

IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

_____ day _____, 20__

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____

RESOLUTION DENYING THE APPEAL OF NORMAN J. BEKO, AFFIRMING THE DECISION OF THE PLANNING COMMISSION, AND CONDITIONALLY APPROVING THE APPLICATION OF HITACHI Zosen INOVA USA, LLC FOR CONDITIONAL USE PERMIT DRC2015-00112.

The following resolution is now offered and read:

WHEREAS, on August 25, 2016, the Planning Commission of the County of San Luis Obispo (hereinafter referred to as the Planning Commission) duly considered the application of Hitachi Zosen Inova USA, LLC for Conditional Use Permit DRC2015-00122 and conditionally approved the application on August 25, 2016; and

WHEREAS, Norman J. Beko has appealed the Planning Commission's decision to the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the Board of Supervisors) pursuant to the applicable provisions of Title 22 of the San Luis Obispo County Code; and

WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on October 18, 2016, and a determination and decision was made on October 18, 2016; and

WHEREAS, at said hearing, the Board of Supervisors heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed,

and all persons present were given the opportunity to hear and be heard in respect to any matter relating to said appeal; and

WHEREAS, the Board of Supervisors has duly considered the appeal and finds that the appeal should be denied and the decision of the Planning Commission affirmed and that the application should be approved subject to the findings and conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth hereinabove are true, correct and valid.
2. That the Mitigated Negative Declaration prepared for this project represents the independent judgment and analysis of the County as Lead Agency and that it is hereby approved as complete and adequate and as having been prepared in accordance with the provisions of the California Environmental Quality Act.
3. That the Board of Supervisors makes all of the findings of fact and determinations set forth in Exhibit A attached hereto and incorporated by reference herein as though set forth in full.
4. That the appeal filed by Norman J. Beko is hereby denied, that the decision of the Planning Commission is affirmed, and that the application of Hitachi Zosen Inova USA, LLC for Conditional Use Permit DRC2015-00122 is hereby approved subject to the modified conditions of approval set forth in Exhibit B attached hereto and incorporated by reference herein as though set forth in full.

Upon motion of Supervisor _____, seconded by Supervisor _____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing resolution is hereby adopted.

Chairperson of the Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL
County Counsel

By: 
Deputy County Counsel

Dated: October 4, 2016

STATE OF CALIFORNIA,)
) ss.
County of San Luis Obispo,)

I, _____, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this day of _____, 20__.

County Clerk and Ex-Officio Clerk of the Board
of Supervisors

(SEAL)

By _____
Deputy Clerk.

**EXHIBIT A - REVISED FINDINGS
HITACHI ZOSEN INOVA USA, LLC – DRC2015-00122**

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on July 21, 2016 for this project. Mitigation measures are proposed to address Air Quality, Geology and Soils, Hazards/Hazardous Materials, Transportation/Circulation, and Water/Hydrology and are included as conditions of approval.

Conditional Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because Commercial Composting (Ag Processing) is an allowed use on Industrial zoned parcels and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the anaerobic digester plant, as designed and conditioned, does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the anaerobic digester is similar to, and will not conflict with, the surrounding lands and industrial uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Old Santa Fe Road, a local road constructed to a level able to handle any additional traffic associated with the project.

Article 4 Exception

- G. Land Use Ordinance (LUO) Section 22.30.070.D.3.c. requires commercial composting uses to be setback 200 feet from each property line. The commercial composting standards in the LUO address outdoor (wind-row) composting operations. All composting operations in the County to date are permitted and conducted out of doors in windrows that are open to the elements including moisture and wind. The proposed project is the first anaerobic digestion plant proposed in the County. This type of composting land use does not conduct operations out of doors, nor does it use windrows that are subject to the elements such as moisture and wind.

Modification of Land Use Ordinance Section 22.30.070.D.3.c. to allow setbacks less than 200 feet from the left and rear property lines is warranted because specific conditions of the site and the use make the standard unnecessary. These modifications would not reduce the setback beyond the minimum standards of Title 22.

It would be ineffective to require a 200 foot setback from the left and rear property lines due to the existing site configuration and constraints. The existing structure that will be renovated for this project has existing setbacks less than 200 feet. There is a drainage channel through the middle of the site that further hinders the placement of a structure 200 feet from the left property line. The property does not abut residential land uses; the rear property line abuts a vacant/undeveloped County-owned parcel that is utilized as a drainage detention basin for the airport, and the left property line abuts two Industrial properties, making it unnecessary to be located 200 feet from the property line.

**EXHIBIT B – REVISED CONDITIONS OF APPROVAL
HITACHI ZOSEN INOVA USA, LLC – DRC2015-00122**

Approved Development

1. This approval authorizes
 - a. construction and operation of an anaerobic digestion plant (ADP) to process green and food waste from the Waste Connections service area. The project will include the remodel of an existing 13,128 square-foot (sf) warehouse building and construction of a 36,000 sf addition. Other improvements will include a new office trailer, 80-space parking lot, vehicle weighbridge, 5,000 sf digester, 3,500 sf presswater tank, 7,500 sf biofilter, 1,062 kW combined heat and power (CHP) unit with flare, site grading, and stormwater facilities. The project will result in the disturbance of approximately 4.8 acres on two parcels totaling 12.53 acres.
 - b. modification to the 200 foot setback requirement for structures to left side and rear property lines to allow a 37 foot left side setback, and a 173 foot rear setback.
 - c. maximum height is 45 feet from average natural 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** plans submitted shall show all development consistent with the approved site plan, floor plan, and architectural elevations.
3. **At the time of application for construction permits**, the applicant shall provide details on any proposed signs. The number and area of signs allowed shall comply with Section 22.20.060 of the Land Use Ordinance. Freestanding signs shall be monument signs under six feet in height.

Fire Safety

4. **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 the Cal Fire/County Fire Department for this proposed project.

Services

5. **At the time of application for construction permits**, the applicant shall submit evidence that there is adequate water to serve the proposal, on the site.
6. **At the time of application for construction permits**, the applicant shall submit evidence that a septic system, adequate to serve the proposal, can be installed on the site.

Access

7. **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.
8. **At the time of application for construction permits**, and in accordance with Streets and Highway Code Section 1480.5 & 1481 the applicant shall submit an application to the Department of Public Works for an Encroachment Permit to reconstruct, if necessary, all deteriorated or non-compliant parent parcel frontage improvements.

Drainage

9. **At the time of application for construction permits**, the applicant shall submit complete drainage plans and report prepared by a licensed civil engineer for review and approval in accordance with Section 22.52.110 (Drainage) of the Land Use Ordinance. Provide calculations to determine if all drainage must be retained or detained on-site (the design of the basin shall be approved by the Department of Public Works).

Storm Water Control Plan

10. **At the time of application for construction permits**, the applicant shall demonstrate whether the project is subject to the LUO 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.
11. **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.

Conditions to be completed prior to issuance of a construction permit

Fees

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

Air Quality

13. **AQ-1: Odor Control. Prior to issuance of construction permits**, the applicant shall develop an Odor Control Plan for review and approval by the APCD that identifies potential odor sources and determines control strategies to reduce potential odors. Odor control strategies that can be incorporated into these plans include, but are not limited to, the following:
 - Identification and description of the most likely sources of odor;
 - A list of odor controls and best management practices that could be implemented to minimize odor releases: These best management practices shall include the establishment of the following criteria:

- Establish time limit for on-site retention of undigested substrates.
 - Establish contingency plans for operating downtime (e.g., equipment malfunction, power outage).
 - Manage delivery schedule to facilitate prompt handling of highly odorous substrates.
 - Protocol for monitoring and recording odor events.
 - Protocol for reporting and responding to odor events.
14. **AQ-2: Portable Equipment. Prior to issuance of construction permit**, the applicant shall obtain all required permits from the APCD for portable construction equipment (i.e. generators).

Hazards and Hazardous Materials

15. **HZ-1: Fire Safety. Prior to issuance of a construction permit**, the applicant shall provide a copy of the final *Fire Safety Plan* prepared by Cal Fire for this project and the *Preliminary Fire Protection Hazard Evaluation* prepared by Collings & Associates, July 30, 2016. The recommendations and requirements of the *Fire Safety Plan* and *Preliminary Fire Protection Hazard Evaluation* shall be implemented **prior to final occupancy**, and/or on-going for the life of the project.
16. **HZ-2: Prior to issuance of construction permits**, all structures shall be reviewed by the Air Traffic Division of the FAA regional office having jurisdiction over San Luis Obispo County to determine compliance with the provisions of FAR Part 77. In addition, applicable construction activities shall be reported via FAA Form 7460-1 **at least 30 days before proposed construction or application for building permit**. The applicant shall also coordinate with the FAA on potential structural encroachments into the glideslope critical areas as shown on the draft Airport Layout Plan.
17. **HZ-3: Prior to the issuance of construction permits**; the applicant shall provide a recorded avigation easement for each property developed within the area included in the proposed local action.
18. **HZ-4: Exterior Light Plan. Prior to issuance of 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 or the San Luis Obispo County Regional Airport. 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 airport to avoid glare and, when near a residence, shall be pointed away from the residence.

Transportation and Circulation

19. **TR-1: Traffic Impacts**. In order to mitigate offsite traffic impacts, fees shall be required for San Luis Obispo City transportation impact fees for various programs. These fees shall be paid to the City of San Luis Obispo, and evidence of payment or waiver shall be provided to the County, **prior to construction permit issuance**. These fees shall include:
- a. Citywide Transportation Impact Fee

- b. Airport Area Specific Plan Fee
- c. Los Osos Valley Road Interchange Mitigation Fee

Storm Water Control Plan

20. **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.

Conditions to be completed during project construction

Site Development

21. The project shall provide for utilities being placed underground.

Building Height

22. The maximum height of the project is 45 feet from average natural grade.
- a. **Prior to any site disturbance**, a licensed surveyor or civil engineer shall stake the lot corners, building corners, and establish average natural grade and set a reference point (benchmark).
 - b. **Prior to approval of the foundation inspection**, the benchmark shall be inspected by a licensed surveyor prior to pouring footings or retaining walls, as an added precaution.
 - c. **Prior to approval of the roof nailing inspection**, the applicant shall provide the building inspector with documentation that gives the height reference, the allowable height and the actual height of the structure. This certification shall be prepared by a licensed surveyor or civil engineer.

Air Quality

23. **AQ-3: Fugitive Dust Mitigation Measures.**
- a. Reduce the amount of the 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 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, non-invasive 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 and building pads should be laid as soon as possible 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. All of these fugitive dust mitigation measures shall be shown on grading and building plans; and
- m. 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 percent opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition.
- n. Since water use is a concern due to drought conditions, the contractor or builder shall consider the use of an APCD-approved dust suppressant where feasible to reduce the amount of water used for dust control.

24. **AQ-4: Combustion Emission Mitigation Measures.**

- a. Maintain all construction equipment in proper tune according to manufacturer's specifications;
- b. Fuel all off-road and portable diesel powered equipment with CARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
- c. Use diesel construction equipment meeting CARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State off-Road Regulation;
- d. Use on-road heavy-duty trucks that meet the CARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;
- e. Construction or trucking companies with fleets that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g. captive or NOx exempt area fleets) may be eligible by proving alternative compliance;
- f. All on and off-road diesel equipment shall not idle for more than five minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the five minute idling limit;
- g. Diesel idling within 1,000 feet of sensitive receptors is not permitted;
- h. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
- i. Electrify equipment when feasible;
- j. Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and
- k. Use alternatively fueled construction equipment on-site where feasible, such as CNG, liquefied natural gas (LNG), propane or biodiesel.

25. **AQ-5: Hydrocarbon Contaminated Soil.** Should hydrocarbon contaminated soil be encountered during construction activities, the APCD shall be notified as soon as

possible and no later than 48 hours after affected material is discovered to determine if an APCD permit will be required. In addition, the following measures shall be implemented immediately after contaminated soil is discovered:

- Covers on storage piles shall be maintained in place at all times in areas not actively involved in soil addition or removal;
 - Contaminated soil shall be covered with at least six inches of packed uncontaminated soil or other TPH –non-permeable barrier such as plastic tarp. No headspace shall be allowed where vapors could accumulate.
 - Covered piles shall be designed in such a way to eliminate erosion due to wind or water. No openings in the covers are permitted;
 - The air quality impacts from the excavation and haul trips associated with removing the contaminated soil shall be evaluated and mitigated if total emissions exceed the APCD’s construction phase thresholds;
 - During soil excavation, odors shall not be evident to such a degree as to cause a public nuisance; and
 - Clean soil shall be segregated from contaminated soil.
26. **AQ-6: Lead During Demolition.** The applicant shall contact APCD **ten days prior to the start** of any demolition, renovation, or retrofitting work to determine if a lead work plan is required. An APCD permit may be required; if required the permit shall be obtained prior to any demolition, renovation, or retrofitting work.
27. **AQ-7: Naturally Occurring Asbestos. Prior to any construction activities at the site,** the applicant shall ensure that a geologic evaluation is conducted to determine if the area disturbed is exempt from the asbestos regulation. An exemption request shall be filed with the APCD. If the site is not exempt from regulation, the applicant shall comply with all requirements outlined in the Asbestos ATCM. This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program approved by the APCD.
28. **AQ-8: Demolition Asbestos. Prior to any construction activities at the site,** the applicant shall comply with all requirements of the National Emission Standard for Hazardous Air Pollutants. These requirements include, but are not limited to:
- a. written notification, within at least 10 business days of activities commencing to the APCD
 - b. asbestos survey conducted by a certified Asbestos Consultant and
 - c. applicable removal and disposal requirements of identified ACM. Please contact the APCD Enforcement Division at(805) 781-591 2 and also go to slocleanair.org/business/asbestos.php for further information. To obtain a Notification of Demolition and Renovation form go to the" Other Forms" section of: slocleanair.org/business/onlineforms.php.
29. **AQ-9: Idling Restrictions.**
- a. Driver’s shall not idle the vehicle’s primary diesel engine for greater than 5 minutes at any location;
 - b. Driver’s shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than five minutes at any location when within 100 feet of a restricted area;
 - c. Signs shall be posted in the designated queuing areas and job sites to remind drivers

- of the five minute idling limit;
- d. Off-road diesel equipment shall comply with the five minute idling restriction identified in Section 2449(d)(3) of the California Air Resources Board's In-Use off-Road Diesel regulation: www.arb.ca.gov/regact/2007/ordiesl07/frooal.pdf.
 - e. Signs shall be posted in the designated queuing areas and job sites to remind off-road equipment operators of the five minute idling limit.

Geology and Soils

30. **GS-1: Geotechnical Recommendations.** The applicant shall implement the recommendations of the *Geotechnical Engineering Report* prepared by Earth Systems Pacific, dated March 2016.

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

31. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from CDF of all required fire/life safety measures.
32. **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.

Air Quality

33. **AQ-10: Permit to Operate. Prior to final inspection or occupancy**, the applicant shall obtain a permit to operate from the SLO APCD. The applicant shall install a Selective Catalyst Reduction (SCR) and oxidation catalyst (Oxicat) system on the combined heat and power (CHP) unit.

The Applicant shall work with the SLO County APCD to mitigate daily ROG + NOx (ozone precursor) emissions off-site to a level below the ROG + NOx significance threshold prior to building occupancy. The Applicant shall implement at least eight mitigation measures from the list within APCD's CEQA Air Quality Handbook. If the Applicant cannot select and implement the required number of mitigation measures from APCD's list, the Applicant shall reduce air quality impacts to less than significant through off-site mitigation based upon the amount of emission reductions (i.e., 3.5 pounds per day) needed to bring the project's impacts below the significance threshold.

Hazards and Hazardous Material

34. **HZ-5: Environmental Health. Prior to occupancy or final inspection**, the applicant shall obtain the appropriate permits from the Department of Environmental Health for the process gasses produced. Depending on reportable quantities, a Hazardous Materials Business Plan may be required (including potential for a Risk Management Plan). The project may necessitate updates to the Waste Connections, Inc. Business Plan, including, but not limited to, the site plan.

Water and Hydrology

35. **WR-2: Water System. Prior to occupancy or final inspection**, the site shall have a permit from the Department of Environmental Health for a Non-Transient Non-Community Water System (reactivation of the CBI water system permit).

Notice of Use

36. A notice listing the authorized land uses for a site shall be recorded in the Office of the County Recorder **prior to occupancy or final inspection.**

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

37. 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.
38. 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.

Hazards and Hazardous Material

39. **HZ-6:** The non-residential density for this property shall be limited to 353 persons.
40. **HZ-7:** The building coverage for this property shall be limited to 1.25 acres (54,450 square-feet).
41. **HZ-8:** All moderately noise sensitive land uses on the project site shall include noise mitigation as required by the ALUP.
42. **HZ-9: For the life of the project,** no structure, landscaping, apparatus, or other feature, whether temporary or permanent in nature, shall constitute an obstruction to air navigation or a hazard to air navigation, as defined by the ALUP.
43. **HZ-10: For the life of the project,** any use is prohibited that may entail characteristics which would potentially interfere with the takeoff, landing, or maneuvering of aircraft at the Airport, including:
- Creation of electrical interference with navigation signals or radio communication between the aircraft and airport;
 - Lighting which is difficult to distinguish from airport lighting;
 - Glare in the eyes of pilots using the airport;
 - Uses which attract birds and create bird strike hazardous;
 - Uses which produce visually significant quantities of smoke; and
 - Uses which entail a risk of physical injury to operators or passengers of aircraft (e.g. exterior laser light demonstrations or shows)
44. **HZ-11:** All owners, potential purchasers, occupants (whether as owners or renters), and potential occupants (whether as owners or renters) shall receive full and accurate disclosure concerning the noise, safety, or overflight impacts associated with airport operations prior to entering any contractual obligation to purchase, lease, rent, or

otherwise occupy any property or properties within the airport.

45. **HZ-12: For the life of the project**, any fueling stations in connection with this project shall be processed through an amendment to this Conditional Use Permit, and shall require, at a minimum, referral to and recommendation from the Airport Land Use Committee.
46. **HZ-13: For the life of the project**, any proposed solar system installation shall be referred to the Airport Manager for review and approval. The proposed solar system project shall be evaluated by the FAA Solar Glare Hazard Analysis Tool (SGHAT) and be designed to mitigate glare to the maximum extent possible.
47. **HZ-14: For the life of the project**, any development shall be setback from the fence line to ensure nothing creates an opportunity for someone to easily climb over the fence and violate airport security.

Water and Hydrology

48. **WR-1: Cross Connection.** If a cross-connection review by the Department of Environmental Health determines a cross-connection device is necessary, then an annual device test is required.

Defense and Indemnity

49. **Within ten (10) days of final approval of this use permit**, the applicant shall, as a condition of approval, enter into and record an agreement, in a form approved by County Counsel and executed by the Director of the Department of Planning and Building, providing for the defense and indemnity of the County of San Luis Obispo, its present or former officers, agents, or employees, at the applicant's sole expense, against any action brought by a third party challenging either the decision to approve this use permit or the manner in which the County is interpreting or enforcing the conditions of this use permit, or any other action by a third party relating to or arising out of the approval or implementation of this use permit. The agreement shall provide that the applicant shall indemnify the County and reimburse it for any costs and/or attorney's fees which the County incurs as a result of such action, and that the County's participation or non-participation in any such litigation shall not relieve the applicant of his or her obligations under this condition or the agreement. The applicant's obligations to defend and indemnify the County are ongoing conditions of this permit.