

PLANNING APPROVED
Date: January 25, 2011
By: Planning Commission

Tentative Subdivision Map for Tejinder Maan on APN 078-110-003, -026 & -028, File # TSM 05-04: An application for a Tentative Subdivision Map to divide three parcels totaling 51.02 acres into 172 residential lots. It is proposed as a phased map (3 phases). Phases 1 and 2 are proposed to have access from Vista Del Cerro and Autrey Lane to the north. Access for Phase 3 will require an additional access to the east, west or to the south.

I. CONDITIONS OF APPROVAL:

Planning Division

1. Mitigation Measure #1 Construction Air Emissions

The following best practice measures to reduce impacts to air quality shall be incorporated by the project applicant, subject property owners, or third-party contractors during construction activities on the project site. These measures are intended to reduce criteria air pollutants that may originate from the site during the course of land clearing and other construction operations.

Diesel PM Exhaust from Construction Equipment and Commercial On-Road Vehicles Greater than 10,000 Pounds

- All on- and off-road equipment shall not idle for more than five minutes. Signs shall be posted in the designated queuing areas and/or job sites to remind drivers and operators of the five-minute idling limit.
- Idling, staging and queuing of diesel equipment within 1,000 feet of sensitive receptors is prohibited.
- All construction equipment shall be maintained in proper tune according to the manufacturer's specifications. Equipment must be checked by a certified mechanic and determined to be running in proper condition before the start of work.
- Install diesel particulate filters or implement other CARB-verified diesel emission control strategies.
- Shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5 minutes at any location when within 100 feet of a restricted areas.
- To the extent feasible, truck trips shall be scheduled during non-peak hours to reduce peak hour emissions.

Operational TAC Emissions

- All mobile and stationary Toxic Air Contaminants (TACs) sources shall comply with applicable Airborne Toxic Control Measures (ATCMs) promulgated by the CARB throughout the life of the project (see <http://www.arb.ca.gov/toxics/atcm/atcm.htm>).

Stationary sources shall comply with applicable District rules and regulations.

Plan Requirements: The note shall be placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet. This note shall also be placed on all building and site development plans.

Timing: Requirements of the condition shall be adhered to throughout all grading and construction periods.

Monitoring: The Butte County Department of Development Services and the Public Works Department shall ensure that the note is placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet. Building inspectors shall spot check and shall ensure compliance on-site. Butte County Air Pollution Control District inspectors shall respond to nuisance complaints.

2. **Mitigation Measure #2: Dust Control**

Place a note on a separate document which is to be recorded concurrently with the map or on an additional map sheet that states: "Dust generated by the development activities shall be kept to a minimum and retained on-site. Follow the air quality control measures listed below:

Control Dust

- a. During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, water trucks or sprinkler systems are to be used to prevent dust from leaving the site and to create a crust after each day's activities cease.
- b. During construction, water trucks or sprinkler systems shall be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this would include wetting down such areas in the later morning and after work is completed for the day and whenever wind exceeds 15 miles per hour.
- c. Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.
- d. On-site construction vehicles shall be limited to a speed of 15 mph on unpaved roads.
- e. Haul vehicles transporting soil into or out of the property shall be covered.
- f. Existing roads and streets adjacent to the project shall be cleaned at least once per day if dirt or mud from the project site has been tracked onto these roadways, unless conditions warrant a greater frequency.
- g. Other measures may be required as determined appropriate by the BCAQMD or Department of Public Works in order to control dust.

Post Contact Information

- h. Post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 24 hours. The telephone number of the Butte County Air Quality Management District shall be visible to ensure compliance with BCAQMD Rule 200 & 205 (Nuisance and Fugitive Dust Emissions).

Other Construction Practices

- i. Maintain all construction equipment in proper tune according to manufacturer's specification.
- j. Idling time shall not exceed to 10 minutes for any diesel engine.
- k. Where feasible, give preference to utilizing the following equipment:

- Electric equipment
 - Substitute gasoline-powered for diesel-powered equipment
 - Alternatively fueled construction equipment on site such as compressed natural gas (CNG), liquid natural gas (LNG), propane, or biodiesel.
 - Equipment that has Caterpillar pre-chamber diesel engines, as practical.
 - Diesel construction equipment meeting the CARB's 1996 or newer certification standard for off-road heavy-duty diesel engines.
1. Construction workers shall park in designated parking area(s) to help reduce dust emissions.”

Plan Requirements: The note shall be placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet. This note shall also be placed on all building and site development plans.

Timing: Requirements of the condition shall be adhered to throughout all grading and construction periods.

Monitoring: The Butte County Department of Development Services and the Public Works Department shall ensure that the note is placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet. Building inspectors shall spot check and shall ensure compliance on-site. Butte County Air Pollution Control District inspectors shall respond to nuisance complaints.

3. **Mitigation Measure #3: Vernal Pool Invertebrates**

Impacts to special status shrimp habitat shall be avoided to the maximum extent practicable. These listed species include *Branchinecta conservatio* (Conservancy fairy shrimp), *Branchinecta longiantenna* (longhorn fairy shrimp), *Lepidurus packardii* (vernal pool tadpole shrimp), and *Branchinecta lynchi* (vernal pool fairy shrimp).

Less than one acre of habitat will be affected, including habitat that is filled or otherwise destroyed (directly affected) and habitat indirectly affected by the project. Habitat indirectly affected includes all habitat supported by destroyed upland areas and swales, and all habitat otherwise damaged by loss of watershed, human intrusion, introduced species, and pollution caused by the project. If the reach of indirect effects cannot be determined definitively, all habitat within 250 feet of proposed development may be considered indirectly affected.

- A. For every acre of habitat directly or indirectly affected, at least two vernal pool credits will be dedicated within a USFWS-approved preservation bank, or, based on USFWS evaluation of site-specific conservation values, three acres of vernal pool habitat may be preserved on the project site or on another non-bank site approved by the USFWS.
- B. For every acre of habitat directly affected, at least one vernal pool creation credit will be dedicated within a USFWS-approved habitat mitigation bank, or, based on USFWS evaluation of site-specific conservation values, three acres of vernal pool habitat will be created and monitored on the project site or on another non-bank site as approved by the USFWS.

- C. If habitat is avoided (preserved) on site, then a USFWS-approved biologist (monitor) will inspect any construction-related activities at the proposed project site to ensure that unnecessary take of listed species or destruction of their habitat does not occur. The biologist will have the authority to stop all activities that may result in such take or destruction until appropriate corrective measures have been completed. The biologist also will be required to immediately report any unauthorized impacts to the USFWS and the California Department of Fish and Game.
- D. Single rail fencing will be placed and maintained around any avoided (preserved) vernal pool or vernal swale habitat to prevent impacts from vehicles.
- E. All construction personnel will receive instruction regarding the presence of listed species and the importance of avoiding impacts to these species and their habitat.
- F. The applicant will ensure that activities that are inconsistent with the maintenance of the suitability of remaining habitat and associated on-site watershed are prohibited. This includes, but is not limited to: (i) alteration of existing topography or any other alteration or uses for any purposes, including the exploration for or development of mineral extraction; (ii) placement of any new structures on these parcels; (iii) dumping, burning, and/or burying of rubbish, garbage, or any other wastes or fill materials; (iv) building of any new roads or trails; (v) killing, removal, alteration, or replacement of any existing native vegetation; (vi) placement of storm water drains; (vii) fire protection activities not required to protect existing structures at the project site; and (viii) use of pesticides or other toxic chemicals.
- G. Before implementation of each proposed project, the USFWS will be supplied with a 7.5 minute U. S. Geological Survey topographic map that clearly delineates the project area and habitat contained within this area.

Plan Requirements: The note shall be placed on a separate document which is to be recorded concurrently with the final map.

Timing: Prior to fill or any wetlands on site.

Monitoring: The Butte County Department of Development Services shall ensure that vernal pool mitigation credits have been purchased according to USFWS specifications before wetland fill occurs. Butte County building inspectors shall ensure compliance with fencing requirements on-site.

4. **Mitigation Measure #4: Nesting Migratory Birds and Raptors**

Prior to initiation of any ground disturbing/construction activities during the nesting season (between 1 March and 15 September), the area within 250 feet of the proposed disturbed area must be surveyed by a qualified biologist for active raptor and migratory bird nests during the appropriate nesting period for the species. All raptor and migratory bird nests on the project site should be avoided until young have fledged in accordance with the Migratory Bird Treaty Act of 1918 (16 U.S.C. 703-712; Ch. 128; July 13, 1918; 40 Stat. 755) as amended.

- A. If an active nest is located within 0.5 mile of the project site, a biologist will monitor the nest weekly during construction to evaluate potential disturbance to nesting from construction activities. The monitor will have the authority to stop construction if it appears to be resulting in nest abandonment or forced fledging. Following a review of the breeding

pair's behavior, CDFG will determine whether project activities in the area may continue during the nesting season and, if so, the conditions under which they may continue.

- B. If an active nest occurs in a tree scheduled for removal, the species of bird using the nest will be determined. The nest tree will be preserved until it is outside of the breeding season for that species or until the young have fledged. If construction cannot be delayed until the end of the breeding season, guidance from CDFG shall be requested.

Plan Requirements: Preconstruction migratory birds and raptor surveys shall be accomplished 30-days prior to construction during the breeding season. Any identified nests shall be marked and identified with a 500-foot no-disturbance buffet until young have fledged

Timing: Prior to construction.

Monitoring: The Butte County Department of Development Services

5. **Mitigation Measure #5: Oak Trees**

A. Place a note on a separate document which is to be recorded concurrently with the map or on an additional map sheet that states: Prior to any development activity or the issuance of any permit or approval removing or encroaching upon oak trees on the project site (this generally includes the canopy drip-line of trees within the area of ground disturbance and trees subject to changes in hydrologic regime) an Oak Tree Mitigation Plan prepared by a certified arborist, registered professional forester, botanist or landscape architect shall be submitted for review and approval by the Director of Development Services or his/her designee that includes:

- 1) A survey showing the location of oak trees 5 inches or more in diameter at breast height, as defined by PRC §21083.4(a);
- 2) The removal of all oak trees 5 inches or more in diameter at breast height shall be mitigated. It shall be mitigated by one or more of the following: replanting and maintaining oak trees, establishing conservation easements, contributing funds for off-site oak woodlands conservation, and/or other mitigation measures developed by Butte County. Replanting oak trees cannot account for more than one-half of the mitigation. Replanted oak trees shall be maintained for a period of seven years after they are planted. If any of the replanted oak trees die or become diseased, they shall be replaced and maintained for seven years after the new oak trees are planted;
- 3) A replanting schedule and diagram for trees removed or encroached upon by permit activities consistent with PRC §21083.4(b)(2), applicable mitigation measures, and Butte County Ordinance, if any, shall be submitted to and approved by the Director of Development Services or his/her designee. Replanted trees shall be planted in areas deemed appropriate by the Plan, considering future lot development, interference with foundations, fencing, roadways, driveways, and utilities. Trees planted shall be protected from livestock and other animals;
- 4) Oak Tree protection measures for trees to be retained within the project site shall be included in construction specifications. Each oak tree to be preserved shall be surrounded by a tree zone identified by the drip line of the tree. An orange plastic fence or other suitable type of fence shall be used to identify the tree

zone during construction activities. No vegetation removal, soil disturbance, or other development activities shall occur within the tree zone in order to protect root systems and minimize compaction of the soil, unless authorized by Oak Tree Mitigation Plan; and

- 5) Conservation easements or funds for off-site oak woodlands conservation shall be proposed to and approved by the Director of Development Services or his/her designee.

Or

B. Place a note on a separate document which is to be recorded concurrently with the map or on an additional map sheet that states: Prior to any development activity or the issuance of any permit or approval removing or encroaching upon oak trees on the project site (this generally includes the canopy drip-line of trees within the area of ground disturbance and trees subject to changes in hydrologic regime) the developer shall be consistent with the County's adopted oak mitigation ordinance;

Or

C. Place a note on a separate document which is to be recorded concurrently with the map or on an additional map sheet that states: Prior to any development activity or the issuance of any permit or approval removing or encroaching upon oak trees on the project site (this generally includes the canopy drip-line of trees within the area of ground disturbance and trees subject to changes in hydrologic regime) the project shall be consistent with all avoidance and minimization measures and the applicant shall pay applicable in-lieu fees to mitigate for blue oak woodland impacts as provided in the adopted Butte County Resource Conservation Plan.

Plan Requirements: No vegetation removal, grading, road construction, or other earthwork shall be permitted until the tree plan is submitted and approved or the mitigation measure is satisfied.

Timing: Requirements of the condition shall be satisfied prior to any development activity or the issuance of any grading, building, septic, or well permit, or the approval of any improvement plans on the parcels.

Monitoring: The Butte County Department of Development Services and Department of Public Works shall ensure that the note is placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet. At the time of septic, well, or building permit application, the Development Services Department will reference this requirement on any grading, building, septic, or well permit site plans and verify that an Oak Tree Mitigation Plan has been submitted to and approved by the Director of Development Services or his/her designee. Butte County building inspectors shall ensure compliance on-site.

6. **Mitigation Measure #6: Temporary Fencing**

Prior to construction activities, the project proponent shall use exclusionary fencing to mark the boundaries of intermittent creeks, seasonal drainages, wetlands, swales, vernal pools, and sensitive plant and wildlife species (identified in Table 4.4-1 Special Status Species and Habitats Potentially Occurring on Site) that are to be avoided. The project proponent shall also mark the boundaries of all Waters of the U.S., including wetlands and vernal features, which

are to be avoided, plus a 50 foot buffer. The exclusionary fencing shall be maintained in place throughout construction. Additional permitting conditions required by regulatory agencies may be required as a result of the permitting process.

Plan Requirements: The above-referenced mitigation shall be placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet.

Timing: Requirements of the condition shall be adhered to prior to construction activities, and throughout all grading and construction periods.

Monitoring: The Butte County Department of Development Services and the Public Works Department shall ensure that the note is placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet. Department of Development Services shall ensure the condition is met at the time of development and during construction activities.

7. **Mitigation Measure #7: Cultural Resource**

Place a note on a separate document which is to be recorded concurrently with any future map or on an additional map sheet and all building and site development plans that states: "Should grading activities reveal the presence of cultural resources (i.e., artifact concentrations, including arrowheads and other stone tools or chipping debris, cans, glass, etc.; structural remains; human skeletal remains), work within 150 feet of the find shall cease immediately until a qualified professional archaeologist can be consulted to evaluate the resources and implement appropriate mitigation procedures. Should human skeletal remains be encountered, State law requires immediate notification of the County Coroner. Should the County Coroner determine that such remains are in an archaeological context, the Native American Heritage Commission in Sacramento shall be notified immediately, pursuant to State law, to arrange for Native American participation in determining the disposition of such remains."

Plan Requirements: This note shall be placed on a separate document which is to be recorded concurrently with the parcel map or on an additional map sheet and on all building and site development plans.

Timing: This measure shall be implemented during site preparation and construction.

Monitoring: The Department of Development Services shall ensure that the note is placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet. The Department of Development Services shall ensure that the note is placed on all building and site development plans. Should cultural resources be discovered, the landowner/developer shall notify the Planning Division and a professional archaeologist. The Planning Division shall coordinate with the landowner/developer and appropriate authorities to avoid damage to cultural resources and determine appropriate action.

8. **Mitigation Measure #9: Greenhouse Gas Emissions**

Place a note on a separate document which is to be recorded concurrently with the map or on an additional map sheet that states: To the extent feasible, the developer shall implement the following measures at the time of development to offset the anticipated contribution of greenhouse gas emissions from residential development:

- Support expansion of renewable energy systems
 - Prewire all new residential development to support photovoltaic system installation.
- Support efficiency in vehicles and landscaping equipment
 - Install electrical vehicle outlets on external walls or in garages in all new residential development.
 - Incorporate outdoor electrical outlets to encourage the use of electric appliances and tools.
- Improve fuel efficiency of equipment during construction-related activities
 - Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to no more than 3 minute.
 - Use clean or alternative fuel equipment

Plan Requirements: The note shall be placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet. This note shall also be placed on all building and site development plans.

Timing: This measure shall be implemented prior to issuance of building permits for residential development. Construction-related measures shall be adhered to throughout all grading and construction periods.

Monitoring: The Butte County Department of Development Services and the Public Works Department shall ensure that the note is placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet. Planning Division will ensure that future residential development includes the applicable measures during Building Permit review. Building inspectors shall spot check and shall ensure compliance on-site.

9. **Mitigation Measure #11: Construction Noise**

Place a note on a separate document which is to be recorded concurrently with the final map or on an additional map sheet that states: “To reduce construction-generated noise the developer shall implement the following measures to mitigate construction noise throughout all construction periods:

1. Limit construction activity to daytime hours (6:00 a.m. to 7:00 p.m.) with no construction activity on Sundays or holidays;
2. Use best available noise suppression devices and properly maintain and muffle diesel engine-driven construction equipment;
3. Construction equipment shall not be idled for long periods of time;
4. Locate stationary equipment as far as possible from sensitive receptors;
5. Designate a Disturbance Coordinator and post the name and phone number of this person conspicuously at the entrance(s) to the project site so it is clearly visible to nearby residents most likely to be affected by construction noise. This person would manage complaints

resulting from construction noise. The Disturbance Coordinator shall contact noise sensitive receptors and advise them of the schedule of construction.”

Plan Requirements: This note shall be placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet and shall be shown on all site development and building plans.

Timing: The mitigation shall be applicable during all construction activities.

Monitoring: The developer and the Disturbance Coordinator shall be responsible for ensuring compliance with this mitigation and shall respond to all complaints of noise. Department of Development Services shall investigate all complaints of excess construction-related noise.

10. **Mitigation Measure #12: Proportional Roadway and Intersection Improvement Fees**

Place a note on a separate document which is to be recorded concurrently with the final map or on an additional map sheet that states:

“The project applicant/developer shall either:

1. Pay fees proportional to the project’s fair share of costs of needed roadway and intersection improvements for those intersections and roadways within the Las Plumas and surrounding area warranting improvements due to project-related or cumulative traffic impacts;
2. Participate in funding an Impact Study and paying the fee identified; or
3. Pay fees as approved by other County fee program.”

Plan Requirements: The note shall be placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet. The note shall also be shown on Subdivision improvement plans.

Timing: Requirements of the condition shall be reflected in Subdivision improvement plans. Collection of fees shall be based on which option the developer chooses.

Monitoring: The Butte County Department of Development Services and the Public Works Department shall ensure that the note is placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet.

11. **Mitigation Measure #13: Street Lighting:**

Street lighting is required for public safety and shall be provided in accordance with Butte County requirements, accepted design criteria, and recommendations of Pacific Gas & Electric Company. The developer shall install the streetlights, as required, and pay energy costs and maintenance through forming a Lighting and Landscaping District (LLD), annexing into an existing Lighting and Landscaping District, forming a County Service Area (CSA) for publicly maintained roads or forming a Homeowners Association for non-publicly maintained roads and facilities. The maintenance method(s) chosen shall be formed prior to recordation of the Final Map. The district formation or CSA process will require the Developer to fund the service until the beginning of the first fiscal year in which service charges can be collected, and agree to an annual maximum service charge to ensure continued operation of the facilities.

Plan Requirements: All requirements shall be shown or noted on Subdivision improvement plans.

Timing: Prior to recording of Final Map, compliance with above mitigation is required.

Monitoring: The Department of Development Services and Department of Public Works shall review the lighting plan to be in conformance with Butte County requirements.

12. **Mitigation Measure #14: Pre-Annexation Agreement**

Prior to recordation of Phase I Final Map or each Final Map, the Applicant/Developer shall enter into a Pre-Annexation Agreement with SC-OR and LOAPUD, including: 1) an agreement to fund a capacity impact study, and 2) recognition that failure to execute a Capacity/Mitigation Agreement and successful annexation to the LOAPUD service district, will preclude the provision of service and recordation of the Final Map.

Plan Requirements: Submit executed Pre-Annexation Agreement to the Department of Development Services.

Timing: The executed Pre-Annexation Agreement shall be submitted prior to recordation of Final Map.

Monitoring: The Department of Development Services shall ensure that the required Pre-Annexation Agreement is entered into prior to recordation of Final Map.

13. **Mitigation Measure #15: Capacity/Mitigation Agreement**

Prior to recordation of Phase I Final Map or each Final Map and following completion of a capacity impact study, the Applicant/Developer shall enter into a Capacity/Mitigation Agreement or functional equivalent with SC-OR and LOAPUD, or other means as approved by SC-OR and LOAPUD, in provision of future wastewater treatment and disposal services. If the Applicant decides to proceed with development of the project and secure wastewater collection and treatment services, the Applicant shall meet with SC-OR and LOAPUD and negotiate the scope of required improvements, the timing of improvements, the financing and construction of improvements, and all other requirements of SC-OR and Collector roughly proportional to the impact of the proposed project.

Plan Requirements: Submit executed Capacity/Mitigation Agreement or functional equivalent to the Department of Public Works.

Timing: The Capacity/Mitigation Agreement or functional equivalent shall be submitted prior to recordation of the Final Map.

Monitoring: The Department of Development Services shall ensure that the required Capacity/Mitigation Agreement or functional equivalent is submitted prior to recordation of Final Map.

14. **Mitigation Measure #16: SC-OR Progress Monitoring and Reporting**

Prior to recordation of Phase I Final Map or each Final Map, the County shall ensure that periodic re-evaluation of actual growth rates and available wastewater collection and treatment capacities has been conducted by SC-OR and a record of this periodic re-evaluation is on file with the County. Records of this periodic re-evaluation shall not be more than 2 years old at the time of issuance of Building Permits. Should SC-OR determine that either rates of development have substantially changed from estimates used in the 2009 Capacity Impact Study, or that Project development is occurring on a longer schedule than that assumed in the original Capacity Impact Study, SC-OR may, at their discretion, require the applicant/developer to fund an update of the Capacity Impact Study prior to the issuance of building permits.

Plan Requirements: The applicant/developer shall submit periodic re-evaluation, performed or approved by SC-OR, of available capacity as compared to actual project buildout and area growth rates to the Department of Public Works. If re-evaluation determines substantial changes in growth rates as compared to those used in the Dec. 16, 2009, Capacity Impact Study, an updated Capacity Impact Study may be, at the discretion of SC-OR, required prior to issuance of additional Building Permits.

Timing: Periodic re-evaluation of project progress shall occur at a minimum of every 2 years during phased construction. A record of this re-evaluation shall be submitted to the Department of Public Works and filed with the Final Map.

Monitoring: The Department of Public Works shall ensure that the required periodic re-evaluations have been submitted prior to issuance of building permits.

15. **Mitigation Measure #17: Construction or Modification of Sewer Collection Facilities**

Prior to recordation of Phased Final Maps, the applicant/developer shall construct new and/or modify existing sewer collection facilities according to plans and specifications in conformance with LOAPUD Improvement Standards and Policies. Construction of facilities may proceed along a phased implementation design with approval from LOAPUD.

Plan Requirements: LOAPUD shall approve plans and specifications prior to issuance of building permits.

Timing: Applicant shall submit approved plans prior to recordation of Final Map

Monitoring: The Department of Development Services shall ensure that the required plans are submitted prior to approval of the Final Map. Field inspections shall verify compliance.

16. The Department of Development Services (DDS) is responsible for monitoring the landowner's compliance with all map conditions of approval as detailed above. As the cost of ongoing monitoring of Mitigation Measures and Conditions of Approval is not included in the County's map application fees, at the discretion of the Director of DDS (Director), a retainer for the cost of DDS staff time directly related to the monitoring of compliance with map conditions of approval will be established and costs will be billed to and borne by the landowner at the established DDS Planning Division hourly rate. The current fee amount established in Butte County Code and implementing resolutions for Mitigation Measure and Condition of Approval Monitoring (currently \$1,031.79) shall be paid within 30 days of the date of project approval. Regarding the monitoring of relevant mitigation measures and conditions of approval after approval and/or recordation of the map, the landowner shall maintain this fee with DDS in an amount (not to exceed the established maximum) at a level determined by the Director to ensure adequate ongoing mitigation measure and condition of approval monitoring. Mechanisms which may be used by the County to address failure by the landowner to maintain the adequate fee amount may include but are not limited to "stop work" orders, denial of building permits and/or certificates of occupancy, revocation of project approval and imposition of performance bonds at the discretion of the Director of DDS.

17. Prior to recordation of the Final Map, the owner shall execute a declaration acknowledging Butte County's Right-to-Farm Ordinance pursuant to Butte County Code Section 35-8. This note shall be recorded by the Director of the Department of Development Services in the Office of the County Recorder upon the granting of the development approval. A note shall be placed

on a separate document which is to be recorded concurrently with the map or on an additional map sheet that states the full text of the Declaration Acknowledging Right to Farm per Section 35-8.

18. Prior to recordation of Phase 2 final map, the developer shall file an application for a Road Abandonment of identified V-1 Road as identified on the tentative map.
19. Prior to recordation of Phase II Final Map, the applicant/developer shall submit plans and construct bike/pedestrian trails in the open space area (as shown on the July 31, 2006 Tentative Subdivision Map submittal).
20. For the maintenance of the open space trails, the applicant/developer shall either form a Lighting and Landscaping District, annex into an existing Lighting and Landscaping District, or a Homeowners Association. The maintenance method(s) chosen shall be formed prior to recordation of the Phase II Final Map. The district formation or CSA process will require the Developer to fund the service until the beginning of the first fiscal year in which service charges can be collected, and agree to an annual maximum service charge to ensure continued operation of the facilities.

Public Works

21. All access rights shall be reserved by deed per county ordinance, offered for dedication, and depicted on the final map. Place the following note on the final map: "approved road name is a non-exclusive easement for ingress, egress, road and public services purposes, to be reserved in deeds and is hereby offered for dedication to the County of Butte."
22. Prior to recordation of the final map, demonstrate to the Department of Public Works that there is approved access conforming to county code to each parcel from a publicly maintained road.
23. Prior to recordation of the final map, provide street name signs per requirements of the Department of Public Works. Street names shall be reviewed by the county address coordinator and one name for each new street shall be recommended to the Board of Supervisors for approval prior to recordation of the final map. A minimum of five alternate names for each new street shall be submitted.
24. Prior to final road inspection for each phase, install all necessary traffic safety signs including stop signs.
25. Prior to recordation of the Phase 3 final map, submit road and drainage improvement plans to the Land Development Division for the installation of a standard S-18A road approach in accordance with county improvement standards. Obtain an encroachment permit and construct the road approach prior to recordation of the Phase 3 final map. Adequate sight distance at the intersection of Road "F" and Ophir Road shall be provided. Right-of-way required for construction of road approach and roadside drainage shall be provided.
26. Provide cul-de-sacs or building free turn around area designed and constructed as specified in the county improvement standards. The final map shall show the cul-de-sac or building free turn around area.

27. Prior to recordation of the Phase 3 final map, construct or provide a performance, labor and material bond for construction of Road "F" from south property line to Ophir Road or Road "A" from eastern property line to Golden Hills Drive in conformance with county improvement standard RS-3B with no curb, gutter, and sidewalk, 3" AC, 12" AB, prime coat, fog seal and 95 % relative compaction. Submit design to the Land Development Division for approval prior to construction. "R" value determination and other data may be required to support the section design.
28. Prior to recordation of the final map, construct or provide a performance, labor and material bond for construction of interior streets in conformance with county improvement standard RS-2B, including rolled curb, gutter, and sidewalk, 3" AC, 12" AB, prime coat, fog seal and 95 % relative compaction. Submit design to the Land Development Division for approval prior to construction. "R" value determination and other data may be required to support the section design. Form a zone of benefit or other approved maintenance entity within the county's permanent road division for operation and maintenance of interior streets and storm drain facilities.
29. Street lighting shall be provided in accordance with Butte County requirements, accepted design criteria, and recommendations of Pacific Gas & Electric Company. If streetlights are to be installed, the annual energy costs shall be funded through a county service area (CSA), zone of benefit within a permanent road division (PRD), or other entity as approved by the public works director. The developer must complete the formation of the CSA, zone of benefit within a PRD, or other approved entity prior to recordation of the final map. The formation process will require the developer to fund the service until the beginning of the first fiscal year in which service charges can be collected and to agree to an annual maximum service charge to ensure continued operation of the facilities.
30. Prior to recordation of the final map, the developer must complete the formation of a county service area (CSA) or other Department of Public Works approved maintenance entity for open spaces and pedestrian/bike paths. The formation process will require the developer to fund the service until the beginning of the first fiscal year in which service charges can be collected for the maintenance entity and agree to an annual maximum service charge to ensure continued maintenance of the facilities.
31. Provide traffic channelization and pedestrian safety improvements at intersection of Autrey Lane and Via Canela. Submit plans to the Department of Public Works for review and approval and install the required facilities.
32. Construct standard S-30 Guard Panels at the ends of Road "A".
33. Prior to final improvement inspection by the Department of Public Works, all new drain inlets shall be labeled with the county approved drain marker per county standard S-40. Improvement plans shall show and/or note the requirements for labeling inlets pursuant to county standard S-40.
34. **Mitigation Measure #9:**
Prior to any grading on the site, a Construction Storm Water Permit will be required by the State Water Resources Control Board if the project results in a disturbance (including clearing, excavation, filling, and grading) of one or more acres. The Permit must be obtained from the State Water Resources Control Board prior to construction. If a Construction Storm Water

Permit is required, place a note on an additional map sheet that states: "The development of this Final Map requires a construction storm water permit. Construction activities that result in a land disturbance of less than one acre, but which are part of a larger common plan of development, also require a permit. Development of individual lots may require an additional permit(s)."

Plan Requirements: A copy of the approved Storm Water Pollution Prevention Plan (SWPPP) shall be attached to all building and site development plans.

Timing: The requirements of the approved Storm Water Pollution Prevention Plan shall be adhered to at all times.

Monitoring: The applicant or his/her successors, heirs, assigns are responsible for ensuring compliance with the Storm Water Pollution Prevention Plan. The California Regional Water Quality Control Board and the Butte County Public Works Department will respond to any storm water runoff problems.

35. **Mitigation Measure #10:**

Prior to recordation of the final map, a plan for a permanent solution for drainage shall be submitted to and approved by the Department of Public Works. The drainage plans shall detail existing drainage conditions and shall specify how drainage waters shall be detained or retained onsite and/ or conveyed to the nearest natural or publicly maintained drainage channel or facility and shall provide that there shall be no increase in the peak flow runoff to said channel or facility. If storm drainage facilities serve new public roads, the developer must complete the formation of a county service area (CSA), zone of benefit within a permanent road division (PRD), or other Department of Public Works approved entity prior to recordation of the final map. The formation process will require the developer to fund the service until the beginning of the first fiscal year in which service charges can be collected and agree to an annual maximum service charge to ensure continued operation of the facilities.

Plan Requirements: Submit drainage plans and calculations to the Department of Public Works for review and approval.

Timing: The drainage plan shall be submitted and approved prior to approval of the improvement plans, and the required drainage improvements constructed or bonded for construction prior to recordation of the Final Map.

Monitoring: The Department of Public Works shall ensure that the required plan is submitted and ensure that the drainage improvements are constructed or bonded for construction prior to recordation of the Final Map.

36. Prior to final improvement inspection by the Department of Public Works, all new drain inlets shall be labeled with the county approved drain marker per county standard S-40. Improvement plans shall show and/or note the requirements for labeling inlets pursuant to county standard S-40.

37. Show all easements of record on the final map.

38. Prior to or concurrently with the recordation of the final map, pay in full any and all delinquent, current and estimated taxes and assessments as specified in Article 8 of Chapter 4 of Division 2 of Title 7, of the California Government Code commencing with Section 66492.

39. Pay the recording fees in effect at the time the final map and related documents are recorded.
40. Prior to recordation of the final map, a preliminary soils report or acceptable soils waiver letter prepared by a registered design professional and based upon adequate testing shall be submitted to the Department of Public Works Land Development Division and Department of Development Services Building Division for review and approval.

El Medio Fire District

41. Prior to construction of single-family dwellings, a pressurized community water system for fire protection is required. Bonding may be allowed with the approval of the Fire Chief. Average required hydrant spacing is 500 feet (reduce by 100 feet on dead-end streets and roads), hydrant size 6 inches, and residual fire flow of 1000 GPM. Fire hydrant identification, road reflectors or post reflectors acceptable to the County Fire Chief shall be installed or bonded, prior to each phased map recordation. Submit plans to the Fire Department for review and approval prior to construction.
42. Pressurized community water system must be installed and operational prior to combustible building materials arriving on site.

Environmental Health Division

43. Prior to recordation of the first phase of the subdivision map, annexation into the Lake Oroville Area Public Utility District is required for APN 078-110-003 and 078-110-026.
44. Place a note on the each final phased map or on an additional map sheet that states, "Each and every new lot shall be connected to public sewer and water."
45. Prior to recordation of the each final phased map, applicant/developer shall meet all requirements/conditions for service providers, LOAPUD, SC-OR and SFPWA, as listed below.

Lake Oroville Area Public Utility District

46. Prior to recordation of the first phased map, the applicant/developer shall complete annexation of APN's 078-110-003 and 078-110-026.
47. All design and construction of the sewer collection system must comply with LOAPUD standards.
48. Sewer service will be available upon request after the applicant/developer has accomplished the following:
 - Mutual approval of a Mitigation Agreement by applicant/developer, LOAPUD and SC-OR;
 - Preparation of plans and specification, in conformance with LOAPUD Improvement Standards and Policies;
 - Acquiring and granting all necessary easements to LOAPUD;
 - Payment of applicable fees;
 - Mutual approval of a Development Agreement by applicant/developer and LOAPUD Board of Directors; and