

CONDITIONS OF APPROVAL

**Rezone Z21-0010, Williamson Act Contract (Agricultural Preserve) WAC21-0003/
Indian Rock Tree Farm (Hyder)
Planning Commission/November 14, 2024**

Planning Division:

- 1. This Rezone and Williamson Act Contract (Agricultural Preserve) approval is based upon and limited to compliance with the project description, the Conditions of Approval set forth below, and the hearing exhibits marked:

Exhibit G.....Site Plan
Exhibit MProposed Mitigated Negative Declaration Initial Study

Any deviations from the project description, conditions, or exhibits shall 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 from Timber Production Zone (TPZ) to Planned Agricultural, Twenty-acre (PA-20), and a request for a Williamson Act Contract (Agricultural Preserve) for an established Christmas tree farm, Indian Rock Tree Farm. The proposed project does not consist of any physical construction on the existing tree farm. The Zone Change to PA-20 would allow activities that would be allowed “by-right” without further environmental review.

- 2. **Notice of Determination (NOD) Recording Fee:** The applicant shall submit to Planning Division a \$50.00 recording fee for the County Recorder to file the NOD within 48 hours of any decision-making body approving the project. Checks shall be made payable to El Dorado County.
- 3. **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 El Dorado County (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 County and its agents, officers, and employees from any claim, action, or proceeding against County or its agents, officers, or employees to attack, set aside, void, or annul an approval of County concerning a General Plan Amendment, Rezone, and Tentative Parcel Map. The County shall notify the applicant of any claim, action, or proceeding, and the County shall cooperate fully in the defense.

4. **Archeological Resources:** In the event of future development, the following language will be incorporated on any grading or building permit plans: In the event that archaeological 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.

5. **Human Remains:** In the event of future development, the following language will be incorporated on any grading or building permit 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 (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 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.

6. **Mitigation Measure from Initial Study - Mitigated Negative Declaration: MM BIO-1 Special Status Wildlife - Nesting and Foraging Habitat, Raptors and Migratory Birds, Preconstruction Survey**

Future development would be subject to the following mitigation measure that shall be implemented to avoid impacts to special status species:

- a) If development activities occur during the nesting season (February 1-August 31), then a qualified biologist should conduct a nesting bird survey prior to initiation to determine the presence of any active nests within the study area. The nesting bird survey should be conducted within 14 days prior to commencement of ground-disturbing or other development activities. If the nesting bird survey shows there is no evidence of active nests, then a letter report should be prepared to document the survey and be provided to the project proponent and no additional measures are recommended. If development does not commence within 14-days of the nesting bird survey, or halts for more than 14 days, then an additional survey is required prior to starting or resuming work within the nesting season. If active nests are found, then a qualified biologist should establish a species-specific buffer to prohibit development activities near the nest to minimize nest disturbance until the young have successfully fledged or the biologist determines that the nest is no longer active. Nest monitoring may also be warranted during certain phases of construction to ensure nesting birds are not adversely impacted. If active nests are found within any trees slated for removal, then an appropriate buffer should be established around the tree and all trees within the buffer and should not be removed until a qualified biologist determines that the nest has successfully fledged and/or is no longer active.

Monitoring Requirement: Planning Division shall verify completion of the requirement prior to issuance of grading and building permits in coordination with the applicant.

Monitoring Responsibility: El Dorado County Planning and Building Department, Planning Division.

El Dorado County Agriculture Department:

7. As required by the current Ranch Marketing and Wineries Ordinance, a Special Event Notice shall be submitted to the County's Department of Agriculture for all Special Events: <http://www.eldoradocounty.ca.gov/Land-Use/Agriculture-Weights-and-Measures>

El Dorado County Fire Protection District (EDCFPD):

8. The project shall meet applicable requirements of the EDCFPD pertaining to compliance with Title 14 Fire Safe Regulations and requirements for Special Events in cooperation with applicable Agencies, such as County Planning Division and Agriculture Department.

El Dorado County Environmental Management Department (EMD):

9. The California Retail Food Code governs permit requirements for food sold at the retail level to the public. The Zone Change to PA allows uses by right including Ranch Marketing

and Special Events. Please contact EMD for more information to ensure compliance with applicable requirements. Please make waste and recycling receptacles accessible to participants and patrons as appropriate for the waste generated at Ranch Marketing and Special Events.