

## ATTACHMENT 2

### EXHIBIT B - CONDITIONS OF APPROVAL DRC2013-00032 / HILL

#### Approved Development

1. This approval authorizes a Minor Use Permit to modify the approval of previously approved 0.450-megawatt (MW) solar generation facility (DRC2011-00074). The modification includes the development as a phased development and an increase in the area of disturbance. The modified development includes (Phases 1 & 2):
  - a. An additional 2.5 acres of site disturbance (soil movement) as shown on the approved site plan (Phase 2), beyond the 1.5 acres of disturbance provided for in the original approval (Phase 1), totaling approximately 4 acres of disturbance for the entire site development.
  - b. Installation of 1,008 anti-reflective 280-watt direct current (DC) photovoltaic mono-crystalline panels, two central pad-mounted inverters (PowerStation); pad-mounted step-up transformer; approximately 460 feet of underground, six-inch diameter conduit; three power poles; 60 feet of overhead, three-phase power lines; and connection to an existing Pacific Gas and Electric (PG&E) distribution pole (point of interconnection).
  - c. Six-foot tall perimeter fence and gate which shall be wildlife friendly including a minimum 5 to 7 inch passage around the entire bottom perimeter of the fence. The edges of the opening shall be smooth as to not cause the animal to catch on the opening.
  - d. Motion-activated security lighting system (timed limit) which shall be shielded;
  - e. Six-foot tall hedgerow along a portion of the southeastern property corner
  - f. Construction of an internal, 12-foot wide gravel access driveway with turnouts meeting CalFire requirements.
  - g. Grading the existing access to 18 feet in width.
  - h. Reinforcement of an existing wood bridge on the primary access road (Jack Creek Road), and improvements to the existing driveway approach to York Mountain Road
  - i. Periodic maintenance including remote monitoring via Supervisory Control and Data Acquisition (SCADA), data collection, regular maintenance and repairs, and panel washing (approximately 1,500 gallons of water twice a year).
  - j. Integrated pest management plan, which may include the following weed control (i.e. use of native ground cover, livestock grazing to control grasses, manual harvest, and use of herbicides if necessary); vegetative management for fuel load reduction; and, insect, pest, and disease management (i.e., manual trapping of vertebrate pests, eradication, use of EPA-approved rodenticides).
  - k. De-commissioning the facility including removal of all facility elements, including but not limited to: solar modules, trackers, racking, posts, PowerStation electrical equipment, underground conduits and cables, concrete pads, fences, security lighting, and access road gravels. No grading is proposed.
  - l. Reclamation including evaluation of adjacent grasses and vegetation, soil preparation, temporary irrigation, seed/crop planting, and watering and fertilization (if necessary).
  - m. Maximum height of the panels if tilted at maximum angle is 25 feet 6 inches from average natural grade.
  - n. Any posts, poles, or openings on solar equipment or related materials shall be closed as to not allow wildlife to enter the equipment and become trapped.

## ATTACHMENT 2

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

#### ***Site Development***

2. **At the time of application for construction permits** plans submitted shall show all development consistent with the approved site plan, proposed solar array, tracker elevations and details, and road details.
3. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior security lighting. 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.

#### ***Access***

4. **At the time of application for construction permits**, the applicant shall submit plans to the Department of Public Works to secure an Encroachment Permit and post a damage bond to construct improvements within the public right-of-way in accordance with County Public Improvement Standards. The plan is to include, as applicable:
  - a. Reconstruct existing site access approach per Drawing B-1a driveway and A-5a sight distances standards.
  - b. Repair pavement and edge of pavement damage associated with project construction vehicle turning or off-tracking movements along Jack Creek Road and Sea Ranch Lane.
  - c. Trim vegetation along Jack Creek Road and Sea Ranch Lane as necessary. All work shall be directed by a licensed arborist.
5. **At the time of application for construction permits**, the applicant shall provide evidence to the Department of Planning and Building that onsite circulation and pavement structural sections have been designed and shall be constructed in conformance with Cal Fire standards and specifications back to the nearest public maintained roadway.

#### ***Fire Safety***

6. **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 for this proposed project.

#### ***Biological Resources***

7. **[BIO-1] At the time of application for construction permits, including decommissioning**, the applicant shall submit plans including the following notes:
  - a. No oak trees shall be removed.
  - b. The applicant shall minimize trimming of oak trees. Removal of larger lower branches should be minimized to 1) avoid making tree top heavy and more susceptible to "blow-overs", 2) reduce having larger limb cuts that take longer to heal and are much more susceptible to disease and infestation, 3) retain wildlife habitat values associated with the lower branches, 4) retain shade to keep

## ATTACHMENT 2

summer temperatures cooler (retains higher soil moisture, greater passive solar potential, provides better conditions for oak seedling volunteers) and 5) retain the natural shape of the tree. The amount of trimming (roots or canopy) done in any one season shall be limited as much as possible to reduce tree stress/shock (ten percent or less is best, 25 percent maximum). If trimming is necessary, the applicant shall use a certified arborist when removing limbs. Unless a hazardous or unsafe situation exists, major trimming shall be done only during the summer months.

8. **[BIO-4] At the time of application for construction permits**, all riparian areas shall be shown on all construction plans. All actions shall be limited to the bridge structure. No riparian vegetation shall be removed, and no actions shall occur within the creek bed and within native soil on the creek bank. The construction plans shall clearly show the location of sturdy construction fence that delineates allowable site access and disturbance areas within 100 feet of the creek. Equipment and materials staging and storage shall not occur within 100 feet of the creek.
9. **[BIO-5] At the time of application construction permits, including decommissioning**, the following measure shall be shown on plans: During construction, to avoid erosion and downstream sedimentation, and to reduce impacts to aquatic species, no work shall occur during the rainy season (October 15 through April 15) within 100-feet of the on-site drainages.
10. **[BIO-6] At the time of application for construction permits**, applicable plans shall clearly show staging areas. Staging areas shall not be placed in areas that have potential to experience significant runoff during the rainy season. All project-related spills of hazardous materials within or adjacent to project sites shall be cleaned up immediately. Spill prevention and cleanup materials shall be on-site at all times during construction. Cleaning and refueling of equipment and vehicles shall occur only within designated staging areas. The staging areas shall conform to standard BMPs applicable to attaining zero discharge of storm water runoff. No maintenance, cleaning or fueling of equipment shall occur within wetland or riparian areas, or within 100 feet of such areas. At a minimum, all equipment and vehicles shall be checked and maintained on a daily basis to ensure proper operation and to avoid potential leaks or spills.

### ***Geology and Soils***

11. **[GS-1] At the time of application for construction permits**, the applicant shall submit complete drainage calculations for review and approval in accordance with Section 22.52.110 (Drainage Plan Required) of the Land Use Ordinance.
12. **[GS-2] At the time of application for construction permits**, the applicant shall submit a complete erosion and sedimentation control plan for review and approval in accordance with Section 22.52.120 of the Land Use Ordinance.

### ***Transportation/Circulation***

13. **[TR-1] At the time of application for construction permits**, the applicant shall submit plans to the Department of Public Works to secure an Encroachment Permit and post a damage bond to construct improvements within the public right-of-way in accordance with County Public Improvement Standards. The plan is to include, as applicable:

## ATTACHMENT 2

- a. Reconstruct existing site access approach per Drawing B-1 driveway and A-5a sight distance standards.
  - b. Repair pavement and edge of pavement damage associated with project construction vehicle turning or off-tracking movements along Jack Creek Road and See Ranch Lane.
  - c. Trim vegetation along Jack Creek Road and See Ranch Lane as necessary. All work shall be directed by a licensed arborist.
14. **[TR-2] At the time of application for construction permits**, the applicant shall provide evidence to the Department of Planning and Building that onsite circulation and pavement structural sections have been designed and shall be constructed in conformance with CalFire standards and specifications back to the nearest public maintained roadway.

### ***Water Resources***

15. **[W-1] At the time of application for construction permits**, the applicant shall show compliance with the "Post-Construction Stormwater Management Requirements for Development Projects in the Central Coast Region (CRWQB Central Coast Region)", Resolution No. R3-2012-0025, Section (B)(1)(b)(viii).

### **Conditions to be completed prior to issuance of a construction permit**

#### ***Public Works***

16. Prior to issuance of construction permits all conditions required by County Public Works (as outlined in their October 29, 2012 letter attached) shall be complied with.

#### ***Biological Resources***

17. **[BIO-2] Prior to issuance of construction permits**, the applicant shall submit an Oak Tree Inventory identifying all oak trees requiring trimming to meet CalFire standards. The inventory shall identify the location and diameter of each affected oak tree.
18. **[BIO-3] Prior to issuance of construction permits**, the applicant shall provide an oak tree replacement plan at a minimum 0.5:1 ratio for all trimmed oak trees. Replacement oak trees shall be from regionally or locally collected seed stock grown in vertical tubes or deep one-gallon tree pots. Four-foot diameter shelters shall be placed over each oak tree to protect it from deer and other herbivores, and shall consist of 54-inch tall welded wire cattle panels (or equivalent material) and be staked using T-posts. Wire mesh baskets, at least two feet in diameter and two feet deep, shall be used below ground. Planting during the warmest, driest months (June through September) shall be avoided. The plan shall provide a species-specific planting schedule. If planting occurs outside this time period, a landscape and irrigation plan shall be submitted prior to permit issuance and implemented upon approval by the county.

Replacement oak trees shall be planted no closer than 20 feet on center and shall average no more than four planted per 2,000 square feet. Trees shall be planted in random and clustered patterns to create a natural appearance. Replacement trees shall be planted in natural appearance. As feasible, replacement trees shall be planted in a natural setting on the north side of and at the canopy/dripline edge of existing mature

## ATTACHMENT 2

native oak trees; on north-facing slopes; within drainage swales (except when riparian habitat present); where topsoil is present; and away from continuously wet areas (e.g., lawns, irrigated areas, etc). Replanting areas shall be either in native topsoil or areas where native topsoil has been reapplied. A seasonally timed maintenance program, which includes regular weeding (hand removal at a minimum of once early fall and once early spring within at least a three-foot radius from the tree or installation of a staked “weed mat” or weed-free mulch) and a temporary watering program, shall be developed for all oak tree planting areas. A qualified arborist/botanist shall be retained to monitor the acquisition, installation, and maintenance of all oak trees to be replaced. Replacement trees shall be monitored and maintained by a qualified arborist/botanist for at least seven years or until the trees have successfully established as determined by the County Environmental Coordinator. Annual monitoring reports will be prepared by a qualified arborist/botanist and submitted to the County by October 15 each year. Annual monitoring reports will include specifics as required by the mitigation measures outlined in the Mitigated Negative Declaration.

19. **[BIO-7] Prior to issuance of construction permits, including decommissioning**, the applicant shall obtain all necessary permits, approvals, and authorizations from jurisdictional agencies, or documentation that such permits are not required. These may include, but may not be limited to: (1) RWQCB Section 401 Water Quality Certification for discharges in to “Waters of the U.S.” and/or “Waters of the State”; and (2) CDFG Section 1602 Streambed Alteration Agreement for activities within the tops of banks or outer edges of riparian canopies (whichever extends furthest from the streambeds) of drainages.
20. **[BIO-8] Prior to issuance of construction permits, including decommissioning**, the applicant shall retain a County-approved biological monitor, and submit documentation verifying compliance. The monitor shall be responsible for (1) ensuring that procedures for verifying compliance with environmental mitigations are followed; (2) lines of communication and reporting methods; (3) daily and weekly reporting of compliance; (4) construction crew training regarding environmentally sensitive areas; (5) authority to stop work; and (6) action to be taken in the event of non-compliance. Monitoring shall be required for all work within 100 feet of Paso Robles Creek.
21. **[BIO-10] Prior to issuance of construction permits, including decommissioning**, the applicant shall coordinate with the U.S. Fish and Wildlife Service (USFWS) to determine the potential for take of California red-legged frog during the proposed activities. Such coordination may result in a Section 10 Consultation (no federal nexus) or Section 7 Consultation (federal nexus) pursuant to the Federal Environmental Species Act (FESA). Formal consultation may result in issuance of a Habitat Conservation Plan or Biological Opinion both of which would provide subsequent mitigation measures that would minimize the potential for take of California red-legged frog during project activities.
22. **[BIO-11] Prior to issuance of construction permits, including decommissioning**, the applicant shall submit plans including the following notes. Mitigation shall be implemented and documented by a County-approved biological monitor, and shall include the following:
  - a. Only USFWS-approved biologists will participate in activities associated with the capture, handling, and monitoring of California red-legged frog.
  - b. Bridgework will not begin until written approval is received from the USFWS that

## ATTACHMENT 2

the biologist is qualified to conduct the work.

- c. An USFWS-approved biologist will survey the project area 48 hours before the onset of construction activities. If any life stage of the California red-legged frog is found and these individuals are likely to be killed or injured by work activities, the approved biologist will be allowed sufficient time to move them from the site before work activities begin. The USFWS-approved biologist will relocate the California red-legged frog the shortest distance possible to a location that contains suitable habitat and will not be affected by the activities associated with the proposed project. The USFWS-approved biologist will maintain detailed records of any individuals that are moved (e.g., size, coloration, any distinguishing features, photographs [digital preferred]) to assist him or her in determining if trans-located animals are returning to the point of capture.
  - d. A pre-construction survey for coast range newt and western spadefoot toad shall occur within 48 hours before the onset of construction activities. If observed, movement of these species shall only be permitted by a biologist with a Scientific Collection permit that allows identification and handling of amphibians.
  - e. Before any construction activities begin on the project, an USFWS-approved biologist will conduct a training session for all construction personnel. At a minimum, the training will include a description of the California red-legged frog, coast range newt, western spadefoot toad, and their habitat, the specific measures that are being implemented to conserve the species for the current project, and the boundaries within which the project may be accomplished. Brochures, books, and briefings may be used in the training session, provided that a qualified person is on hand to answer any questions.
  - f. An USFWS-approved biologist will be present at the construction site until all California red-legged frogs, coast range newt, and western spadefoot toad have been removed (if present), workers have been instructed, and work within 100 feet of Paso Robles Creek has been completed. After this time, the state or local sponsoring agency will designate a person to monitor on-site compliance with all minimization measures. The USFWS-approved biologist will ensure that this monitor receives the outlined training and in the identification of California red-legged frog. If the monitor or the USFWS-approved biologist recommends that work be stopped because California red-legged frog would be affected to a degree that exceeds the levels anticipated by the USFWS during the review of the proposed action, they will notify the project superintendent immediately. The superintendent will either resolve the situation by eliminating the effect immediately or require that all actions that are causing these effects be halted. If work is stopped, the USFWS will be notified as soon as is reasonably possible.
  - g. During construction activities, all trash that may attract predators shall be properly contained, removed from the work site, and disposed of regularly. Following construction, all trash and construction debris shall be removed from work areas.
23. **[BIO-12] Prior to issuance of construction permits** for the bridge reinforcement, the applicant shall submit plans showing the use of a tarp or similar method to capture debris and sediment that may be dislodged during removal of bridge components. The tarp (or similar method) shall be extended below the bridge, and shall not touch the creek bed. This method shall ensure that no sediment or debris falls into the creek or is washed into the creek during bridge work and future storm events.

## ATTACHMENT 2

### **Fees**

24. Prior to issuance of construction permits, the applicant shall post a surety bond in favor of the County, conditioned on conformance with all applicable conditions, restrictions, and requirements as required in 22.32.030.
25. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school, public facilities, and inclusionary housing ordinance fees. Public facilities and inclusionary housing fees shall be calculated based on the square footage of all foundations, posts, water tanks, and pads touching the ground (not area of array's).

### **Aesthetics**

26. **[V-1] At the time of application for construction permits**, the applicant shall submit landscape, irrigation, landscape maintenance plans and specifications to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. The landscape plan shall be prepared as provided in Chapter 22.16 of the San Luis Obispo County Land Use Ordinance, and shall provide vegetation along the southwestern corner of the property boundary that will adequately screen a minimum of 75 percent of new development upon installation when viewed from Highway 46. The landscape plan shall utilize only native, drought-tolerant plant material. Prior to final inspection, the applicant shall provide verification to the satisfaction of the county that these measures have been met. Vegetation shall be maintained for the life of the project.

### **Air Quality**

27. **[AQ-1] Prior to issuance of grading and construction permits**, all required fugitive dust (PM10) measures shall be shown on applicable grading or construction plans. In addition, the contractor or developer shall designate personnel to monitor the fugitive dust emission and enhance the implementation of the measures a necessary to minimize dust complaints, reduce visible emissions blow 20 percent opacity, and to prevent transport of dust offsite. Monitor duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such person(s) shall be provided to the APCD Compliance Division prior to issuance of grading and construction permits.
  - a. Reduce the amount of the disturbed area where possible.
  - b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible.
  - c. All dirt stock-pile areas should be sprayed daily as needed.
  - d. Permanent dust control measures identified in the approved project revegetation and landscape plans should 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 native grass seed and watered until vegetation is established.
  - f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD.
  - g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible

## ATTACHMENT 2

- after grading unless seeding or soil binders are used.
  - h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
  - i. 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 CVC Section 23114.
  - j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site.
  - k. 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.
  - l. Prior to commencement of construction activities, the applicant shall notify the APCD, by letter, that the above air quality mitigation measures have been applied.
28. **[AQ-2]** "Naturally-occurring asbestos" has been identified by the State Air Resources Board as a toxic air contaminant. Serpentine and ultramafic rocks are very common in the state and may contain naturally occurring asbestos. Under the State Air Resources Board Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, prior to construction permit issuance, a geologic investigation will be prepared and then submitted to the county to determine the presence of naturally-occurring asbestos. If naturally occurring asbestos is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM before grading begins. These requirements may include, but are not limited to, 1) preparation of an "Asbestos Dust Mitigation Plan", which must be approved by APCD before grading begins; 2) an "Asbestos Health and Safety Program", as determined necessary by APCD. If NOA is not present, an exemption request shall be filed with the APCD. (For any questions regarding these requirements, contact the APCD at (805) 781-5912 or go to <http://www.slcleanair.org/business/asbestos.php>). Prior to final inspection or occupancy, whichever occurs first, when naturally-occurring asbestos is encountered, the applicant shall provide verification from APCD that the above measures have been incorporated into the project.
29. **[AQ-3]** Proposed demolition activities can result in potentially negative air quality impacts, especially where material exists containing asbestos material. Prior to issuance of any construction permit to remove or demolish any buildings or utility pipes on the subject property, the applicant shall provide evidence they have contacted APCD to determine: a) what regulatory jurisdictions apply to the proposed demolition, such as the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M - Asbestos NESHAP); b) District notification requirements; c) the need for an asbestos survey conducted by Certified Asbestos Inspector; and d) applicable removal and disposal requirements of the asbestos-containing material.

### ***Biological Resources***

30. **[BR-1]** The following measure shall be shown on applicable grading and construction plans, including decommissioning, to ensure avoidance of burrowing owl.
- a. The burrowing owl nesting season is typically February 1 through August 31. Grading and construction shall be avoided during this time period to the

## ATTACHMENT 2

- maximum extent feasible.
- b. If construction is anticipated to occur between February and August, a pre-construction burrowing owl survey shall be conducted by a qualified biologist to determine the presence or absence of nesting birds on the project site.
  - c. Prior to initiation of grading, the qualified biologist shall conduct a worker awareness training program to increase the on-site workers' recognition of and commitment to burrowing owl protection.
  - d. If nesting birds are present, the qualified biologist shall place visible markers near burrows, and no grading or construction activity shall occur within 200 meters (minimum), or as recommended by the qualified biologist. The qualified biologist shall monitor compliance with this measure until the birds have permanently left the burrow. Monitoring reports shall be submitted to the County Environmental Coordinator and California Department of Fish and Game.

### ***Drainage***

31. **At the time of application for construction permits**, the applicant shall submit complete drainage calculations for review and approval in accordance with Section 22.52.110 (Drainage) of the Land Use Ordinance.
32. **At the time of application for construction permits**, the applicant shall submit a complete erosion and sedimentation control plan for review and approval in accordance with Section 22.52.120 of the Land Use Ordinance

### ***Transportation and Traffic***

33. **[TR-1] At the time of application for construction permits**, the applicant shall show that the existing project site driveway will be shared to access the proposed project. No new project access driveways shall be allowed from Nacimiento Lake Drive.
34. **[TR-2] At the time of application for construction permits**, the applicant shall provide evidence to the Planning and Building Department that onsite circulation and pavement structural sections have been designed and will be constructed in conformance with Cal Fire standards and specifications back to the nearest public maintained roadway.

### ***Environmental Quality Assurance Program***

35. An Environmental Quality Assurance Program [EQAP] covering all aspects of construction and operation shall be submitted **prior to construction of any project component**, including monitoring and condition compliance. In addition to the applicant's agreement to the Developer's Statement and conditions of approval for the Minor Use Permit, the applicant will submit an EQAP in compliance with this standard. The EQAP will include all measures identified through the CEQA environmental review process and review of the Minor Use Permit.

### **Conditions to be completed during project construction**

#### ***Biological Resources***

36. **[BIO-9] Prior to commencement of construction, including decommissioning activities**, if construction activities are scheduled to occur during the typical bird nesting season (from March 1 to August 31) a qualified biologist shall be retained to conduct a pre-construction survey (approximately one week prior to construction) to determine presence/absence for tree and ground nesting birds. If no nesting activities are detected

## ATTACHMENT 2

within the proposed work area, noise-producing construction activities may proceed and no further mitigation is required. If nesting activity is confirmed during pre-construction nesting surveys or at any time during the monitoring of construction activities, work activities shall be delayed within 300 feet (500 feet if raptors) of active nests until the young birds have fledged and left the nest. In addition, the results of the surveys shall be passed immediately to the California Department of Fish and Game (CDFG) and the County, possibly with recommendations for buffer zone changes, as needed, around individual nests. Tree removal in riparian zones shall be monitored and documented by the biological monitor regardless of time of year.

### ***Air Quality***

37. **[AQ-4]** As of February 25, 2000, the APCD prohibits developmental burning of vegetative material within San Luis Obispo County. However, under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. Any such exception must complete the following prior to any burning: APCD approval; payment of fee to APCD based on the size of the project; and issuance of a burn permit by the APCD and the local fire department authority. As a part of APCD approval, the applicant shall furnish them with the study of technical feasibility (which includes costs and other constraints) at the time of application. For any questions regarding these requirements, contact the APDD at (805) 781-5912.

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

38. Landscaping in accordance with the approved landscaping plan shall be installed or bonded for **before final building inspection**. If bonded for, landscaping shall be installed within 60 days after final building. All landscaping shall be maintained in a viable condition in perpetuity.
39. **Prior to occupancy or final inspection**, whichever occurs first, the applicant shall obtain final inspection and approval from Cal Fire of all required fire/life safety measures.
40. **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.

### ***Aesthetics***

41. **[V-2] Prior to final inspection**, the applicant shall ensure that all solar panels were prepared with anti-reflective coating.

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

42. **[GS-3] 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 Stormwater Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et sec

## ATTACHMENT 2

### ***Transportation and Traffic***

43. **[TR-3] For the life of the project**, and in accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of-way prior to obtaining a valid Encroachment Permit from the Public Works Department, including, but not limited to: project signage, tree planting, and fences.

### ***Water***

44. **[W-1] 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.

### ***General***

45. **On-going condition of approval (valid for the life of the project)**, and in accordance with County Code Section 13.08, 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; etc without a valid Encroachment Permit issued by the Department of Public Works.
46. 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.
47. All conditions of this approval 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.
48. If operational activities which include tree trimming or vegetation clearing are scheduled to occur during the typical bird nesting season (from March 1 to August 31) a qualified biologist shall be retained to conduct a pre-construction survey (approximately one week prior to commencement of work) to determine presence/absence for tree and ground nesting birds. If no nesting activities are detected within the proposed work area, noise-producing construction activities may proceed and no further mitigation is required. If nesting activity is confirmed during nesting surveys, work activities shall be delayed within 300 feet (500 feet if raptors) of active nests until the young birds have fledged and left the nest. In addition, the results of the surveys shall be passed immediately to the California Department of Fish and Game (CDFG) and the County, possibly with recommendations for buffer zone changes, as needed, around individual nests. Tree removal in riparian zones shall be monitored and documented by the biological monitor regardless of time of year.