

CONDITIONS OF APPROVAL & MITIGATION MONITORING AND REPORTING PROGRAM

For USE PERMIT: UP-22;2-3 Gardens of Noor Cemetery

APPLICANT: Mounir Kaddoura

PROJECT LOCATION: 857 Carbondale Rd./16630 Lambert Rd. Ione, CA 95640 (APN: 001-220-013)

PROJECT DESCRIPTION: Use Permit Application UP-22; 2-3 for Gardens of Noor Cemetery. The 46-acre parcel is zoned R1A, Single-family Residential and Agriculture and has an MRZ, Mineral Resource Zone General Plan Designation. Maximum capacity is 1832 graves divided among 7 blocks on the northern 1.2 acres of the property. Included in the project proposal are funeral events for up to 50 people each, with up to two a day, and hours of operation are sunrise to sunset. Proposed infrastructure includes permanent parking for up to 64 cars and restrooms for attendees. APN: 001-220-013

ENVIRONMENTAL DOCUMENT: Mitigated Negative Declaration

PLANNING COMMISSION APPROVAL DATE:

NOTICE OF DETERMINATION DATE:

NOTE A: It is suggested the project applicant contact the Environmental Health, Public Works, and Planning Departments and any other agencies involved prior to commencing these requirements. Improvement work shall not begin prior to the review and submission of the plans and the issuance of any applicable permits by the responsible County Department(s). The Inspector must have a minimum of 48 hours' notice prior to the start of any construction.

NOTE B: Information concerning this project can be obtained through the Amador County Planning Department, 810 Court Street, Jackson, CA 95642 (209) 223-6380.

CONDITIONS OF APPROVAL

1. **FISH AND GAME FEES:** No permits shall be issued, fees paid, or activity commence, as they relate to this project, until such time as the Permittee has provided the Planning Department with the Department of Fish and Game Filing Fee for a Notice of Determination or a Certificate of Fee Exemption from Fish and Game. THE PLANNING DEPARTMENT SHALL MONITOR THIS REQUIREMENT.
2. Applicant shall submit signed conditions to the Planning Department. THE PLANNING DEPARTMENT SHALL MONITOR THIS REQUIREMENT.
3. This Use Permit is granted for the use(s) described (see attached application) on the condition that the establishment, maintenance, or operation of the proposed use(s) will not be detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use(s) or be detrimental or injurious to property and improvements or the general welfare of the County. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.
4. The issuance of this Use Permit is expressly conditioned upon the permittee's compliance with all the provisions contained herein and if any of the provisions contained herein are violated, this Use Permit may be subject to revocation proceedings as set forth in Amador County Code. THE PLANNING DEPARTMENT SHALL MONITOR THIS REQUIREMENT.
5. **Building Permits:** The permittee shall acquire all necessary building permits for all facilities and any related equipment. Construction and location shall be substantially the same as submitted plans and as stated in the approved project description. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION IN CONJUNCTION WITH THE BUILDING DEPARTMENT.

6. Waste Disposal: Prior to activation of the use permit, the applicant must submit a will serve statement stating that the current solid waste disposal service is sufficient to serve the intended use and maintain compliance with Amador County regulations regarding solid waste disposal for the life of the use permit. THE WASTE MANAGEMENT DEPARTMENT SHALL MONITOR THIS CONDITION.
7. Days and Hours of Operation: Operating hours shall be as listed in the application, with public access to the property shall be limited to sunrise to sundown. Maintenance shall also be performed during these hours. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.
8. Funeral Events: There shall be a maximum of 50 people allowed to attend any funeral event, with a limitation of two such events on any one day. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.
9. Temporary Storage of Human Remains: Consistent with the application, no human remains shall be stored on site and no preparation of human remains shall take place on site. Remains shall be transported directly to the site for internment the same day. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.
10. Internment of Human Remains: Method and manner of internment shall be consistent with that stated by the application. This cemetery allows for "green burials" with fully decomposable materials with the exception of allowing for caskets in some cases. Burial sites shall consist of vaulted chambers, with the bodies laid within as exhibited in the project application. No embalming fluids may be used in the preparation of any bodies interned at this site. Any change in the manner of burials or preparation of bodies shall require an amendment to this use permit. THE PLANNING DEPARTMENT AND ENVIRONMENTAL HEALTH DEPARTMENT SHALL MONITOR THIS CONDITION.
11. Landscaping Materials and Maintenance: Property Owner shall ensure that the project is landscaped in a manner consistent with the approved application, maintaining existing vegetation types. Deviation from the listed landscaping materials and maintenance procedures shall require an amendment to this Use Permit. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.
12. Eagle's Nest Airport Overlay Zone: This property is located within the Eagle's Nest Airport Overlay Zone, which limits development densities, building heights, and incompatible uses within the vicinity of the Eagle's Nest Private Airport. This project is located approximately .58 miles from the airport runway therefore the property owner must obtain an Avigation Easement for the right to flight, exhaust noise, fumes, lights, vibration, and particulate matter. Within two miles of the outermost edge of the Eagle's Nest Airport runway schools, churches, and other places of assembly as defined by Section 13143(a) of the California Health and Safety Code, are prohibited. As such, any funeral events associated with this property must take place outside of a building. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.

MITIGATION MONITORING AND REPORTING PROGRAM

13. Commercial Light and Glare (AES-1): Any lighting installations must be compliant with County regulations, and be conditioned to incorporate measures to reduce light and reflectance pursuant to Amador County General Plan Mitigation Measure 4.1-4. This includes measures to reduce light and reflectance including limitation of all installed lighting with this project to full-cutoff, fully-shielded fixtures directed downwards with color correlative temperature (CCT) less than or equal to 3000K. Motion sensors and automatic shutoffs shall be used to limit all lighting fixtures in use after facility is closed to the public or after 10:00 p.m. THE PLANNING DEPARTMENT AND BUILDING DEPARTMENT SHALL MONITOR THIS CONDITION.
14. Visual Impact (AES-2): Measures shall be taken to mitigate aesthetic impact to nearby properties. These measures may include, but are not limited to the inclusion landscape buffers along the residential bordering property lines, security fencing with a color palette consisting of neutral color(s) or color(s) matching adjacent structures, and screening of the proposed utility and ancillary other improvements related to the construction and/or operation

of the facilities.. THE PLANNING DEPARTMENT AND BUILDING DEPARTMENT SHALL MONITOR THIS CONDITION.

15. Air Quality Best Management Practices (BMPs)(AIR-1): Permittee shall meet requirements that may be deemed necessary by the Air District based upon site conditions and operations. The project shall require that idling times for vehicles be limited to a maximum of 5 minutes to reduce operational emissions of criteria pollutants per General Plan Mitigation Measure 4.3-2a. THE AMADOR AIR DISTRICT SHALL MONITOR THIS REQUIREMENT.
16. Special-Status Species (BIO-1): Animals- Special-status animal species should be avoided to the maximum extent practicable. If complete avoidance is infeasible, project impacts will need to be quantified and mitigation developed to reduce the impacts to a less-than-significant level. Mitigation may include preservation and enhancement of on and/or off-site populations, transplanting individuals to a preservation area, or other actions, subject to the approval of CDFW, USFWS, or CNPS. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.
17. Ground Disturbance Timing for Nesting Birds (BIO-2): To avoid impacts to nesting bird species or birds protected under the Migratory Bird Treaty Act, all ground disturbing activities conducted between February 1 and September 1 must be preceded by a pre-construction survey for active nests, to be conducted by a qualified biologist. This survey should be conducted within two weeks prior to any construction activities. The purpose of this survey is to determine the presence or absence of nests in an area to be potentially disturbed. If nests are found, a buffer depending upon the species and as determined by a qualified biologist in consultation with the California Department of Fish and Wildlife and shall be demarcated with bright orange construction fencing. Any vegetation clearing should be schedule outside of the avian nesting season (February 1 through August 31) or survey should be conducted immediately prior to vegetation removal. If active nests are found, vegetation removal should be delayed until the young fledge. No ground disturbing or other construction activities shall occur within this buffer until the County-approved biologist has confirmed that breeding/nesting is completed and the young have fledged the nest. Nesting bird surveys are not required for ground disturbing activities occurring between September 2 and January 31. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.
18. Special-Status Species Plants- (BIO-3): Special-status plant populations should be avoided to the maximum extent practicable. If complete avoidance is infeasible, project impacts will need to be quantified and mitigation developed to reduce the impacts to a less-than-significant level. Mitigation may include preservation and enhancement of on and/or off-site populations, transplanting individual plants to preservation area, or other actions, subject to the approval of CDFW, USFWS, or CNPS. Prior to any construction activity, a biological and/or rare plant survey may be required to be conducted to determine if there are any special-status plants within the project area and which may potentially be disturbed. If special-status species are identified, avoidance zones may be established around plant populations to clearly demarcate areas for avoidance. Where avoidance is infeasible, and the plant subject to removal or potential damage from construction, the project applicant shall develop and implement a mitigation plan pursuant to State and Federal regulation. The mitigation plan shall provide for no net loss of habitat and shall include, but is not limited to, relocation of the affected plants, replanting, and monitoring of relocated and planted specimens, or any other BMPs or conservation practices established by CDFW or USFWS. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.
19. Plant Survey (BIO-4): Prior to any construction activity related to any discretionary project, a biological and/or rare plant survey shall be conducted to determine if there are any special-status plants within the project area and which may potentially be disturbed. Surveys shall be timed according to the blooming period for the target species, and known reference populations will be visited prior to surveys to confirm the species is blooming

where known to occur. If special-status species are identified, avoidance zones may be established around plant populations to clearly demarcate areas for avoidance. Avoidance measures and buffer distances may vary between species, and the specific avoidance zone distance will be determined in coordination with the appropriate resource agencies. For individual specimens, highly visible temporary construction fencing shall be placed at least 10 ft. away from the drip line of the plant. No construction activity or grading would be permitted within the buffer zone. Where avoidance is infeasible, and the plant subject to removal or potential damage from construction, the project applicant shall develop and implement a mitigation plan pursuant to State and Federal regulation. The mitigation plan shall provide for no net loss of habitat and shall include, but is not limited to, relocation of the affected plants, replanting, and monitoring of relocated and planted specimens. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.

20. Wetland and Riparian Habitat (BIO-5): Complete avoidance of wetlands is conservatively recommended to ensure compliance with wetland laws. Site development shall implement erosion control plans, and best management practices (BMPs) that prevent the discharge of sediment into nearby drainage are found, a buffer depending upon the species and as determined by a qualified biologist in consultation with the California Department of Fish and Wildlife and shall be demarcated with bright orange construction fencing.. No ground disturbing or other construction activities shall occur within this buffer until the County and CDFW approved biologist has confirmed that there is no unmitigated impact to existing riparian or wetland habit. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.
21. Historic and Cultural Resources (CULTR-1) (CULTR-2): In the event the permittee encounters any historic, archaeological, paleontological, or tribal resource (such as chipped or ground stone, fossil-bearing rock, large quantities of shell, historic debris, building foundations, or human bone) during any construction undertaken to comply with these Use Permit conditions, permittee shall stop work immediately within a 100 ft. radius of the find and retain the services of a qualified professional for the purpose of recording, protecting, or curating the discovery as appropriate. The qualified professional shall be required to submit to the Planning Department a written report concerning the importance of the resource and the need to preserve the resource or otherwise reduce impacts of the project. The permittee shall notify the Amador County Planning Department of the find and provide proof to the Planning Department that any/all recommendations and requirements of the qualified professional have been complied with. Additionally in the case that unregistered or unexpected human remains are discovered on site, the following steps must be taken in accordance with Amador County General Plan Mitigation Measure 4.5-15 Cultural Resources, per Section 7050.5 of the California Health and Safety Code. The Amador County Coroner shall, within two working days:
- i. Determine if an investigation of cause of death is required;
 - ii. Determine if the remains are most likely that of Native American origin, and if so suspected, the coroner shall notify the California Native American Heritage Commission (NAHC) within 24 hours of making his or her determination.
 - iii. The descendants of the deceased Native Americans shall make a recommendation to the operator/permittee for the means of handling the remains and any associated grave goods as provided in Public Resources Code (PRC) Section 5097.98.
 - iv. The NAHC shall immediately notify those persons it believes to be most likely descended from the deceased Native American.
 - v. The descendants may, with the permission of the landowner or their representative, inspect the site of the discovered Native American remains and may recommend possible treatment or disposition within 24 hours of their notification.
 - vi. Whenever the NAHC is unable to identify a descendent, or the descendent identified fails to make a recommendation, or the landowner or his or her authorized representative rejects the recommendation of the descendent and the mediation provided for in subdivision (k) of PRC Section 5097.94 fails to provide measures acceptable to the landowner, the landowner or his or her authorized representative shall reinter the human remains and items associated with Native American burials with appropriate dignity on the property in a location not subject to further subsurface disturbance.

THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.

22. Sewage Disposal (GEO-1): Retain the services of a qualified professional (a registered professional engineer, registered environmental health specialist, or licensed engineering geologist experienced in on-site sewage disposal system design) to review the existing on-site wastewater treatment system that is to serve the project. This qualified professional shall evaluate existing and proposed wastewater flows and assess the current condition of the system. He or she shall then either: 1) Certify that the existing onsite wastewater treatment system may be expected to provide acceptable service for the proposed use, or 2) specify any modification, expansion, replacement or treatment that would be needed for such certification to be possible. THE ENVIRONMENTAL HEALTH DEPARTMENT SHALL MONITOR THIS CONDITION.
23. Hazardous Materials Upset and Release (HAZ-1): Prior to activation of the use permit, the applicant shall provide documentation to the Amador County Environmental Health Department that the site is in full compliance with the requirements of the Unified Program regarding hazardous materials business plan requirements, hazardous waste generation, treatment or storage, aboveground petroleum storage, and underground tanks. If a hazardous materials business plan is required, the emergency response portion shall include a plan for the evacuation of visitors in the event of a hazardous materials incident. The applicant shall substantially comply with all requirements of the Unified Program throughout the life of the Use Permit. THE ENVIRONMENTAL HEALTH DEPARTMENT SHALL MONITOR THIS CONDITION.
24. Grading Permits and Erosion Control (HYD-1): Prior to the issuance of permits for site-specific development, drainage and grading permits shall be prepared by a licensed civil engineer and submitted to the Amador County Building Department for approval. Drainage plans shall demonstrate that new development would not increase peak storm flows and that adequate capacity exists downstream to accommodate increased stormwater volume. All site-specific development shall implement appropriate stormwater runoff best management practices (BMPs) and design features to protect receiving water quality consistent with Amador County standards, and any required National Pollution Discharge Elimination System (NPDES) permits administered by the State Water Resources Control Board (SWRCB) must be obtained prior to project execution. THE AMADOR COUNTY BUILDING DEPARTMENT SHALL MONITOR THIS CONDITION.
25. Best Management Practices for Internment of Human Remains (HYD-2): The property owner would be required to adhere to any required regulations regarding the internment of Human Remains to avoid contamination of groundwater resources. This requires the applicant require any applicable permits from the Regional Water Quality Control Board (RWQCB) and adhere to practices established through the State Cemetery Board rules and regulations regarding cemetery operations. THE ENVIRONMENTAL HEALTH DEPARTMENT SHALL MONITOR THIS CONDITION.
26. Noise Buffers (NOI-1): Conditions of approval shall include a requirement that, when feasible, noise buffers shall be implemented (landscaping, fencing etc.) and permittee shall maintain adhere to County Code Section 9.44 regarding nuisance noise. Noise limitations shall reflect the established thresholds listed in the Amador County General Plan. There shall be no amplified sound or music that shall exceed established those thresholds. THE PLANNING DEPARTMENT SHALL MONITOR THIS CONDITION.
27. Fire Protection Services (PUB-1): To mitigate the impact on fire protection services, in accordance with Amador County Ordinance No. 1640 (County Code 17.14.020)4, the developer shall participate in the annexation to the County's Community Facilities District No. 2006-1 (Fire Protection Services), including execution of a "waiver and consent" to the expedited election procedure, the successful completion of a landowner-vote election authorizing an annual special tax for fire protection services, to be levied on the subject property by means of the

County's secured property tax roll, and payment of the County's cost in conducting the procedure. THE AMADOR FIRE PROTECTION DISTRICT SHALL MONITOR THIS CONDITION

28. Access and Encroachments (TRA-1): The property must maintain a primary access onto a County road and obtain all necessary encroachment permits (Chapter 12.10) required for the proposed uses, as regulated by the Amador County Department of Transportation and Public Works. Additionally, the proposed project would require the payment of a traffic mitigation fee as determined adequate by the Transportation and Public Works Department to offset road maintenance costs of improvements relative to the property's increased use through this project. THE BUILDING DEPARTMENT AND AMADOR FIRE PROTECTION DISTRICT SHALL MONITOR THIS CONDITION.
29. Fire and Life Safety (TRA-2): The project applicant/permittee shall comply with Chapter 15.30 Fire and Life Safety Ordinance. The applicant will be required to have all roads, gates and access ways on the property meet 15.30 standards and any future buildings will require a fire water supply. THE BUILDING DEPARTMENT AND AMADOR FIRE PROTECTION DISTRICT SHALL MONITOR THIS CONDITION
30. Property Access Restrictions (TRA-3): To minimize traffic impacts to nearby properties, the property owner/operator shall provide assurances that the Lambert Rd. entrance to the property only be accessed from Carbondale Rd. This includes notifying all guests that they will be required to navigate to the property along routes to avoid utilization of Maxwell Rd., Claypit Rd., and Mustang Alley. THE TRANSPORTATION DEPARTMENT AND PLANNING DEPARTMENTS SHALL MONITOR THIS CONDITION.
31. Sewage Disposal and Wastewater Systems (GEO-1 and UTL-1): Any future structures intended to have plumbing shall be provided wastewater disposal in compliance with Chapter 14.12 of Amador County Code, and the regulations adopted pursuant to that Code. An on-site sewage disposal system shall be designed by a qualified consultant, such as a registered professional engineer, registered environmental health specialist, or licensed engineering geologist experienced in on-site sewage disposal system design. The design must be approved by, and constructed under permit from, the Amador County Environmental Health Department. THE ENVIRONMENTAL HEALTH DEPARTMENT SHALL MONITOR THIS REQUIREMENT.
32. Well Water Quality (UTL-2): Well Service/Water Supply: In accordance with Section 14.06.055 of Amador County Code, the well that is to serve the project shall be evaluated by a registered professional engineer, who is to submit an evaluation for review and approval by the Environmental Health Department. This evaluation shall describe estimated water demand and whether or not the water well may be expected to serve the proposed use. If needed, the engineer shall propose storage or other design features that must be implemented to ensure an adequate water supply. THE ENVIRONMENTAL HEALTH DEPARTMENT SHALL MONITOR THIS REQUIREMENT.

Amador County
Planning Commission Chairperson

Date
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Project Applicant

Date