

ATTACHMENT 2.2: CONDITIONS OF APPROVAL

Orcutt Gateway Retail Commercial Center Final Development Plan

Case No. 16DVP-00000-00009

Date: November 19, 2019

I. PROJECT DESCRIPTION

- 1. Proj Des-01 Project Description.** This Final Development Plan is based upon and limited to compliance with the project description, the hearing exhibits marked A-G, dated August 14, 2019, 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:

A Final Development Plan is proposed for the construction of 42,921 sq. ft. of retail commercial space. Proposed parcel 1 would be developed with a 28,020 sq. ft. grocery store with a maximum height of 35 ft., proposed parcel 2 would be developed with 2,700 sq. ft. drive-through fast food restaurant with a maximum height of 27 ft. 3 in., proposed parcel 3 would be developed with 6,816 sq. ft. retail commercial building with a maximum height of 35 ft., and proposed parcel 4 would be developed with a new gas station with 12 fueling stations and a 4,135 sq. ft. convenience store and 1,250 sq. ft. carwash with a maximum height of 20 ft. 11 in., and 18 ft. 10 in., respectively.

Access to the site would be provided from three new driveways from Clark Avenue. Improvements to Clark Avenue would be consistent with the required development standards for Key Site 2, which include realignment of the northern segment of Sunny Hills Road through the site with a new signalized intersection at Clark Avenue to align with the future access road into Key Site 1 to the north. Following completion of the new signalized intersection, the existing northern segment of Sunny Hills Road would be retained and limited to right-turns only. The project includes 184 parking spaces (10 handicap accessible spaces), and 10 parking spaces for bicycles. A public multi-purpose trail located within the 35-foot wide landscaped buffer is proposed along Clark Avenue consistent with Orcutt Community Plan Figure KS2-1.

The project includes approximately 65,085 sq. ft. of new landscaping including perimeter landscaping, landscaped medians, and a 35-ft. wide landscaped buffer averaged along Clark Avenue. Entranceways to the development will be landscaped in accordance with applicable Orcutt Community Plan policies and development standards. The project includes the installation of an 8-ft. tall CMU block wall along the rear property line. The rear area of the building behind the proposed grocery store and retail commercial building will be gated and locked to prevent unauthorized access.

Grading for site preparation and installation of the proposed detention basin in the southeast corner of the site would include approximately 2,555 cubic yards of cut and 11,144 cubic

yards of fill. The fill material would be stockpiled temporarily during grading and construction activities and would be permitted as part of the grading permit for the project. Water service would be provided by the Golden State Water Company and Sanitary Services would be provided by the Laguna County Sanitation District. Pursuant to Santa Barbara County Land Use & Development Code (LUDC) Section 35.82.080.H.1, the applicant is requesting that the review authority modify the required rear yard setback distance on proposed parcel 1 from 25 feet to 10 feet. The proposed project includes a lighting plan with dark sky compliant lighting.

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.

2. **Proj Des-02 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.

II. MITIGATION MEASURES FROM ADDENDUM TO 95-EIR-01

3. **Mitigation BIO-26: Tree Protection and Replacement Plan.** In order to protect existing native trees and minimize adverse effects of grading and construction onsite, the applicant shall implement a tree protection and replacement plan. No ground disturbance including grading for buildings, access ways, easements, subsurface grading, sewage disposal and well placement shall occur within the critical root zone of any native tree unless specifically authorized by the approved tree protection and replacement plan. The tree protection and replacement plan shall include the following:
 - a. An exhibit showing the location, diameter and critical root zone of all native [and specimen] trees that are located onsite for preservation within 25 feet of ground disturbance.
 - b. Fencing of all trees to be protected at or outside of the critical root zone. Fencing shall be at least three feet in height of chain link or other material acceptable to P&D and shall be staked every 6 feet. The applicant shall place signs stating “tree protection area” at 15 foot intervals on the fence. Said fencing and signs shall be shown on the tree protection exhibit, shall be installed prior to zoning clearance issuance and shall remain in place throughout all grading and construction activities.

- c. The tree protection plan shall clearly identify any areas where landscaping, grading, trenching or construction activities would encroach within the critical root zone of any native or specimen tree. All encroachment is subject to review and approval by P&D.
- d. Construction equipment staging and storage areas shall be located outside of the protected area and shall be depicted on project plans submitted for land use clearance. No construction equipment shall be parked, stored or operated within the protected area. No fill soil, rocks or construction materials shall be stored or placed within the protected area.
- e. All proposed utility corridors and irrigation lines shall be shown on the tree protection exhibit. New utilities shall be located within roadways, driveways or a designated utility corridor such that impacts to trees are minimized.
- f. Any proposed tree wells or retaining walls shall be shown on the tree protection plan exhibit as well as grading and construction plans and shall be located outside of the critical root zone of all protected trees unless specifically authorized.
- g. Any encroachment within the critical root zone of native trees shall adhere to the following standards:
 - i. Any paving shall be of pervious material (gravel, brick without mortar or turf block).
 - ii. Any trenching required within the critical root zone of a protected tree shall be done by hand.
 - iii. Any roots one inch in diameter or greater encountered during grading or trenching shall be cleanly cut and sealed.
- h. All trees located within 25 feet of buildings shall be protected from stucco and/or paint during construction.
- i. No permanent irrigation shall occur within the critical root zone of any native [or specimen] tree. Drainage plans shall be designed so that tree trunk areas are properly drained to avoid ponding.
- j. Only trees designated for removal on the approved tree protection plan shall be removed.
- k. Any protected trees which are removed, relocated and/or damaged (more than 20% encroachment into the critical root zone) shall be replaced on a 10:1 basis with 1 gallon size saplings grown from seed obtained from the same watershed as the project site. Where necessary to remove a tree and feasible to replant, trees shall be boxed and replanted. A drip irrigation system with a timer shall be installed. Trees shall be planted prior to occupancy and irrigated and maintained until established

(five years). The plantings shall be protected from predation by wild and domestic animals, and from human interference by the use of staked, chain link fencing and gopher fencing during the maintenance period.

1. Any unanticipated damage that occurs to trees or sensitive habitats resulting from construction activities shall be mitigated in a manner approved by P&D. This mitigation may include but is not limited to posting of a performance security, tree replacement on a 10:1 ratio and hiring of an outside consultant biologist to assess the damage and recommend mitigation. The required mitigation shall be done immediately 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.

Plan Requirements and Timing: Prior to zoning clearance issuance, the applicant shall submit grading plans, building plans and the tree protection and replacement plan to P&D for review and approval. All aspects of the plan shall be implemented as approved. Prior to zoning clearance issuance, the applicant shall successfully file and receipt evidence of posting a performance security which is acceptable to P&D to guarantee tree replacement, if required. Timing on each measure shall be stated where applicable; where not otherwise stated, all measures must be in place throughout all grading and construction activities.

Monitoring: Permit Compliance shall conduct site inspections throughout all phases of development to ensure compliance with and evaluate all tree protection and replacement measures. Release of performance security requires Permit Compliance staff signature.

4. **Arborist Report.** 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 and Timing: The Owner/Applicant shall submit the above report to P&D for review prior to Zoning Clearance. Recommendations in the report shall be incorporated into the project prior to Zoning Clearance. **Monitoring:** P&D processing planner shall check all plans for incorporation of recommendations and P&D compliance monitoring staff shall site inspect as appropriate.
5. **Special-Status Bats Avoidance and Minimization.** Pre-construction surveys for roosting bats shall be conducted by a County-approved qualified biologist no more than 30 days prior to vegetation removal and shall be completed in accordance with the Biological Report completed for the project (Dudek, April 2017 revised May, 2019). If active roosts are located, all construction work shall be conducted outside a buffer zone from the roost to be determined by the County-approved qualified biologist. Work may resume within this buffer zone when the County-approved qualified biologist determines that bats are not occupying roosting trees. To the extent feasible and if applicable, night time work shall be kept to a

minimum and lighting used shall be as dim as legally possible. Lighting should be directed to where it is needed to avoid light spillage and any upward lighting should be minimized.

Plan Requirements and Timing: The name, qualifications, scope, and contact information for the County-approved surveying biologist must be submitted to P&D compliance monitoring staff in advance of the surveys. A report of the results of the bat survey shall be submitted to P&D compliance monitoring staff for review and approval prior to initiation of ground-disturbing activities. **Monitoring:** P&D compliance monitoring staff will review and approve reports. A County-approved qualified biologist shall be present during the initial ground-disturbing activity within identified roosting habitat.

- 6. Nesting Bird Surveys.** For grading or construction activities occurring during the nesting season (generally February through August), pre-construction surveys for nesting birds covered by the California Fish and Game Code and the Migratory Bird Treaty Act shall be conducted by a County-approved qualified biologist no more than 30 days prior to the start of grading and construction activities. If active nests are located, all construction work shall be conducted outside a buffer zone from the nest to be determined by the County-approved qualified biologist. The buffer area(s) shall be closed to all construction personnel and equipment until the adults and young are no longer reliant on the nest site. The County-approved qualified biologist shall confirm that breeding/nesting is completed and young have fledged the nest prior to removal of the buffer. **Plan Requirements and Timing:** Pre-construction surveys shall be conducted during the time when birds are active, and shall be sufficient to reliably conclude presence/absence. The name, qualifications, scope, and contact information for the surveying biologist must be submitted to P&D compliance monitoring staff in advance of the surveys. A report of the nesting bird survey results, if applicable, shall be submitted to P&D compliance monitoring staff for review and approval prior to initiation of ground disturbance activities. **Monitoring:** Active nests shall be monitored at a minimum of once per week until it has been determined that the nest is no longer being used by either the young or adults.
- 7. American Badger Avoidance and Minimization.** A minimum of 30 days prior to the initiation of ground disturbing activities, a survey for badger burrows shall be conducted within the disturbance footprint by a County-approved biologist. If the project is phased, a survey shall be required prior to each phase of construction. Dens found within the survey area shall be mapped and monitored using a tracking medium, remote camera system, and/or spotlighting at night for a minimum of three days to assess the presence of badgers. Inactive dens shall be collapsed by hand with a shovel to prevent badgers from re-using them during construction. Active dens located within the survey area shall be avoided during the breeding season (March 1 through June 30). A minimum buffer of 50 feet around the active den within the project site shall be demarcated by construction fencing. The fencing shall be installed one foot above ground to permit movement of badgers in and out of the buffer zone. Once the biologist has determined that active dens are no longer in use, the den shall be collapsed by shovel. Prior to grading activities occurring outside of the breeding season, badgers may be discouraged from using currently active dens by partially blocking the entrance of the den

with sticks, debris, and soil for 3 to 5 days. Access to the den would be incrementally blocked to a greater degree over this period. This would cause the badger to abandon the den site and move elsewhere. After badgers have stopped using active dens within the project study area, the dens would be collapsed by hand with a shovel. **Plan Requirements and Timing:** The name, qualifications, scope, and contact information for the County-approved surveying biologist must be submitted to P&D in advance of the surveys. A report of the results of the badger survey shall be submitted to P&D compliance monitoring staff for review and approval prior to initiation of ground-disturbing activities. **Monitoring:** P&D compliance monitoring staff will review and approve reports. A County-approved qualified biologist shall be present during the initial ground-disturbing activities.

8. **Blainville's Horned Lizard, Coast Patch-nosed Snake, and California Legless Lizard.** At a minimum of 30-days prior to the initiation of ground disturbing activities and vegetation removal, a County-approved biologist shall conduct a pre-construction survey for Blainville's horned lizard, coast patch-nosed snake, and California legless lizard. If the project is phased, a survey shall be required prior to each phase of construction. **Plan Requirements and Timing.** The name, qualifications, scope, and contact information for the surveying biologist must be submitted to P&D in advance of the surveys. Proposed relocation areas shall be identified and approved by P&D prior to beginning the work. A report of the results of the capture and relocation efforts shall be submitted to P&D for review prior to initiation of ground-disturbing activities. **Monitoring:** P&D compliance monitoring staff shall review the reports for compliance and shall inspect the site during construction to ensure compliance.
9. **Burrowing Owl Avoidance and Minimization.** Pre-construction surveys shall be conducted for by a County-approved qualified biologist for burrowing owls in accordance with *Appendix D. Breeding and Non-breeding Season Surveys and Reports in the Staff Report on Burrowing Owl Mitigation* (CDFG 2012). Surveys should include conducting 4 survey visits: 1) at least one site visit between February 15th and April 15th; and 2) a minimum of three survey visits, at least three weeks apart, between April 15th and July 15th, with at least one visit after June 15th. **Plan Requirements and Timing.** The name, qualifications, scope, and contact information for the County-approved surveying biologist must be submitted to P&D compliance monitoring staff in advance of the surveys. **Monitoring:** P&D compliance monitoring staff will review reports and P&D will approve reports. The applicant shall retain a qualified County-approved biologist to monitor all construction activities as warranted to ensure compliance.
10. **Mitigation GEO-6 (addresses Impact GEO-2):** Landscape plans shall be required for all new development in areas of sandy soils to ensure re-vegetation of graded areas. All landscape plans shall be reviewed by the County BAR; landscape securities (bonds) shall be required unless expressly waived by P&D. Two performance securities shall be provided by the applicant prior to zoning clearance issuance, one equal to the value of installation of all items listed in section (a) below (labor and materials) and one equal to the value of maintenance and/or replacement of the items listed in section (a) for three (3) years of

maintenance of the items. The amounts shall be agreed to by P&D. Changes to approved landscape plans may require a substantial conformity determination or an approved change to the plan. The installation security shall be released upon satisfactory installation of all items in section (a). If plants and irrigation (and/or any items listed in section (a) below) have been established and maintained, P&D may release the maintenance security two (2) years after installation. If such maintenance has not occurred, the plants or improvements shall be replaced and the security held for another year. If the applicant fails to either install or maintain according to the approved plan, P&D may collect security and complete work on property. The installation security shall guarantee compliance with the provision below:

- a. Installation of all landscaping and irrigation with timers in accordance with the approved landscape plan prior to occupancy clearance.

Monitoring: P&D shall inspect landscaping and improvements for compliance with approved plans prior to authorizing release of both installation and maintenance securities.

11. Mitigation GEO-7, -8, -9, -10, -11 and FLD-11 (*addresses Impacts GEO-2; KS2-FLD 1, and 2; and FLD-3, 8, 10 and 11*): A grading, erosion control, and drainage plan which minimizes erosion/sedimentation and unstable slopes shall be implemented, including the following:

- a. Methods such as retention basins, drainage diversion structures, spot grading, silt fencing/coordinated sediment trapping, straw bales, sand bags, etc. shall be used to prevent erosion on slopes and siltation during grading and construction activities.
- b. Graded areas shall be re-vegetated within 4 weeks of grading activities with deep rooted, native, drought-tolerant species to minimize slope failure and erosion potential. If necessary, as determined by Planning and Development (P&D), irrigation shall be provided. Geotextile binding fabrics shall be used if necessary to hold slope soils until vegetation is established.
- c. Exposed areas shall be watered at the end of each work period or more frequently as conditions require.
- d. The applicant shall limit excavation and grading to the dry season of the year (i.e. April 15 to November 1) unless a P&D Building & Safety approved erosion control plan is in place and all measures therein are in effect.
- e. Exposed areas shall be stabilized to prevent wind and water erosion, using methods approved by the P&D Grading Division and Air Pollution Control District.
- f. Where necessary, site preparation shall include the removal of all or a portion of the collapsible soils and replacement with compacted fill, or pre-collapsing of the on-site soils by ponding water prior to construction.

- g. Landscaped areas adjacent to structures shall be graded so that drainage is away from structures.
- h. Irrigation shall be controlled so that overwatering does not occur. An irrigation schedule shall be reviewed and approved by P&D prior to zoning clearance issuance for grading.
- i. All surface water runoff shall be culverted and diverted to avoid exposed slopes and directed to the nearest natural drainage channel across an energy-dissipating outfall.
- j. Brow ditches and/or berms shall be constructed and maintained above all cut and fill slopes, respectively.
- k. Cut and fill benches shall be constructed at regular intervals.
- l. A detailed geological and soils engineering study addressing structure sites and access roads shall be prepared to determine structural design criteria, as recommended by the P&D Building and Safety Division. The study shall be submitted for review and approval by Building and Safety.
- m. Ground disturbances and development on slopes of 20 percent or greater shall be avoided, unless such avoidance would prohibit development.
- n. The applicant shall post a bond with the County and hire a P&D-qualified geologist or soils engineer prior to zoning clearance issuance for grading, and to ensure that erosion is controlled and geologic mitigation measures are properly implemented.

Plan Requirement and Timing: The grading and erosion and sediment control plan(s) shall be submitted for review and approved by P&D prior to zoning clearance issuance. The plan shall be designed to address erosion and sediment control during all phases of development of the site. The applicant shall notify Permit Compliance prior to commencement of grading. Components of grading plans shall be implemented prior to occupancy clearance.

Monitoring: Permit Compliance will photo document re-vegetation and ensure compliance with plan. Grading inspectors shall monitor technical aspects of the grading activities.

- 12. Mitigation-FLD-7, 8 (addresses Impacts FLD-3, 8, and 11):** To reduce runoff from impervious areas and allow for infiltration, the applicant shall incorporate pervious materials or surfaces (e.g., porous pavement or unit pavers on sand) into the project design. **Plan Requirements and Timing:** Pervious surfaces shall be described and depicted graphically on the site, building, grading and landscape plans. The plans shall be submitted to P&D for review prior to zoning clearance issuance. **Monitoring:** P&D building and safety inspectors shall site inspect for installation.

- 13. Mitigation-FLD-10** (*addresses Impacts FLD-3, 8, and 11*): Outlet structures for energy dissipation shall minimize disturbance to the natural drainage and avoid the use of unnatural materials, such as concrete, grouted rock, and asphalt rubble. Where hard bank materials must be used, natural rock, gabions, crib wall or other more natural means of energy dissipation shall be preferred. Rock grouting shall only be used if no other feasible alternative is available as determined by P&D and Flood Control. **Plan Requirements and Timing:** Plans shall be submitted for review and approval by P&D and Flood Control prior to issuance of zoning clearance for grading. Structures shall be installed during grading operations. **Monitoring:** P&D permit compliance planner shall review plans for compliance. P&D building and safety building inspector shall site inspect to confirm compliance.
- 14. Mitigation WAT-4** (*addresses Impacts WAT-1 and 2*): The County requires that the maximum feasible water conservation measures be included in all new development projects. The project landscaping shall consist of drought-tolerant native and/or Mediterranean type species. Landscaping shall be compatible with the character of the surroundings and the architectural style of the structure. **Plan Requirements/Timing:** Prior to zoning clearance the applicant/owner shall enter into an agreement with the County to install required landscaping and water-conserving irrigation systems and maintain required landscaping for the life of the project. The applicant shall also submit four copies of a final landscape and water-conserving irrigation plan to P&D for review and approval prior to zoning clearance issuance. Prior to occupancy clearance, landscape and irrigation shall be installed. **Monitoring:** Prior to occupancy clearance, Permit Compliance staff shall photo document installation. Permit Compliance staff shall check maintenance as needed. Release of any performance security requires Permit Compliance signature.
- 15. Mitigation ARCH-10** (*addresses impacts Arch-1, Arch-2*): In the event that archaeological or paleontological remains or historical artifacts are uncovered during construction on any site, excavation shall be temporarily suspended and redirected until a County-qualified archaeologist and, as applicable, a Native American representative or historic archaeologist are retained by the applicant to evaluate the find, in accordance with the provisions of CEQA Guidelines Section 15064.5 (f). If a cultural resources site is found, Orcutt Community Plan 95-EIR-01 Mitigation Measures ARCH-1 through ARCH-9 shall apply. In the event burials are encountered, they shall be treated according to procedures set forth in the Archaeological Resource Protection Act and implementing regulation (43 CFR Part 7), CEQA Guidelines Sections 15064.5 (e), and the Public Resources Code Section 5097.98. These California State and local procedures require notification of the appropriate local coroner to determine the origin of the remains. If the remains are of Native American origin, procedures established by Public Resources Code Section 5097.98 regarding Native American consultation will be followed. The above measures shall be applied consistent with the most current provisions of CEQA, the archaeological guidelines of Santa Barbara County, the State Office of Historic Preservation, and the State of California Native American Heritage Commission. **Plan Requirements and Timing:** All mitigation of resource impacts shall be funded by the developer. This measure shall be printed on all overall project grading and public improvement plans. This measure shall be in effect throughout all overall project grading and

building activities. **Monitoring:** Planning and Development shall check plans prior to zoning clearance issuance and shall field check development operations.

16. Mitigation KS2-CIRC-1 and 2: Traffic/Circulation Fees (*addresses impacts KS2-CIRC-1 and 2*). 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 (DIMF) 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 \$1,050,557.00 (August 14, 2019). This is based on a retail commercial project type and a project size of 42,921 square feet. **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). **Monitoring:** P&D building and safety shall confirm fee payment prior to final building permit inspection.

17. Mitigation FIRE 1 and 3, KS2-FIRE-1 (*addresses Impacts FIRE-1, 3 and KS2-Fire-1*). The following fire protection measure shall be implemented to minimize fire hazards:

- a. *Fees.* Fire protection fees shall be paid.
- b. *Structural Requirements.* All new development shall adhere to building standards as outlined in the Uniform Fire Code, unless directed otherwise by the Fire Department. Building materials for all structures including residences, fences and accessory structures shall be constructed of fire resistant materials. P&D Building & Safety Class A roofing (i.e. non-combustible tile or asphalt composite shakes) shall be required for all future on-site structures. Where wood structural overhangs are used, eave vents and wood eave blocks are prohibited.
- c. *Access.* Adequate access shall be provided in accordance with Fire Department standards for road and driveway widths, all-weather surfaces, grades, and turn-arounds.

Plan Requirements and Timing: Fire protection components, including primary and secondary access routes, landscape plans, and structural requirements shall be submitted to Planning and Development (P&D) and the Fire Department for review and approval prior to zoning clearance issuance. Primary and secondary emergency access, fire hydrants, and landscaping shall be installed as part of initial tract improvements. Fire protection fees 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). **Monitoring:** Site inspection for compliance shall be conducted by P&D personnel following initial tract improvements, prior to occupancy clearance, and as needed for vegetation management.

18. Mitigation SW-1 & SW-2 (*addresses Impacts SW-1, SW-2, SW-3 and KS2-SW-1*): The project shall be served by a recycling service which provides pick-up service of all accepted recyclable materials. If such a service is not available the applicant shall develop and implement a Solid Waste Management Program. The program shall identify the amount of waste generation projected during processing of the project. The program shall include the following measures, but is not limited to those measures:

- a. Recycling and composting programs including separating excess construction materials onsite for reuse/recycling or proper disposal (e.g., concrete, asphalt, wood, brush). Provide separate onsite bins as needed for recycling.
- b. Implementation of a curbside recycling program or participation in an existing program to serve the new development. If it is determined by Planning and Development that the curbside recycling program cannot be implemented, and an alternative program such as the anticipated wet/dry collection is not on line, then it will be the responsibility of the owner to contract with the Community Environmental Council or some other recycling service acceptable to Planning and Development to implement a project-wide recycling program.

Plan Requirement and Timing: Prior to zoning clearance, the applicant shall submit a “Can-and-Will serve” letter from a resource recycling company that indicates service to the project will be provided. If service is unavailable the applicant shall submit a Solid Waste Management Program to P&D for review and approval prior to zoning clearance issuance. **Timing:** Program components shall be implemented prior to occupancy clearance and throughout the life of the project. **Monitoring:** P&D shall site inspect during construction, prior to occupancy, and after occupancy to ensure solid waste management components are established and implemented.

19. Mitigation SW-4 (*addresses Impacts SW-1, SW-2, and SW-3*): To prevent construction and/or employee trash from blowing offsite, covered receptacles shall be provided onsite prior to commencement of grading or construction activities. Waste shall be picked up weekly or more frequently as directed by Permit Compliance staff. **Plan Requirements and Timing:** Prior to zoning clearance issuance, applicant shall designate and provide to Planning and Development the name and phone number of a contact person(s) to monitor trash/waste and organize a clean-up crew. Additional covered receptacles shall be provided as determined necessary by Permit Compliance staff. This requirement shall be noted on all plans. Trash control shall occur throughout all grading and construction activities. **Monitoring:** Permit Compliance staff shall inspect periodically throughout grading and construction activities.

20. Mitigation NSE-6 (*addresses impact NSE-3*): Temporary noise barriers providing for solid, continuous shielding at least 6-feet high (e.g., plywood, etc.) shall be used and relocated as needed to block line-of-sight between construction equipment and surrounding noise-

sensitive uses to reduce construction noise. **Plan Requirements and Timing:** The noise barriers shall be depicted on the grading plan, and reviewed and approved by P&D prior to zoning clearance for grading. The measure shall be implemented during grading and construction. **Monitoring:** P&D Building Inspectors and permit compliance personnel shall verify as to plan in the field during grading and construction.

21. Mitigation KS2-NSE-1 (*addresses impacts NSE-3, KS2-NSE-1*): In order to reduce construction noise impacts on surrounding properties, the following measures are required:

- a. Construction activity for site preparation and for future development shall be limited to the hours between 8:00 a.m. and 5:00 p.m., Monday through Friday. No construction shall occur on State holidays (e.g. Thanksgiving, Labor Day). Construction equipment maintenance shall be limited to the same hours. Non-noise generating construction activities such as interior painting are not subject to these restrictions.
- b. Construction equipment generating noise levels above 95 dB may require additional mitigation.
- c. All construction equipment shall be properly maintained and muffled. Such equipment shall also be stationed centrally on the project site, at least 100 feet from surrounding uses.

Plan Requirements and Timing: Two (2) signs stating these restrictions shall be provided by the applicant and posted on site. Signs shall be in place prior to beginning of and throughout grading and construction activities. Violations may result in suspension of permits.

Monitoring: P&D building inspectors and permit compliance staff shall spot check and respond to complaints.

22. Mitigation KS2-NSE-2 (*addresses impacts NSE-1, KS2-NSE-2*): Long-term operational noise levels shall be limited through implementation of the following measures:

- a. All outdoor noise generating devices, including air conditioners, fans, garbage compactors, etc., shall be shielded from the surrounding residential developments.
- b. Silencers shall be installed on carwash dryers.
- c. Delivery hours shall be limited to between the hours of 8:00 a.m. and 8:00 p.m.
- d. Parking lot cleaning shall be limited to weekend days between the hours of 9:00 a.m. and 9:00 p.m.

Plan Requirements and Timing: These measures shall be depicted on the project plans, and reviewed and approved by P&D prior to zoning clearance for grading and construction activities. **Monitoring:** P&D Building Inspectors and permit compliance personnel shall verify as to plan in the field during grading and construction.

23. Mitigation VIS-4/KS2-VIS-3 (*Addresses Impacts VIS-4, VIS-5, KS2-VIS-1*): The developer shall fund and install a landscaped center median in Clark Avenue extending the entire length of the site. This median shall be planted with drought tolerant species to the maximum extent

feasible consisting of low maintenance trees, shrubs and groundcover which do not obstruct views of motorists, bicyclists, and pedestrians and are acceptable to County Public Works and Planning and Development. Trees shall be of sufficient size and spacing at maturity to provide a partial canopy over Clark Avenue. Until such a time as the County adopts a landscape maintenance district or other vehicle for median maintenance, the owner/operator of the shopping center shall be responsible for maintenance of median plantings. The County shall establish a reimbursement agreement to allow the costs of median construction to be shared on a pro-rata basis with Key Site 1. **Plan Requirements and Timing:** The plans and designs shall be reviewed and approved by P&D and the Public Works Department prior to map recordation or zoning clearance issuance, whichever occurs first. **Timing:** Improvements shall be in place prior to first Occupancy Clearance. **Monitoring:** P&D shall site inspect prior to occupancy clearance.

- 24. Mitigation KS2-VIS-1/KS2-VIS-2/KS2-VIS-6:** (*Addresses Impacts VIS-5, KS2-VIS-1*): Development of the site shall include the installation of a minimum 35-foot landscape buffer along Clark Avenue. The buffer shall be landscaped with a sufficient density of trees and shrubs to entirely screen all parking areas from these roadways and to break-up and at a minimum partially obscure building masses. Trees shall be planted along Clark which reach a minimum height of 35-50 feet with a sufficiently large canopy to partially extend over Clark Avenue. Raised landscaped berms shall be incorporated into these buffer strips to supplement the screening provided by vegetation. Landscaped buffer areas along project perimeters shall include decorative masonry walls and/or landscaped berms to provide additional screening. All walls shall be planted with fast growing vines and shrubs along the base.

Plan Requirements and Timing: Prior to zoning clearance issuance for the final development plan, the applicant/owner shall (1) agree to install required landscaping and water-conserving irrigation systems and maintain required landscaping for the life of the project; (2) submit four copies of a final landscape and water-conserving irrigation plan to Planning and Development (P&D) for review and approval by Public Works and P&D; (3) submit documentation for landscape maintenance for landscaping along the Clark Avenue Right-of-Way, including responsible party(s) and funding mechanism(s), to P&D for review and approval; (5) submit a landscaping/irrigation system performance security in an amount approved by P&D for installation and maintenance of required project landscaping. Project landscaping and irrigation shall be complete prior to occupancy clearance of the first commercial building. **Monitoring:** Project landscaping/irrigation shall be installed and photo documented by Permit Compliance prior to occupancy clearance. P&D Permit Compliance staff shall check maintenance as needed. Release of performance security requires Permit Compliance signature.

- 25. Mitigation KS2-VIS-4/KS2-VIS-5/KS2-VIS-6:** Project landscape plans shall include a minimum 15-foot landscape planter strip along the entire southwestern project boundary to screen existing residential neighborhoods from the proposed project, soften the views of new buildings and to partially obscure building masses. Plantings shall include a mix of drought

tolerant trees, shrubs and vines planted in sufficient density to screen residences from new buildings and light overflow. Pedestrian entries from adjacent roadways shall also be attractively landscaped and include attractive “stamped concrete” or other treated surface walkways linking existing sidewalks/paths with the center’s own internal pedestrian circulation. The parking lot shall include a minimum of one planter for every 10 parking spaces. The planters shall include trees of sufficient canopy upon maturity to provide at least 76% canopy coverage of parking areas. Larger planters should be included at the end of each row of parking spaces and planted with trees, smaller shrubs and drought tolerant ground cover. Project landscape plans shall provide for raised landscape planters adjacent to all buildings, with those adjacent to buildings/building complexes of 10,000 square feet or larger to be of sufficient size to accommodate large trees and shrubs.

Plan Requirements and Timing: Prior to zoning clearance issuance for the final development plan, the applicant/owner shall (1) agree to install required landscaping and water-conserving irrigation systems and maintain required landscaping for the life of the project; (2) submit four copies of a final landscape and water-conserving irrigation plan to Planning and Development (P&D) for review and approval by Public Works and P&D; and (3) submit a landscaping/irrigation system performance security in an amount approved by P&D for installation and maintenance of required project landscaping. Project landscaping and irrigation shall be complete prior to occupancy clearance of the first residential structure. **Monitoring:** Project landscaping/irrigation shall be installed and photo documented by Permit Compliance prior to occupancy clearance. P&D Permit Compliance staff shall check maintenance as needed. Release of performance security requires Permit Compliance signature.

26. Mitigation KS2-VIS-7: To the extent feasible, overall project design, architecture, landscaping and signage shall be suited for a semi-rural community. Screening of rooftop mechanical equipment shall be incorporated into building design. Mechanical equipment shall not be visible within the project site, and shall be minimized from any angle or any height off the project site. **Plan Requirement and Timing:** The applicant shall submit architectural drawings and landscape plans of the project for review and approval by the Board of Architectural Review prior to Zoning Clearance. Materials shall be denoted on building plans. Structures shall be painted prior to occupancy clearance. **Monitoring:** P&D shall inspect structures and landscaping prior to occupancy clearance.

27. Mitigation KS2-VIS-8: All night lighting shall be hooded and shielded away from surrounding residential areas, Highway 101, and Clark Avenue. Night lighting fixtures adjacent to residential areas shall be of a minimum height and intensity required for security/safety. The owner/applicant shall develop a Lighting Plan which shall incorporate the following elements:

- a. Wall and pole mounted lighting fixtures throughout the entire project area shall be consistent with the architectural theme and character.

- b. Lighting levels shall be kept to a minimum to provide for safety and building identity. Permanent fixtures that illuminate entire tree canopies are prohibited.
- c. All parking light fixtures shall be a maximum of 25 feet high. Pole supports shall have a dark finish to reduce glare.
- d. Building may have wall mounted light fixtures placed no higher than 16 feet high. Pole mounted pedestrian walkway lighting fixtures shall be no taller than 12 feet high. The use of low bollard lights and step lights shall be used wherever possible.
- e. Parking lot lighting shall be automatically phased down to 20% of normal brightness by 10:00 p.m.
- f. All exterior lighting fixtures shall be hooded and designed to direct light downward.

Plan Requirements and Timing: The locations of all exterior lighting fixtures and an arrow showing the direction of light being cast by each fixture and the height of the fixtures shall be depicted on a Lighting Plan to be reviewed and approved by P&D and the BAR prior to Zoning Clearance approval for the first structure. **Monitoring:** Permit Compliance shall inspect structures upon completion to ensure that exterior lighting fixtures have been installed consistent with their depiction on the final Lighting Plan.

28. Mitigation WW-4 (*addresses Impact WW-2*): All new development shall pay the trunk and/or feeder line fees as appropriate for the project to the District to offset project contributions to cumulative impacts on sewer system maintenance in an amount determined by Laguna County Sanitation District, based on adopted fee schedule at the time of payment. Specific off-site improvements to increase pipeline capacity may also be required and shall be borne by the developer. **Timing:** Prior to map recordation or zoning clearance issuance, whichever occurs first, the applicant shall submit fees. **Monitoring:** Compliance shall be monitored by P&D and Laguna County Sanitation District.

29. Mitigation WW-7 (*Addresses Impact WW-5*): The applicant shall submit plans showing the design, location, and proposed installation method of all sewer lines, in accordance with requirements of the County of Santa Barbara. **Plan Requirements and Timing:** A plan which incorporates the above requirements shall be submitted for review and approval by P&D and the Laguna County Sanitation District prior to Zoning Clearance approval. **Monitoring:** P&D shall ensure compliance prior to occupancy clearance.

30. Mitigation WW-7a (*Addresses Impact WW-5*): A parking lot cleaning program shall be developed and implemented. The program shall include the following elements: removal of litter; spot cleaning of oil, fuel, and other automotive leaks; vacuum sweeping; inspection and cleaning of storm drain inlets and catch basins before November 1 and in January of each year; and posting of signs prohibiting littering, oil changing, and other automotive repairs.

Debris removed from the catch basins shall be analyzed and disposed of accordingly. **Plan Requirements and Timing:** The cleaning program shall be submitted to P&D for review prior to Zoning Clearance. The location of the signs and the requirement for storm drain cleaning shall be included on the site and building plans submitted to P&D. The plans shall be reviewed prior to approval of Land Use Permits. **Monitoring:** P&D shall site inspect prior to occupancy clearance and shall respond to complaints. The landowner shall maintain annual records of the storm drain cleaning and make them available for review by P&D on request.

- 31. Mitigation WW-7b** (*Addresses Impact WW-5*): The parking area and associated driveways shall be designed to minimize degradation of storm water quality. Best Management Practices (BMPs) such as oil/water separators, sand filters, landscaped areas for infiltration, basins or equivalent BMPs shall be installed to intercept and effectively prohibit pollutants from 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. **Plan Requirements and Timing:** The location and type of BMP shall be shown on the site, building, and grading plans. The plans and maintenance program shall be submitted to P&D for approval prior to Zoning Clearance. **Monitoring:** P&D shall site inspect for installation prior to occupancy clearance. The landowner shall make annual maintenance records available for review by P&D upon request.
- 32. Mitigation WW-7c** (*Addresses Impact WW-5*): Construction materials and waste such as paint, mortar, concrete slurry, fuels, etc. shall be stored, handled, and disposed of in a manner which minimizes the potential for storm water contamination. **Plan Requirements and Timing:** Bulk storage locations for construction materials and any measures proposed to contain the materials shall be shown on the grading plans submitted to P&D for review prior to Zoning Clearance approval. **Monitoring:** P&D shall site inspect prior to the commencement of, and as needed during all, grading and construction activities.
- 33. Mitigation WW-7d** (*Addresses Impact WW-5*): The 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. **Plan Requirements and Timing:** Prior to Zoning Clearance approval the 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. A copy of the SWPPP must be maintained on the project site during grading and construction activities. **Monitoring:** P&D shall review the documentation prior to Zoning Clearance approval. P&D shall site inspect during construction for compliance with the SWPPP.
- 34. Mitigation WW-7e** (*Addresses Impact WW-5*): To prevent illegal discharges to the storm drains, all on-site storm drain inlets, whether new or existing shall be labeled to advise the public that the storm drain discharges to the ocean (or other waterbody, as appropriate) and

that dumping waste is prohibited (e.g., “Don’t Dump – Drains to Ocean”). The information shall be provided in English and Spanish. **Plan Requirements and Timing:** Location of storm drain inlets shall be shown on site, building and grading plans prior to approval of grading and land use permits. Labels shall be installed prior to occupancy clearance. Standard labels are available from Public Works, Project Clean Water, or other label designs shall be shown on the plans and submitted to P&D for approval prior to approval of grading and Zoning Clearance. **Monitoring:** Planning and Development shall site inspect prior to occupancy clearance.

35. Mitigation WW-7f (*Addresses Impact WW-5*): The applicant shall install a roof runoff collection and disposal system to infiltrate storm water runoff. Runoff shall be directed to either a subsurface infiltration trench, french drains, planter boxes, landscaped areas or connected to the site’s irrigation system. An overflow or high flow bypass system will be provided. **Plan Requirements and Timing:** The roof runoff collection system shall be shown on grading, building and landscape plans. The plans shall be submitted to P&D for review prior to Zoning Clearance approval. The system shall be installed prior to occupancy clearance. **Monitoring:** P&D shall site inspect for installation of the system.

36. Mitigation WW-7g (*Addresses Impact WW-5*): The commercial property owner(s) shall be responsible for the long-term maintenance of the water quality conditions of approval. **Plan Requirements and Timing:** The proposed maintenance responsibilities and schedule shall be included in a maintenance program submitted by the landowner. The CC&Rs/maintenance program shall be submitted for review by P&D and Public Works, Water Resources Division staff, prior to Zoning Clearance approval. Annual records of the maintenance activities shall be maintained by owner and submitted to P&D upon request. **Monitoring:** P&D shall review the maintenance records or site inspect, as needed. Costs shall be borne by the owner.

37. Mitigation WW-7h (*Addresses Impact WW-5*): All vehicle/equipment washing/steam cleaning areas must be self-contained and/or covered, equipped with a clarifier or other pretreatment facility, and properly connected to a sanitary sewer or other appropriately permitted disposal facility. **Monitoring:** P&D shall site inspect prior to occupancy clearance to ensure measures are constructed in accordance with the approved plan and periodically thereafter to ensure proper maintenance.

38. Mitigation WW-7i (*Addresses Impact WW-5*): The following design criteria are required for all loading/unloading dock areas:

- 1) Cover loading dock areas or design drainage to minimize run-on and runoff of storm water.
- 2) Direct connections to storm drains from depressed loading docks (truck wells) are prohibited.

Monitoring: P&D shall site inspect prior to occupancy clearance to ensure measures are constructed in accordance with the approved plan and periodically thereafter to ensure proper maintenance.

- 39. Mitigation WW-7j** (*Addresses Impact WW-5*): A permanent biofiltration system shall be constructed to treat storm water runoff from the site. Biofiltration includes vegetated swales, channels, buffer strips, retention, rain gardens, and shall be designed in accordance with the California Stormwater BMP Handbook for New Development and Redevelopment (California Storm Water Quality Association) or other approved method. The biofilter system shall be designed by a registered civil engineer specializing in water quality or other qualified professional to ensure that the filtration properties and the plants selected are adequate to reduce concentrations of the target pollutants including motor oil, engine coolant, and other pollutants expected from parking lots. Where feasible, local plants sources (i.e., collected from the watershed or propagated from cuttings or seed collected from the watershed) shall be used in the biofiltration system. Invasive plants shall not be used. Biofilters shall not replace existing riparian vegetation or native vegetation unless otherwise approved by P&D.

Plan Requirements/Timing: The applicant shall include the biofilter design, including the plant palette and the source of plant material, on the grading and drainage and landscape plans, and depict it graphically. The applicant shall submit a maintenance plan for the biofilter system to P&D and Project Clean Water, Water Resources Division for review and approval. A performance security will be required to ensure installation and long-term maintenance, including a maintenance inspection program. Long-term maintenance and proof of inspections shall be the responsibility of the landowner. Maintenance requirements shall be specified in the in a maintenance program submitted by the landowner and recorded with the Clerk of the Board. The plans and a copy of the long-term maintenance program shall be submitted to P&D and Public Works, Water Resources Division, for review prior to Zoning Clearance. Biofilter 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 landowner conduct maintenance inspections as stipulated in the maintenance plan and retain proof of inspections. **Monitoring:** Permit Compliance personnel shall inspect the site for installation and periodically inspect for maintenance throughout a five-year performance period. Performance security release requires P&D approval. The landowner shall be responsible for maintenance inspections as stipulated in the maintenance plan for the life of the project. Proof of maintenance inspections shall be maintained and made available to County staff upon request.

- 40. Mitigation WW-7k** (*Addresses Impact WW-5*): To prevent storm water contamination during roadwork or pavement construction, concrete, asphalt, and seal coat shall not be applied prior to wet weather. Storm drains and manholes within the construction area shall be covered and protected from spills or discharges when paving or applying seal coat, slurry, fog seal, etc. **Plan Requirements/Timing:** These requirements shall be specified on the grading and building plans submitted to P&D prior to Zoning Clearance. **Monitoring:**

Permit Compliance personnel and Building and Safety shall inspect the site as needed during construction.

41. Mitigation WW-7l (*Addresses Impact WW-5*): All trash container areas must meet the following requirements:

- 1) Trash container areas must divert drainage from adjoining paved areas.
- 2) Trash container areas must be protected and regularly maintained to prevent off-site transport of trash.

Plan Requirements/Timing: These requirements shall be specified on the grading and building plans submitted to P&D prior to Zoning Clearance. **Monitoring:** Permit Compliance personnel shall inspect the site prior to occupancy clearance to ensure measures are constructed in accordance with the approved plan and periodically thereafter to ensure proper maintenance.

42. Mitigation WW-7m (*Addresses Impact WW-5*): All outdoor equipment/accessory washing or steam cleaning must be conducted in an area designed for that purpose. The area must be self-contained, equipped with a grease trap, and properly connected to a sanitary sewer. If the wash area is located outdoors, it must be covered, paved, have secondary containment, and be connected to the sanitary sewer or other appropriately permitted disposal facility.

Plan Requirements/Timing: These requirements shall be specified on the grading and building plans submitted to P&D prior to Zoning Clearance. **Monitoring:** Permit Compliance personnel shall inspect the site prior to occupancy clearance to ensure measures are constructed in accordance with the approved plan and periodically thereafter to ensure proper maintenance.

43. Mitigation WW-7n (*Addresses Impact WW-5*): 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 and Timing:** These requirements shall be specified on the grading and building plans submitted to P&D. The plans shall be reviewed and detailed prior to approval of Zoning Clearance. **Monitoring:** P&D shall site inspect prior to occupancy clearance.

44. Mitigation WW-7o (*Addresses Impact WW-5*): The fuel dispensing area shall be covered, and the cover's minimum dimensions must be equal to or greater than the area within the fuel dispensing area as defined by the grade break. Runoff from the cover shall be directed away from the fuel dispensing area to prevent drainage across the fueling area. **Plan Requirements and Timing:** These requirements shall be specified on grading and building

plans submitted to P&D. The plans shall be reviewed prior to Zoning Clearance approval.

Monitoring: P&D shall site inspect prior to occupancy clearance.

- 45. Mitigation KS2-WW-1** (*addresses Impact KS2-WW-1*): Oil and grease traps or equivalent protective devices and measures, including the use of bio-filters, shall be incorporated into the project design to minimize the transport of pollutants offsite. **Plan Requirements:** Grading and building plans to contain specifications. The applicant shall develop a maintenance program for long-term maintenance of grease traps to ensure grease traps are maintained in working order. **Timing:** Specifications shall be submitted prior to zoning clearance and implemented during construction and thereafter. **Monitoring:** Permit Compliance shall monitor mitigation implementation prior to, during, and after construction.
- 46. Mitigation KS2-WW-2** (*addresses Impact KS2-WW-2 and KS2-WW-4*): Prior to map recordation or zoning clearance issuance, whichever occurs first, a Can-and-Will-Serve letter from the Laguna County Sanitation District shall be submitted by the applicant to County Planning and Development (P&D) which specifies that: (1) The wastewater of the LCSD treatment plant will not cause District effluent to exceed Regional Board thresholds; (2) Adequate treatment and disposal capabilities exist to serve the project; and (3) Existing, or planned and funded, transmission lines have available capacity to serve the project. **Timing:** The Can and Will Serve Letter shall be provided prior to map recordation or zoning clearance issuance, whichever occurs first. **Monitoring:** P&D shall review documentation.
- 47. Mitigation AQ-3** (*addresses Impacts AQ-1 and 2*): The applicant shall provide a fair share contribution toward regional transit needs, through provision of a bus stop/bench facility as determined by Planning and Development (P&D) in consultation with Santa Maria Area Transit (SMAT). **Plan Requirements:** Prior to zoning clearance for the Final Development Plan, the applicant shall submit agreement for provision of transit mitigation, as determined by P&D in consultation with SMAT. **Timing:** The applicant shall provide agreed-to transit mitigation as follows: facilities shall be constructed prior to first occupancy permit. **Monitoring:** Compliance shall be monitored by P&D.
- 48. Mitigation AQ-11:** The applicant shall incorporate energy conservation measures into the project's design. These measures shall include but are not limited to the following:
- a. Installation of renewable energy facilities (e.g., solar photovoltaics)
 - b. Implementation of energy efficient building design exceeding California Building Code requirements
 - c. Installation of energy-efficient equipment and appliances exceeding California Green Building Code standards
 - d. Installation of outdoor water conservation and recycling features, such as smart irrigation controllers and reclaimed water usage
 - e. Project landscaping that includes drought-tolerant deciduous trees to shade buildings in the summer and allow for passive solar heating in the winter
 - f. Installation of low-flow fixtures

- g. Installation of light emitting diode (LED) lights

Plan Requirements/Timing: These measures shall be reflected on the zoning and building plans. Prior to zoning clearance issuance, the project planner shall review the plans to ensure completion. **Monitoring:** P&D building inspector shall inspect to ensure compliance onsite.

49. Mitigation KS2-AQ-3 (*addresses Impact KS2-AQ-2 and KS2-AQ-3*): These measures are required for all projects involving earthmoving activities regardless of the project size or duration. Proper implementation of these measures is assumed to fully mitigate fugitive dust emissions.

- a. During construction, use water trucks or sprinkler systems to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this should include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency should be required whenever the wind speed exceeds 15 mph. Reclaimed water should be used whenever possible.
- b. Minimize amount of disturbed area and reduce on site vehicle speeds to 15 miles per hour or less.
- c. If importation, exportation and stockpiling of fill material is involved, soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation. Trucks transporting fill material to and from the site shall be tarped from the point of origin. Gravel pads shall be installed at all access points to prevent tracking of mud onto public roads.
- d. After clearing, grading, earth moving or excavation is completed, treat the disturbed area by watering, or revegetating, or by spreading soil binders until the area is paved or otherwise developed so that dust generation will not occur.
- e. The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the Air Pollution Control District prior to land use clearance for map recordation and land use clearance for finish grading of the structure.
- f. Prior to map recordation, the applicant shall include, as a note on a separate information sheet to be recorded with map, these dust control requirements. All requirements shall be shown on grading and building plans.

Plan Requirements: All requirements shall be shown on grading and building plans.
Timing: Requirements shall be shown on plans prior to Zoning Clearance issuance. This

condition shall be adhered to throughout all grading and construction periods. **Monitoring:** P&D shall ensure measures are on project plans. P&D Grading and Building inspectors shall inspect to ensure compliance onsite. P&D permit compliance monitoring staff shall respond to nuisance complaints.

III. PROJECT SPECIFIC CONDITIONS

50. 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 zoning clearance issuance for grading activities. 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 successfully 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.

51. 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 re: 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.

52. Parking-02 Onsite Construction Parking. All construction-related vehicles, equipment staging and storage areas shall be located onsite. The Owner/Applicant shall provide all construction personnel with a written notice of this requirement and a description of approved parking, staging and storage areas. The notice shall also include the name and phone number of the Owner/Applicant's designee responsible for enforcement of this restriction. **Plan Requirements and Timing:** Designated construction personnel parking, equipment staging and storage areas shall be depicted on project plans. A copy of the written notice shall be submitted to P&D permit processing staff prior to approval of land use or zoning clearance permits. This restriction shall be maintained throughout construction. P&D permit compliance and Building and Safety shall confirm the availability of designated onsite areas during construction, and as required, shall require re-distribution of updated notices and/or refer complaints regarding offsite parking to appropriate agencies. **Monitoring:** P&D compliance monitoring staff shall site inspect prior to Final Building Inspection Clearance.

53. WatCons-01 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/or 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 soil moisture sensing devices to prevent unnecessary irrigation.
 - ii. Install drip irrigation or other water-conserving irrigation.

Plan Requirements/Timing: The Owner/Applicant shall submit a landscape and irrigation plan to P&D for review and approval prior to issuance of zoning clearance. 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 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 irrigation plan requiring a plumbing permit shall be inspected by building inspectors.

54. WatCons-03 Water Conservation in Landscaping. The project is subject to the California Water Conservation Landscaping requirements. Prior to issuance of zoning clearance, the Owner/Applicant shall fill out, obtain the stamp of the appropriate licensed professional, sign, and submit to P&D a Water Efficient Landscape Ordinance Supplemental application. **Plan Requirements:** The Owner/Applicant shall depict the California Water Conservation Landscaping supplemental application landscape plans on building plans. **Timing:** The supplemental application shall be completed, stamped, signed, and submitted to P&D prior to zoning clearance issuance. The landscape and irrigation shall be installed per plan prior to Final Building Inspection Clearance. **Monitoring:** Permit Compliance shall check in the field prior to Final Building Inspection Clearance.

55. WatCons-04. Final landscape plans shall comply with the most stringent applicable State and/or local regulations for landscape irrigation water conservation in effect at the time of the plan-check application for the final landscape plans. Relevant regulations include the Governor's emergency drought declaration and recent changes to State Model Water Efficient Landscape Ordinance and California Green Building Code. Compliance may require a re-design from previously approved Conceptual Landscape plans. **Plan Requirements and Timing:** Landscape areas and tree coverage may not be reduced. In the instance where any differences exist between the requirements of this condition and elements of other permit conditions, the requirements of this condition shall prevail. **Monitoring:** The Owner/Applicant shall demonstrate to P&D compliance staff that all required components of the approved plan are in place as required prior to Final Building Clearance.

56. 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.

57. WatConv-03 Erosion and Sediment Control Revegetation. The Owner/Applicant shall re-vegetate graded areas upon completion of grading activities with deep rooted, native, drought-tolerant species to minimize slope failure and erosion potential. Use hydroseed, straw blankets, other geotextile binding fabrics or other P&D approved methods as necessary to hold slope soils until vegetation is established. P&D may require the reseeding of surfaces graded for the placement of structures if construction does not commence within 30 days of grading. **Plan Requirements:** Include this measure as a note on all grading and building plans. **Timing:** The Owner/Applicant shall re-vegetate graded areas upon completion of grading activities. **Monitoring:** The Owner/Applicant shall demonstrate compliance to grading and building inspectors in the field.

58. WatConv-04 Equipment Storage-Construction. The Owner/Applicant shall designate a construction equipment filling and storage area 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, land use, grading, and building permits. **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.

59. WatConv-05 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 daily. 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, land use, grading and building permits. **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.

60. Special Condition – Placement and Importation of Fill Material. Prior to issuance of a grading permit, the Owner/Applicant shall designate the location proposed to accommodate excess fill material onsite, including temporary stockpiling. A schedule for the importation of fill material which avoids truck trips to the site during morning and evening peak periods shall be developed. **Plan Requirements and Timing:** The designated locations for all fill material, including temporary stockpiling, shall be depicted on all Grading Permit plans. The importation schedule shall describe the number of truck trips per day, the hours of operation, and the haul routes to be utilized. Haul trips shall be scheduled to avoid periods of roadway and intersection improvement construction to the maximum extent feasible. The schedule shall be submitted to P&D and Public Works for review and approval prior to zoning clearance issuance for grading. **Monitoring:** P&D grading inspector shall site inspect to confirm compliance with approved grading permit.

61. Special Condition – On-Site Manager. The owner shall designate a person to manage the shopping center. The manager's name and phone number shall be conspicuously posted within the shopping center. **Plan Requirements and Timing:** This condition shall be printed on all grading, building and zoning plans. The name and telephone number of such person shall be provided to P&D prior to occupancy clearance of the first structure. **Monitoring:** P&D Permit Compliance Planner shall site inspect to confirm compliance with this condition prior to occupancy clearance.

62. Special Condition - Public Multi-Use Trail. The applicant shall record in favor of the County a 10-foot wide public multi-use trail easement as identified on the approved Vesting Tentative Parcel Map and Final Development Plan on the project site (APN129-280-001). The Owner/Applicant shall be responsible for the installation of the public multi-use trail, including signage, to standards and specifications of the Orcutt Community Plan (Orcutt Multiple Use Trails Plan and Trail Siting and Design Guidelines), and the Community Services Department (CSD) Parks Division. The developer shall be responsible for the maintenance of the trail for two years, at which time the County CSD Parks Division shall be responsible for the maintenance of the public trail. **Plan Requirements and Timing:** Prior to final map recordation or zoning clearance issuance, whichever occurs first, the applicant shall submit the proposed access easements to the CSD Parks Division, P&D, and the Surveyor's office for review and approval. The required easements shall be depicted on the Final

Development Plan and recorded with the approved Vesting Tentative Parcel Map. Prior to Zoning Clearance issuance, the owner/applicant shall submit the public multi-use trail plans, including specific alignment and signage plans for review and approval by P&D and the HCD Parks Division. A performance security for the installation and maintenance of the multi-use trail shall be submitted to and accepted by P&D prior to final map recordation or zoning clearance issuance, whichever occurs first. **Monitoring:** P&D permit compliance shall site inspect to verify the public multi-use trail has been installed per requirements.

63. Special Condition - Odor Abatement Plan. An Odor Abatement Plan (OAP) shall be submitted to and approved by P&D. The OAP shall include the following elements:

- a. Name and telephone number of contact person(s) at the facility responsible for logging in and responding to odor complaints.
- b. Policy and procedure describing the actions to be taken when an odor complaint is received, including the training provided to the staff on how to respond.
- c. Description of potential odor sources at the facility.
- d. Description of potential methods for reducing odors, including minimizing idling of delivery and service trucks and buses, process changes, facility modifications and/or feasible add-on pollution control equipment.
- e. Contingency measures to curtail emissions in the event of a public nuisance complaint.

Plan Requirements and Timing: The OAP shall be submitted for review and approval by P&D prior to Zoning Clearance issuance. **Monitoring:** P&D permit compliance planner shall respond to odor complaints and ensure compliance with the OAP.

64. Special Condition - Final Supplemental Water Contract. Prior to map recordation or zoning clearance issuance, whichever occurs first, the Owner/Applicant shall submit a can and will serve letter and final contract from the City of Santa Maria indicating: 1) The Owner/Applicant has purchased a total of at least 12.79-acre feet of supplemental water, and 2) Compliance with OCP Policies WAT-O2, WAT-O5 and OCP Development standards WAT-O-2.1 and WAT-O-2.3. Such compliance must demonstrate that this project in conjunction with other projects that have received final Can and Will Serve Letters from, or made contractual arrangements with, Golden State Water Company does not exceed the Golden State Water Company safe yield purchased from the State Water Project and from the City of Santa Maria.

IV. COUNTY RULES AND REGULATIONS/LEGAL REQUIREMENTS

65. Rules-01 Effective Date-Not Appealable to CCC. This Final 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].

- 66. 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.
- 67. 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.
- 68. Rules-07 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 1 dated August 14, 2019.
- 69. Rules-08 Sale of Site.** The project site and any portions thereof shall be sold, leased or financed in compliance with the exhibit(s), project description and the conditions of approval including all related covenants and agreements.
- 70. Rules-14 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.
- 71. Rules-18 CUP and DVP Revisions.** The approval by the Board of Supervisors of a revised Final Development Plan shall automatically supersede any previously approved Final Development Plan upon the effective date of the revised permit.
- 72. DIMF-24a 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 \$24,035.76 (August 14, 2019). This is based on a project type of retail commercial and a project size of 42,921 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).

73. DIMF-24b 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 law in effect when paid. [LUDC §35.84.030]. The total Public Administration DIMF amount is currently estimated to be \$13,434.27. (August 14, 2019). This is based on a project type of retail commercial and a project size of 42,921 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).

74. DIMF-24c 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 \$9,828.91 (August 14, 2019). This is based on a project type of retail commercial and a project size of 42,921 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).

75. DIMF-24d 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 \$33,049.17 (August 14, 2019). This is based on a project type of retail commercial and a project size of 42,921 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).

76. Rules-26 Performance Security Required. The Owner/Applicant shall post separate performance securities, the amounts and form of which shall be approved by P&D, to cover the full cost of installation and maintenance of landscape and irrigation. The landscape installation security shall be waived if installation is completed in conformance with applicable requirements prior to Building Final/Occupancy Approval. Installation securities shall be equal to the value of a) all materials listed or noted on the approved referenced plan, and b) labor to successfully install the materials. Maintenance securities shall be equal to the

value of maintenance and/or replacement of the items listed or noted on the approved referenced plan(s) for three years of maintenance of the items. The installation security shall be released when P&D determines that the Owner/Applicant has satisfactorily installed of all approved landscape & irrigation per those condition requirements. Maintenance securities shall be released after the specified maintenance time period and when all approved landscape & irrigation have been satisfactorily maintained. If they have not been maintained, P&D may retain the maintenance security until satisfied. If at any time the Owner fails to install or maintain the approved landscape and irrigation, P&D may use the security to complete the work.

77. Rules-29 Other Dept Conditions. Compliance with Departmental/Division letters required as follows:

- a. Air Pollution Control District dated July 17, 2019;
- b. Environmental Health Services Division dated May 22, 2019;
- c. Fire Department dated November 5, 2018;
- d. Flood Control Water Agency dated September 1, 2016;
- e. Public Works Department Project Clean Water dated May 21, 2019
- f. Community Services Department dated June 21, 2019;
- g. Transportation Division dated July 9, 2019.

78. Rules-30 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.

79. Rules-31 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 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 Compliance Monitoring and Reporting. All aspects of project construction shall adhere to the approved plans, notes, and conditions of approval, and mitigation measures from the Addendum to the Final Environmental Impact Report 95-EIR-01;
- 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.

80. 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.

81. 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.

82. 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.