

## ATTACHMENT 2: CONDITIONS OF APPROVAL

### Orcutt Gas Station

Case Nos. 18CUP-00000-00001 and 18DVP-00000-00001

#### Project Description

1. **Project Description.** This Conditional Use Permit and Development Plan is based upon and limited to compliance with the project description, the hearing exhibits marked Attachment 1 through 11, and all conditions of approval set forth below, including mitigation measures and specified plans and agreements included by reference, as well as all applicable County rules and regulations. The project description is as follows:

The project is a request of owner, Lama Fadel, for the approval of a minor Conditional Use Permit and Development Plan to allow a gasoline station with a commercial building and a fuel canopy. The commercial building will be 5,054 sq. ft. with a maximum parapet height of 23 ft. The commercial building will be comprised of 4,203 sq. ft. convenience store and 851 sq. ft. general retail space. The 2,814 sq. ft. fuel canopy will be located north of the commercial building and will cover four fuel dispensers that will be accessible from both sides to provide eight fueling positions. The associated underground fuel tanks will be located on the western portion of the lot abutting the landscaped area and will have adequate space for fueling truck access. Parking for the project will consist of 13 standard spaces and one accessible space. An additional 10 ft. by 30 ft. loading area will be located to the west of the commercial building. An existing concrete masonry unit (CMU) wall will remain along portions of the east and south property lines. The existing CMU wall is approximately 8 ft. tall and tapers down to approximately 3 ft. near the street frontages. To preclude public access near the eastern residential uses, two lengths of fence will be constructed between the commercial building and the existing CMU wall. A 6 ft. tall trash enclosure which will be located in the southwest corner of the lot. All exterior lighting fixtures will be fully shielded and directed downward.

The project would include 10,092 sq. ft. of new landscaping, including four new street trees. A total of eight trees are proposed for removal, including one California Sycamore. Grading for the project will include 440 cubic yards (cy) of cut and 430 cy of fill. Stormwater will be directed into three proposed landscaped detention basins located in the northeast corner, along the northern edge, and along the western edge of the lot. Water service will be provided by Golden State Water Company. Wastewater treatment will be provided by Laguna County Sanitation District. Access will be provided from Orcutt Road and Lakeview Road by two 40 ft. wide paved driveways. Two driveway curb cuts associated with the previous service station will be eliminated. The project will include improvements to better define the "Keep Clear" area at the Lakeview Rd. / Orcutt Rd. intersection including restriping the road and other improvements as required by the Department of Public Works.

The subject property is a 0.82-acre parcel zoned Neighborhood Commercial (CN) shown as APN 107-011-028) and known as 3616 Orcutt Road, in the Orcutt area, Fourth Supervisorial District.

2. **Project Conformity.** The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of the 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 thereto. All plans (such as Landscape and Tree Protection Plans) must be submitted for review and approval and shall be implemented as approved by the County.

### **Project Specific Conditions**

3. **Stop Work at Encounter.** The Owner/Applicant and/or their agents, representatives or contractors shall stop or redirect work immediately in the event archaeological remains are encountered during grading, construction, landscaping or other construction-related activity. The Owner/Applicant shall retain a P&D approved archaeologist and Native American representative to evaluate the significance of the find in compliance with the provisions of Phase 2 investigations of the County Archaeological Guidelines and funded by the Owner/Applicant.  
PLAN REQUIREMENTS: This condition shall be printed on all building and grading plans.  
MONITORING: P&D permit processing planner shall check plans prior to issuance of zoning clearances and P&D compliance monitoring staff shall spot check in the field throughout grading and construction.
4. **Landscape for Life.** The Owner shall maintain all landscaping adjacent to property lines and within the proposed retention basin for the life of the project. The Owner or designee shall permit the County to conduct site inspections a minimum of one time per year.  
MONITORING: P&D compliance monitoring staff may conduct site inspections once per year if necessary to ensure that landscaping is maintained for the life of the project.
5. **Underground Utilities.** All new conduits, wires and other transmission lines for communication, power, television, and other utilities to serve the new development shall be placed underground consistent with Board of Supervisors Resolution 87-344 and the rules and regulations of the California Public Utilities Commission, unless otherwise allowed in the project description.  
Timing/Plan Requirements: This condition will be written and graphically depicted on site plans and grading plans, as applicable.

Monitoring: P&D permit processing planner shall check plans prior to issuance of zoning clearances and P&D compliance monitoring staff shall spot check in the field throughout grading and construction.

6. **OTIP Contribution Fees.** The project will generate traffic that exceeds the design capacity of Lakeview Road by more than 100 trips. In order to remain Consistent with the Orcutt Community Plan the applicant must pay fees equivalent to the 11 peak hour trips which will fund alternative transportation projects identified in the Orcutt Transportation Improvement Plan. A Peak Hour Trip is equivalent to a Single Family Residence. Therefore, the applicant will pay a fee equivalent to the adopted Orcutt Development Mitigations Impact Fee for eleven (11) Single Family Dwellings with landscape median fees and bikeway infrastructure fees included. The current total fee estimate is \$49,544.00. Actual fees will be based on the adopted Orcutt Area Development Impact Fee at the time of final occupancy.

TIMING: The fees shall be paid to the County Public Works Department-Transportation Division prior to Final Building Permit Inspection and shall be based on the fee schedules in effect when paid, which may increase at the beginning of each fiscal year (July 1st).

7. **WatServ-01 Can and Will Serve.** The Owner/Applicant shall provide a can and will serve letters from the Golden State Water Company and the Laguna County Sanitation District indicating that adequate water is available to serve the project. TIMING: Can and will serve letters shall be submitted prior to issuance of a zoning clearance.

#### **Conditions Incorporated From Mitigation Measures**

8. **Aest-04 BAR Required.** The Owner/Applicant shall obtain Board of Architectural Review (BAR) approval for project design. All project elements (e.g., design, scale, character, colors, materials and landscaping shall conform in all respects to BAR approval of 16BAR-00000-00009.

TIMING: The Owner/Applicant shall submit architectural drawings of the project for review and shall obtain final BAR approval prior to issuance of Zoning Clearance. Grading plans, if required, shall be submitted to P&D concurrent with or prior to BAR plan filing.

MONITORING: The Owner/Applicant shall demonstrate to P&D compliance monitoring staff that the project has been built consistent with approved BAR design and landscape plans prior to Final Building Inspection Clearance.

9. **Lighting.** The Owner/Applicant shall ensure any exterior night lighting installed on the project site is of low intensity, low glare design, minimum height, and shall be hooded to direct light downward onto the subject lot and prevent spillover onto adjacent lots.

PLAN REQUIREMENTS: The Owner/Applicant shall develop a Lighting Plan for BAR approval incorporating these requirements and showing locations and height of all

exterior lighting fixtures with arrows showing the direction of light being cast by each fixture.

**TIMING:** Lighting shall be installed in compliance with this measure prior to Final Building Inspection Clearance.

**MONITORING:** P&D and BAR shall review a Lighting Plan for compliance with this measure prior to approval of Zoning Clearance for structures. P&D Permit Compliance staff shall inspect structures upon completion to ensure that exterior lighting fixtures have been installed consistent with their depiction on the final Lighting Plan.

10. **Air-01 Dust Control.** The Owner/Applicant shall comply with the following dust control components at all times including weekends and holidays:

- a. Dust generated by the development activities shall be kept to a minimum with a goal of retaining dust on the site.
- b. During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, use water trucks or sprinkler systems to prevent dust from leaving the site and to create a crust after each day's activities cease.
- c. During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site.
- d. Wet down the construction area after work is completed for the day and whenever wind exceeds 15 mph.
- e. When wind exceeds 15 mph, have site watered at least once each day including weekends and/or holidays.
- f. Order increased watering as necessary to prevent transport of dust off-site.
- g. Cover soil stockpiled for more than two days or treat with soil binders to prevent dust generation. Reapply as needed.
- h. If the site is graded and left undeveloped for over four weeks, the Owner/Applicant shall immediately: (i) Seed and water to re-vegetate graded areas; and/or (ii) Spread soil binders; and/or; (iii) Employ any other method(s) deemed appropriate by P&D or APCD.

**PLAN REQUIREMENTS:** These dust control requirements shall be noted on all grading and building plans.

**PRE-CONSTRUCTION REQUIREMENTS:** The contractor or builder shall provide P&D monitoring staff and APCD with the name and contact information for an assigned onsite dust control monitor(s) who has the responsibility to:

- a. Assure all dust control requirements are complied with including those covering weekends and holidays.
- b. Order increased watering as necessary to prevent transport of dust offsite.
- c. Attend the pre-construction meeting.

**TIMING:** The dust monitor shall be designated prior to first grading permit. The dust control components apply from the beginning of any grading or construction throughout all development activities until Final Building Inspection Clearance is issued and landscaping is fully installed.

MONITORING: P&D processing planner shall ensure measures are on plans. P&D grading and building inspectors shall spot check; Grading and Building shall ensure compliance onsite. APCD inspectors shall respond to nuisance complaints.

11. **Special Condition. Refined Health Risk Assessment.** The Owner/Applicant shall provide a refined Health Risk Assessment (HRA) to the Planning and Development Department and to the Santa Barbara Air Pollution Control District (APCD) that uses worst-case scenario assumptions in compliance with the MND comment letter dated August 8, 2019 and APCD rules and regulations. The substantial evidence in the HRA must include, but is not limited to, information regarding proposed toxic air contaminant emissions as well as the potential for health risk impacts to the surrounding community and sensitive receptors. The HRA must show that the proposed development will not exceed the County's health risk public notification thresholds of 10 excess cancer cases in one million. The HRA must also need to show that the proposed development will not exceed a Hazard Index of more than 1.0 for non-cancer risk.

TIMING: The HRA must reviewed and approved by APCD prior to any Zoning Clearance being issued for the project.

MONITORING: APCD must provide written clearance to P&D staff stating that the HRA has been submitted, reviewed, and approved prior to issuance of any zoning clearances for this project.

12. **Special Condition. Fire Department Requirements.** The applicant shall adhere to the requirements of the Santa Barbara County Fire Department.

TIMING: The applicant shall adhere to all timing specified in the Santa Barbara County Fire Department Condition Letter, dated February 13, 2018, or as otherwise specified by the Fire Department.

MONITORING: P&D staff and Fire Department staff shall ensure compliance throughout grading and construction phases.

13. **Erosion and Sediment Control Plan.** Where required by the latest edition of the California Green Code and/or Chapter 14 of the Santa Barbara County Code, a Storm Water Pollution Prevention Plan (SWPPP), Storm Water Management Plan (SWMP) and/or an Erosion and Sediment Control Plan (ESCP) shall be implemented as part of the project. Grading and erosion and sediment control plans shall be designed to minimize erosion during construction and shall be implemented for the duration of the grading period and until re-graded areas have been stabilized by structures, long-term erosion control measures or permanent landscaping. The Owner/Applicant shall submit the SWPPP, SWMP or ESCP) using Best Management Practices (BMP) designed to stabilize the site, protect natural watercourses/creeks, prevent erosion, convey storm water runoff to existing drainage systems keeping contaminants and sediments onsite. The SWPPP or ESCP shall be a part of the Grading Plan submittal and will be reviewed for its technical merits by P&D. Information on Erosion Control requirements can be found on the County

web site: Grading Ordinance Chapter 14 (<http://sbcountyplanning.org/building/grading.cfm>) refer to Erosion and Sediment Control Plan Requirements; and in the California Green Code for SWPPP (projects < 1 acre) and/or SWMP requirements.

PLAN REQUIREMENTS: The grading and SWPPP, SWMP and/or ESCP shall be submitted for review and approved by P&D prior to approval of land use clearances. The plan shall be designed to address erosion, sediment and pollution control during all phases of development of the site until all disturbed areas are permanently stabilized.

TIMING: The SWPPP requirements shall be implemented prior to the commencement of grading and throughout the year. The ESCP/SWMP requirements shall be implemented between November 1st and April 15th of each year, except pollution control measures shall be implemented year round. MONITORING: P&D staff shall perform site inspections throughout the construction phase.

14. **Special Condition. Hazardous Materials/Risk of Upset. Soil Testing.** Prior to disturbance of the hydrocarbon-containing areas along the northern and western edges of the former UST pit site, soils shall be tested for contamination. If contamination is still present, the Owner/Applicant shall notify Santa Barbara County Environmental Health Services and Santa Barbara County Fire Department.

PLAN REQUIREMENTS: Condition requirements shall be noted on all grading and building plans.

TIMING: All testing and notification requirements shall be implemented prior to disturbance of the hydrocarbon-containing areas along the northern and western edges of the former UST pit site. Test results shall be distributed to P&D compliance staff prior to grading or building permit approval.

MONITORING: P&D staff shall perform site inspections throughout the grading and construction phases.

15. **Special Condition. Hazardous Materials/Risk of Upset.** The project shall adhere to all applicable requirements from the Air Pollution Control District (APCD), Environmental Health Services (EHS), and Fire Department.

TIMING: All requirements shall be in place prior to zoning clearance issuance or at a time otherwise stated in the respective department condition letters.

MONITORING: P&D staff, APCD staff, EHS staff, and Fire Department staff shall ensure compliance throughout grading and construction phases.

16. **Construction Hours.** The Owner /Applicant, including all contractors and subcontractors, shall limit construction activity, including equipment maintenance and site preparation, to between the hours of 7:00 a.m. and 4:00 p.m. Monday through Friday. No construction shall occur on weekends or State holidays. Non-noise generating interior construction activities such as plumbing, electrical, drywall and painting (which does not include the use of compressors, tile saws, or other noise-generating equipment) are not subject to

these restrictions. Any subsequent amendment to the Comprehensive General Plan, applicable Community or Specific Plan, or Zoning Code noise standards upon which these construction hours are based shall supersede the hours stated herein.

PLAN REQUIREMENTS: The Owner/Applicant shall provide and post a sign stating these restrictions at all construction site entries.

TIMING: Signs shall be posted prior to commencement of construction and maintained throughout construction.

MONITORING: The Owner/Applicant shall demonstrate that required signs are posted prior to grading/building permit issuance and pre-construction meeting. Building inspectors and permit compliance staff shall spot check and respond to complaints.

17. **Special Condition – Noise Management.** External noise-generating equipment associated with commercial uses (e.g., HVAC units, Air Compressors, etc.) that are located adjacent to residential uses shall meet the outdoor residential noise threshold standard of 65dBA or lower.

PLAN REQUIREMENTS/TIMING: Building plans shall demonstrate that all noise-generating equipment meets the noise threshold above at the property line.

MONITORING: P&D staff shall perform site inspections to ensure compliance.

18. **Special Condition. Transportation/Circulation. Prohibited Movement Signs.** The Owner/Applicant shall post at least two signs to prohibit left and through movements during AM (7:00 a.m. to 9:00 a.m.) and PM (4:00 p.m. to 6:00 p.m.) peak periods on the north and southbound approaches at the Orcutt Road / Lakeview Road intersection.

PLAN REQUIREMENTS: Proposed signs shall be reviewed and approved by Public Works Transportation prior to Zoning Clearance Issuance for grading and site improvements. The Owner/Applicant shall show the new signs on plans for Public Improvements, Planning, Grading, and Building.

TIMING: The signage design shall be reviewed and approved by Public Works Transportation prior to Zoning Clearance Issuance for grading and site improvements. The signs shall be in place prior to issuance of Certificates of Occupancy. MONITORING: P&D compliance monitoring staff and Public Works Transportation staff shall site inspect for installation prior to Final Building Inspection Clearance.

19. **WatConv-01 Sediment and Contamination Containment.** The Owner/Applicant shall prevent water contamination during construction by implementing the following construction site measures:

- a. All entrances/exits to the construction site shall be stabilized using methods designed to reduce transport of sediment off site. Stabilizing measures may include but are not limited to use of gravel pads, steel rumble plates, temporary paving, etc. Any sediment or other materials tracked off site shall be removed the same day as they are tracked using dry cleaning methods. Entrances/exits shall be maintained until graded areas

have been stabilized by structures, long-term erosion control measures or landscaping.

- b. Apply concrete, asphalt, and seal coat only during dry weather.
- c. Cover storm drains and manholes within the construction area when paving or applying seal coat, slurry, fog seal, etc.
- d. Store, handle and dispose of construction materials and waste such as paint, mortar, concrete slurry, fuels, etc. in a manner which minimizes the potential for storm water contamination.

PLAN REQUIREMENTS: The Owner/Applicant shall ensure all above construction site measures are printed as notes on plans.

TIMING: Stabilizing measures shall be in place prior to commencement of construction. Other measures shall be in place throughout construction.

MONITORING: The Owner/Applicant shall demonstrate compliance with these measures to P&D compliance monitoring staff as requested during construction.

20. **Equipment Storage-Construction.** The Owner/Applicant shall designate a construction equipment filling and storage area(s) to contain spills, facilitate clean-up and proper disposal and prevent contamination from discharging to the storm drains, street, drainage ditches, creeks, or wetlands. The areas shall be no larger than 50 x 50 foot unless otherwise approved by P&D and shall be located at least 100 feet from any storm drain, waterbody or sensitive biological resources.

PLAN REQUIREMENTS: The Owner/Applicant shall designate the P&D approved location on all zoning clearance, grading, and building permit plans.

TIMING: The Owner/Applicant shall install the area prior to commencement of construction.

MONITORING: P&D compliance monitoring staff shall ensure compliance prior to and throughout construction.

21. **Equipment Washout-Construction.** The Owner/Applicant shall designate a washout area(s) for the washing of concrete trucks, paint, equipment, or similar activities to prevent wash water from discharging to the storm drains, street, drainage ditches, creeks, or wetlands. Note that polluted water and materials shall be contained in this area and removed from the site. The area shall be located at least 100 feet from any storm drain, waterbody or sensitive biological resources.

PLAN REQUIREMENTS: The Owner/Applicant shall designate the P&D approved location on all zoning clearance, grading, and building permit plans.

TIMING: The Owner/Applicant shall install the area prior to commencement of construction.

MONITORING: P&D compliance monitoring staff shall ensure compliance prior to and throughout construction.

22. **SWPPP.** The Owner/Applicant shall submit proof of exemption or a copy of the Notice of Intent to obtain coverage under the Construction General Permit of the National Pollutant Discharge Elimination System issued by the California Regional Water Quality Control Board.

TIMING: Prior to approval of Zoning Clearance, The Owner/Applicant shall submit proof of exemption or a copy of the Notice of Intent and shall provide a copy of the required Storm Water Pollution Prevention Plan (SWPPP) to P&D. The Owner/Applicant shall keep a copy of the SWPPP on the project site during grading and construction activities.

MONITORING: P&D permit processing planner shall review the documentation prior to approval of zoning clearance. P&D compliance monitoring staff shall site inspect during construction for compliance with the SWPPP.

23. **Water Conservation-Outdoor.** To improve water conservation, the Owner/Applicant shall include the following in Landscape and Irrigation Plans to be approved by P&D:

a. Landscaping that reduces water use:

- i. Landscape with native and drought tolerant species.
- ii. Group plant material by water needs.
- iii. Turf shall constitute less than 20% of the total landscaped area.
- iv. No turf shall be allowed on slopes of over 4%.
- v. Extensive mulching (2" minimum) shall be used in all landscaped areas to reduce evaporation.

b. Irrigation that reduces water use:

- i. Install drip irrigation or other water-conserving irrigation.
- ii. Install soil moisture sensing devices to prevent unnecessary irrigation.

PLAN REQUIREMENTS: The Owner/Applicant shall submit a landscape and irrigation plan to P&D for review and approval prior to approval of zoning clearance.

TIMING: The Owner/Applicant shall implement all aspects of the landscape and irrigation plan in accordance with the Landscape and Performance Security Conditions.

MONITORING: The Owner/Applicant shall demonstrate to P&D compliance monitoring staff that all required water-conserving landscape and irrigation features are installed prior to Final Building Inspection Clearance and landscape and irrigation are maintained per approved landscape plans. Any part of the irrigation plan requiring a plumbing permit shall be inspected by building inspectors.

24. **Storm Drain Labels.** To meet NPDES requirements, the Owner/Applicant shall label all on-site storm drain inlets, new or existing, to advise the public that the storm drain discharges to the ocean and that dumping waste is prohibited (e.g., "Don't Dump – Drains to Ocean"). Labels shall be in both English and Spanish.

PLAN REQUIREMENTS: Show location of storm drain inlets and proposed storm water labels on site, building and grading plans prior to approval of zoning clearance and grading permits. Label design shall be equivalent or similar to that used by Public Works Department - Project Clean Water. Alternate label designs shall be shown on the plans

and submitted to P&D for approval prior to approval of zoning clearance and grading permits.

TIMING: Labels shall be affixed to storm drain inlets prior to Final Building Inspection Clearance.

MONITORING: P&D building staff shall site inspect prior to Final Building Inspection Clearance.

25. **NPDES-Fueling Station Req.** To meet NPDES requirements, the fuel dispensing area shall extend 6.5 feet from the corner of each fuel dispenser or the length at which the hose and nozzle assembly may be operated plus 1 foot, whichever is less. The fuel dispensing areas shall be paved with Portland cement concrete (or equivalent smooth impervious surface), with a 2% to 4% slope to prevent ponding, and shall be separated from the rest of the site by a grade break that prevents run-on of storm water. The paving around the fuel dispensing area may exceed the minimum dimensions of the "fuel dispensing area" stated above.

PLAN REQUIREMENTS: The Owner/Applicant shall incorporate these NPDES fueling dispensing requirements into project design and include them on all applicable plans including detail plans.

TIMING: P&D planners shall ensure plan compliance prior to approval of zoning clearance.

MONITORING: The Owner/Applicant shall demonstrate installation of the fueling dispensing requirements consistent with NPDES requirements to compliance monitoring staff prior to Final Building Inspection Clearance.

26. **Storm Water Retention-Parking Area BMPs.** The parking area and associated driveways shall be designed to minimize degradation of storm water quality. Best Management Practices (BMPs) such as landscaped areas for infiltration (vegetated filter strips, bioswales, or bioretention areas), designed in accordance with the California Storm Water BMP Handbook for New Development and Redevelopment (California Storm Water Quality Association) or other approved method shall be installed to intercept and remove pollutants prior to discharging to the storm drain system. The BMPs selected shall be maintained in working order. The landowner is responsible for the maintenance and operation of all improvements and shall maintain annual maintenance records. The BMPs shall be described and detailed on the site, grading and drainage and landscape plans, and depicted graphically. A maintenance program shall be specified in an inspection and maintenance plan and include maintenance inspections at least once/year. Long-term maintenance shall be the responsibility of the landowner. A maintenance program shall be specified in the CC&Rs or in a maintenance program submitted by the landowner for commercial/industrial sites and recorded with the Recorder's Office. The plans and a copy of the long-term maintenance program shall be submitted to P&D and Public Works, Water Resources Division staff, for review prior to approval of Zoning Clearance. BMP maintenance is required for the life of the project and transfer of this responsibility is required for any subsequent sale of the property. The condition of transfer shall include

a provision that the property owners conduct maintenance inspection at least once/year and retain proof of inspections.

**PLAN REQUIREMENTS:** The location and type of BMP shall be shown on the site, building and grading plans.

**TIMING:** The plans and maintenance program shall be submitted to P&D for approval prior to zoning clearance.

**MONITORING:** P&D compliance monitoring staff shall site inspect for installation prior to Final Building Inspection Clearance. The landowner shall make annual maintenance records available for review by P&D upon request.

### **County Rules and Regulations**

27. **Effective Date-Not Appealable to CCC.** This Conditional Use Permit and Development Plan shall become effective upon the date of the expiration of the applicable appeal period provided an appeal has not been filed. If an appeal has been filed, the planning permit shall not be deemed effective until final action by the final review authority on the appeal. No entitlement for the use or development shall be granted before the effective date of the planning permit. [LUDC §35.82.020]
28. **Additional Permits Required.** The use and/or construction of any structures or improvements authorized by this approval shall not commence until all the necessary planning and building permits are obtained. Before any Permit will be issued by Planning and Development, the Owner/Applicant must obtain written clearance from all departments having conditions; such clearance shall indicate that the Owner/Applicant has satisfied all pre-construction conditions. A form for such clearance is available from Planning and Development.
29. **Acceptance of Conditions.** The Owner/Applicant's acceptance of this permit and/or commencement of use, construction and/or operations under this permit shall be deemed acceptance of all conditions of this permit by the Owner/Applicant.
30. **DP Conformance.** No permits for development, including grading, shall be issued except in conformance with an approved Final Development Plan. The size, shape, arrangement, use, and location of structures, walkways, parking areas, and landscaped areas shall be developed in conformity with the approved development plan marked Exhibit D.
31. **CUP Expiration.** The Owner/Applicant shall obtain the required Zoning Clearance within the 18 months following the effective date of this Conditional Use Permit. If the required Zoning Clearance is not issued within the 18 months following the effective date of this Conditional Use Permit, or within such extended period of time as may be authorized in compliance with Section 35-84.30 of the County Land Use and Development Code, and an application for an extension has not been submitted to the Planning and Development

Department, then the Conditional Use Permit shall be considered void and of no further effect.

32. **Final DVP Expiration.** Final Development Plans shall expire five years after the effective date unless substantial physical construction has been completed on the development or unless a time extension is approved in compliance with County rules and regulations.
33. **CUP-Void.** This Conditional Use Permit shall become void and be automatically revoked if the development and/or authorized use allowed by this Conditional Use Permit is discontinued for a period of more than 12 months, or within such extended period of time as may be authorized in compliance with Section 35-84.30 of the County Land Use and Development Code. Any use authorized by this Conditional Use Permit shall immediately cease upon expiration or revocation of this Conditional Use Permit. Any Zoning Clearance approved or issued pursuant to this Conditional Use Permit shall expire upon expiration or revocation of the Conditional Use Permit. Conditional Use Permit renewals must be applied for prior to expiration of the Conditional Use Permit. [LUDC §35.82.060 & §35.84.060]
34. **CUP and DVP Revisions.** The approval by the Zoning Administrator of a revised Conditional Use Permit or Development Plan shall automatically supersede any previously approved Conditional Use Permit or Development Plan upon the effective date of the revised permit.
35. **Leased Facilities.** The Operator and Owner are responsible for complying with all conditions of approval contained in this Conditional Use Permit. Any zoning violations concerning the installation, operation, and/or abandonment of the facility are the responsibility of the Owner and the Operator.
36. **Processing Fees Required.** Prior to issuance of a Zoning Clearance the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
37. **DIMF Fees-Library.** In compliance with the provisions of ordinances and resolutions adopted by the County, the Owner/Applicant shall be required to pay development impact mitigation fees to finance the development of facilities for libraries. Required mitigation fees shall be as determined by adopted mitigation fee resolutions and ordinances and applicable law in effect when paid. [LUDC §35.84.030] The total Library DIMF amount is currently estimated to be \$557.00 / 1,000 sq. ft. (July 20, 2021). This is based on a project classification of Retail Commercial and a project size of 5,054 square feet.

TIMING: Library DIMFs shall be paid to Planning & Development Department prior to Final Building Permit Inspection and shall be based on the fee schedules in effect when paid, which may increase at the beginning of each fiscal year (July 1st).

38. **DIMF Fees-Public Administration.** In compliance with the provisions of ordinances and resolutions adopted by the County, the Owner/Applicant shall be required to pay development impact mitigation fees to finance the development of facilities for public administration. Required mitigation fees shall be as determined by adopted mitigation fee resolutions and ordinances and applicable laws in effect when paid. [LUDC §35.84.030] The total Public Administration DIMF amount is currently estimated to be \$312.00 / 1,000 sq. ft. (July 20, 2021, 2020). This is based on a project type of RETAIL COMMERCIAL and a project size of 5,054 square feet.

TIMING: Public Administration DIMFs shall be paid to Planning & Development Department prior to Final Building Permit Inspection and shall be based on the fee schedules in effect when paid, which may increase at the beginning of each fiscal year (July 1st).

39. **DIMF Fees-Sheriff.** In compliance with the provisions of ordinances and resolutions adopted by the County, the Owner/Applicant shall be required to pay development impact mitigation fees to finance the development of facilities for the County Sheriff. Required mitigation fees shall be as determined by adopted mitigation fee resolutions and ordinances and applicable law in effect when paid. [LUDC §35.84.030]. The total County Sheriff DIMF amount is currently estimated to be \$228.00 / 1,000 sq. ft. (October 27, 2020). This is based on a project type of Retail Commercial and a project size of 5,024 square feet.

TIMING: County Sheriff DIMFs shall be paid to Planning & Development Department prior to Final Building Permit Inspection and shall be based on the fee schedules in effect when paid, which may increase at the beginning of each fiscal year (July 1st).

40. **DIMF Fees-Fire.** In compliance with the provisions of ordinances and resolutions adopted by the County, the Owner/Applicant shall be required to pay development impact mitigation fees to finance the development of facilities for the Fire Department. Required mitigation fees shall be as determined by adopted mitigation fee resolutions and ordinances and applicable law in effect when paid. The total Fire DIMF amount is currently estimated to be \$770.00 / 1,000 sq. ft. (July 20, 2021). This is based on a project type of Retail Commercial and a project size of 5,024 square feet.

TIMING: Fire DIMFs shall be paid to the County Fire Department prior to Final Building Permit Inspection and shall be based on the fee schedules in effect when paid, which may increase at the beginning of each fiscal year (July 1st).

41. **Fees-Parks.** In compliance with the provisions of ordinances and resolutions adopted by the County, the Owner/Applicant shall be required to pay development impact mitigation

fees to finance the development of facilities for the Parks Department. Required mitigation fees shall be as determined by adopted mitigation fee resolutions and ordinances and applicable law in effect when paid. The total Parks DIMF amount is currently estimated to be \$1,396.00 / 1,000 sq. ft. (July 20, 2021). This is based on a project type of Retail Commercial and a project size of 5,024 square feet project size of [INSERT NUMBER] square feet.

TIMING: Parks DIMFs shall be paid to the County Parks Department prior to Final Building Permit Inspection and shall be based on the fee schedules in effect when paid, which may increase at the beginning of each fiscal year (July 1st).

42. **DIMF Fees-Transportation.** In compliance with the provisions of ordinances and resolutions adopted by the County, the Owner/Applicant shall be required to pay development impact mitigation fees to finance the development of facilities for transportation. Required mitigation fees shall be as determined by adopted mitigation fee resolutions and ordinances and applicable law in effect when paid. The total DIMF amount for Transportation is currently estimated to be \$0 (July 20, 2021) This is determined by the current project description, which is a net reduction in fueling positions from the previous, legally approved service station (12 fueling positions reduced to the currently proposed 8).

TIMING: Transportation DIMFs shall be paid to the County Public Works Department-Transportation Division prior to Final Building Permit Inspection and shall be based on the fee schedules in effect when paid, which may increase at the beginning of each fiscal year (July 1st).

43. **Other Dept Conditions.** Compliance with Departmental/Division letters required as follows:
- a. Air Pollution Control District dated February 2, 2018;
  - b. Environmental Health Services Division dated February 2, 2018 and subsequent amendment dated October 29, 2019;
  - c. Fire Department dated November 27, 2019;
  - d. Flood Control & Water Conservation District dated March 7, 2018;
  - e. Parks Department dated February 19, 2019;
  - f. Project Clean Water dated March 29, 2018;
  - g. Transportation Division dated November 17, 2020

44. **Plans Requirements.** The Owner/Applicant shall ensure all applicable final conditions of approval are printed in their entirety on applicable pages of grading/construction or building plans submitted to P&D or Building and Safety Division. These shall be graphically illustrated where feasible.

45. **Mitigation Monitoring Required.** The Owner/Applicant shall ensure that the project complies with all approved plans and all project conditions including those which must be

monitored after the project is built and occupied. To accomplish this, the Owner/Applicant shall:

- a. Contact P&D compliance staff as soon as possible after project approval to provide the name and phone number of the future contact person for the project and give estimated dates for future project activities;
  - b. Sign a separate Agreement to Pay for compliance monitoring costs and remit a security deposit prior to approval of any Zoning Clearance as authorized by ordinance and fee schedules. Compliance monitoring costs will be invoiced monthly and may include costs for P&D to hire and manage outside consultants when deemed necessary by P&D staff (e.g. non-compliance situations, special monitoring needed for sensitive areas including but not limited to biologists, archaeologists) to assess damage and/or ensure compliance. In such cases, the Owner/Applicant shall comply with P&D recommendations to bring the project into compliance. The decision of the Director of P&D shall be final in the event of a dispute. Monthly invoices shall be paid by the due date noted on the invoice;
  - c. Note the following on each page of grading and building plans "This project is subject to Mitigation and Condition Compliance Monitoring and Reporting. All aspects of project construction shall adhere to the approved plans, notes, and conditions of approval, and mitigation measures from Conditional Use Permit No. 18CUP-00001, Development Plan No. 18DVP-00001, and Mitigated Negative Declaration no. 19NGD-00001";
  - d. Contact P&D compliance staff at least two weeks prior to commencement of construction activities to schedule an on-site pre-construction meeting to be led by P&D Compliance Monitoring staff and attended by all parties deemed necessary by P&D, including the permit issuing planner, grading and/or building inspectors, other agency staff, and key construction personnel: contractors, sub-contractors and contracted monitors among others.
46. **Contractor and Subcontractor Notification.** The Owner/Applicant shall ensure that potential contractors are aware of County requirements. Owner / Applicant shall notify all contractors and subcontractors in writing of the site rules, restrictions, and Conditions of Approval and submit a copy of the notice to P&D compliance monitoring staff.
47. **Indemnity and Separation.** The Owner/Applicant shall defend, indemnify and hold harmless the County or its agents or officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of this project.
48. **Time Extensions-All Projects.** The Owner / Applicant may request a time extension prior to the expiration of the permit or entitlement for development. The review authority with jurisdiction over the project may, upon good cause shown, grant a time extension in compliance with County rules and regulations, which include reflecting changed

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Hearing Date: March 8, 2022

Attachment 2: Conditions of Approval

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circumstances and ensuring compliance with CEQA. If the Owner / Applicant requests a time extension for this permit, the permit may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts.