

**EXHIBIT 10 – DRAFT CONDITIONS OF APPROVAL and MITIGATION MONITORING
AND REPORTING PROGRAM (MMRP) FOR CONDITIONAL CERTIFICATE OF
COMPLIANCE (CC OF C) CASE NO. SD08-0025**

Resource Management Agency (RMA) Conditions

Planning Division

1. Project Description

The CC of C is based on and limited to compliance with the project description found in this condition below, all County land use hearing exhibits in support of the project including the Staff Report (Exhibit 1), dated January 28, 2016, Site Plan (Exhibit 3), Mitigated Negative Declaration (MND) (Exhibit 4), and Conditions of Approval and Mitigation Monitoring and Reporting Program set forth below. Together, these documents describe the Project. Any deviations from the Project must first be reviewed and approved by the County in order to determine if the deviations conform to the original approval. Project deviations may require Planning Director approval for changes to the CC of C or further California Environmental Quality Act (CEQA) environmental review, or both. Any Project deviation that is implemented without requisite County review and approval(s) constitutes a violation of the conditions of the CC of C.

The Project description is as follows:

CC of C Case No. SD08-0025 renders a 38-acre property made up of Tax Assessor's Parcels 046-0-142-065 (33.88 acres) and 046-0-141-115 (3.68 acres) in compliance with the requirements of the Subdivision Map Act (§ 66499.35) and Ventura County Subdivision Ordinance (VCSO) (§ 8212-4 et seq.).

Access to the lot will be directly from Highway 126 near Toland Road.

On-site water wells will provide domestic water for development of the subject property. A septic system will provide sewage disposal for development of the subject property. No public facilities will be extended or expanded to serve future development that may occur on the subject property.

No new development, grading, or ground disturbance will occur as part of this Project. The purpose of this Project is to bring the lot into compliance with the Subdivision Map Act and VCSO, and to enable the property owner to enter into a Land Conservation Act contract with the County for the lot.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the Project description above and all approved County land use hearing exhibits in support of the Project and conditions of approval below. (PL-1)

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2. Construction Activities

Prior to any construction, including vegetation removal, ground disturbance (e.g., trenching), or grading activities on the subject property—besides what currently occurs on the subject property as part of the existing agricultural operations—the Subdivider shall obtain a Zoning Clearance from the Planning Division and, if required, a Building Permit from the Building and Safety Division. Prior to any grading, the Subdivider shall obtain a Grading Permit from the Public Works Agency. (PL-6)

3. Acceptance of Conditions and Schedule of Enforcement Responses

The Subdivider's recordation of the CC of C shall constitute the Subdivider's formal agreement to comply with all conditions of the CC of C. Failure to abide by and comply with any condition for the granting of the CC of C shall constitute grounds for enforcement action provided in the *Ventura County Non-Coastal Zoning Ordinance* (2015, Article 14) and/or VCSO (Article 12), as applicable, which may include, but is not limited to, the following:

- a. Public reporting of violations to the Planning Commission and/or Board of Supervisors;
- b. Modification of the conditions listed herein;
- c. Recordation of a "Notice of Noncompliance" on the deed to the subject property; and/or
- d. The imposition of civil administrative penalties.

The Subdivider is responsible for being aware of and complying with the CC of C conditions and all applicable federal, state, and local laws and regulations. (PL-7)

4. Time Limits

- a. The approval decision for the CC of C becomes effective upon recordation of the CC of C.
- b. Prior to recordation, all fees and charges billed to that date by any County agency, as well as any fines, penalties, and sureties, must be paid in full. After recordation, any final billed processing fees must be paid within 30 days of the billing date.

5. Documentation Verifying Compliance with Other Agencies' Requirements Related to the CC of C

Purpose: To ensure compliance with and notification of federal, state, or local government regulatory agencies that have requirements that pertain to the Project (Condition No. 1, above) that are the subject of the CC of C and the completion of Mitigation and Monitoring Reporting Program.

Requirement: Upon the request of the Planning Director, the Subdivider shall provide the Planning Division with documentation (e.g., copies of permits or agreements from other agencies, which are required pursuant to a condition of the CC of C) to verify that

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the Subdivider has obtained or satisfied all applicable federal, state, and local entitlements and conditions that pertain to the Project.

Documentation: The Subdivider shall provide this documentation to the County Planning Division in the form that is acceptable to the agency issuing the entitlement or clearance, to be included in the Planning Division Project file.

Timing: The documentation shall be submitted to the Planning Division pursuant to the timing requirements of the agency that prepares the documentation.

Monitoring and Reporting: The Planning Division maintains the documentation provided by the Subdivider in the respective Project file. In the event that the federal, state, or local government regulatory agency prepares new documentation due to changes in the Project or the other agency's requirements, the Subdivider shall submit the new documentation within 30 days of receipt of the documentation from the other agency. (PL-9)

6. Defense and Indemnity

As a condition of the issuance of the CC of C, the Subdivider agrees to:

- a. Defend, at the Subdivider's sole expense, any action brought against the County by a third party challenging either the County's decision to issue the CC of C or the manner in which the County is interpreting or enforcing the conditions of the CC of C; and
- b. Indemnify the County against any settlements, awards, or judgments, including attorney's fees, arising out of, or resulting from, any such legal action. Upon written demand from the County, the Subdivider shall reimburse the County for any and all court costs and/or attorney's fees which the County may be required by a court to pay as a result of any such legal action the Subdivider defended or controlled the defense thereof pursuant to Section 6.a, above. The County may, at its sole discretion, participate in the defense of any such legal action, but such participation shall not relieve the Subdivider of the Subdivider's obligations under this condition.

The issuance of the CC of C and compliance with the conditions thereof, shall not relieve the Subdivider from any responsibility otherwise imposed by law for damage to persons or property; nor shall the issuance of the CC of C serve to impose any liability upon the County of Ventura, its officers, or employees for injury or damage to persons or property.

Except with respect to the County's sole negligence or intentional misconduct, the Subdivider shall indemnify, defend, and hold harmless the County, its officers, agents, and employees from any and all claims, demands, costs, and expenses, including attorney's fees, judgments, or liabilities arising out of the Projects described in Condition No. 1. (PL-13)

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7. Invalidation of Condition(s)

If any of the conditions or limitations of the CC of C are held to be invalid, that holding shall not invalidate any of the remaining CC of C conditions or limitations. In the event the Planning Director determines that any condition contained herein is in conflict with any other condition contained herein, then where principles of law do not provide to the contrary, the conditions most protective of public health and safety and natural environmental resources shall prevail to the extent feasible.

In the event that any condition imposing a fee, exaction, dedication, or other mitigation measure is challenged by the Subdivider in an action filed in a court of law, or threatened to be filed therein, which action is brought in the time period provided for by the Code of Civil Procedures (§ 1094.6), or other applicable law, the CC of C shall be allowed to continue in force until the expiration of the limitation period applicable to such action, or until final resolution of such action, provided the Subdivider has, in the interim, fully complied with the fee, exaction, dedication, or other mitigation measure being challenged.

If a court of law invalidates any condition, and the invalidation would change the findings and/or the mitigation measures associated with the approval of the CC of C, at the discretion of the Planning Director, the Planning Director may review the Projects and impose substitute feasible conditions/mitigation measures to adequately address the subject matter of the invalidated condition. The Planning Director shall make the determination of adequacy. (PL-14)

8. Consultant Review of Information and Consultant Work

The County and all other County agencies that have purview over the CC of C have the option of referring any and all special studies that these conditions require to an independent and qualified consultant for review and evaluation of issues beyond the expertise or manpower of County staff.

Prior to the County engaging any independent consultants or contractors pursuant to the conditions of the CC of C, the County shall confer in writing with the Subdivider regarding the necessary work to be contracted, as well as the costs of such work. Whenever feasible, the County will use the lowest bidder. Any decisions made by County staff in reliance on consultant or contractor work may be appealed pursuant to the appeal procedures contained in the Ventura County Zoning Ordinance Code then in effect.

The Subdivider may hire private consultants to conduct work required by the County, but only if the consultant and the consultant's proposed scope-of-work are first reviewed and approved by the County. The County retains the right to hire its own consultants to evaluate any work that the Subdivider or a contractor of the Subdivider undertakes. If the County hires a consultant to review any work undertaken by the Subdivider, or hires a consultant to review the work undertaken by a contractor of the Subdivider, the hiring of the consultant will be at the Subdivider's expense. (PL-15)

9. Relationship of CC of C Conditions, Laws and Other Permits

The Subdivider shall maintain the properties, and any facilities thereon, that are the subject of the CC of C, in compliance with all applicable requirements and enactments of federal, state, and county authorities. In the event of conflict between various requirements, the more restrictive requirements shall apply. In the event the Planning Director determines that any CC of C condition contained herein is in conflict with any other CC of C condition contained herein, when principles of law do not provide to the contrary, the CC of C condition most protective of public health and safety and environmental resources shall prevail to the extent feasible.

No condition of the CC of C for uses allowed by the Ventura County Ordinance Code shall be interpreted as permitting or requiring any violation of law, lawful rules or regulations, or orders of an authorized governmental agency. The issuance of the CC of C and compliance with the conditions of the CC of C shall not relieve the Subdivider from any responsibility otherwise imposed by law for damage to persons or property. (PL-16)

10. Construction Noise during School Hours

Purpose: In order for this project to comply with the Ventura County General Plan *Goals, Policies and Programs* (March 2015) Noise Policy 2.16.2-1(5) and the *County of Ventura Construction Noise Threshold Criteria and Control Plan* (Amended 2010).

Requirement: The Subdivider shall limit future noise-generating construction activity on the subject property to the hours between 7:00 a.m. and 7:00 p.m., Monday through Friday, and from 9:00 a.m. to 7:00 p.m., Saturday, Sunday, and State holidays. In addition, the Subdivider shall also adhere to the *County of Ventura Construction Noise Threshold Criteria and Control Plan* (Amended 2010) construction noise mitigation measures and shall neither operate, nor cause to operate, haul trucks on streets within 250 feet of school buildings during school hours (Appendix D, *County of Ventura Construction Noise Threshold Criteria and Control Plan*). The Subdivider also shall limit construction during daytime and evening sensitive time periods for the Santa Clara Schoolhouse, a noise-sensitive use, pursuant to the *County of Ventura Construction Noise Threshold Criteria and Control Plan*. Noise-generating construction equipment maintenance activities shall be limited to the same requirements. Non-noise generating construction activities such as interior painting are not subject to these restrictions.

Documentation: The Subdivider shall post a sign stating these restrictions in a conspicuous on-site location visible to the general public. The sign must provide a telephone number of the site foreman, or other person who controls activities on the jobsite, for use for complaints from the affected public. The Subdivider also shall submit any documentation (e.g., calculations of estimated noise levels) that is required pursuant to the *County of Ventura Construction Noise Threshold Criteria and Control Plan*, to the Planning Division for review and approval.

Timing: The sign shall be installed prior to the issuance of a building permit and throughout grading and construction activities. The Subdivider shall maintain a "Complaint Log," noting the date, time, complainant's name, nature of the complaint, and

any corrective action taken. The Subdivider shall submit any documentation (e.g., calculations of estimated noise levels) that is required pursuant to the *County of Ventura Construction Noise Threshold Criteria and Control Plan*, prior to issuance of a Zoning Clearance for construction of future development on the subject property.

Monitoring and Reporting: The Subdivider shall provide photo documentation showing posting of the required signage to the Planning Division prior to the commencement of grading or construction activities. Planning Division staff will review all documentation to ensure that construction noise complies with the requirements of the *County of Ventura Construction Noise Threshold Criteria and Control Plan*. Planning Division staff has the authority to conduct periodic site inspections to ensure the Subdivider's ongoing compliance with this condition consistent with the requirements of § 8114-3 of the *Ventura County Non-Coastal Zoning Ordinance*. (PL-59)

11. Noise Contour

Purpose: In order for this project to avoid an impact with noise sensitive uses and comply with the Ventura County General Plan *Goals, Policies and Programs* (March 2015) Noise Policy 2.16.2-1(5) and the *County of Ventura Construction Noise Threshold Criteria and Control Plan* (Amended 2010).

Requirement: The Subdivider shall locate future development outside of the CNEL 60 db(A) noise contour and greater than 3,400 feet away from the railroad.

Documentation: The Subdivider shall submit a site plan that identifies the CNEL 60 db(A) noise contour in relationship to the parcel being developed. The site plan shall also indicate that future residential development will be located greater than 3,400 feet away from the railroad. The Subdivider also shall submit any documentation (e.g., calculations of estimated noise levels) that is required pursuant to the *County of Ventura Construction Noise Threshold Criteria and Control Plan*, to the Planning Division for review and approval.

Timing: Prior to a zoning clearance for construction, the Subdivider shall submit a site plan that identifies the CNEL 60 db(A) noise contour in relationship to the parcel being developed. The site plan shall indicate that any future residential development is located greater than 3,400 feet away from the railroad.

Monitoring and Reporting: The Subdivider shall provide documentation showing that residential development is located outside of the CNEL db(A) noise contour and is located greater than 3,400 feet away from the railroad. Documentation shall be submitted to the Planning Division prior to the commencement of grading or construction activities. Planning Division staff will review all documentation to ensure that construction complies with the requirements of the *County of Ventura Construction Noise Threshold Criteria and Control Plan*. Planning Division staff has the authority to conduct periodic site inspections to ensure the Subdivider's ongoing

compliance with this condition consistent with the requirements of § 8114-3 of the *Ventura County Non-Coastal Zoning Ordinance*. (PL-59)

12. Minimum Parcel Size

Purpose: To avoid development on a non-conforming lot that is zoned AE-40 ac.

Requirement: Prior to development of the subject property, the Subdivider shall be required to obtain a minimum of 2.44 additional acres of land to add to the subject property, in order to meet the 40-acre minimum lot size requirement that applies to the subject property.

Documentation: The Subdivider shall submit documentation (e.g., recorded documents and deeds for a Parcel Map Waiver/Lot Line Adjustment, a Parcel Map Waiver/Voluntary Merger, and/or a merger with another property pursuant to Civil Code § 1093) that verifies that the subject property was combined with additional property to satisfy the 40-acre minimum lot size requirement.

Timing: The Subdivider shall acquire the additional, minimum 2.44 acres prior to issuance of a Zoning Clearance for construction on the subject property.

Monitoring and Reporting: Prior to issuing a Zoning Clearance for construction on the subject property, Planning Division reviews documentation to determine that the Subdivider has complied with the requirements of this condition.

13. Permanent Protection of Mineral Resources

Purpose: To ensure that future development on the subject property does not hamper or preclude access to a mineral resource located on land that is subject to the Mineral Resource Protection (MRP) Overlay zoning designation.

Requirement: New development shall be prohibited within the portion of the subject property that has a MRP Overlay zoning designation, unless the Subdivider can demonstrate to the satisfaction of the Planning Director that: (1) the resource is not present at the site; (2) extraction of the resource is not technically or economically feasible; (3) or the extraction of the resource is not feasible due to limitations imposed by the County (*Ventura County Non-Coastal Zoning Ordinance*, § 8109-4.4.2).

Documentation: Exhibit 5 of the Planning Director hearing on January 28, 2016 identifies the portion of the subject property that has a MRP Overlay zoning designation and is prohibited from future development. The Subdivider shall record a copy of these conditions of approval, as well as Exhibit 5 of the Planning Director hearing on January 28, 2016, with the CC of C, at the Office of the County Recorder. The Subdivider must submit a copy of the recorded conditions of approval, Exhibit 5 of the Planning Director hearing on January 28, 2016, and CC of C to the Planning Division.

In order to demonstrate that mineral resources are not present at the site or are unable to be extracted for the three reasons set forth in the "Requirement" section of this condition (above), then the Subdivider shall submit any written documentation (e.g.,

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geological report or economic study) that the Planning Director requests, to the Planning Director for review and approval.

Timing: The Subdivider shall record these conditions of approval and Exhibit 5 of the Planning Director hearing on January 28, 2016, concurrently with the CC of C. Within one week following the recordation of these conditions of approval and Exhibit 5 of the Planning Director hearing on January 28, 2016, the Subdivider shall submit a copy of the recorded documents to the Planning Division.

Prior to issuance of a Zoning Clearance for construction on the subject property, the Subdivider shall submit any written documentation (e.g., geological report or economic study) that the Planning Director requests for review and approval, if the Subdivider would like to demonstrate that mineral resources are not present at the site or are unable to be extracted for the three reasons set forth in the "Requirement" section of this condition (above).

Monitoring and Reporting: The Planning Division maintains a copy of the recorded documents in the Project file. The Subdivider (and any successors-in-interest) shall submit all plans for any future development that may occur on the subject property, to the Planning Division for review and approval, to ensure that future projects comply with the requirements of this condition. The Planning Division has the authority to inspect the property to ensure that it is maintained as required, in accordance with § 8114-3.2 of the *Ventura County Non-Coastal Zoning Ordinance*. If the Planning Division confirms that the property has not been maintained as required pursuant to the requirements of this condition, enforcement actions may be enacted in accordance with § 8114-3 of the *Ventura County Non-Coastal Zoning Ordinance*.

The Planning Director reviews the written documentation that the Planning Director requests from the Subdivider, in order to determine whether mineral resources are present at the site or are unable to be extracted for the three reasons set forth in the "Requirement" section of this condition (above).

14. Archaeological Resources Inadvertently Discovered During Grading

Purpose: In order to mitigate potential impacts to archaeological resources inadvertently discovered during ground disturbance.

Requirement: The Subdivider shall implement the following procedures:

- a. If any archaeological or historical artifacts are uncovered during ground disturbance or construction activities on the subject property, the Subdivider shall:
 - i. Cease operations and assure the preservation of the area in which the discovery was made;
 - ii. Notify the Planning Director in writing, within three days of the discovery;
 - iii. Obtain the services of a County-approved archaeologist who shall assess the find and provide recommendations on the proper disposition of the site in a written report format;

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- iv. Obtain the Planning Director's written concurrence of the recommended disposition of the site before resuming development; and
- v. Implement the agreed upon recommendations.
- b. If any human burial remains are encountered during ground disturbance or construction activities, the Subdivider shall:
 - i. Cease operations and assure the preservation of the area in which the discovery was made;
 - ii. Immediately notify the County Coroner and the Planning Director;
 - iii. Obtain the services of a County-approved archaeologist and, if necessary, Native American Monitor(s), who shall assess the find and provide recommendations on the proper disposition of the site in a written report format;
 - iv. Obtain the Planning Director's written concurrence of the recommended disposition of the site before resuming development on-site; and
 - v. Implement the agreed upon recommendations.

Documentation: If archaeological remains are encountered, the Subdivider shall submit a report prepared by a County-approved archaeologist including recommendations for the proper disposition of the site. Additional documentation may be required to demonstrate that the Subdivider has implemented any recommendations set forth in the archaeological report.

Timing: The Subdivider shall provide archaeological reports to the Planning Division immediately upon completion.

Monitoring and Reporting: The Subdivider shall provide any archaeological report prepared for development on the subject property to the Planning Division to be made a part of the Project file. The Subdivider shall implement any recommendations made in the archaeological report to the satisfaction of the Planning Director. (PL-59)

15. BR-1: Avoidance of Nesting Birds and Roosting Bats

Purpose: In order to prevent impacts to roosting bats and to birds protected under the Migratory Bird Treaty Act, land clearing activities associated with future development on the subject property shall be regulated. Existing agricultural operations do not qualify as future development that are subject to this condition of approval.

Requirement: The Subdivider shall conduct all tree removal/trimming, vegetation clearing, and grading activities (collectively, "land clearing activities") associated with future development in such a way as to avoid roosting bats and nesting birds. This can be accomplished by implementing one of the following options:

- Prohibit land clearing activities during the breeding and nesting season (January 1 – August 31), in which case the following surveys are not required; or
- Conduct site-specific surveys prior to land clearing activities during the breeding and nesting season (January 1 – August 31) and avoid occupied bird nests.

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A County-approved biologist with a California Department of Fish and Wildlife (CDFW) Scientific Collecting Permit must conduct the surveys. The biologist shall conduct the surveys in order to identify any occupied (active) bird nests in the area proposed for disturbance. Occupied nests shall be avoided until juvenile birds have vacated the nest.

The nesting bird survey must cover the development footprint and 300 feet from the development footprint. If occupied (active) nests are found, land clearing activities within a setback area surrounding the nest shall be postponed or halted. Land clearing activities may commence in the setback area when the nest is vacated (juveniles have fledged) provided that the County-approved biologist determines that there is no evidence of a second attempt at nesting. Land clearing activities can occur outside of the setback areas. The biologist will establish the required setback area. (Note: CDFW recommends a 300-foot buffer for most birds and a 500-foot buffer for raptors).

Documentation: The Subdivider shall provide to the Planning Division a Survey Report from a County-approved biologist documenting the results of the initial nesting bird survey and a plan for continued surveys and avoidance of nests, pursuant to the requirements set forth in this condition (above). Along with the Survey Report, the Subdivider shall provide a copy of a signed contract (financial information redacted) with a County-approved biologist responsible for the surveys and monitoring of any occupied nests discovered. The Subdivider shall submit to the Planning Division a Mitigation Monitoring Report from a County-approved biologist following land clearing activities documenting actions taken to avoid nesting birds and results.

Timing: If land clearing activities will occur between January 1 and August 31, the biologist shall conduct the nesting bird surveys 30 days prior to initiation of land clearing activities, and weekly thereafter; the last survey for nesting birds shall be conducted no more than 3 days prior to initiation of land clearing activities. The Subdivider shall submit the Survey Report documenting the results of the first nesting bird survey and the signed contract, to the Planning Division prior to issuance of a Zoning Clearance for construction. The Subdivider shall submit a Mitigation Monitoring Report within 14 days of completion of the land clearing activities.

Monitoring and Reporting: The Planning Division reviews for adequacy the Survey Report and signed contract prior to issuance of a Zoning Clearance for construction. The Planning Division maintains copies of the signed contract, Survey Report, and Mitigation Monitoring Report in the Project file.

16. BR-2: Notice on Buffered Watercourse

Purpose: To avoid potentially significant impacts to aquatic and riparian habitats and the connectivity it provides between habitats, the Subdivider shall permanently protect the existing aquatic and riparian habitats that are shown on Exhibit 6 of the Planning Director hearing on January 28, 2016. This mitigation measure requiring the establishment of a development restriction area for the avoidance of impacts to, and protection of, biological resources is consistent with the Ventura County General Plan *Goals, Policies and Programs* (2013) Policy 1.4.2-4.

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Requirement: New development shall be prohibited within the area: (1) located within 100 feet from the centerline of the creek or 100 feet from the outermost extent of riparian vegetation associated with the drainage, whichever is greater; and (2) shown on Exhibit 6 of the Planning Director hearing on January 28, 2016 (collectively, "development restriction area"). The types of existing agricultural development and infrastructure that may remain within the development restriction area consist of orchard trees, existing unpaved roads, and an agricultural fan (collectively, "existing agricultural development and infrastructure").

No new development or uses besides the existing agricultural development and infrastructure may occur within the development restriction area. More specifically, the following uses and development shall be prohibited within the development restriction area:

- (1) Removal, mining, excavation, or disturbance of the soil or surface rocks or decaying material such as fallen trees, except for what is required solely for the maintenance of the existing agricultural development and infrastructure;
- (2) dumping, filling, storing, disposal, burying, or stockpiling of any natural or manmade materials;
- (3) erection of buildings or structures of any kind, including, but not limited to, fencing, corrals, advertising signs, antennas, and light poles, except for what is required solely for the maintenance or replacement of the existing agricultural development and infrastructure;
- (4) placement of pavements, concrete, asphalt and similar impervious materials, laying of decomposed granite for pathways, or setting of stones, paving bricks, or timbers;
- (5) operation of dunebuggies, motorcycles, all-terrain vehicles, bicycles, mowers, tractors, or any other types of motorized or non-motorized vehicles or equipment, except for what is required solely for the maintenance of the existing agricultural development and infrastructure;
- (6) removal or alteration of native trees or plants, through such activities as irrigating, mowing, draining, plowing, tilling or disking, except as necessary for: (a) controlled burns (for fuel reduction, as regulated by the Ventura County Fire Protection District and only after receiving prior written consent from the Planning Director); (b) removal of non-native species and sensitive habitat restoration or maintenance (which must be under the direction of a qualified biologist); and (c) the maintenance of the existing agricultural development and infrastructure;
- (7) application of insecticides or herbicides, poisons, or fertilizers besides what currently occurs with regard to the existing agricultural development and infrastructure;
- (8) grazing or keeping of cattle, sheep, horses or other livestock, or pet animals;

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- (9) planting, introduction, or dispersal of non-native or exotic plant or animal species;
- (10) hunting or trapping, except live trapping for purposes of scientific study or removal of non-native species;
- (11) manipulating, impounding, or altering any natural watercourse, body of water or water circulation within the development restriction area, and activities or uses detrimental to water quality, including but not limited to degradation or pollution of any surface or sub-surface waters;
- (12) light pollution (e.g., lighting that is directed towards O'Leary Creek or the unnamed drainages and other habitat areas); and
- (13) other activities that damage the existing flora, fauna, or hydrologic conditions.

Documentation: The Subdivider shall record a copy of these conditions of approval, as well as Exhibit 6 of the Planning Director hearing on January 28, 2016, with the CC of C for the Project, with the Office of the County Recorder. The Subdivider must submit a copy of the recorded conditions of approval, Exhibit 6 of the Planning Director hearing on January 28, 2016, to the Planning Division.

Any maintenance activities associated with the existing agricultural development that require a permit from the RMA Planning Division, shall be documented in the permit application and permit for the maintenance activities.

Timing: The Subdivider shall record a copy of these conditions of approval and Exhibit 6 of the Planning Director hearing on January 28, 2016, concurrently with the CC of C. Within one week following the recordation of these documents, the Subdivider shall submit a copy of the recorded documents to the Planning Division.

Prior to implementing any maintenance activities associated with the existing agricultural development that require a permit from the RMA Planning Division, the Subdivider shall obtain the requisite permit.

Monitoring and Reporting: The Planning Division maintains a copy of the recorded documents in the Project file. The Subdivider (and any successors-in-interest) shall submit all plans for any future development that may occur on the subject property to the Planning Division for review and approval, to ensure that future projects comply with the requirements of this condition. The Planning Division has the authority to inspect the property to ensure that it is maintained as required, in accordance with § 8114-3.2 of the *Ventura County Non-Coastal Zoning Ordinance*. If the Planning Division confirms that the restricted area has not been maintained as required, enforcement actions may be enacted in accordance with § 8114-3 of the *Ventura County Non-Coastal Zoning Ordinance*.

17. BR-3 Pre-Construction Surveys and Relocation of Special-Status Wildlife

Purpose: To avoid significant impacts to special-status wildlife that could occur during future potential tree removal/trimming, vegetation clearing, trenching, and grading activities (collectively, "land clearing activities").

Requirement: At least two weeks prior to the initiation of land clearing activities, the Subdivider shall install a silt-screen fence around the disturbance areas. Following the installation of the silt-screen fence and within two weeks prior to the initiation of, and periodically throughout, land clearing activities, a County-approved qualified biologist shall conduct surveys for special-status wildlife, to ensure that these species are not harmed within these fenced areas. If the Subdivider proposes ground disturbance activities in upland habitats, then the Subdivider shall retain a County-approved qualified biologist to conduct a survey for special-status species. Upland species include: burrowing owl (*Athene cunicularia*); coast horned lizard (*Phrynosoma blainvilli*); coast patch-nosed snake (*Salvadora hexalepis virgultea*); American badger (*Taxidea taxus*); and south coast garter snake (*Thamnophis sirtalis* ssp.). If the Subdivider proposes ground disturbance activities in aquatic or riparian habitats, then the Subdivider shall retain a County-approved qualified biologist to conduct a survey for special-status species. Aquatic or riparian species include: western pond turtle (*Emys marmorata*); south coast garter snake (*Thamnophis sirtalis* ssp.); arroyo toad (*Anaxyrus californicus*); and two-striped garter snake (*Thamnophis hammondi*). Individuals of these species that are found shall be relocated to suitable undisturbed habitat, outside of the areas directly and indirectly (e.g., noise) affected by ground disturbance activities. A County-approved qualified biologist, with demonstrated experience surveying for these species and a California Department of Fish and Wildlife (CDFW) Scientific Collecting Permit, shall conduct the surveys and relocation activities according to CDFW-approved methods. The silt fencing must remain in place until the completion of ground disturbance activities. Surveys for special status wildlife within the fenced area shall occur as needed to ensure no impacts to wildlife could occur. If a Federally listed species is found during surveys, the property owner shall consult the Planning Division and USFWS within 24 hours to determine the necessary steps to ensure that an incidental take does not occur. If a State listed or rare species is found during surveys, the Planning Division and CDFW will be contacted within 24 hours and the property owner will consult them as to necessary steps to ensure no incidental take occurs.

Documentation: The Subdivider shall provide to the County a signed contract with a County-approved qualified biologist with experience surveying for potentially occurring species and has a CDFW Scientific Collecting Permit that ensures that installation of silt-screen fencing, wildlife surveys and relocation of wildlife will be conducted within 14 days prior to and during any land disturbing activities. The Subdivider shall submit a memorandum to the Planning Division within 14 days of the wildlife surveys, notifying the Planning Division of the results of the surveys, when they occurred, and avoidance and relocation activities.

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Timing: Prior to the issuance of a Zoning Clearance for construction, the Subdivider shall provide the signed contract. Within 14 days of the wildlife surveys and relocation activities, the Subdivider shall provide a memorandum reporting the results.

Monitoring and Reporting: The Subdivider shall confirm with the Planning Division that a County-approved qualified biologist that meets the requirements specified above has been contracted to implement the requirements of this condition prior to issuance of a Zoning Clearance for construction. The Planning Division maintains copies of the signed contract and the survey reports submitted by the Subdivider in the Project file. The Planning Division has the authority to inspect the property during the development phase of the Project to ensure that the survey and wildlife relocation work is conducted as required and the silt fencing is maintained as required. If the Planning Division confirms that the required surveys are not conducted as agreed upon or the fencing is not maintained as required, enforcement actions may be enacted in accordance with § 8114-3 of the Ventura County Non-Coastal Zoning Ordinance. (PL-48)

18. Mitigation Measure AR-1: Limitations on Future Impervious Development

Purpose: In order to limit the loss of agricultural soils, the area of the Project site subject to future development shall be limited.

Requirement: The Subdivider shall restrict future development to a total of 1.25 acres of impervious development on the subject property.

Documentation: The Subdivider shall record these conditions of approval concurrently with the CC of C.

Timing: Concurrently with recordation of the CC of C, the Subdivider shall record the conditions of approval.

Monitoring and Reporting: The Planning Division shall maintain a copy of the recorded conditions of approval in the Project file. Property Owners shall submit site plans for all future development projects for the Planning Division's review and approval, indicating the acreage of all existing and proposed development on the subject property. The Planning Division shall ensure that approved development does not exceed the 1.25 acres limitation on impervious development.

19. Utility Lines

Utility/power lines and new utility facilities that will serve future development on the project site shall be placed underground.

Environmental Health Division (EHD) Conditions

20. Proof of Water Availability

In order to obtain a building permit respecting the property for any proposed development which requires a supply of running potable (drinking) water, the Subdivider for such permit shall either:

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- a. Demonstrate to the satisfaction of EHD the availability of an adequate supply of groundwater from an individual well(s) which meets the California Department of Public Health's chemical and bacteriological quality regulations for domestic water; or
- b. File with the RMA Building and Safety Division a written agreement signed by the owner or operator of a public water system (as defined in Health and Safety Code Section 4010.1) and approved by the RMA EHD, which agreement shall be enforceable against the owner or operator of the water system by the owner of the property and the owner's successors-in-interest and shall require the owner or operator of the water system to connect the property to the system and to provide water service to such property.

WARNING: Compliance with this condition may be physically impossible or prohibitively expensive. If so, building permits will NOT be issued. (EHD-1)

21. Proof of Sewage Disposal

In order to obtain a building permit respecting the property for any development which requires connection to a sewage disposal system, the Subdivider for such permit shall either:

- a. Obtain a soils report (containing the results of percolation testing, boring logs and geological-hydrological evaluation) satisfactory to the RMA EHD and obtain the approval of the RMA EHD for an individual sewage disposal system for the property; or
- b. File with the RMA Building and Safety Division a written agreement signed by a public sewer entity and approved by the RMA EHD, which agreement shall be enforceable against the sewer entity by the owner of the property and the owner's successors-in-interest and shall require the sewer entity to connect the property to the system of sewers and to provide sewer service to such property.

WARNING: Compliance with this condition may be physically impossible or prohibitively expensive. If so, building permits will NOT be issued. (EHD-2)

Ventura County Transportation Commission Conditions

22. Railroad Crossing Easements

The Subdivider is responsible for any fees or costs associated with the maintenance and/or improvements to existing railroad crossing easements within the parcels.

Advisory: No new railroad crossing will be provided.

Public Works Agency Conditions

Watershed Protection District, Planning and Regulatory Division Conditions

23. Floodplain Development Permit or Clearance – Advisory

Any future development on the subject property will be subject to the conditions of the Ventura County Floodplain Management Ordinance and will require a Floodplain Development Permit or a Floodplain Clearance prior to the issuance of a County Grading Permit or a County Building Permit.

24. Detention Basin

Purpose: To ensure that runoff from the site will not change the flow rate.

Requirement: Runoff from the site shall be released at no greater than the undeveloped flow rate and in such a manner as to not cause an adverse impact downstream in velocity or duration. The applicant shall submit completed construction plans and finalized design calculations for a detention basin to the Watershed Protection District and Planning Division for approval.

Documentation: In accordance with Appendix J of the Ventura County Building Code, the plans and calculations shall be completed, signed, and stamped by a Registered Civil Engineer practicing in the State of California.

Timing: Prior to issuance of a Zoning Clearance for construction.

Monitoring and Reporting: The Watershed Protection District and Planning Division shall maintain a copy of the approved construction plans and design calculations.

Watershed Protection District, Water and Environmental Resources Division, Surface Water Quality Section (SWQS) Conditions

25. Mitigation Measure SWQ-1:

Purpose: To ensure runoff from new impervious surfaces and residential development does not contribute pollutants or degrade water quality of downstream surface waters resulting in further exceedances of water quality objectives contained in the Los Angeles Region Basin Plan.

Requirement: The Subdivider shall include post-construction stormwater best management practices (BMPs) to treat the new impervious surface runoff to the maximum extent practicable and a Maintenance Plan and annual verification of ongoing maintenance.

Documentation: The Subdivider shall submit the following items to the SWQS for review and approval:

- a. A complete site plan prepared and stamped by a California licensed civil engineer or land surveyor that accurately delineates the location of the proposed development, existing and proposed impervious surfaces, storm drain system elements, general drainage pattern, and proposed site-specific Post-Construction

Stormwater Management Plan (PCSMP). A plan prepared and stamped by a California licensed civil engineer or architect verifying that the installation of the post-construction BMPs are included to treat urban runoff to the maximum extent practicable.

- b. Maintenance Plan (Exhibit “C” of the County’s “Covenant for Maintenance of Post-Construction Stormwater Management Control System” form available at <http://onestoppermit.ventura.org>) for proposed PCSMP shall be prepared in accordance with Section 7 and Appendix I of the TGM. The plan shall include but not be limited to the following:
 - i. the location of each device;
 - ii. the maintenance processes and procedures necessary to provide for continued operation and optimum performance;
 - iii. a timeline for all maintenance activities; and
 - iv. any technical information that may be applicable to ensure the proper functionality of this device.
- c. Maintenance Agreement (County’s “Covenant for Maintenance of Post-Construction Stormwater Management Control System” form is available at <http://onestoppermit.ventura.org>) signed by the Property Owner including a signed statement accepting responsibility for maintenance for the PCSMP. The statement must include written verification that all PCSMP will be properly maintained. At a minimum, this statement shall include the following:
 - i. written conditions in the sales or lease agreement, which require the Property Owner or tenant to assume responsibility for PCSMP maintenance and annual maintenance inspection;
 - ii. written text in project covenants, conditions, and restrictions (“CCRs”) to the Homeowners Association; or
 - iii. any other legally enforceable agreement or mechanism that assigns PCSMP maintenance responsibility.
- d. Completed and signed Annual Maintenance Verification Report (Exhibit “D” of the County’s “Covenant for Maintenance of Post-Construction Stormwater Management Control System” form available under the Surface Water Quality Section tab at <http://onestoppermit.ventura.org>).

Timing: The above listed items (a, b and c) shall be submitted to the SWQS for review and approval prior to issuance of approval for Zoning Clearance for construction. In addition, the Annual Maintenance Verification Report (d) shall be submitted to SWQS annually prior to September 15th after signing off for occupancy and issuing the Certificate of Occupancy.

Monitoring and Reporting: SWQS staff will review the submitted materials to ensure the Project does not contribute to exceedances of water quality objectives in downstream

receiving waters. The Maintenance Plan shall be kept on-site for periodic review by SWQS staff. (SWQ-1)

26. Compliance with Stormwater Development Construction Program

Purpose: To ensure compliance with the Los Angeles Regional Water Quality Control Board National Pollution Discharge Elimination System (NPDES) Municipal Stormwater Permit No. CAS004002 (Permit) future construction on the property will be subject to the construction requirements for surface water quality and storm water runoff in accordance with Part 4.F., "Development Construction Program" of the Permit.

Requirement: Future construction on the subject property shall meet requirements contained in Part 4.F. "Development Construction Program" of the Permit through the inclusion of effective implementation of the Construction BMPs during all ground disturbance activities.

Documentation: The Subdivider shall prepare and submit the following items to the SWQS for review:

- a. Complete SW-1 form (Best Management Practices for Construction Less Than One Acre) available at <http://onestoppermit.ventura.org/>; or
- b. Complete SW-2 form (Best Management Practices for Construction One Acre and Larger) available at <http://onestoppermit.ventura.org/>.

Timing: Either above listed item a or b, as applicable, shall be submitted to the SWQS for review and approval prior to issuance of a Zoning Clearance for construction.

Monitoring and Reporting: SWQS will review the submitted materials for consistency with the NPDES Municipal Stormwater Permit. Building Permit Inspectors will conduct inspections during construction to ensure effective installation of the required BMPs. (SWQ-2)

27. State General Construction Stormwater Permit No. CAS000002 Requirements

Purpose: To ensure compliance with all water quality provisions in NPDES State General Construction Stormwater Permit No. CAS000002, Waste Discharge Requirements for Discharges of Stormwater Runoff Associated with Construction Activities.

Requirement: Proper filing of all compliance documents required under the General Construction Permit No. CAS000002 is required for any soil disturbing activity of 1 acre or larger area.

Documentation: The Subdivider shall submit the following items to SWQS staff for review:

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- a. Current Notice of Intent (NOI) in accordance with the State Water Resources Control Board requirements under the General Construction Stormwater Permit (No. CAS000002);
- b. Current Stormwater Pollution Prevention Plan (SWPPP) in accordance with the State Water Resources Control Board requirements under the General Construction Permit; and
- c. If applicable, Change of Information (COI) form and a copy of modified SWPPP at any time a transfer of ownership takes place for the entire development or portions of the common plan of development where construction activities are still on-going.

Timing: The above listed items (a and b) shall be submitted to the SWQS staff for review prior to issuance of a Zoning Clearance for construction. In addition, if applicable, the COI form and a copy of modified SWPPP (item c) shall be submitted to Public Works Agency or RMA Building and Safety Division staff anytime during project duration.

Monitoring and Reporting: SWQS staff will review the submitted materials for consistency with the General Construction Permit. An up-to-date and site-specific SWPPP shall be kept on-site for periodic review by the Public Works Agency Grading and/or RMA Building and Safety Division permit inspector. (SWQ-3)

Public Works Agency, Engineering Services Department, Development and Inspection Services Division Conditions

28. Grading Permit

Purpose: In order to ensure the Subdivider performs all grading in compliance with Appendix J of the Ventura County Building Code.

Requirement: The Subdivider shall submit a grading plan showing existing and proposed elevations to the Public Works Agency's Development and Inspection Services Division for review and approval. If a grading permit is required, a State licensed civil engineer must prepare and submit the grading plans to the Development and Inspection Services Division for review and approval. The Subdivider must post sufficient surety in order to ensure proper completion of the proposed grading.

Documentation: If a grading permit is required, all materials, as detailed on Public Works Agency Form DS-37 and/or DS-44, must be submitted to the Development and Inspection Services Division for review and approval.

Timing: All applicable documentation, as specified above, must be approved prior to issuance of a Grading Permit.

Monitoring and Reporting: Public Works Agency engineers will review grading plans and reports for compliance with Ventura County codes, ordinances, and standards, as well as state and federal laws. Public Works Agency inspectors will monitor the proposed grading to verify that the work is done in compliance with the approved plans and reports.

Public Works Agency, Water and Sanitation Services Department, Integrated Waste Management Division Conditions

29. Waste Diversion and Recycling Requirement

Purpose: To ensure that future construction activities comply with Ordinance No. 4445. Ordinance No. 4445 pertains to the diversion of recyclable materials generated by the Project (e.g., paper, cardboard, wood, metal, greenwaste, soil, concrete, plastic containers, and beverage containers) from local landfills through recycling, reuse, or salvage. Ordinance No. 4445 can be reviewed at www.vcpublishworks.org/ord4445.

Requirement: Ordinance No. 4445, § 4770-2.3, requires the Subdivider to work with a County-franchised solid waste hauler who can determine the level of service required to divert recyclables generated by the Project from local landfills. For a complete list of County-franchised solid waste haulers, go to: www.vcpublishworks.org/commercialhaulers.

Documentation: The Subdivider must maintain copies of bi-monthly solid waste billing statements for a minimum of one year. The address on the billing statement must match the address of the permitted business.

Timing: Upon request, the Subdivider must provide the IWMD with a copy of a current solid waste billing statement to verify compliance with this condition.

Monitoring and Reporting: Upon request, the Subdivider shall allow IWMD staff to perform a free, on-site, waste audit to verify recyclable materials generated by the Project are being diverted from the landfill. (IWMD -1)

30. Construction and Demolition Debris Recycling Plan (Form B)

Purpose: Ordinance No. 4421 requires the Subdivider to divert recyclable construction and demolition (C&D) materials generated by future construction activities (e.g., wood, metal, green waste, soil, concrete, asphalt, paper, and cardboard) from local landfills through recycling, reuse, or salvage. Please review Ordinance No. 4421 at: www.vcpublishworks.org/ord4421.

Requirement: The Subdivider must submit a comprehensive recycling plan (Form B – Recycling Plan) to the IWMD for any future construction and/or demolition projects that require a building permit.

Documentation: The Form B – Recycling Plan must ensure a minimum of 60% of the recyclable C&D debris generated by future construction activities will be diverted from the landfill by recycling, reuse, or salvage. A copy of Form B is available at: www.vcpublishworks.org/formsB&C. A comprehensive list of permitted recyclers, County-franchised haulers, and solid waste and recycling facilities in Ventura County is available at: www.vcpublishworks.org/C&D. A list of local facilities permitted to recycle soil, wood, and greenwaste is available at: www.vcpublishworks.org/greenwaste. A complete list of

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County-franchised solid waste haulers is available at:
www.vcpublishworks.org/commercialhaulers.

Timing: Upon the RMA Building and Safety Division's issuance of a building permit for the future construction activities, the Subdivider must submit a Form B – Recycling Plan to the IWMD for approval.

Monitoring and Reporting: The Subdivider is required to keep a copy of the approved Form B – Recycling Plan until the RMA Building and Safety Division's issuance of a final permit. (IWMD–2)

31. Construction and Demolition Debris Reporting Form (Form C)

Purpose: Ordinance No. 4421 requires the Subdivider to divert recyclable construction and demolition (C&D) materials generated by future construction activities (e.g., wood, metal, green waste, soil, concrete, paper, cardboard, and plastic containers) from local landfills through recycling, reuse, or salvage. Please review Ordinance No. 4421 at: www.vcpublishworks.org/ord4421.

Requirement: The Subdivider must submit a Form C – Reporting Form to the IWMD for approval prior to issuance of the final RMA Building and Safety Division permit. A copy of Form C – Reporting Form is available at: www.vcpublishworks.org/formsB&C.

Documentation: The Subdivider must submit original recycling facility receipts and/or documentation of reuse with their Form C – Reporting Form to verify a minimum of 60% of the recyclable C&D debris generated by the construction activities was diverted from the landfill.

Timing: A completed Form C – Reporting Form, with required recycling facility receipts and/or documentation or reuse, must be submitted to the IWMD for approval prior to the RMA Building and Safety Division's issuance of a final permit.

Monitoring and Reporting: The Subdivider is required to keep a copy of the approved Form C – Reporting Form until the RMA Building and Safety Division's issuance of a final permit. (IWMD–3)

Public Works Agency, Transportation Department Conditions

32. Traffic Impact Mitigation Fee (TIMF)

Purpose: To address the cumulative adverse impacts of traffic on the Regional Road Network, TIMF Ordinance No. 4246 and Ventura County General Plan *Goals, Policies and Programs* (§ 4.2.2) require that the Public Works Agency, Transportation Department collect a TIMF.

Requirement: The Subdivider shall deposit with the Public Works Agency, Transportation Department a TIMF. The trip generation rate and TIMF will be calculated based on the Subdivider's information. The Subdivider may choose to submit additional

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information or provide a Traffic Study to supplement the information currently provided to establish the trip generation rate. The TIMF may be adjusted for inflation at the time of deposit in accordance with the latest version of the Engineering News Record Construction Cost Index.

If, in the future, any new development is proposed, before the issuance of a Building Permit or Grading Permit or within 180 calendar days of the Recordation of the Sale of the newly created lot, pursuant to the TIMF Ordinance, the Subdivider shall mitigate the Project's cumulative adverse traffic impact by the payment of TIMF. The amount of the fee will be based on the land use proposed by the Subdivider at the time of development and the current applicable reciprocal traffic impact agreement between the County of Ventura and City of Fillmore.

Documentation: The Subdivider shall come to the Public Works Agency, Transportation Department counter, fill out the TIMF form, and pay the TIMF.

Timing: This condition shall be met prior to the issuance of the Building Permit or Grading Permit or within 180 calendar days of the Recordation of the Sale of the newly created lot.

Monitoring and Reporting: The Public Works Agency, Transportation Department will review and approve the payment of the TIMF. (TD – 1, RMA – 135)

33. Driveway Access

Purpose: The Project site will be accessed from State Route 126. Driveway access shall be in accordance with the State of California Department of Transportation Road Standards.

Requirement: The driveway shall be constructed per State of California Department of Transportation (Caltrans) Road Standards. The Subdivider shall obtain an Encroachment Permit (EP) from Caltrans. Improvement plans and supporting documentation may be required.

Documentation: The Subdivider shall provide documentation from Caltrans as proof of meeting this condition.

Timing: The Subdivider shall satisfy this condition prior to the issuance of the Building Permit or Grading Permit or within 180 calendar days of the Recordation of the Sale of the newly created lot.

Monitoring and Reporting: The Public Works Agency, Transportation Department will review the submittals for conformance with the Project conditions. The Public Works Agency, Transportation Department inspectors will monitor construction and verify that the work is performed in accordance with the EP. (TD – 8, RMA – 142)

34. Ventura County Encroachment Permit

Purpose: An Encroachment Permit is required for any work conducted within the County right-of-way.

Requirement: The Subdivider shall contact the Public Works Agency, Transportation Department Encroachments Division at (805) 654-2055 for requirements of the EP.

Documentation: The Subdivider shall submit the application to the Public Works Agency Transportation Department. When applying for the EP, the Subdivider shall provide sufficient documentation. EP applications without sufficient documentation for processing may not be accepted for processing.

Timing: This condition shall be met prior to the issuance of the Zoning Clearance for construction.

Monitoring and Reporting: The Public Works Agency, Transportation Department will review the application and supporting documentation. The Public Works Agency Transportation Department Inspectors will monitor construction and verify that the work is performed in accordance with the EP. (TD – 9, RMA – 143)

Ventura County Air Pollution Control District (VCAPCD) Conditions

35. VCAPCD Rules and Regulations for Future Project Construction

Purpose: To ensure that fugitive dust and particulate matter that may result from future site preparation, construction activities, and activities on the site are minimized.

Requirement: The Subdivider shall comply with the provisions of applicable VCAPCD Rules and Regulations, which include but are not limited to, Rule 50 (Opacity), Rule 51 (Nuisance), and Rule 55 (Fugitive Dust).

Documentation: The Lead Agency shall ensure compliance with the following provisions:

- a. The area disturbed by clearing, grading, earth moving, or excavation operations shall be minimized to prevent excessive amounts of dust;
- b. Pre-grading/excavation activities shall include watering the area to be graded or excavated before commencement of grading or excavation operations. Application of water should penetrate sufficiently to minimize fugitive dust during grading activities;
- c. All trucks shall cover their loads as required by California Vehicle Code § 23114.
- d. Signs shall be posted onsite limiting traffic to 15 miles per hour or less.
- e. All clearing, grading, earth moving, or excavation activities shall cease during periods of high winds (i.e., wind speed sufficient to cause fugitive dust to impact adjacent properties).

Timing: The Lead Agency shall ensure compliance with VCAPCD Rules and Regulations prior to approval of a Zoning Clearance for construction.

Reporting and Monitoring: The Lead Agency shall monitor all dust control measures during construction activities.

Agricultural Commissioner's Office Conditions

36. Dust Prevention

Purpose: In order to ensure that dust and particulate matter related to future development are minimized to prevent impacts on nearby properties and crops.

Requirement: Any future excavations, pilings, or storages, temporary or permanent, shall be treated periodically to prevent the spread of dust onto nearby crops. Treatments may include watering, application of soil stabilizers, or other appropriate treatment. Future grading and construction activity shall be watered periodically to prevent the spread of dust onto nearby crops.

Documentation: The Subdivider shall maintain a record of periodic watering of the property during grading and construction. Future grading, construction, or other dust generating activity shall be halted during high wind events. High wind events are defined as winds of such velocity as to cause fugitive dust to blow from one property to another.

Timing: Upon request, the Subdivider shall submit a written record of dust prevention efforts implemented during grading and construction activities to the Planning Division and Agricultural Commissioner's Office for review.

Monitoring and Reporting: The Planning Division and Agricultural Commissioner's staff have the authority to conduct periodic site inspections during grading and construction activity to ensure the Subdivider's ongoing compliance with this condition.

Ventura County Fire Protection District (VCFPD) Conditions

37. Fire Department Clearance

Purpose: To provide the Subdivider a list of all applicable VCFPD requirements for the Project.

Requirement: The Subdivider shall obtain VCFPD Form #126 "Requirements for Construction" for any new structures or additions to existing structures before issuance of building permits.

Documentation: A signed copy of the VCFPD's Form #126 "Requirements for Construction"

Timing: The Subdivider shall submit the VCFPD Form #126 Application to the Fire Prevention Bureau for approval before issuance of building permits.

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Monitoring and Reporting: A copy of the completed VCFPD Form #126 shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau will conduct a final on-site inspection of the Project to ensure compliance with all conditions and applicable codes/ordinances. (VCFPD-51)

Ventura County General Services Agency (Parks Department) Conditions

38. Quimby Fees

Purpose: The purpose of this condition is to ensure that the project complies with the requirements of the *Ventura County Subdivision Ordinance* § 8209-6 et seq. ("Quimby Ordinance").

Requirement: The Subdivider will be required to submit payment of Quimby fees, in lieu of land dedication for local park acquisition and/or development for the future residents of the subdivision, prior to the issuance of a Building Permit for residential development on the project site.

Documentation: The Permittee shall submit a copy of the receipt(s) from the General Services Agency (GSA) to the Planning Division, which indicates that the Permittee paid the in-lieu Quimby fees.

Timing: Prior to the issuance of a Building Permit, the applicant shall pay all fees as determined by GSA pursuant to the requirements of the *Ventura County Subdivision Ordinance* § 8209-6.6(b) for the purpose of providing fees in lieu of land dedication for local park acquisition and/or development for the future residents of the subdivision.

Monitoring and Reporting: The Planning Division will review the receipts to verify that the in-lieu fees have been paid. The Planning Division has the authority to conduct periodic site inspections to ensure ongoing compliance with this condition consistent with the requirements of § 8114-3 of the *Ventura County Non-Coastal Zoning Ordinance*.

**EXHIBIT 11 – DRAFT CONDITIONS OF APPROVAL and MITIGATION MONITORING
AND REPORTING PROGRAM (MMRP) FOR PARCEL MAP WAIVER/LARGE LOT
SUBDIVISION (PMW/LLS) CASE NO. SD08-0026**

Resource Management Agency (RMA) Conditions

Planning Division

1. Project Description

The PMW/LLS is based on and limited to compliance with the project description found in this condition below, all County land use hearing exhibits in support of the project including the Staff Report (Exhibit 1), dated January 28, 2016, Site Plan (Exhibit 3), Mitigated Negative Declaration (MND) (Exhibit 4), and Conditions of Approval and Mitigation Monitoring and Reporting Program set forth below. Together, these documents describe the Project. Any deviations from the Project must first be reviewed and approved by the County in order to determine if the deviations conform to the original approval. Project deviations may require Planning Director approval for changes to the PMW/LLS or further California Environmental Quality Act (CEQA) environmental review, or both. Any Project deviation that is implemented without requisite County review and approval(s) constitutes a violation of the conditions of the PMW/LLS.

The Project description is as follows:

PMW/LLS Case No. SD08-0026 applies to a single, approximately 47.7 acre-sized lot. The lot is currently composed of Tax Assessor's Parcels 041-0-230-130, 041-0-230-100, and 041-0-230-160. This PMW/LLS renders the subject property in compliance with the requirements of the Subdivision Map Act (§ 66499.35) and VCSO [§§ 8212-4 et seq. and 8202-3(b)].

Access to the lot will be directly from Sycamore Road, which takes access from Highway 126.

On-site water wells will provide domestic water for development of the subject property. A septic system will provide sewage disposal for development of the subject property. No public facilities will be extended or expanded to serve future development that may occur on the subject property.

No new development, grading, or ground disturbance will occur as part of this Project. The purpose of this Project is to bring the lots into compliance with the Subdivision Map Act and VCSO, and to enable the property owner to enter into Land Conservation Act contracts with the County for the lot.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the Project description above and all approved County land use hearing exhibits in support of the Project and conditions of approval below. (PL-1)

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2. Required Improvements for the PMW/LLS

Purpose: To ensure the Project site conforms to the sketch map approved at the Planning Director hearing in support of the Project.

Requirement: The Subdivider shall ensure that all required off-site and on-site improvements for the Project, including structures, paving, parking, and landscaping are completed in conformance with the approved sketch map stamped as hearing Exhibit 3 for the Planning Director hearing on January 28, 2016. The Subdivider shall submit the final sketch map for the County's review and approval in accordance with the approved sketch map.

Documentation: The Subdivider shall obtain Planning Division's stamped approval on the Project plan/sketch map and submit it to the County for inclusion in the Project file. The Subdivider shall submit additional plans to the Planning Division for review and stamped approval for inclusion in the Project file as necessary.

Timing: Prior to recordation of the PMW/LLS, the Subdivider shall submit all respective final development plans/sketch maps to the Planning Division for review and approval. Unless the Planning Director and Public Works Agency Director allow the Subdivider to provide financial security and a final executed agreement, approved as to form by County Counsel, that ensures completion of such improvements, the Subdivider shall complete all required improvements prior to occupancy. The Subdivider shall maintain the required improvements for the life of the development for which the improvements are required.

Monitoring and Reporting: The County Building Inspector, Public Works Agency Grading Inspector, Fire Marshall, and/or Planning Division staff has the authority to conduct periodic site inspections to ensure the Subdivider's ongoing compliance with this condition consistent with the requirements of § 8114-3 of the *Ventura County Non-Coastal Zoning Ordinance*. (PL-3)

3. PMW/LLS Modification

Prior to undertaking any operational or construction-related activity which is not expressly described in these conditions or Project Description, the Subdivider shall first contact the Planning Director to determine if the proposed activity requires a modification of this PMW/LLS. The Planning Director may, at the Planning Director's sole discretion, require the Subdivider to file a written and/or mapped description of the proposed activity in order to determine if a PMW/LLS modification is required. If a PMW/LLS modification is required, the modification shall be subject to:

- a. The modification approval standards of the Ventura County Ordinance Code in effect at the time the modification application is acted on by the Planning Director; and
- b. Environmental review, as required pursuant to the California Environmental Quality Act (CEQA; California Public Resources Code, § 21000-21178) and the State CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, § 15000-15387), as amended from time to time. (PL-5)

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Date of Approval:

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4. Construction Activities

Prior to any construction, vegetation removal, ground disturbance (e.g., trenching), or grading activities on the subject property—besides what currently occurs on the subject property as part of the existing agricultural operations—the Subdivider shall obtain a Zoning Clearance from the Planning Division and, if required, a Building Permit from the Building and Safety Division. Prior to any grading, the Subdivider shall obtain a Grading Permit from the Public Works Agency. (PL-6)

5. Acceptance of Conditions and Schedule of Enforcement Responses

The Subdivider's recordation of the PMW/LLS shall constitute the Subdivider's formal agreement to comply with all conditions of the PMW/LLS. Failure to abide by and comply with any condition for the granting of the PMW/LLS shall constitute grounds for enforcement action provided in the *Ventura County Non-Coastal Zoning Ordinance* (2015, Article 14) and/or VCSO (Article 12), as applicable, which may include, but is not limited to, the following:

- a. Public reporting of violations to the Planning Commission and/or Board of Supervisors;
- b. Modification of the conditions listed herein;
- c. Recordation of a "Notice of Noncompliance" on the deed to the subject property; and/or
- d. The imposition of civil administrative penalties.

The Subdivider is responsible for being aware of and complying with the PMW/LLS conditions and all applicable federal, state, and local laws and regulations. (PL-7)

6. Time Limits

- a. The approval decision for the PMW/LLS becomes effective upon the expiration of the 10 day appeal period following the approval decision, or when any appeals of the decision are finally resolved.
- b. The PMW/LLS shall expire and become null and void if the Subdivider fails to record the PMW/LLS within five years from the granting or approval of the PMW/LLS.
- c. Prior to recordation, all fees and charges billed to that date by any County agency, as well as any fines, penalties, and sureties, must be paid in full. After recordation, any final billed processing fees must be paid within 30 days of the billing date or the County may revoke this PMW/LLS.

7. Documentation Verifying Compliance with Other Agencies' Requirements Related to the PMW/LLS

Purpose: To ensure compliance with and notification of federal, state, or local government regulatory agencies that have requirements that pertain to the Projects (Condition No. 1, above) that is the subject of the PMW/LLS and the completion of Mitigation and Monitoring Reporting Program.

Requirement: Upon the request of the Planning Director, the Subdivider shall provide the Planning Division with documentation (e.g., copies of permits or agreements from other agencies, which are required pursuant to a condition of the PMW/LLS) to verify that the Subdivider has obtained or satisfied all applicable federal, state, and local entitlements and conditions that pertain to the Project.

Documentation: The Subdivider shall provide this documentation to the County Planning Division in the form that is acceptable to the agency issuing the entitlement or clearance, to be included in the Planning Division Project file.

Timing: The documentation shall be submitted to the Planning Division pursuant to the timing requirements of the agency that prepares the documentation.

Monitoring and Reporting: The Planning Division maintains the documentation provided by the Subdivider in the respective Project file. In the event that the federal, state, or local government regulatory agency prepares new documentation due to changes in the Project or the other agency's requirements, the Subdivider shall submit the new documentation within 30 days of receipt of the documentation from the other agency. (PL-9)

8. Defense and Indemnity

As a condition of the issuance of the PMW/LLS, including modification of the PMW/LLS, the Subdivider agrees to:

- a. Defend, at the Subdivider's sole expense, any action brought against the County by a third party challenging either the County's decision to issue the PMW/LLS or the manner in which the County is interpreting or enforcing the conditions of the PMW/LLS; and
- b. Indemnify the County against any settlements, awards, or judgments, including attorney's fees, arising out of, or resulting from, any such legal action. Upon written demand from the County, the Subdivider shall reimburse the County for any and all court costs and/or attorney's fees which the County may be required by a court to pay as a result of any such legal action the Subdivider defended or controlled the defense thereof pursuant to Section 8.a, above. The County may, at its sole discretion, participate in the defense of any such legal action, but such participation shall not relieve the Subdivider of the Subdivider's obligations under this condition.

Neither the issuance of the PMW/LLS, nor compliance with the conditions thereof, shall relieve the Subdivider from any responsibility otherwise imposed by law for damage to persons or property; nor shall the issuance of the PMW/LLS serve to impose any liability upon the County of Ventura, its officers, or employees for injury or damage to persons or property.

Except with respect to the County's sole negligence or intentional misconduct, the Subdivider shall indemnify, defend, and hold harmless the County, its officers, agents, and employees from any and all claims, demands, costs, and expenses, including attorney's fees, judgments, or liabilities arising out of the Projects

described in Condition No. 1, as it may be subsequently modified pursuant to the conditions of the PMW/LLS. (PL-13)

9. Invalidation of Condition(s)

If any of the conditions or limitations of the PMW/LLS are held to be invalid, that holding shall not invalidate any of the remaining PMW/LLS conditions or limitations. In the event the Planning Director determines that any condition contained herein is in conflict with any other condition contained herein, then where principles of law do not provide to the contrary, the conditions most protective of public health and safety and natural environmental resources shall prevail to the extent feasible.

In the event that any condition imposing a fee, exaction, dedication, or other mitigation measure is challenged by the Subdivider in an action filed in a court of law, or threatened to be filed therein, which action is brought in the time period provided for by the Code of Civil Procedures (§ 1094.6), or other applicable law, the PMW/LLS shall be allowed to continue in force until the expiration of the limitation period applicable to such action, or until final resolution of such action, provided the Subdivider has, in the interim, fully complied with the fee, exaction, dedication, or other mitigation measure being challenged.

If a court of law invalidates any condition, and the invalidation would change the findings and/or the mitigation measures associated with the approval of the PMW/LLS, at the discretion of the Planning Director, the Planning Director may review the Projects and impose substitute feasible conditions/mitigation measures to adequately address the subject matter of the invalidated condition. The Planning Director shall make the determination of adequacy. (PL-14)

10. Consultant Review of Information and Consultant Work

The County and all other County agencies that have purview over the PMW/LLS have the option of referring any and all special studies that these conditions require to an independent and qualified consultant for review and evaluation of issues beyond the expertise or manpower of County staff.

Prior to the County engaging any independent consultants or contractors pursuant to the conditions of the PMW/LLS, the County shall confer in writing with the Subdivider regarding the necessary work to be contracted, as well as the costs of such work. Whenever feasible, the County will use the lowest bidder. Any decisions made by County staff in reliance on consultant or contractor work may be appealed pursuant to the appeal procedures contained in the Ventura County Zoning Ordinance Code then in effect.

The Subdivider may hire private consultants to conduct work required by the County, but only if the consultant and the consultant's proposed scope-of-work are first reviewed and approved by the County. The County retains the right to hire its own consultants to evaluate any work that the Subdivider or a contractor of the Subdivider undertakes. If the County hires a consultant to review any work undertaken by the Subdivider, or hires a consultant to review the work undertaken by a contractor of the Subdivider, the hiring of the consultant will be at the Subdivider's expense. (PL-15)

11. Relationship of PMW/LLS Conditions, Laws and Other Permits

The Subdivider shall maintain the properties, and any facilities thereon, that are the subject of the PMW/LLS, in compliance with all applicable requirements and enactments of federal, state, and county authorities. In the event of conflict between various requirements, the more restrictive requirements shall apply. In the event the Planning Director determines that any PMW/LLS condition contained herein is in conflict with any other PMW/LLS condition contained herein, when principles of law do not provide to the contrary, the PMW/LLS condition most protective of public health and safety and environmental resources shall prevail to the extent feasible.

No condition of the PMW/LLS for uses allowed by the Ventura County Ordinance Code shall be interpreted as permitting or requiring any violation of law, lawful rules or regulations, or orders of an authorized governmental agency. Neither the issuance of the PMW/LLS, nor compliance with the conditions of the PMW/LLS, shall relieve the Subdivider from any responsibility otherwise imposed by law for damage to persons or property. (PL-16)

12. Construction Noise

Purpose: In order for this project to comply with the Ventura County General Plan *Goals, Policies and Programs* (March 2015) Noise Policy 2.16.2-1(5) and the *County of Ventura Construction Noise Threshold Criteria and Control Plan* (Amended 2010).

Requirement: The Subdivider shall limit future noise-generating construction activity on the subject property to the hours between 7:00 a.m. and 7:00 p.m., Monday through Friday, and from 9:00 a.m. to 7:00 p.m., Saturday, Sunday, and State holidays. In addition, the Subdivider shall also adhere to the *County of Ventura Construction Noise Threshold Criteria and Control Plan* (Amended 2010). Noise-generating construction equipment maintenance activities shall be limited to the same requirements. Non-noise generating construction activities such as interior painting are not subject to these restrictions.

Documentation: The Subdivider shall post a sign stating these restrictions in a conspicuous on-site location visible to the general public. The sign must provide a telephone number of the site foreman, or other person who controls activities on the jobsite, for use for complaints from the affected public. The Subdivider also shall submit any documentation (e.g., calculations of estimated noise levels) that is required pursuant to the *County of Ventura Construction Noise Threshold Criteria and Control Plan*, to the Planning Division for review and approval.

Timing: The sign shall be installed prior to the issuance of a building permit and throughout grading and construction activities. The Subdivider shall maintain a "Complaint Log," noting the date, time, complainant's name, nature of the complaint, and any corrective action taken. The Subdivider shall submit any documentation (e.g., calculations of estimated noise levels) that is required pursuant to the *County of Ventura*

Construction Noise Threshold Criteria and Control Plan, prior to issuance of a Zoning Clearance for construction of future development on the subject property.

Monitoring and Reporting: The Subdivider shall provide photo documentation showing posting of the required signage to the Planning Division prior to the commencement of grading or construction activities. Planning Division staff will review all documentation to ensure that construction noise complies with the requirements of the *County of Ventura Construction Noise Threshold Criteria and Control Plan*. Planning Division staff has the authority to conduct periodic site inspections to ensure the Subdivider's ongoing compliance with this condition consistent with the requirements of § 8114-3 of the *Ventura County Non-Coastal Zoning Ordinance*. (PL-59)

13. Noise Contour

Purpose: In order for this project to avoid an impact with noise sensitive uses and comply with the Ventura County General Plan *Goals, Policies and Programs* (March 2015) Noise Policy 2.16.2-1(5) and the *County of Ventura Construction Noise Threshold Criteria and Control Plan* (Amended 2010).

Requirement: The Subdivider shall locate future development outside of the CNEL 60 db(A) noise contour and greater than 3,400 feet away from the railroad.

Documentation: The Subdivider shall submit a site plan that identifies the CNEL 60 db(A) noise contour in relationship to the parcel being developed. The site plan shall also indicate that future residential development will be located greater than 3,400 feet away from the railroad. The Subdivider also shall submit any documentation (e.g., calculations of estimated noise levels) that is required pursuant to the *County of Ventura Construction Noise Threshold Criteria and Control Plan*, to the Planning Division for review and approval.

Timing: Prior to a zoning clearance for construction, the Subdivider shall submit a site plan that identifies the CNEL 60 db(A) noise contour in relationship to the parcel being developed. The site plan shall indicate that any future residential development is located greater than 3,400 feet away from the railroad.

Monitoring and Reporting: The Subdivider shall provide documentation showing that residential development is located outside of the CNEL db(A) noise contour and is located greater than 3,400 feet away from the railroad. Documentation shall be submitted to the Planning Division prior to the commencement of grading or construction activities. Planning Division staff will review all documentation to ensure that construction complies with the requirements of the *County of Ventura Construction Noise Threshold Criteria and Control Plan*. Planning Division staff has the authority to conduct periodic site inspections to ensure the Subdivider's ongoing

compliance with this condition consistent with the requirements of § 8114-3 of the *Ventura County Non-Coastal Zoning Ordinance*. (PL-59)

14. Archaeological Resources Inadvertently Discovered During Grading

Purpose: In order to mitigate potential impacts to archaeological resources inadvertently discovered during ground disturbance.

Requirement: The Subdivider shall implement the following procedures:

- a. If any archaeological or historical artifacts are uncovered during ground disturbance or construction activities on the subject property, the Subdivider shall:
 - i. Cease operations and assure the preservation of the area in which the discovery was made;
 - ii. Notify the Planning Director in writing, within three days of the discovery;
 - iii. Obtain the services of a County-approved archaeologist who shall assess the find and provide recommendations on the proper disposition of the site in a written report format;
 - iv. Obtain the Planning Director's written concurrence of the recommended disposition of the site before resuming development; and
 - v. Implement the agreed upon recommendations.
- b. If any human burial remains are encountered during ground disturbance or construction activities, the Subdivider shall:
 - i. Cease operations and assure the preservation of the area in which the discovery was made;
 - ii. Immediately notify the County Coroner and the Planning Director;
 - iii. Obtain the services of a County-approved archaeologist and, if necessary, Native American Monitor(s), who shall assess the find and provide recommendations on the proper disposition of the site in a written report format;
 - iv. Obtain the Planning Director's written concurrence of the recommended disposition of the site before resuming development on-site; and
 - v. Implement the agreed upon recommendations.

Documentation: If archaeological remains are encountered, the Subdivider shall submit a report prepared by a County-approved archaeologist including recommendations for the proper disposition of the site. Additional documentation may be required to demonstrate that the Subdivider has implemented any recommendations set forth in the archaeological report.

Timing: The Subdivider shall provide archaeological reports to the Planning Division immediately upon completion.

Monitoring and Reporting: The Subdivider shall provide any archaeological report prepared for development on the subject property to the Planning Division to be made a part of the Project file. The Subdivider shall implement any recommendations made in the archaeological report to the satisfaction of the Planning Director. (PL-59)

15. BR-1: Avoidance of Nesting Birds and Roosting Bats

Purpose: In order to prevent impacts to roosting bats and to birds protected under the Migratory Bird Treaty Act, land clearing activities associated with future development on the subject property shall be regulated. Existing agricultural operations do not qualify as future development that are subject to this condition of approval.

Requirement: The Subdivider shall conduct all tree removal/trimming, vegetation clearing, and grading activities (collectively, "land clearing activities") associated with future development in such a way as to avoid roosting bats and nesting birds. This can be accomplished by implementing one of the following options:

- Prohibit land clearing activities during the breeding and nesting season (January 1 – August 31), in which case the following surveys are not required; or
- Conduct site-specific surveys prior to land clearing activities during the breeding and nesting season (January 1 – August 31) and avoid occupied bird nests.

A County-approved biologist with a California Department of Fish and Wildlife (CDFW) Scientific Collecting Permit must conduct the surveys. The biologist shall conduct the surveys in order to identify any occupied (active) bird nests in the area proposed for disturbance. Occupied nests shall be avoided until juvenile birds have vacated the nest.

The nesting bird survey must cover the development footprint and 300 feet from the development footprint. If occupied (active) nests are found, land clearing activities within a setback area surrounding the nest shall be postponed or halted. Land clearing activities may commence in the setback area when the nest is vacated (juveniles have fledged) provided that the County-approved biologist determines that there is no evidence of a second attempt at nesting. Land clearing activities can occur outside of the setback areas. The biologist will establish the required setback area. (Note: CDFW recommends a 300-foot buffer for most birds and a 500-foot buffer for raptors).

Documentation: The Subdivider shall provide to the Planning Division a Survey Report from a County-approved biologist documenting the results of the initial nesting bird survey and a plan for continued surveys and avoidance of nests, pursuant to the requirements set forth in this condition (above). Along with the Survey Report, the Subdivider shall provide a copy of a signed contract (financial information redacted) with a County-approved biologist responsible for the surveys and monitoring of any occupied nests discovered. The Subdivider shall submit to the Planning Division a Mitigation Monitoring Report from a County-approved biologist following land clearing activities documenting actions taken to avoid nesting birds and results.

Timing: If land clearing activities will occur between January 1 and August 31, the biologist shall conduct the nesting bird surveys 30 days prior to initiation of land clearing activities, and weekly thereafter; the last survey for nesting birds shall be conducted no more than 3 days prior to initiation of land clearing activities. The Subdivider shall submit the Survey Report documenting the results of the first nesting bird survey and the signed contract, to the Planning Division prior to issuance of a Zoning Clearance for construction.

The Subdivider shall submit a Mitigation Monitoring Report within 14 days of completion of the land clearing activities.

Monitoring and Reporting: The Planning Division reviews for adequacy the Survey Report and signed contract prior to issuance of a Zoning Clearance for construction. The Planning Division maintains copies of the signed contract, Survey Report, and Mitigation Monitoring Report in the Project file.

16. BR-2: Notice on Buffered Watercourse

Purpose: To avoid potentially significant impacts to aquatic and riparian habitats and the connectivity it provides between habitats, the Subdivider shall permanently protect the existing aquatic and riparian habitats that are shown on Exhibit 7 of the Planning Director hearing on January 28, 2016. This mitigation measure requiring the establishment of a development restriction area for the avoidance of impacts to, and protection of, biological resources is consistent with the Ventura County General Plan *Goals, Policies and Programs* (2013) Policy 1.4.2-4.

Requirement: New development shall be prohibited within the area: (1) located within 100 feet from the centerline of the creek or 100 feet from the outermost extent of riparian vegetation associated with the drainage, whichever is greater; and (2) shown on Exhibit 7 of the Planning Director hearing on January 28, 2016 (collectively, "development restriction area"). The types of existing agricultural development and infrastructure that may remain within the development restriction area consist of orchard trees, existing unpaved roads, and a bridge and concrete channelization exist at Sycamore Road and Highway 126. Chain-link fencing measuring approximately 6 feet in height is located along the perimeter of the property. A break in the fencing exists along Highway 126 where the O'Leary Creek crosses it. A shorter barbed wire fence extends along a portion of this gap in the fencing across the creek along Highway 126. Chain link fencing also exists along the bridge that spans O'Leary Creek adjacent to Sycamore Road. A black pipeline with diameter approximately 18 inches and a white pipeline with diameter approximately 6 inches span the bridge at Sycamore Road. Overhead electrical utility lines and an access gate are located on the west side of the creek (collectively, "existing agricultural development and infrastructure").

No new development or uses besides the existing agricultural development and infrastructure may occur within the development restriction area. More specifically, the following uses and development shall be prohibited within the development restriction area:

- (1) removal, mining, excavation, or disturbance of the soil or surface rocks or decaying material such as fallen trees, except for what is required solely for the maintenance of the existing agricultural development and infrastructure;
- (2) dumping, filling, storing, disposal, burying, or stockpiling of any natural or manmade materials;

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- (3) erection of buildings or structures of any kind, including, but not limited to, fencing, corrals, advertising signs, antennas, and light poles, except for what is required solely for the maintenance or replacement of the existing agricultural development and infrastructure;
- (4) placement of pavements, concrete, asphalt and similar impervious materials, laying of decomposed granite for pathways, or setting of stones, paving bricks, or timbers;
- (5) operation of dunebuggies, motorcycles, all-terrain vehicles, bicycles, mowers, tractors, or any other types of motorized or non-motorized vehicles or equipment, except for what is required solely for the maintenance of the existing agricultural development and infrastructure;
- (6) removal or alteration of native trees or plants, through such activities as irrigating, mowing, draining, plowing, tilling or disking, except as necessary for:
(a) controlled burns (for fuel reduction, as regulated by the Ventura County Fire Protection District and only after receiving prior written consent from the Planning Director); (b) removal of non-native species and sensitive habitat restoration or maintenance (which must be under the direction of a qualified biologist); and (c) the maintenance of the existing agricultural development and infrastructure;
- (7) application of insecticides or herbicides, poisons, or fertilizers besides what currently occurs with regard to the existing agricultural development and infrastructure;
- (8) grazing or keeping of cattle, sheep, horses or other livestock, or pet animals;
- (9) planting, introduction, or dispersal of non-native or exotic plant or animal species;
- (10) hunting or trapping, except live trapping for purposes of scientific study or removal of non-native species;
- (11) manipulating, impounding, or altering any natural watercourse, body of water or water circulation within the development restriction area, and activities or uses detrimental to water quality, including but not limited to degradation or pollution of any surface or sub-surface waters;
- (12) light pollution (e.g., lighting that is directed towards O'Leary Creek or the unnamed drainages and other habitat areas); and
- (13) other activities that damage the existing flora, fauna, or hydrologic conditions.

Documentation: The Subdivider shall record a copy of these conditions of approval, as well as Exhibit 7 of the Planning Director hearing on January 28, 2016, with the PMW/LLS for the Project, with the Office of the County Recorder. The Subdivider must submit a copy of the recorded PMW/LLS and conditions of approval, Exhibit 7 of the Planning Director hearing on January 28, 2016, to the Planning Division.

Any maintenance activities associated with the existing agricultural development that require a permit from the RMA Planning Division, shall be documented in the permit application and permit for the maintenance activities.

Timing: The Subdivider shall record a copy of these conditions of approval and Exhibit 7 of the Planning Director hearing on January 28, 2016, concurrently with the PMW/LLS. Within one week following the recordation of these documents, the Subdivider shall submit a copy of the recorded documents to the Planning Division.

Prior to implementing any maintenance activities associated with the existing agricultural development that require a permit from the RMA Planning Division, the Subdivider shall obtain the requisite permit.

Monitoring and Reporting: The Planning Division maintains a copy of the recorded documents in the Project file. The Subdivider (and any successors-in-interest) shall submit all plans for any future development that may occur on the subject property to the Planning Division for review and approval, to ensure that future projects comply with the requirements of this condition. The Planning Division has the authority to inspect the property to ensure that it is maintained as required, in accordance with § 8114-3.2 of the *Ventura County Non-Coastal Zoning Ordinance*. If the Planning Division confirms that the restricted area has not been maintained as required, enforcement actions may be enacted in accordance with § 8114-3 of the *Ventura County Non-Coastal Zoning Ordinance*.

17. BR-3 Pre-Construction Surveys and Relocation of Special-Status Wildlife

Purpose: To avoid significant impacts to special-status wildlife that could occur during future potential tree removal/trimming, vegetation clearing, trenching, and grading activities (collectively, "land clearing activities").

Requirement: At least two weeks prior to the initiation of land clearing activities, the Subdivider shall install a silt-screen fence around the disturbance areas. Following the installation of the silt-screen fence and within two weeks prior to the initiation of, and periodically throughout, land clearing activities, a County-approved qualified biologist shall conduct surveys for special-status wildlife, to ensure that these species are not harmed within these fenced areas. If the Subdivider proposes ground disturbance activities in upland habitats, then the Subdivider shall retain a County-approved qualified biologist to conduct a survey for special-status species. Upland species include: burrowing owl (*Athene cunicularia*); coast horned lizard (*Phrynosoma blainvilli*); coast patch-nosed snake (*Salvadora hexalepis virgultea*); American badger (*Taxidea taxus*); and south coast garter snake (*Thamnophis sirtalis* ssp.). If the Subdivider proposes ground disturbance activities in aquatic or riparian habitats, then the Subdivider shall retain a County-approved qualified biologist to conduct a survey for special-status species. Aquatic or riparian species include: western pond turtle (*Emys marmorata*); south coast garter snake (*Thamnophis sirtalis* ssp.); arroyo toad (*Anaxyrus californicus*); and two-striped garter snake (*Thamnophis hammondi*). Individuals of these species that are found shall be relocated to suitable undisturbed habitat, outside of the areas directly

and indirectly (e.g., noise) affected by ground disturbance activities. A County-approved qualified biologist, with demonstrated experience surveying for these species and a California Department of Fish and Wildlife (CDFW) Scientific Collecting Permit, shall conduct the surveys and relocation activities according to CDFW-approved methods. The silt fencing must remain in place until the completion of ground disturbance activities. Surveys for special status wildlife within the fenced area shall occur as needed to ensure no impacts to wildlife could occur. If a Federally listed species is found during surveys, the property owner shall consult the Planning Division and USFWS within 24 hours to determine the necessary steps to ensure that an incidental take does not occur. If a State listed or rare species is found during surveys, the Planning Division and CDFW will be contacted within 24 hours and the property owner will consult them as to necessary steps to ensure no incidental take occurs.

Documentation: The Subdivider shall provide to the County a signed contract with a County-approved qualified biologist with experience surveying for potentially occurring species and has a CDFW Scientific Collecting Permit that ensures that installation of silt-screen fencing, wildlife surveys and relocation of wildlife will be conducted within 14 days prior to and during any land disturbing activities. The Subdivider shall submit a memorandum to the Planning Division within 14 days of the wildlife surveys, notifying the Planning Division of the results of the surveys, when they occurred, and avoidance and relocation activities.

Timing: Prior to the issuance of a Zoning Clearance for construction, the Subdivider shall provide the signed contract. Within 14 days of the wildlife surveys and relocation activities, the Subdivider shall provide a memorandum reporting the results.

Monitoring and Reporting: The Subdivider shall confirm with the Planning Division that a County-approved qualified biologist that meets the requirements specified above has been contracted to implement the requirements of this condition prior to issuance of a Zoning Clearance for construction. The Planning Division maintains copies of the signed contract and the survey reports submitted by the Subdivider in the Project file. The Planning Division has the authority to inspect the property during the development phase of the Project to ensure that the survey and wildlife relocation work is conducted as required and the silt fencing is maintained as required. If the Planning Division confirms that the required surveys are not conducted as agreed upon or the fencing is not maintained as required, enforcement actions may be enacted in accordance with § 8114-3 of the Ventura County Non-Coastal Zoning Ordinance. (PL-48)

18. Mitigation Measure AR-1: Limitations on Future Impervious Development

Purpose: In order to limit the loss of agricultural soils, the area of the Project site subject to future development shall be limited.

Requirement: The Subdivider shall restrict future development to a total of 1.25 acres of impervious development on the subject property.

Documentation: The Subdivider shall record these conditions of approval concurrently with the PMW/LLS.

Timing: Concurrently with recordation of the PMW/LLS, the Subdivider shall record the conditions of approval.

Monitoring and Reporting: The Planning Division shall maintain a copy of the recorded conditions of approval in the Project file. Property Owners shall submit site plans for all future development projects for the Planning Division's review and approval, indicating the acreage of all existing and proposed development on the subject property. The Planning Division shall ensure that approved development does not exceed the 1.25 acres limitation on impervious development.

19. Utility Lines

Utility/power lines and new utility facilities that will serve future development on the project site shall be placed underground.

Ventura County Transportation Commission Conditions

20. Railroad Crossing Easements

The Subdivider is responsible for any fees or costs associated with the maintenance and/or improvements to existing railroad crossing easements within the parcels.

Advisory: No new railroad crossing will be provided.

Public Works Agency Conditions

Watershed Protection District, Planning and Regulatory Division Conditions

21. Floodplain Development Permit or Clearance – Advisory

Any future development on the subject property that is proposed within 500-feet of O'Leary Creek will be subject to the conditions of the County of Ventura Floodplain Management Ordinance and will require a Floodplain Development Permit or a Floodplain Clearance prior to the issuance of a County Grading Permit or a County Building Permit.

22. Detention Basin

Purpose: To ensure that runoff from the site will not change the flow rate.

Requirement: Runoff from the site shall be released at no greater than the undeveloped flow rate and in such a manner as to not cause an adverse impact downstream in velocity or duration. The Subdivider shall submit completed construction plans and finalized design calculations for a detention basin to the Watershed Protection District and Planning Division for approval.

Documentation: In accordance with Appendix J of the Ventura County Building Code, the plans and calculations shall be completed, signed, and stamped by a Registered Civil Engineer practicing in the State of California.

Timing: Prior to issuance of a Zoning Clearance for construction.

Monitoring and Reporting: The Watershed Protection District and Planning Division shall maintain a copy of the approved construction plans and design calculations.

Watershed Protection District, Water and Environmental Resources Division, SWQS Conditions

23. Mitigation Measure SWQ-1

Purpose: To ensure runoff from new impervious surfaces and residential development does not contribute pollutants or degrade water quality of downstream surface waters resulting in further exceedances of water quality objectives contained in the Los Angeles Region Basin Plan.

Requirement: The Subdivider shall include post-construction stormwater best management practices (BMPs) to treat the new impervious surface runoff to the maximum extent practicable and a Maintenance Plan and annual verification of ongoing maintenance.

Documentation: The Subdivider shall submit the following items to the Watershed Protection District, SWQS for review and approval:

- A. A complete site plan prepared and stamped by a California licensed civil engineer or land surveyor that accurately delineates the location of the proposed development, existing and proposed impervious surfaces, storm drain system elements, general drainage pattern, and proposed site-specific Post-Construction Stormwater Management Plan (PCSMP). A plan prepared and stamped by a California licensed civil engineer or architect verifying that the installation of the post-construction BMPs are included to treat urban runoff to the maximum extent practicable.
- B. Maintenance Plan (Exhibit "C" of the County's "Covenant for Maintenance of Post-Construction Stormwater Management Control System" form available at <http://onestopperpermit.ventura.org>) for proposed PCSMP shall be prepared in accordance with Section 7 and Appendix I of the Technical Guidance Manual (TGM). The plan shall include but not be limited to the following:
 - i. The location of each device;
 - ii. The maintenance processes and procedures necessary to provide for continued operation and optimum performance;
 - iii. A timeline for all maintenance activities; and
 - iv. Any technical information that may be applicable to ensure the proper functionality of this device.

- C. Maintenance Agreement (County's "Covenant for Maintenance of Post-Construction Stormwater Management Control System" form is available at <http://onestoppermit.ventura.org>) signed by the Property Owner including a signed statement accepting responsibility for maintenance for the PCSMP. The statement must include written verification that all PCSMP will be properly maintained. At a minimum, this statement shall include the following:
- i. Written conditions in the sales or lease agreement, which require the Property Owner or tenant to assume responsibility for PCSMP maintenance and annual maintenance inspection;
 - ii. Written text in project covenants, conditions and restrictions ("CCRs") to the Home Owners Association; or
 - iii. Any other legally enforceable agreement or mechanism that assigns PCSMP maintenance responsibility.
- D. Completed and signed Annual Maintenance Verification Report (Exhibit "D" of the County's "Covenant for Maintenance of Post-Construction Stormwater Management Control System" form available under the Surface Water Quality Section tab at <http://onestoppermit.ventura.org>).

Timing: The above listed items (A, B, and C) shall be submitted to the SWQS for review and approval prior to issuance of approval for Zoning Clearance for Construction. In addition, the Annual Maintenance Verification Report (item D) shall be submitted to SWQS annually prior to September 15th after signing off for occupancy and issuing the Certificate of Occupancy.

Monitoring and Reporting: SWQS staff will review the submitted materials to ensure the Project does not contribute to exceedances of water quality objectives in downstream receiving waters. Maintenance Plan shall be kept on-site for periodic review by SWQS staff. (SWQ-1)

24. Compliance with Stormwater Development Construction Program

Purpose: To ensure compliance with the Los Angeles Regional Water Quality Control Board NPDES Municipal Stormwater Permit No.CAS004002 (Permit) the project will be subject to the construction requirements for surface water quality and storm water runoff in accordance with Part 4.F., "Development Construction Program" of the Permit.

Requirement: The construction of the proposed project shall meet requirements contained in Part 4.F. "Development Construction Program" of the Permit through the inclusion of effective implementation of the Construction BMPs during all ground disturbing activities.

Documentation: The Subdivider shall prepare and submit the following items to the Watershed Protection District, SWQS for review:

Conditions for PMW/LLS Case Nos. SD08-0026

Subdivider: Sunil Sreerama

Date of Planning Director Hearing: January 28, 2016

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- A. Complete SW-1 form (Best Management Practices for Construction Less Than One Acre) available at <http://onestoppermit.ventura.org/>, or
- B. Complete SW-2 form (Best Management Practices for Construction One Acre and Larger) available at <http://onestoppermit.ventura.org/>.

Timing: Either above listed item A or B, as applicable, shall be submitted to the SWQS for review and approval prior to issuance of a Zoning Clearance for construction.

Monitoring and Reporting: SWQS will review the submitted materials for consistency with the NPDES Municipal Stormwater Permit. Building Permit Inspectors will conduct inspections during construction to ensure effective installation of the required BMPs. (SWQ-2)

25. State General Construction Stormwater Permit No. CAS000002 Requirements

Purpose: To ensure compliance with all water quality provisions in NPDES State General Construction Stormwater Permit No. CAS000002, Waste Discharge Requirements for Discharges of Stormwater Runoff Associated with Construction Activities.

Requirement: Proper filing of all compliance documents required under the General Construction Permit No. CAS000002 is required for any soil disturbing activity of 1 acre or larger area.

Documentation: The Subdivider shall submit the following items to the Watershed Protection District, SWQS staff for review:

- A. Current Notice of Intent (NOI) in accordance with the State Water Resources Control Board requirements under the General Construction Stormwater Permit (No. CAS000002);
- B. Current Stormwater Pollution Prevention Plan (SWPPP) in accordance with the State Water Resources Control Board requirements under the General Construction Permit; and
- C. If applicable, Change of Information (COI) form and a copy of modified SWPPP at any time a transfer of ownership takes place for the entire development or portions of the common plan of development where construction activities are still on-going.

Timing: The above listed items (A and B) shall be submitted to the SWQS staff for review prior to issuance of a Zoning Clearance for construction. In addition, if applicable, the COI form and a copy of modified SWPPP (item C) shall be submitted to Grading or Building Permit staff anytime during project duration.

Monitoring and Reporting: SWQS staff will review the submitted materials for consistency with the General Construction Permit. An up-to-date and site-specific SWPPP shall be kept on-site for periodic review by the Grading or Building Permit inspector. (SWQ-3)

Public Works Agency, Engineering Services Department, Development and Inspection Services Division Conditions

26. Grading Permit

Purpose: In order to ensure the Subdivider performs all grading in compliance with Appendix J of the Ventura County Building Code.

Requirement: The Subdivider shall submit a grading plan showing existing and proposed elevations to the Public Works Agency's Development and Inspection Services Division for review and approval. If a grading permit is required, a State licensed civil engineer must prepare and submit the grading plans to Development and Inspection Services Division for review and approval. The Subdivider must post sufficient surety in order to ensure proper completion of the proposed grading.

Documentation: If a grading permit is required, all materials, as detailed on Public Works Agency Form DS-37 and/or DS-44, must be submitted to the Development and Inspection Services Division for review and approval.

Timing: All applicable documentation, as specified above, must be approved prior to issuance of a Grading Permit.

Monitoring and Reporting: Public Works Agency engineers will review grading plans and reports for compliance with Ventura County codes, ordinances, and standards, as well as state and federal laws. Public Works Agency inspectors will monitor the proposed grading to verify that the work is done in compliance with the approved plans and reports.

Public Works Agency, Water and Sanitation Services Department, Integrated Waste Management Division Conditions

27. Waste Diversion and Recycling Requirement

Purpose: To ensure the project complies with Ordinance No. 4445. Ordinance No. 4445 pertains to the diversion of recyclable materials generated by this project (e.g., paper, cardboard, wood, metal, green waste, soil, concrete, plastic containers, and beverage containers) from local landfills through recycling, reuse, or salvage. Ordinance No. 4445 can be reviewed at www.vcpublishworks.org/ord4445.

Requirement: Ordinance No. 4445, § 4770-2.2, requires the Subdivider to work with a County-franchised solid waste hauler who will determine the level of service required to divert recyclables generated by the project from local landfills. For a complete list of

County-franchised solid waste haulers, go to:
www.vcpublishworks.org/commercialhaulers.

Documentation: The Subdivider must maintain copies of their bi-monthly solid waste billing statements for a minimum of one year. The address on the billing statement must match the address of the permitted business.

Timing: Upon request, the Subdivider must provide the IWMD with a copy of a current solid waste billing statement to verify compliance with this condition.

Monitoring and Reporting: Upon request, the Subdivider shall allow IWMD staff to perform a free, on-site, waste audit to verify recyclable materials generated by the Project are being diverted from the landfill. (IWMD-1)

28. Construction and Demolition Debris Recycling Plan (Form B)

Purpose: Ordinance No. 4421 requires the Subdivider to divert recyclable construction and demolition (C&D) materials generated by the project (e.g., wood, metal, green waste, soil, concrete, asphalt, paper, and cardboard) from local landfills through recycling, reuse, or salvage. Review Ordinance 4421 at: www.vcpublishworks.org/ord4421.

Requirement: The Subdivider must submit a comprehensive recycling plan (*Form B – Recycling Plan*) to the IWMD for any proposed construction and/or demolition projects that require a building permit.

Documentation: The *Form B – Recycling Plan* must ensure a minimum of 60% of the recyclable C&D debris generated by the Project will be diverted from the landfill by recycling, reuse, or salvage. A copy of *Form B* is available at: www.vcpublishworks.org/formsB&C. A comprehensive list of permitted recyclers, County-franchised haulers, and solid waste and recycling facilities in Ventura County is available at: www.vcpublishworks.org/C&D. A list of local facilities permitted to recycle soil, wood, and greenwaste is available at: www.vcpublishworks.org/greenwaste. A complete list of County-franchised solid waste haulers is available at: www.vcpublishworks.org/commercialhaulers.

Timing: Upon the RMA, Building and Safety Division's issuance of a building permit for the Project, the Subdivider must submit a *Form B – Recycling Plan* to the IWMD for approval.

Monitoring and Reporting: The Subdivider is required to keep a copy of the approved *Form B – Recycling Plan* until the project's final Zoning Clearance is issued. (IWMD-2)

29. Construction & Demolition Debris Reporting Form (Form C)

Purpose: Ordinance No. 4421 requires the Subdivider to divert recyclable construction and demolition (C&D) materials generated by the project (e.g., wood, metal, green waste, soil, concrete, paper, cardboard, and plastic containers) from local landfills through

recycling, reuse, or salvage. Review Ordinance No. 4421 at: www.vcpublishworks.org/ord4421.

Requirement: The Subdivider must submit a *Form C – Reporting Form* to the IWMD for approval prior to the RMA, Building and Safety Division’s final permit approval. A copy of *Form C – Reporting Form* is available at: www.vcpublishworks.org/formsB&C.

Documentation: The Subdivider must submit original recycling facility receipts and/or documentation of reuse with their *Form C – Reporting Form* to verify a minimum of 60% of the recyclable C&D debris generated by the Project was diverted from the landfill.

Timing: A completed *Form C – Reporting Form*, with required recycling facility receipts and/or documentation of reuse, must be submitted to the IWMD for approval at the conclusion of construction.

Monitoring and Reporting: The Subdivider is required to keep a copy of the approved *Form C – Reporting Form* until the RMA, Building and Safety Division’s issuance of a final permit. (IWMD–3)

Public Works Agency, Transportation Department Conditions

30. Dedication of Right-of-Way

Purpose: Right-of-way shall be required when the existing right-of-way adjacent to and along the project/development parcel is less than the right-of-way required by the applicable and current County Road Standard Plate.

Requirement: Right-of-way is required in accordance with the County Road Standards, Ventura County General Plan *Goals, Policies and Programs* § 4.2.2; Ordinance No. 1607, dated November 10, 1964; the “Paveout Policy” dated January 16, 1968; and Code of Ordinances Division 8, Chapter 4 – Urban Area Development. Sycamore Road has an existing right-of-way width of 40 feet. The minimum required right-of-way width is 60 feet per Road Standard Plate B-7[A].

- a. Dedicate 10 feet of right-of-way (half of minimum street right-of-way required) along the parcel's frontage on Sycamore Road in accordance with County Road Standard Plate B-7[A].
- b. Submit to the Public Works Agency – Transportation Department a legal description describing the public right-of-way being dedicated as “Exhibit A” and a right-of-way dedication map as “Exhibit B” prepared by a Registered Licensed Surveyor or Registered Civil Engineer authorized to practice land surveying.
- c. Submit to the Public Works Agency – Transportation Department a processing fee for the costs incurred in processing the dedication.

Documentation: See “a”, “b”, and “c” above. The Public Works Agency – Transportation Department will review the right-of-way legal description for conformance with the project

conditions, then forward the legal description to the Public Works Agency, Engineering Services Department, Survey Division for review and approval.

Timing: This condition shall be met prior to recordation of the PMW/LLS.

Monitoring and Reporting: The Public Works Agency, Transportation Department will review the documentation for conformance with the project conditions. The Public Works Agency, Engineering Services Department, Survey Division will review and approve the legal description. The Public Works Agency, Transportation Department will notify RMA when the document has been filed. (TD – 5, RMA – 139)

31. Road Improvements

Purpose: Road improvements shall be required when the existing road does not meet the current applicable County Road Standard Plate.

Requirement: Road improvements are required in accordance with the County Road Standards, General Plan *Goals, Policies and Programs* § 4.2.2; Ordinance 1607, dated November 10, 1964; the “Paveout Policy,” dated January 16, 1968; and Code of Ordinances Division 8, Chapter 4 – Urban Area Development. Sycamore Road has an existing road width of 20 feet. The minimum required road width is 32 feet per Road Standard Plate B-7[A].

a. Construct 6 feet of road pavement (half of minimum road width required) along the parcel's frontage in accordance with Road Standard Plate B-7[A]. Submit road improvement plans prepared by a Registered Civil Engineer to the Public Works Agency, Transportation Department for review and approval. Enter into an agreement with the County to complete the road improvements. Submit the agreement to the Public Works Agency – Transportation Department for review and approval. Post sufficient surety guaranteeing the construction of the road improvements. Submit proof to the Public Works Agency, Transportation Department that the surety has been posted.

b. Road improvements are not anticipated in the next 15 years; therefore in lieu of “a” above, the road improvement may be postponed for up to 15 years or at such time as the County improves Sycamore Road, whichever is less. The Subdivider shall pay a pro-rata share of the road improvements along the property frontage if the County decides to improve the road within the time specified above. Prior to Recordation of the PMW/LLS, the Subdivider shall provide a written acknowledgement of this condition. A copy of the written acknowledgement shall be submitted to the Transportation Department as proof of compliance.

Documentation: If “a” is chosen, submit road improvement plans, an agreement, and proof of posting the surety. If “b” is chosen, submit a written acknowledgment of the condition and for the PMW/LLS shall acknowledge the road improvement condition. The Public Works Agency, Transportation Department will review the PMW/LLS right-of-way legal description for conformance with the Project conditions, then forward the legal description to the Public Works Agency – ESD Survey Division for review and approval.

Timing: This condition shall be met prior to recordation of the PMW/LLS.

Monitoring and Reporting: The Public Works Agency – Transportation Department will review the documentation for conformance with the project conditions. The Public Works Agency, Engineering Services Department, Survey Division will review and approve the PMW/LLS legal description. The Public Works Agency, Transportation Department will notify RMA when the document has been filed. (TD – 6, RMA – 140)

32. Traffic Impact Mitigation Fee (TIMF):

Purpose: To address the cumulative adverse impacts of traffic on the Regional Road Network, TIMF Ordinance No. 4246 and Ventura County General Plan Goals, Policies and Programs § 4.2.2 require that the Public Works Agency Transportation Department collect a TIMF.

Requirement: The Subdivider shall deposit with the Public Works Agency, Transportation Department a TIMF. The trip generation rate and TIMF will be calculated based on the Subdivider's information. The Subdivider may choose to submit additional information or provide a Traffic Study to supplement the information currently provided to establish the trip generation rate. The TIMF may be adjusted for inflation at the time of deposit in accordance with the latest version of the Engineering News Record Construction Cost Index.

If, in the future, any new development is proposed, before the issuance of a Building Permit or Grading Permit or within 180 calendar days of the recordation of the sale of the newly created lot, pursuant to the TIMF Ordinance, the Subdivider shall mitigate the project's cumulative adverse traffic impact by the payment of the TIMF. The amount of fee will be based on the land use proposed by the Subdivider at the time of development and the current applicable reciprocal traffic impact agreement between the County of Ventura and City of Fillmore.

Documentation: The Subdivider shall come to the Public Works Agency, Transportation Department counter, fill out the TIMF form, and pay the TIMF.

Timing: This condition shall be met prior to the issuance of the Building Permit or Grading Permit or within 180 calendar days of the Recordation of the Sale of the newly created lot.

Monitoring and Reporting: The Public Works Agency, Transportation Department will review and approve the payment of the TIMF. (TD – 1, RMA – 135)

33. Encroachment Permit

Purpose: An Encroachment Permit is required for any work conducted within the County right-of-way.

Requirement: The Subdivider shall contact the Encroachments Division at 654-2055 for the requirements of the Encroachment Permit.

Documentation: The Subdivider shall submit the application to the Public Works Agency, Transportation Department. When applying for the Encroachment Permit, the Subdivider shall provide sufficient documentation. Permit applications without sufficient documentation for processing may not be accepted for processing.

Timing: This condition shall be met prior to the issuance of the Zoning Clearance for construction.

Monitoring and Reporting: The Public Works Agency, Transportation Department will review the application and supporting documentation. The Public Works Agency, Transportation Department Inspectors will monitor construction and verify that the work is performed in accordance with the Encroachment Permit. (TD – 9, RMA – 143)

VCAPCD Conditions

34. VCAPCD Rules and Regulations for Future Project Construction

Purpose: To ensure that fugitive dust and particulate matter that may result from future site preparation, construction activities, and activities on the site are minimized.

Requirement: The Subdivider shall comply with the provisions of applicable VCAPCD Rules and Regulations, which include but are not limited to, Rule 50 (Opacity), Rule 51 (Nuisance), and Rule 55 (Fugitive Dust).

Documentation: The Lead Agency shall ensure compliance with the following provisions:

- I. The area disturbed by clearing, grading, earth moving, or excavation operations shall be minimized to prevent excessive amounts of dust.
- II. Pre-grading/excavation activities shall include watering the area to be graded or excavated before commencement of grading or excavation operations. Application of water should penetrate sufficiently to minimize fugitive dust during grading activities/
- III. All trucks shall cover their loads as required by California Vehicle Code § 23114.
- IV. Signs shall be posted onsite limiting traffic to 15 miles per hour or less.
- V. All clearing, grading, earth moving, or excavation activities shall cease during periods of high winds (i.e., wind speed sufficient to cause fugitive dust to impact adjacent properties).

Timing: During construction (future).

Reporting and Monitoring: The Lead Agency shall monitor all dust control measures during construction activities.

Ventura County Fire Protection District (VCFPD) Conditions

35. Fire Department Clearance

Purpose: To provide the Subdivider a list of all applicable fire department requirements for the Project.

Requirement: The Subdivider shall obtain VCFPD Form #126 "Requirements for Construction" for any new structures or additions to existing structures before issuance of building permits.

Documentation: A signed copy of the VCFPD's Form #126 "Requirements for Construction."

Timing: The Subdivider shall submit the VCFPD Form #126 Application to the Fire Prevention Bureau for approval before issuance of building permits.

Monitoring and Reporting: A copy of the completed VCFPD Form #126 shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau will conduct a final on-site inspection of the project to ensure compliance with all conditions and applicable codes/ordinances. (VCFPD-51)

Ventura County General Services Agency (Parks Department) Conditions

36. Quimby Fees

Purpose: The purpose of this condition is to ensure that the project complies with the requirements of the *Ventura County Subdivision Ordinance* § 8209-6 et seq. ("Quimby Ordinance").

Requirement: The Subdivider will be required to submit payment of Quimby fees, in lieu of land dedication for local park acquisition and/or development for the future residents of the subdivision, prior to the issuance of a Building Permit for residential development on the project site.

Documentation: The Permittee shall submit a copy of the receipt(s) from the General Services Agency (GSA) to the Planning Division, which indicates that the Permittee paid the in-lieu Quimby fees.

Timing: Prior to the issuance of a Building Permit, the applicant shall pay all fees as determined by GSA pursuant to the requirements of the *Ventura County Subdivision Ordinance* § 8209-6.6(b) for the purpose of providing fees in lieu of land dedication for local park acquisition and/or development for the future residents of the subdivision.

Monitoring and Reporting: The Planning Division will review the receipts to verify that the in-lieu fees have been paid. The Planning Division has the authority to conduct periodic site inspections to ensure ongoing compliance with this condition consistent with the requirements of § 8114-3 of the *Ventura County Non-Coastal Zoning Ordinance*.

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EXHIBIT 12 – DRAFT CONDITIONS OF APPROVAL and MITIGATION MONITORING AND REPORTING PROGRAM (MMRP) FOR PARCEL MAP WAIVER/LARGE LOT SUBDIVISION (PMW/LLS) CASE NO. SD08-0027

Resource Management Agency (RMA) Conditions

Planning Division

1. Project Description

The PMW/LLS is based on and limited to compliance with the project description found in this condition below, all County land use hearing exhibits in support of the project including the Staff Report (Exhibit 1), dated January 28, 2016, Site Plan (Exhibit 3), Mitigated Negative Declaration (MND) (Exhibit 4), and Conditions of Approval and Mitigation Monitoring and Reporting Program set forth below. Together, these documents describe the Project. Any deviations from the Project must first be reviewed and approved by the County in order to determine if the deviations conform to the original approval. Project deviations may require Planning Director approval for changes to the PMW/LLS or further California Environmental Quality Act (CEQA) environmental review, or both. Any Project deviation that is implemented without requisite County review and approval(s) constitutes a violation of the conditions of the PMW/LLS.

The Project description is as follows:

PMW/LLS Case No. SD08-0027 applies to a single, approximately 48.6 acre-sized lot. The lot is currently composed of Tax Assessor's Parcels 041-0-230-120 and 041-0-230-150. This PMW/LLS renders the subject property in compliance with the requirements of the Subdivision Map Act (§ 66499.35) and VCSO [§§ 8212-4 et seq. and 8202-3(b)].

Access to the lot will be directly from Sycamore Road, which takes access from Highway 126.

A shared water well will provide domestic water for development of the subject property. A septic system will provide sewage disposal for development of the subject property. No public facilities will be extended or expanded to serve future development that may occur on the subject property.

No new development, grading, or ground disturbance will occur as part of this Project. The purpose of this Project is to bring the lots into compliance with the Subdivision Map Act and VCSO, and to enable the property owner to enter into Land Conservation Act contracts with the County for the lot.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the Project description above and all approved County land use hearing exhibits in support of the Project and conditions of approval below. (PL-1)

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2. Required Improvements for the PMW/LLS

Purpose: To ensure the Project site conforms to the sketch map approved at the Planning Director hearing in support of the Project.

Requirement: The Subdivider shall ensure that all required off-site and on-site improvements for the Project, including structures, paving, parking, and landscaping are completed in conformance with the approved sketch map stamped as hearing Exhibit 3 for the Planning Director hearing on January 28, 2016. The Subdivider shall submit the final sketch map for the County's review and approval in accordance with the approved sketch map.

Documentation: The Subdivider shall obtain Planning Division's stamped approval on the Project plan/sketch map and submit it to the County for inclusion in the Project file. The Subdivider shall submit additional plans to the Planning Division for review and stamped approval for inclusion in the Project file as necessary.

Timing: Prior to recordation of the PMW/LLS, the Subdivider shall submit all respective final development plans/sketch maps to the Planning Division for review and approval. Unless the Planning Director and Public Works Agency Director allow the Subdivider to provide financial security and a final executed agreement, approved as to form by County Counsel, that ensures completion of such improvements, the Subdivider shall complete all required improvements prior to occupancy. The Subdivider shall maintain the required improvements for the life of the development for which the improvements are required.

Monitoring and Reporting: The County Building Inspector, Public Works Agency Grading Inspector, Fire Marshall, and/or Planning Division staff has the authority to conduct periodic site inspections to ensure the Subdivider's ongoing compliance with this condition consistent with the requirements of § 8114-3 of the *Ventura County Non-Coastal Zoning Ordinance*. (PL-3)

3. PMW/LLS Modification

Prior to undertaking any operational or construction-related activity which is not expressly described in these conditions or Project Description, the Subdivider shall first contact the Planning Director to determine if the proposed activity requires a modification of this PMW/LLS. The Planning Director may, at the Planning Director's sole discretion, require the Subdivider to file a written and/or mapped description of the proposed activity in order to determine if a PMW/LLS modification is required. If a PMW/LLS modification is required, the modification shall be subject to:

- a. The modification approval standards of the Ventura County Ordinance Code in effect at the time the modification application is acted on by the Planning Director; and
- b. Environmental review, as required pursuant to the California Environmental Quality Act (CEQA; California Public Resources Code, § 21000-21178) and the State CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, § 15000-15387), as amended from time to time. (PL-5)

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4. Construction Activities

Prior to any construction, vegetation removal, ground disturbance (e.g., trenching), or grading activities on the subject property—besides what currently occurs on the subject property as part of the existing agricultural operations—the Subdivider shall obtain a Zoning Clearance from the Planning Division and, if required, a Building Permit from the Building and Safety Division. Prior to any grading, the Subdivider shall obtain a Grading Permit from the Public Works Agency. (PL-6)

5. Acceptance of Conditions and Schedule of Enforcement Responses

The Subdivider's recordation of the PMW/LLS shall constitute the Subdivider's formal agreement to comply with all conditions of the PMW/LLS. Failure to abide by and comply with any condition for the granting of the PMW/LLS shall constitute grounds for enforcement action provided in the *Ventura County Non-Coastal Zoning Ordinance* (2015, Article 14) and/or VCSO (Article 12), as applicable, which may include, but is not limited to, the following:

- a. Public reporting of violations to the Planning Commission and/or Board of Supervisors;
- b. Modification of the conditions listed herein;
- c. Recordation of a "Notice of Noncompliance" on the deed to the subject property; and/or
- d. The imposition of civil administrative penalties.

The Subdivider is responsible for being aware of and complying with the PMW/LLS conditions and all applicable federal, state, and local laws and regulations. (PL-7)

6. Time Limits

- a. The approval decision for the PMW/LLS becomes effective upon the expiration of the 10 day appeal period following the approval decision, or when any appeals of the decision are finally resolved.
- b. The PMW/LLS shall expire and become null and void if the Subdivider fails to record the PMW/LLS within five years from the granting or approval of the PMW/LLS.
- c. Prior to recordation, all fees and charges billed to that date by any County agency, as well as any fines, penalties, and sureties, must be paid in full. After recordation, any final billed processing fees must be paid within 30 days of the billing date or the County may revoke this PMW/LLS.

7. Documentation Verifying Compliance with Other Agencies' Requirements Related to the PMW/LLS

Purpose: To ensure compliance with and notification of federal, state, or local government regulatory agencies that have requirements that pertain to the Project (Condition No. 1, above) that is the subject of the PMW/LLS and the completion of Mitigation and Monitoring Reporting Program.

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Requirement: Upon the request of the Planning Director, the Subdivider shall provide the Planning Division with documentation (e.g., copies of permits or agreements from other agencies, which are required pursuant to a condition of the PMW/LLS) to verify that the Subdivider has obtained or satisfied all applicable federal, state, and local entitlements and conditions that pertain to the Project.

Documentation: The Subdivider shall provide this documentation to the County Planning Division in the form that is acceptable to the agency issuing the entitlement or clearance, to be included in the Planning Division Project file.

Timing: The documentation shall be submitted to the Planning Division pursuant to the timing requirements of the agency that prepares the documentation.

Monitoring and Reporting: The Planning Division maintains the documentation provided by the Subdivider in the respective Project file. In the event that the federal, state, or local government regulatory agency prepares new documentation due to changes in the Project or the other agency's requirements, the Subdivider shall submit the new documentation within 30 days of receipt of the documentation from the other agency. (PL-9)

8. Defense and Indemnity

As a condition of the issuance of the PMW/LLS, including modification of the PMW/LLS, the Subdivider agrees to:

- a. Defend, at the Subdivider's sole expense, any action brought against the County by a third party challenging either the County's decision to issue the PMW/LLS or the manner in which the County is interpreting or enforcing the conditions of the PMW/LLS; and
- b. Indemnify the County against any settlements, awards, or judgments, including attorney's fees, arising out of, or resulting from, any such legal action. Upon written demand from the County, the Subdivider shall reimburse the County for any and all court costs and/or attorney's fees which the County may be required by a court to pay as a result of any such legal action the Subdivider defended or controlled the defense thereof pursuant to Section 8.a, above. The County may, at its sole discretion, participate in the defense of any such legal action, but such participation shall not relieve the Subdivider of the Subdivider's obligations under this condition.

Neither the issuance of the PMW/LLS, nor compliance with the conditions thereof, shall relieve the Subdivider from any responsibility otherwise imposed by law for damage to persons or property; nor shall the issuance of the PMW/LLS serve to impose any liability upon the County of Ventura, its officers, or employees for injury or damage to persons or property.

Except with respect to the County's sole negligence or intentional misconduct, the Subdivider shall indemnify, defend, and hold harmless the County, its officers, agents, and employees from any and all claims, demands, costs, and expenses,

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including attorney's fees, judgments, or liabilities arising out of the Projects described in Condition No. 1, as it may be subsequently modified pursuant to the conditions of the PMW/LLS. (PL-13)

9. Invalidation of Condition(s)

If any of the conditions or limitations of the PMW/LLS are held to be invalid, that holding shall not invalidate any of the remaining PMW/LLS conditions or limitations. In the event the Planning Director determines that any condition contained herein is in conflict with any other condition contained herein, then where principles of law do not provide to the contrary, the conditions most protective of public health and safety and natural environmental resources shall prevail to the extent feasible.

In the event that any condition imposing a fee, exaction, dedication, or other mitigation measure is challenged by the Subdivider in an action filed in a court of law, or threatened to be filed therein, which action is brought in the time period provided for by the Code of Civil Procedures (§ 1094.6), or other applicable law, the PMW/LLS shall be allowed to continue in force until the expiration of the limitation period applicable to such action, or until final resolution of such action, provided the Subdivider has, in the interim, fully complied with the fee, exaction, dedication, or other mitigation measure being challenged.

If a court of law invalidates any condition, and the invalidation would change the findings and/or the mitigation measures associated with the approval of the PMW/LLS, at the discretion of the Planning Director, the Planning Director may review the Projects and impose substitute feasible conditions/mitigation measures to adequately address the subject matter of the invalidated condition. The Planning Director shall make the determination of adequacy. (PL-14)

10. Consultant Review of Information and Consultant Work

The County and all other County agencies that have purview over the PMW/LLS have the option of referring any and all special studies that these conditions require to an independent and qualified consultant for review and evaluation of issues beyond the expertise or manpower of County staff.

Prior to the County engaging any independent consultants or contractors pursuant to the conditions of the PMW/LLS, the County shall confer in writing with the Subdivider regarding the necessary work to be contracted, as well as the costs of such work. Whenever feasible, the County will use the lowest bidder. Any decisions made by County staff in reliance on consultant or contractor work may be appealed pursuant to the appeal procedures contained in the Ventura County Zoning Ordinance Code then in effect.

The Subdivider may hire private consultants to conduct work required by the County, but only if the consultant and the consultant's proposed scope-of-work are first reviewed and approved by the County. The County retains the right to hire its own consultants to evaluate any work that the Subdivider or a contractor of the Subdivider undertakes. If the County hires a consultant to review any work undertaken by the Subdivider, or hires a

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consultant to review the work undertaken by a contractor of the Subdivider, the hiring of the consultant will be at the Subdivider's expense. (PL-15)

11. Relationship of PMW/LLS Conditions, Laws and Other Permits

The Subdivider shall maintain the properties, and any facilities thereon, that are the subject of the PMW/LLS, in compliance with all applicable requirements and enactments of federal, state, and county authorities. In the event of conflict between various requirements, the more restrictive requirements shall apply. In the event the Planning Director determines that any PMW/LLS condition contained herein is in conflict with any other PMW/LLS condition contained herein, when principles of law do not provide to the contrary, the PMW/LLS condition most protective of public health and safety and environmental resources shall prevail to the extent feasible.

No condition of the PMW/LLS for uses allowed by the Ventura County Ordinance Code shall be interpreted as permitting or requiring any violation of law, lawful rules or regulations, or orders of an authorized governmental agency. Neither the issuance of the PMW/LLS, nor compliance with the conditions of the PMW/LLS, shall relieve the Subdivider from any responsibility otherwise imposed by law for damage to persons or property. (PL-16)

12. Construction Noise

Purpose: In order for this project to comply with the Ventura County General Plan *Goals, Policies and Programs* (March 2015) Noise Policy 2.16.2-1(5) and the *County of Ventura Construction Noise Threshold Criteria and Control Plan* (Amended 2010).

Requirement: The Subdivider shall limit future noise-generating construction activity on the subject property to the hours between 7:00 a.m. and 7:00 p.m., Monday through Friday, and from 9:00 a.m. to 7:00 p.m. Saturday, Sunday, and State holidays. In addition, the Subdivider shall also adhere to the *County of Ventura Construction Noise Threshold Criteria and Control Plan* (Amended 2010). Noise-generating construction equipment maintenance activities shall be limited to the same requirements. Non-noise generating construction activities such as interior painting are not subject to these restrictions.

Documentation: The Subdivider shall post a sign stating these restrictions in a conspicuous on-site location visible to the general public. The sign must provide a telephone number of the site foreman, or other person who controls activities on the jobsite, for use for complaints from the affected public. The Subdivider also shall submit any documentation (e.g., calculations of estimated noise levels) that is required pursuant to the *County of Ventura Construction Noise Threshold Criteria and Control Plan*, to the Planning Division for review and approval.

Timing: The sign shall be installed prior to the issuance of a building permit and throughout grading and construction activities. The Subdivider shall maintain a "Complaint Log," noting the date, time, complainant's name, nature of the complaint, and any corrective action taken. The Subdivider shall submit any documentation (e.g.,

calculations of estimated noise levels) that is required pursuant to the *County of Ventura Construction Noise Threshold Criteria and Control Plan*, prior to issuance of a Zoning Clearance for construction of future development on the subject property.

Monitoring and Reporting: The Subdivider shall provide photo documentation showing posting of the required signage to the Planning Division prior to the commencement of grading or construction activities. Planning Division staff will review all documentation to ensure that construction noise complies with the requirements of the *County of Ventura Construction Noise Threshold Criteria and Control Plan*. Planning Division staff has the authority to conduct periodic site inspections to ensure the Subdivider's ongoing compliance with this condition consistent with the requirements of § 8114-3 of the *Ventura County Non-Coastal Zoning Ordinance*. (PL-59)

13. Noise Contour

Purpose: In order for this project to avoid an impact with noise sensitive uses and comply with the Ventura County General Plan *Goals, Policies and Programs* (March 2015) Noise Policy 2.16.2-1(5) and the *County of Ventura Construction Noise Threshold Criteria and Control Plan* (Amended 2010).

Requirement: The Subdivider shall locate future development outside of the CNEL 60 db(A) noise contour and greater than 3,400 feet away from the railroad.

Documentation: The Subdivider shall submit a site plan that identifies the CNEL 60 db(A) noise contour in relationship to the parcel being developed. The site plan shall also indicate that future residential development will be located greater than 3,400 feet away from the railroad. The Subdivider also shall submit any documentation (e.g., calculations of estimated noise levels) that is required pursuant to the *County of Ventura Construction Noise Threshold Criteria and Control Plan*, to the Planning Division for review and approval.

Timing: Prior to a zoning clearance for construction, the Subdivider shall submit a site plan that identifies the CNEL 60 db(A) noise contour in relationship to the parcel being developed. The site plan shall indicate that any future residential development is located greater than 3,400 feet away from the railroad.

Monitoring and Reporting: The Subdivider shall provide documentation showing that residential development is located outside of the CNEL db(A) noise contour and is located greater than 3,400 feet away from the railroad. Documentation shall be submitted to the Planning Division prior to the commencement of grading or construction activities. Planning Division staff will review all documentation to ensure that construction complies with the requirements of the *County of Ventura Construction Noise Threshold Criteria and Control Plan*. Planning Division staff has the authority to conduct periodic site inspections to ensure the Subdivider's ongoing

compliance with this condition consistent with the requirements of § 8114-3 of the *Ventura County Non-Coastal Zoning Ordinance*. (PL-59)

14. Archaeological Resources Inadvertently Discovered During Grading

Purpose: In order to mitigate potential impacts to archaeological resources inadvertently discovered during ground disturbance.

Requirement: The Subdivider shall implement the following procedures:

- a. If any archaeological or historical artifacts are uncovered during ground disturbance or construction activities on the subject property, the Subdivider shall:
 - i. Cease operations and assure the preservation of the area in which the discovery was made;
 - ii. Notify the Planning Director in writing, within three days of the discovery;
 - iii. Obtain the services of a County-approved archaeologist who shall assess the find and provide recommendations on the proper disposition of the site in a written report format;
 - iv. Obtain the Planning Director's written concurrence of the recommended disposition of the site before resuming development; and
 - v. Implement the agreed upon recommendations.
- b. If any human burial remains are encountered during ground disturbance or construction activities, the Subdivider shall:
 - i. Cease operations and assure the preservation of the area in which the discovery was made;
 - ii. Immediately notify the County Coroner and the Planning Director;
 - iii. Obtain the services of a County-approved archaeologist and, if necessary, Native American Monitor(s), who shall assess the find and provide recommendations on the proper disposition of the site in a written report format;
 - iv. Obtain the Planning Director's written concurrence of the recommended disposition of the site before resuming development on-site; and
 - v. Implement the agreed upon recommendations.

Documentation: If archaeological remains are encountered, the Subdivider shall submit a report prepared by a County-approved archaeologist including recommendations for the proper disposition of the site. Additional documentation may be required to demonstrate that the Subdivider has implemented any recommendations set forth in the archaeological report.

Timing: The Subdivider shall provide archaeological reports to the Planning Division immediately upon completion.

Monitoring and Reporting: The Subdivider shall provide archaeological reports to the Planning Division to be made a part of the Project file. The Subdivider shall implement any recommendations made in the archaeological report to the satisfaction of the Planning Director. (PL-59)

15. BR-1: Avoidance of Nesting Birds and Roosting Bats

Purpose: In order to prevent impacts to roosting bats and to birds protected under the Migratory Bird Treaty Act, land clearing activities associated with future development on the subject property shall be regulated. Existing agricultural operations do not qualify as future development that are subject to this condition of approval.

Requirement: The Subdivider shall conduct all tree removal/trimming, vegetation clearing, and grading activities (collectively, "land clearing activities") associated with future development in such a way as to avoid roosting bats and nesting birds. This can be accomplished by implementing one of the following options:

- Prohibit land clearing activities during the breeding and nesting season (January 1 – August 31), in which case the following surveys are not required; or
- Conduct site-specific surveys prior to land clearing activities during the breeding and nesting season (January 1 – August 31) and avoid occupied bird nests.

A County-approved biologist with a California Department of Fish and Wildlife (CDFW) Scientific Collecting Permit must conduct the surveys. The biologist shall conduct the surveys in order to identify any occupied (active) bird nests in the area proposed for disturbance. Occupied nests shall be avoided until juvenile birds have vacated the nest.

The nesting bird survey must cover the development footprint and 300 feet from the development footprint. If occupied (active) nests are found, land clearing activities within a setback area surrounding the nest shall be postponed or halted. Land clearing activities may commence in the setback area when the nest is vacated (juveniles have fledged) provided that the County-approved biologist determines that there is no evidence of a second attempt at nesting. Land clearing activities can occur outside of the setback areas. The biologist will establish the required setback area. (Note: CDFW recommends a 300-foot buffer for most birds and a 500-foot buffer for raptors).

Documentation: The Subdivider shall provide to the Planning Division a Survey Report from a County-approved biologist documenting the results of the initial nesting bird survey and a plan for continued surveys and avoidance of nests, pursuant to the requirements set forth in this condition (above). Along with the Survey Report, the Subdivider shall provide a copy of a signed contract (financial information redacted) with a County-approved biologist responsible for the surveys and monitoring of any occupied nests discovered. The Subdivider shall submit to the Planning Division a Mitigation Monitoring Report from a County-approved biologist following land clearing activities documenting actions taken to avoid nesting birds and results.

Timing: If land clearing activities will occur between January 1 and August 31, the biologist shall conduct the nesting bird surveys 30 days prior to initiation of land clearing activities, and weekly thereafter; the last survey for nesting birds shall be conducted no more than 3 days prior to initiation of land clearing activities. The Subdivider shall submit the Survey Report documenting the results of the first nesting bird survey and the signed contract, to the Planning Division prior to issuance of a Zoning Clearance for construction.

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The Subdivider shall submit a Mitigation Monitoring Report within 14 days of completion of the land clearing activities.

Monitoring and Reporting: The Planning Division reviews for adequacy the Survey Report and signed contract prior to issuance of a Zoning Clearance for construction. The Planning Division maintains copies of the signed contract, Survey Report, and Mitigation Monitoring Report in the Project file.

16. BR-2: Notice on Buffered Watercourse

Purpose: To avoid potentially significant impacts to aquatic and riparian habitats and the connectivity it provides between habitats, the Subdivider shall permanently protect the existing aquatic and riparian habitats, which are shown on Exhibit 8 of the Planning Director hearing on January 28, 2016. This mitigation measure requiring the establishment of a development restriction area for the avoidance of impacts to, and protection of, biological resources is consistent with the Ventura County General Plan *Goals, Policies and Programs* (2013) Policy 1.4.2-4.

Requirement: New development shall be prohibited within the area: (1) located within 100 feet from the centerline of the creek or 100 feet from the outermost extent of riparian vegetation associated with the drainage, whichever is greater; and (2) shown on Exhibit 8 of the Planning Director hearing on January 28, 2016 (collectively, “development restriction area”). Exhibit 8 of the Planning Director hearing on January 28, 2016 identifies the location and types of existing agricultural development and infrastructure that may remain within the development restriction area—the agricultural development and infrastructure consists of orchard trees, existing approximately 12 inch diameter piping buried with outfall into the creek (collectively, “existing agricultural development and infrastructure”).

No new development or uses besides the existing agricultural development and infrastructure may occur within the development restriction area. More specifically, the following uses and development shall be prohibited within the development restriction area:

- (1) removal, mining, excavation, or disturbance of the soil or surface rocks or decaying material such as fallen trees, except for what is required solely for the maintenance of the existing agricultural development and infrastructure;
- (2) dumping, filling, storing, disposal, burying, or stockpiling of any natural or manmade materials;
- (3) erection of buildings or structures of any kind, including, but not limited to, fencing, corrals, advertising signs, antennas, and light poles, except for what is required solely for the maintenance or replacement of the existing agricultural development and infrastructure;
- (4) placement of pavements, concrete, asphalt and similar impervious materials, laying of decomposed granite for pathways, or setting of stones, paving bricks, or timbers;

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- (5) operation of dunebuggies, motorcycles, all-terrain vehicles, bicycles, mowers, tractors, or any other types of motorized or non-motorized vehicles or equipment, except for what is required solely for the maintenance of the existing agricultural development and infrastructure;
- (6) removal or alteration of native trees or plants, through such activities as irrigating, mowing, draining, plowing, tilling or disking, except as necessary for:
(a) controlled burns (for fuel reduction, as regulated by the Ventura County Fire Protection District and only after receiving prior written consent from the Planning Director); (b) removal of non-native species and sensitive habitat restoration or maintenance (which must be under the direction of a qualified biologist); and (c) the maintenance of the existing agricultural development and infrastructure;
- (7) application of insecticides or herbicides, poisons, or fertilizers besides what currently occurs with regard to the existing agricultural development and infrastructure;
- (8) grazing or keeping of cattle, sheep, horses or other livestock, or pet animals;
- (9) planting, introduction, or dispersal of non-native or exotic plant or animal species;
- (10) hunting or trapping, except live trapping for purposes of scientific study or removal of non-native species;
- (11) manipulating, impounding, or altering any natural watercourse, body of water or water circulation within the development restriction area, and activities or uses detrimental to water quality, including but not limited to degradation or pollution of any surface or sub-surface waters;
- (12) light pollution (e.g., lighting that is directed towards O'Leary Creek or the unnamed drainages and other habitat areas); and
- (13) other activities that damage the existing flora, fauna, or hydrologic conditions.

Documentation: The Subdivider shall record a copy of these conditions of approval, as well as Exhibit 8 of the Planning Director hearing on January 28, 2016, with the PMW/LLS for the Projects, with the Office of the County Recorder. The Subdivider must submit a copy of the recorded conditions of approval, Exhibit 8 of the Planning Director hearing on January 28, 2016, to the Planning Division.

Any maintenance activities associated with the existing agricultural development that require a permit from the RMA Planning Division, shall be documented in the permit application and permit for the maintenance activities.

Timing: The Subdivider shall record a copy of these conditions of approval and Exhibit 8 of the Planning Director hearing on January 28, 2016, concurrently with the PMW/LLS. Within one week following the recordation of these documents, the Subdivider shall submit a copy of the recorded documents to the Planning Division.

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Prior to implementing any maintenance activities associated with the existing agricultural development that require a permit from the RMA Planning Division, the Subdivider shall obtain the requisite permit.

Monitoring and Reporting: The Planning Division maintains a copy of the recorded documents in the Project file. The Subdivider (and any successors-in-interest) shall submit all plans for any future development that may occur on the subject property, to the Planning Division for review and approval, to ensure that future projects comply with the requirements of this condition. The Planning Division has the authority to inspect the property to ensure that it is maintained as required, in accordance with § 8114-3.2 of the *Ventura County Non-Coastal Zoning Ordinance*. If the Planning Division confirms that the restricted area has not been maintained as required, enforcement actions may be enacted in accordance with § 8114-3 of the *Ventura County Non-Coastal Zoning Ordinance*.

17. BR-3 Pre-Construction Surveys and Relocation of Special-Status Wildlife

Purpose: To avoid significant impacts to special-status wildlife that could occur during future potential tree removal/trimming, vegetation clearing, trenching, and grading activities (collectively, "land clearing activities").

Requirement: At least two weeks prior to the initiation of land clearing activities, the Subdivider shall install a silt-screen fence around the disturbance areas. Following the installation of the silt-screen fence and within two weeks prior to the initiation of, and periodically throughout, land clearing activities, a County-approved qualified biologist shall conduct surveys for special-status wildlife, to ensure that these species are not harmed within these fenced areas. If the Subdivider proposes ground disturbance activities in upland habitats, then the Subdivider shall retain a County-approved qualified biologist to conduct a survey for special-status species. Upland species include: burrowing owl (*Athene cunicularia*); coast horned lizard (*Phrynosoma blainvilli*); coast patch-nosed snake (*Salvadora hexalepis virgultea*); American badger (*Taxidea taxus*); and south coast garter snake (*Thamnophis sirtalis* ssp.). If the Subdivider proposes ground disturbance activities in aquatic or riparian habitats, then the Subdivider shall retain a County-approved qualified biologist to conduct a survey for special-status species. Aquatic or riparian species include: western pond turtle (*Emys marmorata*); south coast garter snake (*Thamnophis sirtalis* ssp.); arroyo toad (*Anaxyrus californicus*); and two-striped garter snake (*Thamnophis hammondi*). Individuals of these species that are found shall be relocated to suitable undisturbed habitat, outside of the areas directly and indirectly (e.g., noise) affected by ground disturbance activities. A County-approved qualified biologist, with demonstrated experience surveying for these species and a California Department of Fish and Wildlife (CDFW) Scientific Collecting Permit, shall conduct the surveys and relocation activities according to CDFW-approved methods. The silt fencing must remain in place until the completion of ground disturbance activities. Surveys for special status wildlife within the fenced area shall occur as needed to ensure no impacts to wildlife could occur. If a Federally listed species is found during surveys, the property owner shall consult the Planning Division and USFWS within 24 hours to

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determine the necessary steps to ensure that an incidental take does not occur. If a State listed or rare species is found during surveys, the Planning Division and CDFW will be contacted within 24 hours and the property owner will consult them as to necessary steps to ensure no incidental take occurs.

Documentation: The Subdivider shall provide to the County a signed contract with a County-approved qualified biologist with experience surveying for potentially occurring species and has a CDFW Scientific Collecting Permit that ensures that installation of silt-screen fencing, wildlife surveys and relocation of wildlife will be conducted within 14 days prior to and during any land disturbing activities. The Subdivider shall submit a memorandum to the Planning Division within 14 days of the wildlife surveys, notifying the Planning Division of the results of the surveys, when they occurred, and avoidance and relocation activities.

Timing: Prior to the issuance of a Zoning Clearance for construction, the Subdivider shall provide the signed contract. Within 14 days of the wildlife surveys and relocation activities, the Subdivider shall provide a memorandum reporting the results.

Monitoring and Reporting: The Subdivider shall confirm with the Planning Division that a County-approved qualified biologist that meets the requirements specified above has been contracted to implement the requirements of this condition prior to issuance of a Zoning Clearance for construction. The Planning Division maintains copies of the signed contract and the survey reports submitted by the Subdivider in the Project file. The Planning Division has the authority to inspect the property during the development phase of the Project to ensure that the survey and wildlife relocation work is conducted as required and the silt fencing is maintained as required. If the Planning Division confirms that the required surveys are not conducted as agreed upon or the fencing is not maintained as required, enforcement actions may be enacted in accordance with § 8114-3 of the Ventura County Non-Coastal Zoning Ordinance. (PL-48)

18. Mitigation Measure AR-1: Limitations on Future Impervious Development

Purpose: In order to limit the loss of agricultural soils, the area of the Project site subject to future development shall be limited.

Requirement: The Subdivider shall restrict future development to a total of 1.25 acres of impervious development on the subject property.

Documentation: The Subdivider shall record these conditions of approval concurrently with the PMW/LLS.

Timing: Concurrently with recordation of the PMW/LLS, the Subdivider shall record the conditions of approval.

Monitoring and Reporting: The Planning Division shall maintain a copy of the recorded conditions of approval in the Project file. Property Owners shall submit site plans for all future development projects for the Planning Division's review and approval, indicating the acreage of all existing and proposed development on the subject property. The

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Planning Division shall ensure that approved development does not exceed the 1.25 acres limitation on impervious development.

19. Utility Lines

Utility/power lines and new utility facilities that will serve future development on the project site shall be placed underground.

Environmental Health Division (EHD) Conditions

20. Shared Water Well Agreement

Purpose: To assure that each lot created by the subdivision has a permanent supply of domestic water.

Requirement: The Subdivider shall record a legal document, also known as a declaration, which states that the parcels created by the subdivision have legal access and rights to the water from the individual water well proposed to serve each parcel of the subdivision.

Documentation: The Property Owner shall provide a draft document to the RMA, EHD for review and approval prior to recordation of the declaration. Once recorded, the Subdivider shall provide a copy of the recorded declaration to RMA, EHD.

Timing: Prior to recordation of the subdivision map, the Subdivider shall obtain written confirmation from RMA, EHD that this condition has been satisfied.

Monitoring and Reporting: RMA, EHD staff shall review the documentation provided by the Subdivider to assure compliance with this condition. (EHD-9)

Ventura County Transportation Commission Conditions

21. Railroad Crossing Easements

The Subdivider is responsible for any fees or costs associated with the maintenance and/or improvements to existing railroad crossing easements within the parcels.

Advisory: No new railroad crossing will be provided.

Public Works Agency Conditions

Watershed Protection District, Planning and Regulatory Division Conditions

22. Detention Basin

Purpose: To ensure that runoff from the site will not change the flow rate.

Requirement: Runoff from the site shall be released at no greater than the undeveloped flow rate and in such a manner as to not cause an adverse impact downstream in velocity or duration. The Subdivider shall submit completed construction plans and finalized design

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calculations for a detention basin to the Watershed Protection District and RMA, Planning Division for approval.

Documentation: In accordance with Appendix J of the Ventura County Building Code, the plans and calculations shall be completed, signed, and stamped by a Registered Civil Engineer practicing in the State of California.

Timing: Prior to issuance of a Zoning Clearance for construction.

Monitoring and Reporting: The Watershed Protection District and RMA, Planning Division shall maintain a copy of the approved construction plans and design calculations.

Watershed Protection District, Water and Environmental Resources Division, Surface Water Quality Section (SWQS) Conditions

23. Mitigation Measure SWQ-1

Purpose: To ensure runoff from new impervious surfaces and residential development do not contribute pollutants or degrade water quality of downstream surface waters resulting in further exceedances of water quality objectives contained in the Los Angeles Region Basin Plan.

Requirement: The Subdivider shall include post-construction stormwater best management practices (BMPs) to treat the new impervious surface runoff to the maximum extent practicable and a Maintenance Plan and annual verification of ongoing maintenance.

Documentation: The Subdivider shall submit the following items to the SWQS for review and approval:

- a. A complete site plan prepared and stamped by a California licensed civil engineer or land surveyor that accurately delineates the location of the proposed development, existing and proposed impervious surfaces, storm drain system elements, general drainage pattern, and proposed site-specific Post-Construction Stormwater Management Plan (PCSMP). The Subdivider shall submit a plan prepared and stamped by a California licensed civil engineer or architect verifying that the installation of the post-construction BMPs are included to treat urban runoff to the maximum extent practicable.
- b. Maintenance Plan (Exhibit "C" of the County's "Covenant for Maintenance of Post-Construction Stormwater Management Control System" form available at <http://onestopperpermit.ventura.org>) for proposed PCSMP shall be prepared in accordance with Section 7 and Appendix I of the TGM. The plan shall include but not limited to the following:
 - i. The location of each device;
 - ii. The maintenance processes and procedures necessary to provide for continued operation and optimum performance;

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- iii. A timeline for all maintenance activities; and
 - iv. Any technical information that may be applicable to ensure the proper functionality of this device.
- c. Maintenance Agreement (County's "Covenant for Maintenance of Post-Construction Stormwater Management Control System" form is available at <http://onestopperpermit.ventura.org>) signed by the Property Owner including a signed statement accepting responsibility for maintenance for the PCSMP. The statement must include written verification that all PCSMP will be properly maintained. At a minimum, this statement shall include the following:
- i. Written conditions in the sales or lease agreement, which require the Property Owner or tenant to assume responsibility for PCSMP maintenance and annual maintenance inspection;
 - ii. Written text in project covenants, conditions and restrictions ("CCRs") to the Home Owners Association; or
 - iii. Any other legally enforceable agreement or mechanism that assigns PCSMP maintenance responsibility.
- d. Completed and signed Annual Maintenance Verification Report (Exhibit "D" of the County's "Covenant for Maintenance of Post-Construction Stormwater Management Control System" form available under the Surface Water Quality Section tab at <http://onestopperpermit.ventura.org>).

Timing: The above listed items (a, b, and c) shall be submitted to the SWQS for review and approval prior to issuance of a Zoning Clearance for construction. In addition, the Annual Maintenance Verification Report (d) shall be submitted to SWQS annually prior to September 15th after signing off for occupancy and issuing the Certificate of Occupancy.

Monitoring and Reporting: SWQS staff will review the submitted materials to ensure the Project does not contribute to exceedances of water quality objectives in downstream receiving waters. The Maintenance Plan shall be kept on-site for periodic review by SWQS staff. (SWQ-1)

24. Compliance with Stormwater Development Construction Program

Purpose: To ensure compliance with the Los Angeles Regional Water Quality Control Board NPDES Municipal Stormwater Permit No.CAS004002 (Permit) the proposed project will be subject to the construction requirements for surface water quality and storm water runoff in accordance with Part 4.F., "Development Construction Program" of the Permit.

Requirement: Future construction of the subject property shall meet the requirements contained in Part 4.F, "Development Construction Program," of the Permit through the inclusion of effective implementation of the Construction BMPs during all ground disturbing activities.

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Documentation: The Subdivider shall prepare and submit the following items to the Watershed Protection District, SWQS for review:

- A. Complete SW-1 form (Best Management Practices for Construction Less Than One Acre) available at <http://onestoppermit.ventura.org/>; or
- B. Complete SW-2 form (Best Management Practices for Construction One Acre and Larger) available at <http://onestoppermit.ventura.org/>.

Timing: Either above listed item A or B, as applicable, shall be submitted to the SWQS for review and approval prior to issuance of a Zoning Clearance for construction.

Monitoring and Reporting: SWQS will review the submitted materials for consistency with the NPDES Municipal Stormwater Permit. Building Permit Inspectors will conduct inspections during construction to ensure effective installation of the required BMPs. (SWQ-2)

25. State General Industrial Stormwater Permit No. CAS000001 Requirements

Purpose: To ensure the project maintains compliance with all water quality provisions in accordance with NPDES General Permit (No. CAS000001), Waste Discharge Requirements for Discharges of Stormwater Runoff Associates with Industrial Activities.

Requirement: Proper filing of all compliance documents required under the NPDES General Industrial Stormwater Permit (No. CAS000001).

Documentation: The Subdivider shall submit the following items to the SWQS staff for review:

- a) Current Notice of Intent (NOI) in accordance with the State Water Resources Control Board requirements under the NPDES General Industrial Stormwater Permit (No. CAS000001); or verification of payment for current coverage year, whichever one is more recent;
- b) Copy of the project Stormwater Pollution Prevention Plan (SWPPP); and
- c) Copy of the most recent Annual Report, if applicable.

Timing: The above listed items shall be submitted to the SWQS for review prior to the issuance of a Certificate of Occupancy.

Monitoring and Reporting: SWQS staff will review the submitted materials for consistency with the General Industrial Stormwater Permit. A current and site-specific SWPPP shall be kept on-site for periodic review by the SWQS inspectors. (SWQ-5)

26. State General Construction Stormwater Permit No. CAS000002 Requirements

Purpose: To ensure compliance with all water quality provisions in NPDES State General Construction Stormwater Permit No. CAS000002, Waste Discharge

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Requirements for Discharges of Stormwater Runoff Associated with Construction Activities.

Requirement: Proper filing of all compliance documents required under the General Construction Permit No. CAS000002 is required for any soil disturbing activity of 1 acre or larger area.

Documentation: The Subdivider shall submit the following items to the SWQS staff for review:

- a. Current Notice of Intent (NOI) in accordance with the State Water Resources Control Board requirements under the General Construction Stormwater Permit (No. CAS000002);
- b. Current Stormwater Pollution Prevention Plan (SWPPP) in accordance with the State Water Resources Control Board requirements under the General Construction Permit; and
- c. If applicable, Change of Information (COI) form and a copy of modified SWPPP at any time a transfer of ownership takes place for the entire development or portions of the common plan of development where construction activities are still on-going.

Timing: Items a and b (above) shall be submitted to the SWQS staff for review prior to issuance of a Zoning Clearance for construction. In addition, if applicable, the COI form and a copy of modified SWPPP shall be submitted to Grading or Building Permit staff anytime during project duration.

Monitoring and Reporting: SWQS staff will review the submitted materials for consistency with the General Construction Permit. Up-to-date and site-specific SWPPP shall be kept on-site for periodic review by the Grading or Building Permit inspector. (SWQ-3)

Public Works Agency, Engineering Services Department, Development and Inspection Services Conditions

27. Grading Permit

Purpose: In order to ensure the Subdivider performs all grading in compliance with Appendix J of the Ventura County Building Code.

Requirement: The Subdivider shall submit a grading plan showing existing and proposed elevations to the Public Works Agency's Development and Inspection Services Division for review and approval. If a grading permit is required, a State licensed civil engineer must prepare and submit the grading plans to Development and Inspection Services Division for review and approval. The Subdivider must post sufficient surety in order to ensure proper completion of the proposed grading.

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Documentation: If a grading permit is required, all materials, as detailed on Public Works Agency Form DS-37 and/or DS-44, must be submitted to the Development and Inspection Services Division for review and approval.

Timing: All applicable documentation, as specified above, must be approved prior to issuance of a Grading Permit.

Monitoring and Reporting: Public Works Agency engineers will review grading plans and reports for compliance with Ventura County codes, ordinances, and standards, as well as state and federal laws. Public Works Agency inspectors will monitor the proposed grading to verify that the work is done in compliance with the approved plans and reports.

Public Works Agency, Water and Sanitation Services Department, IWMD Conditions

28. Waste Diversion and Recycling Requirement

Purpose: To ensure the Project complies with Ordinance No. 4445. Ordinance No. 4445 pertains to the diversion of recyclable materials generated by the Project (e.g., paper, cardboard, wood, metal, greenwaste, soil, concrete, plastic containers, and beverage containers) from local landfills through recycling, reuse, or salvage. Ordinance No. 4445 can be reviewed at www.vcpublishworks.org/ord4445.

Requirement: Ordinance No. 4445, § 4770-2.3, requires the Subdivider to work with a County-franchised solid waste hauler who can determine the level of service required to divert recyclables generated by the Project from local landfills. For a complete list of County-franchised solid waste haulers, go to: www.vcpublishworks.org/commercialhaulers.

Documentation: The Subdivider must maintain copies of bi-monthly solid waste billing statements for a minimum of one year. The address on the billing statement must match the address of the permitted business.

Timing: Upon request, the Subdivider must provide the IWMD with a copy of a current solid waste billing statement to verify compliance with this condition.

Monitoring and Reporting: Upon request, the Subdivider shall allow IWMD staff to perform a free, on-site, waste audit to verify recyclable materials generated by their business are being diverted from the landfill. (IWMD -1)

29. Construction and Demolition Debris Recycling Plan (Form B)

Purpose: Ordinance No. 4421 requires the Subdivider to divert recyclable C&D materials generated by the Project (e.g., wood, metal, green waste, soil, concrete, asphalt, paper, and cardboard) from local landfills through recycling, reuse, or salvage. Please review Ordinance No. 4421 at: www.vcpublishworks.org/ord4421.

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Requirement: The Subdivider must submit a comprehensive recycling plan (Form B – Recycling Plan) to the IWMD for any proposed construction and/or demolition projects that require a building permit.

Documentation: The Form B – Recycling Plan must ensure a minimum of 60% of the recyclable C&D debris generated by the Project will be diverted from the landfill by recycling, reuse, or salvage. A copy of Form B is available at: www.vcpublishworks.org/formsB&C. A comprehensive list of permitted recyclers, County-franchised haulers, and solid waste and recycling facilities in Ventura County is available at: www.vcpublishworks.org/C&D. A list of local facilities permitted to recycle soil, wood, and green waste is available at: www.vcpublishworks.org/greenwaste. A complete list of County-franchised solid waste haulers is available at: www.vcpublishworks.org/commercialhaulers.

Timing: Upon the RMA Building and Safety Division's issuance of a building permit for the project, the Subdivider must submit a Form B – Recycling Plan to the IWMD for approval.

Monitoring & Reporting: The Subdivider is required to keep a copy of the approved Form B – Recycling Plan until RMA Building and Safety Division's issuance of a final permit. (IWMD-2)

30. Construction and Demolition Debris Reporting Form (Form C)

Purpose: Ordinance No. 4421 requires the Subdivider to divert recyclable C&D materials generated by the Project (e.g., wood, metal, green waste, soil, concrete, paper, cardboard, and plastic containers) from local landfills through recycling, reuse, or salvage. Please review Ordinance No. 4421 at: www.vcpublishworks.org/ord4421.

Requirement: The Subdivider must submit a Form C – Reporting Form to the IWMD for approval prior to issuance of the final RMA, Building and Safety Division permit. A copy of the Form C – Reporting Form is available at: www.vcpublishworks.org/formsB&C.

Documentation: The Subdivider must submit original recycling facility receipts and/or documentation of reuse with the Form C – Reporting Form to verify a minimum of 60% of the recyclable C&D debris generated by the Project was diverted from the landfill.

Timing: A completed Form C – Reporting Form, with required recycling facility receipts and/or documentation or reuse, must be submitted to the IWMD for approval prior to the RMA, Building and Safety Division's issuance of a final permit.

Monitoring and Reporting: The Subdivider is required to keep a copy of the approved Form C – Reporting Form until the RMA, Building and Safety Division's issuance of a final permit. (IWMD-3)

Public Works Agency, Transportation Department Conditions

31. Dedication of Right-of-Way:

Purpose: Right-of-way shall be required when the existing right-of-way adjacent to and along the project/development parcel is less than the right-of-way required by the applicable and current County Road Standard Plate.

Requirement: Right-of-way is required in accordance with the County Road Standards; Ventura County General Plan *Goals, Policies and Programs* § 4.2.2; Ordinance No. 1607, dated November 10, 1964; the "Paveout Policy," dated January 16, 1968; and Code of Ordinances Division 8, Chapter 4 – Urban Area Development. Sycamore Road has an existing right-of-way width of 40 feet. The minimum required right-of-way width is 60 feet per Road Standard Plate B-7[A].

- a. Dedicate 10 feet of right-of-way (half of minimum street right-of-way required) along the parcel's frontage on Sycamore Road in accordance with County Road Standard Plate B-7[A].
- b. Submit to the Public Works Agency, Transportation Department a legal description describing the public right-of-way being dedicated as "Exhibit A" and a right-of-way dedication map as "Exhibit B" prepared by a Registered Licensed Surveyor or Registered Civil Engineer authorized to practice land surveying.
- c. Submit to the Public Works Agency, Transportation Department a processing fee for the costs incurred in processing the dedication.

Documentation: See "a", "b", and "c" (above). The Public Works Agency – Transportation Department will review the right-of-way legal description for conformance with the project conditions, then forward the legal description to the Public Works Agency, Engineering Services Department, Survey Division for review and approval.

Timing: This condition shall be met prior to recordation of the PMW/LLS.

Monitoring and Reporting: The Public Works Agency, Transportation Department will review the documentation for conformance with the project conditions. The Public Works Agency, Engineering Services Department, Survey Division will review and approve the legal description. The Public Works Agency, Transportation Department will notify RMA when the document has been filed. (TD – 5, RMA – 139)

32. Traffic Impact Mitigation Fee (TIMF):

Purpose: To address the cumulative adverse impacts of traffic on the Regional Road Network, TIMF Ordinance No. 4246 and Ventura County General Plan *Goals, Policies and Programs* § 4.2.2 require that the Public Works Agency, Transportation Department collect a TIMF.

Requirement: The Subdivider shall deposit with the Public Works Agency, Transportation Department a TIMF. The trip generation rate and TIMF will be calculated based on the Subdivider's information. The Subdivider may choose to submit additional information or provide a Traffic Study to supplement the information currently provided to

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establish the trip generation rate. The TIMF may be adjusted for inflation at the time of deposit in accordance with the latest version of the Engineering News Record Construction Cost Index.

If, in the future, any new development is proposed, before the issuance of a Building Permit or Grading Permit or within 180 calendar days of the Recordation of the Sale of the newly created lot, pursuant to the TIMF Ordinance, the Subdivider shall mitigate the Project's cumulative adverse traffic impact by the payment of a TIMF. The amount of fee will be based on the land use proposed by the Subdivider at the time of development and the current applicable reciprocal traffic impact agreement between the County of Ventura and City of Fillmore.

Documentation: The Subdivider shall come to the Public Works Agency, Transportation Department counter, fill out the TIMF form, and pay the TIMF.

Timing: This condition shall be met prior to the issuance of the Building Permit or Grading Permit or within 180 calendar days of the Recordation of the Sale of the newly created lot.

Monitoring and Reporting: The Public Works Agency, Transportation Department will review and approve the payment of the TIMF. (TD – 1, RMA – 135)

33. Driveway Access

Purpose: Driveway access shall be in accordance with the County Road Standards, the Driveways and Curb Cuts Brochure, and the County's Access Policies.

Requirement: The driveway shall be constructed per County Road Standard Plate E-2. The Subdivider shall obtain an Encroachment Permit from the Public Works Agency, Transportation Department. Contact the Encroachment Transportation Department Permits Division at 654-2055 for the requirements of the Encroachment Permit. The Encroachment Permit form is available on the internet. Improvement plans and supporting documentation may be required by the Encroachments Division. The Subdivider shall provide calculations showing that there is adequate sight distance on both sides of the driveway.

Documentation: The Public Works Agency, Transportation Department will review the improvement plans and supporting documentation.

Timing: This condition shall be met prior to the issuance of the Building Permit.

Monitoring and Reporting: The Public Works Agency, Transportation Department Inspectors will monitor construction and verify that the work is performed in accordance with the Encroachment Permit. (TD – 8, RMA – 142)

34. Encroachment Permit

Purpose: An Encroachment Permit is required for any work conducted within the County right-of-way.

Requirement: The Subdivider shall contact the Encroachments Division at 654-2055 for requirements of the Encroachment Permit.

Documentation: The Subdivider shall submit the application to the Public Works Agency, Transportation Department. When applying for the Encroachment Permit, the Subdivider shall provide sufficient documentation. Encroachment Permit applications without sufficient documentation for processing may not be accepted for processing.

Timing: This condition shall be met prior to the issuance of the Zoning Clearance for construction.

Monitoring and Reporting: The Public Works Agency Transportation Department will review the application and supporting documentation. The Public Works Agency, Transportation Department Inspectors will monitor construction and verify that the work is performed in accordance with the Encroachment Permit. (TD – 9, RMA – 143)

35. Road Improvements

Purpose: Road improvements shall be required when the existing road does not meet the current applicable County Road Standard Plate.

Requirement: Road improvements are required in accordance with the County Road Standards; Ventura County General Plan *Goals, Policies and Programs* § 4.2.2; Ordinance No. 1607, dated November 10, 1964; the “Paveout Policy,” dated January 16, 1968; and Code of Ordinances Division 8, Chapter 4 – Urban Area Development. Sycamore Road has an existing road width of 20 feet. The minimum required road width is 32 feet per Road Standard Plate B-7[A].

- a. Construct 6 feet of road pavement (half of minimum road width required) along the parcel's frontage in accordance with Road Standard Plate B-7[A]. Submit road improvement plans prepared by a Registered Civil Engineer to the Public Works Agency, Transportation Department for review and approval. Enter into an agreement with the County to complete the road improvements. Submit the agreement to the Public Works Agency, Transportation Department for review and approval. Post sufficient surety guaranteeing the construction of the road improvements. Submit proof to the Public Works Agency, Transportation Department that the surety has been posted.
- b. Road improvements are not anticipated in the next 15 years; therefore in lieu of “a” (above), the road improvement may be postponed for up to 15 years or at such time as the County improves the Sycamore Road, whichever is less. The Subdivider or property owner shall pay a pro-rata share of the road improvements along the property frontage if the County decides to improve the road within the

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time specified above. Prior to Recordation of the PMW/LLS, the Subdivider shall provide a written acknowledgement of this condition. A copy of the written acknowledgement shall be submitted to the Transportation Department as proof of compliance.

Documentation: If “a” is chosen, submit road improvement plans, an agreement, and proof of posting the surety. If “b” is chosen, submit a written acknowledgment of the condition and for the PMW/LLS shall acknowledge the road improvement condition. The Public Works Agency, Transportation Department will review the PMW/LLS right-of-way legal description for conformance with the Project conditions, then forward the legal description to the Public Works Agency – ESD Survey Division for review and approval.

Timing: This condition shall be met prior to recordation of the PMW/LLS.

Monitoring and Reporting: The Public Works Agency, Transportation Department will review the documentation for conformance with the project conditions. The Public Works Agency, Engineering Services Department, Survey Division will review and approve the map. The Public Works Agency, Transportation Department will notify RMA when the document has been filed. (TD – 6, RMA – 140)

Ventura County Air Pollution Control District (VCAPCD) Conditions

36. VCAPCD Rules and Regulations for Future Project Construction

Purpose: To ensure that fugitive dust and particulate matter that may result from future site preparation, construction activities, and activities on the site are minimized.

Requirement: The Subdivider shall comply with the provisions of applicable VCAPCD Rules and Regulations, which include but are not limited to, Rule 50 (Opacity), Rule 51 (Nuisance), and Rule 55 (Fugitive Dust).

Documentation: The Lead Agency shall ensure compliance with the following provisions:

- a. The area disturbed by clearing, grading, earth moving, or excavation operations shall be minimized to prevent excessive amounts of dust.
- b. Pre-grading/excavation activities shall include watering the area to be graded or excavated before commencement of grading or excavation operations. Application of water should penetrate sufficiently to minimize fugitive dust during grading activities.
- c. All trucks shall cover their loads as required by California Vehicle Code §23114.
- d. Signs shall be posted onsite limiting traffic to 15 miles per hour or less.

- e. All clearing, grading, earth moving, or excavation activities shall cease during periods of high winds (i.e., wind speed sufficient to cause fugitive dust to impact adjacent properties).

Timing: During construction (future).

Reporting and Monitoring: The Lead Agency shall monitor all dust control measures during construction activities.

Agricultural Commissioner's Office Conditions

37. Dust Prevention

Purpose: In order to ensure that dust and particulate matter related to future development are minimized to prevent impacts on nearby properties and crops.

Requirement: Any future excavations, pilings, or storages, temporary or permanent, shall be treated periodically to prevent the spread of dust onto nearby crops. Treatments may include watering, application of soil stabilizers or other appropriate treatment. Future grading and construction activity shall be watered periodically to prevent the spread of dust onto nearby crops.

Documentation: The applicant shall maintain a record of periodic watering of the property during grading and construction. Future grading, construction or other dust generating activity shall be halted during high wind events. High wind events are defined as winds of such velocity as to cause fugitive dust to blow from one property to another.

Timing: Upon request, the Subdivider shall submit a written record of dust prevention efforts exhausted during grading and construction activities to the Planning Division and Agricultural Commissioner's Office for review.

Monitoring and Reporting: The Planning Division and Agricultural Commissioner's staff have the authority to conduct periodic site inspections during grading and construction activity to ensure the Subdivider's ongoing compliance with this condition.

Ventura County Fire Protection District (VCFPD) Conditions

38. Fire Department Clearance

Purpose: To provide the Subdivider a list of all applicable VCFPD requirements for the project.

Requirement: The Subdivider shall obtain VCFPD Form #126 "Requirements for Construction" for any new structures or additions to existing structures before issuance of building permits.

Documentation: A signed copy of the VCFPD's Form #126 "Requirements for Construction."

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Timing: The Subdivider shall submit the VCFPD Form #126 Application to the Fire Prevention Bureau for approval before issuance of building permits.

Monitoring and Reporting: A copy of the completed VCFPD Form #126 shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau will conduct a final on-site inspection of the project to ensure compliance with all conditions and applicable codes/ordinances. (VCFPD-51)

Ventura County General Services Agency (Parks Department) Conditions

39. Quimby Fees

Purpose: The purpose of this condition is to ensure that the project complies with the requirements of the *Ventura County Subdivision Ordinance* § 8209-6 et seq. ("Quimby Ordinance").

Requirement: The Subdivider will be required to submit payment of Quimby fees, in lieu of land dedication for local park acquisition and/or development for the future residents of the subdivision, prior to the issuance of a Building Permit for residential development on the project site.

Documentation: The Permittee shall submit a copy of the receipt(s) from the General Services Agency (GSA) to the Planning Division, which indicates that the Permittee paid the in-lieu Quimby fees.

Timing: Prior to the issuance of a Building Permit, the applicant shall pay all fees as determined by GSA pursuant to the requirements of the *Ventura County Subdivision Ordinance* § 8209-6.6(b) for the purpose of providing fees in lieu of land dedication for local park acquisition and/or development for the future residents of the subdivision.

Monitoring and Reporting: The Planning Division will review the receipts to verify that the in-lieu fees have been paid. The Planning Division has the authority to conduct periodic site inspections to ensure ongoing compliance with this condition consistent with the requirements of § 8114-3 of the *Ventura County Non-Coastal Zoning Ordinance*.

EXHIBIT 13 – CONDITIONS OF APPROVAL FOR PARCEL MAP WAIVER/LARGE LOT SUBDIVISION (PMW/LLS) CASE NO. SD08-0028

Resource Management Agency (RMA) Conditions

Planning Division

1. Project Description

The PMW/LLS is based on and limited to compliance with the project description found in this condition below, all County land use hearing exhibits in support of the project including the Staff Report (Exhibit 1), dated January 28, 2016, Site Plan (Exhibit 3), Mitigated Negative Declaration (MND) (Exhibit 4), and Conditions of Approval and Mitigation Monitoring and Reporting Program set forth below. Together, these documents describe the Project. Any deviations from the Project must first be reviewed and approved by the County in order to determine if the deviations conform to the original approval. Project deviations may require Planning Director approval for changes to the PMW/LLS or further California Environmental Quality Act (CEQA) environmental review, or both. Any Project deviation that is implemented without requisite County review and approval(s) constitutes a violation of the conditions of the PMW/LLS.

The Project description is as follows:

PMW/LLS Case No. SD08-0028 applies to a single, approximately 59.4 acre-sized lot. The lot is currently composed of Tax Assessor's Parcel 041-0-240-180. This PMW/LLS renders the subject property in compliance with the requirements of the Subdivision Map Act (§ 66499.35) and VCSO [§§ 8212-4 et seq. and 8202-3(b)].

Access to the lot will be directly from Sycamore Road, which takes access from Highway 126.

On-site water wells will provide domestic water for development of the subject property. A septic system will provide sewage disposal for development of the subject property. No public facilities will be extended or expanded to serve future development that may occur on the subject property.

No new development, grading, or ground disturbance will occur as part of this Project. The purpose of this Project is to bring the lots into compliance with the Subdivision Map Act and VCSO, and to enable the property owner to enter into Land Conservation Act contracts with the County for the lot.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the Project description above and all approved County land use hearing exhibits in support of the Project and conditions of approval below. (PL-1)

2. Required Improvements for the PMW/LLS

Purpose: To ensure the Project site conforms to the sketch map approved at the Planning Director hearing in support of the Project.

Requirement: The Subdivider shall ensure that all required off-site and on-site improvements for the Project, including structures, paving, parking, and landscaping are completed in conformance with the approved sketch map stamped as hearing Exhibit 3 for the Planning Director hearing on January 28, 2016. The Subdivider shall submit the final sketch map for the County's review and approval in accordance with the approved sketch map.

Documentation: The Subdivider shall obtain Planning Division's stamped approval on the Project plan/sketch map and submit it to the County for inclusion in the Project file. The Subdivider shall submit additional plans to the Planning Division for review and stamped approval for inclusion in the Project file as necessary.

Timing: Prior to recordation of the PMW/LLS, the Subdivider shall submit all respective final development plans/sketch maps to the Planning Division for review and approval. Unless the Planning Director and Public Works Agency Director allow the Subdivider to provide financial security and a final executed agreement, approved as to form by the County Counsel, that ensures completion of such improvements, the Subdivider shall complete all required improvements prior to occupancy. The Subdivider shall maintain the required improvements for the life of the development for which the improvements are required.

Monitoring and Reporting: The County Building Inspector, Public Works Agency Grading Inspector, Fire Marshall, and/or Planning Division staff has the authority to conduct periodic site inspections to ensure the Subdivider's ongoing compliance with this condition consistent with the requirements of § 8114-3 of the *Ventura County Non-Coastal Zoning Ordinance*. (PL-3)

3. PMW/LLS Modification

Prior to undertaking any operational or construction-related activity which is not expressly described in these conditions or Project Description, the Subdivider shall first contact the Planning Director to determine if the proposed activity requires a modification of this PMW/LLS. The Planning Director may, at the Planning Director's sole discretion, require the Subdivider to file a written and/or mapped description of the proposed activity in order to determine if a PMW/LLS modification is required. If a PMW/LLS modification is required, the modification shall be subject to:

- a. The modification approval standards of the Ventura County Ordinance Code in effect at the time the modification application is acted on by the Planning Director; and
- b. Environmental review, as required pursuant to the California Environmental Quality Act (CEQA; California Public Resources Code, § 21000-21178) and the State CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, § 15000-15387), as amended from time to time. (PL-5)

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4. Construction Activities

Prior to any construction, including vegetation removal, ground disturbance (e.g., trenching), or grading activities on the subject property—besides what currently occurs on the subject property as part of the existing agricultural operations, the Subdivider shall obtain a Zoning Clearance from the Planning Division, and, if required, a Building Permit from the Building and Safety Division. Prior to any grading, the Subdivider shall obtain a Grading Permit from the Public Works Agency. (PL-6)

5. Acceptance of Conditions and Schedule of Enforcement Responses

The Subdivider's recordation of the PMW/LLS shall constitute the Subdivider's formal agreement to comply with all conditions of the PMW/LLS. Failure to abide by and comply with any condition for the granting of the PMW/LLS shall constitute grounds for enforcement action provided in the *Ventura County Non-Coastal Zoning Ordinance* (2015, Article 14) and/or VCSO (Article 12), as applicable, which may include, but is not limited to, the following:

- a. Public reporting of violations to the Planning Commission and/or Board of Supervisors;
- b. Modification of the conditions listed herein;
- c. Recordation of a "Notice of Noncompliance" on the deed to the subject property; and/or
- d. The imposition of civil administrative penalties.

The Subdivider is responsible for being aware of and complying with the PMW/LLS conditions and all applicable federal, state, and local laws and regulations. (PL-7)

6. Time Limits

- a. The approval decision for the PMW/LLS becomes effective upon the expiration of the 10 day appeal period following the approval decision, or when any appeals of the decision are finally resolved.
- b. The PMW/LLS shall expire and become null and void if the Subdivider fails to record the PMW/LLS within five years from the granting or approval of the PMW/LLS.
- c. Prior to recordation, all fees and charges billed to that date by any County agency, as well as any fines, penalties, and sureties, must be paid in full. After recordation, any final billed processing fees must be paid within 30 days of the billing date or the County may revoke this PMW/LLS.

7. Documentation Verifying Compliance with Other Agencies' Requirements Related to the PMW/LLS

Purpose: To ensure compliance with and notification of federal, state, or local government regulatory agencies that have requirements that pertain to the Project (Condition No. 1, above) that is the subject of the PMW/LLS and the completion of Mitigation and Monitoring Reporting Program.

Requirement: Upon the request of the Planning Director, the Subdivider shall provide the Planning Division with documentation (e.g., copies of permits or agreements from other agencies, which are required pursuant to a condition of the PMW/LLS) to verify that the Subdivider has obtained or satisfied all applicable federal, state, and local entitlements and conditions that pertain to the Project.

Documentation: The Subdivider shall provide this documentation to the County Planning Division in the form that is acceptable to the agency issuing the entitlement or clearance, to be included in the Planning Division Project file.

Timing: The documentation shall be submitted to the Planning Division pursuant to the timing requirements of the agency that prepares the documentation.

Monitoring and Reporting: The Planning Division maintains the documentation provided by the Subdivider in the respective Project file. In the event that the federal, state, or local government regulatory agency prepares new documentation due to changes in the Project or the other agency's requirements, the Subdivider shall submit the new documentation within 30 days of receipt of the documentation from the other agency. (PL-9)

8. Defense and Indemnity

As a condition of the issuance of the PMW/LLS, including modification of the PMW/LLS, the Subdivider agrees to:

- a. Defend, at the Subdivider's sole expense, any action brought against the County by a third party challenging either the County's decision to issue the PMW/LLS or the manner in which the County is interpreting or enforcing the conditions of the PMW/LLS; and
- b. Indemnify the County against any settlements, awards, or judgments, including attorney's fees, arising out of, or resulting from, any such legal action. Upon written demand from the County, the Subdivider shall reimburse the County for any and all court costs and/or attorney's fees which the County may be required by a court to pay as a result of any such legal action the Subdivider defended or controlled the defense thereof pursuant to Section 8.a, above. The County may, at its sole discretion, participate in the defense of any such legal action, but such participation shall not relieve the Subdivider of the Subdivider's obligations under this condition.

Neither the issuance of the PMW/LLS, nor compliance with the conditions thereof, shall relieve the Subdivider from any responsibility otherwise imposed by law for damage to persons or property; nor shall the issuance of the PMW/LLS serve to impose any liability upon the County of Ventura, its officers, or employees for injury or damage to persons or property.

Except with respect to the County's sole negligence or intentional misconduct, the Subdivider shall indemnify, defend, and hold harmless the County, its officers, agents, and employees from any and all claims, demands, costs, and expenses, including attorney's fees, judgments, or liabilities arising out of the Projects

described in Condition No. 1, as it may be subsequently modified pursuant to the conditions of the PMW/LLS. (PL-13)

9. Invalidation of Condition(s)

If any of the conditions or limitations of the PMW/LLS are held to be invalid, that holding shall not invalidate any of the remaining PMW/LLS conditions or limitations. In the event the Planning Director determines that any condition contained herein is in conflict with any other condition contained herein, then where principles of law do not provide to the contrary, the conditions most protective of public health and safety and natural environmental resources shall prevail to the extent feasible.

In the event that any condition imposing a fee, exaction, dedication, or other mitigation measure is challenged by the Subdivider in an action filed in a court of law, or threatened to be filed therein, which action is brought in the time period provided for by the Code of Civil Procedures (§ 1094.6), or other applicable law, the PMW/LLS shall be allowed to continue in force until the expiration of the limitation period applicable to such action, or until final resolution of such action, provided the Subdivider has, in the interim, fully complied with the fee, exaction, dedication, or other mitigation measure being challenged.

If a court of law invalidates any condition, and the invalidation would change the findings and/or the mitigation measures associated with the approval of the PMW/LLS, at the discretion of the Planning Director, the Planning Director may review the Projects and impose substitute feasible conditions/mitigation measures to adequately address the subject matter of the invalidated condition. The Planning Director shall make the determination of adequacy. (PL-14)

10. Consultant Review of Information and Consultant Work

The County and all other County agencies that have purview over the PMW/LLS have the option of referring any and all special studies that these conditions require to an independent and qualified consultant for review and evaluation of issues beyond the expertise or manpower of County staff.

Prior to the County engaging any independent consultants or contractors pursuant to the conditions of the PMW/LLS, the County shall confer in writing with the Subdivider regarding the necessary work to be contracted, as well as the costs of such work. Whenever feasible, the County will use the lowest bidder. Any decisions made by County staff in reliance on consultant or contractor work may be appealed pursuant to the appeal procedures contained in the Ventura County Zoning Ordinance Code then in effect.

The Subdivider may hire private consultants to conduct work required by the County, but only if the consultant and the consultant's proposed scope-of-work are first reviewed and approved by the County. The County retains the right to hire its own consultants to evaluate any work that the Subdivider or a contractor of the Subdivider undertakes. If the County hires a consultant to review any work undertaken by the Subdivider, or hires a consultant to review the work undertaken by a contractor of the Subdivider, the hiring of the consultant will be at the Subdivider's expense. (PL-15)

11. Relationship of PMW/LLS Conditions, Laws and Other Permits

The Subdivider shall maintain the properties, and any facilities thereon, that are the subject of the PMW/LLS, in compliance with all applicable requirements and enactments of federal, state, and county authorities. In the event of conflict between various requirements, the more restrictive requirements shall apply. In the event the Planning Director determines that any PMW/LLS condition contained herein is in conflict with any other PMW/LLS condition contained herein, when principles of law do not provide to the contrary, the PMW/LLS condition most protective of public health and safety and environmental resources shall prevail to the extent feasible.

No condition of the PMW/LLS for uses allowed by the Ventura County Ordinance Code shall be interpreted as permitting or requiring any violation of law, lawful rules or regulations, or orders of an authorized governmental agency. Neither the issuance of the PMW/LLS, nor compliance with the conditions of the PMW/LLS, shall relieve the Subdivider from any responsibility otherwise imposed by law for damage to persons or property. (PL-16)

12. Construction Noise

Purpose: In order for this project to comply with the Ventura County General Plan *Goals, Policies and Programs* (March 2015) Noise Policy 2.16.2-1(5) and the *County of Ventura Construction Noise Threshold Criteria and Control Plan* (Amended 2010).

Requirement: The Subdivider shall limit future noise-generating construction activity on the subject property to the hours between 7:00 a.m. and 7:00 p.m., Monday through Friday, and from 9:00 a.m. to 7:00 p.m. Saturday, Sunday and State holidays. In addition, the Subdivider shall also adhere to the *County of Ventura Construction Noise Threshold Criteria and Control Plan* (Amended 2010). Noise-generating construction equipment maintenance activities shall be limited to the same hours. Non-noise generating construction activities such as interior painting are not subject to these restrictions.

Documentation: The Subdivider shall post a sign stating these restrictions in a conspicuous on-site location visible to the general public. The sign must provide a telephone number of the site foreman, or other person who controls activities on the jobsite, for use for complaints from the affected public. The Subdivider also shall submit any documentation (e.g., calculations of estimated noise levels) that is required pursuant to the *County of Ventura Construction Noise Threshold Criteria and Control Plan*, to the Planning Division for review and approval.

Timing: The sign shall be installed prior to the issuance of a building permit and throughout grading and construction activities. The Subdivider shall maintain a "Complaint Log," noting the date, time, complainant's name, nature of the complaint, and any corrective action taken. The Subdivider shall submit any documentation (e.g., calculations of estimated noise levels) that is required pursuant to the *County of Ventura Construction Noise Threshold Criteria and Control Plan*, prior to issuance of a Zoning Clearance for construction of future development on the subject property.

Monitoring and Reporting: The Subdivider shall provide photo documentation showing posting of the required signage to the Planning Division prior to the commencement of grading or construction activities. Planning Division staff will review all documentation to ensure that construction noise complies with the requirements of the *County of Ventura Construction Noise Threshold Criteria and Control Plan*. Planning Division staff has the authority to conduct periodic site inspections to ensure the Subdivider's ongoing compliance with this condition consistent with the requirements of § 8114-3 of the *Ventura County Non-Coastal Zoning Ordinance*. (PL-59)

13. Noise Contour

Purpose: In order for this project to avoid an impact with noise sensitive uses and comply with the Ventura County General Plan *Goals, Policies and Programs* (March 2015) Noise Policy 2.16.2-1(5) and the *County of Ventura Construction Noise Threshold Criteria and Control Plan* (Amended 2010).

Requirement: The Subdivider shall locate future development outside of the CNEL 60 db(A) noise contour and greater than 3,400 feet away from the railroad.

Documentation: The Subdivider shall submit a site plan that identifies the CNEL 60 db(A) noise contour in relationship to the parcel being developed. The site plan shall also indicate that future residential development will be located greater than 3,400 feet away from the railroad. The Subdivider also shall submit any documentation (e.g., calculations of estimated noise levels) that is required pursuant to the *County of Ventura Construction Noise Threshold Criteria and Control Plan*, to the Planning Division for review and approval.

Timing: Prior to a zoning clearance for construction, the Subdivider shall submit a site plan that identifies the CNEL 60 db(A) noise contour in relationship to the parcel being developed. The site plan shall indicate that any future residential development is located greater than 3,400 feet away from the railroad.

Monitoring and Reporting: The Subdivider shall provide documentation showing that residential development is located outside of the CNEL db(A) noise contour and is located greater than 3,400 feet away from the railroad. Documentation shall be submitted to the Planning Division prior to the commencement of grading or construction activities. Planning Division staff will review all documentation to ensure that construction complies with the requirements of the *County of Ventura Construction Noise Threshold Criteria and Control Plan*. Planning Division staff has the authority to conduct periodic site inspections to ensure the Subdivider's ongoing

compliance with this condition consistent with the requirements of § 8114-3 of the *Ventura County Non-Coastal Zoning Ordinance*. (PL-59)

14. Archaeological Resources Inadvertently Discovered During Grading

Purpose: In order to mitigate potential impacts to archaeological resources inadvertently discovered during ground disturbance.

Requirement: The Subdivider shall implement the following procedures:

- a. If any archaeological or historical artifacts are uncovered during ground disturbance or construction activities on the subject property, the Subdivider shall:
 - i. Cease operations and assure the preservation of the area in which the discovery was made;
 - ii. Notify the Planning Director in writing, within three days of the discovery;
 - iii. Obtain the services of a County-approved archaeologist who shall assess the find and provide recommendations on the proper disposition of the site in a written report format;
 - iv. Obtain the Planning Director's written concurrence of the recommended disposition of the site before resuming development; and
 - v. Implement the agreed upon recommendations.
- b. If any human burial remains are encountered during ground disturbance or construction activities, the Subdivider shall:
 - i. Cease operations and assure the preservation of the area in which the discovery was made;
 - ii. Immediately notify the County Coroner and the Planning Director;
 - iii. Obtain the services of a County-approved archaeologist and, if necessary, Native American Monitor(s), who shall assess the find and provide recommendations on the proper disposition of the site in a written report format;
 - iv. Obtain the Planning Director's written concurrence of the recommended disposition of the site before resuming development on-site; and
 - v. Implement the agreed upon recommendations.

Documentation: If archaeological remains are encountered, the Subdivider shall submit a report prepared by a County-approved archaeologist including recommendations for the proper disposition of the site. Additional documentation may be required to demonstrate that the Subdivider has implemented any recommendations set forth in the archaeological report.

Timing: The Subdivider shall provide archaeological reports to the Planning Division immediately upon completion.

Monitoring and Reporting: The Subdivider shall provide any archaeological report prepared for development on the subject property to the Planning Division to be made a part of the Project file. The Subdivider shall implement any recommendations made in the archaeological report to the satisfaction of the Planning Director. (PL-59)

15. BR-1: Avoidance of Nesting Birds and Roosting Bats

Purpose: In order to prevent impacts to roosting bats and to birds protected under the Migratory Bird Treaty Act, land clearing activities associated with future development on the subject property shall be regulated. Existing agricultural operations do not qualify as future development that are subject to this condition of approval.

Requirement: The Subdivider shall conduct all tree removal/trimming, vegetation clearing, and grading activities (collectively, "land clearing activities") associated with future development in such a way as to avoid roosting bats and nesting birds. This can be accomplished by implementing one of the following options:

- Prohibit land clearing activities during the breeding and nesting season (January 1 – August 31), in which case the following surveys are not required; or
- Conduct site-specific surveys prior to land clearing activities during the breeding and nesting season (January 1 – August 31) and avoid occupied bird nests.

A County-approved biologist with a California Department of Fish and Wildlife (CDFW) Scientific Collecting Permit must conduct the surveys. The biologist shall conduct the surveys in order to identify any occupied (active) bird nests in the area proposed for disturbance. Occupied nests shall be avoided until juvenile birds have vacated the nest.

The nesting bird survey must cover the development footprint and 300 feet from the development footprint. If occupied (active) nests are found, land clearing activities within a setback area surrounding the nest shall be postponed or halted. Land clearing activities may commence in the setback area when the nest is vacated (juveniles have fledged) provided that the County-approved biologist determines that there is no evidence of a second attempt at nesting. Land clearing activities can occur outside of the setback areas. The biologist will establish the required setback area. (Note: CDFW recommends a 300-foot buffer for most birds and a 500-foot buffer for raptors).

Documentation: The Subdivider shall provide to the Planning Division a Survey Report from a County-approved biologist documenting the results of the initial nesting bird survey and a plan for continued surveys and avoidance of nests, pursuant to the requirements set forth in this condition (above). Along with the Survey Report, the Subdivider shall provide a copy of a signed contract (financial information redacted) with a County-approved biologist responsible for the surveys and monitoring of any occupied nests discovered. The Subdivider shall submit to the Planning Division a Mitigation Monitoring Report from a County-approved biologist following land clearing activities documenting actions taken to avoid nesting birds and results.

Timing: If land clearing activities will occur between January 1 and August 31, the biologist shall conduct the nesting bird survey 30 days prior to initiation of land clearing activities, and weekly thereafter; the last survey for nesting birds shall be conducted no more than 3 days prior to initiation of land clearing activities. The Subdivider shall submit the Survey Report documenting the results of the first nesting bird survey and the signed contract, to the Planning Division prior to issuance of a Zoning Clearance for construction.

The Subdivider shall submit a Mitigation Monitoring Report within 14 days of completion of the land clearing activities.

Monitoring and Reporting: The Planning Division reviews for adequacy the Survey Report and signed contract prior to issuance of a Zoning Clearance for construction. The Planning Division maintains copies of the signed contract, Survey Report, and Mitigation Monitoring Report in the Project file.

16. BR-3 Pre-Construction Surveys and Relocation of Special-Status Wildlife

Purpose: To avoid significant impacts to special-status wildlife that could occur during future potential tree removal/trimming, vegetation clearing, trenching, and grading activities (collectively, "land clearing activities").

Requirement: At least two weeks prior to the initiation of land clearing activities, the Subdivider shall install a silt-screen fence around the disturbance areas. Following the installation of the silt-screen fence and within two weeks prior to the initiation of, and periodically throughout, land clearing activities, a County-approved qualified biologist shall conduct surveys for special-status wildlife, to ensure that these species are not harmed within these fenced areas. If the Subdivider proposes ground disturbance activities in upland habitats, then the Subdivider shall retain a County-approved qualified biologist to conduct a survey for special-status species. Upland species include: burrowing owl (*Athene cunicularia*); coast horned lizard (*Phrynosoma blainvilli*); coast patch-nosed snake (*Salvadora hexalepis virgulata*); American badger (*Taxidea taxus*); and south coast garter snake (*Thamnophis sirtalis* ssp.). If the Subdivider proposes ground disturbance activities in aquatic or riparian habitats, then the Subdivider shall retain a County-approved qualified biologist to conduct a survey for special-status species. Aquatic or riparian species include: western pond turtle (*Emys marmorata*); south coast garter snake (*Thamnophis sirtalis* ssp.); arroyo toad (*Anaxyrus californicus*); and two-striped garter snake (*Thamnophis hammondi*). Individuals of these species that are found shall be relocated to suitable undisturbed habitat, outside of the areas directly and indirectly (e.g., noise) affected by ground disturbance activities. A County-approved qualified biologist, with demonstrated experience surveying for these species and a California Department of Fish and Wildlife (CDFW) Scientific Collecting Permit, shall conduct the surveys and relocation activities according to CDFW-approved methods. The silt fencing must remain in place until the completion of ground disturbance activities. Surveys for special status wildlife within the fenced area shall occur as needed to ensure no impacts to wildlife could occur. If a Federally listed species is found during surveys, the property owner shall consult the Planning Division and USFWS within 24 hours to determine the necessary steps to ensure that an incidental take does not occur. If a State listed or rare species is found during surveys, the property owner shall consult the Planning Division and CDFW will be contacted within 24 hours and the property owner will consult them as to necessary steps to ensure no incidental take occurs.

Documentation: The Subdivider shall provide to the County a signed contract with a County-approved qualified biologist with experience surveying for potentially occurring species and has a CDFW Scientific Collecting Permit that ensures that installation of silt-

screen fencing, wildlife surveys and relocation of wildlife will be conducted within 14 days prior to and during any land disturbing activities. The Subdivider shall submit a memorandum to the Planning Division within 14 days of the wildlife surveys, notifying the Planning Division of the results of the surveys, when they occurred, and avoidance and relocation activities.

Timing: Prior to the issuance of a Zoning Clearance for construction, the Subdivider shall provide the signed contract. Within 14 days of the wildlife surveys and relocation activities, the Subdivider shall provide a memorandum reporting the results.

Monitoring and Reporting: The Subdivider shall confirm with the Planning Division that a County-approved qualified biologist that meets the requirements specified above has been contracted to implement the requirements of this condition prior to issuance of a Zoning Clearance for construction. The Planning Division maintains copies of the signed contract and the survey reports submitted by the Subdivider in the Project file. The Planning Division has the authority to inspect the property during the development phase of the Project to ensure that the survey and wildlife relocation work is conducted as required and the silt fencing is maintained as required. If the Planning Division confirms that the required surveys are not conducted as agreed upon or the fencing is not maintained as required, enforcement actions may be enacted in accordance with § 8114-3 of the Ventura County Non-Coastal Zoning Ordinance. (PL-48)

17. Mitigation Measure AR-1: Limitations on Future Impervious Development

Purpose: In order to limit the loss of agricultural soils, the area of the Project sites subject to future development shall be limited.

Requirement: The Subdivider shall restrict future development to a total of 1.25 acres of impervious development on the subject property.

Documentation: The Subdivider shall record these conditions of approval concurrently with the PMW/LLS.

Timing: Concurrently with recordation of the PMW/LLS, the Subdivider shall record the conditions of approval.

Monitoring and Reporting: The Planning Division shall maintain a copy of the recorded conditions of approval in the Project file. Property Owners shall submit site plans for all future development projects for the Planning Division's review and approval, indicating the acreage of all existing and proposed development on the subject property. The Planning Division shall ensure that approved development does not exceed the 1.25 acres limitation on impervious development.

18. Utility Lines

Utility/power lines and new utility facilities that will serve future development on the project site shall be placed underground.

Ventura County Transportation Commission Conditions

19. Railroad Crossing Easements

The Subdivider is responsible for any fees or costs associated with the maintenance and/or improvements to existing railroad crossing easements within the parcels.

Advisory: No new railroad crossing will be provided.

Pubic Works Agency Conditions

Watershed Protection District, Planning and Regulatory Division Conditions

20. Floodplain Development Permit or Clearance – Advisory

Any future development on the subject property that is proposed within 500-feet of Boulder Creek – Lord Creek will be subject to the conditions of the County of Ventura Floodplain Management Ordinance and will require a Floodplain Development Permit or a Floodplain Clearance prior to the issuance of a County Grading Permit or a County Building Permit.

21. Detention Basin

Purpose: To ensure that runoff from the site will not change the flow rate.

Requirement: Runoff from the site shall be released at no greater than the undeveloped flow rate and in such a manner as to not cause an adverse impact downstream in velocity or duration. The applicant shall submit completed construction plans and finalized design calculations for a detention basin to the Watershed Protection District and Planning Division for approval.

Documentation: In accordance with Appendix J of the Ventura County Building Code, the plans and calculations shall be completed, signed, and stamped by a Registered Civil Engineer practicing in the State of California.

Timing: Prior to issuance of a Zoning Clearance for construction.

Monitoring and Reporting: The Watershed Protection District and Planning Division shall maintain a copy of the approved construction plans and design calculations.

Watershed Protection District, Water and Environmental Resources Division, Surface Water Quality Section (SWQS) Conditions

22. Mitigation Measure SWQ-1:

Purpose: To ensure runoff from new impervious surfaces and residential development does not contribute pollutants or degrade water quality of downstream surface waters resulting in further exceedances of water quality objectives contained in the Los Angeles Region Basin Plan.

Requirement: The Subdivider shall include post-construction stormwater best management practices (BMPs) to treat the new impervious surface runoff to the maximum extent practicable and a Maintenance Plan and annual verification of ongoing maintenance.

Documentation: The Subdivider shall submit the following items to the SWQS for review and approval:

- a. A complete site plan prepared and stamped by a California licensed civil engineer or land surveyor that accurately delineates the location of the proposed development, existing and proposed impervious surfaces, storm drain system elements, general drainage pattern, and proposed site-specific Post-Construction Stormwater Management Plan (PCSMP). A plan prepared and stamped by a California licensed civil engineer or architect verifying that the installation of the post-construction BMPs are included to treat urban runoff to the maximum extent practicable.
- b. Maintenance Plan (Exhibit “C” of the County’s “Covenant for Maintenance of Post-Construction Stormwater Management Control System” form available at <http://onestoppermit.ventura.org>) for proposed PCSMP shall be prepared in accordance with Section 7 and Appendix I of the TGM. The plan shall include, but not be limited to, the following:
 - i. The location of each device;
 - ii. The maintenance processes and procedures necessary to provide for continued operation and optimum performance;
 - iii. A timeline for all maintenance activities; and
 - iv. Any technical information that may be applicable to ensure the proper functionality of this device.
- c. Maintenance Agreement (County’s “Covenant for Maintenance of Post-Construction Stormwater Management Control System” form is available at <http://onestoppermit.ventura.org>) signed by the Property Owner including a signed statement accepting responsibility for maintenance for the PCSMP. The statement must include written verification that all PCSMP will be properly maintained. At a minimum, this statement shall include the following:
 - i. Written conditions in the sales or lease agreement, which require the Property Owner or tenant to assume responsibility for PCSMP maintenance and annual maintenance inspection;
 - ii. Written text in project covenants, conditions and restrictions (“CCRs”) to the Home Owners Association; or
 - iii. Any other legally enforceable agreement or mechanism that assigns PCSMP maintenance responsibility.

- d. Completed and signed Annual Maintenance Verification Report (Exhibit “D” of the County’s “Covenant for Maintenance of Post-Construction Stormwater Management Control System” form available under the Surface Water Quality Section tab at <http://onestoppermit.ventura.org>).

Timing: The above listed items (a, b, and c) shall be submitted to the SWQS for review and approval prior to issuance of approval for Zoning Clearance for construction. In addition, the Annual Maintenance Verification Report (d) shall be submitted to SWQS annually prior to September 15th after signing off for occupancy and issuing the Certificate of Occupancy.

Monitoring and Reporting: SWQS staff will review the submitted materials to ensure the Project does not contribute to exceedances of water quality objectives in downstream receiving waters. Maintenance Plan shall be kept on-site for periodic review by SWQS staff. (SWQ-1)

23. Compliance with Stormwater Development Construction Program

Purpose: To ensure compliance with the Los Angeles Regional Water Quality Control Board NPDES Municipal Stormwater Permit No.CAS004002 (Permit) the proposed project will be subject to the construction requirements for surface water quality and storm water runoff in accordance with Part 4.F., “Development Construction Program” of the Permit.

Requirement: The construction of the proposed project shall meet requirements contained in Part 4.F. “Development Construction Program” of the Permit through the inclusion of effective implementation of the Construction BMPs during all ground disturbing activities.

Documentation: The Subdivider shall prepare and submit the following items to the SWQS for review:

- a. Complete SW-1 form (Best Management Practices for Construction Less Than One Acre) available at <http://onestoppermit.ventura.org/>; or
- b. Complete SW-2 form (Best Management Practices for Construction One Acre and Larger) available at <http://onestoppermit.ventura.org/>.

Timing: Either above listed item a or b, as applicable, shall be submitted to the SWQS for review and approval prior to issuance of a Zoning Clearance for construction.

Monitoring and Reporting: SWQS will review the submitted materials for consistency with the NPDES Municipal Stormwater Permit. Building Permit Inspectors will conduct inspections during construction to ensure effective installation of the required BMPs. (SWQ-2)

24. State General Construction Stormwater Permit No. CAS000002 Requirements

Purpose: To ensure compliance with all water quality provisions in NPDES State General Construction Stormwater Permit No. CAS000002, Waste Discharge Requirements for Discharges of Stormwater Runoff Associated with Construction Activities.

Requirement: Proper filing of all compliance documents required under the General Construction Permit No. CAS000002 is required for any soil disturbing activity of 1 acre or larger area.

Documentation: The Subdivider shall submit the following items to SWQS staff for review:

- a. Current Notice of Intent (NOI) in accordance with the State Water Resources Control Board requirements under the General Construction Stormwater Permit (No. CAS000002);
- b. Current Stormwater Pollution Prevention Plan (SWPPP) in accordance with the State Water Resources Control Board requirements under the General Construction Permit; and
- c. If applicable, Change of Information (COI) form and a copy of modified SWPPP at any time a transfer of ownership takes place for the entire development or portions of the common plan of development where construction activities are still on-going.

Timing: The above listed items (a and b) shall be submitted to SWQS staff for review prior to issuance of a Zoning Clearance for construction. In addition, if applicable, the COI form and a copy of modified SWPPP (item c) shall be submitted to Grading or Building Permit staff anytime during project duration.

Monitoring and Reporting: SWQS staff will review the submitted materials for consistency with the General Construction Permit. Up-to-date and site-specific SWPPP shall be kept on-site for periodic review by the Grading or Building Permit inspector. (SWQ-3)

Public Works Agency, Engineering Services Department, Development and Inspection Services Division Conditions

25. Grading Permit

Purpose: In order to ensure the Subdivider performs all grading in compliance with Appendix J of the Ventura County Building Code.

Requirement: The Subdivider shall submit a grading plan showing existing and proposed elevations to the Public Works Agency's Development and Inspection Services Division for review and approval. If a grading permit is required, a State licensed civil engineer must prepare and submit the grading plans to Development and Inspection

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Services Division for review and approval. The Subdivider must post sufficient surety in order to ensure proper completion of the proposed grading.

Documentation: If a grading permit is required, all materials, as detailed on Public Works Agency Form DS-37 and/or DS-44, must be submitted to the Development and Inspection Services Division for review and approval.

Timing: All applicable documentation, as specified above, must be approved prior to issuance of a Grading Permit.

Monitoring and Reporting: Public Works Agency engineers will review grading plans and reports for compliance with Ventura County codes, ordinances, and standards, as well as state and federal laws. Public Works Agency inspectors will monitor the proposed grading to verify that the work is done in compliance with the approved plans and reports. (ESD-1)

Public Works Agency, Water and Sanitation Services Department, IWMD

26. Waste Diversion and Recycling Requirement

Purpose: To ensure that future construction activities comply with Ordinance No. 4445. Ordinance No. 4445 pertains to the diversion of recyclable materials generated by the Project (e.g., paper, cardboard, wood, metal, green waste, soil, concrete, plastic containers, and beverage containers) from local landfills through recycling, reuse, or salvage. Ordinance No. 4445 can be reviewed at www.vcpublishworks.org/ord4445.

Requirement: Ordinance No. 4445, § 4770-2.3, requires the Subdivider to work with a County-franchised solid waste hauler who can determine the level of service required to divert recyclables generated by the project from local landfills. For a complete list of County-franchised solid waste haulers, go to: www.vcpublishworks.org/commercialhaulers.

Documentation: The Subdivider must maintain copies of bi-monthly solid waste billing statements for a minimum of one year. The address on the billing statement must match the address of the permitted business.

Timing: Upon request, the Subdivider must provide the IWMD with a copy of a current solid waste billing statement to verify compliance with this condition.

Monitoring and Reporting: Upon request, the Subdivider shall allow IWMD staff to perform a free, on-site, waste audit to verify recyclable materials generated by their business are being diverted from the landfill. (IWMD -1)

27. Construction and Demolition Debris Recycling Plan (Form B)

Purpose: Ordinance No. 4421 requires the Subdivider to divert recyclable C&D materials generated by the project (e.g., wood, metal, greenwaste, soil, concrete, asphalt, paper,

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and cardboard) from local landfills through recycling, reuse, or salvage. Please review Ordinance No. 4421 at: www.vcpublishworks.org/ord4421.

Requirement: The Subdivider must submit a comprehensive recycling plan (Form B – Recycling Plan) to the IWMD for any proposed construction and/or demolition projects that require a building permit.

Documentation: The Form B – Recycling Plan must ensure a minimum of 60% of the recyclable C&D debris generated by the project will be diverted from the landfill by recycling, reuse, or salvage. A copy of Form B is available at: www.vcpublishworks.org/formsB&C. A comprehensive list of permitted recyclers, County-franchised haulers, and solid waste and recycling facilities in Ventura County is available at: www.vcpublishworks.org/C&D. A list of local facilities permitted to recycle soil, wood, and greenwaste is available at: www.vcpublishworks.org/greenwaste. A complete list of County-franchised solid waste haulers is available at: www.vcpublishworks.org/commercialhaulers.

Timing: Upon the RMA Building and Safety Division's issuance of a building permit for the project, the Subdivider must submit a Form B – Recycling Plan to the IWMD for approval.

Monitoring and Reporting: The Subdivider is required to keep a copy of the approved Form B – Recycling Plan until the RMA Building and Safety Division's issuance of final permit. (IWMD-2)

28. Construction & Demolition Debris Reporting Form (Form C)

Purpose: Ordinance No. 4421 requires the Subdivider to divert recyclable C&D materials generated by the project (e.g., wood, metal, greenwaste, soil, concrete, paper, cardboard, and plastic containers) from local landfills through recycling, reuse, or salvage. Please review Ordinance No. 4421 at: www.vcpublishworks.org/ord4421.

Requirement: The Subdivider must submit a Form C – Reporting Form to the IWMD for approval prior to issuance of the final RMA Building and Safety Division permit. A copy of Form C – Reporting Form is available at: www.vcpublishworks.org/formsB&C.

Documentation: The Subdivider must submit original recycling facility receipts and/or documentation of reuse with their Form C – Reporting Form to verify a minimum of 60% of the recyclable C&D debris generated by the project was diverted from the landfill.

Timing: A completed Form C – Reporting Form, with required recycling facility receipts and/or documentation or reuse, must be submitted to the IWMD for approval prior to the RMA Building and Safety Division's issuance of a final permit.

Monitoring and Reporting: The Subdivider is required to keep a copy of the approved Form C – Reporting Form until Building and Safety Division's issuance of final permit. (IWMD-3)

Public Works Agency, Transportation Department Conditions

29. Traffic Impact Mitigation Fee (TIMF)

Purpose: To address the cumulative adverse impacts of traffic on the Regional Road Network, TIMF Ordinance No. 4246 and Ventura County General Plan *Goals, Policies and Programs* § 4.2.2 require that the Public Works Agency Transportation Department collect a TIMF.

Requirement: The Subdivider shall deposit with the Public Works Agency Transportation Department a TIMF. The trip generation rate and TIMF will be calculated based on the Subdivider's information. The Subdivider may choose to submit additional information or provide a Traffic Study to supplement the information currently provided to establish the trip generation rate. The TIMF may be adjusted for inflation at the time of deposit in accordance with the latest version of the Engineering News Record Construction Cost Index.

If, in the future, any new development is proposed, before the issuance of a Building Permit or Grading Permit or within 180 calendar days of the Recordation of the Sale of the newly created lot, pursuant to the TIMF Ordinance, the Subdivider shall mitigate the project's cumulative adverse traffic impact by the payment of a TIMF. The amount of fee will be based on the land use proposed by the applicant at the time of development and the current applicable reciprocal traffic impact agreement between the County of Ventura and City of Fillmore.

Documentation: The Subdivider shall come to the Public Works Agency Transportation Department counter, fill out the TIMF form, and pay the TIMF.

Timing: This condition shall be met prior to the issuance of the Building Permit or Grading Permit or within 180 calendar days of the Recordation of the sale of the newly created lot.

Monitoring and Reporting: The Public Works Agency Transportation Department will review and approve the payment of the TIMF. (TD – 1, RMA – 135)

30. Driveway Access

Purpose: Driveway access shall be in accordance with the County Road Standards, the Driveways and Curb Cuts Brochure, and the County's Access Policies.

Requirement: The driveway shall be constructed per County Road Standard Plate E-2. The Subdivider shall obtain an Encroachment Permit (EP) from the Public Works Agency, Transportation Department. Contact the Encroachment Transportation Department Permits Division at 654-2055 for the requirements of the EP. The EP form is available on the internet. Improvement plans and supporting documentation may be required by the Encroachments Division. The Subdivider shall provide calculations showing that there is adequate sight distance on both sides of the driveway.

Documentation: The Public Works Agency, Transportation Department will review the improvement plans and supporting documentation.

Timing: This condition shall be met prior to the issuance of the Building Permit.

Monitoring and Reporting: The Public Works Agency, Transportation Department Inspectors will monitor construction and verify that the work is performed in accordance with the EP. (TD – 8, RMA – 142)

31. Encroachment Permit

Purpose: An Encroachment Permit is required for any work conducted within the County right-of-way.

Requirement: The Subdivider shall contact the Encroachments Division at 654-2055 for requirements of the EP.

Documentation: The application shall be submitted to the Public Works Agency Transportation Department. When applying for the EP, the Subdivider shall provide sufficient documentation. EP applications without sufficient documentation for processing may not be accepted for processing.

Timing: This condition shall be met prior to the issuance of the Zoning Clearance for construction.

Monitoring and Reporting: The Public Works Agency, Transportation Department will review the application and supporting documentation. The Public Works Agency, Transportation Department Inspectors will monitor construction and verify that the work is performed in accordance with the EP. (TD – 9, RMA – 143)

32. Dedication of Right-of-Way:

Purpose: Right-of-way shall be required when the existing right-of-way adjacent to and along the parcel on which the project site is located is less than the right-of-way required by the applicable and current County Road Standard Plate.

Requirement: Right-of-way is required in accordance with the County Road Standards, General Plan *Goals, Policies and Programs* § 4.2.2; Ordinance 1607, dated November 10, 1964; the "Paveout Policy," dated January 16, 1968; and Code of Ordinances Division 8, Chapter 4 – Urban Area Development. Sycamore Road has an existing right-of-way width of 40 feet. The minimum required right-of-way width is 60 feet per Road Standard Plate B-7[A].

- a. Dedicate 10 feet of right-of-way (half of minimum street right-of-way required) along the parcel's frontage on Sycamore Road in accordance with County Road Standard Plate B-7[A].
- b. Submit to the Public Works Agency – Transportation Department legal description describing the public right-of-way being dedicated as "Exhibit A" and a right-of-way dedication map as "Exhibit B" prepared by a Registered Licensed Surveyor or Registered Civil Engineer authorized to practice land surveying.

- c. Submit to the Public Works Agency, Transportation Department a processing fee for the costs incurred in processing the dedication.

Documentation: See items “a”, “b”, and “c” above. For maps, the Public Works Agency, Transportation Department will review the right-of-way legal description for conformance with the project conditions, then forward the legal description to the Public Works Agency, Engineering Services Department, Survey Division for review and approval.

Timing: This condition shall be met prior to recordation of the PMW/LLS.

Monitoring and Reporting: The Public Works Agency, Transportation Department will review the documentation for conformance with the project conditions. The Public Works Agency, Engineering Services Department Survey Division will review and approve the legal description. The Public Works Agency, Transportation Department will notify RMA when the document has been filed. (TD – 5, RMA – 139)

33. Road Improvements:

Purpose: Road improvements shall be required when the existing road does not meet the current applicable County Road Standard Plate.

Requirement: Road improvements are required in accordance with the County Road Standards, General Plan *Goals, Policies and Programs* § 4.2.2; Ordinance 1607, dated November 10, 1964; the “Paveout Policy,” dated January 16, 1968; and Code of Ordinances Division 8, Chapter 4 – Urban Area Development. Sycamore Road has an existing road width of 20 feet. The minimum required road width is 32 feet per Road Standard Plate B-7[A].

- a. Construct 6 feet of road pavement (half of minimum road width required) along the parcel's frontage in accordance with Road Standard Plate B-7[A]. Submit road improvement plans prepared by a Registered Civil Engineer to the Public Works Agency, Transportation Department for review and approval. Enter into an agreement with the County to complete the road improvements. Submit the agreement to the Public Works Agency, Transportation Department for review and approval. Post sufficient surety guaranteeing the construction of the road improvements. Submit proof to the Public Works Agency, Transportation Department that the surety has been posted.
- b. Road improvements are not anticipated in the next 15 years; therefore, in lieu of “a” above, the road improvement may be postponed for up to 15 years or at such time as the County improves the Sycamore Road, whichever is less. The Subdivider or property owner shall pay a pro-rata share of the road improvements along the property frontage if the County decides to improve the road within the time specified above. Prior to Recordation of the PMW/LLS, the Subdivider shall provide a written acknowledgement of this condition. A copy of the written acknowledgement shall be submitted to the Transportation Department as proof of compliance.

Documentation: If “a” is chosen, submit road improvement plans, an agreement, and proof of posting the surety. If “b” is chosen, submit a written acknowledgment of the condition and for the PMW/LLS shall acknowledge the road improvement condition. The Public Works Agency, Transportation Department will review the PMW/LLS right-of-way legal description for conformance with the Project conditions, then forward the legal description to the Public Works Agency – ESD Survey Division for review and approval.

Timing: This condition shall be met prior to recordation of the PMW/LLS.

Monitoring and Reporting: The Public Works Agency – Transportation Department will review the documentation for conformance with the project conditions. The Public Works Agency, Engineering Services Department, Survey Division will review and approve the PMW/LLS legal description. The Public Works Agency, Transportation Department will notify RMA when the document has been filed. (TD – 6, RMA – 140)

Ventura County Air Pollution Control District (VCAPCD) Conditions

34. VCAPCD Rules and Regulations for Future Project Construction

Purpose: To ensure that fugitive dust and particulate matter that may result from future site preparation, construction activities, and activities on the site are minimized.

Requirement: The Subdivider shall comply with the provisions of applicable VCAPCD Rules and Regulations, which include but are not limited to, Rule 50 (Opacity), Rule 51 (Nuisance), and Rule 55 (Fugitive Dust).

Documentation: The Lead Agency shall ensure compliance with the following provisions:

- a. The area disturbed by clearing, grading, earth moving, or excavation operations shall be minimized to prevent excessive amounts of dust.
- b. Pre-grading/excavation activities shall include watering the area to be graded or excavated before commencement of grading or excavation operations. Application of water should penetrate sufficiently to minimize fugitive dust during grading activities.
- c. All trucks shall cover their loads as required by California Vehicle Code § 23114.
- d. Signs shall be posted onsite limiting traffic to 15 miles per hour or less.
- e. All clearing, grading, earth moving, or excavation activities shall cease during periods of high winds (i.e., wind speed sufficient to cause fugitive dust to impact adjacent properties).

Timing: Throughout the life of the permit, the Subdivider shall maintain the project site in compliance with all VCAPCD rules for future construction. The Subdivider shall provide proof of compliance prior to obtaining a Zoning Clearance for construction.

Reporting and Monitoring: The Lead Agency shall monitor all dust control measures during construction activities.

Agricultural Commissioner's Office Conditions

35. Dust Prevention

Purpose: In order to ensure that dust and particulate matter related to future development are minimized to prevent impacts on nearby properties and crops.

Requirement: Any future excavations, pilings, or storages, temporary or permanent, shall be treated periodically to prevent the spread of dust onto nearby crops. Treatments may include watering, application of soil stabilizers, or other appropriate treatment. Future grading and construction activity shall be watered periodically to prevent the spread of dust onto nearby crops.

Documentation: The Subdivider shall maintain a record of periodic watering of the property during grading and construction. Future grading, construction, or other dust generating activity shall be halted during high wind events. High wind events are defined as winds of such velocity as to cause fugitive dust to blow from one property to another.

Timing: Upon request, the Subdivider shall submit a written record of dust prevention efforts implemented during grading and construction activities to the Planning Division and Agricultural Commissioner's Office for review.

Monitoring and Reporting: The Planning Division and Agricultural Commissioner's staff have the authority to conduct periodic site inspections during grading and construction activity to ensure the Subdivider's ongoing compliance with this condition.

Ventura County Fire Protection District (VCFPD) Conditions

36. VCFPD Clearance

Purpose: To provide the Subdivider a list of all applicable VCFPD requirements for the project.

Requirement: The Subdivider shall obtain VCFPD Form #126 "Requirements for Construction" for any new structures or additions to existing structures before issuance of building permits.

Documentation: A signed copy of VCFPD's Form #126 "Requirements for Construction."

Timing: The Subdivider shall submit the VCFPD Form #126 Application to the Fire Prevention Bureau for approval before issuance of building permits.

Monitoring and Reporting: A copy of the completed VCFPD Form #126 shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau will conduct a final

on-site inspection of the project to ensure compliance with all conditions and applicable codes/ordinances. (VCFPD-51)

Ventura County General Services Agency (Parks Department) Conditions

37. Quimby Fees

Purpose: The purpose of this condition is to ensure that the project complies with the requirements of the *Ventura County Subdivision Ordinance* § 8209-6 et seq. ("Quimby Ordinance").

Requirement: The Subdivider will be required to submit payment of Quimby fees, in lieu of land dedication for local park acquisition and/or development for the future residents of the subdivision, prior to the issuance of a Building Permit for residential development on the project site.

Documentation: The Permittee shall submit a copy of the receipt(s) from the General Services Agency (GSA) to the Planning Division, which indicates that the Permittee paid the in-lieu Quimby fees.

Timing: Prior to the issuance of a Building Permit, the applicant shall pay all fees as determined by GSA pursuant to the requirements of the *Ventura County Subdivision Ordinance* § 8209-6.6(b) for the purpose of providing fees in lieu of land dedication for local park acquisition and/or development for the future residents of the subdivision.

Monitoring and Reporting: The Planning Division will review the receipts to verify that the in-lieu fees have been paid. The Planning Division has the authority to conduct periodic site inspections to ensure ongoing compliance with this condition consistent with the requirements of § 8114-3 of the *Ventura County Non-Coastal Zoning Ordinance*.