

**EXHIBIT B  
CONDITIONS OF APPROVAL  
DRC2015-00089 – EUREKA ENERGY**

**Approved Development**

1. This approval authorizes a Variance Use Permit to approve 1) a 950 foot portion of a previously constructed access road, 2) authorize construction of an additional 200 feet of access road; 3) construction of two pedestrian pathways providing access to existing security camera towers; and 4) grading on slopes in excess of 30%. The area of disturbance, cut and fill is summarized as follows:

<b>Table 1 -- Area of Disturbance, Cut and Fill</b>				
<b>Project</b>	<b>Dimensions</b>	<b>Area of Disturbance</b>	<b>Cut</b>	<b>Fill</b>
Phase 1 – Access Road	200 ft x 14 ft	+/- 3,000 sq. ft.	400 cy	1,100 cy
Phase 2 – Pedestrian Walkways				
Tower 7	100 ft x 4 ft.	+/- 400 sq.ft.	40 cy	25 cy
Tower 8	650 ft x 4 ft	+/- 2,600 sq.ft.	5 cy	3 cy
Total:	--	6,000 sq.ft. (about 0.13 acres)	445 cy	1,128 cy

**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:
  - a. All development consistent with the approved as-built construction plans, and construction plans for new construction, and these conditions of approval;
  - b. The recommendations from the geotechnical report prepared by Joseph L. Sun, dated November 16, 2015; and
  - c. The recommendations of the drainage report prepared by Cannon Associates, dated December 8, 2015.

**Improvements/Public Works Department**

***Drainage***

3. **At the time of application for construction permits**, the applicant shall submit complete drainage plans prepared by a licensed civil engineer for review and approval by the County Public Works Department in accordance with Section 23.05.040 (Drainage) of the Land Use Ordinance. The plan shall, at a minimum evaluate: 1) the effects of the project's projected runoff on adjacent properties and existing drainage facilities and systems, and 2) estimates of existing and increased runoff resulting from the proposed improvement. The plan shall include Best Management Practices (BMPs) to address polluted runoff, including, but not limited to minimizing the use of impervious surfaces (e.g., installing pervious driveways and walkways) and directing runoff from roofs and drives to vegetative strips before it leaves the site.

4. **At the time of application for construction permits**, the applicant shall submit a sedimentation and erosion control plan prepared per County Coastal Zone Land Use Ordinance Section 23.05.036 for review and approval by the County Public Works Department, and it shall be incorporated into the project to minimize sedimentation and erosion. The plan shall be prepared by a registered civil engineer and address the following to minimize temporary and long-term sedimentation and erosion: slope surface stabilization, erosion and sedimentation control devices, final erosion control measures, and control of off-site effects.

#### ***Storm Water Control Plan***

5. **At the time of application for construction permits**, the applicant shall demonstrate whether the project is subject to the CZLUO Section for Storm Water Management. Applicable projects shall submit a Storm Water Control Plan (SWCP) prepared by an appropriately licensed professional to the County for review and approval. The SWCP shall incorporate appropriate BMP's, shall demonstrate compliance with Storm Water Quality Standards and shall include a preliminary drainage plan, a preliminary erosion and sedimentation plan. The applicant shall submit complete drainage calculations for review and approval.
6. **At the time of application for construction permits**, if necessary, the applicant shall submit a draft "Private Storm Water Conveyance Management and Maintenance System" exhibit for review and approval by the County.
7. **Prior to issuance of construction permits**, if necessary, the applicant shall record with the County Clerk the "Private Storm Water Conveyance Management and Maintenance System" to document on-going and permanent storm drainage control, management, treatment, disposal and reporting.

#### **Geology and Grading**

8. **Prior to any ground-disturbing construction activities or issuance of construction or grading permits**, the following recommendations from the geotechnical report prepared by Joseph L. Sun, dated November 16, 2015 shall be implemented as conditions of approval and included on all construction and grading plans:
  - a. Pier foundations. Pier foundations can be designed using an allowable skin friction of 300 psf. The top 6-in of skin friction shall be ignored for piers installed in unpaved area, and the top 12-in shall be ignored in unpaved area with ground slope steeper than 5H:1V. Piers installed in paved areas can use the skin friction along the full pier length. If the CBC pole formula is used, the pier foundations for the proposed fence shall be considered unconstrained. When piers are on level ground near a slope, such as a bench for a roadway, they shall be considered to be on sloped ground unless the horizontal distance from the base of the footing to daylight is greater than 1.7 times the embedment depth. When evaluating existing pier footings, if + 1/2" of deflection at the top of the footing is acceptable during design wind loading, the allowable lateral bearing pressure may be increased by a factor of 1.33. Piers can be used to provide lateral resistance. The passive earth pressure (provided below) can be applied across an area that extends two pier diameters laterally and three pier diameters below the finished grade.
  - b. Spread Footing Design. Spread footings shall be used as optional footings when pier footings are not feasible. Spread footings shall have a minimum embedment of 12" below

lowest adjacent grade and a minimum width of 24". Allowable bearing pressure shall be 3,000 psf for footings on the west facing slope and 2,500 psf for fence installed on the flat area west of the turbine building. For every 12" beyond the depth of 18", the allowable bearing pressure may be increased by 250 psf/ft but may not exceed 3,500 psf. The allowable bearing capacity may be increased by a factor of 1.33 to account for short term loads such as wind and seismic.

Strip footings are to be used for fencing running up a slope. For resistance to sliding, a coefficient of friction of 0.30 is to be used. The allowable bearing pressure for strip footings in areas with a cross slope of less than 5H: 1 V may be taken as equal to the allowable values for spread footing design. For strip footings with a cross slope greater than 5H: 1V, the allowable bearing pressure shall be decreased to 1,600 psf.

- c. Earth pressure (equivalent fluid weight pcf or psf/ft). A passive earth pressure of 350 pcf can be used for level toe. The passive earth pressure shall be reduced to 200 pcf if the toe of the retaining structure is dipping 1.5H:1V away from the wall. Active pressure shall be 45 pcf for level backfill and 60 pcf for 1.5H:1V sloping backfill. The above earth pressure recommendation is based on a rainage zone be installed behind the wall so that hypostatic water pressure is not experienced by the wall.
- d. Base Friction. Frictional resistance between concrete and compacted subgrade shall be 0.3. The base friction can used in conjunction with lateral earth pressure to resist lateral loads.

### **Fire Safety**

- 9. **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.

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

- 10. **During all phases of development**, the project shall comply with the requirements of the National Pollution Discharge Elimination System Phase I and/or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance.

### **Soils and Grading**

- 11. **During project construction/ground disturbing activities**, the applicant shall retain a certified soils engineer of record and shall provide the engineer's Written Certification of Adequacy of the Proposed Site Development for its Intended Use to the Department of Planning and Building.

### **Biology**

- 12. (BIO-1) To the maximum extent feasible, site preparation, vegetation removal, ground-disturbing, and construction activities shall be conducted outside of avian nesting season (March 15 – September 15). If such activities are required during this period, the applicant shall retain a qualified biologist to conduct a nesting bird survey and verify that special-status or migratory birds are not occupying the site. If nesting activity is detected, the following measures shall be implemented:

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- a. The project shall be modified or delayed as necessary to avoid direct take of identified nests, eggs, and/or young protected under the MBTA;
  - b. A construction avoidance buffer of 100 feet for passerines and/or 300 feet for raptors shall be established around the nest until young have fledged the nest or the qualified biologist has confirmed that the nest is no longer active. If work must be conducted within the avoidance buffer, the qualified biologist shall contact CDFW to determine an appropriate reduction in the buffer zone around active nest sites and shall conduct monitoring of the nest until it has fledged or construction has ended; and,
  - c. The qualified biologist shall document all active nests and submit a letter report to the County documenting project compliance with the applicable project mitigation measures.
13. (BIO-2) If project grading activities are scheduled in the winter months (November–February), a qualified biologist shall survey the anticipated grading areas and a 100-foot buffer to determine if burrowing owl(s) are wintering in the project area. If wintering burrowing owls are not detected, additional avoidance efforts are not necessary. If wintering burrowing owl(s) are detected, the following shall be implemented:
- a. The project shall be modified or delayed as necessary to avoid direct take of the identified burrow.
  - b. A construction avoidance buffer of 100 feet shall be established around the burrow until the qualified biologist has confirmed that the burrow is no longer in use by the burrowing owl(s). If work must be conducted within the avoidance buffer, the biologist shall erect a highly visible barrier of construction fencing around the burrow to facilitate avoidance of accidental damage of the burrow. The goal of the barrier shall be to minimize the potential for the burrow to be collapsed by grading, materials staging, or other project related activities.
14. (BIO-3) **Prior to the commencement of site preparation, ground-disturbing, or construction activities** in the two camera tower access path project areas (Phase 2), the applicant shall retain a biologist to conduct a botanical survey in late April to mid-May to confirm the presence or absence of special-status plant species. No botanical survey is necessary in the Phase 1 500 kV Tower Access Road project area. The monitoring biologist shall conduct the following:
- a. The biologist shall prepare a survey memo documenting the timing, methods, and results of the survey and identifying which of the following measures are applicable (if any).
  - b. If special-status plant species are identified during the survey, the occurrences shall be flagged for avoidance and all necessary adjustments in the project alignment shall be made in the field to shift the access paths and associated workspaces away from the occurrence(s).
    - a. All flagged occurrences of special-status plant species shall be monitored by a qualified biologist for the duration of construction to facilitate avoidance.
  - c. If complete avoidance of perennial special-status plant species is not possible, individuals of the species shall be relocated by a qualified botanist to adjacent suitable habitat. If determined appropriate by the qualified botanist, the relocated individuals shall be maintained through the dry season or until seasonal rains occur. Maintenance shall include site weed management within 3 feet of the plantings and watering.
  - d. If complete avoidance of annual special-status species is not possible, construction activities shall be delayed until the plant has matured and seed has set. The biologist shall collect seed from the mature plants and broadcast the seed in adjacent suitable habitat. The seed receiver site shall be scarified, cleared of weeds prior to broadcasting seed, and the seed shall be covered with native soil, jute netting, or a similar cover to deter foraging.

15. (BIO-4) **Prior to the commencement of site preparation, ground-disturbing, or construction activities**, the applicant shall retain a biologist to prepare and deliver a worker orientation and training program for all construction staff. This program shall include information on the biology of special-status species and sensitive habitats that have been identified as having potential to occur in the project area, as well as identify all potentially suitable habitat for each species within the project site. Project boundaries and avoidance areas shall also be noted. Those applicable regulatory policies and provisions regarding species and habitat protection and minimization measures to be implemented shall be discussed.
16. (BIO-5) **Prior to the commencement of site preparation, ground-disturbing, or construction activities**, the applicant shall identify BMPs on all construction plans. These practices shall be implemented prior to, during, and following construction activities as necessary to ensure their intended function.
17. (BIO-6) Access to the project areas shall be from existing roads or designated access routes. Off-road travel outside of designated workspaces shall be avoided. Staging areas and extra workspaces shall be sited in previously disturbed areas to the greatest extent feasible.
18. (BIO-7) All stockpiled materials shall be managed to minimize potential for erosion, dust, or dispersal into surrounding habitat. This includes, but is not limited to, placement of materials on plastic sheeting or tarps to minimize mixing with native soils, covering stockpiles with plastic sheeting, and installing straw wattles free of plastic monofilament materials that could entrap wildlife around the base of stockpiles.
19. (BIO-8) Construction crews shall provide for secondary containment of hazardous materials to prevent hazardous material contact with stormwater or waterways.
20. (BIO-9) Vehicle speeds on unpaved access routes shall not exceed 15 miles per hour and crews shall check for wildlife when driving to avoid collision.
21. (BIO-10) Vehicle and equipment parking shall be confined to existing cleared, previously disturbed areas to the extent feasible. Construction crews shall look under parked vehicles for wildlife before moving.
22. (BIO-11) All trash shall be properly contained and removed from the project work areas on a daily basis to avoid attracting predators and scavengers to the work areas.

#### **Conditions to be completed prior to final building inspection**

23. **Prior to final inspection**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

#### ***Drainage***

24. **Prior to final inspection**, the registered civil engineer shall verify that the recommendations of the approved Drainage Plan and the Sedimentation and Erosion Control Plan have been implemented. This verification shall be submitted in writing to the Department of Planning and Building for review and approval. If required by the County Public Works Department, the applicant shall execute a plan check and inspection agreement with the county, so that the drainage, sedimentation and erosion control facilities can be inspected and approved before final occupancy or final inspection, whichever occurs first.

#### ***Geology and Grading***

25. **Prior to occupancy or final inspection**, whichever occurs first, the soils engineer and certified engineering geologist of record, shall verify, as applicable, that construction is in compliance with the intent of the plan review, geologic report and the soils engineering reports (*geotechnical, prepared by Joseph I. Sun, November 16, 2015, and the Drainage Plan prepared by Cannon Associates dated December 8, 2015.*) The soils engineer and certified engineering geologist of record shall provide written verification that the recommendations of the preceding geologic reports and information have been incorporated into the final design and construction, and such verification shall be submitted to the Department of Planning and Building for review and approval.

**On-Going Conditions for the Life of the Project**

26. This land use permit and variance are valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050 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 23.02.042 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
27. 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 23.10.160 of the Land Use Ordinance.