

**EXHIBIT B - CONDITIONS OF APPROVAL
DRC2013-00033 (Dirt Clod Industries, LLC)**

Approved Development

1. This approval authorizes:
 - a. A Minor Use Permit to allow construction of an approximately 8,059 square foot building to house an equipment rental company with offices and an 8,400 square foot outdoor storage area on a 1.51 acre parcel.
 - b. All conditions of approval from Conditional Use Permit S000007U (the original conditions from the original subdivision), as modified with subsequent approvals of Minor Use Permit DRC2006-00214-(including changes to the wastewater services for the entire subdivision) and Conditional Use Permit DRC 2011-00014 (including changes to the building square footage allocation and water allocations for the entire subdivision) (attached), shall remain in effect with this approval. If there is any conflict between the conditions of approval from the current proposal and the original proposal, the current conditions shall apply.
 - c. A maximum height of 23 feet for the building from finished grade (building height shown 22' 2" above finished grade). This maximum height shall comply with the FAA determination concerning requirements of FAR 77, "Objects Affecting Navigable Airspace".

Conditions required to be completed at the time of application for construction permits

Site Development

2. **At the time of application for construction permits**, the applicant shall provide a condition compliance package showing how the plans comply with the applicable original and revised conditions of approval.
3. **At the time of application for construction permits**, plans submitted shall show all development consistent with the approved site plan, floor plan, architectural elevations and revised landscape plan, including, but not limited to solid landscape screening along the southeast perimeter of the parcel to buffer from the adjacent agricultural operation. The plan shall also include a mixture of tree varieties and heights that will create a more effective visual and wind screen along the southeastern property line.
4. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored. The height of light standards shall be no higher than determined absolutely necessary for its specific application. Light intensity shall be no more than determined necessary for safety purposes. Light sources shall be of energy efficient design (e.g. sodium-based, metal halide, etc.).

Fire Safety

5. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan prepared by Cal Fire.

Services

6. **At the time of application for construction permits**, the applicant shall provide a letter from the Fiero Lane Water Company stating they are willing and able to service the property.
7. **At the time of application for construction permits**, construction plans shall show all utilities to be installed underground.
8. **At the time of application for construction permits**, the applicant shall show all the following dust control measures from Condition #18 of the original Conditional Use Permit on the construction plans: (original conditions attached) as modified by the Planning Commission per approval of land use permits DRC2006-00214 and DRC2011-00014 respectively.

During construction/ground disturbing activities, the applicant shall implement the following particulate (dust) and ozone control measures. These measures shall be shown on the tract improvement plans. In addition, 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 off site. 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 APCD prior to commencement of construction.

- A. Reduce the amount of disturbed area where possible;
- B. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency will be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;
- C. All dirt stock pile areas should be sprayed daily as needed;
- D. Permanent dust control measures, such as implementation of approved landscape plans, shall be implemented as soon as possible following completion of any soil disturbing activities.
- E. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating non-aggressive grass seed (e.g., native, barley) and watered until vegetation is established;
- F. All disturbed soil areas not subject to revegetation must be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by APCD that will not have a negative impact to downstream creeks;
- G. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible;
- H. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with California Vehicle Code Section 23114 (This measure has the potential to reduce PM10 (particulate matter) emissions from this source by 7 to 14%);
- I. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site (This measure has the potential to reduce PM10 emissions from this source 40 to 70%);

- J. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible (This measure has the potential to reduce PM10 emissions from this source 25 to 60%);
- K. Maintain equipment in tune per manufacturer's specifications;
- L. Limit the cut and fill process to less than 2,000 cubic yards per day.

Roads

- 9. **At the time of application for construction permits**, the applicant shall provide evidence to the Department of Planning and Building that onsite access road horizontal and vertical alignment and pavement structural sections have been designed and shall be constructed circulation has been designed and shall be constructed in conformance with Cal Fire standards and specifications back to the nearest public maintained roadway.
- 10. **At the time of application for construction permits**, the applicant shall submit plan prepared by a Registered Civil Engineer to the Building Department for the installation of improvements within the road right-of-way in accordance with County Public Improvement Standards. The plans are to include, as applicable:
 - a. Reconstruction, if necessary, of all deteriorated or non-compliant Prospect Street frontage improvements.
 - b. Construct new B-3 driveway approaches.

Drainage

- 11. **At the time of application for construction permits**, the applicant shall submit complete drainage calculations for review and approval in accordance with Sections 22.52.110 (Drainage Plan Required) of the Land Use Ordinance.
- 12. **At the time of application for construction permits**, the applicant shall submit complete erosion and sedimentation control plan for review and approval in accordance with 22.52.120.
- 13. **At the time of application for construction permits**, the applicant shall demonstrate that the project construction plans are in conformance with the Source Control BMP's as identified for project incorporation in the applicant's Stormwater Quality Plan Application for Priority Projects.

Stormwater Pollution Prevention

- 14. **At the time of application for construction permits**, the applicant shall submit the following to the County for review and approval: Stormwater Quality Plan; Conservation of natural areas narrative; Stormwater pollutant of concerns narrative; Drainage plan; Erosion and Sedimentation Control Plan; Mechanism in place for long-term maintenance of Best Management Practices (BMPs); and Calculations for treatment control BMPs.
- 15. **At the time of application for construction permits**, the applicant shall submit a draft "Private Conveyance Management and Maintenance System" exhibit for review and approval by the County.

Conditions to be completed prior to issuance of a construction permit

Fees

- 16. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.

17. **Prior to issuance of a construction permit**, the applicant shall pay the housing impact fee as required by Land Use Ordinance (LUO) Section 22.12.080.F.1, or may defer fee payment pursuant to LUO Section 22.12.080.J.4. As an alternative the applicant may provide housing units or a land donation, pursuant to LUO Section 22.12.080.F.3.
18. **Prior to issuance of a business license**, staff shall verify compliance with all applicable conditions of the Conditional Use Permit.

Avigation Easement

19. **Prior to issuance of construction permits**, the property owner shall grant an avigation easement to the County of San Luis Obispo. The avigation easement document shall be prepared, reviewed and approved by County Counsel.

Applicant Initiated Plans

20. **Prior to issuance of construction permits**, the applicant shall record with the County Clerk the "Private Stormwater Conveyance Management and Maintenance System" to document on-going and permanent storm drainage control, management, treatment, disposal and reporting.

Signs

21. **Prior to issuance of a construction permit for any sign**, the applicant shall comply with the standards set forth in the Land Use Ordinance and previously adopted conditions of approval, including a maximum height of 4 feet for a monument sign and 100 square feet of total signage for the site. If the sign is illuminated, it shall be internally illuminated.

Water

22. **Prior to issuance of construction permits**, water meters, installed to meter all potable and non-potable water sources, shall be shown on all applicable construction plans.

Conditions to be completed during project construction

23. **During construction and/or ground disturbing activities**, should hydrocarbon contaminated soil be encountered during construction activities, the APCD must be notified as soon as possible and no later than 48 hours after affected material is discovered to determine if an APCD permit is required. In addition, the measures contained in the attached APCD referral response shall be implemented immediately if contaminated soil is discovered.

Conditions to be completed prior to occupancy or final building inspection / establishment of the use

24. Landscaping in accordance with the approved landscaping plan shall be installed or bonded for before ***final building inspection / establishment of the use***. If bonded for, landscaping shall be installed within 60 days after final building inspection. If installed or bonded for, the landscaping shall thereafter be maintained in a viable condition in perpetuity. If landscaping is for screening, such landscape must be maintained to provide the required or better screening in perpetuity.
25. **Prior to occupancy or final inspection**, the applicant shall implement the approved color and materials board.
26. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from CalFire of all required fire/life safety measures.

27. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.
28. **Prior to occupancy or final inspection**, all proposed driveway approaches shall be constructed or reconstructed in accordance with County Public Improvement Standards. All work done with the roadway right-of-way shall require an encroachment permit.
29. **Prior to occupancy or final inspection**, all unused driveway approaches shall be removed and reconstructed with curb, gutter and sidewalk in accordance with County Public Improvement Standards. All work done with the roadway right-of-way shall require an encroachment permit.
30. **Prior to occupancy or final inspection**, all public improvements shall have been constructed or reconstructed in accordance with County Public Improvement Standards and to the satisfaction of the County Public Works Inspector.
31. **Prior to occupancy or final inspection, whichever occurs first**, water meters shall be installed to meter all potable and non-potable water sources.

Right-To-Farm Disclosure

32. **At the time of occupancy**, notification shall be given to employees on the site of the county's Right to Farm Ordinance currently in effect at the time the business becomes operational. Notification shall include the consequences of existing and potential intensive agricultural operations on adjacent parcels including but not limited to noise, dust, odor and agricultural chemicals.

On-going conditions of approval (valid for the life of the project)

33. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 22.64.080 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
34. All conditions of this approval run with the land and shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.
35. **On-going condition of approval (valid for the life of the project):** In accordance with County Code Section 13.08 [Encroachment Permits], no activities associated with this permit shall be allowed to occur within the public right-of-way including but not limited to project signage, tree planting, fences without a valid Encroachment permit issued by the Department of Public Works.
36. **On-going condition of approval (valid for the life of the project)**, the property owner shall be responsible for operation and maintenance of public road frontage sidewalks, landscaping, street lighting, and pedestrian amenities in a viable condition and on a continuing basis into perpetuity or until specifically accepted for maintenance by a public agency.

37. **On-going condition of approval (valid for the life of the project)**, the project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and / or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et sec.

Water

38. **For the life of the project**, all meters shall be kept in good working order. Tertiary-treated water shall be metered.
39. **For the life of the project**, the East Airport Mutual Water Company (EAMWC) or Fiero Lane Mutual Water Company (FLMWC) or property owner's association (POA) shall establish a water usage allocation for Lot 14 "water use maximum" (see subsequent "maximum water use" condition, #43 below). The EAMWC or FLMWC or POA will provide each tenant with their monthly usage, their year-to-date running total, their overall yearly "base" allotment, and Lot 14's running total and overall maximum allowed. Bi-annual reports for the previous six months of usage shall be made available to the county (Planning & Building Department) and each tenant no later than July 31st and January 31st respectively. Should the mid-year report show that at the current usage rate the maximum Lot 14 yearly allotment will be exceeded, all tenants will be put on notice to conserve and those exceeding their "base" (plus any approved "reserve") allotments (see following "reserve program" discussion) will be subject to additional conservation measures (e.g., replace toilets with dual-flush toilets, etc.) if the annual Lot 14 maximum amount (including all approved "reserve" amounts) is exceeded. When applicable, these additional water conservation measures shall be implemented within 60 days of the release of the annual report, but no later than March 31.

In the event that other lots within Tract 2368 use less water than their respective, pro-rata share of the available capacity, the water company may create a "reserve program" whereby on a monthly basis, any unused reserves can be requested and allocated to other lots within the Tract on a monthly basis, as long as unused "reserve" water is available. Such modifications shall be summarized annually in writing to the SLO County Planning Department, and an updated allocation summary shall be maintained on file by the Water Company for each legal parcel in the service area.

40. **For the life of the project**, tertiary-treated water that originated from the development's wastewater may be used for landscaping purposes. Based on the non-drought maximum amount allocated for this lot (0.65 afy, 0.47 is the drought year estimate) and that up to 70% would be expected for indoor use, up to 0.46 afy of treated water may be used for landscaping above the non-drought maximum amount. Any such secondary water delivery system will include the necessary components to avoid cross-contamination with the potable supply.
41. **For the life of the project**, if ownership or the tenant changes, right-to-farm disclosure shall be given to the owner at the time the deed is recorded and shall be given to the new tenant and employees at the time of occupancy.