

ATTACHMENT C: PERMIT WITH CONDITIONS OF APPROVAL



COUNTY OF SANTA BARBARA

Planning and Development

LAND USE PERMIT NO: 09LUP-00000-00317

Project Name: NextG Networks Cellular Antenna #ESB08
Project Address: Public Right-of-Way on Olive Mill Road, Montecito
A.P.N.: Adjacent to 009-640-001
Zone: 5-E-1

The Planning and Development Department hereby approves and intends to issue this Land Use Permit for the development described below, based upon the required findings and subject to the attached terms and conditions.

FINAL APPROVAL DATE: September 21, 2010

APPEAL PERIOD BEGINS: N/A

APPEAL PERIOD ENDS: N/A

DATE OF PERMIT ISSUANCE: September 21, 2010

NOTE: This approval is the final action by the County on this Land Use Permit; the permit cannot be appealed. If you have questions regarding this project please contact the planner Megan Lowery at 568-2517.

PROJECT DESCRIPTION SUMMARY: See attached.

PROJECT SPECIFIC CONDITIONS: See attached.

ASSOCIATED CASE NUMBERS: None.

PERMIT COMPLIANCE CASE:

No Yes; Permit Compliance Case (PMC) #: _____

BOARD OF ARCHITECTURAL REVIEW (BAR): No Yes; BAR Case #: _____

TERMS OF PERMIT ISSUANCE:

- 1. Posting of Notice.** Notice of the project shall be posted by the applicant utilizing the language and form of the notice provided by the Planning and Development Department. The notice shall remain posted continuously until at least 10 calendar days following action on the permit. (CLUDC Section 35.106.050/MLUDC Section 35.496.050)
- 2. Work Prohibited Prior to Permit Issuance.** No work, development, or use intended to be authorized pursuant to this approval shall commence prior to issuance of this Land Use Permit and/or any other required permit (e.g., building permit).

WARNING! THIS IS NOT A BUILDING/GRADING PERMIT.

- 3. Date of Permit Issuance.** This Permit shall be issued and deemed effective on the **Date of Permit Issuance** identified above, provided:

- a. All terms and conditions including the requirement to post notice have been met and this Permit has been signed;
 - b. The **Affidavit of Posting Notice** was returned to the Planning and Development Department prior to the issuance of the Land Use Permit; and
 - c. An appeal has not been filed.
4. **Time Limit.** This Land Use Permit shall expire two years from the date of issuance and be null and void if the use and/or structure for which the permit is issued has not been lawfully established or commenced in compliance with the effective permit unless a time extension is approved. (CLUDC Section 35.82.110/MLUDC Section 35.472.110)

NOTE: Issuance of a permit for this project does not allow construction or use outside of the project description, or terms or conditions; nor shall it be construed to be an approval of a violation of any provision of any County policy, ordinance or other governmental regulation.

OWNER/APPLICANT ACKNOWLEDGMENT: Undersigned permittee acknowledges receipt of this approval and agrees to abide by all terms and conditions thereof.

_____ / _____
Print Name Signature Date

Planning and Development Department Approval by:

_____ / _____
Planner Date

Planning and Development Department Issuance by:

_____ / _____
Planner Date

ATTACHMENT A CONDITIONS OF APPROVAL

1. This Land Use Permit is based upon and limited to compliance with the project description, the exhibits, and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

The project is a request by the agent, Sharon James, for the applicant, NextG Networks of California, Inc., for a Land Use Permit to allow construction and use of an unmanned, telecommunications facility under provisions of County code zoning requirements for property zoned (5-E-1). The facility would be located in the public right of Olive Mill Road at its intersection with Hot Springs Road, adjacent to 300 Hot Springs Road.

The applicant is proposing to construct an unmanned wireless facility that would include one 26-inch whip omni antenna. The antenna is omnidirectional and would be mounted directly on the cable connected to an existing wood pole in the public right of way. The service wattage for the facility would have a maximum Effective Radiated Power (ERP) of 8 watts per channel. The antennas would be operating in the AWS bandwidth at 1710 – 2170 MHz with a maximum of 3 channels. The proposed facility would cover the intersection of Olive Mill Road and Hot Springs Road with a range of approximately 1500 – 2000 feet in each direction, providing service for Metro PCS.

All equipment for the antenna would be located in an underground vault. The equipment vault would be approximately 3'x 5'x 3' and would be flush with the ground. In addition to the vault itself, two 2'x 4'x 3' air vents would also need to be installed on either side of the vault to provide necessary ventilation for the equipment. A foot of gravel base would also be installed around the vault to prevent sinking and ensure the vault remains level over time. The total footprint of the vault with gravel base and air vents combined would result in a ground disturbance and minor vegetation removal of a 4'x 14' area in the utility easement in the road right-of-way. The equipment would be serviced by Southern California Edison via a power pole connection through a connection handhole from existing utilities on an existing utility pole.

Access to the facility would be from the public road. The antenna would be painted brown to match the pole and the top of the vault would be painted brown to blend with the surrounding ground plane.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above, the referenced 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 exhibits and conditions of approval hereto. All plans (such as Landscape and Tree Protection Plans) shall be implemented as approved by the County.

2. **Tel-03 Colors and Painting.** All exposed equipment and facilities (i.e., antennas, support structure, equipment cabinets, etc.) shall be finished in non-reflective materials (including painted surfaces) and shall be painted browns to match the existing surrounds of poles and ground surface.

PLAN REQUIREMENTS: Color specifications shall be identified on plans submitted for permit compliance.

MONITORING: P&D compliance monitoring staff shall conduct a Project Compliance Inspection to confirm color selection.

3. **Tel-05 Exterior Lighting.** Except as otherwise noted in the Project Description and development plans, the antenna support structure shall not be lighted. The leased premises shall likewise be unlit except for a manually operated light which limits lighting to the area of the equipment in the immediate vicinity of the antenna support structure. The manually operated light fixture shall be brought to the site as necessary to conduct repairs and shall be kept off except when maintenance personnel are actually present at night.

MONITORING: P&D compliance monitoring staff shall respond to any complaints.

4. **Tel-07 Vegetation Protection.** Existing vegetation should be preserved and protected to the maximum extent feasible throughout construction activities through the use of protective fencing. Underground lines serving the facility shall be routed to avoid damage to tree root systems and any trenching required within the dripline or sensitive root zone of any specimen tree shall be done by hand. Trees or shrubs which are significantly damaged or subsequently die as a result of construction activities shall be replaced with those of a comparable size, species and density as approved by P&D staff. Graded areas, including trench routes, shall be reseeded with matching plant composition.

TIMING: Fencing shall be installed prior to the pre-construction meeting, and shall be in place during all ground disturbance and construction activities.

MONITORING: P&D compliance monitoring staff shall confirm fencing installation at the pre-construction meeting.

5. **Spec-01 FCC Compliance.** The facility shall, at all times, be operated in strict conformance with: (i) all rules, regulations standards and guidance) published by the Federal Communications Commission ("FCC"), including but not limited to, safety signage, Maximum Permissible Exposure ("MPE") Limits, and any other similar requirements to ensure public protection or (ii) all other legally binding, more restrictive standards subsequently adopted by federal agencies having jurisdiction. Prior to the addition or replacement of equipment which has the potential to increase RF emissions at any public location beyond that estimated in the initial application and within the scope of the project description, the Permittee shall submit, to the Director, a report providing the calculation of predicted maximum effective radiated power including the new equipment as well as the maximum cumulative potential public RF exposure expressed as a percentage of the public MPE limit attributable to the site as a whole.

MONITORING: P&D staff shall review, or obtain a qualified professional to review, all RF field test reports and estimated maximum cumulative RF exposure reports providing calculations of predicted compliance with the public MPE standard. P&D staff shall monitor changes in RF standards, as well as equipment modifications, additions and RF exposures at the Project site as reported by the applicant that might trigger the requirement for field-testing.

6. **Tel-09 Project Review.** Five years after issuance of the Land Use Permit for the project and no more frequently than every five years thereafter, the Director of P&D may undertake inspection of the project and require the Permittee to modify its facilities subject to the following parameters:

- a. **Modification Criteria.** Modifications may be required if, at the time of inspection it is determined that: (i) the Project fails to achieve the intended purposes of the development standards listed in the Telecommunications Ordinance for reasons attributable to design or changes in environmental setting; or (ii) more effective means of ensuring aesthetic compatibility with surrounding uses become available as a result of subsequent technological advances or changes in circumstance from the time the Project was initially approved.
- b. **Modification Limits.** The Director's decision shall take into account the availability of new technology, capacity and coverage requirements of the Permittee, and new facilities installed in the vicinity of the site. The scope of modification, if required, may include, but not be limited to a reduction in antenna size and height, collocation at an alternate permitted site, and similar site and architectural design changes. However, the Permittee shall not be required to undertake changes that exceed ten percent (10%) of the total cost of facility

construction. The decision of the Director as to modifications required herein shall be deemed final unless appealed in compliance with the provisions of the County Code.

TIMING: Applicant submitted valuation data supported by receipts shall be used for the purpose establishing the estimated cost of installing the facility. At the time of subsequent inspection and upon reasonable notice, the Permittee shall furnish supplemental documentation as necessary to evaluate new technology, capacity and coverage requirements of the Permittee.

MONITORING: P&D compliance monitoring staff shall conduct periodic inspections and ascertain whether more effective mitigation is available with regard to design and technology. In the event of violation, the permit shall be referred to Zoning Enforcement for abatement.

10. **Tel-10 Collocation.** The Permittee shall avail its facility and site to other telecommunication carriers and, in good faith, accommodate all reasonable requests for collocation in the future subject to the following parameters: (i) the party seeking the collocation shall be responsible for all facility modifications, environmental review, Mitigation Measures, associated costs and permit processing; (ii) the Permittee shall not be required to compromise the operational effectiveness of its facility or place its prior approval at risk; (iii) the Permittee shall make its facilities and site available for collocation on a non-discriminatory and equitable cost basis; and (iv) the County retains the right to verify that the use of the Permittee's facilities and site conforms to County policies.
11. **Tel-11 Transfer of Ownership.** In the event that the Permittee sells or transfers its interest in the telecommunications facility, the Permittee and/or succeeding carrier shall assume all responsibilities concerning the Project and shall be held responsible by the County for maintaining consistency with all conditions of approval. The succeeding carrier shall immediately notify the County and provide accurate contact and billing information to the County for remaining compliance work for the life of the facility.
PLAN REQUIREMENTS: The Permittee shall notify the County of changes in ownership to any or all of the telecommunications facility.
TIMING: Notification of changes in facility ownership shall be given by the Permittee and/or succeeding carrier to the County within 30 days of such change.
12. **Tel-12 Site Identification.** The Permittee shall clearly identify each piece of equipment installed at a site with the Permittee's name and site number to distinguish from other telecommunication carriers' equipment, including but not limited to: antennas, microwave dishes, equipment shelters, support poles, and cabinetry. The Permittee shall be responsible for clearly marking with permanent paint, tags, or other suitable identification all facility equipment belonging to the Permittee as stated on the site plans.
MONITORING: P&D permit processing planner shall check plans and P&D compliance monitoring staff shall conduct compliance inspections as needed to ensure permit compliance.
13. **Tel-13 Facility Maintenance.** The facility shall be maintained in a state of good condition at all times. This includes, but is not limited to: painting; landscaping; site identification; equipment repair; and keeping the facility clear of debris, trash, and graffiti.
14. **Tel-14 Road Encroachment Permit.** The Owner/Applicant shall obtain a road encroachment permit from the Roads Division (Public Works) prior to initiation of construction.
15. **Tel-16 Abandonment-Revocation.** The Permittee shall remove all support structures, antennas, equipment and associated improvements and restore the site to its natural pre-construction state within one year of discontinuing use of the facility or upon permit revocation. Should the Permittee require more than one year to complete removal and restoration activities the Permittee shall apply for a one-time time extension. In the event the Owner requests that the facility or structures remain, the Owner must apply for necessary permits for those structures within one year of discontinued use. Compliance shall be governed by the following provisions:

- a. The Permittee shall post a performance security at the time of submittal of permit compliance application. The security shall equal 10 percent of the installation value of the facility as proven by the applicant to permit compliance staff. The performance security shall be retained until this condition is fully satisfied.
 - b. Prior to demolition of the facility, the Permittee shall submit a restoration plan of proposed abandonment to be reviewed and approved by a County approved biologist as necessary.
 - c. If use of the facility is discontinued for a period of more than one year and the facility is not removed the County may remove the facility at the Permittee's expense.
16. **Bio-01c Tree Protection Plan-Unexpected Damage and Mitigation.** In the event of unexpected damage or removal, this condition shall include but is not limited to posting of a performance security and hiring an outside consulting biologist or arborist to assess damage and recommend mitigation. The required condition shall be done under the direction of P&D prior to any further work occurring on site. Any performance securities required for installation and maintenance of replacement trees will be released by P&D after its inspection and approval of such installation and maintenance.

Damaged trees shall be mitigated on a minimum 3:1 ratio. If it becomes necessary to remove a tree not planned for removal, if feasible, the tree shall be boxed and replanted. If a P&D approved arborist certifies that it is not feasible to replant the tree, it shall be replaced on a 3:1 basis with trees with 10-gallon or larger size saplings grown from locally obtained seed. If replacement trees cannot all be accommodated on site, a plan must be approved by P&D for replacement trees to be planted off site.
17. **Bio-03 Arborist Report Requirement.** The Owner/Applicant shall hire a P&D-approved arborist/biologist to evaluate all proposed native tree and shrub removals within 25 ft of potential ground disturbances. The arborist/biologist report shall present biologically favorable options for access roads, utilities, drainages and structure placement taking into account native tree and shrub species, age, and health with preservation emphasized. All development and potential ground disturbances shall be designed to avoid the maximum number of natives possible.

PLAN REQUIREMENTS: The Owner/Applicant shall submit the above report to P&D for review and approval.
TIMING: The Owner/Applicant shall submit the above report in association with the permit compliance application. Recommendations in the report shall be incorporated into the project prior to construction.
MONITORING: P&D processing planner shall check all plans for incorporation of recommendations and P&D compliance monitoring staff shall site inspect as appropriate.
18. **CulRes-09 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 plans submitted for permit compliance application.
MONITORING: P&D compliance monitoring staff shall spot check in the field throughout grading and construction.
19. **Spec-02 Archeological Discovery.** If human remains are discovered during the project the specific protocol, guidelines and channels of communication outlined by the Native American Heritage Commission (NAHC), and in accordance with Section 7050.5 of the Health and Safety Code, Section 5097.98 of the Public Resources Code (Chapter 1492, Statutes of 1982, Senate Bill 297), and SB 447 (Chapter 44, Statutes of 1987) shall be followed. Section 7050.5 (c) shall guide the potential Native American involvement, in the event of discovery of human remains, at the direction of the County Coroner. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the remains to be those of a Native American, or has reason to believe that they are those of a Native American, he or she will contact the NAHC by telephone within 24 hours.

Plan Requirements and Timing: This condition shall be printed on plans submitted for permit compliance application.

Monitoring: Permit Compliance, P&D staff and/or Grading and Building Inspectors shall conduct spot checks in the field and shall ensure compliance with this condition.

20. **Noise-02 Construction Hours.** The Owner /Applicant, including all contractors and subcontractors shall limit construction activity, including equipment maintenance and site preparation, to the hours between 7:00 a.m. and 4:00 p.m., Monday through Friday. No construction shall occur on weekends or State holidays. Non-noise generating construction activities such as interior plumbing, electrical, drywall and painting (depending on compressor noise levels) are not subject to these restrictions. Any subsequent amendment to the Comprehensive General Plan, applicable Community or Specific Plan, or Zoning Code noise standard upon which these construction hours are based shall supersede the hours stated herein.

PLAN REQUIREMENTS: The Owner/Applicant shall provide and post one sign stating these restrictions at the construction site.

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 the pre-construction meeting. Permit compliance staff shall spot check and respond to complaints.

21. **Spec-02 Traffic Control.** On all roads on which work would occur, including but not limited to Olive Mill Road, at a minimum one lane shall remain open and passable for vehicles, pedestrians and bicyclists at all times for the duration of the project. Any proposed change to this condition shall require review and approval by both P&D and the Santa Barbara County Roads Division. **Plan Requirements and Timing:** The applicant shall provide the name and contact information of the general contractor or designee thereof who shall be available and responsible for rectifying any violation of this condition as directed by P&D and/or the Roads Division. **Monitoring:** Permit Compliance staff shall conduct spot checks and ensure compliance with this condition and shall respond to complaints.

22. **WatCons-05 Reclaimed Water For Dust Suppression.** Reclaimed water shall be used for all dust suppression activities during grading and construction.

TIMING: Prior to the commencement of earth movement, the Owner/Applicant shall submit to P&D permit processing planner an agreement/contract with a company providing reclaimed water stating that reclaimed water shall be supplied to the project site during all ground disturbances when dust suppression is required.

MONITORING: P&D compliance monitoring staff shall inspect activities in the field to ensure non-potable water is being used in water trucks.

23. **Spec-03 Erosion Control.** The following measures shall be implemented to reduce erosion from construction activities, to prevent sediment in storm water discharges, and to minimize non-storm water pollutants at the project site.

- a. Temporary stockpiles at the project site shall be protected from erosion by the combined use of surface stabilization, upslope runoff diversions, temporary berms around the perimeter, perimeter interceptor ditches, and temporary downstream catchments, as necessary and appropriate and/or as directed by P&D staff and grading and building inspectors. If stockpiles are present during the rainy season (designated the following period for this project: November 15 to April 1) they shall be protected from erosion due to direct precipitation or runoff during the winter by the use of surface stabilization (such as erosion control blankets or temporary seed cover).
- b. BMPs to prevent discharge of construction materials, contaminants, washings, concrete, fuels, and oils shall include the following measures:

1. Vehicles and equipment shall be maintained properly to prevent leakage of hydrocarbons and other fluids, and shall be examined for leaks on a daily basis. All maintenance shall occur in designated offsite areas, which shall include spill containment devices and absorbent materials to clean up spills.
2. Any accidental spill of hydrocarbons or other fluids that may occur at the work site shall be cleaned immediately. Spill containment devices and absorbent materials shall be maintained on the work site for this purpose.
3. All fuel, lubricants, paints and other construction liquids shall be stored in secured and covered containers within a bermed or otherwise contained area at least 100 feet from any creek, drainage or waterbody.
4. All refueling of vehicles and heavy equipment shall occur only within designated refueling areas located at least 200 feet from any creek, drainage or waterbody. All refueling locations shall be contained with an impervious material surrounded by an earthen berm. Designated refueling areas shall include spill containment devices (e.g. drain pans) and absorbent materials to clean up spills.
5. Equipment washing and major maintenance is prohibited at the project site, except for washdown of vehicles to remove dirt only.
6. Waste and debris generated during construction shall be stored in designated waste collection areas and containers away from drainage features, and shall be disposed of regularly.
7. If visual or aromatic evidence suggests contamination during dewatering activities, discharge shall stop until an appropriate collection and disposal system for the discharge has been developed and appropriately implemented.
8. Convenient portable sanitary/septic facilities shall be provided during construction activities. These facilities shall be well maintained and serviced, and wastes shall be treated and disposed of in accordance with State and local requirements.

Monitoring: Permit Compliance staff shall conduct inspections of BMPs throughout grading and construction and shall ensure compliance with this condition.

24. **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.

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 in association with submittal of application for permit compliance. The dust control components apply from the beginning of any grading or construction throughout all development activities.

MONITORING: APCD inspectors shall respond to nuisance complaints.

25. **Rules-03 Additional Permits Required.** The use and/or construction of any structures or improvements authorized by this approval shall not commence until the all 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.
26. **Rules-05 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.
27. **Rules-31 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. Pay a deposit fee of **\$500.00** concurrent with permit compliance application as authorized by ordinance and fee schedules to cover full costs of monitoring as described above, including 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;
 - c. 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.
28. **Rules-32 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.
29. **Fees Required.** Concurrent with submittal of application for permit compliance, the applicant shall pay all applicable P&D permit processing fees in full.
30. **Change of Use.** Any change of use in the proposed building or structure shall be subject to environmental analysis and appropriate review by the County including building code compliance.
31. **Rules-33 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.

In the event that the County fails promptly to notify the Owner / Applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.

32. **Rules-34 Legal Challenge.** In the event that any condition imposing a fee, exaction, dedication or other measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought in the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the review authority and no approval shall be issued unless substitute feasible conditions/measures are imposed.
33. **Rules-37 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 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.