Native American burials or other culturally appropriate treatment in accordance with PRC Section 5097.98(b). Any additional costs as a result of complying with this section shall be borne by the project applicant. The project applicant may continue grading and construction activities may resume after complying with PRC Section 5097.8(e).

7. **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 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 CUP.

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

8. **Lighting:** Improvement plans shall be reviewed at the time of grading and building permit reviews to ensure compliance with the County standards established in Zoning Ordinance Chapter 130.34, Outdoor Lighting, which requires that all outdoor lighting be located, adequately shielded, and directed such that direct light does not fall outside of the property line. In addition, General Plan Policy 2.8.1.1 requires all development to limit excess nighttime light and glare from parking area lighting and buildings.
9. **Setbacks:** Setbacks shall be 200 feet from property lines. This shall be noted on all plans and verified at the time of grading and building permit.

El Dorado County Environmental Management Department (EMD)

10. Any proposed residential dwellings are required to demonstrate an adequate water supply and have adequate area available to install an onsite wastewater treatment system that meets the standards of the El Dorado County Local Agency Management Plan (LAMP) and the Onsite Wastewater Treatment Systems Manual.

El Dorado County Stormwater Coordinator

11. The County is subject to the State of California Phase II MS4 Permit and thus the County's post construction water quality requirements follow those outlined in that Permit in Section E.12. Projects typically qualify as "Small" or "Regulated" projects under the MS4 Permit/West Slope Development and Redevelopment Standards and Post Construction Stormwater Plan Requirements if improvements create or replace 2,500 square feet or more of impervious surface. Qualifying projects are required to provide treatment of stormwater prior to the water leaving the site or entering a waterbody.

12. An Erosion and Sediment Control Plan will need to be included in plan submittal. If the project will disturb an acre or more of land, the Legally Responsible Person (LRP) is required to obtain Construction General Permit (CGP) coverage through the State Water Resources Control Board (SWRCB). The CGP requires the development and implementation of a Stormwater Pollution Prevention Plan (SWPPP). CGP requirements can be found at the following link:
https://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.html

El Dorado County Department of Transportation (DOT)

13. Improvement plans shall be reviewed at the time of grading and building permit reviews to ensure compliance with applicable requirements.

Central Valley Regional Water Quality Control Board

14. **Basin Plan:** The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the California Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans

were adopted in 1975 and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years a view of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues.

15. **Antidegradation Considerations:** All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution) and the Antidegradation Implementation Policy contained in the Basin Plan.
16. **Construction Stormwater General Permit:** Dischargers whose project disturbs one (1) or more acres of soil or where projects disturb less than one (1) acre but are part of a larger common plan of development that in total disturbs one (1) or more acres, are required to obtain coverage under the General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit), Construction General Permit Order No. 2009-0009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Stormwater Pollution Prevention Plan (SWPPP).
17. **Clean Water Act Section 404 Permit:** If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be required from the United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements. If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916)557-5250.
18. **Clean Water Act Section 401 Permit – Water Quality Certification:** If an USACE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other

federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

19. **Waste Discharge Requirements – Discharges to Waters of the State:** If USACE determines that only non-jurisdictional waters of the State (i.e., non-federal waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by the Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

Projects involving excavation or fill activities impacting less than 0.2 acre or 400 linear feet of non-jurisdictional waters of the State and projects involving dredging activities impacting less than 50 cubic yards of non-jurisdictional waters of the State may be eligible for coverage under the State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ (General Order 2004-0004).

20. **Dewatering Permit:** If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Threat General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.
21. **Limited Threat General National Pollutant Discharge Elimination System (NPDES) Permit:** If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a NPDES permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for Limited Threat Discharges to Surface Water (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order.

22. **NPDES Permit:** If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a NPDES permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit.

Sacramento Municipal Utility District (SMUD)

23. The project shall comply with applicable requirements from SMUD. The applicant shall note SMUD requirements on Improvement Plans which will be reviewed at time of grading and building permit.

U.S. Forest Service (USFS)

24. The project shall comply with applicable requirements from USFS. The applicant shall note USFS requirements on Improvement Plans which will be reviewed at time of grading and building permit.