

CONDITIONS OF APPROVAL
Amended Story Subdivision
ZF2021-0014

CONDITIONS OF APPROVAL

1. This project is approved for a residential subdivision including 76 residential lots with 16 units of inclusionary housing, (Tentative Subdivision Map #4691) as shown in **Attachment A** and as conditioned by these conditions of approval and mitigation measures (Story Subdivision). Any modification to the approved plans, extent or manner of operation of the subdivision shall be submitted for review and approval by the Director of Community Services.
2. The developer shall be responsible for all costs associated with implementing the conditions of approval and mitigation measures contained herein. The developer shall comply with both the spirit and the intent of all applicable requirements of the Esparto Community Plan, County Code, Conditions of Approval and Mitigation Measures.
3. Pursuant to Public Resources Code Section 21089, and as defined by Fish and Game Code Section 711.4, an environmental document filing fee and County recording fee are payable by the project applicant upon filing of the Notice of Determination by the Yolo County Department of Community Services within five working days of approval of this project by the Board of Supervisors.
4. All existing utilities obstructing the development shall be removed and/or relocated to the satisfaction of the service provider.
5. In accordance with Section 8-1.709 of the County Code, a soils report for the project site has been prepared by a registered civil engineer (Wallace Kuhl & Associates, December 30, 2005) and shall be accepted by the County Building Official prior to the issuance of any building permits. The geotechnical report shall indicate compliance with compaction and other requirements for building pads and structures, and the recommendations shall be made a part of construction plans.
6. The developer shall be responsible for the demolition and removal of existing improvements and debris on the subject site, including the abandonment of any wells and septic on the subject property. All such demolition and removal shall be completed prior to the issuance of building permits for the subject properties.
7. The developer shall obtain a Construction Activities Storm Water Permit from the California Regional Water Quality Control Board prior to commencement of construction activities. Said permit shall be submitted to the Yolo County Department of Community Services prior to the issuance of grading permits.
8. Unless otherwise authorized by the Director of Community Services, grading, excavation, and trenching activities shall be completed after April 1 and prior to November 1st of each year to prevent erosion. A drought-tolerant, weed-free mix of native and non-native grasses or alternate erosion control measures approved

by the Director of Community Services shall be established on all disturbed soils prior to November 1st of each year. Engineered grading plans shall be submitted to the Department of Community Services concurrent with the Final Subdivision Map.

9. Any topsoil excavated during the construction of the project shall be stockpiled and used on the subject site. Topsoil shall not be transported from the site to any other property. Stockpiling of materials and vehicle parking areas shall be located at least 100 feet from occupied residences adjacent to the development.
10. Electrical transformers serving the property may be located in the front yards and shall be screened from public view with landscaping or other effective means as approved by the Director of Community Services, in cooperation with affected service providers.

FINAL SUBDIVISION MAP

11. Except as otherwise provided in the Development Agreement for the Story Project at Section 3.10, the Final Subdivision Map shall be prepared and recorded within 2 years of approval of Tentative Subdivision Map #4691 unless an extension of time is approved by the Planning Commission. No person shall sell, lease, or finance any parcel or parcels or commence construction of any building for sale, lease or financing thereon, except for model homes, or allow occupancy thereof, until the Final Subdivision Map thereof is in full compliance and has been filed for recordation by the County Clerk Recorder of Yolo County.
12. The Final Subdivision Map shall be prepared pursuant to Section 8-1.502 of the Yolo County Code.
13. At the time of filing the Final Subdivision Map for recordation, fee title dedication of the detention basin, park area, multi-use path and public landscape portions of the subdivision shall be granted to the Esparto Community Service District. The developer shall provide improvements to these locations as provided herein. Language conveying these portions of the subdivision shall be shown on the Final Subdivision Map and accepted prior to recordation.
14. Prior to Final Subdivision Map approval, the map shall be submitted for review and approval by the Department of Community Services and shall be accompanied by all necessary information (including a bond or other guarantee for the cost of public improvements), in accordance with Sections 8-1.503 and 8-1.903 of the Yolo County Code.
15. To comply with the adopted Inclusionary Housing Ordinance, the developer shall construct 16 attached residential units to meet the Inclusionary Housing Ordinance requirements. Eight units shall be deed-restricted in price for low-income buyers and eight units shall be deed-restricted in price for moderate-income buyers. The Inclusionary Housing Agreement signed by the developer prior to approval of Final Subdivision Map #4691 shall be recorded after the Final Subdivision Map is approved.
16. Prior to Final Subdivision Map approval, the developer shall mitigate for the loss of Swainson's hawk habitat per Condition of Approval (COA) # 56, below.

17. Prior to Final Subdivision Map approval, the developer shall mitigate for the loss of agricultural land per COA # 54, below.
18. The Final Subdivision Map shall include a “Right-to-Farm” statement covering all residential lots. The Right-to-Farm statement shall be in accordance with Title 10, Chapter 6, Article 1 of the Yolo County Code. Said statement shall be approved as to form by the County Counsel and shall be to the satisfaction of the Director of Community Services.
19. Prior to Final Subdivision Map approval, a detailed Landscape Improvement Plan shall be submitted for review and approval by the Director of Community Services. This detailed improvement plan shall be substantially consistent with the Story Subdivision Conceptual Landscape Plan by Wood Rodgers dated June, 2007. The improvement plan shall include landscape, irrigation, walking and bicycle paths, and park improvements and equipment specifications on the public portions of the subdivision (detention basin, park, paths and street right of way), and front yard landscape and irrigation specifications. The Landscape Improvement Plan shall propose appropriate architectural and landscaping details for the landscaped areas along County Road 20X plus any other gateway features and shall include a noise attenuating wall or fence at least 6 feet tall.

To provide a street canopy, a minimum of one 15-gallon tree in the planter strip between the sidewalk and the street in front of each dwelling (street tree) and one in the front yard (accent tree) shall be provided. The tree in the front planter strip shall be installed with a two-foot deep, 10 feet long root barrier. Trees, landscaping and irrigation systems for the front yard of a lot consistent with the approved improvement plan shall be installed prior to the issuance of a final occupancy certificate for that residence. The landscaping plan shall emphasize the use of low-maintenance, drought-tolerant species and shall conform with the County landscaping standards (including the approved plant list in the Parks and Open Space Master Plan, Table III.3 and The Town of Esparto Community Plan, appendix A) and the County Water Efficient Landscape Ordinance. No more than 25 percent of the front yards, including the landscape strip between the street and sidewalk, shall be covered in sod.

20. The developer shall comply at all times with the Best Management Practices of the Sacramento-Yolo Mosquito and Vector Control District, which may include but not be limited to the following. These BMPs shall be incorporated into all improvement plans to the satisfaction of the Director of Community Services.
 - a. Trenches, basins, and swales shall be designed and maintained so that runoff is capable of completely passing through the structure within three days after introduction, especially during the peak mosquito breeding months of April through October.
 - b. The bottom of trenches, basins, and swales shall be free of depressions (i.e., tire ruts) in order to limit standing water within the structure.
 - c. Vegetation shall be kept below a maximum height of four inches (4”). Vegetation management shall be performed regularly to remove excessive vegetation from trenches and swales. Grass clippings and other debris shall be removed promptly.

- d. The detention basin shall be adequately sloped to allow positive drainage from inlet to outlet. Water depth within the basin shall not exceed four feet (4') to discourage emergent vegetation. Side slopes of the basin shall not be steeper than 3:1 (horizontal:vertical).
 - e. Storm water conveyance systems shall be constructed to allow for a continuous flow of water. Drains shall be designed with sufficiently sloped sides to allow adequate drainage without standing water. Drains shall be cleaned annually of emergent vegetation and other debris to prevent water blockage and the creation of mosquito breeding habitat.
21. The developer and construction contractor(s) shall develop a construction management plan for review and approval by the Director of Community Services. The plan shall include at least the following items and requirements to reduce, to the maximum extent feasible, traffic congestion during construction of this project and other nearby projects that could be simultaneously under construction:
- a. A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes.
 - b. Identification of haul routes for movement of construction vehicles that would minimize impacts on motor vehicular, bicycle, and pedestrian traffic, circulation, and safety, and specifically to minimize impacts to the greatest extent possible on State Route 16 through the town of Esparto.
 - c. Notification procedures for public safety personnel and affected property owners regarding when major deliveries, detours, and lane closures would occur. Affected property owners include all properties where access will be impacted by construction, deliveries, or detours.
 - d. Provisions for accommodation of bicycle flow, particularly along State Route 16.
 - e. Provisions for monitoring surface streets used for haul routes so that any damage and debris attributable to the haul trucks can be identified and corrected by the project sponsor.
23. Prior to the initiation of ground-disturbing activities, the developer shall inform all construction personnel involved with excavation of the potential for exposing subsurface cultural resources and the anticipated procedures that will be followed upon the discovery or suspected discovery of archaeological materials, including Native American remains and their treatment. All project construction personnel shall be informed that collecting significant historical or unique archaeological resources discovered during development of the project is prohibited by the conditions of the project and by applicable laws and regulations.

If human remains are found in the course of any earthmoving activities, the

County Coroner must be contacted and work must stop to ensure that the area is not further disturbed. If the remains are determined to be of Native American origin, the State Native American Heritage Commission will be contacted and no further excavation or disturbance of the site can occur until the process set forth in Public Resources Code, Section 5097.98 is implemented.

The Public Resources Code, Section 5097.98 requires that upon the discovery of Native American remains, the landowner shall ensure that the immediate vicinity, according to generally-accepted cultural or archaeological standards or practices, where the Native American human remains are located is not damaged or disturbed by further development activity until the landowner has discussed and conferred with the most likely descendant(s) regarding their recommendations as prescribed in this section and, if applicable, has taken into account the possibility of multiple human remains. The landowner shall discuss and confer with the descendents regarding the descendents' preferences for treatment.

The descendents' preferences for treatment may include: preservation of Native American human remains and associated items in place, the nondestructive removal and analysis of human remains and items associated with Native American human remains, relinquishment of Native American human remains and associated items to the descendents for treatment, or other culturally appropriate treatment. The parties may also mutually agree to extend discussions, taking into account the possibility that additional or multiple Native American human remains, as defined in this section are located in the project area and to provide a basis for additional treatment measures.

IMPROVEMENT PLANS

24. The Final Subdivision Map shall be submitted to the Department of Community Services for review and approval by the County Surveyor. The map shall be accompanied by all the items specified in Sections 8-1.503 and 8-1.903 of the Yolo County Code. An electronic version of the Final Subdivision Map shall be submitted following approval.
25. All roads shown on the Final Subdivision Map shall be dedicated to Yolo County. The right of way widths dedicated or conveyed shall be as shown on Tentative Subdivision Map #4691, unless modified in order to provide for the road widths and frontage improvements required by these conditions, as determined necessary by the Director of Community Services.
26. Prior to Final Subdivision Map approval, engineered Improvement Plans shall be submitted to the Department of Community Services for approval. Plans shall detail the public improvements required by Yolo County Code Section 8-1.902, and these conditions of approval, to the satisfaction of the Director of Community Services. Final improvement plans and as-built drawings shall be submitted on 24" x 36" Mylar sheets.
27. Prior to Final Subdivision Map approval, the developer shall submit complete engineered grading and drainage plans detailing topography and site drainage. The grading and drainage plans shall delineate building envelopes, building pad elevations and finish slab elevations. Lots shall drain to the street. At a minimum, the finish slab elevation shall be no less than 12 inches plus 2 percent

average front yard slope above the top of the back of the sidewalk or curb elevation. The drainage plan shall reference the soils report prepared for the project. The grading and drainage plan shall be approved by the Director of Community Services prior to Final Subdivision Map approval.

28. Prior to Final Subdivision Map approval, engineered street improvement plans shall be submitted to the Director of Community Services for approval. The improvement plans shall detail road improvements on residential streets to Class "A" standards with vertical curbs, gutters, ADA accessible sidewalks, and driveways. All new and reconstructed residential streets shall be designed with a Traffic Index of 7, and shall have minimum 4-inch-thick asphalt concrete surfacing.
29. The developer shall dedicate right-of-way and improve County Road 20X as shown on Tentative Subdivision Map #4691. County Road 20X would be improved with a cross-section of 61 feet (a 20.5-foot auto lane on the south side and 18-foot lane on the north side) with a five-foot planter strip and five-foot sidewalk on the south side. A landscaped open space strip would be located between the sidewalk on County Road 20X and the back of the first row of lots.
30. Prior to Final Subdivision Map approval, an engineered drainage analysis shall be submitted to the Department of Community Services demonstrating that stormwater drainage and control features on the project site are designed so that the peak stormwater flows in the 10-year and 100-year, 24-hour storm event are detained on site and do not increase stormwater flow rate during these events downstream of the project. The Base Flood Elevation (BFE) for the Story Subdivision is to be established from the existing Flood Insurance Rate Map (FIRM) No. 060423 0359C and No. 060423 0367B utilizing the map referenced benchmarks correlated to the project vertical datum. From the mapped Flood Zone A boundary, elevations shall be established along the boundary and house pad elevations determined with finish floor elevations designed to be a minimum of 1.0 feet above the BFE. Other factors which may influence flood depths from overland flow will be considered.
31. Prior to Final Subdivision Map approval, a Joint Utility Trench Plan shall be submitted with the engineered improvement plans for review and approval by the Director of Community Services. All utilities required to serve the subdivision shall be extended underground to the site and installed underground on the site. Electricity, telephone, and cable TV services shall be installed in a common utility trench.
32. Prior to Final Subdivision Map approval, a Detention Pond Improvement Plan shall be submitted for review and approval by the Planning and Public Works Director. This detailed improvement plan shall be substantially consistent with the detention pond design in Tentative Subdivision Map #4691. The improvement plan shall indicate headwalls and erosion protection measures where the storm drainpipe empties into the detention basin. The detention basin shall be seeded with an irrigated hydroseeded turf mix, per the specifications in the Conceptual Landscape Plan, to reduce erosion and provide for passive recreational use, and shall be landscaped consistent with the detailed Landscape Improvement Plan.

Esparto Community Service District

33. Prior to Final Subdivision Map approval, the developer shall obtain approval from the Esparto Community Services District (ECSD) for its water, sewer, and lighting facilities shown on the improvement plans. ECSD approval shall be noted on signature blocks on the improvement plans. The sewer and water service improvement plans shall be consistent with the "Water and Wastewater Treatment/Sewer Service and New Facilities Agreement," signed between Emerald Homes LT, LLC and the ECSD, dated August 9, 2006, as it may be amended. Fees shall be paid to the District for Final Subdivision Map processing and review of the improvement plans for compliance with District standards in accordance with the existing ordinance.
34. The developer shall furnish, install and pay all costs for water and sewer service connections and extensions to the existing lateral lines designed and constructed in accordance with ECSD standards and approved by the ECSD General Manager, as outlined in the "Water and Wastewater Treatment/Sewer Service and New Facilities Agreement." Wastewater and water hookup fees shall be paid to the ECSD at the time of building permits are issued. Services shall not be provided until fees are paid in full.
35. Developer shall install lockable curb stops, valve boxes and meter connections on all water service lines and mark the service locations with a "W" in the concrete sidewalk. S-stamp to be added
36. Streetlights shall be installed in coordination with Pacific Gas and Electric (PG&E) and in accordance with ECSD standards and approved by the ECSD General Manager, as well as in accordance with the County Improvement Standards and Specifications minimum requirements. Streetlight model, locations and specifications shall be shown on the improvement plans and approved by the County and the ECSD prior to approval of the Final Subdivision Map. The type of streetlight installed shall be of attractive residential design. The developer shall furnish, install and pay all costs for streetlights constructed at the required intervals to the satisfaction of ECSD and the County of Yolo. Street lighting shall be set up under the LS1 rate structure.
37. Each dwelling shall be provided with a fire sprinkler system. Public water line connections for each dwelling shall be sized to accommodate residential fire sprinkler systems, with a minimum pipe.5 inches as required by the ECSD standards.
38. The ECSD shall maintain the detention basin, multi-use paths, and park improvements within the subdivision. The developer shall be responsible in the establishment of a new fee assessment that fully meets the funding requirements of ECSD to maintain the above public improvements. ECSD and Yolo County shall review prior to acceptance of the fee assessment. The developer shall be responsible for their maintenance prior to acceptance.

Esparto Fire Protection District

39. The developer shall furnish, install and pay all costs for fire hydrants, valves and boxes required by the Esparto Fire Protection District. Fire hydrants and fire flow requirements shall be provided in conformance with the Uniform Fire Code and

shall be approved by the Chief of the Esparto Fire Protection District prior to the issuance of building permits.

BUILDING PERMITS

40. In order to achieve architectural diversity, a minimum of 4 different models with 3 different elevations shall be provided. The final building plans and elevations shall be reviewed and approved by the Director of Community Services and shall be substantially consistent with the design guidelines found within the 2019 Esparto Community Plan and the Yolo County Residential Design Guidelines.
41. Each house shall include a front entry walkway, 2 feet in width, from the front door to the street. That walkway may include steps and is in addition to any walkway from the door to the driveway.
42. No two adjoining houses shall have the same elevation.
43. The front setbacks of all houses shall be staggered through dispersal, to the extent feasible, of one- and two-story homes and by adjusting the front setbacks of two-story homes when side by side, with the staggering and dispersal proposed by the developer subject to approval of the Director of Community Services.
44. See Section 4.01.02.C of the Development Agreement for the Story Project for the visitability/universal design features agreed to by the Developer.
45. No fireplaces or woodstoves shall be allowed in any of the homes, with the exception of fireplace inserts approved the U.S. Environmental Protection Agency.
46. All homes shall have a minimum 4-foot high (maximum 7-foot high, upon approval of a building permit) "good neighbor" wood fence in rear and side yards and may include a 3-foot fence in the front yard, except the rear yard fences along County Road 20X shall satisfy noise attenuation and durable design requirements per the criteria in COA #19, above. Any fence in the front yard shall be no more than 3-foot high.
47. Each dwelling shall display address numbers in accordance with Section 8-13.105 of the County Code prior to issuance of occupancy permits. Signage within the development shall be in accordance with Article 12 of the County Zoning Regulations.
48. All building plans and grading plans shall be submitted to the Department of Community Services for review and approval in accordance with County building standards prior to the commencement of any construction.
49. Non-agricultural trees shall not be removed unless first authorized by the Director of Community Services. Treatment of trees to be preserved shall be addressed as a tree preservation component of the required Grading and/or Landscaping Improvement Plan, which should include the following:
 - (a) Trees to be retained should be identified in the field through flagging or

other obvious marking methods prior to any grading.

- (b) Temporary fencing shall be required along the outermost edge of the dripline of each tree or group of trees to be retained in the vicinity of grading to avoid compaction of the root zone and mechanical damage to trunks and limbs.
- (c) Trenching should be prohibited within driplines of trees to be retained. Any required utility line poles within the dripline should be installed by boring or drilling through the soil.
- (d) Should any oak trees over 6-inches in diameter at breast height need removal as a result of infrastructure improvements, house locations or other improvements, the developer shall replant the trees at a ratio of three to one (3:1).

50. The developer shall pay all fees required by other agencies or jurisdictions prior to building permit issuance, final inspection or issuance of a certificate of occupancy (e.g., Esparto Unified School District fees, Esparto Fire District fees, and Esparto Community Service District fees).

51. The developer shall acquire any required permits from the Yolo Solano Air Quality Management District for both mobile and stationary source emissions. Said permits shall be submitted to the Department of Community Services prior to issuance of building permits.

52. Construction equipment shall be properly outfitted and maintained with noise reduction devices to minimize construction-generated noise. Significant noise-generating construction equipment shall be shielded by noise-attenuating buffers such as structures or truck trailers when within 100 feet of adjacent occupied residences.

53. Encroachment permits shall be obtained from the Public Works Division prior to any work within the County right-of-way.

MITIGATION MEASURES

54. Yolo County has initiated a zoning ordinance amendment that would require mitigation for any farmland loss, regardless of whether the land is included in an existing plan and designated for growth. The following proposed amendment to Sec. 8-2.2416 of the zoning ordinance (Agricultural Land Conversion) shall be applied to the project as follows:

Requirements. Agricultural mitigation shall be required for conversion or change from agricultural use to a predominantly non-agricultural use prior to, or concurrent with, approval of a zone change, permit, or other discretionary or ministerial approval by the County. A minimum of one (1) acre of agricultural land shall be preserved for each acre of agricultural land changed to a non-agricultural use (1:1 ratio). Application for a zone change, permit, or other discretionary or ministerial approval shall include provisions for agricultural mitigation land. The following uses shall be exempt from this requirement: affordable housing projects, where a majority of the units are affordable; and public uses such as parks, schools, and cultural institutions.

To mitigate for loss of agricultural land, the applicant shall pay an in-lieu agricultural mitigation fee for the project at a 1:1 acre ratio, or may elect to dedicate an agricultural conservation easement acceptable to the County on prime soils at the same ratio. The fee requirement shall be the one that has been adopted by the County and is in effect at the time the Final Subdivision Map for the project is approved (the most recent County study proposes and supports an in-lieu fee of \$10,100 per acre).

55. The project shall be required to reduce air quality impacts by incorporating trip reduction measures and specific design features into the project, and/or adopting other measures that are recommended by the Yolo Solano Air Quality Management District (YSAQMD). Construction activities on the site shall incorporate the standard PM10 dust suppression requirements recommended by the YSAQMD, including:

- Nontoxic soil stabilizers according to manufacturer's specifications shall be applied to all inactive construction areas (previously graded areas inactive for ten days or more).
- Ground cover shall be reestablished in disturbed areas quickly.
- Active construction sites shall be watered at least three times daily to avoid visible dust plumes.
- Paving, applying water three times daily, or applying (non-toxic) soil stabilizers shall occur on all unpaved access roads, parking areas and staging areas at construction sites.
- Enclosing, covering, watering daily, or applying non-toxic soil binders to exposed stockpiles (dirt, sand, etc.) shall occur.
- A speed limit of 15 MPH for equipment and vehicles operated on unpaved areas shall be enforced.
- All vehicles hauling dirt, sand, soil, or other loose materials shall be covered or shall be maintained at least two feet of freeboard.
- Streets shall be swept at the end of the day if visible soil material is carried onto adjacent public paved roads.

The project shall incorporate the standard NOx reduction requirements recommended by the YSAQMD, including:

- To the extent that equipment and technology is available and cost effective, the applicant shall encourage contractors to use catalyst and filtration technologies;
- Minimize idling time to 5 minutes when construction equipment is not in use, unless per engine manufacturer's specifications or for safety reasons more time is required; and
- District Rule 2.3 requires controlling visible emissions not exceeding 40% opacity for more than three minutes in any one-hour.

In addition, the project shall comply with the following Esparto General Plan policy: Any new residential projects with wood burning appliances shall use only pellet-fueled heaters, U.S. EPA Phase II certified wood burning heaters, or gas fireplaces; installation of open hearth wood burning fireplaces shall be prohibited.

56. As mitigation for the loss of Swainson's hawk foraging habitat and otherwise provide for protection of interested protected bird species:

- (a) The project shall be required to pay a fee of \$8,660 per acre to the Yolo County Joint Powers Agency or with written approval of the CDFG and subject to its conditions, secure a conservation easement over Swainson's hawk foraging habitat, along with appropriate enhancement and management funds, as provided for in the "Agreement Regarding Mitigation for Impacts To Swainson's Hawk Foraging Habitat in Yolo County."
- (b) Prior to any site preparation or construction activity, the developer shall protect raptor nesting habitat as described in this mitigation measure. All surveys shall be submitted to the Yolo County Department of Community Services for review.
- (c) Prior to any site preparation or construction activity in both the breeding and nonbreeding season, the developer shall conduct burrowing owl surveys in conformance with CDFG burrowing owl recommendations (CDFG, 1995). If burrowing owls are detected during preconstruction surveys, the developer shall implement the following mitigation measures, consistent with CDFG recommendations:
 - (1) Avoid occupied burrows during the burrowing owl breeding season, February 1 through August 31.
 - (2) Prior to this breeding season, September 1 through January 31, occupied burrows should be avoided. If avoidance is not possible, owls may be evicted, and the developer must provide compensation for loss of burrows per CDFG standards.
- (d) The developer shall make very effort to schedule the removal of trees and shrubs outside of the raptor breeding season (March 15 through September 15). For any vegetation removal and site preparation that occurs during the breeding season (March 15 through September 15), the developer shall conduct preconstruction surveys as described in (e), below.
- (e) For construction that will occur between March 15 and September 15 of any given year, the developer shall conduct a minimum of two preconstruction surveys for (a) suitable nesting habitat within one-half mile of the project site for Swainson's hawk; (b) within 500 feet of the project site for tree-nesting raptors and northern harriers; and (c) within 165 feet of the project site for burrowing owls prior to construction. Surveys shall be conducted by a qualified biologist and will conform to the Swainson's Hawk Technical Advisory Committee (2000) guidelines and CDFG burrowing owl recommendations (CDFG,1995) for those species. These guidelines describe the minimum number and timing of surveys. If nesting raptors are detected during preconstruction surveys, the applicant shall implement mitigation measures described in (f), below.

- (f) If nesting raptors are recorded within their respective buffers, the applicant shall adhere to the following buffers:

(1) Maintain a 1/4-mile buffer around Swainson's hawk nests, a 500-foot buffer around other active raptor nests, and 165 feet around active burrowing owl burrows. These buffers may be reduced in consultation with CDFG; however, no construction activities shall be permitted within these buffers except as described in (2), below.

(2) Depending on conditions specific to each nest, and the relative location and rate of construction activities, it may be feasible for construction to occur as planned within the buffer without impacting the breeding effort. In this case (to be determined in consultation with CDFG), the nest(s) shall be monitored by a qualified biologist during construction within the buffer. If, in the professional opinion of the monitor, the project would impact the nest, the biologist shall immediately inform the construction manager and CDFG. The construction manager shall stop construction activities within the buffer until either the nest is no longer active or the project receives approval to continue from CDFG.

- (g) Prior to any site preparation or construction activity, the developer shall identify the locations of all potential valley elderberry longhorn beetle (VELB) habitat on or within 100 feet of the project site, and avoid direct and indirect impacts until the applicant has received U.S. Fish and Wildlife Service (USFWS) approval for such impacts. The developer shall ensure no net loss of VELB or VELB habitat by complying with impact avoidance, habitat creation, and mitigation measures contained in the USFWS VELB conservation guidelines (USFWS, 1999).

57. The developer shall be required to raise all residences out of the 100-year flood hazard area by elevating the pads of the individual homes so that the finished flood elevations would be above the flood level, as provided for in COA #30, above.

ONGOING

58. The developer shall agree to indemnify, defend, and hold harmless the County or its agents, officers, and employees from any claim, action, or proceeding (including damage, attorney's fees, and court cost awards) against the County or its agents, officers, or employees to attack, set aside, void, or annul an approval of the County, advisory agency, appeal board, or legislative body concerning the permit or entitlement when such action is brought within the applicable statute of limitations.

The County is required to promptly notify the operator of any claim, action, or proceeding, and must cooperate fully in the defense. If the County fails to promptly notify the developer of any claim, action, or proceeding, or if the County fails to cooperate fully in the defense, the operators shall not thereafter be responsible to defend, indemnify, or hold the County harmless as to that action. The County may require that the operators post a bond in an amount determined to be sufficient to satisfy the above indemnification and defense obligation.

59. Failure to comply with the CONDITIONS OF APPROVAL as approved by the Board of Supervisors may result in the following actions :
- non-issuance of future building permits;
 - legal action.