

## **ATTACHMENT 2: CONDITIONS OF APPROVAL**

### **Project Description**

- 1. Proj Des-01 Project Description:** This Development Plan Permit is based upon and limited to compliance with the project description, the approved plans, and all conditions of approval set forth below, including mitigation measures and specified plans and agreements included by reference, as well as all applicable County rules and regulations. The project description is as follows:

The proposed project includes a request for a Rezone, Case No. 23RZN-00001, to change the Zone District from Commercial Highway (CH) to General Commercial (C-3) in order to allow the proposed "Building and landscape materials sales – Outdoor" as a permitted use.

The proposed project includes a request for a General Plan Amendment (GPA), Case No. 23GPA-00001, to adjust the Urban/Rural Boundary and Land Use Designation on the Comp-1 Map of the Comprehensive Plan Land Use Element and the Orcutt Community Plan and Land Use Designations Eastern Section Maps of the Orcutt Community Plan. The proposed Land Use Designation will change from Highway Commercial to General Commercial. The GPA includes revisions to Orcutt Community Plan Policy LU-O-6 and KS33-1 to allow a change to the Urban/Rural Boundary and redesignation of land use, as follows:

Policy LU-O-6: The Orcutt Urban/Rural Boundary shall separate principally urban land uses and those uses which are rural and/or agricultural in nature. This boundary shall represent the maximum extent of the Orcutt urban area and the Urban/Rural Boundary shall not be extended until existing inventories of vacant land within the urban area are nearing buildout, except for those parcels served by existing public water and sewer utilities. Other boundary adjustments shall be approved only as part of a major Community Plan update.

Policy KS33-1: The Ikola parcels (APN 107-150-018), the Blackenburg parcel (APN 107-150-13), and the Armstrong parcels (APN 104-150-07, -15, -16) are designated Highway Commercial/CH. APNs 107-150-020 and -021 are designated General Commercial/C. All other parcels are designated Agriculture II and zoned AG-II-100. Any proposed development on Key Site 33 shall comply with the following development standards.

The proposed project includes a request for a Development Plan (DVP), Case No. 23DVP-00016, for construction of a pipe sales and storage site, including a new 11,040-sq.-ft. (sf), 35-ft.-tall-structure and approximately 40,000 sf of outdoor, uncovered storage area for piping materials. The DVP is being processed concurrently with the General Plan Amendment (Case No. 23GPA-00001) and Rezone (Case No. 23RZN-00001). The Development Plan is required for proposed development to exceed the 20,000-sq.-ft. threshold for on-site structures and outdoor areas designated for sales or storage in the General Commercial (C-3) Zone District. The new 11,040 gross-square-foot structure will contain a

warehouse, offices, and employee areas.

The proposed “Building and landscape materials sales – Outdoor” and “Office supporting retail” will include eight employees, and hours of operations will be from 6:30 a.m. to 5:00 p.m. The proposed project includes internal driveways with a 19-space parking lot, including two accessible spaces. The driveways will require 105,300 sf of class II base and 26,950 sf of hardscape (including sidewalks). Grading for the proposed project includes 5,005 cubic yards (cy) of cut, 21,348 cy of fill, and 16,343 cy of net fill with over-excavation and recompaction. One 32,000-sf Advanced Drainage Systems underground chamber stormwater retention basin (60,940 cubic feet of storage) will be constructed on the southern portion of the site to capture stormwater runoff from the proposed project.

-Project Description continued on next condition.

**2. Proj Des-01 Project Description:** -Continued Project Description.

Proposed landscaping will include a 50-foot-wide screening buffer along the northern and southern portions of the site adjacent to Morningside Drive and perimeter screening trees incorporated within existing trees along the “u-shaped” boundary adjoining the existing pet grooming business property to the west. Grading will create a development pad for the building, parking lot, outdoor storage area, and stormwater retention basin. Grading will also create a 10-percent sloped driveway to allow egress from the outdoor storage area. The egress driveway will be immediately adjacent to the southern boundary of the neighboring property that contains the existing pet grooming business.

Retaining walls will be constructed to maintain the grade difference between the proposed development and the neighboring development pad for the pet grooming business to the west. Two walls (5-ft.-maximum height) will be constructed along the eastern and northern boundaries of the pet grooming business, and the third wall (10-ft.-maximum height) will maintain the grade between the proposed egress driveway and the pet grooming business. Two eucalyptus trees (*Corymbia citriodora*) will be removed to allow for grading of the proposed egress driveway. The proposed project will also include installation of a perimeter chain link fence and exterior dark-sky-compliant security lighting around the building and parking lot.

The proposed project site consists of two legal parcels, APNs 107-150-021 and 107-150-022, of 2.154 acres and 1.865 acres, respectively. The Applicant intends to voluntarily merge the two parcels prior to issuance of the Zoning Clearance. The merger will ensure the new development does not cross property lines and avoid land entitlement issues that could arise if the owner attempted to sell one of the properties to a separate owner. The proposed project will take access via a new 40-ft.-wide driveway off Founders Avenue and a 25-ft.-wide driveway off Morningside Drive. Water service will be provided by the Golden State Water Company, and wastewater treatment will be provided by the Laguna County

Sanitation District. The proposed project site is addressed as 1350 Founders Ave, in the Orcutt Community Plan Area, Fourth Supervisorial District.

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.

- 3. 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.

#### Conditions By Issue Area

- 4. Aest-04 BAR Required:** The Owner/Applicant shall obtain Board of Architectural Review (BAR) approval for project design. All project elements (e.g., design, scale, character, colors, materials and landscaping shall be compatible with vicinity development and shall conform in all respects to previous BAR approval (23BAR-00152).

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

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

- 5. Aest-10c Lighting:** The Owner/Applicant shall ensure any exterior night lighting installed on the project site is of low intensity, low glare design, minimum height, and shall be hooded to direct light downward onto the subject lot and prevent spill-over onto adjacent lots. No unobstructed beam of exterior light shall be directed toward any area zoned or developed residential. The Owner/Applicant shall install timers or otherwise ensure lights are dimmed after 10 p.m.

**PLAN REQUIREMENTS:** The Owner/Applicant shall develop a Lighting Plan for P&D and BAR approval incorporating these requirements and showing locations and height of all exterior lighting fixtures.

**TIMING:** P&D and BAR shall review a Lighting Plan for compliance with this measure prior to issuance of a Zoning Clearance for structures.

**MONITORING:** Compliance Monitoring staff shall inspect structures upon completion to ensure that exterior lighting fixtures have been installed consistent with their depiction on the final Lighting Plan prior to Final Building Inspection Clearance.

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

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

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

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

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

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

- 7. CulRes-09 Stop Work at Encounter:** The Owner/Applicant and/or their agents, representatives or contractors shall stop or redirect work immediately in the event archaeological remains are encountered during grading, construction, landscaping or other construction-related activity. The Owner/Applicant shall immediately contact P&D staff, and retain a P&D approved archaeologist and Native American representative to evaluate the significance of the find in compliance with the provisions of the County Archaeological Guidelines and conduct appropriate mitigation funded by the Owner/Applicant.

**PLAN REQUIREMENTS:** This condition shall be printed on all building and grading plans.

**MONITORING:** P&D permit processing planner shall check plans prior to issuance of Zoning Clearance and P&D compliance monitoring staff shall spot check in the field throughout grading and construction.

- 8. Geo-01b Soils Engineering Study:** The Owner/Applicant shall submit a soils engineering study addressing structure sites and access road(s) to determine structural design criteria.

**PLAN REQUIREMENTS:** The Owner/Applicant shall submit the study for P&D and Public Works review and approval. Elements of the approved study shall be reflected on grading and building plans as required.

**TIMING:** The Owner/Applicant shall submit the study prior to issuance of Zoning Clearance.

**MONITORING:** P&D permit processing planner shall review the study. The Owner/Applicant shall demonstrate that the submitted plans conform to required study components. Grading and building inspectors shall ensure compliance in the field.

- 9. Geo-02 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 and 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 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.

- 10. Landscp-01 Landscape and Irrigation Plan:** The Owner shall have a licensed landscape professional prepare a Landscape and Irrigation Plan designed to provide screening of the development from Highway 101, Morningside Drive, and Founders Avenue.

**PLAN REQUIREMENTS:** The plan shall include the following:

1. An agreement by the Owner to install required landscaping & water-conserving irrigation systems prior to final clearance.
2. An agreement by the Owner to maintain required landscaping for the life of the project.
3. Securities posted by the Owner for installation and maintenance securities per requirements in the Performance Securities condition. Specify the amount and duration of installation and maintenance securities to ensure successful implementation of this plan by P&D if the Owner fails to do so.
4. All landscape within 30 feet of all structures shall be with approved fire-resistant/retardant plantings.
5. Landscaping beyond 30 feet of all structures shall be with native plants from the County's native plant list.
6. All project landscaping shall consist of drought-tolerant native and/or low-water use/Mediterranean type species.
7. Project landscaping along Morningside Drive and Founders Avenue shall adequately screen the project site from surrounding land uses.
8. Project landscaping shall be compatible with the character of the surroundings & the architectural style of the structure.
9. Plans shall include landscape planters installed adjacent to all walls, garden walls and fences visible from a public or private street. This landscaping shall be vertical, densely planted with large plant specimens.
10. Trees, shrubbery, and ground cover shall be provided at suitable intervals in

order to break up the continuity of the parking area. Planting islands for these trees and shrubs shall be protected from automobile traffic by either asphalt or concrete curbs.

11. Applicable components of all other plans approved for the project.

**TIMING:** The Owner/Applicant shall (1) submit the Plan to P&D processing planner for review & approval prior to issuance of Zoning Clearance, (2) enter into an agreement with the County to install required landscaping & water-conserving irrigation systems and maintain required landscaping for the life of the project, (3) Post a performance security to ensure installation prior to Final Building Inspection Clearance and maintenance for five years, (4) Install landscape and irrigation prior to Final Building Inspection Clearance.

**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. Compliance staff will release installation security upon satisfactory installation of all items in approved plans. The Owner shall demonstrate to compliance staff that the landscaping and irrigation have been established and maintained according to plans and agreements for a period of 5 years and have achieved the original goals of this condition. Compliance staff signature is required to release the installation security upon satisfactory installation of all items in the approved plans & maintenance security upon satisfactory completion of maintenance. If requirements have not been met, the plants or improvements shall be replaced and/or maintained and the security held for another year. If the Owner fails to install or maintain according to the approved plan, P&D may collect security and complete work on property per approved plan

- 11. Landscap-01a Landscape for Life:** The Owner shall maintain landscaping for the life of the project. The Owner or designee shall permit the County to conduct site inspections a minimum of one time per year.

**TIMING:** Prior to Zoning Clearance the Owner/Applicant shall record a buyer notification that repeats the condition requirement above.

**MONITORING:** P&D compliance monitoring staff may conduct site inspections once per year if necessary to ensure that landscaping is maintained for the life of the project.

- 12. Noise-02 Construction Hours:** The Owner /Applicant, including all contractors and subcontractors shall limit construction activity, including equipment maintenance and site preparation, to the hours between 7:00 a.m. and 4:00 p.m. Monday through Friday.

No construction shall occur on weekends or State holidays. Non-noise generating interior construction activities such as plumbing, electrical, drywall and painting (which does not include the use of compressors, tile saws, or other noise-generating equipment) are not subject to these restrictions.

Any subsequent amendment to the Comprehensive General Plan, applicable

Community or Specific Plan, or Zoning Code noise standard upon which these construction hours are based shall supersede the hours stated herein.

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

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

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

- 13. SolidW-01 Solid Waste-SRSWMP:** The Owner/Applicant/Permittee shall develop and implement a Source Reduction and Solid Waste Management Plan (SRSWMP) describing proposals to reduce the amount of waste generated during construction and throughout the life of the project and enumerating the estimated reduction in solid waste disposed at each phase of project development and operation.

**PLAN REQUIREMENTS:** The plan shall include but not limited:

1. Construction Source Reduction:

- a. A description of how fill will be used on the construction site, instead of landfilling,
- b. A program to purchase materials that have recycled content for project construction.

2. Construction Solid Waste Reduction:

- 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.

3. Operation Source Reduction:

- a. A detailed set of office procedures such as use of duplex copy machines and purchase of office supplies with recycled content.
- b. A program to purchase materials that have recycled content for operation (e.g., office supplies, etc.).

4. Operation Solid Waste Reduction Examples:

- a. Specify sq. ft. of space and/or bins for storage of recyclable materials within the project site AND
- b. Establish a recyclable material pickup area.
- c. A green waste source reduction program, including the creation of composting areas, and the use of mulching mowers in all common open space lawns.
- e. Participate in an existing program to serve the new development]. If P&D determines that a 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 P&D to



implement a project-wide recycling program.

f. Implement a monitoring program bi-annually to ensure a 35-50% minimum participation in recycling efforts, requiring businesses to show written documentation in the form of receipts.

g. Implement a backyard composting yard waste reduction program.

**TIMING:** The Owner/Applicant shall (1) submit a SRSWMP to P&D permit processing staff and Public Works Resource Recovery and Waste Management Division staff for review and approval prior to issuance of ZCI, (2) Post a performance security to ensure implementation prior to Final Building Inspection Clearance and maintenance for life of the project, (3) include the recycling area on building plans. Program components shall be implemented prior to Final Building Clearance and maintained throughout the life of the project.

**MONITORING:** During operation, the Owner/Applicant/Permittee shall demonstrate to P&D compliance staff as required that solid waste management components are established and implemented. The Owner/Applicant shall demonstrate to P&D compliance staff that all required components of the approved SRSWMP are in place as required prior to Final Building Clearance. Compliance staff will release installation security upon satisfactory implementation of all items in approved SRSWMP. The owner shall demonstrate to compliance staff that SRSWMP components have been established and maintained according to plans and agreements for the life of the project. Compliance staff signature is required to release the installation security upon satisfactory installation of all items in approved plans and maintenance security upon satisfactory completion of maintenance.

**14. 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:

1. Landscaping that reduces water use:

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

2. Irrigation that reduces water use:

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

3. Hardscape to retain water:

- a. Permeable surfaces such as decomposed granite, porous pavement or unit pavers on sand or intermittent permeable surfaces such as French drains shall be used for pipe supply storage areas.

**PLAN REQUIREMENTS:** The Owner/Applicant shall submit a landscape and

irrigation plan to P&D for review and approval prior to issuance of Zoning Clearance.

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

**MONITORING:** The Owner/Applicant shall demonstrate to P&D compliance monitoring staff that all required 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.

- 15. WatCons-02 Water Conservation-Indoor:** Indoor water use shall be limited through the use of the following measures:

1. Re-circulating, point-of-use, or on-demand water heaters shall be installed.
2. Water efficient clothes washers and dishwashers shall be installed.
3. Self regenerating water softening shall be prohibited in all structures.
4. Lavatories and drinking fountains shall be equipped with self-closing valves.

**PLAN REQUIREMENTS:** The Owner/Applicant shall include all indoor water conservation measures on plans, including plumbing and electrical plans, as needed subject to P&D review and approval.

**TIMING:** Indoor water-conserving measures shall be implemented prior to Final Building Inspection Clearance.

**MONITORING:** The Owner/Applicant shall demonstrate compliance with all required indoor water conservation measures to P&D compliance monitoring staff prior to Final Building Inspection Clearance.

- 16. WatConv-04 Equipment Storage-Construction:** The Owner/Applicant shall designate a construction equipment filling and storage area(s) to contain spills, facilitate clean-up and proper disposal and prevent contamination from discharging to the storm drains, street, drainage ditches, creeks, or wetlands. The areas shall be no larger than 50 x 50 foot unless otherwise approved by P&D and shall be located at least 100 feet from any storm drain, waterbody or sensitive biological resources.

**PLAN REQUIREMENTS:** The Owner/Applicant shall designate the P&D approved location on all 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.

- 17. 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 as needed. 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 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.

- 18. WatConv-06 [Retention/Detention] Basin:** The Owner/Applicant shall provide a detention basin designed to retain, infiltrate and/or recharge all runoff water onsite and maintain contaminants onsite and address issues associated with the Ineffective Watershed Area (referenced in the Santa Barbara County Flood Control and Water Conservation District Standard Conditions of Project Plan Approval, Dated January 2011).

**PLAN REQUIREMENTS:** The Owner/Applicant shall include the detention basin in the Erosion and Sediment Control Plan (ESCP). The location and design parameters of the detention basin shall be submitted to P&D and Flood Control for review and approval. Installation and maintenance for five years shall be provided by the Owner/Applicant. Long term maintenance requirements shall be specified in a maintenance program submitted by the owner of the commercial site. The Owner/Applicant shall record a Notice to Property Owner on the property stating the maintenance requirements for the detention basin.

**TIMING:** Detention and/or recharge basins shall be installed prior to Final Building Inspection Clearance.

**MONITORING:** County Flood Control and grading inspectors shall oversee installation. The Owner/Applicant shall demonstrate to P&D compliance monitoring staff and Building and Safety grading inspector(s) that all required components of the approved ESCP are in place as required. Compliance monitoring staff will review required maintenance records.

- 19. WatConv-07 SWPPP:** The Owner/Applicant shall submit proof of exemption or a copy of the Notice of Intent to obtain coverage under the Construction General Permit of the National Pollutant Discharge Elimination System issued by the California Regional Water Quality Control Board.

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

**MONITORING:** P&D permit processing planner shall review the documentation prior to issuance of Zoning Clearance. P&D compliance monitoring staff shall site inspect during construction for compliance with the SWPPP.

- 20. WatServ-01 Can and Will Serve:** The Owner/Applicant shall provide a can and will serve letter from the [SPECIFY WATER DISTRICT] indicating that adequate water is available to serve the project.

Timing: Can and will serve letters shall be submitted prior to issuance of Zoning Clearance.

### Project Specific Conditions

- 21. Special-Project Specific MM-AIR-02 Emission Reduction:**
1. All portable diesel-powered construction equipment greater than 50 brake horsepower (bhp) shall be registered with the state's portable equipment registration program OR shall obtain an APCD permit.
  2. Fleet owners of diesel-powered mobile construction equipment greater than 25 hp are subject to the California Air Resource Board (CARB) In-Use Off-Road Diesel-Fueled Fleets Regulation (Title 13, California Code of Regulations (CCR), §2449), the purpose of which is to reduce oxides of nitrogen (NOx), diesel particulate matter (DPM), and other criteria pollutant emissions from in-use off-road diesel-fueled vehicles.  
Off-road heavy-duty trucks shall comply with the State Off-Road Regulation. For more information, see [www.arb.ca.gov/msprog/ordiesel/ordiesel.htm](http://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm).
  3. Fleet owners of diesel-fueled heavy-duty trucks and buses are subject to CARB's On-Road Heavy-Duty Diesel Vehicles (In-Use) Regulation (Title 13, CCR, §2025), the purpose of which is to reduce DPM, NOx and other criteria pollutants from in-use (on-road) diesel-fueled vehicles. For more information, see [www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm](http://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm).
  4. All commercial off-road and on-road diesel vehicles are subject, respectively, to Title 13, CCR, §2449(d)(3) and §2485, limiting engine idling time. Off-road vehicles subject to the State Off-Road Regulation are limited to idling no more than five minutes. Idling of heavy-duty diesel trucks during loading and unloading shall be limited to five minutes, unless the truck engine meets the optional low-NOx idling emission standard, the truck is labeled with a clean-idle sticker, and it is not operating within 100 feet of a restricted area.
  5. Off-road heavy-duty diesel equipment with engines certified to meet U.S. EPA Tier 4 emission standards should be used to the maximum extent feasible. Please contact the District if alternative strategies for meeting Tier 4 emission standards are considered.
  6. On-road heavy-duty equipment with model year 2010 engines or newer should be used to the maximum extent feasible.
  7. Diesel powered equipment should be replaced by electric equipment whenever feasible. Electric auxiliary power units should be used to the maximum extent feasible.
  8. Equipment/vehicles using alternative fuels, such as compressed natural gas

(CNG), liquefied natural gas (LNG), propane or renewable diesel, should be used on-site where feasible.

9. Catalytic converters shall be installed on gasoline-powered equipment, if feasible.

10. All construction equipment shall be maintained in tune per the manufacturer's specifications.

11. The engine size of construction equipment shall be the minimum practical size.

12. The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.

13. Construction worker trips should be minimized by requiring carpooling and by providing for lunch onsite.

14. Construction truck trips should be scheduled during non-peak hours to reduce peak hour emissions whenever feasible.

15. Proposed truck routes should minimize impacts to residential communities and sensitive receptors.

16. Construction staging areas should be located away from sensitive receptors such that exhaust and other construction emissions do not enter the fresh air intakes to buildings, air conditioners, and windows.

**PLAN REQUIREMENTS AND TIMING:** Prior to grading/building permit issuance and/or map recordation, all requirements shall be shown as conditions of approval on grading/building plans, and/or on a separate sheet to be recorded with the map. Conditions shall be adhered to throughout grading and construction periods.

**MONITORING:** The Lead Agency shall ensure measures are on project plans and/or recorded with maps. The Lead Agency staff shall ensure compliance onsite. APCD inspectors will respond to nuisance complaints.

- 22. Special-Project Specific MM-VIS-1 Frontage Road Landscaping:** P r o p o s e d project development shall incorporate the adjacent portion of the Morningside Drive right-of-way into landscape plans. The landscaping shall utilize 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. The owner of the property shall be responsible for the maintenance of the adjacent right-of-way area.

**MONITORING:** Permit Compliance staff shall inspect landscaping prior to occupancy to ensure material has been installed consistent with the approved landscaping plans.

- 23. Special-Project Specific MM-VIS-2 Landscape Buffer:** All new development adjacent to Highway 101 shall include a 50-foot landscaped buffer along the western boundary of the site with Highway 101, not including the frontage road. The buffers shall be vegetated with sufficient plantings of drought tolerant and/or

native trees and shrubs to screen parking areas and “break up” building masses. The landscaping shall utilize a large proportion of trees reaching a minimum height of 35 feet to help preserve the areas rural character.

**PLAN REQUIREMENTS AND TIMING:** The applicant shall submit architectural drawings, fencing plans, grading plans, and landscape plans of the proposed project which reflect the 50-foot landscape buffer for review and final approval by the Board of Architectural Review prior to issuance of a Zoning Clearance for structural development on the project site.

**MONITORING:** Prior to occupancy clearance, Permit Compliance staff shall site inspect for conformance to approved plans.

- 24. Special-Project Specific MM-VIS-3 Parking Landscaping:** All parking areas 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 50% 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.

**PLAN REQUIREMENTS AND TIMING:** The applicant shall submit architectural drawings, fencing plans, grading plans, and landscape plans of the proposed project for review and final approval by the Board of Architectural Review prior to issuance of Zoning Clearance for structural development. Fencing that is proposed around the storm water retardation basin shall also be approved by the Flood Control District.

**MONITORING:** Prior to occupancy clearance, Permit Compliance staff shall site inspect for conformance to approved plans.

- 25. Special-Project Specific MM-VIS-4 Rural Character:** The design, scale, and character of the proposed project architecture shall be compatible with the rural character of the area. All development including building, fences, and parking shall be sited and designed to protect the visual character of the surrounding areas and blend in with natural landforms through the use of such methods as setbacks, building orientation, materials and colors (earth tones and non-reflective paints), landscape buffers, shielded exterior lighting, and screening of parking areas.

**PLAN REQUIREMENTS AND TIMING:** The applicant shall submit architectural drawings of the proposed project for review and final approval by the Board of Architectural Review prior to Zoning Clearance for structural development.

- 26. Special-Project Specific MM-VIS-5 Design Review:** The Owner/Applicant shall obtain Board of Architectural Review (BAR) approval for project design. All project elements (e.g., design, scale, character, colors, materials and landscaping shall be compatible with vicinity development and shall conform in all respects to BAR approval (23BAR-00152).

**TIMING:** The Owner/Applicant shall submit architectural drawings of the project for review and shall obtain final BAR approval prior to issuance of Zoning

Clearance. Grading plans, if required, shall be submitted to P&D concurrent with or prior to BAR plan filing.

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

- 27. Special-Project Specific MM-VIS-6 Lighting Plan:** The Owner/Applicant shall ensure any exterior night lighting installed on the proposed project site is of low intensity, low glare design, minimum height, and shall be hooded to direct light downward onto the subject lot and prevent spill-over onto adjacent lots. No unobstructed beam of exterior light shall be directed toward any area zoned or developed residential. The Owner/Applicant shall install timers or otherwise ensure lights are dimmed after 10 p.m.

PLAN REQUIREMENTS: The Owner/Applicant shall develop a Lighting Plan for P&D and BAR approval incorporating these requirements and showing locations and height of all exterior lighting fixtures.

TIMING: P&D and BAR shall review a Lighting Plan for compliance with this measure prior to issuance of a Zoning Clearance for structures.

MONITORING: Compliance Monitoring staff shall inspect structures upon completion to ensure that exterior lighting fixtures have been installed consistent with their depiction on the final Lighting Plan prior to Final Building Inspection Clearance.

- 28. Special-Project Specific-Voluntary Lot Merger:** The Owner/Applicant shall merge Assessor Parcel Numbers 107-150-021 and 107-150-022.

TIMING: The Owner/Applicant shall provide evidence of the recorded Voluntary Lot Merger to the P&D processing planner prior to issuance of Zoning Clearance.

### **County Rules and Regulations**

- 29. 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 \$11,051 (June 11, 2025). This is based on a project type of NON-RETAIL COMMERCIAL and a project size of 11,040 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).

- 30. 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 \$6,171 (June 11, 2025). This is based on a project type of ON-RETAIL COMMERCIAL and a project size of 11,040 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).

- 31. 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 \$4,482 (June 11, 2025). This is based on a project type of NON-RETAIL COMMERCIAL and a project size of 11,040 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).

- 32. 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 \$7,949 (June 11, 2025). This is based on a project type of NON-RETAIL COMMERCIAL and a project size of 11,040 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).

- 33. DIMF-24e DIMF Fees-Parks:** In compliance with the provisions of ordinances and resolutions adopted by the County, the Owner/Applicant shall be required to pay development impact mitigation fees to finance the development of facilities for the Parks Department. Required mitigation fees shall be as determined by



adopted mitigation fee resolutions and ordinances and applicable law in effect when paid.

The total Parks DIMF amount is currently estimated to be \$55,068 (June 11, 2025). This is based on a project type of NON-RETAIL COMMERCIAL and a project size of 11,040 square feet.

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

- 34. DIMF-24g DIMF Fees-Transportation:** In compliance with the provisions of ordinances and resolutions adopted by the County, the Owner/Applicant shall be required to pay development impact mitigation fees to finance the development of facilities for transportation. Required mitigation fees shall be as determined by adopted mitigation fee resolutions and ordinances and applicable law in effect when paid.

The total DIMF amount for Transportation is currently estimated to be \$28,356.00 (June 2, 2025). This is based on a project type of NON-RETAIL COMMERCIAL and an increase of 6 Peak Hour Trips.

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).

- 35. Rules-01 Effective Date-Not Appealable to CCC:** This Development Plan Permit 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.

- 36. 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.

- 37. Rules-04 Additional Approvals Required:** Approval of this Development Plan is subject to the Board of Supervisors approving the required Rezoning and Comprehensive Plan Amendment.

- 38. 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.

- 39. 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.
- 40. 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.
- 41. Rules-09 Signs:** Signs. No signs of any type are approved with this action unless otherwise specified. All signs shall be permitted in compliance with the LUDC.
- 42. 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.
- 43. 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.
- 44. Rules-20 Revisions to Related Plans:** The Owner/Applicant shall request a revision for any proposed changes to approved Development, Landscape, Erosion and Sediment Control, or Storm Water Control Protection plans. Substantial conformity shall be determined by the Director of P&D.
- 45. Rules-23 Processing Fees Required:** Prior to issuance of Zoning Clearance, the Owner/Applicant shall pay all applicable P&D permit processing fees in full as required by County ordinances and resolutions.
- 46. Rules-25 Signed Agreement to Comply:** Prior to approval of Zoning Clearance, the Owner/Applicant shall provide evidence that they have recorded a signed Agreement to Comply with Conditions that specifies that the Owner of the property agrees to comply with the project description, approved exhibits and all conditions of approval. Form may be obtained from the P&D office.
- 47. 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. 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 FIVE years of maintenance of the items.
- PLAN REQUIREMENTS/TIMING:** The Owner/Applicant shall enter into an agreement with the County to install and maintain said landscaping and irrigation.

The agreement shall be signed and notarized and securities shall be submitted to P&D prior to Zoning Clearance Issuance.

**MONITORING:** The installation security shall be released when P&D compliance monitoring staff determines that the Owner/Applicant has satisfactorily installed of all approved landscape & irrigation, plans 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.

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

1. Air Pollution Control District dated December 20, 2024;
2. Fire Department dated January 24, 2025;
3. Flood Control Water Agency dated October 19, 2023;
4. Resource Recovery and Waste Management Division dated May 13, 2025
5. Transportation Division dated June 2, 2025.

**49. 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 issuance 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 and Condition Compliance Monitoring and Reporting. All aspects of project construction shall adhere to the approved plans, notes, and conditions of approval, and Mitigation Measures from Negative Declaration 24NGD-00011/SCH 2025040209;
- 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.

**50. 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.

**51. 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.

**52. Rules-38 Identification of Single-User Toilet Facilities.:** Pursuant to Health and Safety Code Section 118600, all single-user toilet facilities in any business establishment, place of public accommodation, or state or local government agency shall be identified as all-gender toilet facilities by signage that complies with Title 24 of the California Code of Regulations, and designated for use by no more than one occupant at a time or for family or assisted use. During any inspection of a business or a place of public accommodation by an inspector, building official, or other local official responsible for code enforcement, the inspector or official may inspect for compliance with this section. For the purposes of this section, "single-user toilet facility" means a toilet facility with no more than one water closet and one urinal with a locking mechanism controlled by the user. This section does not apply to construction jobsites, as described in subdivision (a) of Section 6722 of the Labor Code.

**REQUIREMENTS AND TIMING:** The Owner/Applicant shall include this condition on the approved plans prior to zoning clearance issuance.

**MONITORING:** P&D planners shall verify that this condition has been added to the plans prior to zoning clearance issuance. P&D Building and Safety staff shall verify that this condition has been added to the plans prior to building permit issuance. P&D Building and Safety staff shall verify compliance in the field during final inspection.