

**EXHIBIT B - CONDITIONS OF APPROVAL  
DRC2013-00031 (Freeport-McMoRan)**

**Approved Development**

1. This approval authorizes:
  - a. Replacement of all existing office trailers (to be removed) and allow construction of permanent structures, including: 7,622 square foot (sf) office, 2,100 sf meeting room, 1,500 sf storage building, restroom building and onsite septage pit, communications shed, water treatment facility, 84,000 gallon water tank, above-ground fueling station, 42-space parking lot, temporary relocation of offices, and removal of temporary trailers and storage containers.
  - b. All conditions of approval from Conditional Use Permit D010386 (the original conditions from the Phase IV Oil field expansion approval) 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. Maximum height for the building is 22.5 feet from finished grade.

**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 conditions of approval, which will include applicable amendments to facility wide plans or programs.
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 landscape plan.
4. **At the time of application for construction permits**, all plans and engineering shall be prepared by a California Licensed Engineer of Record and the Register Designed Professional in Responsible charge shall coordinate the plans and documents. This individual shall sign the "Registered Designed Professional in Responsible Charge" form.
5. The project is subject to a construction permit as well as the currently adopted 2010 California Codes or if submitted after Jan.1, 2014, it will be the 2013 California Codes.
6. County Building Division will need to review the Geotechnical report for adequacy as it relates to the design of all building foundations **at the time of construction permit application** submittal. At a minimum, **prior to issuance of a construction permit**, applicable construction drawings shall reflect findings and recommendations made by the geotechnical engineering report (Earth Systems, 12/13/14) to address the undocumented fill in and around all affected foundation footprints. All contractors shall be made aware of these conditions as a part of their contract/work scope.

7. The project is subject to the California State Title 24 accessibility / energy laws.
8. The project shall conform to the "National Pollutant Discharge Elimination System" storm water management program regulations. **At the time of application for construction permits** all applicable plans/drawings shall show conformance. **As an 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.
9. A fire sprinkler system will be required. The sprinkler plans shall be submitted with a separate application for a separate fire sprinkler permit with the application for the structure(s). The application for the sprinkler system and any water tank storage required for the system shall be approved **prior to issuance** of the structure(s). Cal Fire requires that all commercial sprinkler systems be reviewed by a licensed fire protection Engineer.
10. The applicant shall request a pre-building permit application meeting with Plans Examiner (Elizabeth Szwabowski), to determine the owner needs, clarify any issues and determine the number of permits.
11. Green Building. All new structures shall meet the County of San Luis Obispo Green Building ordinance requirements. In addition the plans be in compliance with the County of San Luis Obispo recycle program, wild land urban interface requirements, Chapter 7A, 2010 CBC, and Low impact design requirements, for handouts see, [www.sloplanning.org](http://www.sloplanning.org).
12. **Prior to construction permit issuance**, the water system design shall be provided to, and reviewed and approved by the County Environmental Health Services for adequacy. The approved system shall be installed by the applicant and **prior to final inspection/occupancy**, verified for adequacy by the County Environmental Health Services.
13. **Prior to construction permit issuance**, the improvements proposed for the existing above ground fuel storage tank shall be included, and then reviewed and approved by the County Environmental Health Services for adequacy and meeting existing regulations. The approved plans/drawings shall be installed by the applicant and **prior to final inspection/occupancy**, verified for adequacy by the County Environmental Health Services.
14. **Prior to construction permit issuance**, the applicant shall provide for County review and approval, the on-site septic system (engineered), that demonstrates it meets the criteria set forth in the county's Plumbing Code and/or RWQCB's Basin Plan. **Prior to final inspection/occupancy**, the installed system shall be verified for adequacy by the County Building Division.
15. **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.

### **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 Section 22.12.080.F.1, or may defer fee payment pursuant to Section 22.12.080.J.4. As an alternative the applicant may provide housing units or a land donation, pursuant to Section 22.12.080.F.3.

### **Fire Safety**

18. **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. The existing facility-wide Fire Safety Plan shall be reviewed for adequacy by CalFire. Any necessary changes to this Plan shall be made prior to permit issuance, and incorporated into the plans/drawings, as applicable. Prior to final inspection/occupancy, CalFire shall verify incorporation of these measures.

### **Environmental**

#### **Aesthetics**

19. (VS-1) **Aesthetics – Water Tank. At the time of application for construction permit**, the applicant shall clearly delineate on the project construction drawings, the location and visual treatment of any new water tank. The tank shall be no taller than 16 feet. When locating the permanent water on the proposed pad all efforts will be made to locate it in the least visually prominent portion, as viewed from Price Canyon Road. Screening with topographic features, existing vegetation or existing structures shall be used as feasible. If the tank cannot be fully screened with existing elements, then the tank shall be a dark green, non-contrasting color. **Prior to final inspection or occupancy**, whichever occurs first, the applicant shall provide verification to the satisfaction of the County that these measures have been met.
20. (VS-2) **Aesthetics – Temporary Construction . At the time of application for construction permit**, the applicant shall clearly delineate on the project construction drawings the location of the temporary construction trailers. These trailers shall be located within previously approved Phase IV development areas, and to the extent possible out of view from Price Canyon Road. Screening with topographic features and existing vegetation shall be used as feasible. Construction trailers shall be removed within 30 days of occupancy of the permanent office.
21. (VS-3) **Aesthetics – Exterior Light Plan. At the time of application for construction permits**, the Applicant shall submit an Exterior Lighting Plan for both permanent and temporary facilities, for County review and approval. The Plan shall define the height, location, and intensity of all exterior lighting. All lighting fixtures shall be positioned “down and into” the development, and shielded so that neither the lamp nor the related reflector interior surface is visible from surrounding properties. All lighting poles, fixtures, and hoods shall be dark colored. When nighttime lighting is required for construction, temporary lighting shall be hooded to the extent consistent with safety. Lighting fixtures shall be directed away from [the highway] to avoid glare and, when near a residence, shall be pointed away from the residence. This requirement shall be specified in contracts with contractors and subcontractors that may require nighttime construction lighting. Operational exterior lighting shall be limited to the following areas, unless other exterior lighting is required by law or Code: Operations and maintenance buildings, parking areas, meeting room building. The Lighting Plan shall focus on keeping the

lumen/light intensity level to the lowest possible while still meeting minimum safety and security requirements. These measures shall be shown on applicable construction drawings **prior to issuance of construction permits** and permanent lighting shall be installed **prior to final inspection**. The County and Environmental Monitor shall verify compliance with this measure.

22. (VS-4) **Aesthetics – Temporary Offices. At the time of application for construction permits**, temporary offices shall be shown on drawings in an area out of view from Price Canyon Road. Should the top of the ‘fill area’ near the main entrance be used, to minimize the potential visual impacts of temporarily relocated office trailers, 1) they shall be placed along the northern edge of the flattened area (see attachment), 2) all night lighting shall follow VS-3 measure above; and 3) the parking perimeter along the south and east edges shall be either bermed (at least 4-feet high), or screened with a perimeter temporary screening fence (up to 6-feet tall using dark green or brown screening material).

### ***Air Quality***

23. (AQ-1) **Limited Dust Control**. The project proposes grading an area that is less than 4-acres and is greater than 1,000 feet from the closest sensitive receptor. The following mitigation measures shall be implemented **during construction** to minimize nuisance impacts and to significantly reduce fugitive dust emissions:
- 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 would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;
  - c. All dirt stock-pile areas shall be sprayed daily as needed;
  - d. All roadways, driveways, sidewalks, etc. to be paved shall be completed as soon as possible, and building pads shall be laid as soon as possible after grading unless seeding or soil binders are used; and
  - e. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress.

All of the above measures shall be shown on all applicable plans **prior to issuance of construction permit(s) or approval of subdivision improvement plans**.

**Prior to commencement of construction/ improvement activities**, the applicant shall provide to the County verification from APCD, that the above air quality mitigation measures have been applied and/or measures are in place to comply with requirement **during construction**.

### ***Biological Resources***

24. (BIO-1) The project proposes to remove up to two coast live oaks and impact up to two coast live oaks. Based on the following “Woodlands Impact and Mitigation Worksheets” **Prior to issuance of the grading or construction permit**, the applicant agrees to deposit \$2,910 into either the Oak Conservation Fund (administered by the state’s Wildlife conservation Board), a County recognized tree mitigation bank (or County-approved equivalent). Therefore, a receipt from either the Oak Conservation Fund, a

County-recognized tree mitigation bank, or county-approved equivalent shall be provided to the county showing \$2,910 has been paid.

**Oak Impact Worksheet**

Tree Type	Number	Multiplier	Subtotal
Oak (Coast Live) <b>Impacted</b>	2	X 0.5	1
Oak (Coast Live) <b>Removed</b>	2	X 1	2
<b>TOTAL (needs to match Woodlands Mitigation Worksheet Total below)</b>			<b>3</b>

**Woodlands Mitigation Worksheet**

Method	Number (rounded down to nearest 0.5 interval)	Multiplier	Mitigation
<b>On-site tree planting</b> (no more than 50% of "Impact Total" above)	0	X 4	0 on-site replacement trees*
Tree Fee (add any rounded down fraction to this number)	3	X \$970	\$2,910
Conservation Easement	0		0
<b>TOTAL</b>	<b>3</b>		

**Noise**

25. **(NS-1) Limit noisy onsite construction activities. During construction or ground disturbing activities,** heavy equipment operation and noisy construction work at the project site shall be restricted to the following hours:

Monday through Friday 7:00 a.m. to 6:00 p.m.

Saturday and Sunday 8:00 a.m. to 5:00 p.m.

Noisy construction refers to any onsite activity within this project's boundaries that would be likely to exceed the County's limits for daytime noise levels (maximum noise level of 70 dBA, maximum impulsive noise level of 65 dBA, hourly noise level of 50 dBA Leq) at the project's property line.

**Transportation**

26. **(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 cash damage bond to install improvements within the public right-of-way in accordance with County Public Improvement Standards. The plan is to include, as applicable:

- a. Reconstruct or improve the existing site access driveway approach, as needed to conform to County Public Improvement Standard B-1e drawing for high speed and/or high volume rural roadways.
- b. Remove vegetation or other obstacles, as required, to achieve sight distance standards. (See standard drawing A-5a and use Design Speed = 55MPH.)

**Prior to final inspection**, satisfactory evidence shall be provided to Public Works, that any identified deficiencies determined for items #TR-1a and #b above, have been installed per approved plans.

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

27. 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.
28. 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.

***Recycling***

29. **On-going condition of approval (valid for the life of the project)**, the applicants shall provide recycling opportunities to all facility users at all events in accordance with Ordinance 2008-3 of the San Luis Obispo County Integrated Waste Management Authority (mandatory recycling for residential, commercial and special events).