

**COUNTY OF LAKE
MAJOR USE PERMIT 15-08
CROSS DEVELOPMENT
DOLLAR GENERAL – MIDDLETOWN
CONDITION OF APPROVAL
AND
MITIGATION MEASURES**

Expires if not used by: December 8, 2018

Pursuant to the approval of the Lake County Planning Commission on **January 26, 2017**, there is hereby granted to **Cross Development, Dollar General - Middletown**, a **Major Use Permit to allow construction of a new retail store** on property located at **20900 S. State Highway 29, Middletown, Ca** being Assessors Parcel Numbers **024-501-18**, subject to the following terms and conditions.

CONDITIONS:

A. GENERAL:

1. The use hereby permitted shall substantially conform to the *site plan, landscaping plans dated July 27, 2016 and building elevation (Including signage) dated November 9, 2016, except as modified herein*, and any conditions of approval imposed by the use permit and the Design Review Authority. The Community Development Director may approve, in writing, minor modifications that do not result in increased environmental impacts.
2. All necessary permits shall be obtained from applicable State and County agencies having jurisdiction over this project prior to commencement of any construction activities including but not limited to, all building, plumbing, mechanical and electrical modifications.
3. This use permit approval shall not become effective, operative, vested or final until the California Department of Fish and Wildlife filing fee required or authorized by Section 711.4 of the Fish and Wildlife Code is submitted by the property owner to the Community Development Department. Said fee shall be paid within 30 days of approval. Failure to pay said fee by the specified deadline shall result in this use permit automatically becoming null and void.
4. A permit from Lake County Air Quality Management District shall be required for backup generators.
5. All construction shall be reviewed and approved by a California-licensed professional civil engineer or architect, and be constructed to those specifications and recommendations in the geological report, subject to review and approval of the Community Development Department.
6. If required, a General Construction Permit shall be obtained from the Central Valley Regional Water Quality Control Board. A copy of the Storm Water Pollution Prevention Plan (SWPPP) shall be submitted to the Lake County Community Development Department.

B. LAND USE AND AESTHETICS:

1. The Planning Commission shall act as the Design Review authority on this project. All exterior elements, lighting, and trash storage areas shall be installed in accordance to the conditions of approval and approved plans and maintained for the life of the project unless modified herein by the Planning Commission. The Community Development Director or authorized representative may approve in writing, minor modifications that do not result in increased environmental impacts.
2. Final Map recordation of Parcel Map, PM 15-02 is required prior to issuance of a building permit. Alternatively, the site plan may be modified as required by Calfire.

C. CULTURAL RESOURCES AND BIOLOGICAL:

1 Should any archaeological materials be discovered during construction of the new store, or installation of landscaping or irrigation all activity shall be halted in the vicinity of the find(s), and a qualified archaeologist shall be retained to evaluate the find(s) and recommend mitigation measures, if necessary, subject to the approval of the Community Development Department.

2. If any trees are to be removed as part of this work should be performed outside of bird nesting season. Any trees to be removed between February 1st and September 1st shall require a survey from a qualified biologist for nesting birds prior to work being performed. If nesting birds are found within the project area, applicant shall contact the California Department of Fish and Wildlife and the County of Lake Community Development Department.

3 Nesting birds within 250 feet of construction activities shall be monitored. Should construction activities cause nesting or migratory birds to vocalize, make defensive flights at intruders, get up from a brooding position, or fly off the nest, an exclusionary buffer of at least 250 feet shall be enforced and should remain in place until the chicks have fledged or as otherwise determined by a qualified biologist.

D. UTILITIES, SERVICE SYSTEMS & PUBLIC SAFETY:

1 The permit holder shall comply with all requirements of LACOSAN for sewer service.

2 The permit holder shall comply with all requirements of Callayomi County Water District for water service.

3 The project shall comply with Section 41.7 of the Lake County Zoning Ordinance, which specifies that all uses involving the use or storage of combustible, explosive, caustic or otherwise hazardous materials shall comply with all applicable local, state and federal safety standards and shall be provided with adequate safety devices against the hazard of fire and explosion, and adequate firefighting and fire suppression equipment.

4. Prior to issuance of building permit, the permit holder shall comply with all of the requirements of the Southlake County Fire Protection District.

5 Prior issuance of a building permit, a food facility plan check must be approved by the Environmental Health Division.

6. Prior to occupancy, a food facility permit to operate must be obtained and an opening inspection completed by the Environmental Health Division.

E. TIMING & MITIGATION MONITORING:

1 The permit holder shall permit the County of Lake or representative(s) or designee(s) to make periodic 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.

2. Prior to issuance of development permits, the applicant shall enter into a mitigation monitoring inspection agreement with the Planning Division and an annual mitigation monitoring fee shall be paid until all conditions are met.

3 This permit shall be null and void if not used within a two year period, or if the use is abandoned for a period of two (2) years.

4 This permit shall be valid for an indefinite period of time unless it expires or is revoked pursuant to the terms of this permit and/or Chapter 21 of the Lake County Code.

MITIGATIONS:

F. TRAFFIC:

1. Prior to occupancy, a transit stop shall be installed in accordance with Lake Transit rules and regulations or an in lieu fee shall be paid to the Lake Transit Authority.

G. AIR QUALITY AND NOISE:

2. All construction that may generate dust is required to be completed before or after school is in session. If substantial dust complaints are received a dust mitigation plan shall be reviewed and approved by the Lake County Air Quality Management Division prior to continuing construction.
3. All construction activities including engine warm-up shall be limited to weekdays and Saturday, between the hours of 7:00am and 7:00pm to minimize noise impacts to nearby residents and school.
4. Maximum non-construction related sounds levels shall not exceed the noise standards of 57 dBA between (7am-10pm) and 50 DBA between (10pm-7am) at the property line, pursuant to the Lake County Zoning Ordinance.

H. GEOLOGY & SOILS, HYDROLOGY & WATER QUALITY:

1. Prior to issuance of the building permit, engineered drainage plans and calculations shall be submitted to the Lake County Water Resources Department for review and approval, along with an operation and maintenance plan for the post construction BMP's. The post construction BMP's shall be maintained for the life of the project.
2. All new construction shall incorporate Best Management Practices (BMP's) to the maximum extent practicable to prevent or reduce discharge of all construction or post construction pollutants into the County storm drainage system and Clear Lake. BMP's include scheduling of activities, erosion and sediment control, operation and maintenance procedures and other measures in accordance with Chapter 29 of the Lake County Code.
3. Prior to start of construction, an operation and maintenance plan for the post construction BMP's shall be developed and approved. The post construction BMP's shall be maintained for the life of the project.
4. Prior to occupancy, a method of financing and performing the long term maintenance of the post construction BMP's in accordance with the approved operation and maintenance plan shall be established through a maintenance agreement or other means acceptable to the Department of Public Works.

Robert Massarelli, Director
COMMUNITY DEVELOPMENT DEPARTMENT

Prepared by: MD

By: _____
Danae Bowen, Office Assistant III

ACCEPTANCE

I have read and understand the foregoing Minor Use Permit and agree to each and every term and condition thereof.

Date: _____
Applicant or Authorized Agent

Printed Name of Authorized agent

