

**COUNTY OF LAKE
GENERAL PLAN AMENDMENT, GPAP 17-01
REZONE, RZ 17-01
TENTATIVE PARCEL MAP 17-01
INITIAL STUDY, IS 17-31
BRAND FAMILY**

CONDITIONS OF APPROVAL

Expires if not used by: July 20, 2023

Pursuant to the approval of Planning Commission on **December 10, 2020** and the Board of Supervisors on **July 20, 2021**, there is hereby granted to **Richard & Whitney Brand for the Brand Family General Plan Amendment (GPAP 17-01); Rezone (RZ 17-01); Parcel Map (PM 17-01); and Initial Study (IS 17-31)**, on property located at **23987 & 24073 State Highway 29, Middletown, CA 95461; APNs 013-028-81 & 013-028-82** subject to the following terms and conditions.

A. GENERAL CONDITIONS OF APPROVAL

General Conditions apply to all aspects of the project and all approved entitlements.

1. The project hereby permitted shall substantially conform to the ***Project Description and Site Plans submitted to the Community Development Department on January 17, 2018***, and any conditions of approval imposed by the General Plan Amendment, Rezone and Parcel Map. The Community Development Director may approve, in writing, minor modifications that do not result in increased environmental impacts.
2. The permit holder shall permit the County of Lake or representative(s) or designee(s) to make periodic and/or annual inspections at any reasonable time deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein.
3. This permit may be revoked if the use for which the permit was granted is conducted as to be detrimental to the public health, safety, or welfare or as to be a nuisance. This permit shall be valid until it expires or is revoked pursuant to the terms of this permit and/or Chapter 21 of the Lake County Code.
4. A 50-foot wide public roadway and public utility easement shall be dedicated from the State Highway 29 entrance to the end of the public road as shown on the tentative map to provide public access to Parcels 1-4. Each proposed parcel will have adequate frontage for approved driveway access. An approved turnaround shall be required at the westerly end of the public road, and turnouts may be required per CalFire.
5. This permit does not abridge or supersede the regulatory powers or permit requirements of any federal, state, local agency, special district or department which may retain a regulatory or advisory function as specified by statute or ordinance. The applicant shall obtain permits as may be required from each agency.

6. Prior to issuance of building permits, the permit holder shall pay the Annual Compliance Monitoring Fee of \$760.00 to the Community Development Department until all conditions of approval are met.

B. PARCEL MAP CONDITIONS

7. The tentative map, dated November 23, 2020 and stamped by John Webb, PLS, is hereby approved by the Board of Supervisors and creates four parcels subject to the conditions contained herein. Minor alterations that do not result in increased environmental impacts may be approved in writing by the Community Development Director.
8. This permit does not abridge or supersede the regulatory powers or permit requirements of any federal, state, local agency, special district or department which may retain a regulatory or advisory function as specified by statute or ordinance. The applicant shall obtain permits as may be required from each agency
9. Prior to recordation of the final map, all parcel corners and angle points and right of way curve points shall be monumented, subject to the approval of the County Surveyor.
10. The final map shall include an irrevocable offer of dedication of Brand Lane for a public roadway and utility easement or conditional offer of dedication for a private roadway and utility easement, a minimum of 50 feet in width, terminating with a cul-de-sac with a 50 foot radius and 35 foot radius returns. An intermediate turnaround shall also be provided with a minimum 50 foot radius, if needed, as approved by the Department of Public Works and Calfire. Should a gated access be installed, it shall meet the requirements of the Road Division, Caltrans and Calfire and an adequate turnaround area between the gate and intersection of State Highway 29 shall be installed and shown on the final map (Roberts Road cannot be gated). The offer of dedication shall be adequate to contain the required improvement, cul-de-sac, and turnaround areas. The conditional offer of dedication may be accepted by the County at such time as the street shall have ceased to remain physically closed and shall have been open to the public travel for a period of not less than three months. It is the obligation of the Project applicant to ensure that any existing easement rights are not obstructed or otherwise interfered with as a result of the proposed gate access.
11. Prior to recordation of the final map, Brand Lane shall be improved in accordance with the requirements of the Department of Public Works, Road Division to Lake County minor road standards.
12. The intersection of Brand Lane with State Highway 29 shall be designed and constructed consistent with Caltrans Highway design standards for public road intersections. The intersection shall be approved by Caltrans.
13. Prior to recordation of the final map, the subdivider shall establish, subject to approval

of the Community Development Department , provisions for ongoing maintenance of Brand Lane in the form of CC&R's, a County Service Area, Permanent Road Division, Zone of Benefit within the Countywide Service Area or other means acceptable to the Department of Public Works.

14. All improvements to existing roadways, including elevations at the entrance of Highway 29 shall be noted on the final map. Any portions of the existing road at 15 % or greater shall be noted. Calculation sheets for gross and net areas for driveways and building envelopes shall be shown on the final map.
15. Several easements exist on the parcel(s): 39 OR 266, 74 OR 212, 816 OR 338, 826 OR 23, and 1439 OR 644. All existing and proposed easements shall be shown and clearly labeled on the final Parcel Map, and there shall be indicated on the map the acreage or square footage for each parcel created, being shown to the nearest .01 of an acre.
16. Any public utilities not contained within dedicated roadways will need public utility easement dedications shown with an approved width and are subject to fire protection standards.
17. A final parcel map shall not be recorded if development has occurred on the property that would be inconsistent with the Zoning Ordinance, General Plan, or other applicable code should the map be recorded.
18. The configuration of the final parcel map may include minor amendments, provided that all proposed parcels comply with the Zoning Ordinance, General Plan, and the modification does not result in any increased environmental impact. Any modification shall be subject to approval by the Community Development Director and the Department of Public Works.
19. Prior to recordation of the final parcel map, all taxes due shall be paid, and all estimated taxes for the subject property shall be pre-paid to the County Tax Collector.
20. This Parcel Map shall be null and void if not recorded by July 20, 2023 unless an extension is filed prior to this expiration date.
21. Prior to recordation of final map the permit holder shall pay all Quimby Park Improvement Fees. For further information, please contact the Lake County Public Services at (707) 262-1618.
22. The applicant shall adhere to all federal, state and local agency requirements related to on-site waste management. A site evaluation shall be completed in the area of parcels 3 and 4 to determine if the soil is suitable for an on-site wastewater treatment system (OWTS). The applicant must apply for an OWTS permit prior to approval of building permits.
23. The Project applicant agrees to indemnify, defend, and hold harmless the County and its respective elected and appointed boards, commissions, officers, agents, and

employees from any and all loss, liability, fines, penalties, costs and damages from any and all claims, demands and actions in law or equity (including attorneys' fees and litigation expenses) by any person or entity directly or indirectly arising or alleged to have arisen out of or in any way related to any third party claim arising from the approval of the Project or Project applicant's failure to comply with Project approvals, the failure of the Project to comply with all applicable laws, and/or any actions by the Project applicant and/or its contractors, subcontractors, agents, or employees in connection with the Project.

C. MITIGATION MEASURES:

24. This use permit approval shall not become effective, operative, vested or final until the applicant the California Department of Fish & Wildlife filing fee shall be submitted as required by California Environmental Quality Act (CEQA) statute, Section 21089(b) and Fish and Game Code Section 711.4. The fee should be submitted to the Community Development Department within five (5) days of approval of the mitigated negative declaration.
25. The Initial Study found that the Rezone, General Plan Amendment and Parcel Map would not have any impact of the environment, as no development is proposed at this time. However, CEQA requires analysis of all reasonably foreseeable development or project components that may occur on-site in the future. Therefore, potential development of the parcels was analyzed at a general level and it was determined that future development of the parcels has the potential to result in significant impacts to Air Quality, Biological Resources, Cultural/Tribal Cultural Resources, Geology/Soils, Hazards, and Hydrology/Water Quality. However, the below Mitigation Measures would reduce all potential impacts to Less than Significant and shall be implemented as described in the Mitigation Monitoring Reporting Program.

Air Quality

AQ-1: Work practices shall minimize vehicular and fugitive dust to reduce the impact of fugitive dust emissions to a less than significant level in staging areas, work areas, and adjoining roads by use of water, paving or other acceptable dust palliatives to ensure that dust does not leave the property. Access to project areas shall be limited to authorized vehicles.

AQ-2: Vehicles and equipment shall be well maintained and in compliance with State emission requirements. The permit holder shall obtain all necessary for any diesel generators or diesel engines installed as operating, support, or emergency backup equipment for the Lake County Air Quality Management District.

AQ-3: Vegetation that is removed for any development must be properly disposed. The permit holder shall chip vegetation and spread the material for erosion control.

AQ-4: All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a

certified mechanic and determined to be running in proper condition prior to operation.

AQ-5: According to County Records, parcel number 013-028-82 may have known Serpentine soils. Therefore, prior to any ground disturbance and/or future development the applicant shall contact the Lake County Air Quality Management District as a Dust Mitigation Plan may be required.

AQ-6: Work practices and/or future development shall minimize vehicular and fugitive dust to reduce the impact of fugitive dust emissions to a less than significant level in staging areas, work areas, and adjoining roads by use of water, paving or other acceptable dust palliatives to ensure that dust does not leave the property. Access to project areas shall be limited to authorized vehicles.

AQ-7: All vegetative waste from development activities shall be composted and/or chipped as a means of disposal. All vegetation removed shall be chipped and spread for ground cover and erosion control. Site development and vegetation disposal shall not create a nuisance odors, smoke or dust.

AQ-8: Burning of vegetative material is discourage, but if not alternative material is available, a Smoke Management Plan shall be submitted to the Lake County Air Quality Management District and the local fire protection District for review and approval.

Biological Resources

BIO 1: All residential development and its access shall be emphasized within the central, valley portions of the project parcels and be accessed by existing ranch roads.

BIO-2: Development within the Douglas Fir Forest in the southern portions of the property shall be restricted to the margins of this habitat and/or to adjacent mixed oak woodlands along the eastern edge of the property within the 2.1 acre area on parcel four delineated as "Development Area, 2.1 Acres on final map.

BIO-3: The use of fencing shall be restricted to residential yards and existing vineyard development.

BIO-4: In order to avoid potential impacts to the Yellow Legged Frog, any development within the active channel of the creek extending along the northern property boundary, shall occur prior to April 1 or after June 15, by which time frog larvae and young are mobile and independent. Disturbance of the channel structure shall be limited to the immediate construction site. Alternatively, work may occur when the channel is naturally dry.

- In the event that work must occur within the active channel when water is present between April 1 and June 15, all such work shall be performed in as few events as possible and all required materials and equipment shall be on-

site prior to the event in order to avoid delays which would prolong the disturbance period. The period of disturbance shall be held to the minimal amount of time necessary to accomplish the required tasks. A qualified biologist with a valid California Department of Fish and Wildlife collecting permit shall be on-site during each day of the active channel disturbance event.

- Any foothill yellow-legged adult or larval frogs within the work area shall be captured and transferred to an adjacent, unaffected stream segment.
- In the event that eggs of this species are found during these surveys, in-channel activities shall be delayed for one week (eggs usually hatch within 5 days) and the site re-inspected to determine if eggs have hatched. If not, an additional delay shall be required until the eggs have hatched.

BIO-5: In order to avoid potential impacts to the Western Pond Turtle, all work within the channel of the creek extending along the northern edge of the property, or within ponds should occur after August 15 but before the onset of winter rains and the end of the grading season (October 15). Downed trees, stumps and other basking sites and refuges within these aquatic habitats shall remain undisturbed.

- In the event that work must occur within the active channel between April 1 and June 15, or within a pond, all such work shall be performed in as few events as possible and all required materials and equipment shall be on-site prior to the event in order to avoid delays which would prolong the disturbance period. The period of disturbance shall be held to the minimal amount of time necessary to accomplish the required tasks. A qualified biologist with a valid California Department of Fish and Wildlife collecting permit shall be on-site during each day of the active channel disturbance event.
- In the event that western pond turtles are identified, a qualified biologist with a valid California Department of Fish and Wildlife collecting permit should be present during all construction activities at the crossing site.

BIO-6: To avoid any potential impacts to the White-tailed kites and/or Purple Martins any vineyard development, including vegetation removal, shall occur outside of the nesting season (February 15 through August 31).

- If construction during the nesting season cannot be avoided, any required vegetation removal shall be the minimal amount necessary for development and shall be completed prior to the nesting season. In the event that vegetation removal is necessary during the nesting season, the work shall be preceded by a pre-construction nest survey conducted by a qualified biologist within two weeks of disturbance. If an active nest of a sensitive bird species is found, a Construction buffer shall be established in consultation with California Department of Fish and Wildlife staff. Said buffer shall remain in place until fledging is completed or until it is determined that the nesting effort has failed as determined by the qualified biologist.

BIO-7: To avoid potential impacts to the Pallid Bat, any trees to be removed (outside of the dates listed below), that is suitable for use by bats shall be surveyed for signs

of bats. This survey shall occur no earlier than fourteen (14) days prior to tree removal. Suitable trees include those with hollows and/or shedding bark.

- If pallid bats, or other bats with sensitive regulatory status, are discovered during the surveys, a buffer of 50 feet should be established depending on recommendations of the surveying biologist. Removal of these roost trees shall be restricted to between September 15 and October 15, when young of the year are capable of flying, or between February 15 and April 1 to avoid hibernating bats and prior to formation of maternity sites.

BIO-8: Placement of any fill and/or any project improvements/ development that results in the discharge of dredged and/or fill material into potential jurisdictional areas on the project sites shall require authorization from the following agencies, which included but is not limited to the following:

- U.S Army Corps of Engineers Nationwide Permit.
- Regional Water Quality Control Board pursuant to Sections 404 and 401 of the Clean Water Act
- California Department of Fish and Wildlife – 1601/1604 Stream Alteration Agreement.

BIO-9: Any development shall maintain a minimum of a thirty (30) foot or greater setback from top of bank for all waterways located on project parcels.

BIO-10: Prior to any work occurring in and/or near any waterway, the applicant shall submit Erosion and Sediment Control Plans and a Storm Water Management Plan to the Community Development Department for review and approval. Said Plans shall protect the local watershed from runoff pollution through the implementation of appropriate Best Management Practices (BMPs) in accordance with the Grading Ordinance. [Coverage under the National Pollutant Discharge Elimination System (NPDES), General Permit for Storm Water Discharges associated with a Construction Activity (General Permit) and a Storm Water Pollution Prevention Plan (SWPPP) may be required].

BIO-11: All manzanita Shrub Areas shown on the final parcel map may contain Jepson Navarretia and a survey of the area in question shall be performed by a qualified Botanist prior to development.

Cultural Resources/Tribal Cultural Resources

CUL-1: Should any archaeological, paleontological, or cultural materials be discovered during site development, all activity shall be halted in the vicinity of the find(s), the applicant shall notify the local overseeing Tribe, and a qualified archaeologist to evaluate the find(s) and recommend mitigation procedures, if necessary, subject to the approval of the Community Development Director. Should any human remains be encountered, the applicant shall notify the Sheriff's Department, the local overseeing Tribe, and a qualified archaeologist for proper interment and Tribal rituals per Public Resources Code Section 5097.98 and Health and Safety Code 7050.5.

CUL-2: All employees shall be trained in recognizing potentially significant artifacts that may be discovered during ground disturbance. If any artifacts or remains are found, the local overseeing Tribe shall immediately be notified; a licensed archaeologist shall be notified, and the Lake County Community Development Director shall be notified of such finds.

Geology/Soils

Implement Mitigation Measure AQ-5.

GEO-1: Prior to any ground disturbance, the permitted shall submit Erosion Control and Sediment Plans to the Community Development Department for review and approval. Said Erosion Control and Sediment Plans shall protect the local watershed from runoff pollution through the implementation of appropriate Best Management Practices (BMPs) in accordance with the Grading Ordinance. Typical BMPs include the placement of straw, mulch, seeding, straw wattles, silt fencing and the planting of native vegetation on all disturbed areas. No silt, sediment or other materials exceeding natural background levels shall be allowed to flow from the project area. All BMP's shall be maintained for life of the project.

GEO-2: Prior to any ground disturbance, (if applicable), the permit holder shall submit and obtain a Grading Permit from the Community Development. The project design shall incorporate appropriate BMPs consistent with County and State Storm Water Drainage Regulations to the maximum extent practicable. The project design shall incorporate Best Management Practices (BMPs) to the maximum extent practicable to prevent or reduce discharge of all construction or post-construction pollutants into the County storm drainage system. BMPs typically include scheduling of activities, erosion and sediment control, operation and maintenance procedures and other measures in accordance with Chapters 29 and 30 of the Lake County Code.

GEO-3: Excavation, filling, vegetation clearing or other disturbance of the soil shall not occur between October 15 and April 15 unless authorized by the Community Development Director. The actual dates of this defined grading period may be adjusted according to weather and soil conditions at the discretion of the Community Development Director.

GEO-4: The permit holder shall monitor the site during the rainy season (October 15 -May 15), including post-installation, application of BMPs, erosion control maintenance, and other improvements as needed.

Hazards

HAZ-1: All hazardous waste shall not be disposed of on-site without review or permits from Environmental Health Department, the California Regional Water Control Board, and/or the Air Quality Board. Collected hazardous or toxic waste materials shall be recycled or disposed of through a registered waste hauler to an approved site legally authorized to accept such material.

HAZ-2: The storage of potentially hazardous materials shall be located at least 100 feet from any existing water well. These materials shall not be allowed to leak onto the ground or contaminate surface waters. Collected hazardous or toxic materials shall be recycled or disposed of through a registered waste hauler to an approved site legally authorized to accept such materials.

HAZ-3: Any spills of oils, fluids, fuel, concrete, or other hazardous construction material shall be immediately cleaned up. All equipment and materials shall be stored in the staging areas away from all known waterways.

HAZ- 4: The storage of hazardous materials equal to or greater than fifty-five (55) gallons of a liquid, 500 pounds of a solid, or 200 cubic feet of compressed gas, then a Hazardous Materials Inventory Disclosure Statement/Business Plan shall be submitted and maintained in compliance with requirements of Lake County Environmental Health Division. Industrial waste shall not be disposed of on site without review or permit from Lake County Environmental Health Division or the California Regional Water Quality Control Board. The permit holder shall comply with petroleum fuel storage tank regulations if fuel is to be stored on site.

HAZ-5: The project design shall incorporate appropriate BMPs consistent with County and State Storm Water Drainage regulations to prevent or reduce discharge of all construction or post-construction pollutants and hazardous materials offsite or into the creek. The site shall be monitored during the rainy season (October 15-April 15) and erosion controls maintained.

Hydrology/Water Quality

Implement Mitigation Measures BIO-9, BIO-10, GEO-1 through GEO-4, HAZ-3 and HAZ-5.

Community Development Department
Carol Huchingson, Chief Administrative Officer

ACCEPTANCE

I have read and understand the foregoing conditions related to the General Plan Amendment, Rezone and Parcel Map and agree to each and every term and condition thereof.

Date: _____

Applicant or Authorized Agent (Signature)

Applicant or Authorized Agent (Print Name)